

# Indiana Register

Volume 29, Number 7  
Pages 2159-2506

April 1, 2006

Retain this issue as a  
supplement to the  
**Indiana Administrative  
Code** (See p. 2160)

## PUBLIC COMMENTS REQUESTED:

*Under **HEA 1135** (P.L.215-2005),  
after July 1, 2006, the Indiana  
Register will be published only on  
the Internet and on a more frequent  
basis. Written comments and  
suggestions concerning these  
changes may be sent to:*

LEGISLATIVE SERVICES AGENCY  
ATTN.: STEVE BARNES  
ONE NORTH CAPITOL, SUITE 325  
INDIANAPOLIS, IN 46204

**Published By**  
**Legislative Services Agency**  
**317/232-9557**

The Indiana Register is on the  
Internet at:  
[www.in.gov/legislative/](http://www.in.gov/legislative/)

This issue contains documents  
officially filed through 4:45 p.m.,  
March 10, 2006

## IN THIS ISSUE

<b>State Agencies</b> .....	2162
<b>Final Rules</b>	
Indiana Utility Regulatory Commission .....	2164
State Police Department .....	2177
Air Pollution Control Board .....	2179
Division of Family Resources .....	2180
Department of Insurance .....	2186
State Board of Cosmetology Examiners .....	2195
Indiana Board of Pharmacy .....	2195
Indiana Real Estate Commission .....	2198
Indiana Board of Veterinary Medical Examiners .....	2201
<b>Errata</b>	
Indiana Real Estate Commission .....	2203
<b>Notice of Recall</b>	
Department of Local Government Finance .....	2204
Natural Resources Commission .....	2204
<b>Notice of Withdrawal</b>	
Department of Local Government Finance .....	2205
Water Pollution Control Board .....	2205
Department of Insurance .....	2205
State Board of Registration for Professional Engineers .....	2205
<b>Emergency Rules</b>	
State Lottery Commission .....	2206
Indiana Horse Racing Commission .....	2208
Natural Resources Commission .....	2228
Office of the Secretary of Family and Social Services .....	2228
Indiana State Department of Health .....	2237
<b>Notice of Rule Adoption</b>	
Office of the Secretary of Family and Social Services .....	2251
<b>Change in Notice of Public Hearing</b>	
Air Pollution Control Board .....	2252
<b>Notice of Intent to Adopt a Rule</b>	
Indiana Department of Administration .....	2253
Department of Local Government Finance .....	2253
Natural Resources Commission .....	2253
State Chemist of the State of Indiana .....	2254
Department of Insurance .....	2254
State Board of Registration for Professional Engineers .....	2255
Indiana Board of Accountancy .....	2255
<b>Proposed Rules</b>	
Department of Local Government Finance .....	2257
Natural Resources Commission .....	2262
Air Pollution Control Board .....	2278
Indiana State Department of Health .....	2289
Department of Education .....	2332
Fire Prevention and Building Safety Commission .....	2333
Department of Insurance .....	2345
Medical Licensing Board of Indiana .....	2355
State Board of Registration for Professional Engineers .....	2356
Speech-Language Pathology and Audiology Board .....	2358
<b>Readopted Rules</b> .....	2370
<b>AROC Notices</b>	
Indiana Department of Administration .....	2371
<b>Governor's Actions</b> .....	2372
<b>IC 13-14-9 Notices</b>	
Air Pollution Control Board .....	2373
Water Pollution Control Board .....	2375
Solid Waste Management Board .....	2377
<b>Executive Orders/Proclamations</b> .....	2398
<b>Nonrule Policy Documents</b> .....	2401
<b>Cumulative Table of Nonrule Policy Documents</b> .....	2432
<b>Cumulative Table of Executive Orders and Attorney General's Opinions</b> .....	2434
<b>Rules Affected by Volumes 28 and 29</b> .....	2435
<b>Index</b> .....	2469



# INDIANA REGISTER

is published monthly by the Indiana Legislative Council, Room 302 State House, Indianapolis, Indiana 46204-2789. An order form is on the back of this issue. Subscription price is \$50 for Volume 29, in advance.

**Indiana Register**  
**Legislative Services Agency**  
**200 West Washington Street, Suite 302**  
**Indianapolis, IN 46204-2789**

---

## **Indiana Legislative Council**

Senator Robert D. Garton, Chairman  
Representative Brian Bosma, Vice Chairman

Senator James W. Merritt  
Senator Richard Young, Jr.  
Senator James Lewis  
Senator Thomas Wyss  
Senator Patricia Miller  
Senator David Long  
Senator Earline Rogers

Representative William Friend  
Representative Kathy Richardson  
Representative P. Eric Turner  
Representative Timothy Brown  
Representative B. Patrick Bauer  
Representative F. Dale Grubb  
Representative Russell Stilwell

Philip J. Sachtleben, Executive Director

## **Indiana Code Revision Commission**

Representative Ralph Foley, Chairman

Senator Anita Bowser  
Senator Luke Kenley  
Senator Sue Landske  
Representative Robert Behning  
Representative Robert Kuzman  
Representative Trent Van Haaften  
Vacant

Chief Judge James S. Kirsch  
Michael O'Brien  
Dave Remondini  
Paul Okeson  
Jason Thompson  
Prof. William Harvey  
Gene Leeuw

Stephen G. Barnes, Managing Editor

Kimbra K. Salt, Editorial Assistant

Becky Walker, Data Processing Manager

## **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) 2005 Indiana Administrative Code (CD-ROM version).
- (2) Volumes 28 and 29 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 2004 Edition of the Indiana Administrative Code 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

Closing Dates:	Publication Dates:	Closing Dates:	Publication Dates:
March 10, 2006	April 1, 2006	June 9, 2006	July 1, 2006
April 10, 2006	May 1, 2006	After July 1, 2006, publication dates will be determined on an individual document basis.	
May 10, 2006	June 1, 2006		

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	Housing and Community Development Authority, Indiana	930
Accounts, State Board of	20	†Human Service Programs, Interdepartmental Board for the Coordination of	490
Adjutant General	270	†Industrial Board of Indiana	630
Administration, Indiana Department of	25	Inspector General, Office of the	42
†Administrative Building Council of Indiana	660	Insurance, Department of	760
†Aeronautics Commission of Indiana	110	Labor, Department of	610
†Aging and Community Services, Department on	450	Land Surveyors, State Board of Registration for	865
†Agricultural Development Corporation, Indiana	770	Law Enforcement Training Board	250
†Agricultural Experiment Station	350	Library and Historical Board, Indiana	590
†Agriculture, Commissioner of	340	†Library Certification Board	595
Agriculture, Department of	375	Local Government Finance, Department of	50
†Air Pollution Control Board	325.1	Lottery Commission, State	65
Air Pollution Control Board	326	Manufactured Home Installer Licensing Board	879
†Air Pollution Control Board of the State of Indiana	325	†Medical and Nursing Distribution Loan Fund Board of Trustees, Indiana	580
Alcohol and Tobacco Commission	905	Medical Licensing Board of Indiana	844
Amusement Device Safety Board, Regulated	685	Mental Health and Addiction, Division of	440
Animal Health, Indiana State Board of	345	Meridian Street Preservation Commission	925
Architects and Landscape Architects, Board of Registration for	804	Motor Vehicles, Bureau of	140
Athletic Trainers Board, Indiana	898	†Natural Resources, Department of	310
Attorney General for the State, Office of	10	Natural Resources Commission	312
Auctioneer Commission, Indiana	812	Nursing, Indiana State Board of	848
Barber Examiners, Board of	816	Occupational Safety Standards Commission	620
Boiler and Pressure Vessel Rules Board	680	Office of Technology	28
Boxing Commission, State	808	Optometric Legend Drug Prescription Advisory Committee, Indiana	857
Budget Agency	85	Optometry Board, Indiana	852
Chemist of the State of Indiana, State	355	Parole Board	220
Children's Health Insurance Program, Office of the	407	†Personnel Board, State	30
Child Services, Department of	465	Personnel Department, State	31
Chiropractic Examiners, Board of	846	Pesticide Review Board, Indiana	357
Civil Rights Commission	910	Pharmacy, Indiana Board of	856
†Clemency Commission, Indiana	230	Plumbing Commission, Indiana	860
Commerce, Department of	55	Podiatric Medicine, Board of	845
Community Residential Facilities Council	431	Police Department, State	240
Consumer Protection Division of the Office of the Attorney General	11	Political Subdivision Risk Management Commission, Indiana	762
Controlled Substances Advisory Committee	858	Port Commission, Indiana	130
Coroners Training Board	207	Preparedness and Training, Division of	280
Correction, Department of	210	Private Detectives Licensing Board	862
Cosmetology Examiners, State Board of	820	Professional Standards, Advisory Board of the Division of	515
Creamery Examining Board	365	Proprietary Education, Indiana Commission on	570
Criminal Justice Institute, Indiana	205	Psychology Board, State	868
Deaf Board, Indiana School for the	514	Public Access Counselor, Office of the	62
Dentistry, State Board of	828	Public Employees' Retirement Fund, Board of Trustees of the	35
†Developmental Disabilities Residential Facilities Council	430	Public Records, Oversight Committee on	60
Dietitians Certification Board, Indiana	830	Real Estate Commission, Indiana	876
Disability, Aging, and Rehabilitative Services, Division of	460	†Reciprocity Commission of Indiana	145
†Education, Commission on General	510	Revenue, Department of State	45
Education, Department of	512	Safety Review, Board of	615
Education, Indiana State Board of	511	School Bus Committee, State	575
Education Employment Relations Board, Indiana	560	Secretary of State	75
Education Savings Authority, Indiana	540	Securities Division	710
Egg Board, State	370	Seed Commissioner, State	360
†Election Board, State	15	Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board	839
Election Commission, Indiana	18	†Soil and Water Conservation Committee, State	311
†Elevator Safety Board	670	Soil Scientists, Indiana Board of Registration for	307
Emergency Medical Services Commission, Indiana	836	†Solid Waste Management Board	320.1
Employees' Appeals Commission, State	33	Solid Waste Management Board	329
†Employment and Training Services, Department of	645	Speech-Language Pathology and Audiology Board	880
Engineers, State Board of Registration for Professional	864	†Standardbred Board of Regulations, Indiana	341
Enterprise Zone Board	58	†Stream Pollution Control Board of the State of Indiana	330
Environmental Adjudication, Office of	315	Student Assistance Commission, State	585
Environmental Health Specialists, Board of	896	Tax Review, Indiana Board of	52
†Environmental Management Board, Indiana	320	†Teacher Training and Licensing, Commission on	530
Ethics Commission, State	40	Teachers' Retirement Fund, Board of Trustees of the Indiana State	550
Fair Commission, State	80	†Television and Radio Service Examiners, Board of	884
Family Resources, Division of	470	†Textbook Adoptions, Commission on	520
Family and Social Services, Office of the Secretary of	405	Toxicology, State Department of	260
Finance Authority, Indiana	135	†Traffic Safety, Office of	150
Financial Institutions, Department of	750	†Transportation, Department of	100
†Fire Marshal, State	650	Transportation, Indiana Department of	105
Fire Prevention and Building Safety Commission	675	Underground Storage Tank Financial Assurance Board	328
Firefighting Personnel Standards and Education, Board of	655	†Unemployment Insurance Board, Indiana	640
Forensic Sciences, Commission on	415	Utility Regulatory Commission, Indiana	170
Funeral and Cemetery Service, State Board of	832	†Vehicle Inspection, Department of	160
Gaming Commission, Indiana	68	Veterans' Affairs Commission	915
Geologists, Indiana Board of Licensure for Professional	305	Veterinary Medical Examiners, Indiana Board of	888
Grain Buyers and Warehouse Licensing Agency, Indiana	824	Victim Services Division	203
Grain Indemnity Corporation, Indiana	825	†Violent Crime Compensation Division	480
†Hazardous Waste Facility Site Approval Authority, Indiana	323	†Vocational and Technical Education, Indiana Commission on	572
Health, Indiana State Department of	410	Wage Adjustment Board	635
Health Facilities Council, Indiana	412	War Memorials Commission, Indiana	920
Health Facility Administrators, Indiana State Board of	840	†Watch Repairing, Indiana State Board of Examiners in	892
†Highways, Department of	120	Water Pollution Control Board	327
Home Inspectors Licensing Board	878	†Water Pollution Control Board	330.1
Homeland Security, Department of	290	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		

†Agency's rules are expired, 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
28	Office of Technology
†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
42	Office of the Inspector General
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 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

203	Victim Services Division
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	Division of Preparedness and Training
290	Department of Homeland Security

#### 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	Department 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

### TITLE NUMBER

†450	Department on Aging and Community Services
460	Division of Disability, Aging, and Rehabilitative Services
465	Department of Child Services
470	Division of Family Resources
†480	Violent Crime Compensation Division
†490	Interdepartmental Board for the Coordination of Human Service Programs

#### EDUCATION AND LIBRARIES

†510	Commission on General Education
511	Indiana State Board of Education
512	Department of Education
514	Indiana School for the Deaf Board
515	Advisory Board of the Division of Professional Standards
†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
878	Home Inspectors Licensing Board
879	Manufactured Home Installer Licensing Board
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 and Community Development Authority

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

**TITLE 170 INDIANA UTILITY REGULATORY COMMISSION**

LSA Document #05-100(F)

**DIGEST**

Amends 170 IAC 5-1-15 and 170 IAC 5-1-16 regarding customer deposits, service disconnections, and reconnections for gas utilities. Effective 30 days after filing with the Secretary of State.

**170 IAC 5-1-15****170 IAC 5-1-16**

SECTION 1. 170 IAC 5-1-15 IS AMENDED TO READ AS FOLLOWS:

**170 IAC 5-1-15 Creditworthiness of customer; deposit; refund**

**Authority:** IC 8-1-1-3

**Affected:** IC 8-1-2-87; IC 12-14-11; IC 32-34-1-20

Sec. 15. (a) Each utility shall determine the creditworthiness of residential applicants or customers in an equitable and nondiscriminatory method:

- (1) without regard to the economic character of the area wherein the applicant or customer resides; and
- (2) solely upon the credit risk of the individual without regard to the collective credit reputation of the area in which he or she lives.

(b) Each new applicant for residential gas service shall be deemed creditworthy and shall not be required to make a cash deposit as a condition of receiving service if the applicant satisfies the following criteria:

- (1) If the applicant has been a customer of any utility within the last two (2) years, the applicant:

(A) owes no outstanding bills for service rendered within the past four (4) years by any such utility;

(B) during the last twelve (12) consecutive months that the service was provided, did not have more than two (2) bills that were delinquent to any utility or, if service was rendered for a period for less than twelve (12) months, did not have more than one (1) delinquent bill in such the period; and

(C) within the last two (2) years, did not have a service disconnected by a utility for nonpayment of a bill for services rendered by that utility.

- (2) If the applicant has not been a customer of a utility during the previous two (2) years, any two (2) of the following criteria are met:

(A) The applicant either:

(i) has been employed by his or her present employer for two (2) years;

(ii) has been employed by his or her present employer for less than two (2) years, but has been employed by only

one (1) other employer during the past two (2) years; or  
(iii) has been employed by the present employer for less than two (2) years and has no previous employment due to recently:

(AA) graduating from a school, university, or vocational program; or

(BB) being discharged from military service.

(B) The applicant either:

(i) owns or is buying his or her home; or

(ii) is renting a home or an apartment and has occupied the premises for more than two (2) years.

(C) The applicant has credit cards, charge accounts, or has been extended credit by a bank or commercial concern unless a credit check shows that the applicant has been in default on any such account more than twice within the last twelve (12) months.

(c) Deposits for residential customers shall be assessed as follows:

(1) Deposits for utilities serving at least thirty-five thousand (35,000) residential customers, as listed in the utility's most recent annual report on file with the commission, or their affiliates as defined in clause (G) below, shall be assessed as follows:

(A) New applicants who have not been a customer of the utility during the previous four (4) years who fail to establish creditworthiness under subsection (b)(2) may be required to make a deposit not to exceed one-sixth ( $\frac{1}{6}$ ) of the estimated annual cost of regulated utility service to be rendered to the applicant.

(B) Subject to the requirements of clause (E), an applicant that has been a customer of the utility during the previous four (4) years may be required to make a deposit not to exceed one-third ( $\frac{1}{3}$ ) of the estimated annual cost of regulated utility service to be rendered to the applicant, when the applicant:

(i) owes an outstanding bill for service rendered by the utility within the past four (4) years;

(ii) during the last twelve (12) consecutive months that the service was provided, had more than two (2) bills that were delinquent to the utility or, if service was rendered for a period of less than twelve (12) months, had more than one (1) delinquent bill in such period; or

(iii) within the last two (2) years had service disconnected by the utility for nonpayment of a bill for services rendered by that utility.

(C) Subject to the requirements of clause (E), the customer may be required to make a deposit not to exceed one-third ( $\frac{1}{3}$ ) of the estimated annual cost of regulated utility service to be rendered to the customer when:

(i) the customer has been mailed disconnect notices for two (2) consecutive months;

(ii) the customer has been mailed disconnect notices for any three (3) months within the preceding twelve (12) month period; or

(iii) the service to the customer has been disconnected within the previous two (2) years under section 16 of this rule.

(D) If a customer has contracted for the budget plan, the amount of the deposit shall be no more than the equivalent of two (2) monthly budget payments.

(E) From November 1 to March 15 of any year, applicants or customers who the utility has been informed by the state or its agent are eligible and have applied for low income heating assistance under IC 12-14-11, may be required to make a deposit not to exceed one-sixth ( $\frac{1}{6}$ ) of the estimated annual cost of regulated utility service to be rendered to the applicant or customer.

(F) An initial deposit made by an applicant shall be subject to reevaluation upon the request of either the utility or the applicant, based upon actual charges for services rendered, at any time after service has been provided.

(G) The provisions of this subdivision shall apply to any utility, regardless of size, that has an affiliate utility serving at least thirty-five thousand (35,000) residential customers, as listed in the utility's most recent annual report on file with the commission.

(2) Subject to the provisions of subdivision (1)(G), deposits for utilities serving less than thirty-five thousand (35,000) residential customers, as listed in the utility's most recent annual report on file with the commission, shall be assessed as follows:

(A) If the applicant fails to establish that he or she is creditworthy under subsection (b), the applicant may be required to make a reasonable cash deposit. Such The deposit shall not exceed one-third ( $\frac{1}{3}$ ) of the estimated annual cost of service to be rendered to the applicant unless the customer has contracted for the budget plan, in which case the amount of the deposit shall be no more than the equivalent of two (2) monthly budget payments. If a deposit is greater than seventy dollars (\$70), the utility shall advise the applicant or customer simultaneously with making a demand for a deposit that the applicant or customer may pay such the deposit in equal installment payments over a period of no less than eight (8) weeks. Service shall be connected upon receipt by the utility of the first such payment.

(B) Unless a present customer has contracted for the budget plan, in which case the amount of the deposit shall be no more than the equivalent of two (2) monthly budget payments, a present customer may be required to make a reasonable deposit not [sic., to] exceed an amount equal to one-third ( $\frac{1}{3}$ ) of the expected annual billings for the customer at the address at which service is rendered when:

- (i) the customer has been mailed disconnect notices for two (2) consecutive months;
- (ii) the customer has been mailed disconnect notices for any three (3) months within the preceding twelve (12) month period; or

(iii) the service to the customer has been disconnected within the past four (4) years under section 16 of this rule.

(d) If the a utility requires a cash deposit as a condition of providing service, then it the utility must:

- (1) immediately notify the applicant in writing stating the precise facts upon which the utility based its decision; and
- (2) provide the applicant with an opportunity to rebut such the facts and show other facts demonstrating his or her creditworthiness.

(e) A utility may require a present customer to make a reasonable cash deposit when:

- (1) the customer has been mailed disconnect notices for two (2) consecutive months;
- (2) the customer has been mailed disconnect notices for any three (3) months within the preceding twelve (12) month period; or
- (3) the service to the customer has been disconnected within the past four (4) years pursuant to section 16 of this rule.

The amount of such deposit may not exceed an amount equal to one-third ( $\frac{1}{3}$ ) of the expected annual billings for the customer at the address at which service is rendered unless the customer has contracted for the budget plan, in which case the amount of the deposit shall be no more than the equivalent of two (2) monthly budget payments. In the event the required deposit from a utility serving at least thirty-five thousand (35,000) residential customers, or its affiliate, is in excess of seventy one hundred fifty dollars (\$70); (\$150), the utility shall advise the customer that he or she may pay such the deposit in equal installments, the initial installment being one hundred fifty dollars (\$150), with subsequent payments of the deposit balance paid over a period of up to eight (8) twelve (12) weeks, except where such the deposit is required as a result of a disconnection for nonpayment, in which case full payment of the deposit may be required prior to reconnection. The utility shall record the terms of any payment arrangement by selecting one (1) of the following methods:

(1) Sending the customer a letter describing the terms of the payment arrangement, including the following:

- (A) The amount of each installment.
- (B) The due date or dates.
- (C) The total amount due.
- (D) An explanation that failure to comply with the terms of the arrangement may lead to disconnection of service.

(2) Describing the terms of the payment arrangement on the customer's bill, including the following:

- (A) The amount of each installment.
- (B) The due date or dates.
- (C) The total amount due.
- (D) An explanation that failure to comply with the terms of the arrangement may lead to disconnection of service.

(3) Making a voice recording of a telephone conversation in which the customer agrees to the payment arrangement, including the following:

- (A) The amount of each installment.
- (B) The due date or dates.
- (C) The total amount due.
- (D) An explanation that failure to comply with the terms of the arrangement may lead to disconnection of service.

**Recordings of telephonic payment arrangements shall be maintained for at least six (6) months after the arrangement is completed or broken by the customer.**

(f) Requirements for interest upon deposits shall be as follows:

(1) **For a utility serving less [sic., than] thirty-five thousand (35,000) residential customers**, deposits held more than twelve (12) months shall earn interest from the date of deposit at a rate of six percent (6%) per annum or at such other rate of interest as the commission may prescribe following a public hearing.

(2) **For a utility serving at least thirty-five thousand (35,000) residential customers, a deposit held more than thirty (30) days shall earn interest from the date the deposit is paid in full. Beginning on the effective date of this section, the rate of interest shall be set by the commission based upon the then existing rate for one (1) year United States Treasury Constant Maturity securities. The interest rate shall be rounded to the nearest one-half (½) of one percent (1%). In December of each year, the commission shall issue a general administrative order establishing the interest rate for the next calendar year that shall be paid on all deposits held during all or part of the subsequent year.**

~~(2)~~ (3) The deposit shall not earn interest after the date it is mailed or personally delivered to the customer, or otherwise lawfully disposed.

(g) Requirements for refunds shall be as follows:

(1) Any deposit or accrued interest shall be promptly refunded **directly to the customer or credited to the customer customer's account** without the customer's request when the customer:

- (A) submits satisfactory payment for a period of either:
  - (i) twelve (12) successive months; or
  - (ii) twelve (12) out of any fifteen (15) consecutive months without late payment in two (2) consecutive months; or
- (B) demonstrates his or her creditworthiness as provided by subsection (b).

(2) Refunds of deposits or accrued interest issued under this section must be accompanied by a statement of accounting for each transaction affecting the deposit and interest.

(3) Following customer-requested termination of service, the utility shall:

- (A) apply the deposit, plus accrued interest, to the final bill; or
- (B) upon specific request from the customer, refund the deposit, plus accrued interest, within fifteen (15) days after payment of the final bill.

(4) Each utility shall maintain a record of each applicant or customer making a deposit that shows the following:

(A) The name of the customer.

(B) The current address of the customer so long as he or she maintains an active account with the utility in his or her name.

(C) The amount of the deposit.

(D) The date the deposit was made.

(E) A record of each transaction affecting ~~such~~ the deposit.

(5) Each customer shall be provided a written receipt from the utility:

(A) at the time his or her deposit is paid in full; or

(B) when he or she makes a ~~cash~~ partial payment.

The public utility shall provide a reasonable method by which a customer who is unable to locate his or her receipt may establish that he or she is entitled to a refund of the deposit and payment of interest thereon.

(6) Any deposit made by the applicant, customer, or any other person to the utility (less any lawful deductions), or any sum the utility is ordered to refund for utility service, that has remained unclaimed for one (1) year after the utility has made diligent efforts to locate the person who made ~~such~~ the deposit or the heirs of ~~such~~ the person, shall be presumed abandoned and treated in accordance with ~~IC 32-9-1.5-20(c)(10)~~. **IC 32-34-1 et seq.**

(7) A deposit may be used by the utility to cover any unpaid balance following disconnection of service under section 16 of this rule, provided, however, that any surplus be returned to the customer as provided in subsection (f) and this subsection.

**(h) The commission may require that data be reported by utilities in order to determine whether a utility is providing service consistent with this rule. The utility shall respond to any survey that is issued by the commission in a timely manner and provide copies of such survey responses to the office of the utility consumer counselor. Requested information in the survey may include, but is not limited to, the following:**

- (1) the amount of collected deposits;**
- (2) the number of customers assessed deposits;**
- (3) the number of customers served who are receiving low-income heating assistance; and**
- (4) the amount of uncollected debt.**

*(Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 15; filed Oct 14, 1976, 10:20 a.m.; Rules and Regs. 1977, p. 401; filed Oct 28, 1998, 3:22 p.m.: 22 IR 730; errata filed Nov 22, 1999, 3:31 p.m.: 23 IR 812; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; filed Feb 16, 2006, 8:14 a.m.: 29 IR 2164)*

SECTION 2. 170 IAC 5-1-16 IS AMENDED TO READ AS FOLLOWS:

**170 IAC 5-1-16 Disconnection of service; prohibited disconnections; reconnection**

**Authority:** IC 8-1-1-3; IC 8-1-2-4

**Affected:** IC 8-1-2-87; IC 8-1-2-122; IC 8-1-2.5



Sec. 16. (a) The customer shall notify the utility at least three (3) days in advance of the day disconnection is desired. The customer shall remain responsible for all service used and the billings therefor until service is disconnected pursuant to such notice. Upon request by a customer of a utility to disconnect service, the utility shall disconnect the service within three (3) working days of the requested disconnection date. The customer shall not be liable for any service rendered to ~~such the~~ address or location after the expiration of three (3) such days.

(b) A utility may disconnect service without request by the customer of the service and without prior notice only:

- (1) if a condition dangerous or hazardous to life, physical safety, or property exists; ~~or~~
- (2) upon order by any court, the commission, or other duly authorized public authority; ~~or~~
- (3) if fraudulent or unauthorized use of gas is detected and the utility has reasonable grounds to believe the affected customer is responsible for ~~such the~~ use; ~~or~~
- (4) if the utility's regulating or measuring equipment has been tampered with and the utility has reasonable grounds to believe that the affected customer is responsible for ~~such the~~ tampering; ~~or~~
- (5) if the utility's equipment is used in a manner disruptive to the service of other customers.**

In all other instances a utility, upon providing the customer with proper notice (as defined in subsection ~~(e) of this section~~; **(f)**), may disconnect service subject to the other provisions of ~~170 IAC 5-1-13~~ **this rule**.

(c) Except as otherwise provided in subsections (a) and (b), ~~of this section~~, a utility shall postpone the disconnection of service for ten (10) days if, ~~prior to before~~ the disconnect date specified in the disconnect notice, the customer provides the utility with a medical statement from a licensed physician or public health official ~~which that~~ states that disconnection would be a serious and immediate threat to the health or safety of a designated person in the household of the customer. The postponement of disconnection shall be continued for one **(1)** additional ten (10) day period upon the provision of an additional such medical statement. **The utility shall be required to provide the customer a total of twenty (20) days postponement of disconnection for medical reasons under this subsection only once in any twelve (12) month period. Further postponement of disconnection for medical reasons shall be at the utility's discretion.**

**(d) A utility may not disconnect service to the customer as follows:**

- (1) Upon ~~his the customer's~~ failure to pay for:
  - (A) merchandise or appliances purchased from the utility furnishing the gas or other nonutility or unregulated services;**
  - ~~(2) upon his failure to pay for (B) the service rendered at a different metering point, residence, or location if such the bill has remained unpaid for less than forty-five (45) days;~~

~~(3) upon his failure to pay for (C) services to a previous occupant of premises to be served, unless the utility has good reason to believe the customer is attempting to defraud the utility; by using another name; or~~

~~(4) upon his failure to pay for (D) a different form or class of utility service. or~~

~~(5) (2) If the customer shows cause for his the customer's inability to pay the full amount due (financial hardship shall constitute cause), and said the customer:~~

(A) pays a reasonable portion, not to exceed: ~~\$10~~

**(i) twenty-five dollars (\$25); or**

**(ii) one-tenth ( $\frac{1}{10}$ ) of the bill;**

whichever is less, unless the customer agrees to a greater portion of the bill; ~~and~~

(B) agrees to pay:

**(i) the remainder of the outstanding bill within three (3) months; and**

~~(C) agrees to pay (ii) all undisputed future bills for service as they become due; and~~

~~(D) (C) has not breached any similar agreement with the utility made pursuant to under this section within the past twelve (12) months.~~

Provided, however, that the utility may add to the outstanding bill a late payment charge not to exceed the amount set ~~pursuant to 170 IAC 5-1-13(b)~~ **under section 13(B) of this rule**. Provided further, that the above terms of agreement shall be put in writing by the utility and signed by the customer and by a representative of the utility. Only one **(1)** late payment charge may be charged to the customer under this section. **"Unregulated services", as used in subsection (d)(1)(A) [subdivision (1)(A)], does not include utility services provided under an alternative regulatory plan approved by the commission under IC 8-1-2.5 et seq.**

~~(6) (3) If a customer is unable to pay a bill, which is unusually large due to prior incorrect reading of the meter, incorrect application of the rate schedule, incorrect connection or functioning of the meter, prior estimates where no actual reading was taken for over two (2) months, stopped or slow meters, or any human or mechanical error of the utility, and the customer:~~

(A) pays a reasonable portion of the bill, not to exceed an amount equal to the customer's average bill for the twelve (12) bills immediately preceding the bill in question; and

(B) agrees to pay:

**(i) the remainder at a reasonable rate; and**

~~(C) agrees to pay (ii) all undisputed future bills for service as they become due.~~

Provided, however, that the utility may not add to the outstanding bill any late fee. Provided, further, that the above terms of agreement shall be put in writing by the utility and signed by the customer and a representative of the utility. If a customer proceeds with a review ~~pursuant to 170 IAC 5-1-17(b)~~ **under section 17(B) of this rule**, the utility may disconnect only as provided in ~~170 IAC 5-1-17(c)~~ **section 17(C) of this rule**.

~~(4) (e) No utility may disconnect service unless it is done between the hours of 8:00 a.m. and 3:00 p.m., prevailing local~~

time. Disconnection ~~pursuant to~~ **under** subsections (a) and (b) ~~of this section~~ are not subject to this limitation. A utility may not disconnect service for nonpayment on any day on which the utility office is closed to the public, or after ~~twelve noon (12:00 noon)~~ of the day immediately preceding any day on which the utility office is not open to the public.

(~~e~~) **(f)** Except as otherwise provided herein, gas service to any residential customer shall not be disconnected for a violation of any rule or regulation of a utility or for the nonpayment of a bill, except after fourteen (14) days prior written notice to ~~such the~~ customer by either:

- (1) mailing the notice to ~~such the~~ residential customer at the address shown on the records of the public utility; or
- (2) personal delivery of the notice to the residential customer or a responsible member of ~~his the customer's~~ household at the address shown on the records of the utility.

(~~3~~) No disconnect notice for nonpayment may be rendered prior to the date on which the account becomes delinquent.

**(g)** The notice in subsection **(f)** must be in language ~~which that~~ is clear, concise, and easily understandable to a ~~layman layperson~~ and shall state in separately numbered large types or printed paragraphs **the following**:

- (1) The date of ~~the~~ proposed disconnection.
- (2) The specific actual basis and reason for the proposed disconnection.
- (3) The telephone number of the utility office at which the customer may call during regular business hours in order to question the proposed disconnection or seek information concerning ~~his the customer's~~ rights.
- (4) A reference to the pamphlet furnished to the customer ~~pursuant to 170 IAC 5-1-18 under section 18 of this rule~~ for information as to the customer's rights.

(~~f~~) **(h)** Immediately preceding the actual disconnection of service, the employee of the utility designated to perform ~~such that~~ function shall:

- (1)** make a reasonable attempt to identify himself **or herself** to the customer or any other responsible person then upon the premises; ~~and shall~~
- (2)** announce the purpose of his **or her** presence; ~~and shall~~
- (3)** make a record thereof to be maintained for at least thirty (30) days; ~~The employee shall~~
- (4)** have in his **or her** possession information sufficient to enable him **or her** to inform the customer or other responsible person of the reason for disconnection, including the amount of any delinquent bill of the customer; ~~and shall~~
- (5)** request from the customer any available verification that the outstanding bill has been satisfied or is currently in dispute ~~pursuant to under review under 170 IAC 5-1-17(b); section 17(B) of this rule.~~

Upon the presentation of such credible evidence, service shall not be disconnected. The employee shall not be required to accept payment from the customer or other responsible person in order to prevent the service from being disconnected. The

utility shall notify its customers ~~pursuant to 170 IAC 5-1-18 under section 18 of this rule~~ of its policy with regard to the acceptance or nonacceptance of payment by ~~such the~~ employee and shall uniformly follow ~~such the~~ policy without discrimination. When the employee has disconnected the service, the employee shall give to a responsible person at the user's premises, or, if no one is at home, shall leave at a conspicuous place on the premises, a notice stating that service has been disconnected and stating the address and telephone number of the utility where the user may arrange to have service reconnected.

(~~g~~) **(i)** A utility may charge a reasonable reconnection charge, not to exceed the charge approved by the commission in the utility's filed tariffs. A utility shall inform its customers of ~~such the~~ reconnection fee ~~pursuant to 170 IAC 5-1-18; under section 18 of this rule.~~ If the utility disconnects service in violation of ~~170 IAC 5-1; this rule,~~ the service shall immediately be restored at no charge to the customer. The utility must reconnect the service to the customer as soon as reasonably possible but at least within one (1) working day after it is requested to do so if the customer has satisfied the requirements of ~~170 IAC 5-1; this rule.~~ (*Indiana Utility Regulatory Commission; No. 34613: Standards of Service For Gas Public Utilities Rule 16; filed Oct 14, 1976, 10:20 a.m.; Rules and Regs. 1977, p. 403; filed Oct 13, 1983, 4:02 p.m.; 7 IR 40; readopted filed Jul 11, 2001, 4:30 p.m.; 24 IR 4233; filed Feb 16, 2006, 8:14 a.m.; 29 IR 2166*)

**SECTION 3. SECTIONS 1 and 2 of this document take effect 30 days after filing with the secretary of state.**

*LSA Document #05-100(F)*

*Notice of Intent Published: June 1, 2005; 28 IR 2755*

*Proposed Rule Published: September 1, 2005; 28 IR 3627*

*Hearing Held: October 4, 2005*

*Approved by Attorney General: January 31, 2006*

*Approved by Governor: February 15, 2006*

*Filed with Secretary of State: February 16, 2006, 8:14 a.m.*

*IC 4-22-7-5(c) Notice from Secretary of State Regarding Documents Incorporated by Reference: None Received by Publisher*

---

---

## **TITLE 170 INDIANA UTILITY REGULATORY COMMISSION**

LSA Document #05-130(F)

### **DIGEST**

Amends 170 IAC 4-4.1 and 170 IAC 4-4.2 regarding cogeneration and alternate energy production facilities and net metering. Adds 170 IAC 4-4.3 concerning interconnection standards between a public utility and a customer-generator facility. Effective 30 days after filing with the Secretary of State.

**170 IAC 4-4.1-7**  
**170 IAC 4-4.2-5**  
**170 IAC 4-4.3**

SECTION 1. 170 IAC 4-4.1-7 IS AMENDED TO READ AS FOLLOWS:

**170 IAC 4-4.1-7 Interconnections; metering; costs**

Authority: IC 8-1-1; IC 8-1-2; IC 8-1-2.4

Affected: IC 8-1-2; IC 8-1-2.4

Sec. 7. (a) The qualifying facility shall:

(1) install, operate, and maintain in good order such:

- (A) relays;
- (B) locks and seals;
- (C) breakers;
- (D) automatic synchronizers; and
- (E) other control and protective apparatus;

as shall be designated by the electric utility for safe, efficient, and reliable operation in parallel to the electric utility's system; ~~The qualifying facility shall and~~

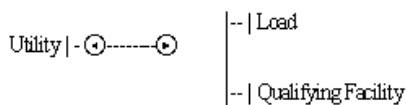
(2) bear full responsibility for the installation and safe operation of this equipment.

Breakers **and/or switches** capable of isolating the qualifying facility from the electric utility shall at all times be immediately accessible to the electric utility. The electric utility may isolate any qualifying facility at its own discretion if the electric utility believes continued parallel operation with the qualifying facility creates or contributes to a system emergency. System emergencies causing discontinuance of parallel operation are subject to verification by the commission. The facilities installed by the qualifying facility shall comply with 170 IAC 4-1-26(a) and the electric utility's rules and regulations for electric service in effect from time to time. **The qualifying facility shall comply with the applicable requirements of 170 IAC 4-4.3.**

(b) To properly record the number of kilowatt hours being purchased or sold by the electric utility or qualifying facility, the following configurations shall be the basis for metering:

(1) When purchases by the electric utility from the qualifying facility are intended to be less than one thousand (1,000) kilowatt hours per month and the qualifying facility agrees, a single, bidirectional meter may be placed between the electric utility's system and the qualifying facility.

(2) When the qualifying facility will not be simultaneously selling to and purchasing from the electric utility, two (2) monodirectional meters shall be placed in a series arrangement between the electric utility's electric system and the qualifying facility, as shown ~~below: as follows:~~



(3) When the qualifying facility will simultaneously sell to and purchase from the electric utility, two (2) monodirectional meters shall be placed in a series arrangement between the

electric utility's system and the qualifying facility, and a single, monodirectional meter shall be placed between the electric utility's system and the on-site load of the qualifying facility that will be served by the electric utility, as shown ~~below: as follows:~~



(4) The metering equipment installed by the electric utility may be designed to recognize the different **rating rate** periods.

(5) The electric utility and the qualifying facility may agree to other metering arrangements.

(6) The electric utility may, solely at its option, install additional metering equipment at its own expense.

~~(c) The qualifying facility shall reimburse the electric utility for all interconnection costs the utility has reasonably incurred. The extent to which interconnection costs associated with selling energy and capacity may be assessed against a qualifying facility shall be determined in accordance with general tariff provisions and appropriate rate schedules governing extensions and connection of electric service to the retail customers of the electric utility with similar load characteristics: (Indiana Utility Regulatory Commission; 170 IAC 4-4.1-7; filed Mar 7, 1985, 10:04 a.m.: 8 IR 762; filed Jun 8, 1989, 2:00 p.m.: 12 IR 1836; filed Oct 15, 1990, 3:28 p.m.: 14 IR 419; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; filed Mar 6, 2006, 9:45 a.m.: 29 IR 2169)~~

SECTION 2. 170 IAC 4-4.2-5, AS ADDED AT 28 IR 787, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**170 IAC 4-4.2-5 Interconnection**

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4

Sec. 5. (a) A net metering interconnection agreement between the investor-owned electric utility and the eligible net metering customer must be executed before the net metering facility may be interconnected with the investor-owned electric utility's system.

(b) The net metering facility shall comply with the technical interconnection requirements approved by the commission as outlined in section 9(a) of this rule. Inverter based systems listed by Underwriters Laboratories (UL) to UL standard 1741, published May 7, 1999, as revised January 17, 2001 (UL 1741), shall be accepted by the investor-owned electric utility as meeting the technical interconnection requirements tested by UL 1741. **The net metering facility shall comply with the applicable requirements of 170 IAC 4-4.3.**

~~(c) The eligible net metering customer shall provide the investor-owned electric utility proof of qualified installation of~~

the net metering facility. Certification by a licensed electrician shall constitute acceptable proof.

(d) An investor-owned electric utility shall not require an eligible net metering customer, whose net metering facility meets the standards of this rule, to do any of the following:

- (1) Install additional controls;
- (2) Perform or pay for additional tests;
- (3) Pay for inspections by the utility or the utility's representative.

(e) The eligible net metering customer shall install, operate, and maintain the net metering facility in accordance with the manufacturer's suggested practices for safe, efficient, and reliable operation in parallel to the investor-owned electric utility's system.

(f) The investor-owned electric utility may isolate any net metering facility if the investor-owned electric utility believes continued interconnection with the net metering facility creates or contributes to a system emergency. System emergencies causing discontinuance of interconnection shall be subject to verification by the commission upon a complaint made by the net metering customer in accordance with section 10 of this rule.

(g) The investor-owned electric utility may perform reasonable on-site inspections to verify the proper installation and continuing safe operation of the net metering facility and interconnection facilities, at reasonable times and upon reasonable advance notice to the net metering customer. (*Indiana Utility Regulatory Commission; 170 IAC 4-4.2-5; filed Oct 22, 2004, 11:00 a.m.: 28 IR 787; filed Mar 6, 2006, 9:45 a.m.: 29 IR 2169*)

SECTION 3. 170 IAC 4-4.3 IS ADDED TO READ AS FOLLOWS:

### **Rule 4.3. Customer-Generator Interconnection Standards**

#### **170 IAC 4-4.3-1 Definitions**

Authority: IC 8-1-1-3; IC 8-1-2.4  
Affected: IC 8-1-2-1

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Area network" means a type of electric distribution system served by multiple transformers interconnected in an electrical network circuit that is generally used in large metropolitan areas, which are densely populated, in order to provide high reliability of service.

(c) "Commission" means the Indiana utility regulatory commission.

(d) "Customer-generator facility" means an arrangement of equipment for the production of electricity that is owned

and operated by:

- (1) an eligible customer; or
- (2) a third party at the eligible customer's site.

(e) "Eligible customer" means any:

- (1) person;
- (2) firm;
- (3) corporation;
- (4) municipality; or
- (5) other government agency;

that has agreed, orally or otherwise, to pay for electric service received from an investor-owned electric utility and is in good standing with that utility.

(f) "Equipment package" means a group of components connecting an electric generator with an electric distribution system and includes all interface equipment including any of the following:

- (1) Switchgear.
- (2) Inverters.
- (3) Other interface devices.

The term includes an integrated generator or electric source.

(g) "Interconnection" or "interconnected" means the physical, parallel connection of a customer-generator facility with a distribution facility of an investor-owned electric utility.

(h) "Investor-owned electric utility" or "utility" means a public utility, as defined in IC 8-1-2-1:

- (1) that provides electricity;
- (2) that is financed by the sale of securities; and
- (3) whose business operations are overseen by a board representing the utility's shareholders.

(i) "Nameplate capacity" means the full-load continuous rating of a generator under specified conditions as designated by the manufacturer.

(j) "Parallel" means the designed operation of the:

- (1) customer-generator facility;
- (2) interconnection equipment; and
- (3) investor-owned electric utility's system;

where the instantaneous flow of electrical energy may automatically occur in either direction across the interconnection point between the customer-generator facility and the electrical utility's distribution system.

(k) "Spot network" means a type of electric distribution system that uses two (2) or more intertied transformers to supply an electrical network circuit. A spot network is generally used to supply power to a single customer or a small group of customers.

(l) "System emergency" means a condition on a utility's system reasonably likely to result in any of the following:

- (1) A significant disruption of service to a customer.
- (2) A substantial deviation from a normal service standard.
- (3) An endangerment to life or property.

*(Indiana Utility Regulatory Commission; 170 IAC 4-4.3-1; filed Mar 6, 2006, 9:45 a.m.: 29 IR 2170)*

#### 170 IAC 4-4.3-2 Applicability

Authority: IC 8-1-1-3; IC 8-1-2.4

Affected: IC 8-1-2

**Sec. 2.** This rule shall apply to any investor-owned electric utility, subject to the jurisdiction of the commission, that may now or hereafter be engaged in the:

- (1) production;
- (2) transmission;
- (3) sale; or
- (4) distribution;

of electric service and all customer-generator facilities that apply for interconnection with such utilities on or after the effective date of this rule. *(Indiana Utility Regulatory Commission; 170 IAC 4-4.3-2; filed Mar 6, 2006, 9:45 a.m.: 29 IR 2171)*

#### 170 IAC 4-4.3-3 Exemptions

Authority: IC 8-1-1-3; IC 8-1-2.4

Affected: IC 8-1-2

**Sec. 3. (a)** Customer-generator facilities shall be exempt from revenue requirements and associated regulation under IC 8-1-2 as administered by the commission, except that the commission shall have authority over rates charged by electric utilities to customer-generator facilities.

**(b)** Upon agreement of an eligible customer and the utility, the customer-generator facility interconnection may be exempt from the requirements of this rule, except for the provisions of section 4(f) and 4(g) of this rule. *(Indiana Utility Regulatory Commission; 170 IAC 4-4.3-3; filed Mar 6, 2006, 9:45 a.m.: 29 IR 2171)*

#### 170 IAC 4-4.3-4 General interconnection provisions

Authority: IC 8-1-1-3; IC 8-1-2.4

Affected: IC 8-1-2

**Sec. 4. (a)** Each investor-owned electric utility shall provide each of the following three (3) procedures for applications for interconnection of customer-generator facilities and use:

- (1) The Level 1 review procedure described in section 6 of this rule for applications to connect inverter-based customer-generator facilities that:
  - (A) have a nameplate capacity of ten (10) kilowatts or less; and
  - (B) meet the certification requirements of section 5 of this rule.
- (2) The Level 2 review procedure described in section 7 of this rule for applications to connect customer-generator facilities:

- (A) with a nameplate capacity of two (2) megawatts or less; and
- (B) that meet the certification requirements of section 5 of this rule.

(3) The Level 3 review procedure described in section 8 of this rule for applications to connect customer-generator facilities to its distribution system that do not qualify for either Level 1 or Level 2 interconnection review procedures.

**(b)** Each utility shall designate a contact person or office from which an eligible customer can obtain basic application forms and information through an informal process.

**(c)** Each utility shall use commission-approved interconnection application and interconnection agreement forms.

**(d)** The utility may require the applicant to include a disconnect switch as a supplement to the equipment package.

**(e)** Application and interconnection review fees shall be set as follows:

(1) A utility shall not charge an application or other fee to an applicant that requests Level 1 interconnection review. However, if an application for Level 1 interconnection review is denied because the:

- (A) application does not meet the requirements for Level 1 interconnection review; and
- (B) applicant resubmits the application under another review procedure;

the utility may impose a fee for the resubmitted application, consistent with this section.

(2) For a Level 2 interconnection review, the utility may charge fees up to fifty dollars (\$50) plus one dollar (\$1) per kilowatt of the customer-generator facility's nameplate capacity, plus the cost of any minor modifications to the electric distribution system or additional review, if required under section 7(q)(3) of this rule. Costs for minor modifications or additional review shall be:

- (A) based on utility estimates; and
- (B) subject to review by the commission or its designee.

Costs for engineering work done as part of any additional review shall not exceed one hundred dollars (\$100) per hour.

(3) For a Level 3 interconnection review, the utility may charge fees up to one hundred dollars (\$100) plus two dollars (\$2) per kilowatt of the customer-generator facility's nameplate capacity, as well as charges for actual time spent on any impact or facilities studies required under section 8 of this rule. Costs for engineering work done as part of any impact or facilities study shall not exceed one hundred dollars (\$100) per hour. If the utility must install facilities in order to accommodate the interconnection of the customer-generator facility, the cost of such facilities shall be the responsibility of the applicant.

(f) The interconnection and operation of any customer-generator facility is secondary to and shall not interfere with the ability of the utility to meet its primary responsibility of furnishing reasonably adequate service to all customers.

(g) All the customer-generator facility electrical installations shall conform to the following:

(1) The requirements of local ordinances and inspection authorities.

(2) The applicable requirements of this rule.

(*Indiana Utility Regulatory Commission; 170 IAC 4-4.3-4; filed Mar 6, 2006, 9:45 a.m.: 29 IR 2171*)

### **170 IAC 4-4.3-5 Certification of customer-generator facilities**

Authority: IC 8-1-1-3; IC 8-1-2.4

Affected: IC 8-1-2

Sec. 5. (a) In order to qualify for the Level 1 and the Level 2 interconnection review procedures described in sections 6 and 7 of this rule, a customer-generator facility must be certified as complying with the following standards, as applicable:

(1) IEEE 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems, as amended and supplemented, which is incorporated by reference herein. IEEE 1547 can be obtained through the IEEE at 445 Hoes Lane, P.O. Box 1331, Piscataway, New Jersey 08855-1331 or at [www.ieee.org](http://www.ieee.org).

(2) Underwriters Laboratories (UL) Standard 1741 on Inverters, Converters, and Controllers for Use in Independent Power Systems (January 2001), as amended and supplemented, which is incorporated by reference herein. UL Standards can be obtained through Underwriters Laboratories at 333 Pfingsten Road, Northbrook, Illinois 60062-2096 or at [www.ul.com](http://www.ul.com).

(b) An equipment package shall be considered certified for interconnection operation if it has been tested and listed by a nationally recognized testing and certification laboratory in compliance with subsection (a)(1).

(c) If the equipment package has been tested and listed in accordance with this section as an integrated package that includes a generator or other electric source, the:

(1) equipment package shall be deemed certified; and

(2) utility shall not require:

(A) further design review;

(B) testing; or

(C) additional certification;

of the listed equipment package.

(d) If the equipment package includes only the interface components, an interconnection applicant must show that the generator or other electric source being utilized with the equipment package is:

(1) compatible with the equipment package; and

(2) consistent with the testing and listing performed by the nationally recognized testing and certification laboratory. If the generator or electric source being utilized with the equipment package is consistent with the testing and listing performed by the nationally recognized testing and certification laboratory, the equipment package shall be deemed certified, and the utility shall not require further design review, testing, or additional certification of the listed equipment package. (*Indiana Utility Regulatory Commission; 170 IAC 4-4.3-5; filed Mar 6, 2006, 9:45 a.m.: 29 IR 2172*)

### **170 IAC 4-4.3-6 Level 1 interconnection review**

Authority: IC 8-1-1-3; IC 8-1-2.4

Affected: IC 8-1-2

Sec. 6. (a) Each investor-owned electric utility shall adopt a Level 1 interconnection review procedure. The utility shall use the Level 1 review procedure for an application to interconnect a customer-generator facility that:

(1) is inverter-based;

(2) has a nameplate capacity of ten (10) kilowatts or less; and

(3) is certified in accordance with section 5 of this rule.

(b) For a customer-generator facility described in subsection (a), the utility shall approve interconnection under the Level 1 review if all of the applicable requirements in subsections (c) through (h) are met. A utility shall not impose additional requirements not specifically authorized under this section.

(c) If a customer-generator facility is to be connected to a radial distribution circuit, the aggregate generation nameplate capacity connected to the circuit, including the proposed nameplate capacity, shall not exceed five percent (5%) of the circuit annual peak load as most recently measured at the substation; the aggregate generation nameplate capacity connected to a line section, including the proposed nameplate capacity, shall not exceed ten percent (10%) of the line section annual peak load as most recently measured or estimated based on the most recently measured circuit load at the substation.

(d) The aggregate generation nameplate capacity on the distribution circuit to which the customer-generator facility will interconnect, including its nameplate capacity, shall not contribute more than ten percent (10%) to the circuit's maximum fault current at the point on which the primary level that is nearest the proposed point of common coupling.

(e) If a customer-generator facility is to be connected to a single-phase shared secondary, the aggregate generation nameplate capacity connected to the shared secondary, including the proposed nameplate capacity, shall not exceed the lesser of twenty (20) kVA or the nameplate rating of the service transformer.

(f) If a single-phase customer-generator facility is to be

interconnected on a center tap neutral of a two hundred forty (240) volt service, the addition of the customer-generator facility shall not create an imbalance between the two (2) sides of the two hundred forty (240) volt service more than twenty percent (20%) of the nameplate rating of the service transformer.

(g) The customer-generator facility point of common coupling shall not be on:

- (1) a transmission line;
- (2) a spot network; or
- (3) an area network.

(h) The customer-generator facility shall not violate any applicable provisions of IEEE 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems, as identified by the utility.

(i) The utility shall notify the applicant within ten (10) business days after receiving an application for Level 1 interconnection review as to whether the application is complete. If the application is incomplete, the notification shall include a list detailing the information needed to complete the application.

(j) Within fifteen (15) business days after the utility notifies the applicant that the application is complete, the utility shall notify the applicant that the customer-generator facility:

- (1) meets all of the criteria in subsections (c) through (h) that apply to the facility, and the interconnection will be finally approved upon completion of the process set forth in subsections (k) through (m); or
- (2) has failed to meet one (1) or more of the applicable criteria in subsections (c) through (h), and the interconnection application is denied.

(k) If approved, the utility shall, within ten (10) business days after sending the notice of approval under subsection (j)(1), do the following:

- (1) Notify the applicant if the utility will require inspection of the customer-generator facility for compliance with this rule before starting operation of the facility.
- (2) Execute and send to the applicant a Level 1 interconnection agreement.

(l) An applicant that receives an interconnection agreement under subsection (k) shall do the following:

- (1) Execute the agreement.
- (2) Return the agreement to the utility at least ten (10) business days before starting operation of the customer-generator facility.
- (3) Indicate the anticipated start date for operation of the customer-generator facility.

If the utility requires an inspection of the customer-generator facility, the applicant shall not begin operating the facility until completion of the inspection.

(m) Upon:

- (1) receipt of the executed interconnection agreement; and
  - (2) satisfactory completion of any required inspection;
- the utility shall approve the interconnection, conditioned on approval by the electric code officials with jurisdiction over the interconnection.

(n) If an application for Level 1 interconnection review is denied because it does not meet one (1) or more of the applicable requirements of this section, an applicant may resubmit the application under Level 2 or Level 3 interconnection review procedure as appropriate. (*Indiana Utility Regulatory Commission; 170 IAC 4-4.3-6; filed Mar 6, 2006, 9:45 a.m.: 29 IR 2172*)

#### 170 IAC 4-4.3-7 Level 2 interconnection review

Authority: IC 8-1-1-3; IC 8-1-2.4

Affected: IC 8-1-2

Sec. 7. (a) Each investor-owned electric utility shall adopt a Level 2 interconnection review procedure. The utility shall use the Level 2 review procedure for an application to interconnect a customer-generator facility that:

- (1) has a nameplate capacity of two (2) megawatts or less; and
- (2) is certified in accordance with section 5 of this rule.

(b) For a customer-generator facility described in subsection (a), the utility shall approve interconnection under the Level 2 review if all of the applicable requirements in subsections (c) through (o) are met. A utility shall not impose additional requirements not specifically authorized under this section.

(c) If a customer-generator facility is to be connected to a radial distribution circuit, the aggregate generation nameplate capacity connected to the circuit, including the proposed nameplate capacity, shall not exceed fifteen percent (15%) of the line section annual peak load as most recently measured or estimated based on the most recently measured circuit load at the substation.

(d) The aggregate generation capacity on the distribution circuit to which the customer-generator facility will interconnect, including its capacity, shall not contribute more than ten percent (10%) to the circuit's maximum fault current at the point on which the primary level that is nearest the proposed point of common coupling.

(e) If a customer-generator facility is to be connected to a single-phase shared secondary, the aggregate generation capacity connected to the shared secondary, including the proposed capacity, shall not exceed the lesser of twenty (20) kVA or the nameplate rating of the service transformer.

(f) If a single-phase customer-generator facility is to be interconnected on a center tap neutral of a two hundred

forty (240) volt service, its addition will not create an imbalance between the two (2) sides of the two hundred forty (240) volt service more than twenty percent (20%) of the nameplate rating of the service transformer.

(g) The aggregate generation capacity on the distribution circuit to which the customer-generator facility will interconnect, including its capacity, shall not cause any:

(1) distribution protective equipment; or  
(2) customer equipment on the distribution system; to exceed ninety percent (90%) of the short circuit interrupting capability of the equipment. In addition, a customer-generator facility shall not be connected to a circuit that already exceeds ninety percent (90%) of the short circuit interrupting capability.

(h) If there are known or posted transient stability limits to generating units located in the general electrical vicinity of the proposed point of common coupling, for example, three (3) or four (4) transmission voltage level busses, the aggregate generation capacity, including the proposed facility, connected to the distribution low voltage side of the substation transformer feeding the distribution circuit containing the point of common coupling shall not exceed ten (10) megawatts.

(i) If a customer-generator facility is to be connected to three-phase, three (3) wire primary utility distribution lines, a three-phase or single-phase generator shall be connected phase to phase.

(j) If a customer-generator facility is to be connected to three-phase, four (4) wire primary utility distribution lines, the generator shall appear to the primary utility distribution line as an effectively grounded source.

(k) The customer-generator facility point of common coupling shall not be on a transmission line.

(l) If a customer-generator facility is to be connected to the load side of spot network protectors, the proposed facility shall:

(1) utilize an inverter-based equipment package; and  
(2) together with the aggregated other inverter-based generation, not exceed the smaller of five percent (5%) of a spot network's maximum load or fifty (50) kilowatts.

(m) If a customer-generator facility is to be connected to any network, the proposed facility must utilize a protective scheme that will ensure that its current flow will not affect the network protective devices including reverse power relays or a comparable function. Synchronous customer-generator facilities shall not be interconnected to a secondary network.

(n) If a customer-generator facility that:

(1) is an induction generator; or

(2) utilizes inverter-based protective functions; both of which include reverse power relays functions, the proposed facility, in aggregate with other generation interconnected on the load side of the network protective devices, will not exceed the lesser of ten percent (10%) of the minimum load on the network or fifty (50) kilowatts.

(o) The customer-generator facility shall not violate any applicable provisions of IEEE 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems, as identified by the utility.

(p) The utility shall notify the applicant within ten (10) business days after receiving an application for Level 2 interconnection review as to whether the application is complete. If the application is incomplete, the notification shall include a list detailing all of the information needed to complete the application.

(q) Within fifteen (15) business days after the utility notifies the applicant that the application is complete, the investor-owned electric utility shall perform an initial review to determine if the applicable requirements of subsections (c) through (o) are met. During the initial review the utility may, at its own expense, conduct any studies or tests it deems necessary to evaluate the proposed interconnection. The initial review shall result in one (1) of the following determinations:

(1) The customer-generator facility meets the applicable requirements in subsections (c) through (o). In this case, the utility shall:

(A) notify the applicant that the interconnection will be finally approved upon completion of the process set forth in subsections (r) through (t); and

(B) within ten (10) business days after this notice, provide the applicant with an executable interconnection agreement.

(2) The customer-generator facility has failed to meet one (1) or more of the applicable requirements in subsections (c) through (o); however, the utility has determined that the customer-generator facility can be interconnected consistent with safety, reliability, and power quality. In this case, the utility shall:

(A) notify the applicant that the interconnection will be finally approved upon completion of the process set forth in subsections (r) through (t); and

(B) within ten (10) business days after this notice, provide the applicant with an executable interconnection agreement.

(3) The customer-generator facility has failed to meet one (1) or more of the applicable requirements in subsections (c) through (o); however, the initial review indicates that additional review may enable the utility to determine that the customer-generator facility can be interconnected consistent with safety, reliability, and power quality. In such a case, the utility shall:



(A) offer to perform additional review to determine whether minor modifications to the electrical distribution system would enable the interconnection to be made consistent with safety, reliability, and power quality;

(B) provide to the applicant a nonbinding, good faith estimate of the costs of the additional review or the minor modifications, or both; and

(C) undertake the additional review or modifications in accordance with subsection (u).

(4) The customer-generator facility has failed to meet one (1) or more of the applicable requirements of subsections (c) through (o), and the initial review indicates that additional review would not enable the utility to determine that the customer-generator facility can be interconnected consistent with safety, reliability, and power quality. In such a case, the utility shall:

(A) notify the applicant that the interconnection application has been denied; and

(B) provide an explanation of the reason or reasons for the denial, including a list of additional information or modifications, or both, to the customer-generator's facility that would be required in order to obtain an approval under Level 2 interconnection procedures.

(r) An applicant that receives an interconnection agreement under subsection (q)(1) or (q)(2) shall do the following:

(1) Execute the agreement.

(2) Return the agreement to the utility at least ten (10) business days before starting operation of the customer-generator facility.

(3) Indicate to the utility the anticipated start date for operation of the customer-generator facility.

(s) The utility may:

(1) require an inspection of a customer-generator facility for compliance with this section before operation; and  
(2) require and arrange for witness of commissioning tests as set forth in IEEE 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems.

The utility shall schedule any inspections or tests under this section promptly and within a reasonable time after submittal of the application. The applicant shall not begin operating the customer-generator facility until after the inspection and testing is completed.

(t) For an applicant that receives an interconnection agreement under subsection (q)(1) or (q)(2), approval of interconnected operation of the customer-generator facility shall be conditioned on all of the following:

(1) The interconnection has been approved by the electrical code official with jurisdiction over the interconnection.

(2) Any utility inspection or witnessing of commissioning tests arranged under subsection (s) are successfully completed.

(3) The planned start date provided by the applicant under subsection (r)(3) has passed.

(u) For an applicant that pays for additional review under subsection (q)(3), within ten (10) business days from the receipt of payment, the utility shall perform any additional review and notify the applicant of the results. If the additional review determines that the customer-generator facility can be interconnected without adversely affecting safety, reliability, and power quality upon the completion of utility system modifications, the utility shall provide a cost estimate of the modifications with the results. Within twenty (20) business days after receipt of the cost estimate, the applicant will either:

(1) send payment to the utility for the estimated cost; or

(2) notify the utility in writing that it does not wish to proceed with the project.

Upon receipt of payment, the utility shall proceed to schedule and complete the required modifications or new construction. Within five (5) business days after the completion [sic., of] the modifications or new construction, the utility shall provide the applicant with an executable interconnection agreement and notification that the interconnection will finally be approved upon completion of the process set forth in subsections (r) through (t).

(v) If an application for Level 2 interconnection review is denied because it does not meet one (1) or more of the applicable requirements in this section, an applicant may resubmit the application under the Level 3 interconnection review procedure as appropriate. (*Indiana Utility Regulatory Commission; 170 IAC 4-4.3-7; filed Mar 6, 2006, 9:45 a.m.: 29 IR 2173*)

#### 170 IAC 4-4.3-8 Level 3 interconnection review

Authority: IC 8-1-1-3; IC 8-1-2.4

Affected: IC 8-1-2

Sec. 8. (a) Each investor-owned electric utility shall adopt a Level 3 interconnection review procedure. The utility shall use the Level 3 review procedure for an application to interconnect a customer-generator facility that:

(1) is connected to its distribution system; and

(2) does not meet the requirements of section 6 or 7 of this rule.

(b) The utility shall do the following:

(1) Conduct an initial review of the application.

(2) Offer the applicant the opportunity to meet with utility staff to discuss the application.

(c) The utility shall provide an impact study agreement to the applicant, which shall include a good faith estimate of the cost for an impact study to be performed by the utility.

(d) If the proposed interconnection may affect electric transmission or delivery systems other than those controlled by the utility, operators of these systems may require additional studies to determine the impact of the interconnection on these systems. The utility shall coordinate the

studies of other operators, but shall not be responsible for their timing. The applicant shall be responsible for the costs of any such additional studies required by other affected system operators. The studies shall be conducted only after the applicant has provided written authorization.

(e) After the applicant has executed the impact study agreement and has paid the utility the amount of the good faith estimate required under subsection (c), the utility shall conduct the impact study and notify the applicant of the results as follows:

(1) If the impact study indicates that only insubstantial modifications to the utility's electric distribution system are necessary to accommodate the proposed interconnection, the utility shall send the applicant an interconnection agreement that details the following:

- (A) The scope of the necessary modifications.
- (B) An estimate of their cost.

(2) If the impact study indicates that substantial modifications to the utility's electric distribution system are necessary to accommodate the proposed interconnection, the utility shall do the following:

- (A) Provide a good faith estimate of the cost of the modifications.
- (B) Offer to conduct a facilities study at the applicant's expense, which will identify the types and cost of equipment needed to safely interconnect the applicant's customer-generator facility.

(f) If the applicant requests a facilities study under subsection (e)(2), the utility shall provide a facilities study agreement. The facilities study agreement shall describe the work to be undertaken in the facilities study and shall include a good faith estimate of the cost to the applicant for completion of the study. Upon execution by the applicant of the facilities study agreement, the utility shall conduct a facilities study, which shall identify the following:

- (1) The facilities necessary to safely interconnect the customer-generator facility with the utility's electric distribution system.
- (2) The cost of those facilities.
- (3) The time required to build and install those facilities.

(g) Upon completion of the facilities study, the utility shall provide the applicant with the results of the study and an executable interconnection agreement. The agreement shall list the following:

- (1) The conditions and facilities necessary to safely interconnect the customer-generator facility with the utility's electric distribution system.
- (2) The cost of those facilities.
- (3) The time required to build and install those facilities.

(h) If the applicant wishes to interconnect, the applicant shall do the following:

- (1) Execute the interconnection agreement.

(2) Provide a deposit of the cost of the facilities identified in the facilities study.

(3) Complete installation of the customer-generator facility.

(4) Agree to pay the utility the amount required for the facilities needed to interconnect as identified in the facilities study.

(i) Within fifteen (15) business days after notice from the applicant that the customer-generator facility has been installed, the utility shall do the following:

- (1) Inspect the customer-generator facility.
- (2) Arrange to witness any commissioning tests required under IEEE 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems.

The utility and the applicant shall select a date by mutual agreement for the utility to witness commissioning tests.

(j) Provided the customer-generator facility passes any required commissioning tests satisfactorily, the utility shall notify the applicant in writing, within five (5) business days after the tests, of one (1) of the following:

- (1) The interconnection is approved and the customer-generator facility may begin operation.
- (2) The facilities study identified necessary construction that has not been completed, the date upon which the construction will be completed, and the date when the customer-generator facility may begin operation.

(k) If the commissioning tests are not satisfactory, the customer-generator shall repair or replace the unsatisfactory equipment and reschedule a commissioning test under subsection (i). (*Indiana Utility Regulatory Commission; 170 IAC 4-4.3-8; filed Mar 6, 2006, 9:45 a.m.: 29 IR 2175*)

#### **170 IAC 4-4.3-9 Requirements for ongoing operation of customer-generator facilities**

Authority: IC 8-1-1-3; IC 8-1-2.4  
Affected: IC 8-1-2

Sec. 9. (a) The investor-owned electric utility may perform reasonable on-site inspections to verify the proper installation and continuing safe operation of the customer-generator facility and interconnection facilities:

- (1) at reasonable times; and
- (2) upon reasonable advance notice to the customer.

The cost of the inspection or inspections shall be at the utility's expense; however, the utility shall not be responsible for any other cost the customer may incur as a result of the inspection or inspections.

(b) The customer shall install, operate, and maintain the customer-generator facility in accordance with the manufacturer's suggested practices for safe, efficient, and reliable operation in parallel to the utility's system.

(c) The utility may isolate any customer-generator facility

if the utility believes continued interconnection with the customer-generator facility creates or contributes to a system emergency. System emergencies causing discontinuance of interconnection shall be subject to verification by the commission upon a complaint made by the customer in accordance with the commission's consumer complaint rules.

(d) If the utility finds that the customer-generator's facility is not in compliance with the requirements of this rule, and the noncompliance adversely affects the safety, reliability, or power quality of the electric distribution system, the utility may require the customer-generator to disconnect the customer-generator facility until compliance is achieved. (*Indiana Utility Regulatory Commission; 170 IAC 4-4.3-9; filed Mar 6, 2006, 9:45 a.m.: 29 IR 2176*)

#### 170 IAC 4-4.3-10 Liability insurance and indemnity

Authority: IC 8-1-1-3; IC 8-1-2.4  
Affected: IC 8-1-2-33; IC 8-1-2-34

Sec. 10. (a) The liability insurance and indemnification requirements of a customer-generator facility that is also a net metering facility, as defined at 170 IAC 4-4.2-1, shall be in accordance with 170 IAC 4-4.2-8.

(b) The liability insurance and indemnification requirements of a customer-generator facility that is not also a net metering facility, as defined at 170 IAC 4-4.2-1, shall be as follows:

(1) Insurance provisions shall require a party to obtain only reasonable amounts of insurance against risks for which there is a reasonable likelihood of occurrence.

(2) The utility and the customer shall indemnify and hold each other harmless from and against all claims, liability, damages, and expenses, including attorney's fees, based on any injury to any person, including loss of life or damage to any property, including loss of use thereof, arising out of, resulting from, or connected with, or that may be alleged to have arisen out of, resulted from, or connected with an act or omission by the other party or its:

- (A) employees;
- (B) agents;
- (C) representatives;
- (D) successors; or
- (E) assigns;

in the construction, ownership, operation, or maintenance of the party's facilities.

(*Indiana Utility Regulatory Commission; 170 IAC 4-4.3-10; filed Mar 6, 2006, 9:45 a.m.: 29 IR 2177*)

#### 170 IAC 4-4.3-11 Tariff and reporting requirements

Authority: IC 8-1-1-3; IC 8-1-2.4  
Affected: IC 8-1-2

Sec. 11. (a) Within sixty (60) days of the effective date of this rule, all investor-owned electric utilities shall submit for

approval via the commission's thirty (30) day filing process generic interconnection application and interconnection agreement forms for each of the three (3) levels of review.

(b) To assist the commission in monitoring the effectiveness of this rule over time, each investor-owned utility shall file a report with the commission's electricity division before March 2 of each year following the effective date of this rule. The report shall contain the number, size, and type of the following:

(1) Customer-generator facilities detailed in all applications received during the previous [*sic.*] calendar year and the resolution, for example, granted, denied, withdrawn, of the applications. The report shall include the following:

(A) The application procedure (Level 1, 2, or 3) for all applications.

(B) The reason or reasons for any denied application or applications.

(2) The number, size, and type of customer-generator facilities interconnected, pursuant to Rule 4.3 as of December 31 of the previous calendar year.

(*Indiana Utility Regulatory Commission; 170 IAC 4-4.3-11; filed Mar 6, 2006, 9:45 a.m.: 29 IR 2177*)

#### 170 IAC 4-4.3-12 Customer complaints

Authority: IC 8-1-1-3; IC 8-1-2.4  
Affected: IC 8-1-2-34.5

Sec. 12. In the event an investor-owned electric utility and an eligible customer are unable to agree on matters relating to customer-generator facility interconnection, either party may raise a customer complaint to the commission in accordance with the commission's consumer complaint rules. (*Indiana Utility Regulatory Commission; 170 IAC 4-4.3-12; filed Mar 6, 2006, 9:45 a.m.: 29 IR 2177*)

LSA Document #05-130(F)

Notice of Intent Published: June 1, 2005; 28 IR 2755

Proposed Rule Published: August 1, 2005; 28 IR 3331

Hearing Held: September 1, 2005

Approved by Attorney General: February 15, 2006

Approved by Governor: March 2, 2006

Filed with Secretary of State: March 6, 2006, 9:45 a.m.

IC 4-22-7-5(c) Notice from Secretary of State Regarding Documents Incorporated by Reference: None Received by Publisher

## TITLE 240 STATE POLICE DEPARTMENT

LSA Document #05-287(F)

### DIGEST

Amends 240 IAC 1-4-3 to increase the maximum age at appointment for police employees and to remove the require-

ment for postsecondary education. Amends 240 IAC 1-4-24.1 to increase the mandatory retirement age for police employees. Amends 240 IAC 1-5-5 to remove the requirement of completing two years of appointment prior to withdrawing from the department in order to be eligible for reappointment. Effective 30 days after filing with the Secretary of State.

**240 IAC 1-4-3****240 IAC 1-4-24.1****240 IAC 1-5-5**

SECTION 1. 240 IAC 1-4-3 IS AMENDED TO READ AS FOLLOWS:

**240 IAC 1-4-3 Applicant standards for appointment**

Authority: IC 10-11-2-10

Affected: IC 10-11-1; IC 10-11-2

Sec. 3. Only those applicants for the position of police employee who meet the following initial standards in this section will be considered. Applicants must meet the following requirements:

- (1) ~~Must~~ Be a United States citizen.
- (2) ~~Must~~ Be at least twenty-one (21) years of age and less than ~~thirty-five (35)~~ **forty (40)** years of age when appointed as a police employee. The superintendent shall have the authority to recruit police employee applicants between eighteen (18) years of age and twenty-one (21) years of age, who otherwise meet all qualifications for the position of police employee, in order that the state police department may hire ~~such the~~ applicants in nonpolice vacancies.
- (3) ~~Must~~ Be a high school graduate as evidenced by a diploma or equivalency diploma issued by an accredited high school.
- (4) ~~Must have successfully completed either of the following:~~
  - (A) ~~Sixty (60) semester credit hours or ninety (90) quarter credit hours of postsecondary education. The credit hours must:~~
    - (i) have a minimum accumulated grade point average of 2.0 on a 4.0 grade scale; and
    - (ii) be evidenced by a certified transcript from an accredited college or university.
  - (B) ~~One (1) of the following:~~
    - (i) At least three (3) years previous, full-time paid, successful sworn law enforcement experience having graduated from a state accredited police academy in an entry level law enforcement basic training curriculum, in which the essential job functions were performed at a satisfactory or above level; as witnessed by employer or documented by employee evaluations.
    - (ii) At least two (2) years of successful, active, military duty, honorably discharged or currently serving at the rank of E-4 or above, or an equivalent rank, in a United States military service.
- (5) ~~Must~~ (4) Possess a valid driving license to operate an automobile.
- (6) ~~Must~~ (5) Be willing to do the following:
  - (A) If appointed, to reside and serve any place within Indiana as designated by the superintendent.

(7) ~~Must be willing~~ (B) To refrain from engaging in any political activity:

(i) prohibited by law; or

(ii) that would create a conflict of interest as an employee of the **state police** department.

(State Police Department; 240 IAC 1-4-3; filed Jan 6, 1983, 8:23 a.m.: 6 IR 322; filed Aug 8, 1995, 12:00 p.m.: 18 IR 3375; filed Jul 7, 1997, 8:10 a.m.: 20 IR 3005; filed Jan 24, 2000, 7:49 a.m.: 23 IR 1362; filed Mar 2, 2006, 4:10 p.m.: 29 IR 2178)

SECTION 2. 240 IAC 1-4-24.1 IS AMENDED TO READ FOLLOWS:

**240 IAC 1-4-24.1 Termination; mandatory retirement at 65 years of age**

Authority: IC 10-11-2-10

Affected: IC 10-11-1; IC 10-11-2

Sec. 24.1. Police employees shall:

(1) be mandatorily retired on the day on which their ~~sixtieth~~ **sixty-fifth** birthday occurs, unless earlier retired for occupational qualification reasons; and ~~shall~~

(2) not be eligible for reemployment as a police officer.

(State Police Department; 240 IAC 1-4-24.1; filed Jul 7, 1997, 8:10 a.m.: 20 IR 3005; readopted filed Sep 9, 2003, 3:00 p.m.: 27 IR 286; filed Mar 2, 2006, 4:10 p.m.: 29 IR 2178)

SECTION 3. 240 IAC 1-5-5 IS AMENDED TO READ FOLLOWS:

**240 IAC 1-5-5 Reappointment exceptions**

Authority: IC 10-11-2-10

Affected: IC 10-11-1; IC 10-11-2

Sec. 5. No person discharged from the **state police** department ~~or withdrawing before the completion of a two (2) year period of appointment~~ shall afterwards be eligible for reappointment. (State Police Department; 240 IAC 1-5-5; filed Jan 6, 1983, 8:23 a.m.: 6 IR 330; readopted filed Oct 17, 2001, 10:05 a.m.: 25 IR 935; filed Mar 2, 2006, 4:10 p.m.: 29 IR 2178)

LSA Document #05-287(F)

Notice of Intent Published: November 1, 2005; 29 IR 576

Proposed Rule Published: February 1, 2006; 29 IR 1724; and December 1, 2005; 29 IR 838

Hearing Held: February 23, 2006

Approved by Attorney General: February 28, 2006

Approved by Governor: March 2, 2006

Filed with Secretary of State: March 2, 2006, 4:10 p.m.

IC 4-22-7-5(c) Notice from Secretary of State Regarding Documents Incorporated by Reference: None Received by Publisher

Small Business Regulatory Coordinator: Anthony Sommer, Chief Counsel, Indiana State Police, 100 N. Senate Avenue, IGCN N340, Indianapolis, IN 46204, (317) 232-8226, tsommer@isp.state.in.us

---

**TITLE 326 AIR POLLUTION CONTROL BOARD**

LSA Document #05-235(F)

**DIGEST**

Amends 326 IAC 1-3-4 concerning particulate matter ambient air quality standards. Effective 30 days after filing with the Secretary of State.

**HISTORY**

IC 13-14-9 Notice and Notice of First Hearing: September 1, 2005, Indiana Register (28 IR 3679).

Date of First Hearing: October 5, 2005.

Proposed Rule and Notice of Second Hearing: November 1, 2005, Indiana Register (29 IR 633).

Date of Second Hearing: December 7, 2005.

Final Adopted: December 7, 2005.

**326 IAC 1-3-4**

SECTION 1. 326 IAC 1-3-4, AS AMENDED AT 28 IR 1471, SECTION 5, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 1-3-4 Ambient air quality standards**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 4. (a) All measurements of air quality that are expressed as mass per unit volume, ~~micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ )~~; other than for the particulate matter ( $\text{PM}_{10}$  and ( $\text{PM}_{2.5}$ ) standards **contained in subsection (b)(8)**, shall be corrected to a reference temperature of twenty-five (25) degrees Celsius and to a reference pressure of seven hundred sixty (760) millimeters of mercury (one thousand thirteen and two-tenths (1,013.2) millibars), as micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ). Measurements of  $\text{PM}_{10}$  and  $\text{PM}_{2.5}$ , for purposes of **comparison to the standards contained in subsection (b)(7) and (b)(8)**, shall be reported based on actual ambient air volume measured at the actual ambient temperature and pressure at the monitoring site during the measurement period.

(b) Ambient air quality standards are as follows:

(1) Sulfur oxides as sulfur dioxide ( $\text{SO}_2$ ) requirements are as follows:

(A) For primary standards, the following values shall represent the maximum permissible ambient air quality levels:

(i) Eighty (80)  $\mu\text{g}/\text{m}^3$  (three-hundredths (0.03) parts per million (ppm)) annual arithmetic mean not to be exceeded in a calendar year.

(ii) Three hundred sixty-five (365)  $\mu\text{g}/\text{m}^3$  (fourteen-hundredths (0.14) ppm) maximum twenty-four (24) hour average concentration not to be exceeded more than once per calendar year. The twenty-four (24) hour averages shall be determined from successive nonoverlapping three (3) hour blocks starting at midnight each calendar day.

(B) For secondary standards, the following value shall represent the maximum permissible ambient air quality

levels: one thousand three hundred (1,300)  $\mu\text{g}/\text{m}^3$  (five-tenths (0.5) ppm) maximum three (3) hour concentration not to be exceeded more than once per year. The three (3) hour averages shall be determined from successive nonoverlapping three (3) hour blocks starting at midnight each calendar day.

(C)  $\text{SO}_2$  values may be converted to ppm using the conversion factor two thousand six hundred twenty (2,620)  $\mu\text{g}/\text{m}^3$  = one (1) ppm.

(2) Total suspended particulates (TSP) requirements are as follows:

(A) For primary standards, the following values shall represent the maximum permissible ambient air quality levels:

(i) Seventy-five (75)  $\mu\text{g}/\text{m}^3$  annual geometric mean.

(ii) Two hundred sixty (260)  $\mu\text{g}/\text{m}^3$  maximum twenty-four (24) hour average concentration not to be exceeded more than one (1) day per year.

(B) For secondary standards, the following value shall represent maximum permissible ambient air quality levels: one hundred fifty (150)  $\mu\text{g}/\text{m}^3$  maximum twenty-four (24) hour average concentration not to be exceeded more than one (1) day per year.

(3) Carbon monoxide (CO) requirements are as follows:

(A) For primary and secondary standards, the following values shall represent the maximum permissible ambient air quality levels:

(i) Ten (10) milligrams per cubic meter ( $\text{mg}/\text{m}^3$ ) (ten thousand (10,000)  $\mu\text{g}/\text{m}^3$ ) (nine (9) ppm) maximum eight (8) hour average concentration not to be exceeded more than once per year.

(ii) Forty (40)  $\text{mg}/\text{m}^3$  (forty thousand (40,000)  $\mu\text{g}/\text{m}^3$ ) (thirty-five (35) ppm) maximum one (1) hour average concentration not to be exceeded more than once per year.

(B) CO values may be converted to ppm using the conversion factor one thousand one hundred forty-five (1,145)  $\mu\text{g}/\text{m}^3$  = one (1) ppm.

(4) Ozone ( $\text{O}_3$ ) requirements are as follows:

(A) For the one (1) hour ozone standards, the level of the one (1) hour primary and secondary ambient air quality standards for ozone measured by a reference method based on 40 CFR 50, Appendix D\* and designated in accordance with 40 CFR 53\* is twelve-hundredths (0.12) ppm (two hundred thirty-five (235)  $\mu\text{g}/\text{m}^3$ ). The standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above twelve-hundredths (0.12) ppm (two hundred thirty-five (235)  $\mu\text{g}/\text{m}^3$ ) is equal to or less than one (1) as determined by 40 CFR 50, Appendix H\*.

(B) For the eight (8) hour ozone standards, the:

(i) level of the eight (8) hour primary and secondary ambient air quality standards for ozone, measured by a reference method based on 40 CFR 50, Appendix D\* and designated in accordance with 40 CFR 53\*, is eight-hundredths (0.08) ppm, daily maximum eight (8) hour average; and

(ii) eight (8) hour primary and secondary ozone ambient air quality standards are met at an ambient air quality monitoring site when the average of the annual fourth highest daily maximum eight (8) hour average ozone concentration is less than or equal to eight-hundredths (0.08) ppm as determined in accordance with 40 CFR 50, Appendix I\*.

(C) O<sub>3</sub> values may be converted to ppm using the conversion factor one thousand nine hundred sixty-five (1,965)  $\mu\text{g}/\text{m}^3 = 1.0$  ppm.

(5) Nitrogen dioxide (NO<sub>2</sub>) requirements are as follows:

(A) For primary and secondary standards, the following value shall represent the maximum permissible ambient air quality level: one hundred (100)  $\mu\text{g}/\text{m}^3$  ~~(five-hundredths (fifty-three thousandths~~ (0.053) ppm annual arithmetic mean concentration in a calendar year.

(B) NO<sub>2</sub> values may be converted to ppm using the conversion factor one thousand eight hundred eighty (1,880)  $\mu\text{g}/\text{m}^3 = \text{one (1) ppm}$ .

(6) Lead (Pb): For primary and secondary standards, the following value shall represent the maximum permissible ambient air quality level: one and five-tenths (1.5) micrograms lead per cubic meter of air ( $\mu\text{g}$  of Pb/ $\text{m}^3$ ), averaged over a calendar quarter and measured as elemental lead.

(7) PM<sub>10</sub>: For primary and secondary standards, the following values shall represent the maximum permissible ambient air quality levels:

(A) Fifty (50)  $\mu\text{g}/\text{m}^3$  annual arithmetic mean. The standards are attained when the expected annual arithmetic mean concentration, as determined in accordance with 40 CFR 50, Appendix K\*, is less than or equal to fifty (50)  $\mu\text{g}/\text{m}^3$ .

(B) One hundred fifty (150)  $\mu\text{g}/\text{m}^3$  maximum twenty-four (24) hour average concentration. The standards are attained when the expected number of days per calendar year with a twenty-four (24) hour average concentration above one hundred fifty (150)  $\mu\text{g}/\text{m}^3$ , as determined in accordance with 40 CFR 50, Appendix K,\* is equal to or less than one (1).

(8) PM<sub>2.5</sub>: For primary and secondary standards, the following values shall represent the maximum permissible ambient air quality levels:

(A) Fifteen (15) micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) annual arithmetic mean concentration. The standards are attained when the annual arithmetic mean concentration is less than or equal to fifteen (15)  $\mu\text{g}/\text{m}^3$ , as determined in accordance with 40 CFR 50, Appendix N\* and measured in the ambient air as PM<sub>2.5</sub> by either:

- (i) a reference method based on 40 CFR 50, Appendix L\*, and designated in accordance with 40 CFR 53\*; or
- (ii) an equivalent method designated in accordance with 40 CFR 53\*.

(B) Sixty-five (65)  $\mu\text{g}/\text{m}^3$  twenty-four (24) hour average concentration. The standards are attained when the ninety-eighth percentile twenty-four (24) hour concentration is less than or equal to sixty-five (65) micrograms per cubic meter

( $\mu\text{g}/\text{m}^3$ ), as determined in accordance with 40 CFR 50, Appendix N and measured in the ambient air as PM<sub>2.5</sub> by either:

- (i) a reference method based on 40 CFR 50, Appendix L\*, and designated in accordance with 40 CFR 53\*; or
- (ii) an equivalent method designated in accordance with 40 CFR 53\*.

\*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 1-3-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2378; filed Apr 13, 1988, 3:35 p.m.: 11 IR 3020; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3055; filed Mar 9, 2004, 3:45 p.m.: 27 IR 2224; filed Dec 20, 2004, 2:15 p.m.: 28 IR 1471; filed Mar 6, 2006, 3:00 p.m.: 29 IR 2179*)

LSA Document #05-235(F)

Proposed Rule Published: November 1, 2005; 29 IR 633

Hearing Held: December 7, 2005

Approved by Attorney General: February 22, 2006

Approved by Governor: March 6, 2006

Filed with Secretary of State: March 6, 2006, 3:00 p.m.

IC 4-22-7-5(c) Notice from Secretary of State Regarding Documents Incorporated by Reference: None Received by Publisher

Small Business Regulatory Coordinator: Sandra El-Yusuf, IDEM Compliance and Technical Assistance Program, OPPTA - MC60-04, 100 N. Senate Avenue, W-041, Indianapolis, IN 46204-2251, (317) 232-8578, [selyusuf@idem.in.gov](mailto:selyusuf@idem.in.gov)

Small Business Assistance Program Ombudsman: Eric Levenhagen, IDEM Small Business Assistance Program Ombudsman, External Affairs - MC50-01, 100 N. Senate Avenue, IGCN 1301, Indianapolis, IN 46204-2251, (317) 234-3386, [elevenha@idem.in.gov](mailto:elevenha@idem.in.gov)

---

## TITLE 470 DIVISION OF FAMILY RESOURCES

NOTE: Under P.L.234-2005, SECTION 197, the name of the Division of Family and Children is changed to the Division of Family Resources, effective July 1, 2005.

LSA Document #05-201(F)

### DIGEST

Amends 470 IAC 3.1 to clarify and revise the language of the article to comply with new federal legislation (Public Law 108-446) and state legislation (P.L.234-2005 and P.L.246-2005).

Amends 470 IAC 3.1-1-18 and 470 IAC 3.1-3-1 to redefine the "LPCC" to reflect a regional planning and coordination group instead of a county-based group. Amends 470 IAC 3.1-7-1 and 470 IAC 3.1-7-2 to revise the definition of eligibility. Amends 470 IAC 3.1-12-2 and 470 IAC 3.1-12-7 to clarify when third party payors may be billed for early intervention services. Amends 470 IAC 3.1-15-10 to comply with federal regulations (34 CFR 303.425). Repeals 470 IAC 3.1-7-3 to remove the biologically at-risk category as eligible for early intervention services. Effective 30 days after filing with the Secretary of State.

<b>470 IAC 3.1-1-10</b>	<b>470 IAC 3.1-7-2</b>
<b>470 IAC 3.1-1-18</b>	<b>470 IAC 3.1-7-3</b>
<b>470 IAC 3.1-1-25</b>	<b>470 IAC 3.1-11-2</b>
<b>470 IAC 3.1-1-26</b>	<b>470 IAC 3.1-11-4</b>
<b>470 IAC 3.1-3-1</b>	<b>470 IAC 3.1-12-2</b>
<b>470 IAC 3.1-4-2</b>	<b>470 IAC 3.1-12-7</b>
<b>470 IAC 3.1-7-1</b>	<b>470 IAC 3.1-15-10</b>

SECTION 1. 470 IAC 3.1-1-10 IS AMENDED TO READ AS FOLLOWS:

**470 IAC 3.1-1-10 "Division" defined**

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17  
Affected: IC 12-17-15

Sec. 10. "Division" means the division of family ~~and children resources.~~ (*Division of Family Resources; 470 IAC 3.1-1-10; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1328; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Feb 16, 2006, 8:25 a.m.: 29 IR 2181*)

SECTION 2. 470 IAC 3.1-1-18 IS AMENDED TO READ AS FOLLOWS:

**470 IAC 3.1-1-18 "LPCC" defined**

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17  
Affected: IC 12-17-15

Sec. 18. "LPCC" means the local planning and coordinating council, a ~~county-based~~ **regional** planning and coordination group organized for the purpose of implementing the early intervention system as required by 20 U.S.C. 1435 and 34 CFR 303. (*Division of Family Resources; 470 IAC 3.1-1-18; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1329; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2251; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Feb 16, 2006, 8:25 a.m.: 29 IR 2181*)

SECTION 3. 470 IAC 3.1-1-25 IS AMENDED TO READ AS FOLLOWS:

**470 IAC 3.1-1-25 "Primary referral sources" defined**

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17  
Affected: IC 12-17-15

Sec. 25. "Primary referral sources" means individuals who, or organizations ~~which~~, **that**, may refer children for early interven-

tion services, including, but not limited to, the following:

- (1) Hospitals, including prenatal and postnatal care facilities.
- (2) Physicians.
- (3) Parents.
- (4) Day care programs.
- (5) Local educational agencies.
- (6) Public health facilities.
- (7) Other social service agencies.
- (8) Other health care providers.

**(9) The department of child services.**

(*Division of Family Resources; 470 IAC 3.1-1-25; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1330; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Feb 16, 2006, 8:25 a.m.: 29 IR 2181*)

SECTION 4. 470 IAC 3.1-1-26 IS AMENDED TO READ AS FOLLOWS:

**470 IAC 3.1-1-26 "Qualified personnel" defined**

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17  
Affected: IC 12-17-15

Sec. 26. "Qualified personnel" includes, but is not limited to, the following:

- (1) Audiologists.
- (2) Family therapists.
- (3) Nurses.
- ~~(4) Nutritionists.~~
- (4) Registered dietitians.**
- (5) Occupational therapists.
- (6) Orientation and mobility specialists.
- (7) Pediatricians and other physicians.
- (8) Physical therapists.
- (9) Psychologists.
- (10) Service ~~coordinator~~ **coordinators.**
- (11) Social workers.
- (12) Special educators or developmental therapists.
- (13) Speech and language pathologists.
- (14) Vision specialists, **including ophthalmologists and optometrists.**
- (15) Parent-to-parent support personnel.

(*Division of Family Resources; 470 IAC 3.1-1-26; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1330; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2251; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Feb 16, 2006, 8:25 a.m.: 29 IR 2181*)

SECTION 5. 470 IAC 3.1-3-1 IS AMENDED TO READ AS FOLLOWS:

**470 IAC 3.1-3-1 Local planning and coordinating council**

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17  
Affected: IC 12-17-15

Sec. 1. (a) The LPCC ~~organized in each county~~ shall serve as a coordinating body, advising and assisting the division in its implementation and monitoring of the early intervention system. ~~The LPCC shall have a formally defined relationship with the local step ahead council.~~

(b) The LPCC shall consist of members who reasonably represent the population of the ~~county~~ **region** where it is located. LPCC members shall include, at a minimum, the following:

- (1) Two (2) parents of children with disabilities.
- (2) One (1) health or medical representative.
- (3) One (1) educational representative.
- (4) One (1) social services representative.
- (5) One (1) early intervention service provider.
- (6) One (1) Head Start representative.
- (7) One (1) child care representative.

(c) The LPCC shall advise and assist the division in the division's responsibility to ensure the following:

- (1) Parents, representatives of entities that refer, evaluate, or provide services to young children and their families in the community, and other interested persons are involved in the planning, development, operation, and evaluation of the early intervention service system in the ~~county~~ **region** represented by the LPCC.
- (2) A comprehensive child find system is established, including activities to make the public aware of the early intervention system, and development of a formal system of communication and coordination among pertinent entities, especially hospitals and physicians, ~~operating in the county~~ that may have contact with eligible children and their families.
- (3) An intake coordinator is appointed for every child referred for evaluation.
- (4) A parent needing or seeking early intervention services for a child is informed orally and in writing about **the following**:
  - (A) The purposes of the early intervention system.
  - (B) The processes available to seek information and services. ~~and~~
  - (C) The procedural safeguards afforded by the system.
- (5) The parent is a member of the multidisciplinary team responsible for the development and implementation of the IFSP.
- (6) Informed written consent of the child's parent is obtained before the initial eligibility determination for needed services and assessments are conducted.
- (7) The providers of early intervention services are identified on the ~~county~~ **provider** service matrix.
- (8) Informed written consent of a child's parent is obtained ~~prior to before~~ the provision of early intervention services for the child and family to implement the IFSP.
- (9) The confidentiality of personally identifiable information about:
  - (A) a child;
  - (B) a parent of the child; or
  - (C) other member of the child's family;is maintained.
- (10) The need of a child for a surrogate parent is determined, and a surrogate parent is assigned in accordance with 470 IAC 3.1-13-5 if the child needs one.
- (11) An early intervention record is maintained for each child

at the SPOE, including the following:

- (A) The child's IFSP.
- (B) Information regarding all required early intervention services.
- (C) Other individualized early intervention services needed or received by the child.
- (D) Parental consent documents.
- (E) Other relevant documents pertaining to the child or the child's family.

This record is made available at the SPOE for inspection by the child's parent, and representatives of the division, the office of the secretary of family and social services, and the United States government.

(12) ~~Local~~ Early intervention documents are maintained by the LPCC, including the following:

- (A) Interagency agreements regarding transitions and referrals.
- (B) Records of how funds for the LPCC are budgeted and expended.

These documents shall be made available for inspection by representatives of the division, the office of the secretary of family and social services, and the United States government.

(13) The division is provided, upon request, the following:

- (A) Financial and other written reports.
- (B) Information regarding the use of funds.
- (C) Systems request for funds (RFF).
- (D) Any other information required to describe and assess the operation of the ~~local~~ early intervention system.

*(Division of Family Resources; 470 IAC 3.1-3-1; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1334; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2254; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Feb 16, 2006, 8:25 a.m.: 29 IR 2181)*

SECTION 6. 470 IAC 3.1-4-2 IS AMENDED TO READ AS FOLLOWS:

### **470 IAC 3.1-4-2 Individualized services**

**Authority:** IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17  
**Affected:** IC 12-17-15

Sec. 2. (a) Individualized services are those early intervention services determined through the evaluation and assessment process to be needed by an eligible child and required to be provided to the child and the child's family in an IFSP. Individualized services, as defined in 34 CFR 303.12(d), include the following:

- (1) Assistive technology devices and services.
- (2) Audiology **and sign language and cued language services.**
- (3) Family training, counseling, and home visits.
- (4) Health services.
- (5) Medical services only for diagnostic or evaluation purposes.
- (6) Nursing services.
- (7) Nutrition services.
- (8) Occupational therapy.



- (9) Physical therapy.
- (10) Psychological services.
- (11) Service coordination services.
- (12) Social work services.
- (13) Special instruction.
- (14) Speech-language pathology.
- (15) Transportation and related costs.
- (16) Vision services.

(b) The services identified in this section are not exhaustive and may include other services identified in a child's IFSP, such as respite care and other family support services. (*Division of Family Resources; 470 IAC 3.1-4-2; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1336; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Feb 16, 2006, 8:25 a.m.: 29 IR 2182*)

SECTION 7. 470 IAC 3.1-7-1 IS AMENDED TO READ AS FOLLOWS:

#### 470 IAC 3.1-7-1 Developmental delay

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17  
Affected: IC 12-17-15

Sec. 1. (a) Children from birth through two (2) years of age shall be considered eligible to receive early intervention services if they are experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures, in one (1) or more of the following areas:

- (1) Cognitive development.
- (2) Physical development, including vision and hearing.
- (3) Communication development.
- (4) Social or emotional development.
- (5) Adaptive development.

(b) When using standardized assessments or criterion-referenced measures to determine eligibility, a developmental delay is defined as:

- (1) a delay in one (1) or more areas of development as determined by:
  - (A) ~~one and one-half (1½)~~ **two (2)** standard deviation ~~deviations~~ below the mean; or
  - (B) ~~twenty twenty-five percent (20%)~~ **(25%)** or more in function below the chronological age (adjusted for prematurity, if applicable) on an assessment instrument that yields scores in months; or
- (2) a delay in two (2) or more areas of development as determined by:
  - (A) one ~~(1)~~ **and one-half (1½)** standard deviation below the mean; or
  - (B) ~~fifteen twenty percent (15%)~~ **(20%)** or more in function below the chronological age (adjusted for prematurity, if applicable) on an assessment instrument that yields scores in months.

(c) If, because of a child's age or the kind of standardized instruments available in specific domains, a standardized score is not appropriate or cannot be determined, a child may be

determined to have a developmental delay by the informed clinical opinion of a multidisciplinary team, which includes the parent and documentation from the child's primary health care provider.

(d) When relying on informed clinical opinion, developmental delay may be determined by a consensus of a multidisciplinary team, including the parent, as a member, using multiple sources of information including, at a minimum, the following:

- (1) A developmental history as currently reported by the parent or primary caregiver.
- (2) A review of pertinent records related to the child's current health status and medical history. Consideration may be given for **the following**:
  - (A) Functional status.
  - (B) Recent rate of change. ~~and~~
  - (C) Prognosis for change in the near future based on anticipated medical or health factors.

(3) At least one (1) other assessment procedure to document delayed development, such as observational assessment or planned observation of a child's behaviors and parent-child interaction, or documentation of delayed development by use of nonstandardized assessment devices, such as developmental checklists.

(*Division of Family Resources; 470 IAC 3.1-7-1; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1338; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2259; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Feb 16, 2006, 8:25 a.m.: 29 IR 2183*)

SECTION 8. 470 IAC 3.1-7-2 IS AMENDED TO READ AS FOLLOWS:

#### 470 IAC 3.1-7-2 High probability of development delay

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17  
Affected: IC 12-17-15

Sec. 2. Children from birth through two (2) years of age shall be considered eligible to receive early intervention services if they have a diagnosed physical or mental condition that has a high probability of resulting in developmental delay. This category includes children who have identified physical or mental conditions but who may not be exhibiting delays in development at the time of diagnosis. The following are the diagnosed physical or mental conditions that have a high probability of resulting in developmental delay:

- (1) Chromosomal abnormalities or genetic disorder.
- (2) Neurological disorder.
- (3) Congenital malformation.
- (4) Sensory impairment, including vision and hearing.
- (5) Severe toxic exposure, **including prenatal exposure.**
- ~~(6) Severe infectious disease.~~
- ~~(7) Atypical development disorder.~~
- (6) Neurological abnormality in the newborn period.**
- (7) Low birth weight of less than or equal to one thousand five hundred (1,500) grams.**

(*Division of Family Resources; 470 IAC 3.1-7-2; filed Jan 29,*

---

## Final Rules

---

1996, 5:15 p.m.: 19 IR 1339; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2259; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Feb 16, 2006, 8:25 a.m.: 29 IR 2183)

SECTION 9. 470 IAC 3.1-11-2 IS AMENDED TO READ AS FOLLOWS:

### 470 IAC 3.1-11-2 Division responsibilities

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 2. (a) To facilitate the transition process for each eligible child and the child's family, the division shall do the following:

(1) Maintain an interagency agreement with the Indiana state board of education, Head Start, Healthy Families, and other entities outlining each party's role and responsibilities to ensure a smooth transition from early intervention services under Part C of the Act to preschool services under Part B of the Act.

(2) Establish the procedures and forms that participants in the early intervention system must follow and use for transition services to ensure the following information is recorded for each eligible child:

(A) A description of how the child's family will be included in the transition plans.

(B) A description of how the service coordinator will do the following:

(i) Notify the appropriate local educational agency or intermediate educational unit in which the child resides.

(ii) Convene, with the approval of the family, a conference among representatives of the division, the family, and the local educational agency or unit, at least ninety (90) days **(and at the discretion of all parties required to attend the transition conference, not more than nine (9) months)** before the child's third birthday or, if earlier, the date on which the child is eligible for preschool services provided in accordance with Part B of the Act and state law, to do the following:

(AA) Review the child's program options for the period from the child's third birthday through the remainder of the school year.

(BB) Establish a transition plan.

(b) The division will seek to identify and establish collaborative agreements with any other programs or entities to facilitate the transition of infants and toddlers, at or ~~prior to~~ **before** their third birthday, to other needed services. (*Division of Family Resources; 470 IAC 3.1-11-2; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1344; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2265; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Feb 16, 2006, 8:25 a.m.: 29 IR 2184*)

SECTION 10. 470 IAC 3.1-11-4 IS AMENDED TO READ AS FOLLOWS:

### 470 IAC 3.1-11-4 Service coordinator responsibilities

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 4. (a) The service coordinator shall be responsible for the development and implementation of a transition plan process, which process must include the following:

(1) Discussions with, training of, and instructions for parents regarding **the following**:

(A) Due process rights.

(B) Future service options. ~~and~~

(C) Other matters related to the child's transition:

(i) into;

(ii) within; or

(iii) from;

the early intervention system.

(2) Procedures that parents and service providers will utilize to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting. These activities should be established during the last IFSP meeting before the anticipated transition.

(3) With the consent of the parent, the transmission of information about the child to the local educational agency, or other service provider, to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed.

(b) With the informed, written consent of the parent, the service coordinator shall notify the local educational agency of the child's residence or Part B preschool service provider, or both, eighteen (18) months ~~prior to~~ **before** a child's third birthday, or as soon as the child enters the early intervention system if they are older than eighteen (18) months when they enter the system. The information to be provided by the service coordinator shall include **the following**:

(1) The child's name.

(2) The date of birth. ~~and~~

(3) The suspected disability.

(c) At least six (6) months ~~prior to~~ **(and not more than nine (9) months) before** a child's third birthday, with the informed, written consent of the child's parent, the service coordinator shall transmit to the local educational agency of the child's residence, the following:

(1) The most recent IFSP.

(2) The most recent evaluation reports from any appropriate sources.

(3) Other information determined with the family to be relevant to program planning and service delivery.

(d) The service coordinator shall convene, with the approval of the family, a transition conference including the family, the local educational agency of the child's residence, current service providers, and potential service providers, at least ninety (90) days ~~prior to~~ **before** the child's third birthday, or up to ~~six (6)~~ **nine (9) months prior to before** the child's third birthday, at the discretion of all parties required to attend the transition conference, or any other anticipated transition, to do the following:

(1) Review the child's program options for the period from the third birthday through the remainder of the school year.

- (2) Establish the transition plan, that includes the following:
- (A) Desired outcomes.
  - (B) Identified service providers.
  - (C) An outline regarding transfer of information.
  - (D) Time lines with dates of anticipated conclusion of early intervention services and commencement of subsequent activities.
  - (E) With the concurrence of the parent, a statement of the family's priorities, concerns, and resources related to transition expectations.

(Division of Family Resources; 470 IAC 3.1-11-4; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1344; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3471; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2265; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Feb 16, 2006, 8:25 a.m.: 29 IR 2184)

SECTION 11. 470 IAC 3.1-12-2 IS AMENDED TO READ AS FOLLOWS:

#### 470 IAC 3.1-12-2 Funding sources

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17  
Affected: IC 12-17-15

Sec. 2. (a) The individualized services specified in 470 IAC 3.1-4-2, provided to eligible infants and toddlers and their families, shall be financed through multiple funding sources. Sources ~~which~~ **that** may be available to finance individualized services, as appropriate, may include, but are not limited to, the following:

- (1) Title XIX of the Social Security Act (Medicaid).
- (2) Third party payors, including private health insurers.
- (3) Any medical program administered by the Secretary of the United States Department of Defense.
- (4) Cost participation by the parent of an eligible child that receives early intervention services, pursuant to and in accordance with IC 12-17-15-17(b) through IC 12-17-15-17(e).

(b) All infants and toddlers and their families who are eligible for early intervention services through Medicaid and Children's Special Health Care Services must apply for Medicaid and Children's Special Health Care Services.

(c) Third party payors, such as health insurance companies, may be billed for the costs of appropriate early intervention services. ~~with informed, written parental consent through financial case management.~~

(d) Notwithstanding subsections (a)(4), (b), (c), and sections 3 and 7 of this rule, the provision of early intervention services may not be denied or delayed due to disputes between service providers or other agencies regarding financial responsibility to pay for early intervention services, nor because of the inability of the parent of an eligible child to pay for services, under a cost participation plan.

(e) Nothing in this article shall be construed as restricting any

service provider from providing services to any person regardless of eligibility status; however, no service provider may utilize any early intervention system funding source for services provided to any ineligible child or family or file claims for reimbursement from the early intervention system for services rendered to such child or family. (Division of Family Resources; 470 IAC 3.1-12-2; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1345; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2266; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Feb 10, 2003, 3:22 p.m.: 26 IR 2320; filed Feb 16, 2006, 8:25 a.m.: 29 IR 2185)

SECTION 12. 470 IAC 3.1-12-7 IS AMENDED TO READ AS FOLLOWS:

#### 470 IAC 3.1-12-7 Cost participation plan

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17  
Affected: IC 12-17-15

Sec. 7. (a) As used in this section, family of an eligible infant or toddler shall be composed of members who live in the same household as the eligible infant or toddler and include only the following members:

- (1) Biological parent.
- (2) Adoptive parent.
- (3) Sibling.
- (4) Half-sibling.
- (5) Adoptive sibling.

(b) The division shall establish and implement cost participation plan procedures for charges and fees imposed by service providers for the individualized services specified in **the following**:

- (1) 470 IAC 3.1-4-2(a)(2) through 470 IAC 3.1-4-2(a)(4).
- (2) 470 IAC 3.1-4-2(a)(6) through 470 IAC 3.1-4-2(a)(10).
- (3) 470 IAC 3.1-4-2(a)(12) through 470 IAC 3.1-4-2(a)(14). ~~and~~
- (4) 470 IAC 3.1-4-2(a)(16).

(c) The cost participation plan procedures for each eligible family shall be based upon the following:

- (1) The following schedule of costs: ~~which expires on July 1, 2005:~~

Percentage of Federal Income Poverty Level	Copayment Per Treatment Up to	Maximum Monthly Cost Share Per Family
At Least	But Not More Than	Actual Cost of Treatment
0%	350%	\$0
251%	350%	\$3
351%	450%	\$5 \$6
451%	550%	\$10 \$15
551%	650%	\$15 \$25
651%	750%	\$20 \$50
751%	850%	\$25 \$75
851%	1,000%	\$30 \$100
1,001%		\$36 \$120

- (2) The parent's ability to pay.

---

## Final Rules

---

(d) The division may waive or reduce a required copayment if ~~(1)~~ out-of-pocket medical expenses and personal care needs expenses incurred, within the previous twelve (12) month period preceding the date of application, that relate to the health or medical needs of a family member reduce the level of income the parent has to a lower level found in the schedule of costs at subsection (c)(1). ~~or~~

~~(2) the division receives payment from a parent's health care coverage and does not exceed more than three thousand five hundred dollars (\$3,500) per eligible child, per year.~~

(e) A parent who fails to provide the financial information for the division to be able to determine the copayment amount shall pay the maximum level copayment found in the schedule of costs at subsection (c)(1).

(f) The division may allow and accept voluntarily contributed payments that exceed the parent's required copayment amount.

(g) The parent's cost participation amount shall be reviewed by the division for one (1) or both of the following:

- (1) Annually.
- (2) Within thirty (30) days after the parent reports a reduction in income.

(h) The SPOE shall notify the parent of the following:

- (1) The copayment amount per treatment and the maximum monthly cost share per family.
- (2) Any recalculated copayment amount per treatment and the maximum monthly cost share per family determined under subsection (g)(1) or (g)(2).

(i) The parent may request reconsideration by the division of the copayment amount within fifteen (15) days from the date the notification of the copayment amount was received by the parent. The request for reconsideration shall:

- (1) be written;
- (2) be sent to the director of the division; and
- (3) state the specific reasons the copayment amount should be reconsidered.

(j) The division shall establish and implement procedures to assure timely reimbursement of the copayment by parents for early intervention services required under this section.

(k) The copayments that are received by the division under this cost participation plan must be used to fund the early intervention system. (*Division of Family Resources; 470 IAC 3.1-12-7; filed Feb 10, 2003, 3:22 p.m.: 26 IR 2320; filed Feb 16, 2006, 8:25 a.m.: 29 IR 2185*)

SECTION 13. 470 IAC 3.1-15-10 IS AMENDED TO READ AS FOLLOWS:

### **470 IAC 3.1-15-10 Status of a child during proceedings**

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 10. (a) During the pendency of any proceedings involving complaints initiated under this rule, unless the ~~service provider division~~ and the parent of a child otherwise agree, the child must continue to receive the appropriate early intervention services currently being provided.

(b) If the complaint involves an application for initial services, the child must receive those services that are not in dispute. (*Division of Family Resources; 470 IAC 3.1-15-10; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1353; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2272; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Feb 16, 2006, 8:25 a.m.: 29 IR 2186*)

SECTION 14. 470 IAC 3.1-7-3 IS REPEALED.

LSA Document #05-201(F)

Notice of Intent Published: August 1, 2005; 28 IR 3326

Proposed Rule Published: October 1, 2005; 29 IR 103

Hearing Held: November 1, 2005; **AND** November 2, 2005;

**AND** November 4, 2005

Approved by Attorney General: February 3, 2006

Approved by Governor: February 15, 2006

Filed with Secretary of State: February 16, 2006, 8:25 a.m.

IC 4-22-7-5(c) Notice from Secretary of State Regarding Documents Incorporated by Reference: None Received by Publisher

Small Business Regulatory Coordinator: Lora Miller, Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204, (317) 234-2250, [lora.miller@fssa.in.gov](mailto:lora.miller@fssa.in.gov)

---

## TITLE 760 DEPARTMENT OF INSURANCE

LSA Document #05-75(F)

### DIGEST

Amends 760 IAC 1-68 regarding the requirements for financial statements, net worth, applications, board of directors, open enrollment, place of business, stop loss coverage, benefits, and renewal of a registration as well as the general requirements for limited service multiple employer welfare arrangements. Effective 30 days after filing with the Secretary of State.

**760 IAC 1-68-1**

**760 IAC 1-68-8**

**760 IAC 1-68-2**

**760 IAC 1-68-9**

**760 IAC 1-68-4**

**760 IAC 1-68-10**

**760 IAC 1-68-6**

SECTION 1. 760 IAC 1-68-1 IS AMENDED TO READ AS FOLLOWS:

### **760 IAC 1-68-1 Definitions**

Authority: IC 27-1-34-9

Affected: IC 27-1-34-1; IC 27-16-2-13

Sec. 1. The following definitions apply throughout this rule:

**(1) "Affiliate of" or "affiliated with", a specific person, means a person that directly, or indirectly through one (1) or more intermediaries:**

- (A) controls;**
- (B) is controlled by; or**
- (C) is under common control with;**

**the person specified.**

~~(1)~~ **(2) "Commissioner"** means the commissioner of the Indiana department of insurance.

~~(2)~~ **(3) "Creditable coverage"** has the meaning set forth in the federal Health Insurance Portability and Accountability Act of 1996 (26 U.S.C. 9801(c)(1)).

~~(3)~~ **(4) "Department"** means the Indiana department of insurance.

~~(4)~~ **(5) "Fund balance"** means the total assets in excess of total liabilities, except that assets pledged to secure debts not reflected on the books of the multiple employer welfare arrangement are not included in the fund balance. The term includes other:

- (A) contributed capital;**
- (B) retained earnings; and**
- (C) subordinated debt; and**
- (D) supplemental contribution fund assets.**

~~(5)~~ **(6) "Health benefit plan"** means any plan that provides benefits for health care services. The term does not include the following:

- (A) Accident-only or disability income insurance or a combination of accident-only and disability income insurance.**
- (B) Credit only insurance.**
- (C) Disability insurance.**
- (D) Coverage for a specified disease or illness.**
- (E) Medicare supplement policies.**
- (F) Long term care coverage.**
- (G) Workers' compensation insurance.**
- (H) A jointly managed trust authorized under 29 U.S.C. 141 et seq. with a plan of benefits for employees negotiated in a collective bargaining agreement governing wages, hours, and working conditions of the employees as authorized under 29 U.S.C. 157.**
- (I) Hospital indemnity or fixed indemnity insurance.**
- (J) Reinsurance contract issued on a stop-loss, quota-share, or similar basis.**
- (K) Short term major medical contracts.**
- (L) Liability insurance.**

~~(6)~~ **(7) "Multiple employer welfare arrangement" or "MEWA"** has the meaning set forth in IC 27-1-34-1. **The term does not include a professional employer organization as defined by IC 27-16-1-13 and registered under IC 27-16.**

~~(7)~~ **(8) "Participant criteria"** means any criteria or rules established by an employer to determine the employees who are eligible for enrollment, including continued enrollment, under the terms of a health benefit plan.

~~(8)~~ **(9) "Participation agreement"** means the document pursuant to which an employer undertakes and agrees to fulfill obligations as a member of the MEWA.

~~(9)~~ **(10) "Qualified actuary"** means an actuary who:

- (A) is not an employee of the MEWA; and**
- (B) is:**
  - (i) a fellow of the Society of Actuaries;**
  - (ii) a member of the American Academy of Actuaries; or**
  - (iii) an enrolled actuary under the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001, et seq.).**

~~(10)~~ **(11) "Qualified financial institution"** means an institution that:

- (A) is organized or, in the case of a United States branch or agency office of a foreign banking organization, is licensed under the laws of the United States or any state; and**
- (B) has been granted authority to operate with fiduciary powers; and**
- (C) is regulated, supervised, and examined by federal or state authorities having regulatory authority over banks and trust companies.**

**(12) "Supplemental contribution fund" means a segregated fund consisting of cash or cash equivalents that may be utilized by the MEWA to satisfy 760 IAC 1-68-2(d)(8) [section 2(d)(8) of this rule]. A MEWA is permitted to access funds contained in its supplemental contribution fund during the fiscal year provided that the funds are utilized only to pay outstanding claims.**

*(Department of Insurance; 760 IAC 1-68-1; filed Apr 15, 2003, 2:20 p.m.; 26 IR 3035; filed Mar 7, 2006, 2:00 p.m.; 29 IR 2186)*

SECTION 2. 760 IAC 1-68-2 IS AMENDED TO READ AS FOLLOWS:

#### 760 IAC 1-68-2 Certificate of registration

**Authority:** IC 27-1-34-9

**Affected:** IC 4-21.5-5; IC 27-1-25; IC 27-1-34; IC 27-16-2-13

Sec. 2. (a) A MEWA may not engage in business in Indiana without first obtaining a certificate of registration from the department.

(b) To obtain a certificate of registration, a MEWA shall submit an application for a certificate of registration. The application shall be on a form prescribed by the department. The application shall be completed and submitted along with the following information:

- (1) Copies of all articles, bylaws, agreements, trusts, or other documents describing the rights and obligations of employers, employees, and beneficiaries.**
- (2) Current Audited** financial statements of the MEWA and a projection of the assets, liabilities, income, and expenses of the MEWA for the next twelve (12) months.
- (3) Proof of a fidelity bond, which shall protect against acts of fraud or dishonesty in servicing the MEWA, covering each person responsible for servicing the MEWA in an amount equal to:**

(A) the greater of ten percent (10%) of the premiums and contributions received by the MEWA; or

(B) ten percent (10%) of the benefits paid;

during the preceding calendar year, with a minimum of ten thousand dollars (\$10,000) and a maximum of five hundred thousand dollars (\$500,000). No additional bond shall be required of a third party administrator licensed under IC 27-1-25.

(4) A business plan for the MEWA, including the proposed marketing and sales plan and documents.

(5) An opinion from a qualified actuary satisfactory to the commissioner showing that the MEWA will be operated in accordance with sound actuarial principles.

(6) A certification by the applicant that the:

(A) MEWA is in compliance with all applicable provisions of the Employee Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et seq.); or ~~that the~~

(B) applicant is exempt from the Employee Retirement Income Security Act of 1974 including the basis for the asserted exemption.

(7) Copies of the **following**:

(A) Plan documents. ~~and~~

(B) **Evidence of coverage.**

(C) **Organizational chart illustrating all entities affiliated with the MEWA.**

(D) Agreements with service providers.

(8) A statement of the costs of coverage to be charged, including an itemization of amounts for administration, reserves, and other expenses associated with operation of the MEWA.

(9) Names and addresses of the following:

(A) The association or group of employers sponsoring the MEWA.

(B) The members of the board of trustees or directors, as applicable, of the MEWA. **Biographical affidavits shall be submitted on the form prescribed by the National Association of Insurance Commissioners for insurers for the following:**

(i) **The members of the board of trustees or directors, as applicable.**

(ii) **All other persons with decision making authority for the MEWA.**

(C) If not an association, at least two (2) employers.

(10) The application fee required by section 17 of this rule.

(c) The commissioner shall:

(1) examine the application and documents submitted by the applicant; and ~~shall~~

(2) have the power to:

(A) conduct any investigation the commissioner may deem necessary; and ~~to~~

(B) examine under oath any persons interested in or connected with the MEWA.

The commissioner may request any additional information that he or she deems relevant to the application. A certificate of

registration will not be issued until the commissioner approves the MEWA's application.

(d) To meet the requirements for approval of an application for a certificate of registration, a MEWA must meet all of the following conditions:

(1) The employers in the MEWA must be members of an association or group of two (2) or more businesses in the same trade or industry, including closely related businesses that provide support, services, or supplies primarily to that trade or industry. If an association, the association must:

(A) be engaged in substantial activity for its members other than sponsorship of an employee welfare benefit plan; and

(B) have been in existence for a period of not less than two (2) years ~~prior to~~ **before** engaging in any activities relating to the provision of employee health benefits to its members.

(2) The MEWA must be:

(A) controlled and sponsored directly by participating employers or participating employees, or both; ~~The MEWA must be and~~

(B) operated pursuant to a trust agreement by a board of trustees that:

(i) has complete fiscal control over the MEWA; and ~~that~~

(ii) is responsible for all operations of the MEWA.

The trustees must be owners, partners, officers, directors, or employees of employers in the MEWA. The trustees must be equitably divided through the participating employers. ~~no one~~ ~~(+) employer may be represented by a majority of the board.~~

(3) The MEWA must be a not-for-profit organization.

(4) Coverage under the MEWA must not be offered to persons or groups other than participating employers and, in the event of an association, the sponsoring association.

(5) The MEWA must have:

(A) within its own organization adequate facilities and competent personnel, as determined by the commissioner, to service the employee benefit plan; or ~~must have~~

(B) contracted with a third party administrator holding a certificate of registration under IC 27-1-25.

(6) The MEWA must have applications from not ~~less~~ **fewer** than two (2) employers and plan to provide similar benefits for not ~~less~~ **fewer** than two hundred (200) participating employees. The annual gross premiums of or contributions to the plan must not be less than:

(A) twenty thousand dollars (\$20,000) for a plan that provides only vision benefits;

(B) seventy-five thousand dollars (\$75,000) for a plan that provides only dental benefits; and

(C) two hundred thousand dollars (\$200,000) for all other plans.

(7) The MEWA, **other than a dental or vision, or both, only MEWA**, must possess a written commitment, binder, or policy for stop-loss insurance issued by an insurer authorized to do business in this state providing **the following**:

(A) Not less than sixty (60) days' notice to the commissioner of any cancellation or nonrenewal of coverage. ~~and~~

(B) Both specific and aggregate coverage with an aggregate retention of ~~no~~ **not** more than one hundred twenty-five percent (125%) of the amount of expected claims for the next plan year and a specific retention amount annually determined by the actuarial report required by section 9 of this rule.

Both the specific and the aggregate coverage must require all claims to be submitted within ninety (90) days after the claim is incurred and provide a twelve (12) month claims incurred period and a fifteen (15) month paid claims period for each policy year.

(8) The contributions must be set to fund at least one hundred percent (100%) of the aggregate retention plus all other costs of the MEWA. **Amounts contained in a supplemental contribution fund are considered to be contributions that may be utilized by the MEWA to satisfy this requirement.**

(9) The MEWA must **do the following:**

(A) Establish a procedure acceptable to the commissioner for **the following:**

~~(A)~~ (i) Handling claims for benefits in the event of dissolution of the MEWA. ~~and~~

~~(B)~~ (ii) The routine handling of claims.

~~(10)~~ ~~The MEWA must~~ (B) Obtain the required bond.

~~(11)~~ ~~The MEWA must~~ (C) Be operated in accordance with sound actuarial principles.

~~(12)~~ (10) All funds of the MEWA must be held in trust in the name of the MEWA in a qualified financial institution.

~~(13)~~ (11) The MEWA's participation application and participation agreement must contain the language required by section 16 of this rule.

(e) A denial of an application shall:

(1) be in writing;

(2) specify the reasons for denial; and

(3) provide notice of the applicant's right to request a hearing.

Any request for a hearing shall be submitted within thirty (30) days of receipt of the department's denial. A final order of the commissioner is a final order subject to judicial review ~~pursuant to~~ **under** IC 4-21.5-5.

~~(f) A certificate of registration shall be renewed annually on a form prescribed by the department. The MEWA shall update any information required by section 2(b) or attest in writing that there were no material changes to the information previously submitted under section 2(b).~~

~~(g)~~ (f) A MEWA in existence on January 1, 2003, shall do the following:

(1) File notice with the commissioner by July 1, 2003, of its intent to apply for an initial certificate of registration.

(2) File for its initial certificate of registration by October 1, 2003.

The MEWA may continue to conduct business until the certificate of registration is granted or denied by the commissioner.

**(g) A professional employer organization as defined by IC**

**27-16-2-13 that maintains a self-funded health benefit plan that was registered under this rule as MEWA on July 1, 2005, and continues to comply with the provisions is deemed to be in compliance with IC 27-16 regarding its self-insured health benefit plan until the effective date of rules adopted by the commissioner regarding professional employer organizations under IC 27-16.** (*Department of Insurance; 760 IAC 1-68-2; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3036; filed Mar 7, 2006, 2:00 p.m.: 29 IR 2187*)

SECTION 3. 760 IAC 1-68-4 IS AMENDED TO READ AS FOLLOWS:

#### 760 IAC 1-68-4 Coverage requirements

Authority: IC 27-1-34-9

Affected: IC 25-22.5; IC 25-29; IC 27-1-34

Sec. 4. (a) A MEWA:

(1) may refuse to provide coverage to an employer employing fifty (50) or more employees in accordance with the MEWA's underwriting standards and criteria; ~~The MEWA~~

(2) shall accept or reject the entire group of individuals who meet the participation criteria and who choose coverage; ~~The MEWA and~~

(3) may exclude only those individuals who have declined coverage.

Denial by a MEWA of an application for coverage from an employer must be in writing and must state the reason or reasons for the denial.

(b) A MEWA must provide coverage to any employer that:

(1) meets the participating employer criteria; and ~~who~~

(2) employs two (2) to fifty (50) employees;

**unless the MEWA has adopted a resolution closing enrollment for a period of not less than two (2) years.**

(c) Upon issuance of coverage to any employer, each MEWA shall provide coverage to the employees who meet the participation criteria established by the terms of the plan document without regard to an individual's health status related factors. The participation criteria may not be based on health status factors.

(d) The MEWA shall obtain a written waiver for each employee who:

(1) meets the participation criteria; and ~~who~~

(2) declines coverage under the MEWA.

The waiver must ensure that the employee was not induced or pressured into declining coverage because of the employee's or a dependent's health status.

(e) A MEWA may not provide coverage to an employer or the employees of an employer if the MEWA or an agent for the MEWA knows that the employer has induced or pressured:

(1) an employee who meets the participation criteria; or

(2) a dependent of the employee;

to decline coverage because of that individual's health status.

(f) A MEWA may require an employer to meet minimum contribution or participation requirements as a condition of issuance and renewal in accordance with the terms of the MEWA's plan document. Those requirements shall be **as follows**:

- (1) Stated in the plan document. ~~and~~
- (2) Applied uniformly to each employer offered or issued coverage by the MEWA.

(g) The initial enrollment period for employees meeting the participation criteria must be at least thirty-one (31) days. ~~with a thirty-one (31) day annual open enrollment period.~~ If dependent coverage is offered, the dependent's open enrollment must also comply with ~~these~~ **this time periods: period.**

(h) A MEWA may establish a waiting period during which a new employee is not eligible for coverage in accordance with the plan document.

(i) A MEWA's plan document may not, by use of a rider or amendment applicable to a specific individual, limit or exclude coverage by type of illness, treatment, medical condition, or accident, except for preexisting conditions as follows:

- (1) A preexisting condition provision in a MEWA may not apply to an expense incurred on or after the expiration of the twelve (12) months following the initial effective date of coverage of the participating employee or dependent. However, this time period may be extended to eighteen (18) months for a late enrollee as defined in the federal Health Insurance Portability and Accountability Act of 1996.
- (2) A preexisting condition provision in a MEWA plan document may not apply to coverage for a disease or condition other than a disease or condition for which medical advice, diagnosis, care, or treatment was recommended or received during the six (6) months before the earlier of the:

- (A) effective date of coverage; or
- (B) first day of the waiting period.

(3) A MEWA shall not treat genetic information as a preexisting condition in the absence of a diagnosis of the condition related to the information.

(4) A MEWA shall not treat a pregnancy as a preexisting condition.

(5) A preexisting condition provision in a MEWA's plan document may not apply to an individual who was continuously covered for a period of twelve (12) months under creditable coverage that was in effect up to a date not more than sixty-three (63) days before the effective date of coverage under the health benefit plan, excluding any waiting period.

(6) In determining whether a preexisting condition provision applies to an individual covered by a MEWA's plan document, the MEWA shall credit the time the individual was covered under previous creditable coverage if the previous coverage was in effect at any time during the twelve (12) months preceding the effective date of coverage under the MEWA. If the previous coverage was issued under a health

benefit plan, any waiting period shall also be credited to the preexisting condition provision period.

(7) This section does not preclude application of any waiting period applicable to all new participating employees under the health benefit plan in accordance with the terms of the MEWA's plan document.

(j) A MEWA shall provide that the benefits applicable to an individual or family member shall be payable with respect to a newly born or adopted child of ~~a covered person: an insured.~~ The coverage shall:

- (1) consist of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities; ~~Coverage shall and~~
- (2) include, but not be limited to, benefits for inpatient or outpatient expenses arising from medical and dental treatment (including orthodontic and oral surgery treatment) involved in the management of birth defects known as cleft lip and cleft palate.

If payment of a specific premium or fee is required to provide coverage for a child, the policy or contract may require that notification of the birth or adoption and payment of the required premium or fee must be furnished to the MEWA within thirty-one (31) days after the date of birth or adoption in order to have continuous coverage beyond the thirty-one (31) day period.

(k) Coverage offered by the MEWA shall comply with the following:

- (1) The federal Women's Health and Cancer Rights Act.
- (2) The federal Mental Health Parity Act.
- (3) The federal Pregnancy Discrimination Act.

(l) The MEWA shall comply with the federal Health Insurance Portability and Accountability Act of 1996.

(m) The MEWA shall provide coverage for the following:

(1) The medically necessary treatment for diabetes, including medically necessary supplies and equipment as ordered in writing by a:

- (A) physician licensed under IC 25-22.5; or ~~a~~
- (B) podiatrist licensed under IC 25-29;

subject to general provisions of the health benefit plan.

(2) At least one (1) prostate specific antigen test annually for an insured who is:

- (A) at least fifty (50) years of age; or ~~is~~
- (B) younger than fifty (50) years of age and ~~is~~ at high risk for prostate cancer according to the most recent published guidelines of the American Cancer Society.

(3) Colorectal cancer examinations and laboratory tests for cancer for any nonsymptomatic insured, in accordance with the current American Cancer Society guidelines for a covered individual who is:

- (A) fifty (50) years of age; or
- (B) less than fifty (50) years of age and at high risk for colorectal cancer according to the most recent published guidelines of the American Cancer Society.



(n) A MEWA may not deny enrollment of a child of a covered individual because the child was born out of wedlock, the child is not claimed as a dependent on the parent's federal income tax return, or the child does not reside with the parent or in the MEWA's service area. Whenever a child of a noncustodial parent is eligible for coverage with or covered by the MEWA, the MEWA shall do the following:

- (1) Provide any information to the custodial parent that is necessary for the child to obtain benefits through the MEWA.
- (2) Permit the custodial parent, or the provider of medical services with the custodial parent's approval, to submit claims for covered services without the approval of the noncustodial parent.
- (3) Make payments on insurance claims submitted under subdivision (2) directly to the:
  - (A) custodial parent; ~~the~~
  - (B) provider of the medical services; or ~~the~~
  - (C) office of Medicaid policy and planning.
- (4) When a parent is required by a court or an administrative order to provide health coverage for a child and the parent is eligible for family health coverage with the MEWA, the MEWA must do all of the following:
  - (A) Permit the parent to enroll under the family coverage a child who is otherwise eligible for the coverage, without regard to any enrollment season restriction.
  - (B) Enroll a child under the family coverage upon application by:
    - (i) the child's custodial parent;
    - (ii) the office of Medicaid policy and planning; or
    - (iii) a Title IV-D agency whenever a noncustodial parent who is enrolled fails to apply for coverage of the child.
  - (C) The MEWA may not disenroll or eliminate coverage of a child who is otherwise eligible for coverage unless the MEWA is provided satisfactory written evidence that the:
    - (i) court order or administrative order is no longer in effect; or ~~the~~
    - (ii) child is or will be enrolled in comparable health coverage not later than the effective date of the disenrollment.

(o) If the MEWA coordinates benefits, the coordination of benefits provision must comply with 760 IAC 1-38.1. (*Department of Insurance; 760 IAC 1-68-4; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3038; filed Mar 7, 2006, 2:00 p.m.: 29 IR 2189*)

SECTION 4. 760 IAC 1-68-6 IS AMENDED TO READ AS FOLLOWS:

#### 760 IAC 1-68-6 Premium rates

Authority: IC 27-1-34-9  
Affected: IC 27-1-34

Sec. 6. A MEWA may not charge an adjustment to premium rates for individual employees or dependents for health status related factors or duration of coverage ~~Any adjustment must be applied uniformly to the rates charged for all participating~~

~~employees and dependents of participating employees of the employer. except for bona fide wellness programs as permitted under the Health Insurance Portability and Accountability Act of 1996.~~ (*Department of Insurance; 760 IAC 1-68-6; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3040; filed Mar 7, 2006, 2:00 p.m.: 29 IR 2191*)

SECTION 5. 760 IAC 1-68-8 IS AMENDED TO READ AS FOLLOWS:

#### 760 IAC 1-68-8 Third party administrator

Authority: IC 27-1-34-9  
Affected: IC 27-1-25; IC 27-1-34

Sec. 8. (a) If a MEWA enters into an agreement with a third party administrator to provide administrative, marketing, or other services related to the offering of health benefits plans to employers in this state, the third party administrator must hold a ~~certificate of registration license~~ issued under IC 27-1-25.

(b) A trustee may not be an owner, officer, or employee of the administrator. (*Department of Insurance; 760 IAC 1-68-8; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3041; filed Mar 7, 2006, 2:00 p.m.: 29 IR 2191*)

SECTION 6. 760 IAC 1-68-9 IS AMENDED TO READ AS FOLLOWS:

#### 760 IAC 1-68-9 Filings by multiple employer welfare arrangement

Authority: IC 27-1-34-9  
Affected: IC 27-1-34

Sec. 9. (a) Each MEWA shall file the following information ~~on a quarterly basis, and the filing is due forty-five (45) days after the end of the MEWA's fiscal quarter. each year not later than February 15, May 15, August 15, and November 15:~~

- (1) Quarterly financial statements, including a balance sheet and income statement prepared in accordance with generally accepted accounting principles signed by an officer of the MEWA.
- (2) A list of any employers who have obtained coverage with the MEWA during the previous quarter and the number of their covered employees.

(b) Each MEWA transacting business in this state shall file an annual report with the commissioner within ninety (90) days of the end of the MEWA's fiscal year. The report shall be verified by the oath of the chair of the board of trustees. The report must summarize the business activities of the trust for the immediately preceding year and must contain all of the following items:

- (1) Management discussion and analysis.
- (2) Financial statements audited by a certified public accountant.
- (3) An actuarial opinion prepared and certified by a qualified actuary that states **the following:**

(A) The MEWA is being operated in accordance with sound actuarial principles.

(B) A description and explanation of actuarial assumptions and actuarial methods.

(C) The recommended level of specific and aggregate stop-loss insurance the MEWA should maintain.

(4) A statement detailing any modified terms of a plan document along with a certification from the trustees that any changes are in compliance with the minimum requirements of this rule.

(5) If the MEWA has been examined by a regulatory authority, the report shall:

(A) identify the entity that conducted the examination; and

(B) include a copy of the examination report.

(6) The names and addresses of all participating employers and the total number of covered individuals.

**If the information submitted is acceptable to the department, the MEWA registration will be renewed. If the information submitted is not acceptable to the department, the MEWA will receive a written statement of the department's concerns. The registration will be placed on a probationary status for six (6) months in order for the MEWA to correct the deficiencies, or the registration will be terminated.**

(c) Each filing made with the department shall be accompanied by the filing fee required by section 17 of this rule. (*Department of Insurance; 760 IAC 1-68-9; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3041; filed Mar 7, 2006, 2:00 p.m.: 29 IR 2191*)

SECTION 7. 760 IAC 1-68-10 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 1-68-10 Financial condition**

Authority: IC 27-1-34-9

Affected: IC 27-1-34

Sec. 10. Each MEWA shall maintain a minimum fund balance of five hundred thousand dollars (\$500,000). **A MEWA that provides coverage for dental and/or vision, or both, services only shall maintain a minimum fund balance of one hundred fifty thousand dollars (\$150,000).** (*Department of Insurance; 760 IAC 1-68-10; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3041; filed Mar 7, 2006, 2:00 p.m.: 29 IR 2192*)

*LSA Document #05-75(F)*

*Notice of Intent Published: May 1, 2005; 28 IR 2408*

*Proposed Rule Published: October 1, 2005; 29 IR 129*

*Hearing Held: November 1, 2005*

*Approved by Attorney General: March 3, 2006*

*Approved by Governor: March 7, 2006*

*Filed with Secretary of State: March 7, 2006, 2:00 p.m.*

*IC 4-22-7-5(c) Notice from Secretary of State Regarding Documents Incorporated by Reference: None Received by Publisher*

**TITLE 760 DEPARTMENT OF INSURANCE**

LSA Document #05-134(F)

**DIGEST**

Adds 760 IAC 1-72 to set standards for determining whether a purchase or exchange of an annuity is suitable for a senior consumer and to otherwise implement IC 27-4-9. Effective July 1, 2006.

**760 IAC 1-72**

SECTION 1. 760 IAC 1-72 IS ADDED TO READ AS FOLLOWS:

**Rule 72. Senior Protections in Annuity Transactions**

**760 IAC 1-72-1 Purpose and scope**

Authority: IC 27-4-9-4

Affected: IC 27-1-15.6-12; IC 27-4-1-4; IC 27-4-9

**Sec. 1. (a) The purpose of this rule is to set forth standards and procedures for recommendations to senior consumers that result in a transaction involving annuity products so that the insurance needs and financial objectives of senior consumers at the time of the transaction are appropriately addressed.**

**(b) This rule shall apply to any recommendation to purchase or exchange an annuity made to a senior consumer by an insurance producer, or an insurer where no producer is involved, that results in the purchase or exchange recommended.**

**(c) Nothing herein shall be construed to create or imply a private cause of action for a violation of this rule.** (*Department of Insurance; 760 IAC 1-72-1; filed Feb 16, 2006, 8:25 a.m.: 29 IR 2192, eff Jul 1, 2006*)

**760 IAC 1-72-2 Exemptions**

Authority: IC 27-4-9-4

Affected: IC 27-1-15.6-12; IC 27-4-1-4; IC 27-4-9

**Sec. 2. Unless otherwise specifically included, this rule shall not apply to recommendations involving the following:**

**(1) Direct response solicitations where there is no recommendation based on information collected from the senior consumer under this rule.**

**(2) Contracts used to fund any of the following:**

**(A) An employee pension or welfare benefit plan that is covered by the Employee Retirement and Income Security Act (ERISA).**

**(B) A plan described by Section 401(a), 401(k), 403(b), 408(k), or 408(p) of the Internal Revenue Code, as amended, if established or maintained by an employer.**

**(C) A government or church plan defined in Section 414 of the Internal Revenue [sic., Code], as amended.**

**(D) A government or church welfare benefit plan.**

(E) A deferred compensation plan of a state or local government or tax exempt organization under Section 457 of the Internal Revenue Code, as amended.

(F) A nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor.

(G) Settlements of or assumptions of liabilities associated with personal injury litigation or any dispute or claim resolution process.

(H) Formal prepaid funeral contracts.

*(Department of Insurance; 760 IAC 1-72-2; filed Feb 16, 2006, 8:25 a.m.; 29 IR 2192, eff Jul 1, 2006)*

#### 760 IAC 1-72-3 Definitions

Authority: IC 27-4-9-4

Affected: IC 27-1-15.6-12; IC 27-4-1-4; IC 27-4-9

Sec. 3. The following definitions apply throughout this rule:

(1) "Annuity" means a fixed annuity or variable annuity that is individually solicited, whether the product is classified as an individual or group annuity.

(2) "Insurance producer" means a person required to be licensed under the laws of this state to sell, solicit, or negotiate insurance, including annuities.

(3) "Insurer" means a company required to be licensed under the laws of this state to provide insurance products, including annuities.

(4) "Recommendation" means advice provided by an insurance producer, or an insurer where no producer is involved, to an individual senior consumer that results in a purchase or exchange of an annuity in accordance with that advice.

(5) "Senior consumer" means a person at least sixty-five (65) years of age. In the event of a joint purchase by more than one (1) party, the purchaser will be considered to be a senior consumer if any of the parties is at least sixty-five (65) years of age.

*(Department of Insurance; 760 IAC 1-72-3; filed Feb 16, 2006, 8:25 a.m.; 29 IR 2193, eff Jul 1, 2006)*

#### 760 IAC 1-72-4 Duties of insurers and of insurance producers

Authority: IC 27-4-9-4

Affected: IC 27-1-15.6-12; IC 27-4-1-4; IC 27-4-9

Sec. 4. (a) In recommending to a senior consumer the purchase of an annuity or the exchange of an annuity that results in another insurance transaction or series of insurance transactions, the insurance producer, or the insurer where no producer is involved, shall have reasonable grounds for believing that the recommendation is suitable for the senior consumer on the basis of the facts disclosed by the senior consumer as to his or her:

- (1) investments and other insurance products; and
- (2) financial situation and needs.

(b) Before the execution of a purchase or exchange of an

annuity resulting from a recommendation, an insurance producer, or an insurer where no producer is involved, shall make reasonable efforts to obtain information concerning the following:

(1) The senior consumer's:

- (A) financial status;
- (B) tax status; and
- (C) investment objectives.

(2) Other information used or considered to be reasonable by the insurance producer, or the insurer where no producer is involved, in making recommendations to the senior consumer.

(c) Except as provided in subsection (b), neither an insurance producer, nor an insurer where no producer is involved, shall have any obligation to a senior consumer under subsection (a) related to any recommendation if a consumer does any of the following:

- (1) Refuses to provide relevant information requested by the insurer or insurance producer.
- (2) Decides to enter into an insurance transaction that is not based on a recommendation of the insurer or insurance producer.
- (3) Fails to provide complete or accurate information.

(d) An insurer or insurance producer's recommendation subject to subsection (c) shall be reasonable under all the circumstances actually known to the insurer or insurance producer at the time of the recommendation.

(e) An insurer shall:

- (1) assure that a system to supervise recommendations that is reasonably designed to achieve compliance with this rule is established and maintained by complying with the standards set forth in subsection (g) and subsection (h) [subsections (g) and (h)]; or
- (2) establish and maintain such a system, including, but not limited to:

- (A) maintaining written procedures; and
- (B) conducting periodic reviews of its records that are reasonably designed to assist in detecting and preventing violations of this rule.

(f) A general agent and independent agency shall:

- (1) adopt a system established by an insurer to supervise recommendations of its insurance producers that is reasonably designed to achieve compliance with this rule; or
- (2) establish and maintain such a system, including, but not limited to:

- (A) maintaining written procedures; and
- (B) conducting periodic reviews of records that are reasonably designed to assist in detecting and preventing violations of this rule.

(g) An insurer may contract with a third party, including a general agent or independent agency, to establish and

maintain a system of supervision as required by subsection (e) with respect to insurance producers under contract with or employed by the third party. An insurer shall make reasonable inquiry to assure that the third party contracting under this section is performing the functions required under subsection (e) and shall take such action as is reasonable under the circumstances to enforce the contractual obligation to perform the functions. An insurer may comply with its obligation to make reasonable inquiry by doing all of the following:

(1) The insurer annually obtains a certification from a third party senior manager who has responsibility for the delegated functions that the manager has a reasonable basis to represent, and does represent, that the third party is performing the required functions.

(2) The insurer, based on reasonable selection criteria, periodically selects third parties for a review to determine whether the third parties are performing the required functions. The insurer shall perform those procedures to conduct the review that are reasonable under the circumstances.

(h) An insurer that:

(1) contracts with a third party under subsection (g); and  
(2) complies with the requirements to supervise therein;  
shall have fulfilled its responsibilities under subsection (e).

(i) An insurer, general agent, or independent agency is not required by subsection (e) or subsection (f) [subsection (e) or (f)] to:

(1) review, or provide for review of, all insurance producer solicited transactions; or

(2) include in its system of supervision an insurance producer's recommendations to senior consumers of products other than the annuities offered by the insurer, general agent, or independent agency.

(j) A general agent or independent agency contracting with an insurer under subsection (g) shall promptly, when requested by the insurer, give a:

(1) certification; or

(2) clear statement;

that it is unable to meet the certification criteria.

(k) No person may provide a certification under subsection (g) unless the person:

(1) is a senior manager with responsibility for the delegated functions; and

(2) has a reasonable basis for making the certification.

(l) Compliance with the National Association of Securities Dealers Conduct Rules pertaining to suitability shall satisfy the requirements under this section for the recommendation of variable annuities. However, nothing in this subsection shall limit the insurance commissioner's ability to enforce the provisions of this rule. (*Department of Insurance; 760 IAC*

*1-72-4; filed Feb 16, 2006, 8:25 a.m.: 29 IR 2193, eff Jul 1, 2006)*

#### **760 IAC 1-72-5 Mitigation of responsibility**

Authority: IC 27-4-9-4

Affected: IC 27-1-15.6-12; IC 27-4-1-4; IC 27-4-9

Sec. 5. (a) The commissioner may order the following:

(1) An insurer to take reasonably appropriate corrective action for any senior consumer harmed by the insurer's, or by its insurance producer's, violation of this rule.

(2) An insurance producer to take reasonably appropriate corrective action for any senior consumer harmed by the insurance producer's violation of this rule.

(3) A general agency or independent agency that employs or contracts with an insurance producer to sell, or solicit the sale of, annuities to senior consumers to take reasonably appropriate corrective action for any senior consumer harmed by the insurance producer's violation of this rule.

(b) Any applicable penalty for a violation of this rule may be reduced or eliminated, with the approval of the commissioner of the department of insurance, if corrective action for the senior consumer was taken promptly after a violation was discovered. (*Department of Insurance; 760 IAC 1-72-5; filed Feb 16, 2006, 8:25 a.m.: 29 IR 2194, eff Jul 1, 2006)*

#### **760 IAC 1-72-6 Record keeping**

Authority: IC 27-4-9-4

Affected: IC 27-1-15.6-12; IC 27-4-1-4; IC 27-4-9

Sec. 6. (a) Insurers, managing general agents, independent agencies, and insurance producers shall:

(1) maintain; or

(2) be able to make available to the commissioner; records of the information collected from the senior consumer and other information used in making the recommendations that were the basis for insurance transactions for five (5) years after the insurance transaction is completed by the insurer. An insurer is permitted but shall not be required to maintain documentation on behalf of an insurance producer.

(b) Records required to be maintained by this rule may be maintained:

(1) in:

(A) paper;

(B) photographic;

(C) microprocess;

(D) magnetic;

(E) mechanical; or

(F) electronic;

(G) media; or

(2) by any process that accurately reproduces the actual document.

(*Department of Insurance; 760 IAC 1-72-6; filed Feb 16, 2006,*

8:25 a.m.: 29 IR 2194, eff Jul 1, 2006)

LSA Document #05-134(F)

Notice of Intent Published: July 1, 2005; 28 IR 2998

Proposed Rule Published: November 1, 2005; 29 IR 649

Hearing Held: December 1, 2005

Approved by Attorney General: February 3, 2006

Approved by Governor: February 15, 2006

Filed with Secretary of State: February 16, 2006, 8:25 a.m.

IC 4-22-7-5(c) Notice from Secretary of State Regarding Documents Incorporated by Reference: None Received by Publisher

Small Business Regulatory Coordinator: Amy Strati, 311 West Washington Street, Suite 300, Indianapolis, IN 46204, (317) 232-0243, astrati@doi.state.in.us

## TITLE 820 STATE BOARD OF COSMETOLOGY EXAMINERS

LSA Document #05-137(F)

### DIGEST

Adds 820 IAC 7 to establish fees for examinations for licensure to practice as a cosmetology instructor, esthetics instructor, electrology instructor, cosmetologist, master cosmetologist, electrologist, esthetician, manicurist, or shampoo operator. Effective 30 days after filing with the Secretary of State.

### 820 IAC 7

SECTION 1. 820 IAC 7 IS ADDED TO READ AS FOLLOWS:

#### ARTICLE 7. FEES

**Rule 1. Fees Applicable to Licensure; Verification; Duplicate Licenses**

#### 820 IAC 7-1-1 (Reserved)

#### 820 IAC 7-1-2 Examination fees

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

Affected: IC 25-8

**Sec. 2. An applicant for licensure by examination shall pay the examination or reexamination fee assessed by the professional examination service which administers the examination directly to the professional examination service.** (State Board of Cosmetology Examiners; 820 IAC 7-1-2; filed Feb 10, 2006, 11:15 a.m.: 29 IR 2195)

LSA Document #05-137(F)

Notice of Intent Published: July 1, 2005; 28 IR 2999

Proposed Rule Published: November 1, 2005; 29 IR 652

Hearing Held: November 28, 2005

Approved by Attorney General: February 3, 2006

Approved by Governor: February 10, 2006

Filed with Secretary of State: February 10, 2006, 11:15 a.m.

IC 4-22-7-5(c) Notice from Secretary of State Regarding Documents Incorporated by Reference: None Received by Publisher

Small Business Regulatory Coordinator: Tracy Hicks, Indiana Professional Licensing Agency, Indiana Government Center-South, 402 West Washington Street, Room W072, Indianapolis, Indiana 46204, (317) 234-3052, thicks@pla.IN.gov

## TITLE 856 INDIANA BOARD OF PHARMACY

LSA Document #05-102(F)

### DIGEST

Adds 856 IAC 3-1-2 and 856 IAC 3-1-3, amends 856 IAC 3-2-3, and adds 856 IAC 3-3 through 856 IAC 3-7 to implement rule changes based on House Enrolled Act 1098-2005 (P.L.212-2005), including establishing criteria for drug returns, establishing the definitions and requirements for normal distribution chain of custody, pedigree, and the extent to which pedigrees are required, and establishing criteria to approve an accreditation body to evaluate and inspect a person who engages in wholesale distributions of legend drugs. Repeals 856 IAC 3-2-1, 856 IAC 3-2-7, and 856 IAC 3-2-8. Effective 30 days after filing with the Secretary of State.

856 IAC 3-1-2

856 IAC 3-3

856 IAC 3-1-3

856 IAC 3-4

856 IAC 3-2-1

856 IAC 3-5

856 IAC 3-2-3

856 IAC 3-6

856 IAC 3-2-7

856 IAC 3-7

856 IAC 3-2-8

SECTION 1. 856 IAC 3-1-2 IS ADDED TO READ AS FOLLOWS:

#### 856 IAC 3-1-2 “Chain drug warehouse” defined

Authority: IC 25-26-14-13

Affected: IC 25-26-14

**Sec. 2. As used in IC 25-26-14 and in this article, “chain drug warehouse” means a permanent physical location for drugs or devices, or both, that:**

(1) is licensed as a wholesale distributor;

(2) acts as a central warehouse; and

(3) primarily performs intracompany sales and transfers of legend drugs or devices to chain pharmacies that are members of the same affiliated group under common ownership and control.

(Indiana Board of Pharmacy; 856 IAC 3-1-2; filed Mar 10, 2006, 8:37 a.m.: 29 IR 2195)

SECTION 2. 856 IAC 3-1-3 IS ADDED TO READ AS FOLLOWS:

**856 IAC 3-1-3 “Statement” defined**

Authority: IC 25-26-14-13  
Affected: IC 25-26-14

Sec. 3. “Statement” means the specific unit of the specific legend drug that was purchased directly from the manufacturer. (*Indiana Board of Pharmacy; 856 IAC 3-1-3; filed Mar 10, 2006, 8:37 a.m.: 29 IR 2196*)

SECTION 3. 856 IAC 3-2-3 IS AMENDED TO READ AS FOLLOWS:

**856 IAC 3-2-3 Application forms; renewal forms**

Authority: IC 25-26-14-13  
Affected: IC 25-26-14-14

Sec. 3. (a) Applications for licensure may be obtained by writing to the Indiana Board of Pharmacy, ~~Health Professions Bureau~~, **Indiana Professional Licensing Agency**, 402 West Washington Street, Room ~~041~~, **W072**, Indianapolis, Indiana 46204.

(b) Wholesale drug distributor licenses shall expire on September ~~30th~~ **30** of each even-numbered year. Applications for renewal shall be mailed to the licensee. (*Indiana Board of Pharmacy; 856 IAC 3-2-3; filed Jun 26, 1992, 5:00 p.m.: 15 IR 2461; errata filed Aug 24, 1992, 9:00 a.m.: 16 IR 66; readopted filed Jun 12, 2001, 2:17 p.m.: 24 IR 3823; filed Mar 10, 2006, 8:37 a.m.: 29 IR 2196*)

SECTION 4. 856 IAC 3-3 IS ADDED TO READ AS FOLLOWS:

**Rule 3. Accreditation**

**856 IAC 3-3-1 Board-approved accreditation body**

Authority: IC 25-26-14-13; IC 25-26-14-14  
Affected: IC 25-26-14-14

Sec. 1. The National Association of Boards of Pharmacy’s Verified-Accredited Wholesale Distributors (VAWD) program shall do the following:

- (1) Evaluate a wholesale drug distributor’s operations to determine compliance with the following:
  - (A) Industry standards.
  - (B) IC 25-26-14.
  - (C) This title.
  - (D) Any other applicable law.
- (2) Perform inspections of each facility and location where wholesale distribution operations are conducted by the wholesale drug distributor.
- (3) Ensure that the information obtained during accreditation remains confidential and privileged.
- (4) Adhere to other requirements set by the board or the Indiana professional licensing agency.

(*Indiana Board of Pharmacy; 856 IAC 3-3-1; filed Mar 10, 2006, 8:37 a.m.: 29 IR 2196*)

**856 IAC 3-3-2 Accreditation for new applicants**

Authority: IC 25-26-14-13  
Affected: IC 25-26-14-14

Sec. 2. For licenses issued after December 31, 2005, applicants for licensure as wholesale drug distributors shall obtain the accreditation from the National Association of Boards of Pharmacy’s Verified-Accredited Wholesale Distributors (VAWD) program before issuance of licensure. (*Indiana Board of Pharmacy; 856 IAC 3-3-2; filed Mar 10, 2006, 8:37 a.m.: 29 IR 2196*)

**856 IAC 3-3-3 Accreditation for existing license holders**

Authority: IC 25-26-14-13  
Affected: IC 25-26-14-14

Sec. 3. For licenses issued before January 1, 2006, license holders shall obtain the accreditation from the National Association of Boards of Pharmacy’s Verified-Accredited Wholesale Distributors (VAWD) program before renewal of licensure on September 30, 2006. (*Indiana Board of Pharmacy; 856 IAC 3-3-3; filed Mar 10, 2006, 8:37 a.m.: 29 IR 2196*)

SECTION 5. 856 IAC 3-4 IS ADDED TO READ AS FOLLOWS:

**Rule 4. Pedigrees**

**856 IAC 3-4-1 Pedigrees; contents**

Authority: IC 25-26-14-8.7; IC 25-26-14-13  
Affected: IC 25-26-14

Sec. 1. A pedigree for each legend drug shall contain the following information:

- (1) The legend drug proprietary and established name.
- (2) The container size of the legend drug.
- (3) The number of containers.
- (4) The dosage form.
- (5) The dosage strength.
- (6) Lot/control numbers with expiration dates.
- (7) The name of the manufacturer and repackager, if applicable, of the finished legend drug product.
- (8) The name, address, and telephone number of each entity involved in the chain of the legend drug’s custody.
- (9) The name and address of each person certifying delivery or receipt of the legend drug.
- (10) The sales invoice number or other number, unique to the shipping document.
- (11) The dates of each transaction, including manufacturer, delivery, and receipt.
- (12) A certification that each recipient has authenticated the pedigree, back to the manufacturer.
- (13) A certification from the licensed entity that the information contained on the pedigree is true.

(Indiana Board of Pharmacy; 856 IAC 3-4-1; filed Mar 10, 2006, 8:37 a.m.: 29 IR 2196)

**856 IAC 3-4-2 Pedigrees; approved formats**

Authority: IC 25-26-14-8.7; IC 25-26-14-13  
Affected: IC 25-26-14

**Sec. 2. The pedigree format:**

- (1) shall include the contents described in section 1 of this rule; and
- (2) may be subject to the approval of the board.

(Indiana Board of Pharmacy; 856 IAC 3-4-2; filed Mar 10, 2006, 8:37 a.m.: 29 IR 2197)

SECTION 6. 856 IAC 3-5 IS ADDED TO READ AS FOLLOWS:

**Rule 5. Normal Distribution Chain of Custody**

**856 IAC 3-5-1 Authorized distributor to authorized distributor transaction; pedigree requirement**

Authority: IC 25-26-14-8.5; IC 25-26-14-13  
Affected: IC 25-26-14-17

Sec. 1. For purposes of IC 25-26-14 and this article, within the normal distribution chain of custody, an authorized distributor that receives a legend drug directly from the manufacturer, or from the manufacturer's third party logistics provider, may sell the legend drug to a pharmacy, chain drug warehouse, or practitioner or one (1) other authorized distributor of the manufacturer that sells the legend drug directly to a pharmacy, chain drug warehouse, or practitioner without passing a pedigree if the invoice or accompanying document for the transaction includes a statement that the product was purchased directly from:

- (1) the manufacturer; or
- (2) an authorized distributor of the manufacturer who purchased the product direct from the manufacturer.

(Indiana Board of Pharmacy; 856 IAC 3-5-1; filed Mar 10, 2006, 8:37 a.m.: 29 IR 2197)

**856 IAC 3-5-2 Chain drug warehouses in the normal distribution chain of custody**

Authority: IC 25-26-14-8.5; IC 25-26-14-13  
Affected: IC 25-26-14-1.8; IC 25-26-14-17

Sec. 2. As used in IC 25-26-14 and in this article, chain drug warehouses that are distributing to their affiliated pharmacies or warehouses are not required to:

- (1) be recognized as an authorized distributor, as defined in IC 25-26-14-1.8, for the normal distribution chain of custody to apply; or
- (2) within the normal distribution chain of custody, pass a pedigree to or between their affiliated pharmacies or warehouses.

(Indiana Board of Pharmacy; 856 IAC 3-5-2; filed Mar 10,

2006, 8:37 a.m.: 29 IR 2197)

**856 IAC 3-5-3 Entities within the normal distribution chain custody**

Authority: IC 25-26-14-8.5; IC 25-26-14-13  
Affected: IC 25-26-14-17

Sec. 3. All entities, other than manufacturers approved by the Food and Drug Administration, within the normal distribution chain of custody shall be located and licensed within the United States or its territories. (Indiana Board of Pharmacy; 856 IAC 3-5-3; filed Mar 10, 2006, 8:37 a.m.: 29 IR 2197)

**856 IAC 3-5-4 Applicability of normal distribution chain of custody**

Authority: IC 25-26-14-8.5; IC 25-26-14-13  
Affected: IC 25-26-14-17

Sec. 4. Normal distribution chain of custody applies to the following:

- (1) Physical movement of the legend drug.
- (2) Its passage of title.

(Indiana Board of Pharmacy; 856 IAC 3-5-4; filed Mar 10, 2006, 8:37 a.m.: 29 IR 2197)

SECTION 7. 856 IAC 3-6 IS ADDED TO READ AS FOLLOWS:

**Rule 6. Drug Returns**

**856 IAC 3-6-1 Drug returns; pedigree requirement**

Authority: IC 25-26-14-11; IC 25-26-14-13  
Affected: IC 25-26-14-17

Sec. 1. The returns or exchanges of saleable legend drugs, received by the wholesale distributor as provided by this article, are not subject to the pedigree requirements under IC 25-26-14 and 856 IAC 3-4. Wholesale distributors are responsible for the following:

- (1) Policing the returns process.
- (2) Maintaining operations that are designed against the entry of an adulterated or counterfeit product into distribution.

(Indiana Board of Pharmacy; 856 IAC 3-6-1; filed Mar 10, 2006, 8:37 a.m.: 29 IR 2197)

SECTION 8. 856 IAC 3-7 IS ADDED TO READ AS FOLLOWS:

**Rule 7. Authentications**

**856 IAC 3-7-1 Authentication**

Authority: IC 25-26-14-13  
Affected: IC 25-26-14

Sec. 1. Manufacturers shall cooperate in the process of authentication, as defined in IC 25-26-14. (Indiana Board of Pharmacy; 856 IAC 3-7-1; filed Mar 10, 2006, 8:37 a.m.: 29 IR 2197)

---

## Final Rules

---

SECTION 9. THE FOLLOWING ARE REPEALED: 856 IAC 3-2-1; 856 IAC 3-2-7; 856 IAC 3-2-8.

*LSA Document #05-102(F)*

*Notice of Intent Published: June 1, 2005; 28 IR 2760*

*Proposed Rule Published: August 1, 2005; 28 IR 3345*

*Hearing Held: September 12, 2005*

*Approved by Attorney General: February 22, 2006*

*Approved by Governor: March 9, 2006*

*Filed with Secretary of State: March 10, 2006, 8:37 a.m.*

*IC 4-22-7-5(c) Notice from Secretary of State Regarding Documents Incorporated by Reference: None Received by Publisher*

---

### TITLE 876 INDIANA REAL ESTATE COMMISSION

LSA Document #05-49(F)

#### DIGEST

Amends 876 IAC 4-1-6 to allow an approved distance learning continuing education course to be conducted in a facility that is also used as a broker or salesperson office. Amends 876 IAC 4-2-1 to allow instruction for an approved distance learning education course to be more than eight hours of instruction in one day. Adds 876 IAC 4-3 to establish distance learning continuing education requirements and procedures for real estate salespersons and brokers and to establish the requirements and procedures for distance learning continuing education course sponsors. Effective 30 days after filing with the Secretary of State.

#### **876 IAC 4-1-6**

#### **876 IAC 4-2-1**

#### **876 IAC 4-3**

SECTION 1. 876 IAC 4-1-6 IS AMENDED TO READ AS FOLLOWS:

#### **876 IAC 4-1-6 Facilities**

**Authority:** IC 25-34.1-9-21

**Affected:** IC 25-34.1-5

Sec. 6. (a) No course shall be conducted in a facility **that** is also used as a broker or salesperson office, **except for an approved distance learning continuing education program.**

(b) Courses shall be taught in a facility with adequate:

- (1) space;
- (2) seating;
- (3) equipment; and
- (4) instructional material;

to accommodate the number of students enrolled.

(c) The premises, equipment, and facilities shall comply with all:

- (1) local;
- (2) city;
- (3) county;
- (4) state; and
- (5) federal;

regulations, such as fire, building, **and** sanitation codes and handicap accessibility.

(d) Any facility previously approved for broker or salesperson courses under IC 25-34.1-5 shall be deemed satisfactory. (*Indiana Real Estate Commission; 876 IAC 4-1-6; filed Dec 1, 1993, 10:30 a.m.: 17 IR 766; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; filed Mar 2, 2006, 4:10 p.m.: 29 IR 2198, errata filed Mar 7, 2006, 9:50 a.m.: 29 IR 2203*)

SECTION 2. 876 IAC 4-2-1 IS AMENDED TO READ AS FOLLOWS:

#### **876 IAC 4-2-1 Continuing education requirements**

**Authority:** IC 25-34.1-9-21

**Affected:** IC 25-34.1-3-10; IC 25-34.1-9-11; IC 25-34.1-9-19

Sec. 1. (a) Every licensed real estate broker and salesperson who has not been granted:

- (1) an inactive license under IC 25-34.1-3-10; or
- (2) a waiver under IC 25-34.1-9-19;

must complete during each two (2) year licensure period at least sixteen (16) hours of the approved education requirements under IC 25-34.1-9-11 and this article **that** are given by commission-approved sponsors of courses in order to qualify for license renewal.

(b) Licensees attending continuing education courses shall present a:

- (1) government-issued photo identification; and
- (2) real estate broker or salesperson pocket card;

for inspection by the course sponsor or a person designated by the course sponsor.

(c) Measurements and reporting shall be in full hours with a fifty (50) minute instruction period equaling one (1) hour.

(d) A course shall be a minimum of **a** two (2) **hour** instruction period.

(e) A minimum of two (2) hours and **not** more than eight (8) hours of instruction may be offered in a one (1) day course. **However, instruction for an approved distance learning continuing education program may be more than eight (8) hours of instruction in a one (1) day course.**

(f) A licensee shall not be entitled to any continuing education credit for a course unless the licensee **completes** the entire course.

(g) There shall be no minimum requirement of numbers of credit hours to be completed in each single year of the two (2) year licensure period.



(h) Any continuing education credit accumulated above the minimum requirement for a two (2) year licensure period shall not be carried forward to the next two (2) year licensure period.

(i) A licensee who attends the same approved continuing education course more than once in the same two (2) year licensure period is only entitled to continuing education credit for one (1) course.

(j) An instructor shall be entitled to continuing education credit for courses the instructor teaches. However, an instructor may not:

(1) be credited for more than six (6) hours of credit for instructing in any two (2) year licensure period; or

(2) receive credit for repeated courses.

(Indiana Real Estate Commission; 876 IAC 4-2-1; filed Dec 1, 1993, 10:30 a.m.: 17 IR 767; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; filed Aug 15, 2001, 9:50 a.m.: 25 IR 103; filed Mar 2, 2006, 4:10 p.m.: 29 IR 2198, errata filed Mar 7, 2006, 9:50 a.m.: 29 IR 2203)

SECTION 3. 876 IAC 4-3 IS ADDED TO READ AS FOLLOWS:

### Rule 3. Distance Learning Continuing Education

#### 876 IAC 4-3-1 "Distance learning continuing education" defined

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 1. "Distance learning continuing education" means education designed for licensed professional learners who live at a distance from the teaching institution or education provider. The term includes enrollment and study with an educational institution that provides organized, formal learning opportunities for professionals seeking to remain current on the high standards of their profession and abreast of the changes in their field. Presented in a sequential and logical order, the instruction:

(1) is offered wholly or primarily by distance study, through virtually any media; and

(2) may incorporate or make use of various media formats, including, but not limited to:

(A) printed materials;

(B) communication technologies; and

(C) Internet based delivery systems.

(Indiana Real Estate Commission; 876 IAC 4-3-1; filed Mar 2, 2006, 4:10 p.m.: 29 IR 2199)

#### 876 IAC 4-3-2 Distance learning continuing education requirements

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 2. (a) Distance learning courses must meet the requirements of section 3 of this rule and at least one (1) of

the following:

(1) Courses that meet the requirements of section 4 of this rule.

(2) Courses for which the applicant provides satisfactory documentation that the continuing education course offered has been certified by a national accrediting organization. Any commission approval based on such certification will cease immediately upon notice from the accrediting organization that certification of the continuing education course has been discontinued for any reason.

(3) Courses completed for academic credit at an accredited university or college.

(b) A student must complete the distance learning continuing education course or courses within one (1) year of the date of enrollment.

(c) Mandatory and nonmandatory classes may be taken through distance learning continuing education courses. (Indiana Real Estate Commission; 876 IAC 4-3-2; filed Mar 2, 2006, 4:10 p.m.: 29 IR 2199)

#### 876 IAC 4-3-3 Distance learning continuing education courses

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 3. The commission shall approve a distance learning continuing education course if the commission determines to its satisfaction the following:

(1) The distance learning continuing education course serves to protect the public by contributing to the maintenance and improvement of the quality of the real estate services provided by the real estate licensees to the public.

(2) An appropriate and complete application has been filed with the commission.

(3) The distance learning continuing education course meets the content requirements as prescribed in 876 IAC 4-2-2 and 876 IAC 4-2-3.

(4) The course complies with sections 5 through 7 of this rule as applicable.

(5) The distance learning continuing education course meets all other requirements as prescribed in IC 25-34.1-9 and this article.

(Indiana Real Estate Commission; 876 IAC 4-3-3; filed Mar 2, 2006, 4:10 p.m.: 29 IR 2199)

#### 876 IAC 4-3-4 Approval of distance learning continuing education

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 4. In order for a distance learning continuing education course to meet the requirements of section 2(a)(1) of this rule, the provider shall submit the following information:

(1) Mission and objectives, as follows:

- (A) A statement that clearly defines the mission of the provider's educational programs.
- (B) The specific curricular objectives for the course.
- (C) A plan for periodic review of the following:
  - (i) The mission statement.
  - (ii) Curricular objectives.
- (2) Course design, as follows:
  - (A) A course outline that clearly states the following:
    - (i) The course objectives.
    - (ii) The desired student outcomes.
  - (B) A plan to ensure that the course content is:
    - (i) updated in a timely manner; and
    - (ii) distributed to:
      - (AA) students who are currently enrolled; and
      - (BB) future registrants.
  - (C) A plan for submitting substantial changes in the course to the commission. Substantial changes include, but are not limited to, the following:
    - (i) Expanded or reduced course content.
    - (ii) Changes in the time allotments for portions of the course.
    - (iii) Changes or redirected learning objectives.
    - (iv) A change of instructor.
    - (v) Changes in the course delivery method.
  - (D) The course disk or CD-ROM, if applicable.
  - (E) A list of reference materials provided to the students.
  - (F) A list of any prerequisites for the course and evidence that students are properly advised of the prerequisites before registration.
  - (G) Evidence that the course is structured in a mastery learning format that ensures mastery accomplishment.
  - (H) Evidence that the number of hours claimed is the number of hours it takes the average student to complete the course. This requirement can be met by submitting the results of the studies or field tests, or both, that will verify the claims.
- (3) Interactivity, as follows:
  - (A) A description of how interaction is accomplished in the course.
  - (B) An explanation of how:
    - (i) interactivity is evaluated; and
    - (ii) feedback is gathered from students; throughout the course.
- (4) Course delivery, as follows:
  - (A) A plan that shows evidence that technical support will be available when needed.
  - (B) Evidence that instructor-student ratios are acceptable for the delivery method used.
  - (C) The name or names and qualifications of the instructor or instructors of the course, submitting their credentials, including any specific training for teaching, via the specified delivery method, and a plan for their continued professional development.
  - (D) A list of remote sites if applicable. "Remote site" means one that receives a broadcast whether by:
    - (i) satellite; or
    - (ii) teleconferencing.
- (E) A list of any site facilitators and the qualifications and credentials for each.
- (5) Equipment and learning environment, as follows:
  - (A) A list of equipment that the student will need and evidence that this information is made available to the student before registration.
  - (B) An acceptable plan for dealing with equipment failures.
- (6) Student support services, as follows:
  - (A) A copy of a student information package that contains all the necessary information about the course. This information includes, but is not limited to, the following:
    - (i) Information about broadcasts and distance site locations.
    - (ii) Faculty contact information.
    - (iii) The course outline and learning objectives.
    - (iv) Guidelines regarding what constitutes successful completion of the course.
    - (v) Deadlines.
    - (vi) Fees and refunds.
    - (vii) Prerequisites.
    - (viii) Illness policy.
    - (ix) A list of required student materials, including required software.
  - (B) An explanation of how student orientation sessions are accomplished. Each student is required to have an orientation before the student begins the course.
  - (C) An acceptable list of other support services made available to the students.
- (7) Evaluation and assessment, as follows:
  - (A) An evaluation form that solicits student feedback on the following:
    - (i) The delivery approach.
    - (ii) The equipment.
    - (iii) Suggestions for class improvement.
    - (iv) The student's overall satisfaction with the course.An evaluation form is required to be given to every student in a distance learning continuing education course at the conclusion of the course.
  - (B) A plan for verifying student identity. The provider of any distance learning continuing education course must have an acceptable plan in place that verifies that the student enrolled in the course is the one that completes the following:
    - (i) The course.
    - (ii) Any required tests.
- (8) Commitment to support, as follows:
  - (A) A copy of the provider's business plan that shows ongoing commitment to provide adequate financial and technical resources to support the distance learning continuing education course.
  - (B) A statement of how long the provider has been offering distance learning continuing education courses.

(Indiana Real Estate Commission; 876 IAC 4-3-4; filed Mar 2, 2006, 4:10 p.m.: 29 IR 2199)

**876 IAC 4-3-5 Distance learning continuing education courses by correspondence**

Authority: IC 25-34.1-9-21  
Affected: IC 25-34.1

Sec. 5. Licensees may take distance learning continuing education courses by correspondence so long as the courses meet the following criteria:

- (1) All courses must provide a test, and the participant must score at least seventy-five percent (75%) to pass and receive credit for the course.
- (2) Tests must have multiple choice questions with at least twenty (20) questions per two (2) hours of instruction. The following types of questions are not allowed:

- (A) True or false.
- (B) Essay.

- (3) The organization and presentation of the instructional materials shall be in accord with sound principles of learning.
- (4) Correspondence courses must have sufficient security to assure against fraudulent practices.

(Indiana Real Estate Commission; 876 IAC 4-3-5; filed Mar 2, 2006, 4:10 p.m.: 29 IR 2201)

**876 IAC 4-3-6 Video instruction distance learning continuing education**

Authority: IC 25-34.1-9-21  
Affected: IC 25-34.1

Sec. 6. Licensees may take distance learning continuing education courses by video instruction so long as the courses meet the following criteria:

- (1) All courses must provide a test, and the participant must score at least seventy-five percent (75%) to pass and receive credit for the course.
- (2) Tests must have multiple choice questions with at least twenty (20) questions per two (2) hours of instruction. The following types of questions are not allowed:

- (A) True or false.
- (B) Essay.

- (3) The organization and presentation of the instructional materials shall be in accord with sound principles of learning.
- (4) Video instruction classes must have a monitor in the room at all times to assure proper attendance.

(Indiana Real Estate Commission; 876 IAC 4-3-6; filed Mar 2, 2006, 4:10 p.m.: 29 IR 2201)

**876 IAC 4-3-7 Internet distance learning continuing education**

Authority: IC 25-34.1-9-21  
Affected: IC 25-34.1

Sec. 7. Licensees may take continuing education courses via the Internet so long as the courses meet the following criteria:

(1) All courses must provide a test, and the participant must score at least seventy-five percent (75%) to pass and receive credit for the course.

(2) Tests must have multiple choice questions with at least twenty (20) questions per two (2) hours of instruction. The following types of questions are not allowed:

(A) True or false.

(B) Essay.

(3) The organization and presentation of the instructional materials shall be in accord with sound principles of learning.

(4) Internet courses must have sufficient security to assure against fraudulent practices.

(Indiana Real Estate Commission; 876 IAC 4-3-7; filed Mar 2, 2006, 4:10 p.m.: 29 IR 2201)

LSA Document #05-49(F)

Notice of Intent Published: April 1, 2005; 28 IR 2159

Proposed Rule Published: June 1, 2005; 28 IR 2808

Hearing Held: September 22, 2005

Approved by Attorney General: February 15, 2006

Approved by Governor: March 2, 2006

Filed with Secretary of State: March 2, 2006, 4:10 p.m.

IC 4-22-7-5(c) Notice from Secretary of State Regarding Documents Incorporated by Reference: None Received by Publisher

**TITLE 888 INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS**

LSA Document #05-185(F)

**DIGEST**

Adds 888 IAC 1.1-5-3 to define practitioner and to establish the requirements to report substance abuse or psychiatric impairment of a veterinarian or veterinary technician to the board. Effective 30 days after filing with the Secretary of State.

**888 IAC 1.1-5-3**

SECTION 1. 888 IAC 1.1-5-3 IS ADDED TO READ AS FOLLOWS:

**888 IAC 1.1-5-3 Reporting of substance abuse or psychiatric impairment**

Authority: IC 15-5-1.1-8  
Affected: IC 15-5-1.1

Sec. 3. (a) For purposes of this section, "practitioner" is [sic.] means a:

(1) veterinarian who is licensed to practice veterinary medicine; or

(2) veterinary technician who is registered to work under the direct supervision of a licensed veterinarian; in accordance with IC 15-5-1.1.

(b) Any practitioner who has personal knowledge based upon a reasonable belief that another practitioner has a:

- (1) severe dependency upon alcohol or other drugs or controlled substances; or
- (2) psychiatric impairment;

shall promptly report the conduct to the board unless the practitioner with the substance abuse problem or psychiatric impairment would be exempt from reporting himself or herself under subsection (c).

(c) 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
- (3) psychiatric impairment;

where the treatment is sponsored or supervised by professional healthcare or substance abuse treatment providers shall be exempt from reporting to the board for so long as the practitioner is complying with the course of recommended treatment and making satisfactory progress.

(d) This section shall not, in any manner whatsoever directly or indirectly, be deemed or construed to:

- (1) prohibit;
- (2) restrict;
- (3) limit; or
- (4) otherwise preclude;

the board from taking any action it deems appropriate or as may otherwise be provided by law. (*Indiana Board of Veterinary Medical Examiners; 888 IAC 1.1-5-3; filed Mar 10, 2006, 8:46 a.m.: 29 IR 2201*)

*LSA Document #05-185(F)*

*Notice of Intent Published: August 1, 2005; 28 IR 3327*

*Proposed Rule Published: November 1, 2005; 29 IR 688*

*Hearing Held: November 30, 2005*

*Approved by Attorney General: February 24, 2006*

*Approved by Governor: March 9, 2006*

*Filed with Secretary of State: March 10, 2006, 8:46 a.m.*

*IC 4-22-7-5(c) Notice from Secretary of State Regarding Documents Incorporated by Reference: None Received by Publisher*

*Small Business Regulatory Coordinator: Cindy A. Vaught, Indiana Professional Licensing Agency, 402 West Washington Street, Room W072, Indianapolis, Indiana 46204, (317) 234-2054, cvaught@pla.in.gov*

---

---

**TITLE 876 INDIANA REAL ESTATE COMMISSION**

LSA Document #05-49(AC)

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in LSA Document #05-49(F), printed at 29 IR 2198:

- (1) In 876 IAC 4-1-6(a), on page 1 of the original document (29 IR 2198), delete “which”.
- (2) In 876 IAC 4-2-1(a), on page 2 of the original document (29 IR 2198), delete “which”.
- (3) In 876 IAC 4-2-1(b)(1), on page 2 of the original document (29 IR 2198), delete “a”.
- (4) In 876 IAC 4-2-1(d), on page 2 of the original document (29 IR 2198), delete “hours”.
- (5) In 876 IAC 4-2-1(e), on page 2 of the original document (29 IR 2198), delete “no”.
- (6) In 876 IAC 4-2-1(f), on page 2 of the original document (29 IR 2198), delete “attends”.
- (7) In 876 IAC 4-2-1(h), on page 2 of the original document (29 IR 2199), delete “o”.
- (8) In 876 IAC 4-2-1(j)(1), on page 2 of the original document (29 IR 2199), delete “Instructors may not”.

*Filed with Secretary of State: March 7, 2006, 9:50 a.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 #05-49(F) and may be found at 29 IR 2198, as corrected.*

---

---

**Notice of Recall**

---

---

**TITLE 50 DEPARTMENT OF LOCAL  
GOVERNMENT FINANCE**

LSA Document #05-144

Under IC 4-22-2-40, LSA Document #05-144, printed at 29 IR  
579, is recalled.

---

---

**TITLE 312 NATURAL RESOURCES COMMISSION**

LSA Document #05-213

Under IC 4-22-2-40, LSA Document #05-213, printed at 29 IR  
614, is recalled.

---

---

**TITLE 50 DEPARTMENT OF LOCAL  
GOVERNMENT FINANCE**

LSA Document #05-141

LSA Document #05-141, printed at 28 IR 2996, is withdrawn.

---

---

**TITLE 327 WATER POLLUTION CONTROL  
BOARD**

LSA Document #05-51(WPCB)

LSA Document #05-51(WPCB), printed at 28 IR 2206, is withdrawn.

---

---

**TITLE 760 DEPARTMENT OF INSURANCE**

LSA Document #06-33

LSA Document #06-33, printed at 29 IR 1969, is withdrawn.

---

---

**TITLE 864 STATE BOARD OF REGISTRATION  
FOR PROFESSIONAL ENGINEERS**

LSA Document #05-222

Under IC 4-22-2-41, LSA Document #05-222, printed at 29 IR 1377, is withdrawn.

## Emergency Rules

### TITLE 65 STATE LOTTERY COMMISSION

LSA Document #06-52(E)

#### DIGEST

Temporarily adds rules concerning pull-tab game number 071.  
Effective February 24, 2006.

**SECTION 1. The name of the pull-tab game is "Pull-Tab Game Number 071, Bring the Heat".**

**SECTION 2. Pull-tab tickets in pull-tab game number 071 shall sell for fifty cents (\$0.50) per ticket.**

**SECTION 3. Play Symbols: A pull-tab ticket in pull-tab game number 071 shall contain fifteen (15) play spots arranged in a matrix of five (5) rows and three (3) columns. Each row shall be covered with a tab. The play symbol captions in pull-tab game number 071 shall consist of the following possible play symbols:**

#### WINNING Symbols



#### NON-WINNING Symbols



**SECTION 4. How To Win: A prize winner in the "Bring the Heat" pull-tab game number 071 is determined by opening five (5) tabs located on the back of pull-tab ticket. If any of the following combinations are shown: baseball-pitcher-baseball; baseball-glove-baseball; baseball-batter-baseball; baseball-catcher-baseball; or baseball-umpire-baseball in a row vertically, diagonally, or horizontally and bisected by a blue line, the player is entitled to the prize amount as it appears in red ink on a yellow box. The prize structure and winning combinations are as follows:**

Prize Amount	Win		Estimated No. of Prizes in Game*
Baseball-Pitcher-Baseball	\$100	=	2,679
Baseball-Glove-Baseball	\$25	=	2,679
Baseball-Batter-Baseball	\$5	=	2,679
Baseball-Catcher-Baseball	\$1	=	160,740
Baseball-Umpire-Baseball	\$0.50	=	150,024
Total value of all prizes*: \$584,022			
Prize payout: 64.88%			
Overall odds: 1 in 5.65			

\*The number and total value of prizes in this game are based on a print quantity of approximately one million eight hundred thousand (1,800,000) tickets. Should the print quantity be changed for production of this game or subsequent reorders, the ratio of prizes and total value of all prizes to print quantity will be proportionately maintained and the overall odds and prize payout percentage will remain the same.

**SECTION 5. Applicable Rules: Indiana Administrative Code: 65 IAC 4-205 Validation of Tickets.**

**SECTION 6. The last day to claim prizes in pull-tab game number 071 shall be one (1) year after the end of the game.**

LSA Document #06-52(E)

Filed with Secretary of State: February 24, 2006, 4:15 p.m.

### TITLE 65 STATE LOTTERY COMMISSION

LSA Document #06-53(E)

#### DIGEST

Temporarily adds rules concerning pull-tab game number 072.  
Effective February 24, 2006.

**SECTION 1. The name of the pull-tab game is "Pull-Tab Game Number 072, Money Money Money".**

**SECTION 2. Pull-tab tickets in pull-tab game number 072 shall sell for one dollar (\$1) per ticket.**

**SECTION 3. Play Symbols: A pull-tab ticket in pull-tab game number 072 shall contain fifteen (15) play spots arranged in a matrix of five (5) rows and three (3) columns. Each row shall be covered with a tab. The play symbol captions in pull-tab game number 072 shall consist of the following possible play symbols:**

#### WINNING Symbols



#### NON-WINNING Symbols



**SECTION 4. How To Win: A prize winner in the "Money**



**Money Money” pull-tab game number 072 is determined by opening five (5) tabs located on the back of pull-tab ticket. Match three (3) in a row of the play symbols: dollars, coin, money bag, dollar sign, gold bar, or cash, which is bisected by a red arrow, and the player is entitled to the prize amount as it appears in red ink on a yellow box. The prize structure and winning combinations are as follows:**

Prize Amount	Win		Estimated Number of Prizes in Game*
3 – Dollars	\$100	=	2,679
3 – Coins	\$100	=	2,679
3 – Money Bag	\$100	=	2,679
3 – Dollar Sign	\$10	=	8,037
3 – Gold Bar	\$2	=	21,432
3 – Cash	\$1	=	241,110
Total value of all prizes*: \$1,168,044			
Prize payout: 64.88%			
Overall odds: 1 in 6.46			

\*The number and total value of prizes in this game are based on a print quantity of approximately one million eight hundred thousand (1,800,000) tickets. Should the print quantity be changed for production of this game or subsequent reorders, the ratio of prizes and total value of all prizes to print quantity will be proportionately maintained and the overall odds and prize payout percentage will remain the same.

**SECTION 5. Applicable Rules: Indiana Administrative Code: 65 IAC 4-205 Validation of Tickets.**

**SECTION 6. The last day to claim prizes in pull-tab game number 072 shall be one (1) year after the end of the game.**

*LSA Document #06-53(E)*

*Filed with Secretary of State: February 24, 2006, 4:15 p.m.*

## TITLE 65 STATE LOTTERY COMMISSION

LSA Document #06-64(E)

### DIGEST

Amends 65 IAC 4-3-2 concerning claiming prizes from the commission. Effective March 7, 2006.

#### 65 IAC 4-3-2

**SECTION 1. 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 4-30-11-11

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. **The Hoosier Lottery will request the Social Security numbers of the owners of such legal entity in order to meet the requirements of IC 4-30-11-11.**

(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 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 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; emer-*

---

## Emergency Rules

---

*agency rule filed Dec 18, 2003, 4:30 p.m.: 27 IR 1597; emergency rule filed Mar 7, 2006, 11:50 a.m.: 29 IR 2207)*

LSA Document #06-64(E)

*Filed with Secretary of State: March 7, 2006, 11:50 a.m.*

---

### TITLE 65 STATE LOTTERY COMMISSION

LSA Document #06-75(E)

#### DIGEST

Amends 65 IAC 5-3-2 concerning claiming prizes from the commission. Effective March 9, 2006.

#### 65 IAC 5-3-2

SECTION 1. 65 IAC 5-3-2 IS AMENDED TO READ AS FOLLOWS:

#### 65 IAC 5-3-2 Claiming prizes from the commission

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30-11-11

Sec. 2. (a) Any 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 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 on-line tickets are validated 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. **The Hoosier Lottery will request the Social Security numbers of the owners of such legal entity in order to meet the requirements of IC 4-30-11-11.**

(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 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) A prize must be claimed within one hundred eighty (180) days of the date of the selection event in which the prize was won or it will be forfeited. All unclaimed prize money required to be paid 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 5-3-2; emergency rule filed May 7, 1990, 2:10 p.m.: 13 IR 1744; emergency rule filed Sep 3, 1992, 9:00 a.m.: 16 IR 79; errata filed Nov 4, 1992, 9:30 a.m.: 16 IR 898; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Mar 9, 2006, 3:20 p.m.: 29 IR 2208)*

LSA Document #06-75(E)

*Filed with Secretary of State: March 9, 2006, 3:20 p.m.*

---

### TITLE 71 INDIANA HORSE RACING COMMISSION

LSA Document #06-71(E)

#### DIGEST

Amends 71 IAC 12-2-15 concerning allocation of riverboat gambling revenue admissions tax revenue. Effective April 1, 2006.

#### 71 IAC 12-2-15

SECTION 1. 71 IAC 12-2-15 IS AMENDED TO READ AS FOLLOWS:

#### 71 IAC 12-2-15 Allocation of riverboat gambling admissions tax revenue

Authority: IC 4-31-3-9; IC 4-33-12-6

Affected: IC 4-31-11-10

Sec. 15. (a) An association must be racing live in order to be eligible to receive distributions of riverboat gambling admissions tax revenue pursuant to this section.

(b) The commission shall allocate the riverboat gambling admissions tax revenue distributed to the commission by the treasurer of state pursuant to IC 4-33-12-6 as follows:

(1) ~~Twenty Nineteen and six-tenths percent (20%)~~ **(19.6%)** divided between the standardbred breed development fund, thoroughbred breed development fund, and quarter horse breed development fund as established by the commission under IC 4-31-11-10 as follows:

(A) Forty-eight (48%) to standardbred breed development.

(B) Forty-eight (48%) to thoroughbred breed development; and

(C) Four (4%) to quarter horse breed development.

(2) ~~Forty~~ **Thirty-nine and two-tenths** percent (~~40%~~ **(39.2%)**) to purses for the benefit of horsemen, which shall be divided forty-nine percent (49%) to standardbred purses, forty-nine percent (49%) to thoroughbred purses, and two percent (2%) to quarter horse purses. If more than one (1) track races a *[sic.]* standardbreds or thoroughbreds, purses for that breed shall be divided to the purse accounts of the tracks in question proportionally based upon the number of live race dates for that breed. If more than one (1) track races quarter horses, purses for that breed shall be divided to the purse accounts of the tracks in question proportionally based upon the number of live races for that breed. To the extent practical, the revenue received under this subsection shall be distributed as purses for the benefit of horsemen in the year in which the revenue is received.

(3) In a year in which only one (1) association conducts live pari-mutuel racing, ~~forty-one and two-tenths~~ percent (~~40%~~ **(41.2%)**) shall go to the association after the first five hundred thousand (\$500,000) is distributed as follows:

- (A) Two hundred thousand (\$200,000) to the thoroughbred development fund.
- (B) Two hundred thousand (\$200,000) to the standardbred development fund.
- (C) One hundred thousand (\$100,000) to the quarter horse development fund.

Such revenue may be used by the association for purses, promotions, and routine operations of the race track. Provided, however, that such monies shall not be used for long term capital investment or construction.

(4) In a year in which more than one (1) association conducts live pari-mutuel racing, ~~forty-one and two-tenths~~ percent (~~40%~~ **(41.2%)**) to the associations, which shall be divided equally between associations if each association races an extended race meet of both standardbred and thoroughbred/quarter horse as defined by 71 IAC 1-1-41.5 and 71 IAC 1.5-1-37.5.

*(Indiana Horse Racing Commission; 71 IAC 12-2-15; emergency rule filed Mar 9, 1994, 2:50 p.m.: 17 IR 1629; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2090; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2423; emergency rule filed Dec 22, 1999, 4:13 p.m.: 23 IR 1113, eff Dec 15, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-269(E) was filed with the secretary of state on December 22, 1999]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Nov 29, 2001, 1:20 p.m.: 25 IR 1189; emergency rule filed Sep 27, 2002, 2:31 p.m.: 26 IR 394; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2387; emergency rule filed Oct 20, 2003, 9:35 a.m.: 27 IR 896; emergency rule filed Mar 8, 2006, 1:55 p.m.: 29 IR 2208, eff Apr 1, 2006)*

*LSA Document #06-71(E)*

*Filed with Secretary of State: March 8, 2006, 1:55 p.m.*

## TITLE 71 INDIANA HORSE RACING COMMISSION

LSA Document #06-78(E)

### DIGEST

Adds 71 IAC 4-4-10 concerning "In Today" program. Adds 71 IAC 4-4-11 concerning escort of practicing veterinarians. Adds 71 IAC 4.5-4-10 concerning "In Today" program. Adds 71 IAC 4.5-4-11 concerning escort of practicing veterinarians. Amends 71 IAC 5-1-21 concerning conflict of interest. Amends 71 IAC 5-2-1 concerning licensing requirements for owners. Amends 71 IAC 5-3-3 concerning other responsibilities. Adds 71 IAC 5-3-3.1 concerning "In Today" responsibilities. Amends 71 IAC 5.5-1-21 concerning conflict of interest. Amends 71 IAC 5.5-2-1 concerning licensing requirements for owners. Amends 71 IAC 5.5-3-3 concerning other responsibilities. Adds 71 IAC 5.5-3-3.1 concerning "In Today" responsibilities. Amends 71 IAC 6-1-3 concerning claiming procedure. Amends 71 IAC 6-1-4 concerning excusing claimed horse. Adds 71 IAC 7.5-1-16 concerning reporting to track. Amends 71 IAC 8-1-1 concerning medication. Amends 71 IAC 8-1-5 concerning furosemide as a permitted foreign substance. Amends 71 IAC 8-5-5 concerning records of treatment. Amends 71 IAC 8-5-8 concerning storage of supplies and drugs. Adds 71 IAC 8-5-9 concerning veterinarian vehicles. Adds 71 IAC 8-5-10 concerning predrawn injectables. Adds 71 IAC 8-5-11 concerning testing of confiscated drug, substance, or medication. Adds 71 IAC 8-5-12 concerning contact with entered horses. Adds 71 IAC 8-5-13 concerning veterinary helpers. Amends 71 IAC 8-6-2 concerning prohibited practices. Amends 71 IAC 8-8-1 concerning postmortem; disposal of a dead horse. Adds 71 IAC 8-8-2 concerning report of horse death. Amends 71 IAC 8-9-1 concerning veterinarian's list. Amends 71 IAC 8-10-2 concerning applicant and licensee subject to testing. Amends 71 IAC 8.5-1-1 concerning medication. Amends 71 IAC 8.5-1-5 concerning furosemide as a permitted foreign substance. Amends 71 IAC 8.5-4-5 concerning records of treatment. Amends 71 IAC 8.5-4-7 concerning storage of supplies and drugs. Adds 71 IAC 8.5-4-9 concerning veterinarian vehicles. Adds 71 IAC 8.5-4-10 concerning predrawn injectables. Adds 71 IAC 8.5-4-11 concerning testing of confiscated drug, substance, or medication. Adds 71 IAC 8.5-4-12 concerning contact with entered horses. Adds 71 IAC 8.5-4-13 concerning veterinary helpers. Amends 71 IAC 8.5-5-2 concerning prohibited practices. Amends 71 IAC 8.5-7-1 concerning postmortem; disposal of a dead horse. Adds 71 IAC 8.5-7-2 concerning report of horse death. Amends 71 IAC 8.5-10-2 concerning applicant and licensee subject to testing. Repeals 71 IAC 8-5-4 and 71 IAC 8-5-7. Effective March 10, 2006.

**71 IAC 4-4-10**

**71 IAC 4-4-11**

**71 IAC 4.5-4-11**

**71 IAC 5-1-21**

---

## Emergency Rules

---

71 IAC 5-2-1  
71 IAC 5-3-3  
71 IAC 5-3-3.1  
71 IAC 5.5-1-21  
71 IAC 5.5-2-1  
71 IAC 5.5-3-3  
71 IAC 5.5-3-3.1  
71 IAC 6-1-3  
71 IAC 6-1-4  
71 IAC 7.5-1-16  
71 IAC 8-1-1  
71 IAC 8-1-5  
71 IAC 8-5-4  
71 IAC 8-5-5  
71 IAC 8-5-7  
71 IAC 8-5-8  
71 IAC 8-5-9  
71 IAC 8-5-10  
71 IAC 8-5-11  
71 IAC 8-5-12

71 IAC 8-5-13  
71 IAC 8-6-2  
71 IAC 8-8-1  
71 IAC 8-8-2  
71 IAC 8-9-1  
71 IAC 8-10-2  
71 IAC 8.5-1-1  
71 IAC 8.5-1-5  
71 IAC 8.5-4-5  
71 IAC 8.5-4-7  
71 IAC 8.5-4-9  
71 IAC 8.5-4-10  
71 IAC 8.5-4-11  
71 IAC 8.5-4-12  
71 IAC 8.5-4-13  
71 IAC 8.5-5-2  
71 IAC 8.5-7-1  
71 IAC 8.5-7-2  
71 IAC 8.5-10-2

SECTION 1. 71 IAC 4-4-10 IS ADDED TO READ AS FOLLOWS:

**71 IAC 4-4-10 “In Today” program**

Authority: IC 4-31-3-9; IC 4-31-12-1; IC 4-31-13-4  
Affected: IC 4-31

Sec. 10. (a) The association shall post “In Today” signs in a visible location next to the entrance of the stall of each horse stabled at the track on the day the horse is scheduled to race.

(b) The association shall, along with the assistance of the trainer or his or her licensed designee, identify each horse prior to posting the “In Today” sign.

(c) The deadline for the posting of the “In Today” signs shall be 9:00 a.m. on the day of the scheduled race.

(d) The “In Today” signs shall be a minimum of two (2) feet by two (2) feet and shall contain the words “In Today”.

(e) The association shall provide security personnel to patrol the stable area on race day in order to deter violations of commission rules, to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interests of the public.

(f) The association shall establish track rules for the implementation of the “In Today” program that shall be subject to the approval of the commission or its executive director. (*Indiana Horse Racing Commission; 71 IAC 4-4-10; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2210*)

SECTION 2. 71 IAC 4-4-11 IS ADDED TO READ AS FOLLOWS:

**71 IAC 4-4-11 Escort of practicing veterinarians**

Authority: IC 4-31-3-9; IC 4-31-12-1; IC 4-31-13-4  
Affected: IC 4-31

Sec. 11. (a) The association shall be responsible for providing an employee to escort each practicing veterinarian while in the stable area during the time period race day furosemide is administered.

(b) The association shall be responsible for the filing of any forms and reports regarding compliance or noncompliance with these rules as directed by the commission or its executive director.

(c) Practicing veterinarians and/or their licensed helpers shall cooperate fully with their designated association escort at all times. (*Indiana Horse Racing Commission; 71 IAC 4-4-11; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2210*)

SECTION 3. 71 IAC 4.5-4-10 IS ADDED TO READ AS FOLLOWS:

**71 IAC 4.5-4-10 “In Today” program**

Authority: IC 4-31-3-9; IC 4-31-12-1; IC 4-31-13-4  
Affected: IC 4-31

Sec. 10. (a) The association shall post “In Today” signs in a visible location next to the entrance of the stall of each horse stabled at the track on the day the horse is scheduled to race.

(b) The association shall, along with the assistance of the trainer or his or her licensed designee, identify each horse prior to posting the “In Today” sign.

(c) The deadline for the posting of the “In Today” signs shall be 9:00 a.m. on the day of the scheduled race.

(d) The “In Today” signs shall be a minimum of two (2) feet by two (2) feet and shall contain the words “In Today”.

(e) The association shall provide security personnel to patrol the stable area on race day in order to deter violations of commission rules, to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interests of the public.

(f) The association shall establish track rules for the implementation of the “In Today” program that shall be subject to the approval of the commission or its executive director. (*Indiana Horse Racing Commission; 71 IAC 4.5-4-10; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2210*)

SECTION 4. 71 IAC 4.5-4-11 IS ADDED TO READ AS FOLLOWS:

**71 IAC 4.5-4-11 Escort of practicing veterinarians**

Authority: IC 4-31-3-9; IC 4-31-12-1; IC 4-31-13-4  
Affected: IC 4-31

Sec. 11. (a) The association shall be responsible for

providing an employee to escort each practicing veterinarian while in the stable area during the time period race day furosemide is administered.

(b) The association shall be responsible for the filing of any forms and reports regarding compliance or noncompliance with these rules as directed by the commission or its executive director.

(c) **Practicing veterinarians and/or their licensed helpers shall cooperate fully with their designated association escort at all times.** (*Indiana Horse Racing Commission; 71 IAC 4.5-4-11; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2210*)

SECTION 5. 71 IAC 5-1-21 IS AMENDED TO READ AS FOLLOWS:

**71 IAC 5-1-21 Conflict of interest**

Authority: IC 4-31-3-9  
Affected: IC 4-31

Sec. 21. (a) The commission or its designee shall refuse, deny, suspend, or revoke the license of a person whose spouse holds a license and which the commission or judges find to be a conflict of interest.

(b) A commissioner, commission employee, or racing official shall not be an owner of a horse and shall not accept breeder awards at a race meeting where they have jurisdiction.

(c) A racing official who is an owner of either the sire or dam of a horse entered to race shall not act as an official with respect to that race.

(d) A person who is licensed as an owner or trainer, or has any financial interest in a horse registered for racing at a race meeting in this jurisdiction shall not be employed or licensed at that race meeting as any of the following:

- (1) Racing official.
- (2) Assistant starter.
- (3) Practicing veterinarian.
- (4) Veterinary ~~assistant~~ **helper**.
- (5) Officer or managing employee.
- (6) Track maintenance supervisor or employee.
- (7) Outrider.
- (8) Race track security employee.
- (9) Horseshoer.
- (10) Photo finish operator.
- (11) Horsemen's bookkeeper.
- (12) Racing chemist.
- (13) Testing laboratory employee.

(e) **Veterinary helpers shall not be licensed in any other capacity that allows access to the stable area.** (*Indiana Horse Racing Commission; 71 IAC 5-1-21; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1143; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2848, eff Jul 1, 1995; readopted filed*

*Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2211*)

SECTION 6. 71 IAC 5-2-1 IS AMENDED TO READ AS FOLLOWS:

**71 IAC 5-2-1 Licensing requirements for owners**

Authority: IC 4-31-6-2  
Affected: IC 4-31

Sec. 1. (a) Each person who has a five percent (5%) or more ownership or beneficial interest in a horse is required to be licensed. An applicant for an owner's license can be of any age.

(b) An applicant for an owner's license shall own or lease a horse which is:

- (1) eligible to race; and
- (2) registered with the racing secretary.

(c) If younger than eighteen (18) years of age, an applicant for an owner's license shall submit a notarized affidavit from his or her parent or legal guardian stating that the parent or legal guardian assumes responsibility for the applicant's financial, contractual, and other obligations relating to the applicant's participation in racing. In addition, the parents or legal guardians of an applicant for an owner's license under the age of eighteen (18) must be licensed as an owner.

(d) If the commission or its designee has reason to doubt the financial responsibility of an applicant for an owner's license, the applicant may be required to complete a verified financial statement.

(e) Each licensed owner and trainer is responsible for disclosure to the commission or its designee of the true and entire ownership of each of his or her horses registered with the racing secretary. Any change in ownership or trainer of a horse registered with the racing secretary shall be approved by the judges. Each owner and trainer shall comply with all licensing requirements.

(f) The commission or its designee may refuse, deny, suspend, or revoke an owner's license for the spouse or member of the immediate family or household of a person ineligible to be licensed as an owner, unless there is a showing on the part of the applicant or licensed owner, and the commission determines that participation in racing will not permit a person to serve as a substitute for an ineligible person. The transfer of a horse to circumvent the intent of a commission rule or ruling is prohibited.

(g) **Each person licensed as an owner consents to the release of records or information required by these rules relating to the medication, care, and/or treatment of a horse by a veterinarian. Additionally, each owner waives and releases any claim that he or she might have against any veterinarian resulting from or in any way relating to the**

---

## Emergency Rules

---

**release of records or information to the commission pertaining to the medication, care, and/or treatment of a horse. This provision also serves as and provides a corresponding consent and waiver by and on behalf of the trainer of each of the owner's horses.** (*Indiana Horse Racing Commission; 71 IAC 5-2-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1144; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2848, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2075; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2099; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2211*)

SECTION 7. 71 IAC 5-3-3 IS AMENDED TO READ AS FOLLOWS:

### 71 IAC 5-3-3 Other responsibilities

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) A trainer is responsible for the following:

(1) The condition and contents of stalls, tack rooms, feed rooms, sleeping rooms, and other areas which have been assigned by the association.

(2) Maintaining the assigned stable area in a clean, neat, and sanitary condition at all times.

(3) Ensuring that fire prevention rules are strictly observed in the assigned stable area.

(4) Providing a list to the commission of the trainer's employees on association grounds and any other area under the jurisdiction of the commission. The list shall include each employee's:

(A) name;

(B) occupation;

(C) Social Security number; and

(D) occupational license number.

The commission shall be notified by the trainer, in writing, within twenty-four (24) hours of any change.

(5) The proper identity, custody, care, health, condition, and safety of horses in his or her charge.

(6) Disclosure of the true and entire ownership of each horse in his or her care, custody, or control. Any change in ownership shall be reported immediately to, and approved by, the judges and recorded by the racing secretary.

(7) Training all horses owned wholly or in part by him or her which are participating at the race meeting.

(8) Registering with the racing secretary each horse in his or her charge within twenty-four (24) hours of the horse's arrival on association grounds.

(9) Ensuring that, at the time of arrival at a licensed race track, each horse in his or her care is accompanied by a valid health certificate which shall be filed with the racing secretary.

(10) Having each horse in his or her care that is racing, or is stabled on association grounds, tested for Equine Infectious Anemia (EIA) in accordance with state law and for filing evidence

of such negative test results with the racing secretary.

(11) Using the services of those veterinarians licensed by the commission to attend horses that are on association grounds.

(12) Immediately reporting the alteration of the sex of a horse in his or her care to the horse identifier and the racing secretary, whose office shall note such alteration on the USTA electronic eligibility.

(13) Promptly reporting to the racing secretary and the commission veterinarian any horse on which a posterior digital neurectomy (heel nerving) has been performed and ensuring that such fact is designated on the USTA electronic eligibility.

(14) Promptly reporting to the judges and the commission veterinarian the serious illness of any horse in his or her charge.

(15) Promptly reporting the death of any horse in his or her care on association grounds to the judges and the commission veterinarian and compliance with 71 IAC 8 governing postmortem examinations.

(16) Maintaining a knowledge of the medication record and status of all horses in his or her care.

(17) Immediately reporting to the judges and the commission veterinarian if he or she knows, or has cause to believe, that a horse in his or her custody, care, or control has received any prohibited drugs or medication.

(18) Representing an owner in making entries and scratches and in all other matters pertaining to racing.

(19) Horses entered as to eligibility.

(20) Ensuring the fitness of a horse to perform creditably.

(21) Ensuring that his or her horses are properly shod, bandaged, and equipped.

(22) Presenting his or her horse in the paddock at the appointed time before the race in which the horse is entered.

(23) Personally attending to his or her horses in the paddock or designate [*sic., designating*] a licensee to attend to the horse in the paddock.

(24) Instructing the driver to give his or her best effort during a race and that each horse shall be driven to win.

(25) Attending the collection of a urine or blood sample from the horse in his or her charge or delegating a licensed employee or the owner of the horse to do so.

(26) Promptly notifying the owner of a horse of a positive test or blood gas analysis report performed on his or her horse indicating levels in violation of 71 IAC 8.

(27) Notifying horse owners upon the revocation or suspension of his or her trainer's license.

(28) Guard and protect all horses in his or her care.

(29) Account for fees and services rendered on behalf of any horse in his or her care to the appropriate owner or owners.

(30) Determine the training regimen of all horses in his or her care.

(31) Reporting at time of entry if his or her horse will be racing with a nasal strip.

(32) Ensuring that electronic eligibility are [*sic., is*] registered with the USTA prior to entry in a race or qualifying race.

**(33) Immediately notifying the judges, or in their absence commission or track security, of any contact a practicing veterinarian or his or her helper has with a horse within twenty-four (24) hours of its scheduled race except for the administration of furosemide in accordance with commission rules.**

(b) Upon application by the owner, the judges may approve the transfer of such horses to the care of another licensed trainer, and upon such approved transfer, such horses may be entered to race.

(c) No trainer shall assign any of his or her duties or responsibilities to any person that is disqualified or ineligible to participate in racing or is not appropriately licensed.

(d) No trainer shall assume any of the above responsibilities for a horse not under his or her active care, custody, and supervision.

(e) No trainer shall practice his profession except under his or her own name. (*Indiana Horse Racing Commission; 71 IAC 5-3-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1146; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1498; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3125, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Mar 27, 2000, 8:20 a.m.: 23 IR 2005; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2100; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2535; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2212*)

SECTION 8. 71 IAC 5-3-3.1 IS ADDED TO READ AS FOLLOWS:

**71 IAC 5-3-3.1 "In Today" responsibilities**

Authority: IC 4-31-3-9; IC 4-31-12-1; IC 4-31-13-4  
Affected: IC 4-31

**Sec. 3.1. (a) A trainer or his or her licensed designee shall be available to assist with the identification of his or her horse on the day of its scheduled race during the time period set forth in the track rules established by the association and approved by the commission or its executive director.**

(b) A horse may not be moved to any other stall after the association employee posts the "In Today" sign on its stall.

(c) After the "In Today" sign is posted on its stall, a horse may not be removed from its stall with the exception of walking, bathing, shoeing, training, or emergency situations. (*Indiana Horse Racing Commission; 71 IAC 5-3-3.1; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2213*)

SECTION 9. 71 IAC 5.5-1-21 IS AMENDED TO READ AS FOLLOWS:

**71 IAC 5.5-1-21 Conflict of interest**

Authority: IC 4-31-3-9  
Affected: IC 4-31

Sec. 21. (a) The commission or its designee shall refuse, deny, suspend, or revoke the license of a person whose spouse holds a license and which the commission or stewards find to be a conflict of interest.

(b) A commissioner, commission employee, or racing official shall not be an owner of a horse and shall not accept breeder awards at a race meeting where they have jurisdiction.

(c) A racing official who is an owner of either the sire or dam of a horse entered to race shall not act as an official with respect to that race.

(d) A person who is licensed as an owner or trainer, or has any financial interest in a horse registered for racing at a race meeting in this jurisdiction shall not be employed or licensed at that race meeting as any of the following:

- (1) Racing official.
- (2) Assistant starter.
- (3) Practicing veterinarian.
- (4) Veterinary ~~assistant~~ **helper**.
- (5) Officer or managing employee.
- (6) Track maintenance supervisor or employee.
- (7) Outrider.
- (8) Race track security employee.
- (9) Horseshoer.
- (10) Photo finish operator.
- (11) Horsemen's bookkeeper.
- (12) Racing chemist.
- (13) Testing laboratory employee.

**(e) Veterinary helpers shall not be licensed in any other capacity that allows access to the stable area.** (*Indiana Horse Racing Commission; 71 IAC 5.5-1-21; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2853, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2213*)

SECTION 10. 71 IAC 5.5-2-1 IS AMENDED TO READ AS FOLLOWS:

**71 IAC 5.5-2-1 Licensing requirements for owners**

Authority: IC 4-31-6-2  
Affected: IC 4-31

Sec. 1. (a) Each person who has a five percent (5%) or more ownership or beneficial interest in a horse is required to be licensed. An applicant for an owner's license can be of any age.

(b) An applicant for an owner's license shall own or lease a horse that is:

---

## Emergency Rules

---

- (1) eligible to race; and
- (2) registered with the racing secretary.

(c) If younger than eighteen (18) years of age, an applicant for an owner's license shall submit a notarized affidavit from his or her parent or legal guardian stating that the parent or legal guardian assumes responsibility for the applicant's financial, contractual, and other obligations relating to the applicant's participation in racing. In addition, the parents or legal guardians of an applicant for an owner's license under the age of eighteen (18) must be licensed as an owner.

(d) If the commission or its designee has reason to doubt the financial responsibility of an applicant for an owner's license, the applicant may be required to complete a verified financial statement.

(e) Each licensed owner and trainer is responsible for disclosure to the commission or its designee of the true and entire ownership of each of his or her horses registered with the racing secretary. Any change in ownership or trainer of a horse registered with the racing secretary shall be approved by the stewards. Each owner and trainer shall comply with all licensing requirements.

(f) The commission or its designee may refuse, deny, suspend, or revoke an owner's license for the spouse or member of the immediate family or household of a person ineligible to be licensed as an owner, unless there is a showing on the part of the applicant or licensed owner, and the commission determines that participation in racing will not permit a person to serve as a substitute for an ineligible person. The transfer of a horse to circumvent the intent of a commission rule or ruling is prohibited.

**(g) Each person licensed as an owner consents to the release of records or information required by these rules relating to the medication, care, and/or treatment of a horse by a veterinarian. Additionally, each owner waives and releases any claim that he or she might have against any veterinarian resulting from or in any way relating to the release of records or information to the commission pertaining to the medication, care, and/or treatment of a horse. This provision also serves as and provides a corresponding consent and waiver by and on behalf of the trainer of each of the owner's horses. (Indiana Horse Racing Commission; 71 IAC 5.5-2-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2854, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3404; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 119; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2213)**

SECTION 11. 71 IAC 5.5-3-3 IS AMENDED TO READ AS FOLLOWS:

### **71 IAC 5.5-3-3 Other responsibilities**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) A trainer is responsible for the following:

- (1) The condition and contents of stalls, tack rooms, feed rooms, sleeping rooms, and other areas which have been assigned by the association.
- (2) Maintaining the assigned stable area in a clean, neat, and sanitary condition at all times.
- (3) Ensuring that fire prevention rules are strictly observed in the assigned stable area.
- (4) Providing a list to the commission of the trainer's employees on association grounds and any other area under the jurisdiction of the commission. The list shall include each employee's:
  - (A) name;
  - (B) occupation;
  - (C) Social Security number; and
  - (D) occupational license number.

The commission shall be notified by the trainer, in writing, within twenty-four (24) hours of any change.

- (5) The proper identity, custody, care, health, condition, and safety of horses in his or her charge.
- (6) Disclosure of the true and entire ownership of each horse in his or her care, custody, or control. Any change in ownership shall be reported immediately to, and approved by, the stewards and recorded by the racing secretary.
- (7) Training all horses owned wholly or in part by him or her which are participating at the race meeting.
- (8) Registering with the racing secretary each horse in his or her charge within twenty-four (24) hours of the horse's arrival on association grounds.
- (9) Ensuring that, at the time of arrival at a licensed race track, each horse in his or her care is accompanied by a valid health certificate, which shall be filed with the racing secretary.
- (10) Having each horse in his or her care that is racing, or is stabled on association grounds, tested for equine infectious anemia (EIA) in accordance with state law and for filing evidence of such negative test results with the racing secretary.
- (11) Using the services of those veterinarians licensed by the commission to attend horses that are on association grounds.
- (12) Immediately reporting the alteration of the sex of a horse in his or her care to the horse identifier and the racing secretary, whose once *[sic.]* shall note such alteration on the certificate of registration.
- (13) Promptly reporting to the racing secretary and the commission veterinarian any horse on which a posterior designated neurectomy (heel nerving) has been performed and ensuring that such fact is designated on its certificate of registration.
- (14) Promptly reporting to the stewards and the commission veterinarian the serious illness of any horse in his or her charge.
- (15) Promptly reporting the death of any horse in his or her care on association grounds to the stewards and the commission veterinarian and compliance with 71 IAC 8.5 governing postmortem examinations.
- (16) Maintaining a knowledge of the medication record and status of all horses in his or her care.



(17) Immediately reporting to the stewards and the commission veterinarian if he or she knows, or has cause to believe, that a horse in his or her custody, care, or control has received any prohibited drugs or medication.

(18) Representing an owner in making entries and scratches and in all other matters pertaining to racing.

(19) Horses entered as to eligibility.

(20) Ensuring the fitness of a horse to perform creditably.

(21) Ensuring that his or her horses are properly shod, bandaged, and equipped.

(22) Presenting his or her horse in the paddock at the appointed time before the race in which the horse is entered.

(23) Personally attending to his or her horses in the paddock unless excused by the stewards.

(24) Instructing the jockey to give his or her best effort during a race and that each horse shall be ridden to win.

(25) Attending the collection of a urine or blood sample from the horse in his or her charge or delegating a licensed employee or the owner of the horse to do so.

(26) Promptly notifying the owner of a horse of a positive test performed on his or her horse indicating levels in violation of 71 IAC 8.5.

(27) Notifying horse owners upon the revocation or suspension of his or her trainer's license.

(28) Guard and protect all horses in his/her care.

(29) Account for fees and services rendered on behalf of any horse in his/her care to the appropriate owner or owners.

(30) Determine the training regimen of all horses in his/her care.

(31) The licensure of owners and employees prior to participating on race day.

**(32) Immediately notifying the stewards, or in their absence commission or track security, of any contact a practicing veterinarian or his or her helper has with a horse within twenty-four (24) hours of its scheduled race except for the administration of furosemide in accordance with commission rules.**

(b) Upon application by the owner, the stewards may approve the transfer of such horses to the care of another licensed trainer, and upon such approved transfer such horses may be entered to race.

(c) No trainer shall assign any of his/her duties or responsibilities to any person that is disqualified or ineligible to participate in racing or is not appropriately licensed.

(d) No trainer shall assume any of the above responsibilities for a horse not under his/her active care, custody, and supervision.

(e) No trainer shall practice his profession, except under his own name. (*Indiana Horse Racing Commission; 71 IAC 5.5-3-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2856, eff Jul 1, 1995; emergency rule filed June 8, 1999, 9:30 a.m.: 22 IR 3121, eff May 26, 1999 [NOTE: IC 4-22-2-37.1 establishes*

*the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2778; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1914; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2214)*

SECTION 12. 71 IAC 5.5-3-3.1 IS ADDED TO READ AS FOLLOWS:

**71 IAC 5.5-3-3.1 "In Today" responsibilities**

Authority: IC 4-31-3-9; IC 4-31-12-1; IC 4-31-13-4

Affected: IC 4-31

**Sec. 3.1. (a) A trainer or his or her licensed designee shall be available to assist with the identification of his or her horse on the day of its scheduled race during the time period set forth in the track rules established by the association and approved by the commission or its executive director.**

**(b) A horse may not be moved to any other stall after the association employee posts the "In Today" sign on its stall.**

**(c) After the "In Today" sign is posted on its stall, a horse may not be removed from its stall with the exception of walking, bathing, shoeing, training, or emergency situations.** (*Indiana Horse Racing Commission; 71 IAC 5.5-3-3.1; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2215*)

SECTION 13. 71 IAC 6-1-3, AS AMENDED AT 28 IR 2747, SECTION 6, IS AMENDED TO READ AS FOLLOWS:

**71 IAC 6-1-3 Claiming procedure**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) A person desiring to claim a horse must have the required amount of money on deposit with the horsemen's bookkeeper at the time the completed claim form is deposited.

(b) The claimant shall provide all information required on the claim form provided by the association.

(c) The claim form shall be completed and signed by the claimant or his authorized agent prior to placing it and the necessary transfer fees in an envelope provided for this purpose by the association and approved by the commission. The claimant shall seal the envelope and identify on the outside the date, race number, and track name only.

(d) The envelope shall be delivered to the designated area or licensed delegate at least thirty (30) minutes before post time of the race from which the claim is being made. That person shall certify on the outside of the envelope the time it was received.

(e) The claim shall be examined by the judges or their designee prior to the start of the race. The association's designee

---

## Emergency Rules

---

shall be prepared to state whether sufficient funds are on deposit in the amount equivalent to the specified claiming price and any other required fees and taxes. The judges shall have a public announcement made and information scrolled on the simulcast video stating there has been a claim made or, in the case of multiple claims, the number of claims made on a horse during the post parade. The successful claimant will be announced after the completion of the race.

(f) The judges shall disallow any claim made on a form or in a manner which fails to comply with all requirements of this rule.

(g) Documentation supporting all claims for horses, whether successful or unsuccessful, shall include details of the method of payment either by way of:

- (1) a photostatic copy of the check presented;
- (2) written detailed information to include:
  - (A) the name of the claimant;
  - (B) the bank;
  - (C) the branch;
  - (D) the account number; and
  - (E) the drawer of any checks; or
- (3) details of any other method of payment.

This documentation is to be kept on file at race tracks for twelve (12) months and is to be produced to the commission for inspection at any time during the twelve (12) month period.

(h) When a claim has been submitted, it is irrevocable and is at the risk of the claimant.

(i) In the event more than one (1) claim is submitted for the same horse, the successful claimant shall be determined by lot by the judges or their designee, and all unsuccessful claims involved in the decision by lot shall, at that time, become null and void, notwithstanding any future disposition of such claim.

(j) Upon determining that a claim is valid, the judges shall notify the paddock judge of:

- (1) the name of the horse claimed;
  - (2) the name of the claimant; and
  - (3) the name of the person to whom the horse is to be delivered.
- Also, the judges shall cause a public announcement to be made.

(k) Every horse entered in a claiming race shall race for the account of the owner who declared it in the event, but title to a claimed horse shall be vested in the successful claimant from the time the horse is deemed to have started, and the successful claimant shall become the owner of the horse, whether it be alive or dead, sound or unsound, or injured during or after the race.

(l) A post-race test may be taken from any horse claimed out of a claiming race. The trainer of the horse at the time of entry for the race from which the horse was claimed shall be responsible for the claimed horse until the post-race sample is collected. The horse's halter must accompany the horse. Altering or removing the horse's shoes will be considered a violation. The

successful claimant/trainer shall have the right to measure the horse's hobbles and any other equipment that he deems necessary before the horse leaves the test barn. The claimant or his/her authorized designee shall be permitted access into the test barn. The equipment must remain on the claimed horse until the claimant or his/her designee has an opportunity to measure hobbles or any other equipment he deems necessary.

(m) Any person who refuses to deliver a horse legally claimed out of a claiming race shall be suspended, together with the horse, until delivery is made.

(n) A claimed horse shall not:

- (1) be eligible to start in any race in the name or interest of the owner of the horse at the time of entry for the race from which the horse was claimed;
  - (2) remain in or be returned to the same stable or to the care or management of the first owner or trainer; or
  - (3) be sold or transferred to anyone;
- for a period of thirty (30) days unless reclaimed out of another claiming race.

(o) The claiming price shall be paid to the owner of the horse at the time entry for the race from which the horse was claimed only when the judges are satisfied that the successful claim is valid and the registration has been received by the racing secretary for transfer to the new owner.

(p) The judges, at the option of the claimant, shall rule a claim invalid if the horse has been found ineligible to the race from which it was claimed.

(q) Mares and fillies who are in foal are ineligible for claiming races. Upon receipt of the horse, if a claimant determines within forty-eight (48) hours that a claimed filly or mare is in foal, he or she may, at his or her option, return the horse to the owner of the horse at the time of entry for the race from which the horse was claimed.

(r) If a claimant demonstrates that the sex of the horse is other than reported in the official racing program, he or she may, within forty-eight (48) hours of the claim, at his or her option, return the horse to the owner of the horse at the time of entry for the race from which the horse was claimed. The judge shall rule the claim of the returned horse invalid.

(s) When the judges rule that a claim is invalid and the horse is returned to the owner of the horse at the time of entry for the race in which the invalid claim was made:

- (1) the amount of the claiming price and any other required fees and taxes shall be repaid to the claimant;
- (2) any purse monies earned subsequent to the date of the claim and before the date on which the claim is ruled invalid shall be the property of the claimant; and
- (3) the claimant shall be responsible for any reasonable costs incurred through the care, training, or racing of the horse while it was in his or her possession.

(t) No horse claimed out of a claiming race shall race outside the state of Indiana for the earlier to occur of:

- (1) a period of thirty (30) days; or
- (2) the conclusion of the ~~race meeting from which it was claimed; without the permission of the judges last standard-bred race meet under the jurisdiction of the Indiana horse racing commission in that year.~~

*(Indiana Horse Racing Commission; 71 IAC 6-1-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1149; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2907; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2400; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2101; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1915; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2747; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2215)*

SECTION 14. 71 IAC 6-1-4, AS ADDED AT 28 IR 2748, SECTION 7, IS AMENDED TO READ AS FOLLOWS:

**71 IAC 6-1-4 Excusing claimed horse**

Authority: IC 4-31-3-9  
Affected: IC 4-31

Sec. 4. (a) If a horse in a claiming race is scratched by the judges for any reason, including being declared a non-starter, any claims on the said horse is *[sic., are]* void. However, that horse in its next start, regardless of the condition of the race entered, may be claimed for the same price as the race from which it was scratched from. The rule shall apply for a period of thirty (30) days from the date of the race in which the horse was scratched or declared a nonstarter or the end of the meet. This rule shall not include horses scratched due to entry error or ineligibility, which is verified by the race office.

(b) **Any horse scratched and taken out of state to race shall upon its return to Indiana be bound by (a) of this rule [subsection (a)] within the same year.** *(Indiana Horse Racing Commission; 71 IAC 6-1-4; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2748; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2217)*

SECTION 15. 71 IAC 7.5-1-16 IS ADDED TO READ AS FOLLOWS:

**71 IAC 7.5-1-16 Reporting to track**

Authority: IC 4-31-3-9  
Affected: IC 4-31

Sec. 16. **All horses shipping in to race must be in their assigned stalls where they are to race at least five (5) hours prior to the post time of their race. In the event of unavoidable delay, as determined by the stewards, the stewards may grant a reasonable grace period.** *(Indiana Horse Racing Commission; 71 IAC 7.5-1-16; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2217)*

SECTION 16. 71 IAC 8-1-1 IS AMENDED TO READ AS FOLLOWS:

**71 IAC 8-1-1 Medication**

Authority: IC 4-31-3-9  
Affected: IC 4-31-12

Sec. 1. (a) No horse participating in a race or entered in a race shall carry in its body any foreign substance as defined in 71 IAC 1, except as provided for in this rule.

(b) No substance, foreign or otherwise, shall be administered to a horse entered to race by:

- (1) injection;
- (2) jugging;
- (3) oral administration;
- (4) tube;
- (5) rectal infusion or suppository;
- (6) inhalation; or
- (7) any other means;

within twenty-four (24) hours prior to the scheduled post time for the first race except furosemide as provided for in this rule. The prohibitions in this section ~~include;~~ **includes** *[sic., include]*, but ~~are is~~ *[sic., are]* not limited to, injection or jugging of vitamins, electrolyte solutions, and amino acid solutions. **The prohibition also includes, but is not limited to, the administration of breathing compounds for oral and nasal dosing, such as Traileze, Vapol, Vicks vapor-rub, wind-aid, exhale ease, or containing methylsalicylate, camphor, or potassium iodide.**

(c) Substances or metabolites thereof which are contained in equine feed or feed supplements that do not contain pharmacodynamic or chemotherapeutic agents are not considered foreign substances if consumed in the course of normal dietary intake (eating and drinking).

(d) The prohibition in subsection (b) notwithstanding, the use of nebulizers are permitted on an entered horse within twenty-four (24) hours of the scheduled post time for the horse's race until the horse's arrival in the paddock provided their use is restricted to water and saline solutions only.

(e) Topical dressings such as leg paints, liniments, ointments, salves, hoof dressings, and antiseptics which do not contain anesthetics or a pharmacodynamic or a chemotherapeutic agent may be administered at any time prior to a horse's arrival in the paddock. Products containing "caine" derivatives or dimethylsulfoxide (DMSO) are foreign substances and are prohibited. *(Indiana Horse Racing Commission; 71 IAC 8-1-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1168; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2078; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2410; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2384; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2217)*

## Emergency Rules

SECTION 17. 71 IAC 8-1-5 IS AMENDED TO READ AS FOLLOWS:

### 71 IAC 8-1-5 Furosemide as a permitted foreign substance

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 5. The administration of furosemide shall be permitted for the prophylactic treatment of a confirmed bleeder under the following conditions and guidelines and with the approval of the commission veterinarian:

(1) Bleeder list. In order to obtain approval for the administration of furosemide, the bleeder horse must be placed on the bleeder list. An up-to-date bleeder list shall be maintained by the commission. As used in this rule, "bleeder" means a horse which demonstrates visible external evidence of exercise induced pulmonary hemorrhage or existence of hemorrhage in the trachea post exercise upon endoscopic examination. Such examination is to be performed by or in the presence of a commission veterinarian or racing veterinarian. Only horses which fall under this definition shall be placed on the bleeder list. This subsection shall not apply to horses who, in their last start, received furosemide in another jurisdiction.

(2) Endoscopic examination. The endoscopic examination provided must be conducted within one (1) hour of the finish of the race or exercise in which a horse has participated and bled, and must reveal hemorrhage in the lumen of the respiratory tract. Endoscopic examination under this rule shall be at a time and place set by the commission veterinarian and shall be conducted in his or her presence. A horse that is known to have bled upon an endoscopic examination, but not visibly from the nostrils, shall not be required to qualify, and shall have no waiting period to race. However, a horse required by this article to qualify in order to receive furosemide shall not be entered to race until after it successfully qualifies on furosemide.

(3) Confirmation. The confirmation of a bleeder horse must be certified in writing by the commission veterinarian and entered by him or her on the bleeder list. A copy of certification shall be issued to the owner of the horse or his or her agent upon request.

(4) Age. Every confirmed bleeder regardless of age shall be placed on the bleeder list.

(5) Removal from list. A horse shall be removed from the bleeder list only upon the direction of the commission veterinarian, who shall certify in writing to the judges his or her recommendations for removal.

(6) Time of treatment. Horses qualified for medication and so indicated on the official bleeder list must be treated at least four (4) hours prior to post time.

(7) Medication administration. Bleeder medication shall be administered by a veterinarian licensed by the commission ~~and employed by the owner of the horse or his or her agent~~ and at an intravenous dose level not to exceed two hundred fifty (250) milligrams and no less than one hundred fifty (150) milligrams. ~~and approved by the commission veterinarian.~~ The ~~executive director or judges or commission veterinarian~~ may designate certain licensed **official veterinarians, racing**

**veterinarians, and/or practicing** veterinarians to administer furosemide under this rule. ~~The commission may designate a specific location for the administration of furosemide. Such designation may be determined daily, weekly, or for any other appropriate time period. Administration of furosemide shall take place in the test barn or a specific location otherwise designated by the commission. An association employee shall be present and observe the drawing of furosemide into a syringe. The administering veterinarian shall provide a factory sealed bottle of furosemide from which the draws shall be made. The association shall establish track rules for furosemide administrations that are consistent with these regulations.~~

(8) Out-of-state horses. A bleeder horse shipped into the state from another jurisdiction may be automatically eligible to receive furosemide provided that the jurisdiction from which it was shipped qualified it as a bleeder using criteria satisfactory to this state. The USTA, the breed registry foal certificate, or bleeder certificate may be utilized in determining a horse's eligibility to receive furosemide.

(9) Qualifying on furosemide. The following are requirements for qualifying on furosemide:

(A) Any horse being raced with furosemide at a commercial track for the first time in Indiana, in a race on which there is pari-mutuel wagering, must first race with furosemide in a chartered qualifying race. The chartered live line from such qualifying race is to appear in the daily racing program at the race track at which the horse is raced with furosemide for the first time in Indiana. Notwithstanding the provisions of this clause, a horse whose immediate preceding race is documented by reliable recorded data to have raced on furosemide shall not be required to qualify on furosemide.

(B) Once a horse has raced with furosemide, that horse must be administered furosemide every time it subsequently races for a period of not less than ninety (90) consecutive days.

(C) After a horse has raced with furosemide for a period of at least ninety (90) consecutive days and the owner or trainer then decides the horse no longer needs furosemide, the owner or trainer may, upon written notice to the judges, cease the use of furosemide. That horse must then subsequently race without furosemide for a period of not less than thirty (30) consecutive days.

(D) After a horse raced with furosemide for at least ninety (90) consecutive days and is to be raced for the first time without furosemide, in a race at a track on which there is pari-mutuel racing, the horse must first race without furosemide in a chartered qualifying race. The chartered live line from such a qualifying race must appear in the daily racing program at the race track at which the horse is racing without furosemide, for the first time in Indiana after having raced for at least ninety (90) consecutive days with furosemide.

(10) The test level of furosemide under this rule shall not be in excess of one hundred (100) nanograms per milliliter of plasma and shall not be below a urine specific gravity of one and ten one-thousandths (1.010). If an insufficient volume of urine is obtained,

a positive test shall be based upon quantitative testing performed on blood plasma only. Split sample testing shall be quantitative and be performed on blood plasma only.

*(Indiana Horse Racing Commission; 71 IAC 8-1-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1169; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2914; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1501; errata filed Feb 9, 1995, 2:00 p.m.: 18 IR 1481; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2877, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2079; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2411; errata filed Oct 15, 1998, 12:38 p.m.: 22 IR 759; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3132, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2218)*

SECTION 18. 71 IAC 8-5-5 IS AMENDED TO READ AS FOLLOWS:

## 71 IAC 8-5-5 Records of treatment

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 5. (a) Every veterinarian licensed by the commission who treats any horse or performs other professional services within the enclosure of an organization licensee during a race meeting shall be responsible for maintaining treatment records or a log book on all horses for which they prescribe, administer, or dispense medication or perform other professional services. The treatment records or log book information shall include, but not be limited to, the following:

- (1) The date and time of treatment service.
- (2) Name of race track.
- (3) The veterinarian's printed name and signature.
- (4) The registered name of horse.
- (5) The trainer's name.
- (6) The barn number or location of horse.
- (7) The race date and race number, if any.
- (8) The medication and dosage.
- (9) The reason for treatment or services.

These records shall be current at all times and available to the commission and the judges upon request. **These records shall be retained for at least one (1) year after the conclusion of the race meet and be made available to the commission and judges upon request. Such records shall be delivered to the commission either upon demand or within twenty-four (24) hours of the request.**

(b) Veterinarians shall retain duplicate copies of bills or statements to trainers or owners which shall be retained for at least one (1) year and made available to the commission upon request. **Such records shall be delivered to the commission within forty-eight (48) hours of the request.**

(c) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription, must have been validly prescribed by a duly licensed veterinarian and be in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:

- (1) The name of the product.
- (2) The name, address, and telephone number of the veterinarian prescribing or dispensing the product.
- (3) The name of each patient (horse) for whom the product is intended or prescribed.
- (4) The doses, dosage, duration of treatment, and expiration date of the prescribed or dispensed product.
- (5) The name of the person (trainer) to whom the product was dispensed.

*(Indiana Horse Racing Commission; 71 IAC 8-5-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1174; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2917; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2879, eff Jul 1, 1995; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2413; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2219)*

SECTION 19. 71 IAC 8-5-8 IS AMENDED TO READ AS FOLLOWS:

## 71 IAC 8-5-8 Storage of supplies and drugs

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 8. Storage areas for veterinarian supplies, equipment, **hypodermic syringes, hypodermic needles**, and foreign substances, including, but not limited to, narcotics, controlled substances, stimulants, depressants, or other drugs or medications of any type, shall be kept secured by lock and key when left unattended. This requirement specifically includes mobile veterinarian vehicles used on association grounds. *(Indiana Horse Racing Commission; 71 IAC 8-5-8; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2918; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2219)*

SECTION 20. 71 IAC 8-5-9 IS ADDED TO READ AS FOLLOWS:

## 71 IAC 8-5-9 Veterinarian vehicles

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. **A practicing veterinarian is responsible to ensure that his or her vehicle is not occupied while in the stable area of an association by any person other than the practicing veterinarian, his or her licensed helper, or an authorized association or commission employee.** *(Indiana Horse Racing Commission; 71 IAC 8-5-9; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2219)*

---

## Emergency Rules

---

SECTION 21. 71 IAC 8-5-10 IS ADDED TO READ AS FOLLOWS:

### 71 IAC 8-5-10 Predrawn injectables

Authority: IC 4-31-3-9

Affected: IC 4-31

**Sec. 10. (a)** Practicing veterinarians who possess any predrawn injectable syringes containing any substance must also possess the partially filled bottle from which the injectable substance was drawn.

**(b)** Predrawn syringes and the labeled source container from which it is drawn are subject to confiscation by the commission or association security. The injectable substances are subject to testing by a laboratory approved by the commission or its executive director. The injectable substance must be clearly identified on each predrawn syringe. *(Indiana Horse Racing Commission; 71 IAC 8-5-10; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2220)*

SECTION 22. 71 IAC 8-5-11 IS ADDED TO READ AS FOLLOWS:

### 71 IAC 8-5-11 Testing of confiscated drug, substance, or medication

Authority: IC 4-31-3-9

Affected: IC 4-31-12

**Sec. 11.** Any suspect drug, substance, or medication confiscated from a practicing veterinarian or other person may be sent to the commission's primary laboratory or any other laboratory approved by the commission as designated by its executive director. The practicing veterinarian or other person shall be responsible for the cost of the testing of any unlabeled, mislabeled, incompletely labeled, or unauthorized drug, substance, or medication. *(Indiana Horse Racing Commission; 71 IAC 8-5-11; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2220)*

SECTION 23. 71 IAC 8-5-12 IS ADDED TO READ AS FOLLOWS:

### 71 IAC 8-5-12 Contact with entered horses

Authority: IC 4-31-3-9

Affected: IC 4-31

**Sec. 12. (a)** Practicing veterinarians and their helpers are prohibited from having contact with a horse within twenty-four (24) hours of its scheduled race except during the administration of furosemide under the guidelines set forth in 71 IAC 8.5-1-5(6) and 71 IAC 8.5-1-5(7) or unless prior approval has been given by the judges or by the official veterinarian.

**(b)** Practicing veterinarians and their helpers shall not enter a stall designated with an "In Today" sign prior to a horse's race except for the administration of furosemide under the guidelines set forth in 71 IAC 8.5-1-5(6) and 71 IAC 8.5-1-5(7) or unless prior written approval has been

given by the judges or by the official veterinarian.

**(c)** Notwithstanding provisions (a) and (b) above [subsections (a) and (b)], in the case of an emergency a practicing veterinarian may have contact with a horse within twenty-four (24) hours of its scheduled race. If this occurs, the practicing veterinarian shall immediately report such contact and the reasons necessitating the contact to the judges or in their absence to commission or track security. *(Indiana Horse Racing Commission; 71 IAC 8-5-12; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2220)*

SECTION 24. 71 IAC 8-5-13 IS ADDED TO READ AS FOLLOWS:

### 71 IAC 8-5-13 Veterinary helpers

Authority: IC 4-31-3-9

Affected: IC 4-31

**Sec. 13.** Practicing veterinarians may employ persons licensed as veterinary helpers to work under their direct supervision. The veterinary helper shall not be permitted in the stable area unless accompanied by his or her employer. Veterinary helpers shall not inject, directly treat, or diagnose any animal. The practicing veterinarian must be present on the grounds if a veterinary helper has access to injection devices or injectable substances. The practicing veterinarian shall assume all financial and regulatory responsibility for the actions of their licensed veterinary helper. *(Indiana Horse Racing Commission; 71 IAC 8-5-13; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2220)*

SECTION 25. 71 IAC 8-6-2 IS AMENDED TO READ AS FOLLOWS:

### 71 IAC 8-6-2 Prohibited practices

Authority: IC 4-31-3-9

Affected: IC 4-31

**Sec. 2. (a)** The possession and/or use of a drug, substance, or medication, specified below, on the premises of a facility under the jurisdiction of the commission is prohibited. These drugs or substances include those which a recognized analytical method has not been developed to detect and confirm the administration of such substance, or the use of which may endanger the health and welfare of the horse or endanger the safety of the rider, or the use of which may adversely affect the integrity of racing:

- (1) Erythropoietin.
- (2) Darbepoietin.
- (3) Oxyglobin.
- (4) Hemopure.

**(b)** The possession and/or use of a drug, substance, or medication on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Food and Drug Administration (FDA) for any use in the United States is prohibited (human or animal) is forbidden without prior permission of the commission. For purposes of this rule, the term "drug" is any substance, food or nonfood, that is used to treat, cure, mitigate, or prevent a disease, any

nonfood substance that is intended to affect the structure or function of the animal, and includes any substance administered by injection.

(c) While on the premises of a facility under the jurisdiction of the commission, veterinarians may only possess drugs, including compounds as discussed below in paragraph (d) [subsection(d)], in amounts commensurate with the needs of horses with which the veterinarian has a veterinarian-client-patient relationship as that term is defined at 888 IAC 1.1-5-1(2).

(d) Notwithstanding paragraph (b) [subsection (b)], veterinarians may possess compounded drugs with the restrictions listed below. Compounding includes any manipulation of a drug beyond that stipulated on the drug label, including, but not limited to, mixing, diluting, concentrating, and/or creating oral suspensions or injectable solutions.

- (1) Compounds may only be prescribed to or prepared for horses with which the veterinarian has a veterinarian-client-patient relationship;
- (2) Compounded drugs may only be made from other FDA-approved drugs;
- (3) Veterinarians may not possess compounds where there are FDA-approved, commercially available drugs that can appropriately treat the horse; and
- (4) Compounded drugs must be in containers that meet the prescription labeling requirements in paragraphs (h) and (i) [subsections (h) and (i)].

(e) The possession of any drug not approved by the FDA for distribution in the United States is prohibited, unless the veterinarian can show proof of prior authorization from the FDA Center for Veterinary Medicine that has been obtained on a single-patient basis only. The authorization must be maintained in the animal health record. A copy of the authorization must be available for immediate inspection.

(f) Extralabel administration of drugs, including use for indication or at dosage levels, frequencies, or routes of administration other than those stated in the labeling, is permitted for FDA-approved drugs only. Extralabel use must meet the prescription labeling requirements in paragraphs (h) and (i) [subsections (h) and (i)].

(g) A veterinarian shall not possess any drug that is not labeled pursuant to the requirements of paragraph (h) or (i) [subsection (h) or (i)].

(h) Drugs possessed by practicing veterinarians on the premises of a facility under the jurisdiction of the commission which have not yet been prescribed or dispensed to horses with which the veterinarian has a veterinarian-client-patient relationship must be affixed with the manufacturer's label, which must include:

- (1) recommended or usual dosage;
- (2) route for administration, if it is not for oral use;

- (3) quantity or proportion of each active ingredient;
- (4) names of inactive ingredients, if for other than oral use;
- (5) an identifying lot or control number;
- (6) manufacturer, packer, or distributor's name and address; and
- (7) net quantity contents.

If any information as described herein is not included on the manufacturer's label, but instead is on the manufacturer's package insert, the package insert must be maintained on the veterinarian's truck.

(i) When issuing a prescription for or dispensing a drug to a horse with which the veterinarian has a veterinarian-client-patient relationship, the veterinarian must affix or cause to be affixed a label which sets forth the following:

- (1) Name and address of the veterinarian;
- (2) Name and address of the client;
- (3) Name of the horse;
- (4) Date of prescription and/or dispensing of drug;
- (5) Directions for use, including dose and duration directions, and number of refills;
- (6) Name and quantity of the drug (or drug preparation, including compounds) prescribed or dispensed;
- (7) For compounded drugs, the established name of each active ingredient; and
- (8) Any necessary cautionary statements.

(j) The practice, administration, or application of a treatment, procedure, therapy, or method identified below, which is performed on the premises of a facility under jurisdiction of the commission or in any horse scheduled to compete in a race under the jurisdiction of the commission and which may endanger the health and welfare of the horse or endanger the safety of the rider or driver, or the use of which may adversely affect the integrity of racing is prohibited: Intermittent hypoxic treatment by external device. (*Indiana Horse Racing Commission; 71 IAC 8-6-2; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2385; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1920; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2220*)

SECTION 26. 71 IAC 8-8-1 IS AMENDED TO READ AS FOLLOWS:

## 71 IAC 8-8-1 Postmortem; disposal of a dead horse

Authority: IC 4-31-3-9; IC 4-31-12-10  
Affected: IC 4-31

Sec. 1. (a) ~~In the event that a horse should die on the premises of a permit holder or elsewhere, The commission veterinarian or the state judge may order an autopsy to be performed on the horse for the purpose of ascertaining the cause of death. In the event that an autopsy is ordered, the cost thereof shall be borne by the commission: judges shall order a postmortem examination of:~~

- (1) each horse that:

---

## Emergency Rules

---

- (A) suffers a breakdown on the racetrack, in training, or in competition; and  
(B) is destroyed; and

(2) each horse that expires under suspicious or unusual circumstances while stabled on a racetrack under the jurisdiction of the commission;  
to determine the injury or sickness that resulted in euthanasia or natural death.

(b) In the event that a horse shall die on the premises of a permit holder, the horse may not be removed from the premises without first obtaining permission to remove the horse; either from A postmortem examination under this section shall be conducted by a veterinarian approved by the commission, at a time and place acceptable to the commission veterinarian. or the judges.

(c) Test samples specified by the commission veterinarian shall be obtained from the carcass upon which the postmortem examination is conducted and shall be sent to a laboratory approved by the commission for testing for foreign substances and natural substances at abnormal levels. However, blood and urine test samples shall be procured before euthanasia when practical.

(d) The commission shall pay all costs involved in a postmortem examination ordered by the commission or the commission veterinarian.

(e) A written record shall be filed with the commission veterinarian at the completion of each postmortem examination. The record must contain all information normally contained in a postmortem examination. The record must contain all information normally contained in a postmortem report, as well as any other information specifically requested by the commission veterinarian. *(Indiana Horse Racing Commission; 71 IAC 8-8-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1175; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2221)*

SECTION 27. 71 IAC 8-8-2 IS ADDED TO READ AS FOLLOWS:

### 71 IAC 8-8-2 Report of horse death

Authority: IC 4-31-3-9  
Affected: IC 4-31

Sec. 2. (a) The death of any horse on association grounds at any time shall be immediately reported to the judges or the executive director by the practicing veterinarian tending the horse.

(b) The practicing veterinarian tending to a horse which dies on association grounds shall complete the IHRC Death and Euthanasia Report. Such report shall be filed with the judges within twenty-four (24) hours of the death or euthanasia of the horse.

(c) Absent a practicing veterinarian tending to the death or euthanasia of a horse the judges or the executive director shall designate a licensed veterinarian to complete the IHRC Death and Euthanasia Report.

(d) A horse that dies on association grounds shall not be removed without permission of the judges or the executive director. *(Indiana Horse Racing Commission; 71 IAC 8-8-2; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2222)*

SECTION 28. 71 IAC 8-9-1 IS AMENDED TO READ AS FOLLOWS:

### 71 IAC 8-9-1 Veterinarian's list

Authority: IC 4-31-3-9  
Affected: IC 4-31

Sec. 1. (a) The official veterinarian shall maintain a list of all horses which are determined to be unfit to compete in a race due to physical distress, unsoundness, infirmity, or medical condition.

(b) ~~A horse may be removed from the veterinarian's list when, in the opinion of the official veterinarian, the horse has satisfactorily recovered the capability of performing in a race. Any horse scratched under (a) [subsection (a)] shall not be eligible to race for a minimum of seven (7) days following the scratch or, when in the opinion of the official veterinarian following the seven (7) days, has satisfactorily recovered the capabilities to perform in a race.~~ *(Indiana Horse Racing Commission; 71 IAC 8-9-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1175; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2222)*

SECTION 29. 71 IAC 8-10-2 IS AMENDED TO READ AS FOLLOWS:

### 71 IAC 8-10-2 Applicant and licensee subject to testing

Authority: IC 4-31-3-9  
Affected: IC 4-31

Sec. 2. Each licensee at a race track or other facility under the control of the commission or applicant for a license may be subject to a urine test at any time while within the enclosure of any race track or other facility under the control of the commission at the direction of the executive director, the judges, or ~~the~~ commission director of security if there is reasonable suspicion to believe that such licensee is possessing or using any controlled substance or any drug in violation of any federal or state law. **This provision notwithstanding, licensees are subject to random urine testing pursuant to policies approved by the commission.** Failure to submit to or complete a urine test at the time, location, and manner directed by commission personnel shall constitute a refusal to be tested. Any licensee who fails to submit to or complete such a test shall be immediately suspended for sixty (60) days and shall not be allowed to partici-



pate at any race track under the control of the commission until a negative test result is achieved. Any applicant who fails to submit to such a test when requested to do so shall be refused or denied a license. (*Indiana Horse Racing Commission; 71 IAC 8-10-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1176; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2918; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2081; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2414; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1670, eff Feb 24, 2000; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2222*)

SECTION 30. 71 IAC 8.5-1-1 IS AMENDED TO READ AS FOLLOWS:

#### **71 IAC 8.5-1-1 Medication**

**Authority:** IC 4-31-3-9

**Affected:** IC 4-31-12

Sec. 1. (a) No horse participating in a race or entered in a race shall carry in its body any foreign substance as defined in 71 IAC 1.5, except as provided for in this rule.

(b) No substance, foreign or otherwise, shall be administered to a horse entered to race by:

- (1) injection;
- (2) jugging;
- (3) oral administration;
- (4) tube;
- (5) rectal infusion or suppository;
- (6) inhalation; or
- (7) any other means;

within twenty-four (24) hours prior to the scheduled post time for the first race except furosemide as provided for in this rule. The prohibitions in this section ~~include, includes~~ [*sic., include*], but ~~are is~~ [*sic., are*] not limited to, injection or jugging of vitamins, electrolyte solutions, and amino acid solutions. **The prohibition also includes, but is not limited to, the administration of breathing compounds for oral and nasal dosing, such as Traileze, Vapol, Vicks vapor-rub, wind-aid, exhale ease, or containing methylsalicylate, camphor, or potassium iodide.**

(c) Substances or metabolites thereof which are contained in equine feed or feed supplements that do not contain pharmacodynamic or chemotherapeutic agents are not considered foreign substances if consumed in the course of normal dietary intake (eating and drinking).

(d) The prohibition in subsection (b) notwithstanding, the use of nebulizers are permitted on an entered horse within twenty-four (24) hours of the scheduled post time for the horse's race until the horse's arrival in the paddock provided their use is restricted to water and saline solutions only.

(e) Topical dressings such as leg paints, liniments, ointments,

salves, hoof dressings, and antiseptics, which do not contain anesthetics or a pharmacodynamic or a chemotherapeutic agent, may be administered at any time prior to a horse's arrival in the paddock. Products containing "caine" derivatives or dimethylsulfoxide (DMSO) are foreign substances and are prohibited. (*Indiana Horse Racing Commission; 71 IAC 8.5-1-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2880, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3413; errata filed Mar 5, 1998, 1:46 p.m.: 21 IR 2392; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2419; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2385; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2223*)

SECTION 31. 71 IAC 8.5-1-5 IS AMENDED TO READ AS FOLLOWS:

#### **71 IAC 8.5-1-5 Furosemide as a permitted foreign substance**

**Authority:** IC 4-31-3-9

**Affected:** IC 4-31-12

Sec. 5. The administration of furosemide shall be permitted for the prophylactic treatment of a confirmed bleeder under the following conditions and guidelines and with the approval of the commission veterinarian:

(1) Bleeder list. In order to obtain approval for the administration of furosemide, the bleeder horse must be placed on the bleeder list. An up-to-date bleeder list shall be maintained by the commission. As used in this rule, "bleeder" means a horse which demonstrates visible external evidence of exercise induced pulmonary hemorrhage or existence of hemorrhage in the trachea post exercise upon endoscopic examination. Such examination is to be performed by or in the presence of a commission veterinarian or racing veterinarian. Only horses which fall under this definition shall be placed on the bleeder list. This subsection shall not apply to horses who, in their last start, received furosemide in another jurisdiction.

(2) Endoscopic examination. The endoscopic examination provided must be conducted within one (1) hour of the finish of the race or exercise in which a horse has participated and bled, and must reveal hemorrhage in the lumen of the respiratory tract. Endoscopic examination under this rule shall be at a time and place set by the commission veterinarian and shall be conducted in his or her presence. A horse that is known to have bled upon an endoscopic examination, but not visibly from the nostrils.

(3) Confirmation. The confirmation of a bleeder horse must be certified in writing by the commission veterinarian and entered by him or her on the bleeder list. A copy of certification shall be issued to the owner of the horse or his or her agent upon request.

(4) Age. Every confirmed bleeder regardless of age shall be placed on the bleeder list.

(5) Removal from list. A horse shall be removed from the bleeder list only upon the direction of the commission veterinarian, who shall certify in writing to the stewards his or her recommendations for removal.

## Emergency Rules

(6) Time of treatment. Horses qualified for medication and so indicated on the official bleeder list must be treated at least four (4) hours prior to post time.

(7) Medication administration. Bleeder medication shall be administered by a veterinarian licensed by the commission ~~and employed by the owner of the horse or his or her agent and at an intravenous dose level not to exceed two hundred fifty (250) milligrams and no less than one hundred fifty (150) milligrams. and approved by the commission veterinarian.~~ The **executive director or stewards or commission veterinarian** may designate certain licensed **official veterinarians, racing veterinarians, and/or practicing** veterinarians to administer furosemide under this rule. ~~The commission may designate a specific location for the administration of furosemide. Such designation may be determined daily, weekly, or for any other appropriate time period. Administration of furosemide [sic.] shall take place in the horse's stall or a specific location otherwise designated by the commission. An association employee shall be present and observe the drawing of furosemide into a syringe. The administering veterinarian shall provide a factory sealed bottle of furosemide from which the draws shall be made. The association shall establish track rules for furosemide administrations that are consistent with these regulations.~~

(8) Out-of-state horses. A bleeder horse shipped into the state from another jurisdiction may be automatically eligible to receive furosemide provided that the jurisdiction from which it was shipped qualified it as a bleeder using criteria satisfactory to this state. The Daily Racing Form, Equibase, the breed registry foal certificate, or bleeder certificate may be utilized in determining a horse's eligibility to receive furosemide.

(9) The test level of furosemide under this rule shall not be in excess of one hundred (100) nanograms per milliliter of plasma and shall not be below a urine specific gravity of one and ten one-thousandths (1.010). If an insufficient volume of urine is obtained, a positive test shall be based upon quantitative testing performed on blood plasma only. Split sample testing shall be quantitative and be performed on blood plasma only.

*(Indiana Horse Racing Commission; 71 IAC 8.5-1-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2880, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3413; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2893; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2420; errata filed Oct 15, 1998, 12:39 p.m.: 22 IR 759; emergency rule filed Jun 8, 1999, 9:30 a.m.: 22 IR 3123, eff May 26, 1999 [NOTE: IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2223)*

SECTION 32. 71 IAC 8.5-4-5 IS AMENDED TO READ AS FOLLOWS:

### 71 IAC 8.5-4-5 Records of treatment

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 5. (a) Every veterinarian licensed by the commission who treats any horse or performs other professional services within the enclosure of an organization licensee during a race meeting shall be responsible for maintaining treatment records or a log book on all horses for which they prescribe, administer, or dispense medication or perform other professional services. The treatment records or log book information shall include, but not be limited to, the following:

- (1) The date and time of treatment service.
- (2) Name of race track.
- (3) The veterinarian's printed name and signature.
- (4) The registered name of horse.
- (5) The trainer's name.
- (6) The barn number or location of horse.
- (7) The race date and race number, if any.
- (8) The medication and dosage.
- (9) The reason for treatment or services.

These records shall be current at all times and available to the commission and the stewards upon request. These records shall be retained for at least one (1) year after the conclusion of the race meet and be made available to the commission and stewards upon request. **Such records shall be delivered to the commission either upon demand or within twenty-four (24) hours of the request.**

(b) Veterinarians shall retain duplicate copies of bills or statements to trainers or owners which shall be retained for at least one (1) year and made available to the commission upon request. **Such records shall be delivered to the commission within forty-eight (48) hours of the request.**

(c) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription, must have been validly prescribed by a duly licensed veterinarian and be in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:

- (1) The name of the product.
- (2) The name, address, and telephone number of the veterinarian prescribing or dispensing the product.
- (3) The name of each patient (horse) for whom the product is intended or prescribed.
- (4) The doses, dosage, duration of treatment, and expiration date of the prescribed or dispensed product.
- (5) The name of the person (trainer) to whom the product was dispensed.

*(Indiana Horse Racing Commission; 71 IAC 8.5-4-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2885, eff Jul 1, 1995; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2421; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 121; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2224)*

SECTION 33. 71 IAC 8.5-4-7 IS AMENDED TO READ AS FOLLOWS:

**71 IAC 8.5-4-7 Storage of supplies and drugs**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 7. Storage areas for veterinarian supplies, equipment, **hypodermic syringes, hypodermic needles**, and foreign substances, including, but not limited to, narcotics, controlled substances, stimulants, depressants, or other drugs or medications of any type, shall be kept secured by lock and key when left unattended. This requirement specifically includes mobile veterinarian vehicles used on association grounds. (*Indiana Horse Racing Commission; 71 IAC 8.5-4-7; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2886, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2225*)

SECTION 34. 71 IAC 8.5-4-9 IS ADDED TO READ AS FOLLOWS:

**71 IAC 8.5-4-9 Veterinarian vehicles**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. A practicing veterinarian is responsible to ensure that his or her vehicle is not occupied while in the stable area of an association by any person other than the practicing veterinarian, his or her licensed helper, or an authorized association or commission employee. (*Indiana Horse Racing Commission; 71 IAC 8.5-4-9; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2225*)

SECTION 35. 71 IAC 8.5-4-10 IS ADDED TO READ AS FOLLOWS:

**71 IAC 8.5-4-10 Predrawn injectables**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 10. (a) Practicing veterinarians who possess any predrawn injectable syringes containing any substance must also possess the partially filled bottle from which the injectable substance was drawn.

(b) Predrawn syringes and the labeled source container from which it is drawn are subject to confiscation by the commission or association security. The injectable substances are subject to testing by a laboratory approved by the commission or its executive director. The injectable substance must be clearly identified on each predrawn syringe. (*Indiana Horse Racing Commission; 71 IAC 8.5-4-10; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2225*)

SECTION 36. 71 IAC 8.5-4-11 IS ADDED TO READ AS FOLLOWS:

**71 IAC 8.5-4-11 Testing of confiscated drug, substance, or medication**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 11. Any suspect drug, substance, or medication confiscated from a practicing veterinarian or other person may be sent to the commission's primary laboratory or any other laboratory approved by the commission as designated by its executive director. The practicing veterinarian or other person shall be responsible for the cost of the testing of any unlabelled, mislabeled, incompletely labeled, or unauthorized drug, substance, or medication. (*Indiana Horse Racing Commission; 71 IAC 8.5-4-11; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2225*)

SECTION 37. 71 IAC 8.5-4-12 IS ADDED TO READ AS FOLLOWS:

**71 IAC 8.5-4-12 Contact with entered horses**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 12. (a) Practicing veterinarians and their helpers are prohibited from having contact with a horse within twenty-four (24) hours of its scheduled race except during the administration of furosemide under the guidelines set forth in 71 IAC 8.5-1-5(6) and 71 IAC 8.5-1-5(7) or unless prior approval has been given by the stewards or by the official veterinarian.

(b) Practicing veterinarians and their helpers shall not enter a stall designated with an "In Today" sign prior to a horse's race except for the administration of furosemide under the guidelines set forth in 71 IAC 8.5-1-5(6) and 71 IAC 8.5-1-5(7) or unless prior written approval has been given by the stewards or by the official veterinarian.

(c) Notwithstanding provisions (a) and (b) above [subsections (a) and (b)], in the case of an emergency a practicing veterinarian may have contact with a horse within twenty-four (24) hours of its scheduled race. If this occurs, the practicing veterinarian shall immediately report such contact and the reasons necessitating the contact to the stewards or in their absence to commission or track security. (*Indiana Horse Racing Commission; 71 IAC 8.5-4-12; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2225*)

SECTION 38. 71 IAC 8.5-4-13 IS ADDED TO READ AS FOLLOWS:

**71 IAC 8.5-4-13 Veterinary helpers**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 13. Practicing veterinarians may employ persons licensed as veterinary helpers to work under their direct supervision. The veterinary helper shall not be permitted in the stable area unless accompanied by his or her employer. Veterinary helpers shall not inject, directly treat, or diagnose any animal. The practicing veterinarian must be present on the grounds if a veterinary helper has access to injection devices or injectable substances. The practicing

## Emergency Rules

veterinarian shall assume all financial and regulatory responsibility for the actions of their licensed veterinary helper. (*Indiana Horse Racing Commission; 71 IAC 8.5-4-13; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2225*)

SECTION 39. 71 IAC 8.5-5-2 IS AMENDED TO READ AS FOLLOWS:

### 71 IAC 8.5-5-2 Prohibited practices

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) The possession and/or use of a drug, substance, or medication, specified below, on the premises of a facility under the jurisdiction of the commission is prohibited. These drugs or substances include those which a recognized analytical method has not been developed to detect and confirm the administration of such substance, or the use of which may endanger the health and welfare of the horse or endanger the safety of the rider, or the use of which may adversely affect the integrity of racing:

- (1) Erythropoietin.
- (2) Darbepoietin.
- (3) Oxyglobin.
- (4) Hemopure.

(b) The possession and/or use of a drug, substance, or medication on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Food and Drug Administration (FDA) for any use in the United States is prohibited (human or animal) is forbidden without prior permission of the commission. For purposes of this rule, the term "drug" is any substance, food or nonfood, that is used to treat, cure, mitigate, or prevent a disease, any nonfood substance that is intended to affect the structure or function of the animal, and includes any substance administered by injection.

(c) While on the premises of a facility under the jurisdiction of the commission, veterinarians may only possess drugs, including compounds as discussed below in paragraph (d) [subsection (d)], in amounts commensurate with the needs of horses with which the veterinarian has a veterinarian-client-patient relationship as that term is defined at 888 IAC 1.1-5-1(2).

(d) Notwithstanding paragraph (b) [subsection (b)], veterinarians may possess compounded drugs with the restrictions listed below. Compounding includes any manipulation of a drug beyond that stipulated on the drug label, including, but not limited to, mixing, diluting, concentrating, and/or creating oral suspensions or injectable solutions.

- (1) Compounds may only be prescribed to or prepared for horses with which the veterinarian has a veterinarian-client-patient relationship;
- (2) Compounded drugs may only be made from other FDA-approved drugs;

(3) Veterinarians may not possess compounds where there are FDA-approved, commercially available drugs that can appropriately treat the horse; and

(4) Compounded drugs must be in containers that meet the prescription labeling requirements in paragraphs (h) and (i) [subsections (h) and (i)].

(e) The possession of any drug not approved by the FDA for distribution in the United States is prohibited, unless the veterinarian can show proof of prior authorization from the FDA Center for Veterinary Medicine that has been obtained on a single-patient basis only. The authorization must be maintained in the animal health record. A copy of the authorization must be available for immediate inspection.

(f) Extralabel administration of drugs, including use for indication or at dosage levels, frequencies, or routes of administration other than those stated in the labeling, is permitted for FDA-approved drugs only. Extralabel use must meet the prescription labeling requirements in paragraphs (h) and (i) [subsections (h) and (i)].

(g) A veterinarian shall not possess any drug that is not labeled pursuant to the requirements of paragraph (h) or (i) [subsection (h) or (i)].

(h) Drugs possessed by practicing veterinarians on the premises of a facility under the jurisdiction of the commission which have not yet been prescribed or dispensed to horses with which the veterinarian has a veterinarian-client-patient relationship must be affixed with the manufacturer's label which must include:

- (1) recommended or usual dosage;
- (2) route for administration, if it is not for oral use;
- (3) quantity or proportion of each active ingredient;
- (4) names of inactive ingredients, if for other than oral use;
- (5) an identifying lot or control number;
- (6) manufacturer, packer, or distributor's name and address; and
- (7) net quantity contents.

If any information as described herein is not included on the manufacturer's label, but instead is on the manufacturer's package insert, the package insert must be maintained on the veterinarian's truck.

(i) When issuing a prescription for or dispensing a drug to a horse with which the veterinarian has a veterinarian-client-patient relationship, the veterinarian must affix or cause to be affixed a label which sets forth the following:

- (1) Name and address of the veterinarian;
- (2) Name and address of the client;
- (3) Name of the horse;
- (4) Date of prescription and/or dispensing of drug;
- (5) Directions for use, including dose and duration directions, and number of refills;
- (6) Name and quantity of the drug (or drug preparation,

- including compounds) prescribed or dispensed;  
(7) For compounded drugs, the established name of each active ingredient; and  
(8) Any necessary cautionary statements.

(e) (j) The practice, administration, or application of a treatment, procedure, therapy, or method identified below, which is performed on the premises of a facility under jurisdiction of the commission or in any horse scheduled to compete in a race under the jurisdiction of the commission and which may endanger the health and welfare of the horse or endanger the safety of the rider or driver, or the use of which may adversely affect the integrity of racing is prohibited: Intermittent hypoxic treatment by external device. (*Indiana Horse Racing Commission; 71 IAC 8.5-5-2; emergency rule filed Aug 20, 2002, 3:00 p.m.: 26 IR 57; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2386; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1921; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2226*)

SECTION 40. 71 IAC 8.5-7-1 IS AMENDED TO READ AS FOLLOWS:

**71 IAC 8.5-7-1 Postmortem; disposal of a dead horse**

Authority: IC 4-31-3-9; IC 4-31-12-10  
Affected: IC 4-31

Sec. 1. (a) In the event that a horse should die on the premises of a permit holder or elsewhere, The commission veterinarian or the state steward may order an autopsy to be performed on the horse for the purpose of ascertaining the cause of death. In the event that an autopsy is ordered, the cost thereof shall be borne by the commission. stewards shall order a postmortem examination of:

- (1) each horse that:  
(A) suffers a breakdown on the racetrack, in training, or in competition; and  
(B) is destroyed; and  
(2) each horse that expires under suspicious or unusual circumstances while stabled on a racetrack under the jurisdiction of the commission;

to determine the injury or sickness that resulted in euthanasia or natural death.

(b) In the event that a horse shall die on the premises of a permit holder, the horse may not be removed from the premises without first obtaining permission to remove the horse; either from A postmortem examination under this section shall be conducted by a veterinarian approved by the commission, at a time and place acceptable to the commission veterinarian. or the stewards:

(c) Test samples specified by the commission veterinarian shall be obtained from the carcass upon which the postmortem examination is conducted and shall be sent to a laboratory approved by the commission for testing for foreign substances and natural substances at abnormal levels. However, blood and urine test samples shall be procured before euthanasia when practical.

- (d) The commission shall pay all costs involved in a

postmortem examination ordered by the commission or the commission veterinarian.

(e) A written record shall be filed with the commission veterinarian at the completion of each postmortem examination. The record must contain all information normally contained in a postmortem examination. The record must contain all information normally contained in a postmortem report, as well as any other information specifically requested by the commission veterinarian. (*Indiana Horse Racing Commission; 71 IAC 8.5-7-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2886, eff. Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2227*)

SECTION 41. 71 IAC 8.5-7-2 IS ADDED TO READ AS FOLLOWS:

**71 IAC 8.5-7-2 Report of horse death**

Authority: IC 4-31-3-9  
Affected: IC 4-31

Sec. 2. (a) The death of any horse on association grounds at any time shall be immediately reported to the stewards or the executive director by the practicing veterinarian tending the horse.

(b) The practicing veterinarian tending to a horse which dies on association grounds shall complete the IHRC Death and Euthanasia Report. Such report shall be filed with the stewards within twenty-four (24) hours of the death or euthanasia of the horse.

(c) Absent a practicing veterinarian tending to the death or euthanasia of a horse the stewards or the executive director shall designate a licensed veterinarian to complete the IHRC Death and Euthanasia Report.

(d) A horse that dies on association grounds shall not be removed without permission of the stewards or the executive director. (*Indiana Horse Racing Commission; 71 IAC 8.5-7-2; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2227*)

SECTION 42. 71 IAC 8.5-10-2 IS AMENDED TO READ AS FOLLOWS:

**71 IAC 8.5-10-2 Applicant and licensee subject to testing**

Authority: IC 4-31-3-9  
Affected: IC 4-31

Sec. 2. Each licensee at a race track or other facility under the control of the commission or applicant for a license may be subject to a urine test at any time while within the enclosure of any race track or other facility under the control of the commission at the direction of the executive director, the stewards, or the commission director of security if there is reasonable suspicion to believe that such licensee is possessing or using any controlled substance or any drug in violation of any federal or

---

## Emergency Rules

---

state law. **This provision notwithstanding, licensees are subject to random urine testing pursuant to policies approved by the commission.** Failure to submit to or complete a urine test at the time, location, and manner directed by commission personnel shall constitute a refusal to be tested. Any licensee who fails to submit to or complete such a test shall be immediately suspended for sixty (60) days and shall not be allowed to participate at any race track under the control of the commission until a negative test result is achieved. Any applicant who fails to submit to such a test when requested to do so shall be refused or denied a license. (*Indiana Horse Racing Commission; 71 IAC 8.5-10-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2887, eff Jul 1, 1995; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2422; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2783; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2227*)

SECTION 43. THE FOLLOWING ARE REPEALED: 71 IAC 8-5-4; 71 IAC 8-5-7.

*LSA Document #06-78(E)*

*Filed with Secretary of State: March 10, 2006, 11:00 a.m.*

---

### TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #06-51(E)

#### DIGEST

Temporarily amends 312 IAC 18-3-18 and LSA Document #06-23(E), which regulate the emerald ash borer (*Agrilus planipennis*) as a pest or pathogen to provide quarantine standards with respect to the species and to quarantine any county with a township that has an infested area, to apply to Huntington County. Effective February 16, 2006.

SECTION 1. (a) **This SECTION is supplemental to 312 IAC 18-3-18(c) and to LSA Document #06-23(E), published at 29 IR [1957].**

(b) **Huntington Township and Union Township in Huntington County are infested with emerald ash borer.**

(c) **Huntington Township and Union Township are regulated as infested areas, and Huntington County is quarantined under 312 IAC 18-3-18 and LSA Document #06-23(E).**

SECTION 2. **SECTION 1 of this document expires January 1, 2007.**

*LSA Document #06-51(E)*

*Filed with Secretary of State: February 16, 2006, 10:42 a.m.*

---

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

LSA Document #06-50(E)

#### DIGEST

Temporarily adds rules to implement a program to complement the federal Medicare Prescription Drug Benefit and to establish program eligibility and enrollment guidelines. Effective February 16, 2006.

SECTION 1. **Under IC 12-10-16-3, the office hereby adopts and promulgates this document to phase-out the IPDP discount card program and transition members to the federal Medicare Part D program.**

SECTION 2. (a) **The definitions in this SECTION apply throughout SECTIONS 2 through 5 [of this document] unless the context clearly indicates another meaning.**

(b) **“Centers for Medicare and Medicaid Services” means the federal administrator of the Medicare prescription drug benefit.**

(c) **“Enhanced Medicare Part D plan” means a Medicare Part D plan that is not considered standard or basic actuarially equivalent standard coverage by the Centers for Medicare and Medicaid Services.**

(d) **“Full low-income subsidy” means the Centers for Medicare and Medicaid Services benefit provided to eligible low-income individuals enrolled in the Medicare prescription drug benefit. Full low-income subsidy eligible individuals:**

- (1) **are not required to pay monthly premiums or annual deductible;**
- (2) **have small copayments; and**
- (3) **have no gap in coverage.**

**Eligibility is determined by the Social Security Administration.**

(e) **“Low-income subsidy” means either a:**

- (1) **full low-income subsidy; or**
- (2) **partial low-income subsidy;**

**as determined by the Social Security Administration.**

(f) **“Low-income subsidy application” means the Application for Help with Medicare Prescription Drug Plan Costs, which is processed and administered through the Social Security Administration.**

(g) **“Low-income subsidy premium” means the maximum amount the low-income subsidy will pay towards a Medicare Part D beneficiary’s monthly premium in the state of Indiana, as determined by the Centers for Medicare and Medicaid Services and adjusted annually.**

(h) “Medicare-Advantage prescription drug plan” means an entity authorized by the Centers for Medicare and Medicaid Services to provide prescription drug coverage to Medicare-Advantage beneficiaries.

(i) “Medicare Part D plan” means a:

- (1) Medicare prescription drug plan; or
- (2) a Medicare-Advantage prescription drug plan.

(j) “Member” means a person who has:

- (1) met all eligibility requirements; and
- (2) has been enrolled in the Indiana prescription drug program.

(k) “Partial low-income subsidy” means the Centers for Medicare and Medicaid Services benefit provided to eligible low-income individuals enrolled in the Medicare prescription drug benefit. Partial low-income subsidy eligible individuals are eligible for the following:

- (1) reduced premiums on a sliding-scale;
- (2) a maximum annual deductible of fifty dollars (\$50);
- (3) fifteen percent (15%) copayments; and
- (4) no gap in coverage.

Eligibility is determined by the Social Security Administration.

(l) “Premium” means the monthly cost of being enrolled in a Medicare Part D plan.

(m) “Standard” means a Medicare Part D plan that is considered standard or basic actuarially equivalent standard coverage by the Centers for Medicare and Medicaid Services. Does not include enhanced Medicare Part D plans.

SECTION 3. (a) The IPDP drug card program will end on December 31, 2005.

(b) Any benefit dollars remaining on IPDP member drug cards will no longer be available to the member after December 31, 2005.

(c) December 31, 2005, will be the last date of service that pharmacy providers will be able to submit a claim to the IPDP.

(d) The IPDP shall accept reversals and rebills electronically ninety (90) days after December 31, 2005.

SECTION 4. (a) The program may, to the extent it can identify IPDP members that have been determined eligible for full low-income subsidy from the Centers for Medicare and Medicaid Services, randomly assign members to Medicare prescription drug plans offering standard coverage with a monthly premium below the low-income subsidy premium amount in compliance with subsection (b). In the event the same entity offers more than one (1) such Medicare prescription drug plan in the state, the program

will assign members randomly among the entity’s eligible Medicare prescription drug plans.

(b) The program shall only auto-assign members to Medicare prescription drug plans that have agreed to accept electronic auto-assignment from the program in a manner defined by the program.

(c) Married couples auto-assigned by the office shall be assigned to the same Medicare prescription drug plan whenever possible.

(d) The program will send the member a letter notifying them that they will have at least twenty-five (25) calendar days to select a Medicare Part D Plan. If no selection has been made within the period of not less than twenty-five (25) calendar days, the office may auto-assign the member to a Medicare Prescription Drug Plan that has contracted with the IPDP to receive auto-assignment.

(e) A member may opt out of the auto-assignment by calling or writing the IPDP before the end of the twenty-five (25) calendar day period.

(f) Any member that has not selected a Medicare Part D plan before the end of the initial enrollment period that is otherwise eligible for the program may be auto-assigned to a Medicare Part D plan before the end of the twenty-five (25) calendar day opt-out period.

(g) If a member is enrolled in a Medicare-Advantage organization, the office may assign the member to the Medicare-Advantage prescription drug plan being offered by the same entity. If the Medicare-Advantage organization in which the member is enrolled does not offer Medicare prescription drug benefits, the office may randomly assign the member to a Medicare prescription drug plan.

SECTION 5. (a) The program may, to the extent it can identify IPDP members that have been determined eligible for partial low-income subsidy from the Centers for Medicare and Medicaid Services, randomly assign members to Medicare prescription drug plans offering standard coverage, with a monthly premium below the low-income subsidy premium amount for the region, that have contracted with the program to administer IPDP assistance with Medicare Part D premiums and other Medicare Part D plan costs. In the event the same entity offers more than one (1) such Medicare prescription drug plan in the state, the program will assign members randomly among the entity’s eligible Medicare prescription drug plans.

(b) The program shall only auto-assign members to Medicare Part D plans that have agreed to accept electronic auto-assignment from the program in a manner defined by the program.

---

## Emergency Rules

---

(c) Married couples auto-assigned by the office shall be assigned to the same Medicare Part D plan whenever possible.

(d) The program will send the member a letter notifying them that they will have at least twenty-five (25) calendar days to select a Medicare Part D plan. If no selection has been made within the period of not less than twenty-five (25) calendar days, the office may auto-assign the member to a Medicare prescription drug plan that has contracted with the IPDP to receive auto-assignment.

(e) A member may not receive IPDP assistance with Medicare Part D premiums and other Medicare Part D plan costs if he or she enrolls in a Medicare Part D plan that has not contracted with the program to administer such benefits.

(f) A member may opt out of the auto-assignment by calling or writing the IPDP before the end of the twenty-five (25) calendar day period.

(g) Any member that has not selected a Medicare Part D plan before the end of the initial enrollment period that is otherwise eligible for the program may be auto-assigned to a Medicare Part D plan that has contracted with the program to administer IPDP assistance with Medicare Part D premiums and other Medicare Part D plan costs before the end of the member's twenty-five (25) calendar day opt-out period.

(h) If member is enrolled in a Medicare-Advantage organization, the office may assign the member to the Medicare-Advantage prescription drug plan being offered by the same entity. If the Medicare-Advantage organization in which the member is enrolled does not offer Medicare prescription drug benefits, the office may randomly assign the member to a Medicare prescription drug plan.

SECTION 6. Under IC 12-10-16-3, the office hereby adopts and promulgates all sections following this SECTION to do the following:

- (1) Interpret and implement provisions of IC 12-10-16-3 to provide assistance to low-income seniors with the expense of participating in a Medicare Part D plan.
- (2) Ensure the efficient, economical, and reasonable operations of the Indiana prescription drug program.

SECTION 7. The definitions in SECTION 8 through SECTION 41 [SECTIONS 8 through 41 of this document] apply to all sections following this SECTION unless the context clearly indicates another meaning.

SECTION 8. "Applicant" means the person for whom Indiana prescription drug program enrollment is requested.

SECTION 9. "Benefit period" means a specified time frame during which a member is concurrently enrolled in both a Medicare Part D plan and the Indiana prescription drug program. The benefit period shall not exceed one (1)

calendar year beginning in January with limits specified in 405 IAC 8-6-4 [405 IAC 8-6-4 is proposed to be added at 29 IR 862.]. The benefit shall not be paid or begin until the first day of the first month in which:

- (1) the member has an active effective date in a Medicare Part D plan; and
- (2) the member's Medicare Part D plan recognizes the member's enrollment in the IPDP.

SECTION 10. "Centers for Medicare and Medicaid Services" means the federal administrator of the Medicare prescription drug benefit.

SECTION 11. (a) "Complete applicant file" means an enrollment form for the Indiana prescription drug program that includes the following information about the applicant and applicant's spouse, if applicable:

- (1) Name.
- (2) Address of domicile.
- (3) Date of birth.
- (4) Social Security number.
- (5) Medicare Health Insurance Claim Number (HICN).
- (6) Marital status.
- (7) Signature.
- (8) Proof of low-income subsidy determination by the Social Security Administration. Proof includes either a letter of determination from the Social Security Administration or electronic confirmation provided by the Centers for Medicare and Medicaid Services.
- (9) Proof that the applicant's income is below one hundred fifty percent (150%) of the federal poverty limit applicable to the individual's family size.
- (10) Proof of enrollment in a Medicare prescription drug plan. Acceptable proof should be electronic confirmation provided by the Centers for Medicare and Medicaid Services or a Medicare Part D plan member identification number.

(b) Applicants may provide information to the office by mail, facsimile, or telephone or over the Internet.

SECTION 12. "Deductible" means the amount a beneficiary must pay out of pocket before the member's Medicare Part D plan begins to cover prescription drug costs during each benefit period.

SECTION 13. "Domicile" means the applicant's:

- (1) true;
  - (2) fixed;
  - (3) principal; and
  - (4) permanent;
- home.

SECTION 14. "Eligible" means a person who meets all requirements for enrollment in the program.

SECTION 15. "Enhanced Medicare Part D plan" means



a Medicare Part D plan that is not considered standard or basic actuarially equivalent standard coverage by the Centers for Medicare and Medicaid Services.

SECTION 16. “Federal poverty limit” means the nonfarm income official poverty guideline as determined by the federal Office of Management and Budget.

SECTION 17. “Full low-income subsidy” means the full extra help for paying for Medicare prescription drug plan costs provided by the Centers for Medicare and Medicaid Services (CMS). According to CMS, beneficiaries receiving full low-income subsidy will:

- (1) not be responsible for monthly premium costs for basic Medicare Part D plans;
- (2) have no annual deductible; and
- (3) have no gap in coverage.

SECTION 18. “Income” means the amount of money or its equivalent received as follows:

- (1) In exchange for or as a result of labor or services.
- (2) From the sale of goods or property.
- (3) As profits from financial investments.

SECTION 19. “Indiana prescription drug program” means the program established by IC 12-10-16.

SECTION 20. “Initial enrollment period” means the Medicare Part D initial enrollment period ending May 15, 2006, as defined in the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

SECTION 21. “Low-income subsidy” means either:

- (1) a full low-income subsidy;
- (2) or partial low-income subsidy;

as determined by the Social Security Administration.

SECTION 22. “Low-income subsidy application” means the Application for Help with Medicare Prescription Drug Plan Costs, which is processed and administered through the Social Security Administration.

SECTION 23. “Low-income subsidy determination” means a definitive determination from the Social Security Administration as to an applicant’s eligibility for the low-income subsidy.

SECTION 24. “Low-income subsidy premium” means the maximum amount the low-income subsidy will pay towards a Medicare Part D beneficiary’s monthly premium in the state of Indiana, as determined by the Centers for Medicare and Medicaid Services and adjusted annually.

SECTION 25. “Medicare-Advantage prescription drug plan” means an entity authorized by the Centers for Medicare and Medicaid Services to provide prescription

drug coverage to Medicare-Advantage beneficiaries.

SECTION 26. “Medicare Part D plan” means a:

- (1) Medicare prescription drug plan; or
- (2) Medicare-Advantage prescription drug plan.

SECTION 27. “Medicare prescription drug plan” means an entity authorized by the Centers for Medicare and Medicaid Services to provide prescription drug coverage to Medicare beneficiaries.

SECTION 28. “Member” means a person who has:

- (1) met all eligibility requirements; and
- (2) been enrolled in the Indiana prescription drug program.

SECTION 29. “Noncovered drug” means a drug that is:

- (1) not on a Medicare Part D plan’s formulary; or
- (2) being treated as so as a result of a coverage determination or appeal.

SECTION 30. “Not eligible for the Indiana prescription drug program” means the applicant does not meet one (1) or more of the eligibility requirements for enrollment in the program.

SECTION 31. “Office” means the office of the secretary of family and social services.

SECTION 32. “Partial low-income subsidy” means the partial extra help for paying for Medicare prescription drug plan costs provided by the Centers for Medicare and Medicaid Services. According to CMS, beneficiaries receiving partial low-income subsidy will:

- (1) be responsible for monthly premium on a sliding scale for standard Medicare Part D plans;
- (2) have a reduced annual deductible; and
- (3) have no gap in coverage.

SECTION 33. “Premium” means the monthly cost of being enrolled in a Medicare prescription drug plan.

SECTION 34. “Prescription drug” means any prescription drug that is not a noncovered drug.

SECTION 35. “Program” means the Indiana prescription drug program.

SECTION 36. “Proof of income” means documentation of the income of an applicant and an applicant’s family. Proof of income for the program should be provided by the Social Security Administration through the low-income subsidy application. If the Social Security Administration’s low-income subsidy determination does not include an income determination, the office may make an income determination using the same protocol that the Social Security Administration uses to determine income.

---

## Emergency Rules

---

SECTION 37. “Secretary” means the secretary of family and social services.

SECTION 38. “Senior” means a person at least sixty-five (65) years of age.

SECTION 39. “Spouse” means the legal husband or wife of an applicant.

SECTION 40. “Standard” means a Medicare Part D plan that is considered standard or basic actuarially equivalent standard coverage by the Centers for Medicare and Medicaid Services. The term excludes enhanced plans.

SECTION 41. “True out-of-pocket costs” means prescription drug costs that count towards a member’s Medicare Part D plan maximum out-of-pocket costs.

SECTION 42. To be eligible for the program, an applicant must be at least sixty-five (65) years of age.

SECTION 43. To be eligible for the program, an applicant’s income must not exceed one hundred fifty percent (150%) of the federal poverty limit applicable to the individual’s family size, as defined by the federal Office of Management and Budget.

SECTION 44. Notwithstanding any other provision of this document, an individual is not eligible for the program if any of the following apply:

- (1) The applicant is not a Medicare beneficiary.
- (2) The individual:
  - (A) is not domiciled in Indiana;
  - (B) does not intend to reside permanently in the state of Indiana;
  - (C) has not received a low-income subsidy determination from Social Security Administration;
  - (D) has been determined eligible for full low-income subsidy;
  - (E) is dually eligible for both Medicare and full Medicaid;
  - (F) is an inmate of a correctional facility; or
  - (G) is not enrolled in a Medicare Part D plan.

SECTION 45. (a) A completed applicant file will be processed by the office and must include verification of the following:

- (1) That an applicant has completed the Application for Help with Medicare Prescription Drug Plan Costs and received a determination from the Social Security Administration.
- (2) Of an applicant’s enrollment in a Medicare Part D plan that has contracted with the IPDP to provide state benefits in coordination with Medicare Part D.

(b) Applicant file information may be submitted to the office by mail or telephone or over the Internet.

(c) An applicant who does not have a complete applicant file will be determined pending. Such an applicant may submit requirements necessary to complete their applicant file to receive a determination from the office. An applicant file that has been pending for more than sixty (60) calendar days may be closed and determined ineligible by the office. An applicant’s initial file date will begin on the date the office receives documents requesting IPDP assistance.

(d) After a completed applicant file has been processed and approved by the office, the office will notify the member’s Medicare Part D plan of the member’s eligibility for benefits under the IPDP.

(e) If the office receives an eligible applicant’s completed applicant file on or before the fifteenth day of the month, the applicant shall be eligible for program benefits beginning the first day of the following month. If the office receives an eligible applicant’s completed applicant file after the fifteenth day of the month, the applicant shall be eligible to receive program benefits beginning the first day of the month after the following month.

SECTION 46. (a) If, according to the Centers for Medicare and Medicaid Services, an applicant otherwise eligible for the Indiana prescription drug program has not selected a Medicare Part D plan, the program may randomly assign the member to a Medicare prescription drug plan that has contracted with the IPDP.

(b) The applicant will be sent a letter notifying them that they will have at least twenty-five (25) calendar days to select a Medicare prescription drug plan that has contracted with the IPDP. If no selection has been made within the period of not less than twenty-five (25) calendar days, the office may auto-assign the applicant to a Medicare prescription drug plan that has entered into agreement with the IPDP. An applicant may opt out of the auto-assignment by calling or writing the IPDP before the end of the twenty-five (25) calendar day period.

(c) Married couples auto-assigned by the office will be assigned to the same Medicare Part D plan when possible.

(d) Any applicant that has not selected a Medicare Part D plan before the end of the initial enrollment period that is otherwise eligible for the program may be auto-assigned to a Medicare Part D plan before the end of the twenty-five (25) calendar day opt-out period.

SECTION 47. (a) An eligible member may receive:

- (1) premium assistance for the monthly premium cost of the:
  - (A) Medicare prescription drug plan; or
  - (B) Medicare-Advantage prescription drug plan; and
- (2) assistance with other Medicare prescription drug plan costs as defined in SECTION 48 [of this document];

if the member enrolls, or has been auto-enrolled, into a Medicare Part D plan that has contracted with the IPDP to provide such benefits.

(b) The amount of monthly premium assistance provided by the IPDP shall not exceed the low-income subsidy premium amount for the region as determined by the Centers for Medicare and Medicaid Services.

(c) The premium assistance benefit shall be paid directly to the Medicare Part D plan in which the eligible IPDP member is enrolled.

(d) Premium assistance provided by the IPDP will be reduced by the amount of premium assistance a member receives from the Centers for Medicare and Medicaid Services.

(e) The IPDP member is responsible for any premium amount above the low-income subsidy premium per month.

(f) IPDP premium assistance:

(1) may only be applied to the prescription drug portion of a Medicare-Advantage prescription drug plan's monthly premium; and

(2) shall not pay for the medical portion of the Medicare-Advantage prescription drug plan monthly premium.

(g) IPDP premium assistance shall not pay for any portion of the Medicare Part D premium related to late-enrollment penalties.

SECTION 48. (a) An eligible member may receive not more than two hundred fifty dollars (\$250) in annual benefits to be applied to his or her Medicare Part D plan deductible or coinsurance requirements.

(b) IPDP deductible or coinsurance assistance benefits shall only be available to IPDP members enrolled in a Medicare Part D plan that has contracted with the IPDP to provide the benefits.

(c) Benefit dollars will be available for a remainder of the benefit period beginning on the date of enrollment in the IPDP. Benefits not used before the end of this period will not be available to the member. Benefits shall not be paid on a IPDP member's behalf until the member is effectively enrolled in a Medicare Part D plan that has contracted with the IPDP.

(d) The IPDP will pay benefits, up to the two hundred fifty (\$250) annual limit, directly to the Medicare Part D plan in which the member is enrolled.

(e) IPDP benefits shall:

(1) only be available for prescription drug plan costs that are countable to the beneficiary's true out-of-pocket costs; and

(2) not be used to pay for noncovered drugs.

SECTION 49. (a) An eligible member may receive assistance for the monthly premium cost of the Medicare prescription drug plan or Medicare-Advantage prescription drug plan in which the member is enrolled. Premium assistance shall be available provided the IPDP member enrolls in a Medicare Part D plan that has contracted with the state to provide such benefits.

(b) The amount of premium assistance provided by the IPDP shall not exceed the low-income subsidy premium in the region as determined by the Centers for Medicare and Medicaid Services.

(c) The premium assistance benefit shall be paid directly to the Medicare Part D plan in which the eligible IPDP member is enrolled.

(d) Premium assistance provided by the IPDP shall be reduced by the amount of premium assistance a member receives from the Centers for Medicare and Medicaid Services.

(e) The IPDP member shall be responsible for any premium amount above the low-income subsidy premium per month.

(f) IPDP premium assistance may:

(1) only be applied to the prescription drug portion of a Medicare-Advantage prescription drug plan's monthly premium; and

(2) shall not pay for the medical portion of the Medicare-Advantage prescription drug plan monthly premium.

(g) IPDP premium assistance shall not pay for any portion of the Medicare Part D premium related to late-enrollment penalties.

SECTION 50. (a) Benefits are available under SECTIONS 48 and 49 [of this document] on a first come, first served basis.

(b) Benefits will exist under this program to the extent that appropriations are available for the program.

(c) The state budget director shall determine if appropriations are available to continue offering and paying benefits for members.

(d) Upon determination that program benefits will meet or exceed budget, the program will implement a waiting list for further benefits beginning with the members who:

(1) do not receive any partial subsidy from Medicare; and

(2) are between one hundred thirty-five percent (135%) and one hundred fifty percent (150%) FPL.

SECTION 51. (a) The purpose of this SECTION is to establish a uniform method of administrative review and

---

## Emergency Rules

---

administrative adjudication for appeals concerning applicants and enrollees of the program, in order to determine whether or not any action for which there is a complaint was done in accordance with state statutes, regulations, rules, and policies. As used in this rule, "policies" include:

- (1) program manuals;
- (2) administrative directives;
- (3) transmittals; and
- (4) other official written pronouncements of state policy.

(b) This SECTION shall be construed in such a manner as to provide all parties with an adequate opportunity to be heard in accordance with due process of law. As used in this SECTION, "party" means either of the following:

- (1) A person to whom the agency action is specifically directed.
- (2) The office.

(c) In the event that any provision of this document is deemed to be in conflict with any other provision of state statute, regulation, or rule that is specifically applicable to the program, then such other statute, regulation, or rule shall supersede that part of this document in which the conflict is found.

SECTION 52. (a) In the event that the:

- (1) rights;
- (2) duties;
- (3) obligations;
- (4) privileges; or
- (5) other legal relations;

of any person or entity are required or authorized by law to be determined by the office, then such person or entity may request an administrative review by the office as provided for in SECTION 53 *[of this document]*.

(b) Unless otherwise provided by law, only those persons or entities, or their respective attorneys at law, whose:

- (1) rights;
- (2) duties;
- (3) obligations;
- (4) privileges; or
- (5) other legal relations;

are alleged to have been adversely affected by any action or determination of the office may request administrative review under this SECTION. Any alleged harm to an enrollee or applicant must be direct and immediate to the party and not indirect and general in character.

SECTION 53. (a) Any party complaining of an action of the office in accordance with this document may file a request for administrative review as provided in this SECTION.

(b) The enrollee or applicant is required to seek administrative review before filing an administrative appeal under SECTION 55 *[of this document]*.

(c) Unless otherwise provided for by statute, regulation, or rule, a request for administrative review by an enrollee or applicant shall be filed in writing with the office not later than thirty-five (35) days following the date of the action being reviewed.

SECTION 54. (a) Upon receipt of a request for administrative review, the office will conduct a review of the action.

(b) Upon completion of the review, the office will issue a written decision. The decision will be final unless a party requests an administrative appeal in accordance with this SECTION.

(c) The written decision shall do the following:

- (1) Specify the reasons for the decision.
- (2) Identify the:
  - (A) statutes;
  - (B) regulations;
  - (C) rules; and
  - (D) policies;supporting the decision.

SECTION 55. (a) Any party who is not satisfied with the administrative review of the office as provided for in this SECTION may file a request for an administrative appeal as provided in this SECTION. The person or entity requesting the administrative appeal shall be known as the appellant.

(b) Unless otherwise provided for by statute, regulation, or rule, appeal requests by an appellant shall be filed in writing with the hearings and appeals section of the office not later than thirty (30) days following the effective date of the administrative review being appealed. Appeal hearings shall be conducted at a reasonable time, place, and date.

(c) The hearings and appeals section of the office, upon application of any party or in its own discretion, may consolidate appeals to promote administrative efficiency. Hearings may only be consolidated in cases in which the sole issue involved is one of state law or policy.

(d) Any party filing an appeal under this SECTION is not excused from exhausting all interim procedures that may be required by statute or rule for administrative review before the filing of an administrative appeal. Any issues not raised within the interim review procedures of the administrative review in a timely manner are waived and shall not be an issue during the evidentiary hearing of the administrative appeal.

(e) The hearings and appeals section of the office will schedule evidentiary hearings and issue notices to the parties regarding the date, time, and location of the scheduled hearing.

(f) A continuance of a hearing will be granted only for

good cause shown. An objection to a request for a continuance shall be considered before a continuance is granted or denied. Requests for a continuance shall be in writing and accompanied by adequate documentation of the reasons for the request. Good cause includes the following:

- (1) The inability to attend the hearing because of a serious physical or mental condition.
- (2) An incapacitating injury.
- (3) A death in the family.
- (4) Severe weather conditions making it impossible to travel to the hearing.
- (5) The unavailability of a witness and the evidence cannot be obtained otherwise.
- (6) Other reasons similar to those listed in this SECTION.

If the appellant is represented by counsel, the request for continuance must also include alternative dates for the scheduling of a new hearing. However, the hearings and appeals section may schedule a new hearing without respect to the requested date if such date cannot be accommodated or confirmed with the requesting attorney within a reasonable time of the request.

SECTION 56. (a) The conduct of an administrative law judge (ALJ) shall be in a manner that promotes public confidence in the integrity and impartiality of the administrative hearing process. The ALJ who conducts a hearing is prohibited from any of the following:

- (1) Consulting any party or party's agent on any fact in issue unless upon notice and opportunity for all parties to participate.
- (2) Performing any of the investigative or prosecutorial functions of the family and social services administration in the administrative appeal heard or to be heard by him or her or in a factually related administrative or judicial action.
- (3) Being influenced by any of the following:
  - (A) Partisan interests.
  - (B) Public clamor.
  - (C) Fear of criticism.
- (4) Conveying or permitting others to convey the impression that they are in a special position to influence the ALJ.
- (5) Commenting publicly, except as to hearing schedules or procedures, about pending or impending proceedings.
- (6) Engaging in financial or business dealings that tend to do any of the following:
  - (A) Reflect adversely on his or her impartiality.
  - (B) Interfere with the proper performance of his or her duties.
  - (C) Exploit the ALJ's position.
  - (D) Involve the ALJ in frequent financial business dealings with attorneys or other persons who are likely to come before the ALJ.

(b) An ALJ shall disqualify himself or herself in a proceeding in which:

- (1) his or her impartiality might reasonably be questioned; or
- (2) the ALJ's personal bias, prejudice, or knowledge of a disputed evidentiary fact might influence the decision.

Nothing in this subsection prohibits a person who is an employee of the family and social services administration from serving as an ALJ.

(c) The ALJ shall be authorized to do the following:

- (1) Administer oaths and affirmations.
- (2) Issue subpoenas.
- (3) Rule upon offers of proof.
- (4) Receive relevant evidence.
- (5) Facilitate discovery in accordance with the Indiana rules of trial procedure.
- (6) Regulate the course of the hearing and conduct of the parties.
- (7) Hold informal conferences for the settlement or simplification of the issues under appeal.
- (8) Dispose of procedural motions and similar matters.
- (9) Exercise such other powers as may be given by the law relating to the particular program area under appeal.

SECTION 57. (a) The administrative law judge (ALJ) shall conduct the hearing in an informal manner and without recourse to the technical common law rules of evidence.

(b) The ALJ shall exclude from consideration irrelevant, immaterial, or unduly repetitious evidence.

(c) Every party shall have the right to submit evidence. In the event that an objection to evidence is sustained, the party proffering the evidence may make an offer of proof. Each party shall have the right to cross-examine the witnesses and offer rebutting evidence.

SECTION 58. (a) Following completion of the hearing, or after submission of briefs by the parties (if briefing is permitted by the administrative law judge (ALJ), the ALJ shall issue his or her decision in the matter concurrently to the parties. The decision shall be final unless a party requests agency review of the decision in accordance with this SECTION.

(b) The ALJ's decision shall do the following:

- (1) Include findings of fact.
- (2) Specify the reasons for the decision.
- (3) Identify the evidence and statutes, regulations, rules, and policies supporting the decision.

(c) The findings of fact need not include a recitation of every piece of evidence admitted in the evidentiary hearing. Rather, the findings should contain the basic facts that have formed the basis for the ALJ's ultimate decision. The ALJ's decision must also do the following:

- (1) Cite the relevant laws upon which the ultimate decision is based.

---

## Emergency Rules

---

### (2) Relate the facts to the law.

SECTION 59. (a) Any party who is not satisfied with the decision of the administrative law judge (ALJ) may request agency review of the decision within ten (10) days of receipt thereof in accordance with instructions issued with the decision.

(b) After receiving a request for agency review of a hearing decision, the hearings and appeals section of the family and social services administration shall notify the parties when the decision will be reviewed. The agency review shall be completed by the secretary of the family and social services administration or the secretary's designee. All such reviews shall be conducted upon the record, as defined in SECTION 57 *[of this document]*, except that a transcript of the oral testimony shall not be necessary for review unless the party requests that one be transcribed at the party's expense.

(c) No new evidence will be considered during the agency review; however, any party wishing to submit a memorandum of law, citing evidence in the record, may do so pursuant to instructions issued by the hearings and appeals section of the family and social services administration.

(d) The secretary of family and social services administration or the secretary's designee shall review the ALJ's decision to determine if the decision is supported by the evidence in the record and is in accordance with statutes, regulations, rules, and policies applicable to the issues under appeal.

(e) Following the review of the secretary or designee, the secretary or designee shall issue a written decision doing one (1) of the following:

- (1) Affirming the decision of the ALJ.
- (2) Amending or modifying the decision of the ALJ.
- (3) Reversing the decision of the ALJ.
- (4) Remanding the matter to the ALJ for further specified action.
- (5) Making such other order or determination as is proper on the record.

(f) The parties will be issued a written notice of the action taken as a result of the agency review. If the decision of the ALJ is reversed, amended, or modified, the secretary or designee shall state the reasons for the action in the written decision.

(g) The hearings and appeals section of the family and social services administration shall distribute the written notice on agency review to the following:

- (1) All parties of record.
- (2) The ALJ who rendered the decision following the evidentiary hearing.
- (3) Any other person designated by the secretary or designee.

SECTION 60. (a) The record of the administrative proceedings shall be that as defined in IC 4-21.5-3-33.

(b) If the appellant is not satisfied with the secretary's final action after agency review, he or she may file for judicial review in accordance with IC 4-21.5-5.

(c) The appellant is required to seek agency review before filing a petition for judicial review.

SECTION 61. (a) The IPDP may contract with Medicare Part D plans to administer state assistance with Medicare prescription drug plan monthly premium and other Medicare Part D plan costs. Only Medicare Part D plans offering standard coverage that have a monthly premium at or below the low-income subsidy premium amount may contract with the IPDP to administer the state's assistance with Medicare prescription drug plan monthly premium and other Medicare Part D plan costs.

(b) Medicare Part D plans contracting with the IPDP to administer state Medicare Part D assistance may place an IPDP logo on joint IPDP and PDP member prescription drug cards, if approved by the program, and shall do the following:

- (1) Accept electronic auto-enrollment records in a standard defined by the IPDP.
- (2) Only invoice the state for premium expenses up to the low-income subsidy regional premium as determined by the Centers for Medicare and Medicaid Services.
- (3) Administer the IPDP Medicare Part D assistance program. Per member expenses shall not exceed two hundred fifty dollars (\$250) in a calendar year or other period of eligibility defined by the IPDP.
- (4) Communicate IPDP assistance to the Centers for Medicare and Medicaid Services true out-of-pocket facilitator to apply towards members' true out-of-pocket expenses.
- (5) Provide IPDP with claims data on IPDP members:
  - (A) in order for the IPDP to understand the utilization underlying its costs; and
  - (B) for reconciliation of incurred and paid amounts.
- (6) Comply with all federal regulations pertaining to Medicare Part D plans as outlined in the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

SECTION 62. (a) The IPDP may contract with Medicare Part D plans to administer state Medicare Part D premium-only assistance. Medicare Part D plans offering coverage in the state of Indiana may contract with the IPDP to administer the state's Medicare Part D premium assistance programs.

(b) Medicare Part D plans contracting with the IPDP to administer the state's Medicare Part D premium assistance program may place a IPDP logo on joint IPDP and PDP member prescription drug cards, if approved by the program, and shall do the following:

- (1) Only invoice the state for premium expenses up to the low-income subsidy regional premium as determined by the Centers for Medicare and Medicaid Services.
- (2) Provide IPDP with data on IPDP members in order for the IPDP to understand the utilization underlying its costs and for reconciliation of incurred and paid amounts.
- (3) Comply with all federal regulations pertaining to Medicare Part D plans as outlined in the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

SECTION 63. This document expires May 17, 2006.

*LSA Document #06-50(E)*

*Filed with Secretary of State: February 16, 2006, 10:35 a.m.*

---

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

LSA Document #06-73(E)

### **DIGEST**

Temporarily amends provisions and adds provisions to include serious adverse event reporting to the requirements for a hospital's quality assessment and improvement program. Temporarily adds provisions to include serious adverse event reporting to the requirements for an ambulatory outpatient surgical center's quality assessment and improvement program. Temporarily adds various definitions. Authority: IC 4-22-2-37.1; IC 16-19-3-4; IC 16-21-1-7. Effective April 1, 2006.

SECTION 1. The definitions in this document apply throughout this document except as otherwise indicated.

SECTION 2. "ASA Class I patient" means a normal, healthy patient.

SECTION 3. "Biologics" means a biological product (such as a globulin, serum, vaccine, antitoxin, blood, or antigen) used in the prevention or treatment of disease.

SECTION 4. "Burn" means any injury or damage to the tissues of the body caused by exposure to fire, heat, chemicals, electricity, radiation, or gases.

SECTION 5. "Elopement" means any situation in which a registered or admitted patient, excluding adults with decision making capacity, leaves the hospital without staff being aware that the patient has done so.

SECTION 6. "Hyperbilirubinemia" means total serum bilirubin levels greater than twenty-five (25) mg/dl in a neonate.

SECTION 7. "Hypoglycemia" means a physiologic state in which the blood sugar falls below sixty (60) mg/dl (forty (40) mg/dl in neonates) and physiological and/or neurological dysfunction begins.

SECTION 8. "Immediately postoperative" means within twenty-four (24) hours after induction of anesthesia (if surgery or other invasive procedure is not completed) or within twenty-four (24) hours after completion of surgery or other invasive procedure.

SECTION 9. "Informed consent" means a patient's authorization or agreement to undergo surgery or other invasive procedure that is based upon communication between a patient and his or her physician regarding such surgery or other invasive procedure.

SECTION 10. "Intended use" means the use of a device as described on the label and associated materials provided by the device's manufacturer.

SECTION 11. "Kernicterus" means the medical condition in which elevated levels of bilirubin cause brain damage.

SECTION 12. "Low-risk pregnancy" means a woman aged sixteen to thirty-nine (16-39), with no previous diagnosis of essential hypertension, renal disease, collagen-vascular disease, liver disease, preeclampsia, cardiovascular disease, placenta previa, multiple gestation, intrauterine growth retardation, smoking, pregnancy-induced hypertension, premature rupture of membranes, or other previously documented condition that poses a high risk of pregnancy-related mortality.

SECTION 13. "Neonates" means infants in the first twenty-eight (28) days of life.

SECTION 14. "Serious disability" means:

- (1) significant loss of function including sensory, motor, physiologic, or intellectual impairment not present on admission and requiring continued treatment or for which there is a high probability of long term or permanent lifestyle change at discharge; or
- (2) unintended loss of a body part.

SECTION 15. "Spinal manipulative therapy" means all types of manual techniques, including spinal mobilization (movement of a joint within its physiologic range of motion) and manipulation (movement of a joint beyond its normal voluntary physiologic range of motion), regardless of their precise anatomic and physiologic focus or their discipline of origin.

SECTION 16. For purposes of SECTIONS 18 and 19 of this document, "surgery or other invasive procedure" means surgical or other invasive procedures that involve a skin incision or puncture including, but not limited to, open or percutaneous surgical procedures, percutaneous aspiration,

---

## Emergency Rules

---

selected injections, biopsy, percutaneous cardiac and vascular diagnostic or interventional procedures, laparoscopies, endoscopies, colonoscopies, and excluding intravenous therapy, venipuncture for phlebotomy, or diagnostic tests without intravenous contract agents.

SECTION 17. "Toxic substance" means chemicals that are present in sufficient concentration to pose a hazard to human health.

SECTION 18. (a) The hospital's quality assessment and improvement program under 410 IAC 15-1.4-2 shall include:

(1) A process for determining the occurrence of the following serious adverse events within the hospital:

(A) Surgical events:

- (i) Surgery performed on the wrong body part, defined as any surgery performed on a body part that is not consistent with the documented informed consent for that patient. Excludes emergent situations that occur in the course of surgery and/or whose exigency precludes obtaining informed consent.
- (ii) Surgery performed on the wrong patient, defined as any surgery on a patient that is not consistent with the documented informed consent for that patient.
- (iii) Wrong surgical procedure performed on a patient, defined as any procedure performed on a patient that is not consistent with the documented informed consent for that patient. Excludes emergent situations that occur in the course of surgery and/or whose exigency precludes obtaining informed consent.
- (iv) Retention of a foreign object in a patient after surgery or other invasive procedure. Excludes objects intentionally implanted as part of a planned intervention and objects present prior to surgery that were intentionally retained.
- (v) Intraoperative or immediately postoperative death in an ASA Class I patient. Includes all ASA Class I patient deaths in situations where anesthesia was administered; the planned surgical procedure may or may not have been carried out.

(B) Product or device events:

- (i) Patient death or serious disability associated with the use of contaminated drugs, devices, or biologics provided by the hospital. Includes generally detectable contaminants in drugs, devices, or biologics regardless of the source of contamination or product.
- (ii) Patient death or serious disability associated with the use or function of a device in patient care in which the device is used or functions other than as intended. Includes, but is not limited to:

- (AA) catheters;
- (BB) drains and other specialized tubes;
- (CC) infusion pumps; and
- (DD) ventilators.

(iii) Patient death or serious disability associated with

intravascular air embolism that occurs while being cared for in the hospital. Excludes deaths associated with neurosurgical procedures known to present a high risk of intravascular air embolism.

(C) Patient protection events:

- (i) Infant discharged to the wrong person.
- (ii) Patient death or serious disability associated with patient elopement (disappearance) for more than four (4) hours. Excludes events involving adults with decision making capacity.
- (iii) Patient suicide or attempted suicide resulting in serious disability, while begin [*sic., being*] cared for in the hospital, defined as events that result from patient actions after admission to the hospital. Excludes deaths resulting from self-inflicted injuries that were the reason for admission to the hospital.

(D) Care management events:

- (i) Patient death or serious disability associated with a medication error (e.g., errors involving the wrong drug, wrong dose, wrong patient, wrong time, wrong rate, wrong preparation, or wrong route of administration). Excludes reasonable differences in clinical judgment on drug selection and dose.
- (ii) Patient death or serious disability associated with a hemolytic reaction due to the administration of ABO-incompatible blood or blood products.
- (iii) Maternal death or serious disability associated with labor or delivery in a low-risk pregnancy while being cared for in the hospital. Includes events that occur within forty-two (42) days postdelivery. Excludes deaths from pulmonary or amniotic fluid embolism, acute fatty liver of pregnancy, or cardiomyopathy.
- (iv) Patient death or serious disability associated with hypoglycemia, the onset of which occurs while the patient is being cared for in the hospital.
- (v) Death or serious disability (kernicterus) associated with hyperbilirubinemia in neonates.
- (vi) Stage 3 or 4 pressure ulcers acquired after admission to the hospital. Excludes progression from Stage 2 to Stage 3 if Stage 2 was recognized upon admission.
- (vii) Patient death or serious disability due to spinal manipulation therapy performed in the hospital.

(E) Environmental events:

- (i) Patient death or serious disability associated with an electric shock while being cared for in the hospital. Excludes events involving planned treatment, such as electrical countershock.
- (ii) Any incident in which a line designated for oxygen or other gas to be delivered to a patient contains the wrong gas or is contaminated by toxic substances.
- (iii) Patient death or serious disability associated with a burn incurred from any source while being cared for in the hospital.
- (iv) Patient death associated with a fall while being cared for in the hospital.



(v) Patient death or serious disability associated with the use of restraints or bedrails while being cared for in the hospital.

**(F) Criminal events:**

(i) Any instance of care ordered by or provided by someone impersonating a physician, nurse, pharmacist, or other licensed health care provider.

(ii) Abduction of a patient of any age.

(iii) Sexual assault on a patient within or on the grounds of the hospital.

(iv) Death or significant injury of a patient or staff member resulting from a physical assault (i.e., battery) that occurs within or on the grounds of the hospital; and

(2) A process for reporting to the department each serious adverse event listed in subdivision (1) that is determined by the hospital's quality assessment and improvement program to have occurred within the hospital.

(b) The process for determining the occurrence of the serious adverse events listed in subsection (a)(1) by the hospital's quality assessment and improvement program shall be designed by the hospital to accurately determine the occurrence of any of the serious adverse events listed in subsection (a)(1) within the hospital in a timely manner.

(c) The process for reporting the occurrence of a serious adverse event listed in subsection (a)(1) shall comply with the following:

(1) The report shall be made to the department.

(2) The report shall be submitted not later than fifteen (15) working days after the serious adverse event is determined to have occurred by the hospital's quality assessment and improvement program.

(3) The report shall identify the serious adverse event and the hospital, but shall not include any identifying information for any patient, individual licensed under IC 25, or hospital employee involved, or any other information.

(4) The report, and any documents permitted under this SECTION to accompany the report, shall be submitted in an electronic format, including a format for electronically affixed signatures.

(d) The hospital's report of a serious adverse event listed in subsection (a)(1) shall be used by the department for purposes of publicly reporting the type and number of such serious adverse events occurring within each hospital. The department's public report will be issued no less frequently than annually.

SECTION 19. (a) The center's quality assessment and improvement program under 410 IAC 15-2.4-2 shall include:

(1) A process for determining the occurrence of the following serious adverse events within the center:

**(A) Surgical events:**

(i) Surgery performed on the wrong body part, defined as any surgery performed on a body part that is not consistent with the documented informed consent for that patient. Excludes emergent situations that occur in the course of surgery and/or whose exigency precludes obtaining informed consent.

(ii) Surgery performed on the wrong patient, defined by any surgery on a patient that is not consistent with the documented informed consent for that patient.

(iii) Wrong surgical procedure performed on a patient, defined as any procedure performed on a patient that is not consistent with the documented informed consent for that patient. Excludes emergent situations that occur in the course of surgery and/or whose exigency precludes obtaining informed consent.

(iv) Retention of a foreign object in a patient after surgery or other invasive procedure. Excludes objects intentionally implanted as part of a planned intervention and objects present prior to surgery that were intentionally retained.

(v) Intraoperative or immediately postoperative death in an ASA Class I patient. Includes all ASA Class I patient deaths in situations where anesthesia was administered; the planned surgical procedure may or may not have been carried out.

**(B) Product or device events:**

(i) Patient death or serious disability associated with the use of contaminated drugs, devices, or biologics provided by the center. Includes generally detectable contaminants in drugs, devices, or biologics regardless of the source of contamination and/or product.

(ii) Patient death or serious disability associated with the use or function of a device in patient care in which the device is used or functions other than as intended. Includes, but is not limited to:

(AA) catheters;

(BB) drains and other specialized tubes;

(CC) infusion pumps; and

(DD) ventilators.

(iii) Patient death or serious disability associated with intravascular air embolism that occurs while being cared for in the center. Excludes deaths associated with neurosurgical procedures known to present a high risk of intravascular air embolism.

**(C) Patient protection events:**

(i) Infant discharged to the wrong person.

(ii) Patient death or serious disability associated with patient elopement (disappearance) for more than four (4) hours. Excludes events involving competent adults.

(iii) Patient suicide or attempted suicide resulting in serious disability, while being cared for in the center, defined as events that result from patient actions after admission to the center. Excludes deaths resulting from self-inflicted injuries that were the reason for admission to the center.

**(D) Care management events:**

---

## Emergency Rules

---

(i) Patient death or serious disability associated with a medication error (e.g., errors involving the wrong drug, wrong dose, wrong patient, wrong time, wrong rate, wrong preparation, or wrong route of administration). Excludes reasonable differences in clinical judgment on drug selection and dose.

(ii) Patient death or serious disability associated with a hemolytic reaction due to the administration of ABO-incompatible blood or blood products.

(iii) Maternal death or serious disability associated with labor or delivery in a low-risk pregnancy while being cared for in the hospital. Includes events that occur within forty-two (42) days postdelivery. Excludes deaths from pulmonary or amniotic fluid embolism, acute fatty liver of pregnancy, or cardiomyopathy.

(iv) Patient death or serious disability associated with hypoglycemia, the onset of which occurs while the patient is being cared for in the center.

(v) Death or serious disability (kernicterus) associated with hyperbilirubinemia in neonates.

(vi) Stage 3 or 4 pressure ulcers acquired after admission to the hospital. Excludes progression from Stage 2 to Stage 3 if Stage 2 was recognized upon admission.

(vii) Patient death or serious disability due to spinal manipulation therapy performed in the center.

**(E) Environmental events:**

(i) Patient death or serious disability associated with an electric shock while being cared for in the center. Excludes events involving planned treatment, such as electrical countershock.

(ii) Any incident in which a line designated for oxygen or other gas to be delivered to a patient contains the wrong gas or is contaminated by toxic substances.

(iii) Patient death or serious disability associated with a burn incurred from any source while being cared for in the center.

(iv) Patient death associated with a fall while being cared for in the center.

(v) Patient death or serious disability associated with the use of restraints or bedrails while being cared for in the center.

**(F) Criminal events:**

(i) Any instance of care ordered by or provided by someone impersonating a physician, nurse, pharmacist, or other licensed health care provider.

(ii) Abduction of a patient of any age.

(iii) Sexual assault on a patient within or on the grounds of the center.

(iv) Death or significant injury of a patient or staff member resulting from a physical assault (i.e., battery) that occurs within or on the grounds of the center; and

(2) A process for reporting to the department each serious adverse event listed in subdivision (1) that is determined by the center's quality assessment and improvement program to have occurred within the center.

(b) The process for determining the occurrence of the serious adverse events listed in subsection (a)(1) by the center's quality assessment and improvement program shall be designed by the center to accurately determine the occurrence of any of the serious adverse events listed in subsection (a)(1) within the center in a timely manner.

(c) The process for reporting the occurrence of a serious adverse event listed in subsection (a)(1) shall comply with the following:

(1) The report shall be made to the department.

(2) The report shall be submitted as soon as reasonably and practicably possible, but not later than fifteen (15) working days after the serious adverse event is determined to have occurred by the center's quality assessment and improvement program.

(3) The report shall identify the serious adverse event and the center, but shall not include any identifying information for any patient, individual licensed under IC 25, or center employee involved, or any other information.

(4) The report, and any documents permitted under this SECTION to accompany the report, shall be submitted in an electronic format, including a format for electronically affixed signatures.

(d) The center's report of a serious adverse event listed in subsection (a)(1) shall be used by the department for purposes of publicly reporting the type and number of such serious adverse events occurring within each center. The department's public report will be issued no less frequently than annually.

*LSA Document #06-73(E)*

*Filed with Secretary of State: March 9, 2006, 10:50 a.m.*

---

## TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #06-74(E)

### DIGEST

Temporarily adds provisions to establish an authorization and reauthorization process for food vendors and to establish a system of civil penalties and other sanctions for a WIC vendor contract under the WIC program or federal regulations under 7 CFR 246. Authority: IC 4-22-2-37.1; IC 16-19-3-5; IC 16-35-1.5-6. Effective April 1, 2006.

SECTION 1. The definitions in this document apply throughout this document.

SECTION 2. "Authorization" means the process by which the department:

(1) assesses;

(2) selects; and  
(3) enters into;  
agreements with stores that apply or subsequently reapply to be authorized as WIC vendors.

SECTION 3. “Commodity supplemental food program” or “CSFP” means a program of the United States Department of Agriculture that works to improve the health of low-income:

(1) pregnant and breastfeeding women;  
(2) new mothers up to one (1) year postpartum;  
(3) infants;  
(4) children up to six (6) years of age; and  
(5) elderly people at least sixty (60) years of age;  
by supplementing their diets with nutritious USDA commodity foods. The CSFP provides food and administrative funds to states to supplement the diets of these groups.

SECTION 4. “Conflict of interest” means a situation in which a private financial interest of:

(1) an officer;  
(2) an employee; or  
(3) the spouse or unemancipated child;  
of a vendor coincides with the private financial interest of a local agency or department employee.

SECTION 5. “Contract brand infant formula” means all infant formulas (except exempt infant formulas) produced by the manufacturer awarded the infant formula cost containment contract. If under a single solicitation the manufacturer subcontracts for soy-based infant formula, then all soy-based infant formulas covered by the subcontract are also considered contract brand infant formulas (see 7 CFR 246.16a(c)(1)(i)). If a state agency elects to solicit separate bids for milk-based and soy-based infant formulas, all infant formulas issued under each contract are considered the contract brand infant formula (see 7 CFR 246.16a(c)(1)(ii)). For example, the term includes the following:

(1) All of the milk-based infant formulas issued by a state agency that are produced by the manufacturer that was awarded the milk-based contract.  
(2) All of the soy-based infant formulas issued by a state agency that are produced by the manufacturer that was awarded the soy-based contract.  
The term also includes all infant formulas (except exempt infant formulas) introduced after the contract is awarded.

SECTION 6. “Controlled substances” means material of a particular kind that is regulated for limited distribution or use.

SECTION 7. “Department” means the Indiana state department of health.

SECTION 8. “Disqualification” means the act of ending

the WIC program participation of an authorized vendor.

SECTION 9. “Food instrument” means:

(1) a voucher;  
(2) a check; or  
(3) an electronic benefits transfer (EBT) card;  
issued by a local agency that specifies the quantity, size, and type of authorized foods available to a WIC participant within a designated time frame to be used at a WIC vendor.

SECTION 10. “Local agency” means a:

(1) public or private;  
(2) nonprofit; and  
(3) health or human;  
service agency that provides health services through a contract with the department in accordance with 7 CFR 246.5.

SECTION 11. “Overcharge” means a charge of more than one dollar (\$1) over the shelf price at the time of the use of the food instrument in question.

SECTION 12. “Participant” means:

(1) a woman who is:  
(A) pregnant;  
(B) breastfeeding; or  
(C) postpartum;  
(2) an infant; or  
(3) a child;  
enrolled in the WIC program.

SECTION 13. “Price comparison analysis” or “PCA” means an analysis using the prices of a selection of WIC foods submitted by the store or vendor to determine the relative costs of the store or vendor for comparison purposes.

SECTION 14. “Proxy” means any person designated by a:  
(1) woman participant; or  
(2) parent or caretaker of an infant or child participant;  
to obtain and transact food instruments or to obtain supplemental foods on behalf of a participant.

SECTION 15. “Routine monitoring visit” means overt, on-site monitoring during which WIC program representatives identify themselves to vendor personnel.

SECTION 16. “Reassessment” means a nonroutine review of the WIC vendor’s compliance with the selection criteria in SECTIONS 34 and 35 of this document.

SECTION 17. “Supplemental foods” means those foods containing nutrients determined to be beneficial for:

(1) women who are:  
(A) pregnant;  
(B) breastfeeding; or  
(C) postpartum;

---

## Emergency Rules

---

(2) infants; and  
(3) children;  
as prescribed by 7 CFR 246.10.

SECTION 18. “Vendor” means a sole proprietorship, partnership, cooperative association, corporation, or other business entity operating one (1) or more stores authorized by the state agency to provide authorized supplemental foods to participants under a retail food delivery system. Each store operated by a business entity:

- (1) constitutes a separate vendor; and
- (2) must:
  - (A) be authorized separately from other stores operated by the business entity; and
  - (B) have a single, fixed location, except when the authorization of mobile stores is necessary to meet the special needs described in the state agency’s state plan in accordance with 7 CFR 246.4(a)(14)(xiv).

SECTION 19. “Vendor agreement” means a legally binding contract, complying with 7 CFR 246.12(h), between the following:

- (1) An authorized vendor.
- (2) The WIC program.

The agreement describes the terms and conditions the two (2) parties must follow for the vendor to redeem WIC food instruments.

SECTION 20. “Vendor violation” means any intentional or unintentional action or omission of a vendor’s current:

- (1) owners;
- (2) officers;
- (3) managers;
- (4) agents; or
- (5) employees;

with or without the knowledge of management, that violates the federal or state statutes, rules, or regulations governing the WIC program.

SECTION 21. “WIC program” means the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) authorized by Section 17 of the Child Nutrition Act of 1966.

SECTION 22. “WIC service area” means an area where local WIC participants could conveniently shop alternative vendors. The term may include a county or marketing area, whichever is determined more appropriate by the department after considering factors including, but not limited to, the following:

- (1) Geographic, population, and demographic information.
- (2) Information submitted by the store or vendor.

In counties with a population less than seventy-seven thousand (77,000), the service area would generally be the county. In counties with a population greater than seventy-seven thousand (77,000), the service area would generally be

an area within five (5) miles of the applicant.

SECTION 23. This document shall apply to the following:

- (1) All stores that apply for participation as vendors in the WIC program.
- (2) All vendors contracting with the department or its designees.
- (3) Any:
  - (A) individual;
  - (B) business entity; or
  - (C) commercial enterprise;

that accepts or receives food instruments or credit or payment for food instruments, or both.

Any authorization issued before the effective date of this document shall remain valid and shall be subject to this document.

SECTION 24. The WIC program must authorize an appropriate number and distribution of vendors in order to ensure the following:

- (1) Adequate participant access to supplemental foods.
- (2) Effective WIC program:
  - (A) management;
  - (B) oversight; and
  - (C) review;

of its authorized vendors.

In order to accomplish this, vendors and store applicants shall be subject to the vendor selection criteria in SECTIONS 34 and 35 of this document.

SECTION 25. Using the current vendor selection criteria, the department may reassess the vendor at any time during the agreement period. The department must terminate the vendor agreement if the vendor fails to meet the current vendor selection criteria.

SECTION 26. Vendor applicants who have failed a preauthorization visit shall not receive a subsequent preauthorization visit until after they have advised in writing that they can comply with the vendor selection criteria.

SECTION 27. If the vendor wishes to continue to be authorized beyond the period of its current vendor agreement, the vendor must apply for reauthorization.

SECTION 28. All stores authorized as a vendor by the department shall do the following:

- (1) Sign a vendor agreement prescribed by the department in accordance with 7 CFR 246.12(h).
- (2) Agree to comply with all applicable federal and state laws and rules, including, but not limited to, 42 U.S.C. 1786 and 7 CFR 246.

SECTION 29. (a) A vendor shall not sell, assign, or transfer the following in any manner:

- (1) Its authorization.

- (2) The vendor:
  - (A) agreement;
  - (B) stamp; or
  - (C) number.

Any actual or attempted sale, assignment, or transfer of the authorization, vendor agreement, vendor stamp, or vendor number shall result in termination of the vendor agreement. Relocation of less than three (3) miles is not a violation of this SECTION.

(b) At least fifteen (15) calendar days in advance, the vendor shall notify the department of the following:

- (1) Any:
  - (A) sale;
  - (B) lease;
  - (C) bankruptcy; or
  - (D) cessation;

of the vendor's business entity.

(2) Any sale of a majority interest in the vendor's:

- (A) corporation;
- (B) partnership;
- (C) sole proprietorship; or
- (D) business entity.

The notification shall be sent by certified mail and in writing to the director of the Indiana state WIC program, Indiana state department of health.

SECTION 30. A vendor may voluntarily withdraw from participation in the WIC program. The department, however, shall not accept voluntary withdrawal as an alternative to an order of disqualification for which no appeal is pending under IC 4-21.5. If, at the time of the withdrawal, the vendor owes:

- (1) a fine assessment; or
- (2) any other monies resulting from a sanction;

the fine assessment and any other monies due shall be paid in full.

SECTION 31. (a) A store becomes a vendor when authorized in accordance with this document.

(b) Once every three (3) years, the department shall conduct an open authorization period to select vendors. The open authorization period shall:

- (1) begin April 12; and
- (2) end May 11.

The contract for vendors authorized during this open authorization period begins on October 1.

(c) The WIC program shall send an application for authorization to a store's representative who has contacted the department in writing to request an application for authorization. The store seeking authorization as a vendor shall do the following:

- (1) Complete the application for authorization.
- (2) Return it to the WIC program before the end of the open authorization period.

Current vendors will receive an application from the WIC program in order to apply for reauthorization. Incomplete applications will be returned to the store's representative and must be returned within fifteen (15) days from the end of the open enrollment period to be considered timely.

(d) A store wishing to become a vendor outside the open authorization period must meet the requirements of SECTION 40 of this document, unless the store can demonstrate it was not open for business and able to apply during the open authorization period. Stores not open for business and able to apply during the open authorization period shall be allowed to submit a WIC food vendor application outside the open authorization period, and notwithstanding the date of submission, such applications shall be reviewed in accordance with SECTION 32 of this document.

SECTION 32. (a) A store must submit a WIC food vendor application to be considered for authorization.

(b) Applications received during the open authorization period, or received from a store meeting the exception in SECTION 31(d) of this document, shall be reviewed using the selection criteria in SECTION 33 of this document. Applications that:

- (1) meet all criteria in SECTION 34 of this document; and
  - (2) successfully pass the preauthorization visit;
- will be offered a vendor agreement.

SECTION 33. (a) A vendor must submit a WIC food vendor application to be considered for reauthorization.

(b) Applications received during the open authorization period shall be reviewed using the selection criteria in SECTIONS 34 and 35 of this document. Currently authorized vendors:

- (1) that meet all criteria in SECTIONS 34 and 35 of this document will be offered a vendor agreement; and
- (2) shall not receive a preauthorization visit.

SECTION 34. Only stores meeting all of the following criteria, and having a total number of points assigned, under SECTION 36 of this document, greater than or equal to the lowest point total of vendors applying in the same WIC service area, will be selected for a preauthorization visit:

(1) The store shall be as follows:

(A) Located:

(i) within this state; or

(ii) in a county contiguous to the Indiana border.

(B) Open for business and able to serve WIC participants at least eight (8) hours per day, six (6) days per week.

(C) Located in a permanent, fixed location where participants may purchase allowable foods with their food instruments.

(2) The store may not be currently disqualified from either of the following:

---

## Emergency Rules

---

(A) Participation in the food stamp program or have been assessed a civil money penalty in lieu of a disqualification from the food stamp program that, had it been imposed, would not yet have expired.

(B) The WIC program.

The disqualifications in this subdivision must be final with no appeal pending.

(3) None of the store's current owners, officers, or managers have been convicted of or had a civil judgment entered against them for the following conduct demonstrating a lack of business integrity:

(A) Fraud.

(B) Antitrust violations.

(C) Embezzlement.

(D) Theft.

(E) Forgery.

(F) Bribery.

(G) Falsification or destruction of records.

(H) Making false statements.

(I) Receiving stolen property.

(J) Making false claims.

(K) Obstruction of justice.

(4) The store shall:

(A) meet the minimum stock requirements of SECTION 38 of this document; and

(B) not have redeemed or attempted to redeem food instruments without being authorized as a WIC vendor.

(5) Pharmacies or vendors with a pharmacy must be able to provide any WIC prescribed formula within two (2) working days of the request by a WIC participant unless the failure to provide the WIC prescribed formula is the result of circumstances beyond the control of the vendor such as:

(A) a natural disaster;

(B) actions or decrees of governmental bodies; or

(C) a communication line failure.

(6) The store must purchase WIC formula from a source on the:

(A) department's list; or

(B) list of another state WIC agency;

pursuant to Section 203(e)(8) of the Child Nutrition and WIC Reauthorization Act of 2004, P.L.108-265.

(7) No conflict of interest shall exist between:

(A) the store; and

(B) any local agency or department employee.

(8) The store:

(A) shall not have attempted to circumvent disqualification from the WIC program through ownership change; and

(B) must:

(i) participate in the food stamp program; and

(ii) have a food stamp number;

unless the store is a pharmacy only.

(9) The store shall not expect to obtain more than fifty percent (50%) of its annual revenue from the sale of food items through WIC food instruments. Failure of a store to

provide documentation requested by the WIC Program to verify this criterion shall result in denial of the application.

SECTION 35. In addition to the criteria in SECTION 34 of this document, a vendor seeking reauthorization must also meet the following criteria and have been assigned at least two (2) points under SECTION 36 of this document:

(1) The vendor shall:

(A) redeem at least:

(i) forty (40) food instruments per month and a minimum of one percent (1%) of the food instruments in the county; or

(ii) one hundred fifty (150) food instruments per month for the immediately preceding six (6) months of food instrument redemption data;

(B) have implemented all required corrective actions resulting from monitoring by the department, including reimbursement of any overcharges or overpayments; and

(C) be in compliance with the applicable federal and state regulations.

(2) The store shall not have provided refunds, or permit exchanges for foods purchased with food instruments, except for exchanges of an identical authorized food item when the original food item:

(A) is defective;

(B) is spoiled; or

(C) has exceeded:

(i) its "sell by" date;

(ii) its "best if used by" date; or

(iii) another date;

limiting the sale or use of the item.

"Identical food item" means the exact brand and size of the original food item purchased. Participants may only exchange WIC items with a receipt.

SECTION 36. The department will assign points for the categories listed in this SECTION as part of the authorization process. Points will be assigned to applications as follows:

(1) Low price comparison average (PCA). A store that has a PCA that is one percent (1%) to ten percent (10%) below the average price of vendors in the same WIC service area is awarded one (1) point. Any store that has a PCA more than ten percent (10%) below the average is awarded two (2) points.

(2) A store with a pharmacy will be awarded one (1) point if the WIC service area is without a WIC authorized pharmacy.

(3) A store that has at least fifty percent (50%) sales from food sales will be awarded one (1) point.

(4) Current authorized vendors who have:

(A) not received a second education/warning letter; or

(B) been required to attend a conference;

under SECTION 54(c)(3) of this document in the last two

(2) years will be awarded one (1) point.

(5) A store that has not accumulated enough points to be authorized, but is needed to avoid inadequate participant access under SECTION 39 of this document, will be awarded one (1) point.

SECTION 37. (a) If the store's application for authorization meets all criteria in SECTION 34 of this document, the local agency shall conduct a preauthorization visit of the store to determine compliance with the following:

- (1) All WIC food prices are marked on or near the foods.
- (2) WIC food prices submitted on the application match the store's shelf prices.
- (3) Minimum stocking requirements of SECTION 38 of this document are met.
- (4) WIC foods on the shelves available for sale are within their fresh date.
- (5) WIC foods are stored and refrigerated in compliance with 410 IAC 7-24.

(b) The local agency shall do the following:

- (1) Conduct the preauthorization visit.
- (2) Forward the results to the department to do the following:
  - (A) Complete the review.
  - (B) Render a decision on the store's application.

SECTION 38. (a) In order to ensure adequate participant access to supplemental foods, the following minimum stock shall be available on the shelf or in stock:

(1) Contract brand infant formula as follows:

(A) Thirty-two (32) thirteen (13) ounce cans of each of the following:

- (i) Enfamil LIPIL with iron concentrate.
- (ii) Enfamil Prosobee LIPIL iron fortified concentrate.

(B) Twenty (20) twelve and nine-tenths (12.9) ounce cans of Enfamil LIPIL with iron powder.

(C) Ten (10) twelve and nine-tenths (12.9) ounce cans of Enfamil Prosobee LIPIL iron fortified powder.

(2) One hundred percent (100%) dairy milk: fifteen (15) gallons total of:

- (A) whole;
- (B) low fat; and
- (C) skim;

milk in gallons.

(3) Cheese:

- (A) three (3) kinds; and
- (B) five (5) pounds;

of domestic prepackaged blocks or sliced cheese.

(4) Eggs: five (5) dozen large white eggs in one (1) dozen containers.

(5) One hundred percent (100%) juice:

- (A) thirty (30) forty-six (46) ounce containers, at least four (4) kinds; and
- (B) thirty (30) cans of eleven and five-tenths (11.5) or twelve (12) ounce frozen juice or shelf stable concen-

trate, or both, at least two (2) kinds.

(6) Cereal:

- (A) six (6) kinds of dry; and
- (B) one (1) kind of cooked;

cereal, for a total of twenty (20) boxes.

(7) Peanut butter: five (5) eighteen (18) ounce jars.

(8) Dried beans, peas, and lentils: three (3) kinds for a total of five (5) pounds in one (1) pound bags.

(9) Infant cereal:

- (A) fifteen (15) boxes; and
- (B) three (3) kinds;

of eight (8) ounce dry infant cereal without fruit.

(10) One hundred percent (100%) infant juice: six (6), thirty-two (32) ounce bottles.

(b) Noncompliance with this SECTION will not result in an enforcement action if the vendor can demonstrate that any failure to meet the requirements of subsection (a) was the result of circumstances beyond the control of the vendor such as:

- (1) a natural disaster;
- (2) actions or decrees of governmental bodies; or
- (3) a communication line failure.

(c) The department will provide at least one (1) month written notice of any change in the contract brand infant formula.

SECTION 39. (a) The department may consider whether there is inadequate participant access when considering whether to grant or deny authorization or reauthorization.

(b) The department shall also consider whether there is inadequate participant access when deciding whether to impose a civil money penalty in lieu of disqualification under SECTIONS 43 through 52 of this document.

(c) There is inadequate participant access if:

(1) a vendor:

- (A) has closed, withdrawn, or relocated farther than three (3) miles from its authorized location; and
- (B) was redeeming more than forty (40) food instruments per month and one percent (1%) of the county's food instruments or one hundred fifty (150) food instruments per month with no minimum percentage;

(2) a pharmacy vendor has closed, withdrawn, or relocated farther than three (3) miles from its authorized location;

(3) a vendor:

- (A) has been disqualified for at least one (1) year in the WIC service area; and
- (B) was redeeming more than forty (40) food instruments per month and one percent (1%) of the county's food instruments or one hundred fifty (150) food instruments per month with no minimum percentage;

(4) the number of food instruments redeemed in the WIC service area has increased by ten percent (10%) in the preceding quarter; or

---

## Emergency Rules

---

(5) there is a hardship for a significant WIC population in an area that is not served by an authorized vendor.

SECTION 40. (a) A store must submit a WIC food vendor application to be considered for authorization.

(b) Applications received outside the open authorization period, except those received from a store meeting the exception in SECTION 31(d) of this document, shall be reviewed to determine if there is inadequate participant access.

(c) If the department determines that there is not inadequate participant access:

- (1) the store will be notified in writing of that determination; and
- (2) the application will be denied.

(d) If the department determines that there is inadequate participant access, the following will occur:

- (1) The application will be reviewed using the selection criteria in SECTION 35 of this document.
- (2) If the application:
  - (A) meets all criteria in SECTION 34 of this document; and
  - (B) successfully passes the preauthorization visit;the store will be offered a vendor agreement.

SECTION 41. (a) The department shall deny the application of a store or vendor if the selection criteria in either SECTIONS [sic, SECTION] 34 or 35 of this document, or both, are not met unless the department determines there is inadequate participant access. The department will do the following:

- (1) Notify the vendor in writing of the denial.
- (2) Inform them of their appeal rights under IC 4-21.5.

(b) The department shall deny reauthorization if the vendor is not meeting the minimum food instrument redemption criteria in SECTION 36(1) of this document unless the department determines there is inadequate participant access.

(c) The department shall deny the application of a store or vendor if it contains false information.

(d) The department shall deny authorization for either of the following reasons:

- (1) If:
  - (A) the vendor has been disqualified from the WIC program; and
  - (B) no appeals are pending.
- (2) If the department determines that the store:
  - (A) relocated; or
  - (B) effected a change of ownership;to avoid a disqualification.

SECTION 42. The department shall terminate a WIC

vendor's authorization if any of the following occur:

- (1) The store has been disqualified under SECTIONS 43 through 52 or SECTIONS 53 through 58 of this document.
- (2) The WIC vendor supplied false information in their application for authorization or reauthorization.
- (3) The store is not redeeming at least forty (40) food instruments per month by the sixth month of their authorization or reauthorization, unless the department determines that termination of the WIC vendor would cause inadequate participant access as described in SECTION 39 of this document.
- (4) Ownership of the store changes.
- (5) The store closes for more than three (3) consecutive business days and does not notify the department, unless the department determines that termination of the WIC vendor would cause inadequate participant access as described in SECTION 39 of this document.
- (6) The store makes more than fifty (50) percent of its annual revenue from the sale of food items through WIC food instruments.

SECTION 43. (a) The department shall permanently disqualify a WIC vendor convicted of either of the following:

- (1) Trafficking in food instruments.
- (2) Selling:
  - (A) firearms;
  - (B) ammunition;
  - (C) explosives; or
  - (D) controlled substances, as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802);in exchange for food instruments.

(b) A WIC vendor is not entitled to receive any compensation for revenues lost as a result of such violation.

(c) The department may impose a civil money penalty in lieu of a disqualification for this violation when the department determines that:

- (1) disqualification of the WIC vendor would result in inadequate participant access; or
- (2) the WIC vendor had, at the time of the violation, an effective policy and program in effect to prevent trafficking, and the ownership of the WIC vendor:
  - (A) was not aware of;
  - (B) did not approve of; and
  - (C) was not involved in;the conduct of the violation.

SECTION 44. The department shall disqualify a WIC vendor for six (6) years for one (1) incidence of either of the following:

- (1) Buying or selling food instruments for cash (trafficking).
- (2) Selling:
  - (A) firearms;
  - (B) ammunition;



(C) explosives; or

(D) controlled substances, as defined in 21 U.S.C. 802; in exchange for food instruments.

SECTION 45. The department shall disqualify a WIC vendor for three (3) years for any of the following reasons:

(1) One (1) incidence of the sale of:

(A) alcohol;

(B) alcoholic beverages; or

(C) tobacco products;

in exchange for food instruments.

(2) A pattern of any of the following:

(A) Two (2) or more claims for reimbursement for the sale of an amount of a specific supplemental food item that exceeds the store's documented inventory of that supplemental food item within a twenty-four (24) month period.

(B) Three (3) or more vendor overcharges within a twenty-four (24) month period.

(C) Two (2) or more instances of any combination of receiving, transacting, or redeeming food instruments outside of authorized channels, including the use of an unauthorized vendor or an unauthorized person, or both, within a twenty-four (24) month period.

(D) Three (3) or more charges for supplemental food not received by the participant within a twenty-four (24) month period.

(E) Two (2) or more instances of providing credit or nonfood items, other than:

(i) alcohol;

(ii) alcoholic beverages;

(iii) tobacco products;

(iv) cash;

(v) firearms;

(vi) ammunition;

(vii) explosives; or

(viii) controlled substances, as defined in 21 U.S.C. 802;

in exchange for food instruments within a twenty-four (24) month period.

SECTION 46. The department shall disqualify a vendor for one (1) year for a pattern of two (2) or more instances, within a twenty-four (24) month period, of providing unauthorized food items in exchange for food instruments, including charging for supplemental foods provided in excess of those listed on the food instrument.

SECTION 47. When a vendor, who previously has been assessed a sanction for a:

(1) six-year;

(2) three-year; or

(3) one-year;

disqualification, receives another sanction for any of these violations, the department shall double the second sanction. Civil money penalties may only be doubled up to the limits

allowed under 7 CFR 246.12(l)(2)(i).

SECTION 48. When a WIC vendor, who previously has been assessed two (2) or more sanctions for a:

(1) six-year;

(2) three-year; or

(3) one-year;

disqualification, receives another sanction for any of these violations, the department shall double the third sanction and all subsequent sanctions. The department shall not impose civil money penalties in lieu of disqualification for third or subsequent sanctions for violations listed for a six-year disqualification, three-year disqualification, or one-year disqualification.

SECTION 49. The department shall disqualify a WIC vendor who has been disqualified from the food stamp program. The disqualification:

(1) shall be for the same length of time as the food stamp program disqualification;

(2) may begin at a later date than the food stamp program disqualification; and

(3) shall not be subject to administrative or judicial review under the WIC program.

SECTION 50. Before disqualifying a vendor for a food stamp program disqualification or for any of the violations listed for a federally-mandated six-year disqualification, three-year disqualification, or one-year disqualification, the department shall determine if disqualification of the WIC vendor would result in inadequate participant access. If the department determines that disqualification of the WIC vendor would result in inadequate participant access, the department shall impose a civil money penalty in lieu of disqualification. However, the department shall not impose a civil money penalty in lieu of disqualification for third or subsequent sanctions for violations listed for a:

(1) six-year;

(2) three-year; or

(3) one-year;

disqualification.

SECTION 51. (a) For each violation subject to a federally-mandated sanction, the department shall take the following steps to calculate a civil money penalty imposed in lieu of disqualification:

(1) Determine the vendor's average monthly redemption of food instruments for the six (6) month period ending with the month immediately preceding the month during which the notice of adverse action is dated.

(2) Multiply the average monthly redemption amount determined in subdivision (1) by ten percent (10%).

(3) Multiply the product from subdivisions (1) and (2) by the number of months for which the vendor would have been disqualified. This is the amount of the civil money penalty, provided that the civil money penalty shall not exceed the limits set forth in 7 CFR 246.12(l)(2)(i). For a

---

## Emergency Rules

---

violation that warrants permanent disqualification, the amount of the civil money penalty shall not exceed the limits set forth in 7 CFR 246.12(l)(2)(i). When during the course of an investigation the department determines a vendor has committed multiple violations, the department shall impose a civil money penalty for each violation.

(b) The total amount of civil money penalties imposed for violations investigated as part of a single investigation may not exceed the limits set in 7 CFR 246.12(l)(2)(i).

SECTION 52. When during the course of an investigation the department determines a vendor has committed multiple violations of this document, the department shall disqualify the vendor for the period corresponding to the most serious violation of this document. However, the department shall include all violations in the notice of adverse action.

SECTION 53. The purpose of the WIC program is to provide the following:

(1) Supplemental foods containing nutrients determined beneficial for:

- (A) pregnant, breastfeeding, and postpartum women;
- (B) infants; and
- (C) children;

who are at nutritional risk.

(2) Nutritional education to eligible persons.

The WIC vendor is an important part of the WIC program. The primary focus of the WIC program is not to sanction WIC vendors. The department is required to conduct routine monitoring visits to assess vendor compliance. Sanctions will be imposed when required.

SECTION 54. (a) Major violations are violations that could result in harm to WIC participants or the WIC program. The following are major violations:

(1) Claiming reimbursement for the sale of an amount of a specific supplemental food item that exceeds the vendor's documented inventory of that supplemental food item for a specific period of time.

(2) Submission of false information:

- (A) on the retail vendor price survey; or
- (B) during the course of inspections of the vendor site.

(3) Receiving, transacting, or redeeming food instruments outside of authorized channels, including the use of an unauthorized vendor or an unauthorized person, or both.

(4) Charging for a supplemental food not received by the participant.

(5) Providing credit or nonfood items, other than:

- (A) alcohol;
- (B) alcoholic beverages;
- (C) tobacco products;
- (D) cash;
- (E) firearms;
- (F) ammunition;
- (G) explosives; or

(H) controlled substances, as defined in 21 U.S.C. 802; in exchange for food instruments.

(6) Failure to attend a required training.

(7) Failure to maintain:

- (A) inventory records; or
- (B) other records;

the department requires of the vendor.

(8) Providing change when redeeming a food instrument.

(9) Failure to provide authorized WIC program personnel access to the following:

- (A) The business premises.
- (B) Any redeemed food instruments on hand.
- (C) Any other records pertaining to vendor participation.

(10) Alteration of a food instrument other than a legitimate price or "date used" correction.

(11) Home delivery of WIC purchases.

(12) Failure to accept a valid food instrument when accompanied by a valid WIC identification folder.

(13) Recovery or attempted recovery of funds or food from WIC participants.

(14) Failure of a vendor pharmacy to provide special formulas as required by SECTION 34(a)(9) of this SECTION 39 of this document *[sic]*.

(15) Failure to compare the signature on the food instrument with the signature on the WIC program identification card.

(16) Not allowing WIC participants to participate in sales promotions or manufacturer's specials or refusal to accept coupons when allowed for other customers.

(17) Denial of the purchase of up to the full amount of WIC foods authorized on a food instrument if requested by a WIC participant.

(18) Selling expired infant formula to participants.

(19) Failure to reimburse the department, within thirty (30) days of written request, for amounts paid by the department to the vendor on improperly redeemed food instruments.

(20) Including sales tax or container deposits as part of the actual cost of the authorized food listed on the food instrument or requiring the participant to pay the sales tax or container deposit.

(21) Requiring cash purchases in order to redeem food instruments.

(22) Accepting the return of items purchased with a food instrument for cash or credit towards other purchases or exchanges, with the exception of exchanges of an identical authorized food item when the original food item:

- (A) is defective;
- (B) is spoiled; or
- (C) has exceeded its:
  - (i) "sell by" date;
  - (ii) "best if used by" date; or
  - (iii) another date;

limiting the sale or use of the item.

(23) Threatening or verbally abusing WIC participants or authorized WIC program personnel.

(b) Minor violations are violations that may impose less harm to participants or the program. The following are minor violations:

- (1) Failure to supply a timely retail vendor price survey to the department.
- (2) Requiring WIC participants to show identification other than WIC identification folders, except in cases when the WIC identification folder is not signed.
- (3) Issuing rain checks for specific WIC food types, brand, or quantities listed on the food instrument not available or not received by the participant at the time a food instrument is redeemed.
- (4) Failure to maintain the minimum required:
  - (A) quantity;
  - (B) size;
  - (C) type; and
  - (D) variety;

of WIC-approved foods as set forth in SECTION 38 of this document.

(5) Requiring a participant to select a specific type or brand of WIC-approved foods when the food instrument or the food list, or both, does not require the purchase of that specific type or brand.

(6) The:

- (A) possession;
- (B) display on the shelf in the vendor site;
- (C) attempted sale; or
- (D) actual sale;

of food products that originated from the Commodity Supplemental Food Program.

(7) Acceptance of food instruments that are signed by a participant or a proxy before the vendor fills in the total actual cost.

(8) Failure to remove out-of-date WIC foods from customer areas.

(9) Failure of the WIC foods identification test by store personnel or scanner system.

(10) Failure to do any of the following:

- (A) Maintain WIC food prices within fifteen percent (15%) of other authorized WIC vendors in the WIC service area.
- (B) Accurately show the price of WIC foods on the food:
  - (i) package;
  - (ii) container;
  - (iii) shelf; or
  - (iv) sign.
- (C) Offer WIC participants the same courtesies and services offered to the general public.

(11) Using a cash register without a current WIC-approved food list at the cash register.

(12) Failure to allow the purchase of a WIC authorized food.

(13) Accepting a food instrument:

- (A) before the "first day to use"; or
- (B) after the "last day to use".

(14) Accepting an altered food instrument, other than a legitimate price or "date used" correction.

(15) Failure to provide a WIC participant with a cash register receipt for foods purchased with a food instrument.

(16) Retaining WIC identification or any information that identifies a person as a WIC participant or proxy or disclosing information regarding a participant of the WIC program to any person without a valid court order, other than to the department, its designee, or a federal WIC program official.

(c) Sanctions will be imposed as follows:

(1) For the first major violation, the vendor shall receive a warning letter indicating the following:

- (A) The violation.
- (B) How to remedy the violation.

(2) For the second major violation within a twenty-four (24) month period, a vendor may be sanctioned as follows:

(A) A fine up to the lesser of one thousand dollars (\$1,000) or ten percent (10%) of the vendor's monthly average redemptions for:

- (i) the greater of the twelve (12) months preceding the date of the sanction notice; or
- (ii) a lesser number of months the vendor has been authorized.

(B) Disqualification from the WIC program for up to one (1) year.

(3) For the first minor violation within a twenty-four (24) month period, the vendor shall receive a warning letter indicating the following:

- (A) The violation.
- (B) How to remedy the violation.

(4) For a vendor's second minor violation within a twenty-four (24) month period, a vendor shall either:

- (A) receive a second warning letter; or
- (B) be required to participate in a conference with the department and local agency about the violation, either in person or by telephone;
- (C) both.

After the letter or conference, the vendor shall submit written documentation of the corrective action that will be taken.

(5) For a vendor's third minor violation within a twenty-four (24) month period, a vendor may be fined up to the lesser of three hundred dollars (\$300) or three percent (3%) of the vendor's monthly average redemptions for the greater of the following:

- (A) The twelve (12) months preceding the date of the imposition of the sanction.
- (B) A lesser number of months the vendor has been authorized.

(6) For any subsequent minor violations within a twenty-four (24) month period, a vendor may be fined up to the lesser of five hundred dollars (\$500) or five percent (5%) of the vendor's monthly average redemptions for the greater of the following:

- (A) The twelve (12) months preceding the date of the sanction notice.

---

---

## Emergency Rules

---

---

(B) A lesser number of months the vendor has been authorized.

(7) Multiple violations found may result in a cumulative penalty assessment based upon this subsection.

(8) The maximum fine and maximum disqualification term shall be not more than the limits set forth in 7 CFR 246.12(l)(2)(i).

(9) For the fourth violation of subsection (b)(4) within a twenty-four (24) month period, the sanction will be disqualification from the WIC program for up to one (1) year.

(d) A vendor remaining in the program after an imposed sanction shall provide the following:

(1) Certification that the situation giving rise to the sanction has been corrected.

(2) Documentation regarding the correction as requested by the department.

SECTION 55. The department does not have to provide the vendor with a prior warning that violations were occurring before imposing any of the sanctions in this document, with the exception of SECTION 54(c) of this document.

SECTION 56. The total period of disqualification imposed for department sanctions investigated as part of a single investigation may not exceed one (1) year. A civil money penalty or fine may not exceed eleven thousand dollars (\$11,000) for each violation. The total amount of civil money penalties and administrative fines imposed for violations investigated as part of an investigation may not exceed the limits set forth in 7 CFR 246.12(l)(2)(i).

SECTION 57. The department shall provide administrative review to the extent required by IC 4-21.5, except that administrative review will not be provided for certain department actions as indicated in 7 CFR 246.18(a)(1)(iii).

SECTION 58. When the department disqualifies a vendor, the department shall also terminate the vendor agreement.

SECTION 59. (a) When used in this document, references to the following publications shall mean the version of that publication listed in this subsection. The following publications are hereby incorporated by reference:

(1) 7 CFR 246.12 (January 1, 2005).

(2) 42 U.S.C. 1786.

(3) 7 CFR 246.10 (January 1, 2005).

(4) 7 CFR 246.18 (January 1, 2005).

(5) 21 U.S.C. 802.

(b) Federal rules 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.

*LSA Document #06-74(E)*

*Filed with Secretary of State: March 10, 2006, 11:00 a.m.*

---

---

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

LSA Document #05-112

Under IC 12-8-3-4.4, LSA Document #05-112, printed at 29 IR 1731, was adopted by the Secretary of Family and Social Services Administration on March 8, 2006. This rule adds 405 IAC 1-14.5-27 to reduce Medicaid rate increases for HIV nursing facilities. Amends 405 IAC 1-14.6-2 to add a definition for “nursing home report card score”. Amends 405 IAC 1-14.6-5 to describe the method for calculating the nursing facility quality assessment and Medicaid rate add-on for new providers. Amends 405 IAC 1-14.6-7 to increase Medicaid reimbursement based on the nursing home report card score and to increase reimbursement to certain nursing facilities that provide specialized care to residents with Alzheimer’s disease or dementia. Amends 405 IAC 1-14.6-9 to change the profit add-on calculation. Amends 405 IAC 1-14.6-18 to change the limitation applied to owner, related party, and management compensation. Adds 405 IAC 1-14.6-23 to reduce Medicaid rate increases for nursing facilities. Adds 405 IAC 1-14.6-24 to establish a nursing facility quality assessment as required by P.L.186-2005. Adds 405 IAC 1-14.6-25 to allow a nursing facility to apply for additional Medicaid reimbursement if the facility is closed or converted to another one. *NOTE: Consolidates LSA Document #05-112 and LSA Document #05-114 (printed at 29 IR 1269). Section 8 of this document is jointly promulgated with the Department of State Revenue. See LSA Document #05-359, printed at 29 IR 1596.* The rule that was adopted is a different version than the proposed rule that was published in the Indiana Register on February 1, 2006. Those portions of the rule proposed as LSA Document #05-114 are the same as the proposed rule that was published in the Indiana Register on January 1, 2006.

---

---

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

LSA Document #05-209

Under IC 12-8-3-4.4, LSA Document #05-209, printed at 29 IR 854, was adopted by the Secretary of Family and Social Services Administration on February 13, 2006. This rule adds rules to implement a program to complement the Federal Medicare Prescription Drug Benefit and to establish program eligibility and enrollment guidelines. The rule that was adopted is a different version than the proposed rule that was published in the Indiana Register on December 1, 2005.

---

---

## Change in Notice of Public Hearing

---

---

### TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #05-118(APCB)

The Air Pollution Control Board gives notice that the date of the public hearing for consideration of preliminary adoption of LSA Document #05-118(APCB), printed at 28 IR 3672, 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, and IC 13-14-9, notice is hereby given that on **May 3, 2006**, 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 7-4-2.*

*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 Susan Bem, Rules Development Section, Office of Air Quality, (317) 233-5697 or (800) 451-6027, press 0, and ask for ext. 3-5697 (in Indiana). If the date of this hearing is changed, it will be noticed in the Change in Notice of Public Hearing 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*

*Indianapolis, Indiana 46204*

*or call (317) 233-0855 or (317) 232-6565 (TDD). Speech and hearing impaired callers may also 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 Government Center-North, 100 North Senate Avenue, Tenth Floor East, Indianapolis, Indiana and are open for public inspection.*

Kathryn A. Watson, Chief  
Air Programs Branch  
Office of Air Quality

**TITLE 25 INDIANA DEPARTMENT OF  
ADMINISTRATION**

LSA Document #06-54

Under IC 4-22-2-23, the Indiana Department of Administration intends to adopt a rule concerning the following:

**OVERVIEW:** To adopt rules establishing and implementing a “Code Adam” safety protocol at the buildings that the department maintains, equips, or operates and that are open to the public. The rules will include procedures for a state employee to follow when a parent, teacher, or guardian notifies a state employee that a child is lost or missing, procedures for the department contact person to follow after being notified of a lost or missing child, and procedures for department employees to search the building in which the lost or missing child is presumed to be located. Written comments may be submitted to the Indiana Department of Administration, Attn: Brian Renner, Indiana Government Center-South, 402 West Washington Street, Room W479, Indianapolis, Indiana 46204. Statutory authority: IC 4-13-1-4(16) (SEA 12-2005, SECTION 1); IC 4-13-1-7; IC 4-20.5-6-9 (SEA 12-2005, SECTION 2).

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Davina L. Patterson, Staff Attorney  
Indiana Department of Administration  
Indiana Government Center-South  
402 W. Washington St., Room W469  
Indianapolis, IN 46204  
(317) 233-3061  
dpatterson@idoa.in.gov

---

---

**TITLE 50 DEPARTMENT OF LOCAL  
GOVERNMENT FINANCE**

LSA Document #06-72

Under IC 4-22-2-23, the Department of Local Government Finance intends to adopt a rule concerning the following:

**OVERVIEW:** To amend 50 IAC 8 to add provisions for annual adjustment of the base assessed value in tax increment finance allocation areas, to establish rules for implementation of certified technology park allocation areas under IC 36-7-32, to add a provision defining obligation, to change references to the former State Board of Tax Commissioners to reference the Department of Local Government Finance, to delete text that is repetitive of statutory language, and to make other technical and substantive changes as needed to update the rule. Written comments should be addressed to Amber Merlau St. Amour, Staff Attorney, Department of Local Government Finance, Indiana Government Center-North, 100

North Senate Avenue, Room 1058(B), Indianapolis, IN 46204. Statutory authority: IC 6-1.1-31-1; IC 6-1.1-39-5(f); IC 8-22-3.5-11; IC 36-7-14-39(h); IC 36-7-15.1-26(h); IC 36-7-32-19.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Amber Merlau St. Amour  
Staff Attorney  
Department of Local Government Finance  
Indiana Government Center-North  
100 North Senate Avenue, Room 1058(B)  
Indianapolis, IN 46204  
(317) 233-4361  
astamour@dlgf.in.gov

---

---

**TITLE 50 DEPARTMENT OF LOCAL  
GOVERNMENT FINANCE**

LSA Document #06-79

Under IC 4-22-2-23, the Department of Local Government Finance intends to adopt a rule concerning the following:

**OVERVIEW:** To adopt rules to implement the investment deduction established in IC 6-1.1-12.4. Written comments should be addressed to Michael Dart, General Counsel, Department of Local Government Finance, Indiana Government Center-North, 100 North Senate Avenue, Room N1058(B), Indianapolis, IN 46204. Statutory authority: IC 6-1.1-12.4-13 (SEA 1-2005, SECTION 8); IC 6-1.1-31-1.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Michael Dart  
General Counsel  
Department of Local Government Finance  
Indiana Government Center-North  
100 North Senate Avenue, Room N1058(B)  
Indianapolis, IN 46204  
(317) 233-0166  
mdart@dlgf.in.gov

---

---

**TITLE 312 NATURAL RESOURCES COMMISSION**

LSA Document #06-67

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 312 IAC 25 that assists in the administration of IC 14-34 (sometimes referred to as the “Indiana Surface Mining Control and Reclamation Act” or “I-SMCRA”) that governs surface coal mining and reclamation

---

---

## Notice of Intent to Adopt a Rule

---

---

activities. Amends 312 IAC 25-4-102 to require an applicant proposing to establish commercial forest resources on prime farmland to submit for approval a commercial forest planting plan, commercial forest management plan, and documentation of landowner consent. Amends 312 IAC 25-6-143 to allow commercial forest resources on reclaimed prime farmland provided soil productivity is demonstrated according to soil productivity standards. Public questions and comments may be sent to the Division of Hearings, Natural Resources Commission, Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana 46204, at [jkane@nrc.in.gov](mailto:jkane@nrc.in.gov), or by telephone at (317) 232-4699. Statutory authority: IC 14-10-2-4; IC 14-34-2.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Brock Mayes  
Department of Natural Resources  
Division of Reclamation  
R. R. #2 Box 129  
Jasonville, Indiana 47438  
(812) 665-2207  
[bmayer@reclamation.dnr.state.in.us](mailto:bmayer@reclamation.dnr.state.in.us)

---

---

### TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #06-68

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 312 IAC 25 that assists in the administration of IC 14-34 (sometimes referred to as the “Indiana Surface Mining Control and Reclamation Act” or “I-SMCRA”) that governs surface coal mining and reclamation activities. Makes numerous changes to help assure conformance with state and federal law. Qualifies approved reclamation projects financed with less than 50 percent federal funding as “government-financed construction”. Removes requirement for submittal of application for water impoundments of less than 100-acre feet. Adds a provision allowing the director of the Department of Natural Resources to initiate an application for bond release. Clarifies conduct of informal conferences regarding proposed bond release. Exempts impoundments that are entirely contained within an incised structure from examination requirements. Clarifies requirements for construction or reconstruction of primary roads. Clarifies definition of “abandoned site” as used in 312 IAC 25-7-1. Public questions and comments may be sent to the Division of Hearings, Natural Resources Commission, Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana 46204, at [jkane@nrc.in.gov](mailto:jkane@nrc.in.gov), or by telephone at (317) 232-4699. Statutory authority: IC 14-10-2-4; IC 14-34-2.

For purposes of IC 4-22-2-28.1, the Small Business Regula-

tory Coordinator for this rule is:

Brock Mayes  
Department of Natural Resources  
Division of Reclamation  
R. R. #2 Box 129  
Jasonville, Indiana 47438  
(812) 665-2207  
[bmayer@reclamation.dnr.state.in.us](mailto:bmayer@reclamation.dnr.state.in.us)

---

---

### TITLE 355 STATE CHEMIST OF THE STATE OF INDIANA

LSA Document #06-63

Under IC 4-22-2-23, the State Chemist of the State of Indiana intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 355 IAC 4-0.5 to establish a definition of certification for pesticide applicators. Amends 355 IAC 4-1-2.1 to clarify the initial pesticide applicator certification requirements for commercial applicators. Amends 355 IAC 4-1-3 to clarify the scope and description of existing commercial applicator certification and licensing categories. Amends 355 IAC 4-1-4 to clarify the initial pesticide applicator certification requirements for private applicators. Effective 30 days after filing with the Secretary of State. Questions concerning the proposed rule may be directed to David E. Scott at (765) 494-1587 or [scottde@purdue.edu](mailto:scottde@purdue.edu) or Office of the Indiana State Chemist, 175 S. University St., West Lafayette, IN 47907-2063. Statutory authority: IC 15-3-3.6-3; IC 15-3-3.6-4; IC 15-3-3.6-5.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

David E. Scott  
Office of the Indiana State Chemist  
175 South University Street  
West Lafayette, IN 47907-2063  
(765) 494-1587  
[scottde@purdue.edu](mailto:scottde@purdue.edu)

---

---

### TITLE 760 DEPARTMENT OF INSURANCE

LSA Document #06-66

Under IC 4-22-2-23, the Department of Insurance intends to adopt a rule concerning the following:

**OVERVIEW:** To adopt standards for the competent practice of public adjusting including examinations, licensing, apprenticeship, bond requirements, continuing education, fees, contracts for services, financial accountability and standards, record retention, standards of conduct, reporting of actions, and to otherwise implement IC 27-1-27. Written comments should



be addressed to Amy Strati, Chief Counsel, Department of Insurance, 311 W. Washington Street, Indianapolis, IN 46204. Statutory authority: IC 27-1-27-4(c); IC 27-1-27-8.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Amy Strati  
Chief Counsel  
Department of Insurance  
311 W. Washington Street  
Indianapolis, IN 46204  
(317) 232-0143  
astrati@doi.state.in.us

---

---

**TITLE 760 DEPARTMENT OF INSURANCE**

LSA Document #06-69

Under IC 4-22-2-23, the Department of Insurance intends to adopt a rule concerning the following:

**OVERVIEW:** To provide registration, financial, actuarial, and operational requirements and fees for Professional Employee Organizations and to otherwise implement IC 27-16. Written comments should be addressed to Amy Strati, Chief Counsel, Department of Insurance, 311 W. Washington Street, Indianapolis, IN 46204. Statutory authority: IC 27-16-4-7; IC 27-16-5-4; IC 27-16-5-6; IC 27-16-8-4.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Amy Strati  
Chief Counsel  
Department of Insurance  
311 W. Washington Street  
Indianapolis, IN 46204  
(317) 232-0143  
astrati@doi.state.in.us

---

---

**TITLE 760 DEPARTMENT OF INSURANCE**

LSA Document #06-77

Under IC 4-22-2-23, the Department of Insurance intends to adopt a rule concerning the following:

**OVERVIEW:** To amend 760 IAC 3-3-1 to update the definition of Medicare eligible expenses to be consistent with the National Association of Insurance Commissioner model Medicare supplement insurance minimum standards model act. Written comments may be submitted to the Indiana Department of Insurance, Attn: Amy Strati, 311 West Washington Street, Suite 300, Indianapolis, Indiana 46204 or e-mail to astrati@doi.state.in.us. Statutory authority: IC 27-8-13-9; IC 27-

8-13-10; IC 27-8-13-10.1.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Amy Strati  
Chief Counsel  
Department of Insurance  
311 W. Washington Street  
Indianapolis, IN 46204  
(317) 232-0143  
astrati@doi.state.in.us

---

---

**TITLE 864 STATE BOARD OF REGISTRATION  
FOR PROFESSIONAL ENGINEERS**

LSA Document #06-55

Under IC 4-22-2-23, the State Board of Registration for Professional Engineers intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 864 IAC 1.1-8-1 to require a statement of compliance with continuing education requirements and to grant the board the authority to verify continuing education compliance. Adds 864 IAC 1.1-15 to establish the continuing education requirements for professional engineers. Adds 864 IAC 1.1-16 to establish the requirements for continuing education providers. Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing Agency, Attn.: Board Director, State Board of Registration for Professional Engineers, Indiana Government Center-South, 402 West Washington Street, Room W072, Indianapolis, IN 46204-2700 or via e-mail at pla10@pla.in.gov. Statutory authority: IC 25-31-1-7; IC 25-31-1-17.5.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Angela Smith Jones  
Indiana Professional Licensing Agency  
Indiana Government Center-South  
402 West Washington Street, Room W072  
Indianapolis, Indiana 46204  
(317) 234-3022  
ajones@pla.in.gov

---

---

**TITLE 872 INDIANA BOARD OF ACCOUNTANCY**

LSA Document #06-65

Under IC 4-22-2-23, the Indiana Board of Accountancy intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 872 IAC 1-2-1 to address the ethical requirements for licensees by incorporating by reference the

---

---

## Notice of Intent to Adopt a Rule

---

---

June 1, 2005, pronouncements on professional standards of the American Institute of Certified Public Accountants (to apply to certified public accountants). Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing Agency, ATTENTION: Board Director, Indiana Government Center-South, 402 West Washington Street, Room W072, Indianapolis, Indiana 46204-2700 or by electronic mail at [pla11@pla.in.gov](mailto:pla11@pla.in.gov). Statutory authority: IC 25-2.1-2-15.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Deborah Widemon  
Indiana Professional Licensing Agency  
Indiana Government Center-South  
402 West Washington Street, Room W072  
Indianapolis, Indiana 46204  
(317) 234-3050  
[dwidemon@pla.in.gov](mailto:dwidemon@pla.in.gov)

---

---

**TITLE 50 DEPARTMENT OF LOCAL  
GOVERNMENT FINANCE**

**Proposed Rule**  
LSA Document #05-144

DIGEST

Adds 50 IAC 22 to establish procedures for application and administration of the investment deduction established by P.L.193-2005 (SEA 1-2005). *NOTE: Under IC 4-22-2-40, LSA Document #05-144, printed at 29 IR 579, was recalled by the Department of Local Government Finance and resubmitted for publication.* Effective 30 days after filing with the Secretary of State.

**IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses**

**Estimated Number of Small Businesses Subject to This Rule:**

The Department cannot accurately estimate the number of small businesses that will be directly affected by the investment deduction governed by this rule. The investment deduction provided under IC 6-1.1-12.4 and implemented by this rule will be available for a majority of small businesses that make a qualified investment within Indiana by developing, redeveloping, or rehabilitating real property or purchasing new personal property. Certain facilities are expressly excluded from this deduction by statute, and a listing of those facilities can be found at IC 6-1.1-12.1-3(e).

**Estimated Average Annual Administrative Costs That Small Businesses Will Incur:**

The Department estimates that this rule will require minimal reporting, record keeping, or administrative costs of small businesses seeking to receive the investment deduction. A small business seeking the deduction would have to file either Form RPID-1 with the township assessor or a Schedule PPID-1 attached to their annual personal property return.

**Estimated Total Annual Economic Impact on Small Businesses:**

The Department estimates that there will be minimal impact on small businesses as a result of compliance with this rule.

- Justification of Requirements or Costs on Small Businesses Where Rule Is Not Expressly Required by Law: The cost of compliance with this rule is minimal, involving only the time and effort to complete the required forms to claim the deduction. These requirements are justified by the need for the local officials to have the necessary information in order to process the deduction being sought by the claimant.
- Supporting Data, Studies, and Analyses: The Department reviewed the Fiscal Impact Statement for Senate Enrolled Act 1-2005 (P.L.193-2005), prepared by Legislative Services Agency. The Department has not relied on any other formal studies in reaching these estimates.

**Regulatory Flexibility Analysis of Alternative Methods:**

Due to the fact that this rule is mandated by P.L.193-2005 (SEA 1-2005), the Department has performed minimal analysis of alternatives to this proposed rule.

- Explanation of Preliminary Determination: The adoption of this rule was mandated by P.L.193-2005 (SEA 1-2005) to implement investment deduction.
- Supporting Data, Studies, and Analyses: The Department reviewed the Fiscal Impact Statement for Senate Enrolled Act 1-2005 (P.L.193-2005), prepared by Legislative Services Agency. The Department did not rely on any other formal studies in its decision not to employ alternatives to rulemaking.

**50 IAC 22**

SECTION 1. 50 IAC 22 IS ADDED TO READ AS FOLLOWS:

**ARTICLE 22. INVESTMENT DEDUCTION**

**Rule 1. General Provisions**

**50 IAC 22-1-1 Purpose**

Authority: IC 6-1.1-12.4-13

Affected: IC 6-1.1-12.4

**Sec. 1. The purpose of this article is to establish formal procedures to govern the application and administration of the investment deduction established under IC 6-1.1-12.4. The:**

- (1) procedures;
- (2) procedural requirements; and
- (3) standards;

**established by this article are intended to ensure that the investment deduction is properly administered.** (*Department of Local Government Finance; 50 IAC 22-1-1*)

**50 IAC 22-1-2 Applicability**

Authority: IC 6-1.1-12.4-13

Affected: IC 6-1.1-12.4

**Sec. 2. This article applies to taxpayers applying for and local assessing officials exercising authority under IC 6-1.1-12.4 in administering the investment deduction applicable to real and personal property.** (*Department of Local Government Finance; 50 IAC 22-1-2*)

**Rule 2. Definitions**

**50 IAC 22-2-1 Applicability**

Authority: IC 6-1.1-12.4-13

Affected: IC 6-1.1-12.4

**Sec. 1. The definitions in this rule apply throughout this article.** (*Department of Local Government Finance; 50 IAC 22-2-1*)

**50 IAC 22-2-2 “Creates or retains employment” defined**

Authority: IC 6-1.1-12.4-13

Affected: IC 6-1.1-12.4

**Sec. 2. (a) For real property, “creates or retains employment” means a development, redevelopment, or rehabilitation of the real property that:**

---

## Proposed Rules

---

(1) produces new jobs that were not previously performed; or  
(2) maintains existing jobs performed before the development, redevelopment, or rehabilitation of the real property; by employees located at the site of the real property. The term may also refer to a development, redevelopment, or rehabilitation of real property that keeps an existing business in operation that otherwise would have ceased to maintain operations in Indiana without the development, redevelopment, or rehabilitation even though the total number of jobs that exists after the development, redevelopment, or rehabilitation may be less than before the development, redevelopment, or rehabilitation occurred.

(b) For personal property, “creates or retains employment” means a purchase of personal property other than inventory that:

(1) produces new jobs that were not previously performed; or  
(2) maintains existing jobs performed before the purchase of the personal property; by employees of the owner or lessee of the personal property in Indiana. The term may also refer to a purchase of personal property other than inventory that keeps an existing business in operation that otherwise would have ceased to maintain operations in Indiana without the purchase of the personal property, even though the total number of jobs that exists after the purchase of the personal property may be fewer than before the purchase of personal property occurred. (*Department of Local Government Finance; 50 IAC 22-2-2*)

### 50 IAC 22-2-3 “Department” defined

Authority: IC 6-1.1-12.4-13  
Affected: IC 6-1.1-12.4; IC 6-1.1-30-1.1

Sec. 3. “Department” means the department of local government finance. (*Department of Local Government Finance; 50 IAC 22-2-3*)

### 50 IAC 22-2-4 “Development” defined

Authority: IC 6-1.1-12.4-13  
Affected: IC 6-1.1-12.4-2; IC 6-1.1-12.4-6

Sec. 4. “Development” means construction that improves a parcel of land. (*Department of Local Government Finance; 50 IAC 22-2-4*)

### 50 IAC 22-2-5 “Inventory” defined

Authority: IC 6-1.1-12.4-13  
Affected: IC 6-1.1-12.4-3

Sec. 5. “Inventory” has the meaning set forth in 50 IAC 4.2-5-1. (*Department of Local Government Finance; 50 IAC 22-2-5*)

### 50 IAC 22-2-6 “Investment deduction” defined

Authority: IC 6-1.1-12.4-13  
Affected: IC 6-1.1-12.4

Sec. 6. “Investment deduction” means the deduction for real or personal property provided in IC 6-1.1-12.4. (*Department of Local Government Finance; 50 IAC 22-2-6*)

### 50 IAC 22-2-7 “Official” defined

Authority: IC 6-1.1-12.4-13  
Affected: IC 6-1.1-12.4-1; IC 6-1.1-12.4-6

Sec. 7. “Official” means any of the following:

- (1) A county auditor.
- (2) A county assessor.
- (3) A township assessor.

(*Department of Local Government Finance; 50 IAC 22-2-7*)

### 50 IAC 22-2-8 “Personal property” defined

Authority: IC 6-1.1-12.4-13  
Affected: IC 6-1.1-1-11; IC 6-1.1-12.4

Sec. 8. “Personal property” has the meaning set forth in IC 6-1.1-1-11, except, for purposes of this article, the term excludes inventory. (*Department of Local Government Finance; 50 IAC 22-2-8*)

### 50 IAC 22-2-9 “Purchase” defined

Authority: IC 6-1.1-12.4-13  
Affected: IC 6-1.1-12.4-3

Sec. 9. “Purchase” means the act of obtaining title to real or personal property. A person is deemed to be purchasing property when:

- (1) title to the property is transferred into the person’s name; or
- (2) a person assumes a legal obligation to pay the property taxes on the property.

(*Department of Local Government Finance; 50 IAC 22-2-9*)

### 50 IAC 22-2-10 “Real property” defined

Authority: IC 6-1.1-12.4-13  
Affected: IC 6-1.1-1-15; IC 6-1.1-12.4

Sec. 10. “Real property” has the meaning set forth in IC 6-1.1-1-15. (*Department of Local Government Finance; 50 IAC 22-2-10*)

### 50 IAC 22-2-11 “Redevelopment” defined

Authority: IC 6-1.1-12.4-13  
Affected: IC 6-1.1-12.4-2; IC 6-1.1-12.4-6; IC 6-1.1-12.1-1

Sec. 11. “Redevelopment” means the construction of new improvements on either of the following:

- (1) Unimproved real estate.
- (2) Real estate upon which a prior existing improvement is demolished to allow for new construction.

(*Department of Local Government Finance; 50 IAC 22-2-11*)

### 50 IAC 22-2-12 “Rehabilitation” defined

Authority: IC 6-1.1-12.4-13  
Affected: IC 6-1.1-12.4-2; IC 6-1.1-12.4-6

Sec. 12. “Rehabilitation” means either of the following:

- (1) The remodeling, repair, or betterment of property in any manner.  
 (2) Any enlargement or extension of an improvement.  
*(Department of Local Government Finance; 50 IAC 22-2-12)*

**Rule 3. Property Eligible for the Investment Deduction**

**50 IAC 22-3-1 Real property eligible**

Authority: IC 6-1.1-12.4-13  
 Affected: IC 6-1.1-12.1-3; IC 6-1.1-12.4-2

**Sec. 1. (a)** In order to be eligible for the investment deduction:

- (1) real property must meet the requirements of IC 6-1.1-12.4-2; and  
 (2) the real property owner must timely file a notice to claim the investment deduction.

(b) The investment deduction does not apply to a facility listed in IC 6-1.1-12.1-3(e).

(c) For purposes of the limitation of the investment deduction to two million dollars (\$2,000,000) in assessed value for real property for the assessment year, a real property owner is limited to a total two million dollar (\$2,000,000) deduction in assessed value for all eligible development, redevelopment, or rehabilitation on all real property owned within a county. The two million dollar (\$2,000,000) in assessed value limitation of the investment deduction shall not be applied individually to each parcel of property owned within a county by the real property owner.  
*(Department of Local Government Finance; 50 IAC 22-3-1)*

**50 IAC 22-3-2 Personal property eligible**

Authority: IC 6-1.1-12.4-13  
 Affected: IC 6-1.1-12.4-3

**Sec. 2. (a)** In order to be eligible for the investment deduction:

- (1) personal property must meet the requirements of IC 6-1.1-12.4-3; and  
 (2) the personal property owner must claim the investment deduction on a timely filed:  
     (A) annual; or  
     (B) amended;  
 personal property tax return.

(b) For purposes of the limitation of the investment deduction to two million dollars (\$2,000,000) in assessed value for personal property for the assessment year, a personal property owner is limited to a total two million dollar (\$2,000,000) deduction in assessed value for all eligible personal property owned within the county. The two million dollar (\$2,000,000) in assessed value limitation of the investment deduction shall not be applied individually to each personal property return filed in the county by the personal property owner.  
*(Department of Local Government Finance; 50 IAC 22-3-2)*

**50 IAC 22-3-3 Ineligibility of property located in an allocation area**

Authority: IC 6-1.1-12.4-13  
 Affected: IC 6-1.1-12.4; IC 6-1.1-21.2-3

**Sec. 3.** Real property and personal property located in an area that has been designated as an allocation area, as defined in IC 6-1.1-21.2-3, are not eligible for the investment deduction.  
*(Department of Local Government Finance; 50 IAC 22-3-3)*

**50 IAC 22-3-4 Other deductions may not be claimed in conjunction with investment deduction**

Authority: IC 6-1.1-12.4-13  
 Affected: IC 6-1.1-12.4-5

**Sec. 4.** If the investment deduction has been claimed for an assessment year, all other statutory deductions as set forth in IC 6-1.1-12.4-5 shall not be claimed on the:

- (1) development, redevelopment, or rehabilitation of real property; or  
 (2) purchase of personal property;  
 subject to the investment deduction.  
*(Department of Local Government Finance; 50 IAC 22-3-4)*

**Rule 4. Length of Investment Deduction**

**50 IAC 22-4-1 Length of investment deduction for real property**

Authority: IC 6-1.1-12.4-13  
 Affected: IC 6-1.1-12.4-2

**Sec. 1.** The investment deduction on eligible real property:

- (1) is first available in the year in which the increase in assessed value resulting from the development, redevelopment, or rehabilitation occurs; and  
 (2) continues for the following two (2) years.  
*(Department of Local Government Finance; 50 IAC 22-4-1)*

**50 IAC 22-4-2 Length of investment deduction for personal property**

Authority: IC 6-1.1-12.4-13  
 Affected: IC 6-1.1-12.4-3

**Sec. 2.** The investment deduction on eligible personal property:

- (1) is first available in the year in which the increase in assessed value resulting from the purchase of the personal property occurs; and  
 (2) continues for the following two (2) years.  
*(Department of Local Government Finance; 50 IAC 22-4-2)*

**Rule 5. Amount of Investment Deduction**

**50 IAC 22-5-1 Amount of investment deduction for real property**

Authority: IC 6-1.1-12.4-13  
 Affected: IC 6-1.1-12.4-2

**Sec. 1.** The annual amount of the investment deduction on eligible real property is calculated using the formula set

---

---

## Proposed Rules

---

---

forth in IC 6-1.1-12.4-2(c). (*Department of Local Government Finance; 50 IAC 22-5-1*)

### 50 IAC 22-5-2 Amount of investment deduction for personal property

Authority: IC 6-1.1-12.4-13

Affected: IC 6-1.1-12.4-3

Sec. 2. The annual amount of the investment deduction on eligible personal property is calculated using the formula set forth in IC 6-1.1-12.4-3(c). (*Department of Local Government Finance; 50 IAC 22-5-2*)

### Rule 6. Effect of Assessment Changes on the Investment Deduction

#### 50 IAC 22-6-1 Decreases in assessed value

Authority: IC 6-1.1-12.4-13

Affected: IC 6-1.1-12.4-2; IC 6-1.1-12.4-3

Sec. 1. If the assessed value of real property or personal property receiving the investment deduction is subsequently decreased as the result of an appeal, or by other action of an assessing official, the amount of the investment deduction shall be adjusted by the township assessor to reflect the percentage decrease that results from the change and submitted to the county auditor. Other actions of an assessing official include, but are not limited to, the following:

- (1) General reassessment.
- (2) Annual adjustments.
- (3) The processing of an amended personal property return.

(*Department of Local Government Finance; 50 IAC 22-6-1*)

#### 50 IAC 22-6-2 Increases in assessed value

Authority: IC 6-1.1-12.4-13

Affected: IC 6-1.1-12.4-2; IC 6-1.1-12.4-3

Sec. 2. If the assessed value of real property or personal property receiving the investment deduction is subsequently increased as the result of an appeal, or by other action of an assessing official, the amount of the investment deduction shall be adjusted by the township assessor to reflect the percentage increase that results from the change and submitted to the county auditor. Other actions of an assessing official include, but are not limited to, changes made to the assessment as a result of any of the following:

- (1) A general reassessment.
- (2) An annual adjustment.
- (3) The processing of an amended personal property return.

(*Department of Local Government Finance; 50 IAC 22-6-2*)

### Rule 7. Claiming the Investment Deduction

#### 50 IAC 22-7-1 Procedure for claiming the investment deduction on real property

Authority: IC 6-1.1-12.4-13

Affected: IC 6-1.1-12.4-2; IC 6-1.1-4-22

Sec. 1. (a) A property owner must claim the real property investment deduction for all eligible years by completing a notice on Form RPID-1 for the first year the investment deduction is claimed.

(b) Form RPID-1 is available:

- (1) from the county assessor; and
- (2) on the department's Web site at [www.in.gov/dlgf/](http://www.in.gov/dlgf/).

(c) The completed Form RPID-1 is to be filed with the township assessor of the township in which the property is located. The completed Form RPID-1 must be filed:

- (1) by May 10 of each year; or
- (2) within thirty (30) days of receipt of a notice of new assessment or reassessment given under IC 6-1.1-4-22; whichever is later. (*Department of Local Government Finance; 50 IAC 22-7-1*)

#### 50 IAC 22-7-2 Procedure for claiming the investment deduction on personal property

Authority: IC 6-1.1-12.4-13

Affected: IC 6-1.1-12.4-3

Sec. 2. (a) A property owner must claim the personal property investment deduction by completing Schedule PPID-1 and attaching that schedule to a timely filed:

- (1) personal; or
- (2) amended personal; property tax return.

(b) Schedule PPID-1 is available:

- (1) at the offices of the:
  - (A) county assessor; and
  - (B) township assessor; and
- (2) on the department's Web site at [www.in.gov/dlgf/](http://www.in.gov/dlgf/).

(c) The completed Schedule PPID-1 shall be:

- (1) attached to the property owner's:
  - (A) personal; or
  - (B) amended personal; property tax return; and
- (2) filed with the township assessor of the township in which the property is located.

(*Department of Local Government Finance; 50 IAC 22-7-2*)

### Rule 8. Duties of the Township Assessor

#### 50 IAC 22-8-1 Processing of real property investment deduction

Authority: IC 6-1.1-12.4-13

Affected: IC 6-1.1-12.4-2

Sec. 1. (a) A township assessor receiving a Form RPID-1 from a property owner shall inform the county auditor of the following:

- (1) The real property eligible for the investment deduction as contained in the notice filed by the taxpayer.
- (2) The investment deduction amount.

(b) The township assessor shall accomplish the tasks referenced in subsection (a) by doing the following:

- (1) Completing the township assessor's section of the RPID-1.
- (2) Sending a duplicate of the completed form to the county auditor:
  - (A) not later than July 1 of the assessment year; or
  - (B) within thirty (30) days after receipt of a properly filed application;whichever is later.

*(Department of Local Government Finance; 50 IAC 22-8-1)*

#### **50 IAC 22-8-2 Processing of personal property investment deduction**

Authority: IC 6-1.1-12.4-13  
Affected: IC 6-1.1-12.4-3

Sec. 2. (a) A township assessor receiving a Schedule PPID-1 attached to a property owner's annual personal property tax return or amended personal property tax return shall do the following:

- (1) Identify the personal property eligible for the investment deduction.
- (2) Inform the county auditor of the investment deduction amount.

(b) The township assessor shall accomplish the tasks referenced in subsection (a) by doing the following:

- (1) Completing the appropriate section of the first page of the:
  - (A) personal property return (Form 102 or 103); or
  - (B) amended personal property return.
- (2) Sending a duplicate of the first page to the county auditor:
  - (A) not later than July 1 of the assessment year; or
  - (B) within thirty (30) days after receipt of a properly filed schedule;whichever is later.

*(Department of Local Government Finance; 50 IAC 22-8-2)*

#### **Rule 9. County Auditor's Responsibilities**

#### **50 IAC 22-9-1 Application of real property investment deduction**

Authority: IC 6-1.1-12.4-13  
Affected: IC 6-1.1-12.4-2

Sec. 1. A county auditor receiving a completed Form RPID-1 from a township assessor shall do the following:

- (1) Make the investment deduction in the amount certified by the township assessor.
- (2) Notify the county property tax board of appeals of the amount of the investment deduction granted.

*(Department of Local Government Finance; 50 IAC 22-9-1)*

#### **50 IAC 22-9-2 Application of personal property investment deduction**

Authority: IC 6-1.1-12.4-13  
Affected: IC 6-1.1-12.4-3

Sec. 2. A county auditor receiving the first page of a personal property tax return (Form 102 or 103) showing a personal property investment deduction from a township assessor shall do the following:

- (1) Make the investment deduction in the amount certified by the township assessor.
- (2) Notify the county property tax board of appeals of the amount of the investment deduction granted.

*(Department of Local Government Finance; 50 IAC 22-9-2)*

#### **Rule 10. Appeal Rights**

#### **50 IAC 22-10-1 Appeal rights**

Authority: IC 6-1.1-12.4-13  
Affected: IC 6-1.1-12.4

Sec. 1. (a) An official may review an investment deduction to determine whether the property has created or retained jobs as set forth in IC 6-1.1-12.4-6 and this article.

(b) An official who determines that the creation or retention of employment has not occurred shall follow the notification and hearing procedures outlined in IC 6-1.1-12.4-6 through IC 6-1.1-12.4-9.

(c) The review referenced in subsection (a) is only to determine the eligibility of property for the investment deduction. An official may not use the statutory procedure in IC 6-1.1-12.4-6 through IC 6-1.1-12.4-9 to appeal the amount of the investment deduction.

(d) If an official disallows or modifies the claimed investment deduction for any reason other than a determination under subsection (a), the taxpayer may appeal the denial or modification in accordance with the statutory provisions and procedural remedies otherwise applicable and available when an assessment is changed or a deduction is denied.  
*(Department of Local Government Finance; 50 IAC 22-10-1)*

#### **Rule 11. Change of Ownership**

#### **50 IAC 22-11-1 Change of ownership**

Authority: IC 6-1.1-12.4-13  
Affected: IC 6-1.1-12.4-2; IC 6-1.1-12.4-3

Sec. 1. (a) If there is a change in ownership of property that has been granted an investment deduction, the investment deduction shall continue to apply to the property.

(b) The amount of the investment deduction on the property shall continue to be calculated using the formula set forth in:

- (1) IC 6-1.1-12.4-2; or
- (2) IC 6-1.1-12.4-3.

*(Department of Local Government Finance; 50 IAC 22-11-1)*

#### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on April 26,*

---

## Proposed Rules

---

2006 at 10:00 a.m., at the Indiana Government Center-North, 100 North Senate Avenue, Room N1045, Indianapolis, Indiana the Department of Local Government Finance will hold a public hearing on LSA Document #05-144, a proposed rule governing the application and administration of the investment deduction provided in IC 6-1.1-12.4.

*This proposed rule imposes minimal filing requirements and costs on regulated entities not expressly required by state or federal law. These requirements are justified by the need for the local officials to have the necessary information in order to process the deduction being sought by the claimant.*

*Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room N1058(B) and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Michael Dart  
General Counsel  
Department of Local Government Finance

---

### TITLE 312 NATURAL RESOURCES COMMISSION

#### **Proposed Rule** LSA Document #05-213

#### DIGEST

Amends 312 IAC 18-3-12, which governs standards for the control of the larger pine shoot beetle, by adding Dearborn County to the state quarantine area. *NOTE: Under IC 4-22-2-40, LSA Document #05-213, printed at 29 IR 614, was recalled by the Natural Resources Commission and resubmitted for publication. Effective 30 days after filing with the Secretary of State.*

#### **IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses**

##### Background:

Pursuant to 7 CFR 301.50-3(a), the Administrator of the U.S. Department of Agriculture (USDA) is authorized to quarantine “each State, or portion of a State, in which the pine shoot beetle has been found...” The USDA, through the Animal and Plant Health Inspection Service (APHIS), issued a memorandum on June 1, 2005, providing notification of the quarantine of Dearborn County. The memorandum further requires that “all intrastate movement of regulated articles from Dearborn County must comply with the PSB (pine shoot beetle) regulatory requirements per 7 CFR 301.50.” Regulated articles include pine products and articles, products and means of conveyance of the pine shoot beetle as specified at 7 CFR 301.50-2, and previously identified in 312 IAC 18-3-12(d).

Less than the entirety of the state will be designated as a quarantined area only if the USDA Administrator determines that “the State has adopted and is enforcing a quarantine and regulations that impose restrictions on the intrastate movement of the regulated articles that are equivalent to those imposed by

7 CFR 301.50. 7 CFR 301.50-3(a) On June 1, 2005, with the USDA’s designation of Dearborn County as a quarantined area, the USDA prohibited, pursuant to 7 CFR 301.50-4, the movement of a regulated article originating in Dearborn County to a nonquarantined area except under a certificate or limited permit. Such certificate or limited permit may only issue after confirmation of treatment or after inspection. 7 CFR 301.50-5.

To avoid imposition of the quarantine upon the entirety of the state, the Natural Resources Commission adopted a temporary rule (LSA Document #05-148(E)), which established requirements for Dearborn County that are equivalent to the USDA requirements associated with regulated articles. This proposal would make permanent that temporary rule. The adoption of this rule imposes no costs or requirements upon small business beyond those imposed by the USDA on June 1, 2005.

##### Estimated number of small businesses subject to the proposed rule:

There are presently three nurseries that qualify as small businesses pursuant to IC 4-22-2.1-4 affected by the USDA imposed costs and requirements associated with this proposed rule.

##### Estimated average annual reporting, record keeping and other administrative costs:

The USDA imposed requirements impose no record keeping or other administrative costs to any small business operating in Dearborn County absent exportation of regulated article to a nonquarantined area. Since the imposition of the quarantine by the USDA on June 1, 2005, there has been no request made for certifications or limited permits for the exportation of regulated articles to nonquarantined areas. The majority of pine nursery stock grown by the three Dearborn County nurseries is sold locally. Consequently, the federal regulations have resulted in no reporting, record keeping, or other administrative costs. This proposed rule will impose no additional costs or requirements upon small businesses beyond those imposed by the USDA on June 1, 2005.

##### Estimated total economic impact of compliance with the proposed rule:

Since June 1, 2005, when the USDA quarantined Dearborn County and imposed the associated costs and requirements, there have been no requests for certifications or limited permits for the exportation of regulated articles to nonquarantined areas. Thus, in the past eighteen (18) months there have been no economic impacts upon small business related to compliance with the federal regulations. This proposed rule will impose no additional costs or requirements upon small businesses beyond those imposed by the USDA on June 1, 2005.

##### Statement justifying the imposition of the costs and requirements:

There have, to date, been no costs or requirements imposed upon small businesses in Dearborn County associated with compliance with the federal regulations. This proposed rule will impose no additional costs or requirements upon small businesses beyond those imposed by the USDA on June 1, 2005.

However, Indiana’s failure to make permanent the current emergency quarantine of the larger pine shoot beetle in Dear-



born County, will subject the entire state of Indiana to the federal quarantine by the USDA. Presently 65 Indiana counties, including Dearborn County, are subject to federal regulations. (Sixty-four counties are presently subject to this administrative rule and this proposal will add Dearborn County) Failure to adopt this rule will result in the USDA's quarantine of the state's remaining 27 counties.

Within the state's 27 nonquarantined counties, there presently exist 67 nurseries and 12 identified Christmas tree farms. Those 67 nurseries, encompassing 1,110 acres, and Christmas tree farms will be made subject to the costs and requirements associated with 7 CFR 310.50 in the event this proposed rule is not adopted.

Regulatory flexibility analysis of less intrusive, less costly or alternative methods:

The requirements of 7 CFR 310.50 require the implementation of the proposed rule adding Dearborn County as a quarantined area in order to avoid imposition by the USDA of quarantined status upon the entirety of the state of Indiana. No opportunity for regulatory flexibility exists within 7 CFR 310.50, which requires the state's adoption and enforcement of the quarantine in a manner equivalent to federal requirements.

**312 IAC 18-3-12**

SECTION 1. 312 IAC 18-3-12, AS AMENDED AT 28 IR 2951, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 18-3-12 Control of larger pine shoot beetles**

Authority: IC 14-10-2-4; IC 14-24-3

Affected: IC 14-24

Sec. 12. (a) The larger pine shoot beetle (*Tomicus piniperda*) is a pest or pathogen. This section governs standards for the control of the larger pine shoot beetle in Indiana.

(b) Except as provided in subsection (c), the division has determined Indiana is an infested area where the larger pine shoot beetle is present.

(c) Exempted from subsection (b) are the following counties:

- (1) Clark.
- (2) Clay.
- (3) Crawford.
- (4) Daviess.
- ~~(5) Dearborn.~~
- ~~(6) (5) Dubois.~~
- ~~(7) (6) Floyd.~~
- ~~(8) (7) Gibson.~~
- ~~(9) (8) Greene.~~
- ~~(10) (9) Harrison.~~
- ~~(11) (10) Jackson.~~
- ~~(12) (11) Jefferson.~~
- ~~(13) (12) Knox.~~
- ~~(14) (13) Lawrence.~~
- ~~(15) (14) Martin.~~

- ~~(16) (15) Ohio.~~
- ~~(17) (16) Orange.~~
- ~~(18) (17) Perry.~~
- ~~(19) (18) Pike.~~
- ~~(20) (19) Posey.~~
- ~~(21) (20) Scott.~~
- ~~(22) (21) Spencer.~~
- ~~(23) (22) Sullivan.~~
- ~~(24) (23) Switzerland.~~
- ~~(25) (24) Vanderburgh.~~
- ~~(26) (25) Warrick.~~
- ~~(27) (26) Washington.~~

(d) The following items are regulated articles:

- (1) The larger pine shoot beetle in any life stage.
- (2) Entire plants or parts of the genus pine (*Pinus* spp.). Exempted from this subdivision are plants that conform to each of the following:

- (A) Are less than thirty-six (36) inches high.
- (B) Are one (1) inch in basal diameter or less.

- (3) Logs and lumber of pine with bark attached. Exempted from this subdivision are logs of pine and pine lumber with bark attached if:

- (A) the source tree was felled during the period of July through October; and
- (B) the logs and lumber are shipped from the quarantined area during the period of July through October.

- (4) Any other article, product, or means of conveyance if determined by the division director to present the risk of spread of the larger pine shoot beetle.

(e) The following actions are ordered within the infested area:

- (1) The movement by a person of a regulated article to a destination outside the infested area is prohibited, except under the following conditions:

- (A) A thorough examination of all nursery stock takes place on a piece by piece basis.
- (B) A statistically based examination of Christmas trees is made according to the following schedules:

TABLE 1. PAINTED (COLOR-ENHANCED)  
PINE CHRISTMAS TREES<sup>1</sup>

No. of Trees in Shipment	No. of Trees to Sample	No. of Trees in Shipment	No. of Trees to Sample
1 – 72	All	700 – 800	120
73 – 100	73	801 – 900	121
101 – 200	96	901 – 1,000	122
201 – 300	106	1,001 – 2,000	126
301 – 400	111	2,001 – 3,000	127
401 – 500	115	3,001 – 5,000	128
501 – 600	117	5,001 – 10,000	129
601 – 700	119	10,001 or more	130

<sup>1</sup>If a pine shoot beetle is detected in any one (1) of the trees being sampled, the entire shipment must be rejected. If no pine shoot beetle is detected in any of the trees sampled, the ship-

## Proposed Rules

ment will be allowed to move with a limited permit. The limited permit must state, "All trees that remain unsold as of December 25 must be destroyed by burning or chipping or must be fumigated prior to January 1."

TABLE 2. NATURAL (UNPAINTED)  
CHRISTMAS TREES<sup>1</sup>

No. of Trees in Shipment	No. of Trees to Sample	No. of Trees in Shipment	No. of Trees to Sample
1 – 57	All	501 – 600	80
58 – 100	58	601 – 700	81
101 – 200	69	701 – 1,000	82
201 – 300	75	1,001 – 3,000	84
301 – 400	77	3,001 – 10,000	85
401 – 500	79	10,001 or more	86

<sup>1</sup>If a pine shoot beetle is detected in any one (1) of the trees being sampled, the entire shipment must be rejected. If no pine shoot beetle is detected in any of the trees sampled, the shipment will be allowed to move with a limited permit. The limited permit must state, "All trees that remain unsold as of December 25 must be destroyed by burning or chipping or must be fumigated prior to January 1."

(C) Following the examination, a determination is made that no life stages of the larger pine shoot beetle are present. The determination must be accompanied by either of the following:

- (i) A certificate of inspection approved by the division.
- (ii) A certificate or similar authorization issued by the U.S. Department of Agriculture under a parallel federal quarantine.

(D) The certificate for the absence of the larger pine shoot beetle must be attached to and remain on the regulated articles until the articles reach their destinations. This requirement is, however, satisfied if the certificate is attached to the shipping document and the regulated article is adequately described on the shipping document of the certificate.

(2) A regulated article originating outside the infested area may move through the infested area without a certificate of inspection if the point of origin of the regulated article is indicated on the waybill or shipping documents and transportation conforms with this subdivision. Passage through the infested area must be made without stopping, except for refueling or traffic conditions, and shall be conducted within either of the following conditions:

(A) The ambient temperature is below fifty (50) degrees Fahrenheit.

(B) The regulated article is carried in an enclosed vehicle with an adequate covering to prevent access by the larger pine shoot beetle. Examples of an adequate covering include canvas, plastic, or loosely woven cloth.

(3) A regulated article originating outside the infested area that is moved into the infested area and exposed to potential infestation by the larger pine shoot beetle is considered to

have originated from the infested area. Any regulated article under this subdivision is controlled by subdivision (1).

(4) The movement of a regulated article from an infested area through any noninfested area to another infested area is prohibited without a certificate for the absence of the larger pine shoot beetle except where both of the following conditions are met:

(A) Passage through a noninfested area is made without stopping, except for refueling or traffic conditions, if the ambient temperature is below fifty (50) degrees Fahrenheit or if in an enclosed vehicle with an adequate covering to prevent access by the larger pine shoot beetle.

(B) The waybill or shipping documents accompanying any shipment of regulated articles within or through Indiana indicate the county and state of origin of the regulated articles.

(5) Any regulated article imported or moved within Indiana in violation of this section shall be immediately removed from any noninfested area or destroyed. The expense of compliance with this subdivision is the joint and several responsibility of any person possessing or owning the regulated article. Compliance with this subsection shall be performed under the direction of the division director.

(6) In addition to the penalty set forth in subdivision (5), a person who violates this section is subject to any administrative, civil, or criminal sanction set forth in IC 14-24 and this article.

(7) This section does not preclude the division director from issuing any permit under section 3 of this rule.

*(Natural Resources Commission; 312 IAC 18-3-12; filed Nov 22, 1996, 3:00 p.m.: 20 IR 950; filed Dec 3, 1997, 3:30 p.m.: 21 IR 1273; filed Feb 9, 1999, 4:16 p.m.: 22 IR 1945; filed Apr 4, 2001, 3:02 p.m.: 24 IR 2404; filed May 16, 2002, 12:28 p.m.: 25 IR 3049; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; filed May 19, 2003, 8:50 a.m.: 26 IR 3313; filed May 25, 2005, 10:30 a.m.: 28 IR 2951)*

### Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on April 22, 2006 at 9:00 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 a proposed amendment to 312 IAC 18-3-12, which governs standards for the control of the larger pine shoot beetle, by adding Dearborn County to the state quarantine area.*

*IC 4-22-2-24(d)(3) Statement Justifying Requirements and Costs: The quarantine of Dearborn County by the USDA resulted in the imposition by the USDA upon all regulated entities the same costs and requirements as those imposed upon entities qualifying as small businesses. This rule imposes no costs or requirements upon any regulated entity beyond those imposed on June 1, 2005, by the USDA. However, failure to adopt this rule will result in the imposition of the same costs and requirements upon all regulated entities located within the twenty-seven (27) Indiana counties that are not presently*

*designated as quarantine areas.*

*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.*

Rick Cockrum  
Chairman  
Natural Resources Commission

---



---

## TITLE 312 NATURAL RESOURCES COMMISSION

### Proposed Rule LSA Document #05-341

#### DIGEST

Amends 312 IAC 13-8-1, 312 IAC 13-8-3, and 312 IAC 13-10-2, governing water well drilling contractors, to apply new grouting requirements to geothermal heat pump wells, replace numerical diameter requirements for a monitoring well by a functionality requirement, modify the standards for a filter pack seal in a monitoring well, establish standards for a monitoring well constructed by the direct push method, and, for a cover on a bucket well or a hand dug well that was abandoned before January 1, 1988, no longer authorize lumber if treated with chromium copper arsenic salt. Makes other technical changes. Effective 30 days after filing with the Secretary of State.

#### IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

The Natural Resources Commission is authorized to adopt the proposed amendments under IC 25-39-4. The Department of Natural Resources estimates approximately 25 small business will be directly affected by the proposed rule changes. The changes will have no adverse annual impact on small businesses. Approximately 1,100 monitoring wells are reportedly installed annually in Indiana. The most notable consequence of the changes is that they would allow monitoring wells to be installed more efficiently and at a lower cost with the potential for increasing revenue for these small businesses. Also, the amendments do not impose an additional requirement or cost under IC 4-22-2-24(d). Persons who require the installation of monitoring wells may receive a cost saving.

#### 312 IAC 13-8-1 312 IAC 13-8-3 312 IAC 13-10-2

SECTION 1. 312 IAC 13-8-1 IS AMENDED TO READ AS FOLLOWS:

#### 312 IAC 13-8-1 Geothermal heat pump wells

Authority: IC 25-39-4-2; IC 25-39-4-9  
Affected: IC 25-39

Sec. 1. (a) This section establishes standards for drilling ground water heat pump systems that are in addition to the general requirements for drilling a well under 312 IAC 12.

(b) If a return well is used with an open loop system, its design shall provide a water transmitting capacity that is at least one and one-half (1½) times the required water supply of the heat pump unit.

(c) With respect to a vertical closed loop system, boreholes shall be pressure grouted from the bottom of the borehole to the ground surface **with a high solids bentonite grout that may contain sand to enhance thermal conductivity.** (*Natural Resources Commission; 312 IAC 13-8-1; filed Nov 22, 1999, 3:34 p.m.: 23 IR 770; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661*)

SECTION 2. 312 IAC 13-8-3 IS AMENDED TO READ AS FOLLOWS:

#### 312 IAC 13-8-3 Monitoring wells

Authority: IC 25-39-4-2; IC 25-39-4-9  
Affected: IC 25-39

Sec. 3. (a) This section establishes standards for monitoring wells that are in addition to the general requirements for drilling a well under this article.

(b) A monitoring well shall be equipped with casing. ~~having~~ **a The composition, wall thickness, and nominal diameter of at least:**

- ~~(1) three-fourths (¾) of an inch if the well is installed for the primary purpose of monitoring ground water levels; or~~
- ~~(2) two (2) inches if casing shall be sufficient to allow the well is installed to be used for the primary its intended purpose. of monitoring the quality of ground water.~~

(c) Monitoring well casing shall be new first class material that meets the American Society of Testing Materials (ASTM) standards ASTM A-120 (1984) or ASTM A-53 (1987) or the American Petroleum Institute (API) standards API-5A or API-5L (1987). Thermoplastic pipe shall comply with ASTM F-480 (1981). Well casing shall be as follows:

- (1) Clean and free of rust, grease, oil, or contaminants and composed of materials that will have minimal impact on the quality of a water sample.
- (2) Centered in the borehole and free of obstructions so ~~that~~ monitoring devices can be lowered into the well.

(d) A monitoring well screen shall be composed of materials that will not corrode or react with chemicals found in the ground water at the site. The well screen slots shall not be hand cut and shall be sized to retain at least ninety percent (90%) of the grain size of the introduced filter pack or natural formation materials if an introduced filter pack is not used. The introduced filter pack shall:

- (1) be properly sized and graded; and ~~shall~~

---

## Proposed Rules

---

(2) not extend more than two (2) feet above the top of the screen or the uppermost water bearing unit to be monitored in the well annulus unless otherwise approved by the division.

(e) A filter pack seal of **bentonite slurry or granular**, pelletized, medium grade, or coarse grade crushed bentonite may be placed in the annulus directly above the filter pack or **sand grout barrier**. The filter pack seal shall:

(1) be installed ~~so to prevent bridging; is prevented; and the filter pack seal can~~

(2) **not** extend ~~no~~ more than two (2) feet above the filter pack or **sand grout barrier**.

(f) Except as provided in subsection (h), the finished well casing:

(1) shall extend at least two (2) feet above the ground level; and

(2) if located in a flood plain, must be:

(A) at least two (2) feet above the elevation of the regulatory flood; or ~~be~~

(B) equipped with a watertight cap.

The monitoring well shall be located to protect against surface water ponding, and earthen materials, neat cement, or concrete shall be placed around the well casing to drain surface water from the well.

(g) A monitoring well, located where the casing is susceptible to damage, shall be equipped with a protective outer pipe consisting of a metal casing having a diameter large enough to allow easy access to the well. The protective cover pipe shall be firmly anchored in the ground. Additional protective devices, for example, brightly colored posts around the well, are required where ~~the well could be damaged by construction equipment or vehicular traffic~~ **could damage the well**.

(h) A monitoring well must be equipped with a locking cap or cover to prevent unauthorized access. The locking cap may be placed:

(1) directly on the well casing; or

(2) if required under subsection (g), ~~placed~~ on the protective cover pipe.

(i) A monitoring well installed so that the top of the well casing is finished at an elevation below the ground surface shall be equipped with a watertight cap. The top of the well casing shall terminate at a depth no greater than one (1) foot below the ground surface and shall be located in a flush mounted protective cover pipe. The flush mounted protective cover pipe shall include each of the following:

(1) A watertight one (1) piece or continuous welded metal casing:

(A) at least one (1) foot long; and

(B) having a nominal diameter at least four (4) inches greater than the nominal diameter of the monitoring well.

The casing shall be flanged for greater stability if installed in a location likely to be subject to vehicular traffic.

(2) A concrete ground surface seal, if an impervious surface,

for example, concrete or asphalt, is not present. The ground surface seal shall be installed and extend ~~no not~~ more than three (3) feet below the ground surface.

(3) A sealed lid ~~which that~~ is not more than one-half (½) inch higher than the elevation of the ground surface. The sealed lid shall be **as follows**:

(A) Of a quality to withstand vehicular traffic if installed in a location likely to be subject to vehicular traffic. ~~The lid shall be~~

(B) Clearly marked with the words "MONITORING WELL" or "MONITOR" and also display the words "DO NOT FILL".

(j) A monitoring well installed by the rotary or auger drilling method shall have a borehole with a diameter at least two (2) inches greater than the nominal diameter of the casing. Except as provided in subsection (e), the well shall be grouted as follows:

(1) Granular bentonite ~~can~~ **may** be used to grout a monitoring well if ~~the~~:

(A) ~~the~~ diameter of the borehole is four (4) inches or larger than the nominal diameter of the well casing; and

(B) ~~the~~ well is not more than twenty-five (25) feet deep.

(2) Except as provided in subdivision (3), the annulus of the monitoring well shall be pressure grouted with neat cement or a bentonite slurry or be grouted with pelletized, medium grade, or coarse grade crushed bentonite from the top of the filter pack or filter pack seal under subsection (e) (for a well installed in unconsolidated materials) or the bottom of the well casing (for a well penetrating bedrock) to the ground surface or to within one (1) foot of the ground surface if a flush mounted protective cover pipe is installed if ~~the~~:

(A) ~~the~~ diameter of the borehole is four (4) inches or larger than the nominal diameter of the well casing; and

(B) ~~the~~ well is not more than one hundred (100) feet deep.

(3) The annulus of the monitoring well shall be pressure grouted with neat cement or a bentonite slurry from the top of the filter pack or filter pack seal under subsection (e) (for a well installed in unconsolidated materials) or the bottom of the well casing (for a well penetrating bedrock) to the ground surface or to within one (1) foot of the ground surface if a flush mounted protected cover pipe is installed where either ~~the~~:

(A) ~~the~~ diameter of the borehole is less than four (4) inches larger in diameter than the nominal diameter of the well casing; or

(B) ~~the~~ well is more than one hundred (100) feet deep.

(k) A monitoring well installed by the cable tool method shall be grouted as follows:

(1) The well casing shall be centered in a borehole:

(A) with a diameter of at least two (2) inches greater than the nominal diameter of the casing to be driven; ~~The borehole shall be~~

(B) dug at least three (3) feet, but ~~no not~~ more than five (5) feet, below the ground surface; and ~~shall be~~

(C) filled with granular bentonite or a bentonite slurry during the installation of the casing.

Notwithstanding 312 IAC 13-5-1(c), bentonite slurry may be introduced into the borehole annulus by gravity methods during the installation of the well casing.

(2) Grouting shall be performed as provided under subsection (i) if a larger diameter:

(A) temporary casing is used to install a smaller diameter permanent well casing; or

(B) borehole is drilled to install a smaller diameter well casing.

**(l) A monitoring well installed by the direct push method must be constructed as follows:**

(1) The well shall be equipped with a prepacked well screen.

(2) A sand grout barrier shall:

(A) be placed directly above the prepacked well screen in the annulus between the well casing (riser pipe) and the borehole wall as the probe rods are retracted;

(B) be installed to prevent bridging; and

(C) extend not more than two (2) feet above the top of the prepacked well screen.

(3) A filter pack seal may be installed under subsection (e) directly above the sand grout barrier.

(4) The remaining annulus between the well casing (riser pipe) and probe rods shall be pressure grouted with neat cement or a bentonite slurry from the top of the sand grout barrier or filter pack seal to:

(A) if a flush-mounted protective pipe is installed, within one (1) foot of the ground surface; or

(B) the ground surface.

(5) The probe rods shall be pulled during installation of the grout material.

~~(m)~~ **(m)** A monitoring well shall be developed following installation and before water samples are collected. This development shall be accomplished to produce water that is as free as practicable from the following:

(1) Sediment.

(2) Drill cuttings. ~~and~~

(3) Drilling fluids.

If a well is installed to monitor ground water quality, the well shall be adequately developed to present a representative sample of the water quality.

~~(m)~~ **(n)** Contaminated drill cuttings, fluids, and surge and wash waters produced in the drilling and development of a monitoring well shall be collected and contained to:

(1) prevent contamination of the area; and ~~to~~

(2) protect persons who might otherwise come in contact with these materials.

~~(m)~~ **(o)** Monitoring well construction and development equipment that comes in contact with contaminated water or contaminated geologic materials shall be cleaned with high-

pressure hot water or steam, using inorganic soap or other suitable solvents, and rinsed thoroughly. Contaminated fluids or wash waters shall be collected and contained so that the result is not:

(1) contamination of the area; or

(2) a hazard to individuals who may come in contact with these materials.

*(Natural Resources Commission; 312 IAC 13-8-3; filed Nov 22, 1999, 3:34 p.m.: 23 IR 770; errata filed Dec 30, 1999, 4:02 p.m.: 23 IR 1109; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661)*

SECTION 3. 312 IAC 13-10-2 IS AMENDED TO READ AS FOLLOWS:

### **312 IAC 13-10-2 Permanent abandonment of wells**

Authority: IC 25-39-4-2; IC 25-39-4-6; IC 25-39-4-9

Affected: IC 25-39

Sec. 2. (a) A well abandoned before January 1, 1988, must be sealed at or above the ground surface by a welded, threaded, or mechanically attached watertight cap. The well shall be maintained so the well does not become a source or channel of ground water contamination. A well that poses a hazard to human health must also be plugged under subsection (c). A cased or uncased bucket well or a hand dug well (other than buried slab construction) that was abandoned before January 1, 1988, shall be closed in conformance with one (1) of the following procedures:

(1) Covered with a reinforced concrete slab:

(A) at least four (4) inches thick; and

(B) having a diameter larger than the nominal diameter of the borehole or the well casing.

(2) Equipped with a properly reinforced cover:

(A) constructed of pressure treated lumber; ~~using chromium copper arsenic salt; that has~~

(B) **having** dimensions larger than the nominal diameter of the borehole or well casing; ~~The cover shall be and~~

(C) protected against the water with roofing or other water repelling materials that are properly maintained to ensure the integrity of the cover.

Closure shall not be performed under this subdivision, however, if the cover is in direct contact with ground water or surface water.

(3) Closed as otherwise approved by the division.

(b) A well drilled before January 1, 1988, and abandoned before January 1, 1994, shall be **as follows:**

(1) Sealed at or above the ground surface by a welded, threaded, or mechanically attached watertight cap. ~~The well shall be~~

(2) Maintained so the well does not become a source or channel of ground water contamination.

A well that poses a hazard to human health must also be plugged under subsection (c).

---

## Proposed Rules

---

(c) A well abandoned after December 31, 1987, shall be plugged with an impervious grouting material to prevent the following:

- (1) Migration of materials or fluids in the well. ~~and the~~
- (2) Loss of pressure in a confined aquifer.

(d) A well drilled after December 31, 1987, and not equipped with casing must be plugged within seventy-two (72) hours after completion.

(e) This subsection applies as follows to a cased or uncased well abandoned after December 31, 1987:

(1) The plugging material must consist of one (1) or a combination of the following:

- (A) Neat cement with not more than five percent (5%) by weight of bentonite additive.
- (B) Bentonite slurry, which can include polymers designed to retard swelling.
- (C) Pelletized, medium grade, or coarse grade crushed bentonite.
- (D) Other materials approved by the commission.

(2) The following methods apply:

- (A) Cement and bentonite slurries shall be pumped into place in a continuous operation with a grout pipe introducing the plugging material at the bottom of the well and moving the pipe progressively upward as the well is filled.
- (B) Plugging materials other than neat cement or bentonite slurry shall be installed in a manner to prevent bridging of the well or borehole. The well or borehole shall be measured periodically throughout the plugging process to ensure that bridging does not occur.

(3) The following procedures apply:

- (A) An abandoned well shall be disconnected from the water system. Any substance that may interfere with plugging shall be removed, if practicable.
- (B) A well, other than:
  - (i) a monitoring well;
  - (ii) a dewatering well; or
  - (iii) an uncased borehole;shall be chlorinated before abandonment as provided in 312 IAC 13-9-1.

(4) A cased well shall be plugged as follows:

- (A) With neat cement, bentonite slurry, or medium grade or coarse grade crushed or pelletized bentonite from the bottom of the well to within two (2) feet below the ground surface unless otherwise provided by the department.
- (B) The well casing shall be severed at least two (2) feet below the ground surface, and a cement plug larger in diameter than the borehole shall be:
  - (i) constructed over the borehole; and
  - (ii) covered with natural clay material to the ground surface.

(5) An uncased well (other than a borehole drilled by a bucket rig or a dewatering well governed by subdivision (8) or (9)) shall be filled with:

- (A) natural clay materials;

(B) neat cement;

(C) bentonite slurry; or

(D) medium grade or coarse grade crushed or pelletized bentonite;

from the bottom of the borehole to a depth of ~~no~~ **not** less than twenty-five (25) feet below ground surface. The borehole shall be filled with neat cement or medium grade or coarse grade crushed or pelletized bentonite from a depth ~~no~~ **not** less than twenty-five (25) feet below ground surface to within two (2) feet below ground surface. The remaining borehole shall be filled with natural clay material to ground surface.

(6) A cased or uncased monitoring well shall be plugged from the bottom of the well or borehole to the ground surface with a:

(A) bentonite slurry; or

(B) pelletized or coarse grade crushed bentonite.

(7) A bucket well shall be plugged as follows:

(A) A bucket well installed as buried slab construction shall be filled with gravel from the bottom of the well to within ten (10) feet below the ground surface. Neat cement, bentonite slurry, or pelletized, medium grade, or coarse grade crushed bentonite shall be installed in the casing or well pipe from ~~no~~ **not** less than ten (10) feet below the ground surface to within two (2) feet below the ground surface. The well pipe shall be:

- (i) severed at least two (2) feet below the ground surface; and
- (ii) covered with a cement plug larger in diameter than the well pipe.

The remaining hole shall be filled with natural clay material to the ground surface.

(B) Bucket well construction:

- (i) using casing with an inside diameter of less than twelve (12) inches extending the entire length of the borehole; and

- (ii) equipped with a well screen;

shall be abandoned under subdivision (4)(A).

(C) An uncased borehole drilled by a bucket rig shall be filled with natural clay material:

- (i) from the bottom of the hole to the ground surface; ~~The clay material shall be and~~
- (ii) thoroughly tamped to minimize settling.

(D) For other than buried slab construction, a bucket well shall be filled with gravel from the bottom of the well to at least five (5) feet below ground surface. The top section of the concrete or tile well casing shall be removed to cause the top of the well to terminate below ground surface. The well shall be filled with at least one (1) foot of:

- (i) neat cement;
- (ii) bentonite slurry; or
- (iii) pelletized, medium grade, or coarse grade crushed bentonite;

from at least five (5) feet below ground surface to the top of the well casing. The well casing shall be covered with a cement plug larger in diameter than the borehole. The remaining hole shall be filled with natural clay material to ground surface.

(8) If a dewatering well casing is removed following use, the remaining borehole shall initially be filled with granular, pelletized, medium grade, or coarse grade crushed bentonite a minimum of one (1) foot thick. The remainder of the borehole shall be:

(A) filled with natural earth materials obtained during the drilling process to the ground surface; and ~~be~~

(B) thoroughly tamped to minimize settling.

(9) If a dewatering well casing is removed following use and the well site will be excavated as part of the construction project, the remaining borehole shall be:

(A) filled with natural earth materials obtained during the drilling process to the ground surface; and ~~be~~

(B) thoroughly tamped to minimize settling.

(f) The division shall be notified in writing of a well abandonment within thirty (30) days after plugging is completed. (*Natural Resources Commission; 312 IAC 13-10-2; filed Nov 22, 1999, 3:34 p.m.: 23 IR 773; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661*)

### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on April 24, 2006 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 7, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments to 312 IAC 13-8-1, 312 IAC 13-8-3, and 312 IAC 13-10-2, governing water well drilling contractors, to apply new grouting requirements to geothermal heat pump wells, replace numerical diameter requirements for a monitoring well by a functionality requirement, modify the standards for a filter pack seal in a monitoring well, establish standards for a monitoring well constructed by the direct push method, and, for a cover on a bucket well or a hand dug well that was abandoned before January 1, 1988, no longer authorize lumber if treated with chromium copper arsenic salt.*

*The Natural Resources Commission is authorized to adopt the proposed amendments under IC 25-39-4. The Department of Natural Resources estimates approximately 25 small business will be directly affected by the proposed rule changes. The changes will have no adverse annual impact on small businesses. Approximately 1,100 monitoring wells are reportedly installed annually in Indiana. The most notable consequence of the changes is that they would allow monitoring wells to be installed more efficiently and at a lower cost with the potential for increasing revenue for these small businesses. Also, the amendments do not impose an additional requirement or cost under IC 4-22-2-24(d). Persons who require the installation of monitoring wells may receive a cost saving.*

*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.*

Rick Cockrum  
Chairman  
Natural Resources Commission

---



---

## **TITLE 312 NATURAL RESOURCES COMMISSION**

**Proposed Rule**  
LSA Document #06-9

### **DIGEST**

Amends 312 IAC 8-1-4, 312 IAC 8-2-3, 312 IAC 8-2-9, 312 IAC 9-5-7, 312 IAC 9-10-7, 312 IAC 10-3-6, 312 IAC 10-4-4, 312 IAC 11-2-4, 312 IAC 11-2-11, 312 IAC 11-2-14.5, 312 IAC 11-2-21, 312 IAC 11-2-24, 312 IAC 11-2-27, 312 IAC 11-2-28, and 312 IAC 11-4-2 through 312 IAC 11-4-6 to update or correct statutory cross-references and to correct clerical or grammatical errors in rules of the Natural Resources Commission. Repeals 312 IAC 11-2-28. Effective 30 days after filing with the Secretary of State.

### **IC 4-22-2-1-5 Statement Concerning Rules Affecting Small Businesses**

The changes are to update or correct statutory cross-references and to correct clerical or grammatical errors. They make no substantive or programmatic changes and will have no adverse annual impact on small businesses. Also, the amendments do not impose an additional requirement or cost under IC 4-22-2-24(d).

<b>312 IAC 8-1-4</b>	<b>312 IAC 11-2-21</b>
<b>312 IAC 8-2-3</b>	<b>312 IAC 11-2-24</b>
<b>312 IAC 8-2-9</b>	<b>312 IAC 11-2-27</b>
<b>312 IAC 9-5-7</b>	<b>312 IAC 11-2-28</b>
<b>312 IAC 9-10-7</b>	<b>312 IAC 11-4-2</b>
<b>312 IAC 10-3-6</b>	<b>312 IAC 11-4-3</b>
<b>312 IAC 10-4-4</b>	<b>312 IAC 11-4-4</b>
<b>312 IAC 11-2-4</b>	<b>312 IAC 11-4-5</b>
<b>312 IAC 11-2-11</b>	<b>312 IAC 11-4-6</b>
<b>312 IAC 11-2-14.5</b>	

SECTION 1. 312 IAC 8-1-4, AS AMENDED AT 29 IR 461, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### **312 IAC 8-1-4 Definitions**

**Authority:** IC 14-10-2-4; IC 14-11-2-1

**Affected:** IC 9-13-2-196; IC 9-25-2-4; IC 14-8-2-185; IC 14-8-2-261; IC 14-31-1

Sec. 4. The following definitions are supplemental to those set forth at 312 IAC 1 and apply throughout this article:

(1) "Authorized representative" means the director or another person designated by the director.

(2) "Berry" means the fruiting body of the following:

---

## Proposed Rules

---

- (A) A blackberry.
- (B) A blueberry.
- (C) A dewberry.
- (D) An elderberry.
- (E) A gooseberry.
- (F) A huckleberry.
- (G) A mulberry.
- (H) A raspberry.
- (I) A serviceberry.
- (J) A strawberry.

(3) "DNR property" means land and water owned, licensed, leased, or dedicated under IC 14-31-1 or under easement to the state or managed by the department. The following areas are, however, exempted from the term:

- (A) Public freshwater lakes.
- (B) Navigable waterways.
- (C) Buildings and grounds (other than those of the Indiana state museum) not located at recreational, natural, or historic sites.

An area is not exempted because the department has issued a lease, license, or concession to another person.

(4) "Fallen cone" means the fruiting body of a coniferous tree that is no longer attached to a living tree.

(5) "Firearm or bow and arrows" means:

- (A) a firearm;
- (B) an air gun;
- (C) a CO<sub>2</sub> gun;
- (D) a spear gun;
- (E) a bow and arrows;
- (F) a crossbow;
- (G) a paint gun; or
- (H) a similar mechanical device;

that can be discharged and is capable of causing injury or death to a person or an animal or damage to property.

(6) "Fruit" means the fruiting body of the following:

- (A) Apples.**
- ~~(A) (B) Cherries.~~
- ~~(B) (C) Grapes.~~
- ~~(C) Apples.~~
- (D) Hawthorns.
- (E) Persimmons.
- (F) Plums.
- (G) Pears.
- (H) Pawpaws.
- (I) Roses.

(7) "Greens" means the aboveground shoots or leaves of the following:

- (A) Asparagus.
- (B) Dandelion.
- (C) Mustard.
- (D) Plantain.
- (E) Poke.

(8) "Group boat dock" means an artificial basin or enclosure for the reception of watercraft that is owned and maintained by adjacent landowners for their private usage.

(9) "Leaf" means the leaf of a woody plant for use in a leaf collection or similar academic project.

(10) "License" means:

- (A) a license;
- (B) a permit;
- (C) an agreement;
- (D) a contract;
- (E) a lease;
- (F) a certificate; or
- (G) any other form of approval;

issued by the department. A license may authorize an activity otherwise prohibited by this rule.

(11) "Mushroom" means edible fungi.

(12) "Nut" means the seeds of the following:

- (A) Hazelnuts.
- (B) Hickories.
- (C) Oaks.
- (D) Pecans.
- (E) Walnuts.

(13) "Off-road vehicle" has the meaning set forth in ~~IC 14-16-1-3~~ **IC 14-8-2-185**.

(14) "Public road" means a public highway under IC 9-25-2-4 that is designated by the department for use by the public.

(15) "Recreation area" means an area that is managed by the department for specific recreation activities.

(16) "Snowmobile" has the meaning set forth in IC 14-8-2-261.

(17) "Vehicle" has the meaning set forth in IC 9-13-2-196(d). (*Natural Resources Commission; 312 IAC 8-1-4; filed Oct 28, 1998, 3:32 p.m.: 22 IR 738, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 552, eff Jan 1, 2000; filed Dec 26, 2001, 2:42 p.m.: 25 IR 1544; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3713; filed Sep 19, 2003, 8:14 a.m.: 27 IR 455; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Sep 14, 2005, 2:45 p.m.: 29 IR 461, eff Jan 1, 2006*)

SECTION 2. 312 IAC 8-2-3, AS AMENDED AT 29 IR 461, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

### **312 IAC 8-2-3 Firearms, hunting, and trapping**

**Authority:** IC 14-10-2-4; IC 14-11-2-1

**Affected:** IC 14-22-11-1

Sec. 3. (a) A person must not possess a firearm or bow and arrows on a DNR property unless one (1) of the following conditions apply:

- (1) The firearm or bow and arrows are:
  - (A) unloaded and uncocked; and
  - (B) placed in a case or locked within a vehicle.
- (2) The firearm or bow and arrows are possessed at and of a type designated for usage on:
  - (A) a rifle;
  - (B) a pistol;
  - (C) a shotgun; or
  - (D) an archery; range.



(3) The firearm or bow and arrows are being used in the lawful pursuit of either of the following:

- (A) A wild animal on a DNR property authorized for that purpose.
- (B) A groundhog as authorized under a license.

(b) Except as provided in subsection (a)(1), a firearm or bow and arrows may not be possessed on DNR properties within any of the following:

- (1) A nature preserve unless hunting is authorized under subsection (c).
- (2) A property administered by the division of museums and historic sites.
- (3) A campground.
- (4) A picnic area.
- (5) A beach.
- (6) A service area.
- (7) A headquarters building.
- (8) A hunter check station.
- (9) A developed recreation site.

(c) A person may hunt on a state forest administered by the division of forestry, a reservoir administered by the division of state parks and reservoirs, or a wildlife area administered by the division of fish and wildlife. A person using any of these areas must do the following:

- (1) Comply with all federal and state hunting, trapping, and firearms laws.
- (2) On a fish and wildlife area and a reservoir property, obtain a one (1) day hunting permit and record from a checking station. The person must:
  - (A) retain the permit and record **card** while in the field for the authorized date; and
  - (B) as directed, return them to the department.
- (3) Refrain from hunting on a nature preserve if prohibited by signage posted at the site.

(d) Unless otherwise posted or designated on a property map, a person must not place a trap except as authorized by a license issued for a property by an authorized representative. This license is in addition to the licensing requirement for traps set forth in IC 14-22-11-1.

(e) A person must not run dogs, except:

- (1) during the lawful pursuit of wild animals; or
- (2) as authorized by a license for field trials or in a designated training area.

A property administered by the division of fish and wildlife may be designated for training purposes without requiring a field trial permit. Only dogs may be used during field trials on a DNR property, except where authorized by a license on a fish and wildlife property.

(f) Unless otherwise designated, a person must not discharge a firearm or bow and arrows within two hundred (200) feet of any of the following:

- (1) A campsite.
- (2) A boat dock.
- (3) A launching ramp.
- (4) A picnic area.
- (5) A bridge.

(g) A person must not leave a portable tree blind or duck blind unattended except for the period authorized by 312 IAC 9-3-2(l).

(h) The following terms apply to the use of shooting ranges:

(1) A person must not use a shooting range unless the person is:

- (A) at least eighteen (18) years of age; or
- (B) accompanied by a person who is at least eighteen (18) years of age.

(2) A person must:

- (A) register with the department; and
- (B) pay any applicable fees;

before using a shooting range.

(3) A person must shoot only at paper targets placed on target holders provided by the department. All firing must be downrange with reasonable care taken to assure any projectile is stopped by the range backstop.

(4) Shot ~~no~~ **not** larger than size 6 must be used on a shotgun range.

(5) A person must not:

- (A) discharge a firearm using automatic fire;
- (B) use tracer, armor-piercing, or incendiary rounds;
- (C) play on, climb on, walk on, or shoot into or from the side berms; or
- (D) shoot at clay pigeons, except on a site designated for shooting clay pigeons.

Glass and other forms of breakable targets must not be used on a shooting range.

(6) A person must dispose of the targets used by the person under section 2(a) of this rule.

(7) Permission must be obtained from the department in advance for a shooting event that involves any of the following:

- (A) An entry fee.
- (B) Competition for any of the following:
  - (i) Cash.
  - (ii) Awards.
  - (iii) Trophies.
  - (iv) Citations.
  - (v) Prizes.

(C) The exclusive use of the range or facilities.

(D) A portion of the event occurring between sunset and sunrise.

(8) On a field course, signs and markers must be staked. Trees must not be marked or damaged.

(i) A person must not take a reptile or amphibian unless the person is issued a scientific collector license under 312 IAC 9-10-6. Exempted from this subsection are:

## Proposed Rules

(1) turtles taken under 312 IAC 9-5-2; and  
(2) frogs taken under 312 IAC 9-5-3;  
from a DNR property where hunting or fishing is authorized.  
(*Natural Resources Commission; 312 IAC 8-2-3; filed Oct 28, 1998, 3:32 p.m.: 22 IR 739, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 553, eff Jan 1, 2000; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3714; filed Sep 19, 2003, 8:14 a.m.: 27 IR 456; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Sep 14, 2005, 2:45 p.m.: 29 IR 461, eff Jan 1, 2006*)

SECTION 3. 312 IAC 8-2-9 IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 8-2-9 Swimming, snorkeling, scuba diving, and tow kite flying

**Authority:** IC 14-10-2-4; IC 14-11-2-1  
**Affected:** IC 14

Sec. 9. (a) A person must not swim, or allow a child or other person in the person's care to swim, other than at the following locations:

- (1) At a designated swimming beach or pool during designated hours.
- (2) From a watercraft between sunrise and sunset in an embayment on a reservoir property established under 312 IAC 5-10 as an idle speed zone, but not:
  - (A) in a causeway; or
  - (B) within one hundred (100) feet of a designated launching ramp or other public use facility.

(b) A person must not snorkel, except from a watercraft on a reservoir property and within an embayment designated as an idle speed zone.

(c) A person must not scuba dive unless in compliance with each of the following:

- (1) A license is issued by the department.
- (2) Between the hours of sunrise and sunset.
- (3) A diving flag is displayed to designate the area in use.

(d) A person must not engage in tow ~~kit~~ kite flying, except during the following periods:

- (1) On weekdays from sunrise to sunset.
- (2) Except as provided in subdivision (3), on Saturdays, Sundays, or holidays, from sunrise until 11 a.m. and from 5 p.m. until sunset.
- (3) On:
  - (A) Memorial Day weekend;
  - (B) the Fourth of July and a Saturday or Sunday that immediately precedes or follows the Fourth of July; and
  - (C) Labor Day weekend;from sunrise until 11 a.m.

(*Natural Resources Commission; 312 IAC 8-2-9; filed Oct 28, 1998, 3:32 p.m.: 22 IR 741, eff Jan 1, 1999; filed Sep 19, 2003, 8:14 a.m.: 27 IR 458; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315*)

SECTION 4. 312 IAC 9-5-7, AS AMENDED AT 28 IR 2948, SECTION 5, IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 9-5-7 Sale and transport for sale of reptiles and amphibians native to Indiana

**Authority:** IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17  
**Affected:** IC 14-22; IC 20-19-2-8; IC 20-19-2-10

Sec. 7. (a) This section governs the:

- (1) sale;
- (2) transport for sale; or
- (3) offer for sale or transport for sale;

of any reptile or amphibian native to Indiana regardless of place of origin.

(b) Except as otherwise provided in this section and in section 6(g) of this rule, the sale, transport for sale, or offer to sell or transport for sale of a reptile or amphibian native to Indiana is prohibited. A person must not sell a turtle, regardless of species or origin, with a carapace less than four (4) inches long, except for a valid scientific or educational purpose that is associated with one (1) of the following:

- (1) A federal, state, county, city, or similar governmental agency that is engaged in scientific study or research.
- (2) A scientific research organization.
- (3) An accredited museum or institution of higher learning.
- (4) An individual working in cooperation with a:
  - (A) college;
  - (B) university; or
  - (C) governmental agency.
- (5) A private company under a contract for scientific or educational purposes.

(c) As used in this rule, "reptile or amphibian native to Indiana" means those reptiles and amphibians with the following scientific names, including common names for public convenience, but the scientific names control:

- (1) Hellbender (*Cryptobranchus alleganiensis*).
- (2) Common mudpuppy (*Necturus maculosus*).
- (3) Streamside salamander (*Ambystoma barbouri*).
- (4) Jefferson salamander (*Ambystoma jeffersonianum*).
- (5) Blue-spotted salamander (*Ambystoma laterale*).
- (6) Spotted salamander (*Ambystoma maculatum*).
- (7) Marbled salamander (*Ambystoma opacum*).
- (8) Mole salamander (*Ambystoma talpoideum*).
- (9) Smallmouth salamander (*Ambystoma texanum*).
- (10) Eastern tiger salamander (*Ambystoma tigrinum tigrinum*).
- (11) Eastern newt (*Notophthalmus viridescens*).
- (12) Green salamander (*Aneides aeneus*).
- (13) Northern dusky salamander (*Desmognathus fuscus*).
- (14) Southern two-lined salamander (*Eurycea cirrigera*).
- (15) Longtailed salamander (*Eurycea longicauda*).
- (16) Cave salamander (*Eurycea lucifuga*).
- (17) Four-toed salamander (*Hemidactylium scutatum*).
- (18) Northern redback salamander (*Plethodon cinereus*).

- (19) Northern zigzag salamander (*Plethodon dorsalis*).
  - (20) Northern ravine salamander (*Plethodon electromorphus*).
  - (21) Northern slimy salamander (*Plethodon glutinosus*).
  - (22) Red salamander (*Pseudotriton ruber*).
  - (23) Lesser siren (*Siren intermedia*).
  - (24) Eastern spadefoot toad (*Scaphiopus holbrookii*).
  - (25) American toad (*Bufo americanus*).
  - (26) Fowler's toad (*Bufo fowleri*).
  - (27) Cricket frog (*Acris crepitans*).
  - (28) Cope's gray treefrog (*Hyla chrysoscelis*).
  - (29) Green treefrog (*Hyla cinerea*).
  - (30) Eastern gray treefrog (*Hyla versicolor*).
  - (31) Spring peeper (*Pseudacris crucifer*).
  - (32) Western chorus frog (*Pseudacris triseriata*).
  - (33) Crawfish frog (*Rana areolata*).
  - (34) Plains leopard frog (*Rana blairi*).
  - (35) Bullfrog (*Rana catesbeiana*).
  - (36) Green frog (*Rana clamitans*).
  - (37) Northern leopard frog (*Rana pipiens*).
  - (38) Pickerel frog (*Rana palustris*).
  - (39) Southern leopard frog (*Rana utricularia*).
  - (40) Wood frog (*Rana sylvatica*).
  - (41) Common snapping turtle (*Chelydra serpentina serpentina*).
  - (42) Smooth softshell turtle (*Apalone mutica*).
  - (43) Spiny softshell turtle (*Apalone spinifera*).
  - (44) Alligator snapping turtle (*Macrochelys temminckii*).
  - (45) Eastern mud turtle (*Kinosternon subrubrum*).
  - (46) Common musk turtle (*Sternotherus odoratus*).
  - (47) Midland painted turtle (*Chrysemys picta marginata*).
  - (48) Western painted turtle (*Chrysemys picta bellii*).
  - (49) Spotted turtle (*Clemmys guttata*).
  - (50) Blanding's turtle (*Emydoidea blandingii*).
  - (51) Common map turtle (*Graptemys geographica*).
  - (52) False map turtle (*Graptemys pseudogeographica*).
  - (53) Ouachita map turtle (*Graptemys ouachitensis*).
  - (54) Hieroglyphic river cooter (*Pseudemys concinna*).
  - (55) Eastern box turtle (*Terrapene carolina*).
  - (56) Ornate box turtle (*Terrapene ornata*).
  - (57) Red-eared slider (*Trachemys scripta elegans*).
  - (58) Eastern fence lizard (*Sceloporus undulatus*).
  - (59) Slender glass lizard (*Ophisaurus attenuatus*).
  - (60) Six-lined racerunner (*Cnemidophorus sexlineatus*).
  - (61) Five-lined skink (*Eumeces fasciatus*).
  - (62) Broadhead skink (*Eumeces laticeps*).
  - (63) Ground skink (*Scincella lateralis*).
  - (64) Eastern worm snake (*Carphophis amoenus*).
  - (65) Scarlet snake (*Cemophora coccinea*).
  - (66) Racer (*Coluber constrictor*).
  - (67) Kirtland's snake (*Clonophis kirtlandii*).
  - (68) Ringneck snake (*Diadophis punctatus*).
  - (69) Midland rat snake, also known as the black rat snake (*Elaphe spiloides*).
  - (70) Western rat snake (*Elaphe obsoleta*).
  - (71) Western fox snake (*Elaphe vulpina vulpina*).
  - (72) Mud snake (*Farancia abacura*).
  - (73) Eastern hognose snake (*Heterodon platirhinos*).
  - (74) Prairie kingsnake (*Lampropeltis calligaster calligaster*).
  - (75) Black kingsnake (*Lampropeltis getula nigra*).
  - (76) Eastern milk snake (*Lampropeltis triangulum triangulum*).
  - (77) Red milk snake (*Lampropeltis triangulum sypila*).
  - (78) Copperbelly water snake (*Nerodia erythrogaster*).
  - (79) Diamondback water snake (*Nerodia rhombifer*).
  - (80) Northern water snake (*Nerodia sipedon*).
  - (81) Rough green snake (*Opheodrys aestivus*).
  - (82) Smooth green snake (*Lioclorophis vernalis*).
  - (83) Bull snake (*Pituophis catenifer sayi*).
  - (84) Queen snake (*Regina septemvittata*).
  - (85) Brown snake (*Storeria dekayi*).
  - (86) Redbelly snake (*Storeria occipitomaculata*).
  - (87) Southeastern crowned snake (*Tantilla coronata*).
  - (88) Butler's garter snake (*Thamnophis butleri*).
  - (89) Western ribbon snake (*Thamnophis proximus*).
  - (90) Plains garter snake (*Thamnophis radix*).
  - (91) Eastern ribbon snake (*Thamnophis sauritus*).
  - (92) Common garter snake (*Thamnophis sirtalis*).
  - (93) Smooth earthsnake (*Virginia valeriae*).
  - (94) Northern copperhead (*Agkistrodon contortrix*).
  - (95) Cottonmouth moccasin (*Agkistrodon piscivorus*).
  - (96) Timber rattlesnake (*Crotalus horridus*).
  - (97) Massasauga (*Sistrurus catenatus*).
- (d) As used in this section, "sale" means either of the following:
- (1) Barter, purchase, trade, or offer to sell, barter, purchase, or trade.
  - (2) Serving as part of a meal by a restaurant, a hotel, a boarding house, or the keeper of an eating house. However, a hotel, a boarding house, or the keeper of an eating house may prepare and serve during open season to:
    - (A) a guest, patron, or boarder; and
    - (B) the family of the guest, patron, or boarder;
 a reptile or amphibian legally taken by the guest, patron, or boarder during the open season.
- (e) As used in this section, "transport" means:
- (1) to move, carry, or ship ~~a wild animal protected by law~~ by any means; and
  - (2) for any common or contract carrier knowingly to move, carry, or receive for shipment;
- a wild animal protected by law.
- (f) A reptile or amphibian that is not on a state or federal endangered or threatened species list and with a color morphology that is:
- (1) albinistic (an animal lacking brown or black pigment);
  - (2) leucistic (a predominately white animal); or
  - (3) xanthic (a predominately yellow animal);
- is exempted from this section if it was not collected from the wild.

(g) ~~The following are exempted from this section: is~~  
**(1)** An institution governed by, and in compliance with, the Animal Welfare Act (7 U.S.C. 2131, et seq.) and 9 CFR 2.30 through 9 CFR 2.38 (January 1, 1998 edition). To qualify for the exemption, the institution must have an active Assurance of Compliance on file with the Office for the Protection of Risk, U.S. Department of Health and Human Services.

~~(h) Exempted from this section is~~ **(2)** A sale made under a reptile captive breeding license governed by section 9 of this rule.

~~(i) Exempted from this section is~~ **(3)** The sale to and purchase of reptiles or amphibians by a:

**(A)** public school accredited under ~~IC 20-1-1-6(a)(5)~~ **IC 20-19-2-8**; or

**(B)** nonpublic school accredited under ~~IC 20-1-1-6(a)(9)~~ **IC 20-19-2-8** and ~~IC 20-1-1-6.2~~ **IC 20-19-2-10**.

This exemption does not authorize the sale of reptiles or amphibians by a public school or a nonpublic school.

~~(j) Exempted from this section is~~ **(4)** The sale and purchase of a:

**(A)** bullfrog (*Rana catesbeiana*) tadpole; or

**(B)** green frog (*Rana clamitans*) tadpole;

produced by a resident holder of a hauler and supplier permit or an aquaculture permit if the tadpole is a byproduct of a fish production operation. As used in this ~~subsection~~, **subdivision**, “tadpole” means the larval life stage of a frog for the period in which the tail portion of the body is at least one (1) inch long.

~~(k)~~ **(h)** A person who is transporting native reptiles and amphibians in interstate commerce, to be sold outside Indiana, is exempted from this section. (*Natural Resources Commission; 312 IAC 9-5-7; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3673; errata filed Oct 26, 1999, 2:40 p.m.: 23 IR 589; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1535; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 543; filed May 25, 2005, 10:15 a.m.: 28 IR 2948*)

SECTION 5. 312 IAC 9-10-7 IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 9-10-7 Field trial permits

**Authority:** IC 14-22-2-6; IC 14-22-24

**Affected:** IC 14-22

Sec. 7. (a) A field ~~trip~~ **trial** permit may be issued only for a trial listed with the division by a sanctioning national or regional hunting dog association. The list must include the following:

- (1) The name of the sponsoring club, group, or individual.
- (2) The name and address of the responsible official.
- (3) The type and location of the trial.
- (4) The location of the trial headquarters.
- (5) The dates of the trial.

The list must be received by the division by February 1 for a trial to be conducted the following March through August and by August 1 for a trial to be conducted the following September

through February, except a field trial to be held solely on property owned, leased, or managed by the division.

(b) An application for a field trial permit must be:

**(1)** completed on a departmental form; and ~~must be~~

**(2)** received by the division at least twenty-one (21) days before the proposed field trial.

(c) The field trial permit and a complete roster of participants in the field trial must be:

**(1)** kept at the trial headquarters during the event; ~~The permit and the roster must be~~

**(2)** presented to a conservation officer upon request.

(d) During a field trial, each participant shall carry a card approved by the responsible official ~~which that~~ specifies the following:

**(1)** The number of the field trial permit. ~~and~~

**(2)** The name and address of the participant.

The card must be presented to a conservation officer upon request. (*Natural Resources Commission; 312 IAC 9-10-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2730; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

SECTION 6. 312 IAC 10-3-6 IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 10-3-6 Local approval of activities within a floodway

**Authority:** IC 14-28-1-5; IC 14-28-3-2

**Affected:** IC 14-28-1; IC 14-28-3

Sec. 6. (a) A county or municipality shall not authorize:

- (1)** a structure;
- (2)** an obstruction;
- (3)** a deposit; or
- (4)** an excavation;

in a floodway until a license is issued by the department under IC 14-28-1.

(b) A county or municipality may place terms and conditions on a local license issued for a site in a floodway. The terms and conditions must not be less restrictive than those required by the department under this article.

(c) A license from the department under ~~IC 14-18-1~~ **IC 14-28-1** and 312 IAC 10-4 is not required for a site within a fringe.

(d) Where a floodway is not separately delineated, a county or municipality shall refer a license application for work in a flood plain to the department for advice and recommendations. (*Natural Resources Commission; 312 IAC 10-3-6; filed Jul 5, 2001, 9:12 a.m.: 24 IR 3391, eff Jan 1, 2002*)

SECTION 7. 312 IAC 10-4-4 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 10-4-4 Flood easements**

Authority: IC 14-10-2-4; IC 14-28-1-5; IC 14-28-3-2  
Affected: IC 14-28-1-29

Sec. 4. If a license application includes the creation of a flood easement, the applicant must demonstrate to the satisfaction of the department the project:

- (1) will not constitute an unreasonable hazard to the safety of life or property;
- (2) is not unreasonably detrimental to fish, wildlife, or botanical resources; and
- (3) is either:
  - (A) a dam;
  - (B) a flood control project under ~~IC 14-18-1-29~~; **IC 14-28-1-29**; or
  - (C) a public works project.

(Natural Resources Commission; 312 IAC 10-4-4; filed Jul 5, 2001, 9:12 a.m.: 24 IR 3393, eff. Jan 1, 2002)

SECTION 8. 312 IAC 11-2-4 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 11-2-4 "Boatwell" defined**

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23  
Affected: IC 14-26-2

Sec. 4. "Boatwell" means a manmade excavation along the ~~legally established or average normal waterline or shoreline or water line~~ of a public freshwater lake that:

- (1) is used for the mooring of a boat; and
- (2) has been stabilized to prevent erosion.

(Natural Resources Commission; 312 IAC 11-2-4; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2220; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661)

SECTION 9. 312 IAC 11-2-11, AS AMENDED AT 29 IR 464, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 11-2-11 "Glacial stone" defined**

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23  
Affected: IC 14-26-2

Sec. 11. "Glacial stone" means a rounded stone that satisfies ~~both~~ each of the following:

- (1) Was produced by glacial activity.
- (2) No individual stone weighs more than one hundred twenty (120) pounds.
- (3) At least ninety percent (90%) of the material passes through a twelve (12) inch sieve.
- (4) Not more than ten percent (10%) of the material passes through a six (6) inch sieve.

(Natural Resources Commission; 312 IAC 11-2-11; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2221; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; filed Sep 14, 2005, 2:45 p.m.: 29 IR 464)

SECTION 10. 312 IAC 11-2-14.5, AS ADDED AT 29 IR

464, SECTION 5, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 11-2-14.5 "Natural shoreline" defined**

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23  
Affected: IC 14-26-2

Sec. 14.5. "Natural shoreline" means a continuous section of unaltered shoreline or ~~waterline~~ **water line** where the distance between lawful permanent structures is at least two hundred fifty (250) feet. (Natural Resources Commission; 312 IAC 11-2-14.5; filed Sep 14, 2005, 2:45 p.m.: 29 IR 464)

SECTION 11. 312 IAC 11-2-21 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 11-2-21 "Seawall" defined**

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23  
Affected: IC 14-26-2

Sec. 21. "Seawall" means a manmade structure placed along the ~~legally established or average normal waterline or shoreline or water line~~ of a public freshwater lake for the purpose of shoreline stabilization. (Natural Resources Commission; 312 IAC 11-2-21; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2222; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661)

SECTION 12. 312 IAC 11-2-24, AS AMENDED AT 29 IR 465, SECTION 7, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 11-2-24 "Significant wetland" defined**

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23  
Affected: IC 14-26-2

Sec. 24. "Significant wetland" means a transitional area between terrestrial and deep-water habitats containing at least one (1) of the following:

- (1) At least two thousand five hundred (2,500) square feet of contiguous, emergent vegetation or rooted vegetation with floating leaves landward or lakeward of the ~~legally established or average normal waterline or shoreline or water line~~. The areal extent of the vegetation is independent of ownership.
- (2) Adjacent wetland areas designated by a federal or state agency under one (1) of the following:
  - (A) National Wetlands Inventory.
  - (B) U.S. Army Corps of Engineers Wetlands Delineation Manual (1987).
  - (C) National Food Security Act Manual (1994).
- (3) The existence of a species listed at 15 IR 1312 in the Roster of Indiana Animals and Plants ~~which~~ that are Extirpated, Endangered, Threatened, or Rare.

(Natural Resources Commission; 312 IAC 11-2-24; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2222; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; filed Sep 14, 2005, 2:45 p.m.: 29 IR 465)

SECTION 13. 312 IAC 11-2-27 IS AMENDED TO READ AS FOLLOWS:

---

## Proposed Rules

---

### 312 IAC 11-2-27 "Underwater beach" defined

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23

Affected: IC 14-26-2

Sec. 27. "Underwater beach" means an area of a lakebed that is both of the following:

- (1) Lakeward of the ~~waterline or shoreline or water line~~ of a public freshwater lake. ~~and~~
- (2) Used for a recreational ~~purposes~~, **purpose**, such as wading or swimming.

*(Natural Resources Commission; 312 IAC 11-2-27; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2223; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661)*

SECTION 14. 312 IAC 11-4-2, AS AMENDED AT 29 IR 466, SECTION 11, IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 11-4-2 New seawalls

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23

Affected: IC 14-26-2

Sec. 2. (a) A written license under IC 14-26-2 and this rule is required for the construction or placement of a seawall within or along the ~~legally established or average normal waterline or~~ shoreline **or water line** of a public freshwater lake.

(b) If a new seawall is to be placed:

- (1) in a significant wetland; or
- (2) along a natural shoreline;

the seawall must be comprised of bioengineered materials.

(c) If a new seawall is to be placed in an area of special concern, the seawall must be comprised of either or both of the following:

- (1) Bioengineered materials.
- (2) Glacial stone.

(d) If a new seawall is to be placed in a developed area, the seawall must be comprised of one (1) or any combination of the following:

- (1) Bioengineered material.
- (2) Glacial stone.
- (3) Riprap.
- (4) Concrete.
- (5) Steel sheet piling.

(e) For a new seawall comprised of glacial stone or riprap, the base of the wall must not extend more than four (4) feet lakeward of the ~~waterline or shoreline or water line~~.

(f) The lakeward face of the new seawall must be located along the public freshwater lake's ~~legally established or average normal waterline or~~ shoreline **or water line** as determined by the department.

(g) The lakeward extent of bioengineered material must be coordinated with the department before filing the license application.

(h) The director or a delegate may not issue a license for the placement of an impermeable material behind or beneath a new seawall.

(i) Filter cloth placed behind or beneath a new seawall must be properly anchored to prevent displacement or flotation.

(j) Erosion from disturbed areas landward of the ~~waterline or shoreline or water line~~ must be controlled to prevent its transport into the lake.

(k) Toe protection placed along the lakeward face of a new bulkhead seawall must not extend more than one (1) foot lakeward of the new seawall. *(Natural Resources Commission; 312 IAC 11-4-2; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2225; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; filed Sep 14, 2005, 2:45 p.m.: 29 IR 466)*

SECTION 15. 312 IAC 11-4-3, AS AMENDED AT 29 IR 467, SECTION 12, IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 11-4-3 Seawall refacing

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23

Affected: IC 14-26-2

Sec. 3. (a) A written license under IC 14-26-2 and this rule is required to reface on the lakeward side of a seawall that is located within or along the ~~waterline or shoreline or water line~~ of a public freshwater lake.

(b) Except as provided in 312 IAC 11-3-1(e), the director or a delegate shall not issue a license to reface a seawall if the wall has been previously refaced.

(c) To qualify for a license if a seawall is to be refaced in a significant wetland or an area of special concern, the seawall reface must be comprised of like materials in accordance with the following seawall types:

(1) For an existing concrete seawall, the seawall reface may be comprised of one (1) or any combination of the following:

- (A) Concrete.
- (B) Glacial stone.
- (C) Bioengineered materials.

(2) For an existing steel sheet piling seawall, the seawall reface may be comprised of one (1) or any combination of the following:

- (A) Steel sheet piling.
- (B) Glacial stone.
- (C) Bioengineered materials.

(3) For an existing riprap seawall, the seawall reface may be comprised of one (1) or any combination of the following:

- (A) Riprap.
- (B) Glacial stone.
- (C) Bioengineered materials.

(4) For an existing glacial stone seawall, the seawall reface may be comprised of one (1) or any combination of the following:

(A) Glacial stone.

(B) Bioengineered materials.

(5) For an existing bioengineered seawall, the seawall reface may be comprised of bioengineered materials only.

(6) For all other seawall types, the seawall reface may be comprised of one (1) or any combination of the following:

(A) Glacial stone.

(B) Bioengineered materials.

(d) To qualify for a license if a seawall is to be refaced in a developed area, the seawall reface must be comprised of one (1) or any combination of the following:

(1) Bioengineered material.

(2) Glacial stone.

(3) Riprap.

(4) Concrete.

(5) Steel sheet piling.

(e) For a seawall reface comprised of:

(1) glacial stone or riprap, the reface must not extend more than four (4) feet lakeward of the ~~waterline or shoreline or~~ **water line** at the base of the existing wall;

(2) concrete, the reface must:

(A) not extend more than twelve (12) inches lakeward of the existing seawall; and

(B) be keyed to the lakeward face of the existing seawall;

(3) steel sheet piling, the reface must not extend more than six (6) inches lakeward of the existing seawall; and

(4) bioengineered material, the lakeward extent of the reface must be coordinated with the department before filing the permit application.

(f) Any walk or structural tie constructed on top of the existing seawall must be located landward of the seawall face.

(g) The director or a delegate shall not issue a license for the placement of an impermeable material behind or beneath a seawall reface.

(h) Filter cloth placed behind or beneath the seawall reface must be properly anchored to prevent displacement or flotation.

(i) Erosion from disturbed areas landward of the ~~waterline or shoreline or~~ **water line** must be controlled to prevent its transport into the lake.

(j) Toe protection placed along the lakeward face of a refaced bulkhead seawall must not extend more than one (1) foot lakeward of the refaced seawall. (*Natural Resources Commission; 312 IAC 11-4-3; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2225; filed Jan 23, 2001, 10:05 a.m.: 24 IR 1616; filed May 25, 2004, 8:45 a.m.: 27 IR 3063; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; filed Sep 14, 2005, 2:45 p.m.: 29 IR 467*)

SECTION 16. 312 IAC 11-4-4, AS AMENDED AT 29 IR 467, SECTION 13, IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 11-4-4 Underwater beaches

Authority: IC 14-10-2-4; IC 14-15-7-3

Affected: IC 14-26-2

Sec. 4. (a) A written license under IC 14-26-2 and this rule is required to place material for an underwater beach within a public freshwater lake.

(b) The director or a delegate shall not issue a license for the placement of:

(1) filter cloth; or

(2) an impermeable material;

beneath or in an underwater beach.

(c) The director or a delegate shall not issue a license for the placement of an underwater beach:

(1) in a significant wetland; or

(2) along a natural shoreline.

(d) To qualify for a license to place an underwater beach in an area of special concern, the underwater beach must:

(1) not exceed six hundred twenty-five (625) square feet;

(2) not extend:

(A) more than thirty (30) feet lakeward of the ~~normal waterline or shoreline or~~ **water line**; or

(B) to a depth of six (6) feet;

whichever occurs earlier;

(3) be placed on ~~no~~ not more than one-half (½) the length of the ~~waterline or shoreline or~~ **water line** of the riparian owner;

(4) be comprised of clean, nontoxic pea gravel;

(5) not exceed six (6) inches in thickness; and

(6) be thin enough or ~~be~~ tapered so the ~~waterline or shoreline or~~ **water line** will not be extended lakeward. ~~when the public freshwater lake is at its average normal water level.~~

(e) To qualify for a license to place an underwater beach in a developed area, the underwater beach must:

(1) be comprised of clean, nontoxic pea gravel;

(2) not exceed six (6) inches ~~thick~~; in thickness;

(3) be placed on ~~no~~ not more than one-half (½) the length of the ~~waterline or shoreline or~~ **water line** of the riparian owner;

(4) extend not:

(A) more than fifty (50) feet lakeward from the ~~waterline or shoreline or~~ **water line**; or

(B) beyond a depth of six (6) feet;

whichever occurs earlier; and

(5) be thin enough or tapered so the ~~waterline or shoreline or~~ **water line** will not be extended lakeward. ~~when the public freshwater lake is at its normal water level.~~

(f) If beach material has been placed previously under this section, the additional material must not:

(1) extend beyond the limits of the previous beach material; and

(2) exceed the size restrictions specified in subsections (d) and (e).

---

---

## Proposed Rules

---

---

(g) Erosion from disturbed areas landward of the ~~waterline or shoreline or water line~~ must be controlled to prevent its transport into the lake. (*Natural Resources Commission; 312 IAC 11-4-4; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2226; filed Dec 26, 2001, 2:42 p.m.: 25 IR 1547; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; filed Sep 14, 2005, 2:45 p.m.: 29 IR 467*)

SECTION 17. 312 IAC 11-4-5 IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 11-4-5 Boatwell excavations or constructions

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23

Affected: IC 14-26-2

Sec. 5. (a) A written license under IC 14-26-2 and this rule is required to excavate or construct a boatwell that is within or adjacent to the ~~legally established or average normal waterline or shoreline or water line~~ of a public freshwater lake.

(b) The department may not issue a license for the excavation or construction of a boatwell in:

- (1) a significant wetland; or
- (2) an area of special concern.

(c) To qualify for a license to place a boatwell in a developed area, the excavation or construction of the boatwell must not:

- (1) adversely affect the:
  - (A) water level;
  - (B) significant wetlands; or
  - (C) natural resources;of the public freshwater lake;
- (2) exceed twenty (20) feet wide;
- (3) extend more than thirty (30) feet landward from the ~~waterline or shoreline or water line~~; and
- (4) be connected to the public freshwater lake until the landward sides of the boatwell have been stabilized to prevent erosion.

(d) Erosion from disturbed areas landward of the ~~legally established or average normal waterline or shoreline or water line~~ must be controlled to prevent its transport into the lake. (*Natural Resources Commission; 312 IAC 11-4-5; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2226; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661*)

SECTION 18. 312 IAC 11-4-6 IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 11-4-6 Boatwell fills

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23

Affected: IC 14-26-2

Sec. 6. (a) A written license under IC 14-26-2 and this rule is required to fill an existing boatwell along a public freshwater lake.

- (b) To qualify for a license, the existing boatwell must:
- (1) not exceed twenty (20) feet wide;

(2) not extend more than thirty (30) feet landward from the ~~waterline or shoreline or water line~~;

(3) not be filled until a seawall or other permanent barrier has been constructed across the lakeward end of the boatwell to prevent the fill material from entering the public freshwater lake; and

(4) be filled with only clean, nontoxic material.

(c) Erosion from disturbed areas landward of the ~~waterline or shoreline or water line~~ must be controlled to prevent its transport into the lake. (*Natural Resources Commission; 312 IAC 11-4-6; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2227; errata filed Apr 27, 1999, 4:45 p.m.: 22 IR 2883; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661*)

SECTION 19. 312 IAC 11-2-28 IS REPEALED.

### Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on April 24, 2006 at 11:00 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 312 IAC to update or correct statutory cross-references and to correct clerical or grammatical errors in rules of the Natural Resources Commission.*

*The changes are to update or correct statutory cross-references and to correct clerical or grammatical errors. They make no substantive or programmatic changes and will have no adverse annual impact on regulated entities. Also, the amendments do not impose an additional requirement or cost under IC 4-22-2-24(d).*

*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.*

Rick Cockrum  
Chairman  
Natural Resources Commission

---

---

## TITLE 326 AIR POLLUTION CONTROL BOARD

Proposed Rule  
LSA Document #04-181

### DIGEST

Adds 326 IAC 20-80 and 326 IAC 20-81 concerning national emission standards for hazardous air pollutants for surface coating of miscellaneous metal parts and plastic parts. Effective 30 days after filing with the Secretary of State.

### HISTORY

First Notice of Comment Period: July 1, 2004, Indiana Register (27 IR 3348).



Second Notice of Comment Period and Notice of First Hearing: October 1, 2004, Indiana Register (28 IR 413).

Change of Hearing Notice: March 1, 2005, Indiana Register (28 IR 1710).

Change of Hearing Notice: April 1, 2005, Indiana Register (28 IR 2156).

Change of Hearing Notice: June 1, 2005, Indiana Register (28 IR 2753).

Change of Hearing Notice: July 1, 2005, Indiana Register (28 IR 2995).

Change of Hearing Notice: January 1, 2006, Indiana Register (29 IR 1243).

Change of Hearing Notice: February 1, 2006, Indiana Register (29 IR 1581).

Date of First Hearing: March 1, 2006.

#### **PUBLIC COMMENTS UNDER IC 13-14-9-4.5**

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4 until the board has conducted a third comment period that is at least twenty-one (21) days long.

#### **REQUEST FOR PUBLIC COMMENTS**

Portions of this proposed rule are substantively different from the draft rule published on October 1, 2004, at 28 IR 413. The Indiana Department of Environmental Management (IDEM) is requesting comment on the following portions of the proposed (preliminarily adopted) rule that are substantively different from the language contained in the draft rule.

The following requirements appeared in the draft rule but were deleted from the proposed (preliminarily adopted) rule:

- (1) Operator training for spray coating for miscellaneous metal parts and products at 326 IAC 20-80-2 in the draft rule.
- (2) Operator training for spray coating for plastic parts and products at 326 IAC 20-81-2 in the draft rule.

This notice requests the submission of comments on the deletion of sections of the draft rule listed above. These comments and the department's responses thereto will be presented to the board for its consideration at final adoption under IC 13-14-9-6. Comments on additional sections of the proposed rule that the commentator believes are substantively different from the draft rule may also be submitted for the consideration of the board. Mailed comments should be addressed to:

#04-181 Group 6 NESHAPS  
Christine Pedersen Mail Code 61-50  
c/o Administrative Assistant  
Rule Development Section  
Office of Air Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, Indiana 46204.

Hand delivered comments will be accepted by the receptionist on duty at the Office of Air Quality, Tenth Floor East, 100 North Senate Avenue, Indianapolis, Indiana. Comments may also be submitted by facsimile to (317) 233-2342, Monday

through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rule Development Section at (317) 233-0426.

#### **COMMENT PERIOD DEADLINE**

Comments in any form must be postmarked, hand-delivered, or faxed by April 24, 2006.

#### **SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD**

The Indiana Department of Environmental Management (IDEM) requested public comment from October 1, 2004, through November 1, 2004, on IDEM's draft rule language. No comments were received during the comment period.

#### **SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING**

On March 1, 2006, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of new rules at 326 IAC 20-80 and 326 IAC 20-81. No comments were made at the first hearing.

#### **326 IAC 20-80**

#### **326 IAC 20-81**

SECTION 1. 326 IAC 20-80 IS ADDED TO READ AS FOLLOWS:

#### **Rule 80. Surface Coating of Miscellaneous Metal Parts and Products**

#### **326 IAC 20-80-1 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 63.3881\* (69 FR 158, January 2, 2004, as amended on April 26, 2004, 69 FR 22660).**

**(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart MMMM\* (69 FR 158, January 2, 2004, National Emission Standards for Hazardous Air Pollutants: Surface Coating of Miscellaneous Metal Parts and Products, as amended on April 26, 2004, 69 FR 22660).**

**\*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 20-80-1)**

SECTION 2. 326 IAC 20-81 IS ADDED TO READ AS FOLLOWS:

---

---

## Proposed Rules

---

---

### Rule 81. Surface Coating of Plastic Parts and Products

#### 326 IAC 20-81-1 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 63.4481\* (69 FR 20991, April 19, 2004, as amended on April 26, 2004, 69 FR 22660).

**(b)** The air pollution control board incorporates by reference 40 CFR 63, Subpart PPPP\* (69 FR 20990, April 19, 2004, National Emission Standards for Hazardous Air Pollutants: Surface Coating of Plastic Parts and Products, as amended on April 26, 2004, 69 FR 22660).

\*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 20-81-1*)

#### Notice of Public Hearing

Under IC 4-22-2-24, IC 13-14-8-1, IC 13-14-8-2, and IC 13-14-9, notice is hereby given that on June 7, 2006 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 at 326 IAC 20-80 and 326 IAC 20-81.

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 Christine Pedersen, Rule 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  
Indianapolis, Indiana 46204

or call (317) 233-0855 or (317) 232-6565 (TDD). 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.

Kathryn A. Watson, Chief  
Air Programs Branch  
Office of Air Quality

---

---

### TITLE 326 AIR POLLUTION CONTROL BOARD

Proposed Rule  
LSA Document #05-23

#### DIGEST

Adds 326 IAC 20-95 concerning the national emission standards for hazardous air pollutants for industrial, commercial, and institutional boilers and process heaters. Effective 30 days after filing with the Secretary of State.

#### HISTORY

First Notice: March 1, 2005, Indiana Register (28 IR 1863).

Second Notice and Notice of First Hearing: December 1, 2005, Indiana Register (29 IR 903).

Date of First Hearing: March 1, 2006.

#### PUBLIC COMMENTS UNDER IC 13-14-9-4.5

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4 until the board has conducted a third comment period that is at least twenty-one (21) days long.

#### REQUEST FOR PUBLIC COMMENTS

Portions of this proposed rule are substantively different from the draft rule published on December 1, 2005, at 29 IR 903. The Indiana Department of Environmental Management (IDEM) is requesting comment on the following portions of the proposed (preliminarily adopted) rule that are substantively different from the language contained in the draft rule.

The following provisions appeared in the draft rule but were deleted from the proposed (preliminarily adopted) rule:

(1) Risk assessment methodology provision, at 326 IAC 20-95-1(c)(3) in the draft rule.

(2) Potential land use change provision, at 326 IAC 20-95-1(c)(4) in the draft rule.

(3) Emission rate provision, at 326 IAC 20-95-1(c)(5) in the draft rule.

(4) Demonstration approval provision, at 326 IAC 20-95-1(c)(6) in the draft rule.

(5) Nonprocess related update provision, at 326 IAC 20-95-1(c)(7) in the draft rule.

The December 28, 2005, Federal Register (70 FR 76933), incorporated by reference in the proposed rule, amended the federal rule making the above referenced text unnecessary. Therefore 326 IAC 20-95-1(c)(3) through 326 IAC 20-95-1(c)(7) was deleted in the proposed rule. Overall the proposed

rule is similar to the draft rule published on December 1, 2005, at 29 IR 903 as these same topics that were deleted are addressed in the federal rule amendments with some differences.

This notice requests the submission of comments on the deletion of the parts of the draft rule listed above, and the substitution of federal rule amendments that are incorporated by reference in the preliminarily adopted rule. These comments and the department's responses thereto will be presented to the board for its consideration at final adoption under IC 13-14-9-6. Comments on additional sections of the proposed rule that the commenter believes are substantively different from the draft rule may also be submitted for the consideration of the board. Mailed comments should be addressed to:

#05-23 Boiler MACT  
Susan Bem Mail Code 61-50  
c/o Administrative Assistant  
Rule Development Section  
Office of Air Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, Indiana 46204.

Hand delivered comments will be accepted by the receptionist on duty at the Office of Air Quality, Tenth Floor East, 100 North Senate Avenue, Indianapolis, Indiana. Comments may also be submitted by facsimile to (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rule Development Section at (317) 233-0426.

#### **COMMENT PERIOD DEADLINE**

Comments in any form must be postmarked, hand delivered, or faxed by April 24, 2006.

#### **SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD**

The Indiana Department of Environmental Management (IDEM) requested public comment from December 1, 2005, through January 3, 2006, on IDEM's draft rule language. IDEM received comments from the following parties:

Citizens Thermal Energy (CTE)  
Clean Air Strong Economy (CASE) Coalition, submitted by  
Bingham McHale (CASE)  
GE Plastics, Mt. Vernon, Inc. (GE)  
Purdue University (PU)  
University of Notre Dame (ND)

Following is a summary of the comments received and IDEM's responses thereto:

*Comment:* Commenter does not object to the thirty-five (35) day notice requirements in 326 IAC 3-6 instead of the thirty (30) day pre-test notice requirements in the NESHAP. (PU, CTE, ND)

*Response:* IDEM will include the thirty-five (35) day notice requirements in the proposed rule.

*Comment:* Commenter supports IDEM's inclusion of emissions averaging provision in the implementation of the NESHAP. (PU, GE, CTE, CASE, ND)

*Response:* IDEM will include the emissions averaging provision in the proposed rule.

*Comment:* Commenter appreciates that IDEM is allowing the use of the health-based compliance alternative. This alternative may provide relief to certain sources, especially those who find that the inherent variability of the fuel renders a fuel sampling and analysis program insufficient to demonstrate compliance with the NESHAP. (PU)

*Response:* IDEM is allowing the use of the health-based compliance alternative as provided in the federal rule.

*Comment:* IDEM should incorporate the NESHAP for industrial, commercial, and institutional boilers and process heaters by reference without any additional requirements or clarifications. A straight incorporation by reference of this NESHAP is even more appropriate now since U.S. EPA's recent issuance of the Final Rule, Amendments and Notice of Final Action on Reconsideration on December 28, 2005 (70 FR 76918). In addition to the extensive rulemaking process for this NESHAP at the federal level, the reconsideration of this rule provided even broader participation (including comments submitted by the state) and the opportunity for U.S. EPA to "reconsider" the need for any clarifications or additional requirements. IDEM needs to consider the costs associated with any state-based changes. (CASE)

*Response:* IDEM is proposing to move forward with a straight incorporation of this NESHAP, including the emissions averaging and test protocol language, in light of U.S. EPA's recent issuance of the Final Rule, Amendments and Notice of Final Action on Reconsideration on December 28, 2005 (70 FR 76918) (referred to in this response to comments as "reconsideration amendments").

*Comment:* IDEM should clarify that the emission rate to be included in the permit for sources choosing the lookup table for the health-based compliance alternative is the emission rate that corresponds to the stack height and distance from the property line for the site in question. Additional clarification is also requested for the specific emissions rates that would be included in the Title V permit for sources using the site specific health-based compliance alternative. (PU, CTE)

*Comment:* IDEM should include in the source's Title V permit the process parameters used in the health-based compliance alternative demonstration. The process parameters provides the data needed to set parametric-based emission limits. IDEM can ensure that a source will remain in compliance and eliminate the redundant compliance demonstration of an emission limit for both the source and the state. (ND)

*Response:* The emission rate to be included in the permit for sources choosing the lookup table for the health-based compliance alternative is the emission rate that corresponds to the stack height and distance from the property line for the site in question. For a site specific demonstration this emission rate would have to be back calculated from a hazard quotient (HQ) of one (1.0) for hydrogen chloride (HCl) and chlorine (CL2) or manganese, as applicable, using the same assumptions as the risk assessment done for the demonstration. It is important to

resolve issues related to integration of the risk based compliance option into the Title V permit, and IDEM will work with sources on these issues. While the process parameters provide the data needed to set parametric-based emissions limits, the emission limit for the health-based compliance standard is not redundant and is comparable to the Subpart DDDDD emission limits in the rule. The health-based emission limit is an alternative limit. The reconsideration amendments amended Appendix A, Section 8(d) to include emission rate as a possible parameter to include in the Title V permit, therefore, IDEM is deleting 326 IAC 20-95-1(c)(7) from the draft rule.

*Comment:* Given that the health-based compliance demonstrations must be submitted no later than one (1) year prior to the compliance date IDEM should develop a compliance schedule that allows ample time for installation of controls for sources whose demonstrations are disapproved by IDEM. (PU, CTE, ND)

*Comment:* If IDEM properly disapproves a health-based eligibility demonstration, how quickly will the emission limit, operating limits, and work practice standards of Subpart DDDDD apply? Even if IDEM disapproves a demonstration six (6) months before the compliance deadlines, the facility will not have sufficient time to come into compliance with the Subpart DDDDD requirements. Subpart A of Part 63 does provide for extensions of the compliance deadline, and the commenter believes it would be helpful to acknowledge this in the rule. The language of the rule in 326 IAC 20-95-1(c)(6) should be amended as follows:

“(6) If the department disapproves the health-based eligibility demonstration submitted under 40 CFR 63, Subpart DDDDD, Appendix A, Section 9\* and 10\*, the facility is subject to the emission limits, operating limit, and work practice standards in 40 CFR 63, Subpart DDDDD\*. The facility may, pursuant to 40 CFR 63.6(i), request an extension of the compliance deadline specified in 40 CFR 63.7495.” (GE)

*Response:* IDEM will work to promptly review the health-based compliance demonstration once it is submitted to the department. U.S. EPA acknowledges in the preamble to the reconsideration amendments that there is some risk involved with electing to comply with the NESHAP via the health-based compliance alternative, including a shorter amount of time to install controls in the event that the source does not submit an eligible health-based demonstration. U.S. EPA also states that they do not endorse the use of CAA Section 112(i)(3)(B) to grant compliance date extensions in these circumstances, however, the decision of whether to grant such a compliance date extension on a site specific basis is left to the permitting authorities. IDEM will consider the use of compliance extensions on a case-by-case basis. The reconsideration amendments amended Appendix A, Section 10(a) to clarify that the eligibility demonstrations may be reviewed by the permitting authority or by U.S. EPA, therefore, IDEM is deleting 326 IAC 20-95-1(c)(6) from the draft rule.

*Comment:* The federal rule addresses how to deal with a planned change by the facility that may cause the facility’s

eligibility demonstration to become invalid. However, neither the federal rule nor IDEM’s draft rule addresses how to deal with the situation where the annual evaluation reveals that the demonstration is no longer valid due to a change external to the facility, e.g., an agency increased the toxicity level of the pollutant of concern, the meteorological data set used in dispersion modeling changed, a new off-site structure was built that changed the results of the dispersion modeling, or a new home or daycare center was built next door to the plant. None of the compliance extension provisions of 40 CFR 63.6(i) appear to be available once ninety (90) days have passed since the compliance deadline. The commenter requests an opportunity to discuss this scenario with IDEM and other interested parties to evaluate how to address such a situation. (GE)

*Response:* The reconsideration amendments address this situation in Appendix A, Section 11(b). Sources are given three (3) years to comply with Subpart DDDDD requirements for eligibility demonstration updates accounting for an action outside the facilities control when the change causes the source to no longer be able to meet the criteria for the health-based compliance demonstration.

*Comment:* IDEM’s draft rule language provides that the facility must evaluate all parameters used in the health-based compliance demonstration as part of the annual Title V permit compliance certification and certify that “the basis for the health based [sic] compliance demonstration has not changed.” This is overly restrictive and the real issue is not whether the basis of the demonstration has changed, but whether the demonstration remains valid. A minor change in one such parameter that formed part of the basis of the demonstration, but which has no significant impact on the basis is immaterial and should not require a negative certification. The language in 326 IAC 20-95-1(c)(7) should be revised as follows:

“(7) Owners and operators shall evaluate all process and non-process related parameters used in the health-based compliance demonstration with each annual Part 70 operating permit compliance certification and certify that the facility remains eligible basis for the health-based compliance alternative demonstration has not changed.” (GE)

*Response:* IDEM agrees that the real issue is not whether a minor parameter has changed, but whether the demonstration remains valid. IDEM did not intend to mean otherwise. There is no need to amend 326 IAC 20-95-1(c)(7) as suggested since IDEM is deleting this subdivision from the draft rule. The reconsideration amendments changed Appendix A, Section 11(a) to include parameter changes that could increase risk from exposure to emissions.

*Comment:* IDEM continues to propose that a site-specific risk assessment consider not only where people currently live, but also where people could reasonably live in the future. The current text of the draft rule would force facilities to either invest significant time and effort in an attempt to make a reasonable guess (one that may ultimately prove incorrect, for which the facility could be penalized) or default to the most conservative basis in order to avoid being second guessed.

IDEM's approach is, in essence, revising the federal rule to make it more stringent by changing the individual most exposed from a person in an existing location to one in a speculative location. The commenter requests that IDEM delete 326 IAC 20-95-1(c)(4). (GE)

*Comment:* Land-use planning is a local government function over which sources have little control, and efforts to anticipate future land use pose particular challenges. Section 6.3.3 - Identification of the Exposure Pathways/Routes (for an inhalation risk assessment) of the Air Toxics Risk Assessment Reference Library states that "...air toxics risk assessments usually presume that the current land use within the area of impact of a source(s) will remain unchanged into the foreseeable future..." The draft language at 326 IAC 20-95-1(c)(4), requiring sources to make reasonable assumptions about where people live in the future as it relates to inhalation exposure assessments, may be acceptable, but the commenter wishes to continue dialogue with IDEM, as appropriate, to ensure sufficient credence is given to the current land use. U.S. EPA's Risk Assessment Guidance for Superfund (RAGS) allows the determination of future land use to be made using available information and professional judgment, and does allow the status quo. (CTE)

*Comment:* IDEM's proposed changes to conduct a site-specific compliance demonstration by considering where people could reasonably be expected to live, including consideration of potential land use changes will create uncertainty, delay and the inevitable diversion of resources that always occurs with such uncertainty and delay with little discernable benefit. (CASE)

*Response:* IDEM is deleting 326 IAC 20-95-1(c)(4) since the reconsideration amendments have changed Appendix A, Section 11(a) to include parameter changes that could increase risk from exposure to emissions. The final rule requires that a source complying with the health-based compliance demonstration must resubmit their demonstration of eligibility if process or non-process parameters change in a way that could increase public health risk. This language addresses IDEM's concern about future land use changes thereby eliminating the need for 326 IAC 95-1(c)(4).

*Comment:* IDEM should consider the use of other equally valid definitions for "maximum exposed individual" and "maximum individual risk" within either U.S. EPA's "Air Toxics Risk Assessment Reference Library" or other valid scientifically-accepted and peer-reviewed facility/source risk assessment definitions. (ND)

*Response:* The reconsideration amendments further clarified that site-specific compliance demonstrations must indicate that none of the hazard index values for hydrogen chloride (HCl) and chlorine (Cl<sub>2</sub>) or hazard quotient for manganese, as applicable, are greater than one (1.0) at "locations where people live or congregate." IDEM is proposing to adopt U.S. EPA's amended language.

*Comment:* The annual requirement to certify whether any process changes occurred since the last certification was U.S. EPA's acknowledgment that sources had limited, if any, control

over surrounding off-site demographics when conducting ongoing site specific risk assessments. Analysis of population changes, if required, should be based upon the most recently available U.S. Census Report and not on predictions upon which sources performing site specific risk assessment have neither control or knowledge. (ND)

*Response:* U.S. EPA's reconsideration amendments clarify that changes outside of the source's control do need to be considered when certifying annual compliance. The U.S. EPA Air Toxics Risk Assessment Library lists several tools accessible in either hard copy or electronic format to aid in the determination of land use (Land Use Land Cover (LULC) maps, topographical maps, aerial photographs). The reference library also recommends verifying land use areas "on ground" (i.e. verifying visually that none of the hazard index/hazard quotient values are greater than one (1.0) at locations where people live or congregate). Discussions with representatives of private and government organizations which routinely collect and evaluate land use data (e.g. agricultural extension agencies, U.S. Department of Agriculture, natural resource and park agencies, local governments) can also be helpful in updating current land use information and, if desired, getting information on potential future changes in land use. The use of U.S. Census Reports alone may not provide specific enough information for sources to determine the location of where "people live or congregate" for the purposes of a site specific assessment.

*Comment:* IDEM should reconsider the limitation of Indiana facilities to a single specific risk assessment methodology. The U.S. EPA did not restrict affected sources to use of the specific methodology from the Air Toxics Risk Assessment Reference Library in either the NESHAP for Industrial Boilers, or the Plywood and Composite Wood Products NESHAP. It is unlikely that a source conducting a site-specific risk assessment would submit a demonstration that is not going to withstand the scrutiny of regulatory review considering the risk involved with ensuring compliance. If the draft language at 326 IAC 20-95-1(c)(3) is finalized, IDEM should clearly identify the process an affected source must follow in order to have alternate methodology approved. (CTE)

*Comment:* IDEM's proposed changes to limit the "scientifically accepted peer-reviewed risk assessment methodology" to the U.S. EPA's "Air Toxics Risk Assessment Reference Library" will result in a significant burden to IDEM and industry, without a commensurate benefit. (CASE)

*Comment:* IDEM should reconsider the proposal to require the use of U.S. EPA's "Air Toxics Risk Assessment Reference Library" for site specific risk assessments unless other methodologies receive prior IDEM approval. Due to the complexity and uncertainty inherent in site specific risk assessment, U.S. EPA intended that this reference material to be one of many valid site specific assessment tools as demonstrated in the disclaimer in the Technical Resource Document, Section 1.1, "There are multiple ways to conduct a facility/source risk assessment, and the tools and methods described in this document should not be viewed as prescriptive; nor is there a clear hierarchy of tools and

methods.” The uncertainties in any methodology were determined by many scientifically accepted peer-review years of analysis and thus further analysis to obtain approval for use will not streamline the approval process but will result in multiple meetings with IDEM to obtain a site-specific solution. (ND)

*Response:* IDEM is deleting 326 IAC 20-95-1(c)(3) since the reconsideration amendments have changed Appendix A, Section 10(a) to specify that the “eligibility demonstration may be reviewed by the permitting authority or by EPA to verify that the demonstration meets the requirements of Appendix A to this subpart and is technically sound...” U.S. EPA states in the preamble (70 FR 76923) that the discretion of each source is not unlimited because permitting agencies have the authority to review each site specific eligibility demonstration to determine if it meets the requirements in section 7(c) of Appendix A to the final rule and if the methodology, as applied in the demonstration of eligibility, is technically sound and appropriate. Sources may want to review alternate methodology with IDEM before use and submission to ensure its approvability, but doing so will not be required.

*Comment:* Some sources are working on a template fuel sampling and analysis plan that could be shared with IDEM for use in communication and outreach with other affected sources. (PU, CTE)

*Response:* IDEM will review all appropriate fuel sampling plans from sources using this compliance option. Should a source decide to use a template to develop a fuel sampling plan, the source will take responsibility in determining that the plan adequately fulfills the requirements of the rule.

*Comment:* U.S. EPA has proposed changes to the fuel sampling and analysis methods referenced in the NESHAP (70 FR 62264, October 31, 2005). The timeline for final promulgation of this rule is unknown. (PU, CTE)

*Response:* If U.S. EPA finalizes this amendment in time for final adoption, IDEM will include the amendment in this state rule. However, U.S. EPA has indicated that this amendment would most likely not be finalized before June 2006.

*Comment:* IDEM should consider making additional changes to the methodology as requested by the American Society for Testing and Materials (ASTM) in their letter to the U.S. EPA dated February 16, 2005. ASTM, as the primary authority for most of the methods referenced in the NESHAP, is also the best candidate to identify alternatives to those methods selected by U.S. EPA staff for inclusion in the NESHAP. (PU, CTE)

*Response:* If U.S. EPA includes these additional ASTM test methods in a final rule amending the NESHAP before final adoption of the state rule, IDEM can incorporate these changes.

*Comment:* Some of the references in the draft language to “health based” are hyphenated and some are not. All such references should be hyphenated. (GE)

*Response:* The draft rule language no longer references “health based.”

*Comment:* In paragraph (c)(5)(B), the chemical formula for chlorine is “Cl<sub>2</sub>”, not “CL<sub>2</sub>”. (GE)

*Response:* 326 IAC 95-1(c)(5) has been deleted from the draft rule.

*Comment:* The agency should address the specific process by which emissions averaging plans, fuel sampling and analysis plans, and health-based compliance alternative plans will be reviewed and approved, particularly in regards to timing. It is the commenter’s interpretation that if any data collected to demonstrate compliance with the submitted plan is undertaken without explicit approval of IDEM it may be invalidated if the plan is disapproved after the data is collected. (PU, CTE)

*Response:* Sources opting to use the health-based compliance alternative assume inherent risk in this option. IDEM will follow the time allowed in the permitting process (one hundred twenty (120) days for a minor permit modification (MPM), two hundred seventy (270) days for a significant permit modification (SPM). IDEM encourages sources to submit any compliance plan early. IDEM will approve or disapprove a health-based compliance demonstration based on multiple factors, with (certifiable) data collected by the source among those factors. Should a demonstration contain valid, certifiable data, but another parameter or calculation is invalid, the data collected should remain valid.

*Comment:* IDEM should schedule a public meeting to discuss implementation of the NESHAP. The commenter recommends that the discussion include: 1) review and approval process of the various plans; 2) permit changes that must be made to the Title V operating permits to facilitate incorporation of the NESHAP rule language; and 3) permit changes that must be made to the Title V operating permits to facilitate incorporation of the parametric monitoring associated with pollution control equipment. (PU, CTE)

*Comment:* For sources that choose to pursue the health-based compliance alternative, the integration of the NESHAP requirements into the Title V permit is a key issue of concern. IDEM should hold a stakeholder meeting to discuss this issue and to receive industry input on the cost-benefit of the state-based changes. (CASE)

*Response:* IDEM will schedule a public meeting to discuss implementation and all commenters will be notified.

## **SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING**

On March 1, 2006, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of new rule 326 IAC 20-95. No comments were made at the first hearing.

### **326 IAC 20-95**

SECTION 1. 326 IAC 20-95 IS ADDED TO READ AS FOLLOWS:

#### **Rule 95. Industrial, Commercial, and Institutional Boilers and Process Heaters**

##### **326 IAC 20-95-1 Applicability; incorporation by reference of federal standards**

**Authority:** IC 13-14-8; IC 13-14-9-7; 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 63.7485\* (69 FR 55253, September 13, 2004).**

**(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart DDDDD\* (69 FR 55253, September 13, 2004, as amended by 70 FR 76933, December 28, 2005)\*, national emission standards for hazardous air pollutants for industrial, commercial, and institutional boilers and process heaters.**

**(c) Owners and operators may use the emission averaging provisions as specified under 40 CFR 63.7522\* (69 FR 55253, September 13, 2004).**

**(d) Under 326 IAC 3-6, source sampling procedures, a test protocol form for an emissions test is due thirty-five (35) days before the intended test date.**

**\*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 20-95-1)**

#### **Notice of Public Hearing**

*Under IC 4-22-2-24, IC 13-14-8-1, IC 13-14-8-2, and IC 13-14-9, notice is hereby given that on June 7, 2006 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 rule 326 IAC 20-95.*

*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 Susan Bem, Rule Development Section, Office of Air Quality, (317) 233-5697 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  
Indianapolis, Indiana 46204*

*or call (317) 233-0855 or (317) 232-6565 (TDD). 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.*

Kathryn A. Watson, Chief  
Air Programs Branch  
Office of Air Quality

---

---

## **TITLE 326 AIR POLLUTION CONTROL BOARD**

**Proposed Rule**  
LSA Document #06-18

### **DIGEST**

Amends 326 IAC 1-4-1 concerning redesignation of Delaware, Greene, Jackson, Vanderburgh, Vigo, and Warrick counties to attainment for the eight-hour ozone standard, the redesignation of Lake County to attainment for the sulfur dioxide standard, and revocation of the one-hour ozone standard. Effective 30 days after filing with the Secretary of State.

### **HISTORY**

IC 13-14-9-8 Notice and Notice of First Hearing: December 1, 2005, Indiana Register (29 IR 1017). This notice was published as LSA #05-331; however, the content has been moved to this rulemaking.

IC 13-14-9-8 Notice and Notice of First Hearing: February 1, 2006, Indiana Register (29 IR 1766).

Date of First Hearing: March 1, 2006.

### **PUBLIC COMMENTS UNDER IC 13-14-9-4.5**

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4 until the board has conducted a third comment period that is at least twenty-one (21) days long.

### **REQUEST FOR PUBLIC COMMENTS**

This proposed (preliminarily adopted) rule is substantively different from the draft rule published on February 1, 2006, at 29 IR 1766. The Indiana Department of Environmental Management (IDEM) is requesting comment on the entire proposed (preliminarily adopted) rule.

The proposed rule differs from the draft rule because the draft rule language of another rulemaking, LSA # 05-331, has been added to this rule. In the February 1, 2006, Indiana Register publication, the explanation and description for the added incorporation by reference citations were not included, making public comment on the entire proposed rule advisable. The descriptive information explains the reasons for combining the rules and the background information for the rule amendments formerly in LSA #05-331.

#### **Introduction**

This rulemaking includes the incorporation by reference of six

recent federal actions. These actions cover the redesignation of Delaware, Greene, Jackson, Vanderburgh, Vigo, and Warrick counties to attainment for the eight-hour ozone standard, the redesignation of Lake County to attainment for sulfur dioxide (SO<sub>2</sub>), and the revocation of the one-hour ozone standard in Indiana. Adoption of these federal rules is necessary in order for IDEM to be able to apply the appropriate permitting rules in the affected counties.

Previously, the Lake County Sulfur Dioxide Redesignation and 1-Hour Ozone Revocation Rule, identified as LSA #05-331, and 8-Hour Ozone Redesignation of Delaware, Greene, Jackson, Vanderburgh, Vigo, and Warrick counties, identified as LSA #06-18, were published as separate rulemakings. However, they have been combined into a single rulemaking and will proceed through the process as the Attainment Redesignations and 1-Hour Ozone Revocation Rule under LSA #06-18. These two rules have been combined because they contain amendments to the same existing rule section (326 IAC 1-4-1), include only incorporation by reference of federal requirements with no additional provisions, and they are now on the same schedule for action by the Air Pollution Control Board (APCB). Merging these two rules allows this board to adopt the amendments at the same time at the preliminary and final adoption hearings and will simplify the processing of the promulgation materials after final adoption. Combining these rules is purely an administrative action and does not change the content of any of the rules.

The draft rule language on the eight-hour ozone redesignations published in the February 1, 2006, Indiana Register as LSA #06-18 inadvertently included the amendments from LSA #05-331, but without the background information explaining the reasons for the additional citations. Therefore, in accordance with IC 13-14-9-4.5 and in order to provide proper notice to all interested parties, the background information is printed in this notice.

### *8-Hour Ozone Redesignation*

On April 30, 2004, U.S. EPA published nonattainment designations for 24 Indiana counties for the eight-hour ozone standard, including Delaware, Greene, Jackson, Vanderburgh, Vigo, and Warrick counties. This designation requires Indiana to develop a plan to reduce emissions of volatile organic compounds (VOC) and oxides of nitrogen (NO<sub>x</sub>), and to make a demonstration that the area will meet the eight-hour ozone standard by June 15, 2009. Until the state rulemaking is effective, these counties will be subject to the state's nonattainment rules, including the permitting rules. Further information on this action was published in the Indiana Register on February 1, 2006 (29 IR 1766).

### *Redesignation of Lake County to Attainment for SO<sub>2</sub>*

Based on monitored violations, a portion of Lake County in Indiana was designated as primary nonattainment with the SO<sub>2</sub> National Ambient Air Quality Standards (NAAQS) on March 3, 1978 (43 FR 8962). In compliance with the Clean Air Act (CAA), IDEM developed and implemented various rules since that time designed to control emissions of SO<sub>2</sub> in Lake County.

Most recently, IDEM conducted extensive modeling and

initiated a rulemaking to make additional amendments to SO<sub>2</sub> requirements for many sources in the nonattainment area that would provide the basis for requesting a redesignation of Lake County to attainment for SO<sub>2</sub>. The completed rulemaking became effective in Indiana on June 24, 2005, and reflects a reduction of over 30,000 tons of SO<sub>2</sub> per year of allowable emissions from the emission limits in the 1989 State Implementation Plan. The last violation of the NAAQS for SO<sub>2</sub> was measured in 1980.

U.S. EPA published approval of the Lake County SO<sub>2</sub> rule and Indiana's request to redesignate Lake County to attainment for SO<sub>2</sub> in the Federal Register on September 26, 2005 (70 FR 56129). U.S. EPA approved the maintenance plan for these counties that includes maintaining existing programs and air monitoring. This action was effective October 26, 2005.

At this time, IDEM is proposing to amend Indiana's rules for consistency with the redesignation of Lake County to attainment for SO<sub>2</sub>. This redesignation means that new major sources and major modifications at existing major sources will be subject to the Prevention of Significant Deterioration (PSD) rules in 326 IAC 2-2, rather than the Emission Offset rules in 326 IAC 2-3. The PSD rules require Best Available Control Technology (BACT) and certain air quality demonstrations including continued compliance with the NAAQS and limits on incremental maximum allowable increases in ambient concentrations of SO<sub>2</sub>.

### *Revocation of 1-Hour Ozone Standard and Technical Correction to 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) (Phase 1 Rule)*

On April 30, 2004, U.S. EPA published the first phase of its final rule to implement the eight-hour ozone national ambient air quality standard (Phase 1 Rule). At that time U.S. EPA also published eight-hour ozone designations for all areas of the country. For most areas, the eight-hour ozone designations became effective on June 15, 2004. The Phase 1 Rule provided that the one-hour ozone NAAQS would no longer apply for an area one (1) year following the effective date of the area's designation for the eight-hour ozone NAAQS.

On August 3, 2005, U.S. EPA published a final rule to codify the revocation of the one-hour standard for those areas with effective eight-hour ozone designations (70 FR 44470). U.S. EPA revised the tables at 40 CFR Part 81 to indicate for which areas the one-hour standard has been revoked, but retained the one-hour ozone NAAQS designation and classification status as of the time of the effective date of designation for the eight-hour ozone NAAQS for the purposes of 40 CFR 51.905, Subpart X ("How do areas transition from the one-hour NAAQS to the eight-hour NAAQS and what are the anti-backsliding provisions?").

These provisions establish that a specific list of applicable requirements (see 40 CFR 51.900(f)) that are in place under the nonattainment or maintenance programs for the one-hour standard remain in place under the eight-hour standard. These provisions also specify that the eight-hour nonattainment classifications will govern New Source Review rather than the



one-hour classifications that have been revoked.

Permitting Thresholds and Offset Ratios

Since U.S. EPA has revoked the one-hour ozone standard for all areas in Indiana, IDEM proposes to incorporate by reference the revocation at 40 CFR 81.315 in order to make state and federal rules consistent.

As a result of revoking the one-hour ozone standard, new major sources and major modifications at existing major sources in Lake and Porter Counties will no longer be subject to both the requirements for a "severe" ozone nonattainment area and the requirements for "moderate" nonattainment for the eight-hour ozone standard.

Under the definition of "major stationary source" at 326 IAC 2-3-1(aa), new sources in severe ozone nonattainment areas are major stationary sources if they emit or have the potential to emit 25 tons volatile organic compounds (VOCs) per year, and must comply with the permitting requirements for major stationary sources. In a moderate nonattainment area, the major stationary source obligations are triggered if a new source emits or has the potential to emit 100 tons VOC per year.

Modifications in a severe ozone nonattainment area at sources with emission increases that exceed the "de minimis" emission limit of 25 tons VOC per year, as defined in 326 IAC 2-3-1(q), are subject to more restrictive permitting requirements. In a moderate ozone nonattainment area, the emissions increase considered significant that triggers permitting requirements is 40 tons VOC per year.

In addition, under the one-hour ozone standard, major stationary sources in Lake and Porter counties had to comply with the severe minimum offset ratio of 1.3 to 1 for VOCs in accordance with 326 IAC 2-3-3(a)(5). With revocation of the one-hour ozone standard, major stationary sources in these counties must comply with the "moderate" nonattainment minimum offset ratio of 1.15 to 1 for VOCs.

*Corrections*

IDEM is also proposing a technical correction and removal of obsolete language. First, in the draft rule language, the citation "69 FR 23858" has been changed to "69 FR 23900" to reflect the page of the Federal Register on which the actual rule language starts rather than the first page of the entire notice. Second, two citations in 326 IAC 1-4-1 have been removed because they have been incorporated into state rules through updates to the Code of Federal Regulations (CFR) and are no longer needed in this section.

IDEM seeks comments on the amendments to 326 IAC 1-4-1 on the incorporation by reference of federal rules for redesignation of Lake County to attainment for SO<sub>2</sub> and revocation of the one-hour ozone standard. These comments and the department's responses thereto will be presented to the board for its consideration at final adoption under IC 13-14-9-6. Mailed comments should be addressed to:

#06-18 Redesignations and 1-Hour Ozone Revocation  
Christine Pedersen Mail Code 61-50  
c/o Administrative Assistant  
Rule Development Section

Office of Air Quality

Indiana Department of Environmental Management

100 North Senate Avenue

Indianapolis, Indiana 46204.

Hand delivered comments will be accepted by the receptionist on duty at the Office of Air Quality, Tenth Floor East, 100 North Senate Avenue, Indianapolis, Indiana. Comments may also be submitted by facsimile to (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rule Development Section at (317) 233-0426.

**COMMENT PERIOD DEADLINE**

Comments in any form must be postmarked, hand-delivered, or faxed by April 24, 2006.

**SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING**

On March 1, 2006, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of amendments to 326 IAC 1-4-1. No comments were made at the first hearing.

**326 IAC 1-4-1**

SECTION 1. 326 IAC 1-4-1, AS AMENDED AT 28 IR 1182, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 1-4-1 Designations**

**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) The air pollution control board incorporates by reference **40 CFR 81.315\* as amended** by the following documents concerning attainment status designations:

- (1) ~~40 CFR 81.315\*~~.
- (2) ~~66 FR 53665 (October 23, 2001)\*~~.
- (3) ~~68 FR 1370 (January 10, 2003)\*~~.
- (4) ~~69 FR 23858 (April 30, 2004)\*~~.
- (1) **69 FR 23900 (April 30, 2004)\***.
- (2) **70 FR 44475 (August 3, 2005)\***.
- (3) **70 FR 56131 (September 26, 2005)\***.
- (4) **70 FR 69097 (November 14, 2005)\***.
- (5) **70 FR 69454 (November 16, 2005)\***.
- (6) **70 FR 77042 (December 29, 2005)\***.
- (7) **71 FR 544 (January 5, 2006)\***.

(b) For purposes of permits that are subject to 326 IAC 2-3 due to the designations in subsection ~~(a)(4)~~, **(a)(2)**, notwithstanding 326 IAC 2-3-2(a) and 326 IAC 2-3-2(e), the requirements of 326 IAC 2-3 apply to any permit that:

- (1) would otherwise be subject to 326 IAC 2-3; and
- (2) is issued on or after the effective date of the incorporation of ~~69 FR 23858~~: **69 FR 23900**.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North

---

## Proposed Rules

---

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 1-4-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2379; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2218; filed Dec 30, 1992, 9:00 a.m.: 16 IR 1382; filed Apr 18, 1995, 3:00 p.m.: 18 IR 2220; filed Oct 22, 1997, 8:45 a.m.: 21 IR 932; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3342; filed Apr 29, 1998, 3:15 p.m.: 21 IR 3341; filed May 21, 2002, 10:20 a.m.: 25 IR 3056; filed Nov 15, 2002, 11:17 a.m.: 26 IR 1077; filed Dec 1, 2003, 10:00 a.m.: 27 IR 1167; filed Nov 12, 2004, 12:15 p.m.: 28 IR 1182*)

### Notice of Public Hearing

Under IC 4-22-2-24, IC 13-14-8-1, IC 13-14-8-2, and IC 13-14-9, notice is hereby given that on May 3, 2006 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 amendments to 326 IAC 1-4-1.

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 Christine Pedersen, Rule 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  
Indianapolis, Indiana 46204

or call (317) 233-0855 or (317) 232-6565 (TDD). 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.

Kathryn A. Watson, Chief  
Air Programs Branch  
Office of Air Quality

## TITLE 326 AIR POLLUTION CONTROL BOARD

Proposed Rule  
LSA Document #06-19

### DIGEST

Amends 326 IAC 1-2-33.5 to delist methyl ethyl ketone. Effective 30 days after filing with the Secretary of State.

### HISTORY

IC 13-14-9-8 Notice and Notice of First Hearing: February 1, 2006, Indiana Register (29 IR 1769).

Date of First Hearing: March 1, 2006.

### PUBLIC COMMENTS UNDER IC 13-14-9-4.5

Because this proposed rule is not substantively different from the draft rule published on February 1, 2006, at 29 IR 1769, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

### SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On March 1, 2006, the Air Pollution Control Board (board) conducted the first public hearing/board meeting concerning the development of amendments to 326 IAC 1-2-33.5. No comments were made at the first hearing.

### 326 IAC 1-2-33.5

SECTION 1. 326 IAC 1-2-33.5, AS AMENDED AT 29 IR 795, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### 326 IAC 1-2-33.5 "Hazardous air pollutant" or "HAP" defined

Authority: IC 13-14-8; IC 13-17-3-4  
Affected: IC 13-17-3-4

Sec. 33.5. "Hazardous air pollutant" or "HAP" means any air pollutant listed pursuant to Section 112(b) of the Clean Air Act and not delisted from that list or redefined under 40 CFR Part 63, Subpart C, as amended at **the following**:

- (1) 69 FR 69325, November 29, 2004\*.
- (2) 70 FR 75059, December 19, 2005\*.

\*This document is incorporated by reference. Copies referenced in this section 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 1-2-33.5; filed May 25, 1994, 11:00 a.m.: 17 IR 2238; filed Oct 20, 2005, 1:30 p.m.: 29 IR 795*)

### Notice of Public Hearing

Under IC 4-22-2-24, IC 13-14-8-1, IC 13-14-8-2, and IC 13-

14-9, notice is hereby given that on May 3, 2006 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 amendments to 326 IAC 1-2-33.5.

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 Patrick Brady, 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

Indianapolis, Indiana 46204

or call (317) 233-0855 or (317) 232-6565 (TDD). 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.

Kathryn A. Watson, Chief  
Air Programs Branch  
Office of Air Quality

---

---

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

### **Proposed Rule**

LSA Document #05-189

### **DIGEST**

Amends 410 IAC 1-2.3-47 and 410 IAC 1-2.3-48 to establish requirements for case management of a child with lead poisoning and delete the reporting and other requirements for blood lead levels from 410 IAC 1-2.3. Adds 410 IAC 29 to establish rules regarding the reporting, monitoring, and preventive procedures to protect from lead poisoning. Repeals 410 IAC 1-2.3-87. Effective 30 days after filing with the Secretary of State.

### **IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses**

#### **1. Estimate of the number of small businesses, classified by industry sector, that will be subject to the proposed rule.**

The Indiana State Department of Health (ISDH) lists 120 laboratories that have recently reported blood lead tests to ISDH under current statute and rule. This number is greatly inflated by laboratories that have multiple listings. Most blood lead analyses are performed by a small number of major reference laboratories. ISDH does not believe that small businesses routinely perform these analyses.

#### **2. Estimate of the average annual reporting, record keeping, and other administrative costs that small businesses will incur to comply with the proposed rule.**

The proposed rule does not add any annual reporting, record keeping, or other administrative costs for small businesses to comply with the rule.

#### **3. Estimate of the total annual economic impact that compliance with the proposed rule will have on all small businesses subject to the rule.**

The proposed rule does not increase the economic impact on small businesses for complying with the blood lead reporting provisions.

#### **4. Statement justifying any requirement or cost that is imposed on small businesses by the rule; and not expressly required by the statute authorizing the agency to adopt this rule of any other state or federal law.**

Universal reporting of blood lead test results to ISDH is required by IC 16-41-39.4-3 and information required to be reported for blood lead tests is specified in the Communicable Disease Rule at 410 IAC 1-2.3-47. Electronic reporting of test data is required under IC 16-41-39.4-3 for laboratories that performed more than 50 tests in the previous calendar year. Data are used for epidemiology and for initiating case management service delivery where necessary. No additional requirement or cost to small businesses will result from this rule.

#### **5. Regulatory Flexibility Analysis**

##### **A. Establishment of less stringent compliance or reporting requirements for small businesses.**

The proposed rule combines the universal reporting requirement for blood lead test results under IC 16-41-39.4-3 with the information required to be reported for blood lead test results in the Communicable Disease Rule at 410 IAC 1-2.3-47. The proposed rule therefore consolidates and clarifies these two directives. Less stringent reporting requirements would result in incomplete epidemiological information and would decrease ISDH's ability to reduce the incidence of childhood lead poisoning in Indiana. Less stringent reporting requirements would also result in some lead-poisoned children not receiving case management and environmental follow-up services.

The electronic reporting requirement under IC 16-41-39.4-3 allows low volume laboratories to continue to provide test reports on paper.

##### **B. Establishment of less stringent schedules of deadlines for compliance or reporting requirements for small business.**

The proposed rule does not change the schedule or deadlines for reporting blood lead test information to ISDH. Less stringent

## Proposed Rules

reporting deadlines would result in unacceptable delays in initiating case management and environmental follow-up services for lead-poisoned children.

### **C. Consolidation or simplification of compliance or reporting requirements for small businesses.**

The proposed rule does not require that any additional information be reported to ISDH. Low volume laboratories may continue to report on paper.

### **D. Establishment of performance standards for small businesses instead of design or operational standards imposed on other regulated entities by the rule.**

No design or operational standards are imposed by the proposed rule.

### **E. Exemption of small businesses from part of all of the requirements of costs imposed by the rule.**

Exemption of small businesses from universal reporting of blood lead levels is inappropriate because this information is used for epidemiology and to initiate case management and environmental services. Low volume laboratories are exempt from the electronic reporting requirement.

### **Conclusion:**

The proposed rule consolidates and clarifies existing statutory and regulatory language on reporting of blood lead levels to ISDH. Less stringent reporting requirements would result in some children not receiving services and incomplete data for epidemiology. The proposed rule does not require any additional costs for small businesses.

**410 IAC 1-2.3-47**

**410 IAC 1-2.3-87**

**410 IAC 1-2.3-48**

**410 IAC 29**

SECTION 1. 410 IAC 1-2.3-47 IS AMENDED TO READ AS FOLLOWS:

### **410 IAC 1-2.3-47 Reporting requirements for physicians and hospital administrators**

**Authority:** IC 16-41-2-1

**Affected:** IC 4-22-2-37.1; IC 16-21; IC 16-41-2-8; IC 25-22.5

Sec. 47. (a) It shall be the duty of each:

(1) physician licensed under IC 25-22.5; and ~~each~~

(2) administrator of a hospital licensed under IC 16-21, or the administrator's representative;

to report all cases and suspected cases of the diseases listed in subsection (d). Reporting of specimen results by a laboratory to health officials does not nullify the physician's or administrator's obligations to report said case.

(b) The report required by subsection (a) shall be made to the local health officer in whose jurisdiction the patient was examined at the time the diagnosis was made or suspected. If the patient is a resident of a different jurisdiction, the local health jurisdiction receiving the report shall forward the report to the local health jurisdiction where the patient resides. If a person who is required to report is unable to make a report to the local health officer within the time mandated by this rule, a report

shall be made directly to the department within the time mandated by this rule.

(c) Any reports of diseases required by subsection (a) shall include the following:

(1) The patient's:

(A) full name;

(B) street address;

(C) city;

(D) zip code;

(E) county of residence;

(F) telephone number;

(G) age or date of birth;

(H) sex; and

(I) race and ethnicity, if available.

(2) Date of onset.

(3) Diagnosis.

(4) Definitive diagnostic test results, for example:

(A) culture;

(B) IgM;

(C) serology; or

(D) Western Blot.

(5) The name, address, and telephone number of the attending physician.

(6) Other epidemiologically necessary information requested by the local health officer or the commissioner.

(7) Persons who are tested anonymously at a counseling and testing site cannot be reported using personal identifiers; rather, they are to be reported using a numeric identifier code.

**The following shall also be reported:**

(A) Age.

(B) Race.

(C) Sex.

(D) Risk factors. ~~and~~

(E) County of residence. ~~shall also be reported.~~

(8) The name, address, and telephone number of the person completing report.

(d) The dangerous communicable diseases and conditions described in this subsection shall be reported within the time specified. Diseases or conditions that are to be reported immediately to the local health officer shall be reported by telephone or other instantaneous means of communication on first knowledge or suspicion of the diagnosis. Diseases that are to be reported within seventy-two (72) hours shall be reported to the local health officer within seventy-two (72) hours of first knowledge or suspicion of the diagnosis by telephone, electronic data transfer, other confidential means of communication, or official report forms furnished by the department. During evening, weekend, and holiday hours, those required to report should report diseases required to be immediately reported to the after-hours duty officer at the local health department. If unable to contact the after-hours duty officer locally, or one has not been designated locally, those required to report shall file their reports with the after-hours duty officer at the department at (317) 233-1325 or (317) 233-8115.

DANGEROUS COMMUNICABLE DISEASES AND CONDITIONS

Disease	When to Report (from probable diagnosis)	Disease Intervention Methods (section in this rule)
Acquired immunodeficiency syndrome	See HIV Infection/Disease	Sec. 76
Animal bites	Within 24 hours	Sec. 52
Anthrax	Immediately	Sec. 53
Babesiosis	Within 72 hours	Sec. 54
Botulism	Immediately	Sec. 55
Brucellosis	Within 72 hours	Sec. 56
Campylobacteriosis	Within 72 hours	Sec. 57
Chancroid	Within 72 hours	Sec. 58
Chlamydia trachomatis, genital infection	Within 72 hours	Sec. 59
Cholera	Immediately	Sec. 60
Cryptosporidiosis	Within 72 hours	Sec. 61
Cyclospora	Within 72 hours	Sec. 62
Diphtheria	Immediately	Sec. 63
Ehrlichiosis	Within 72 hours	Sec. 64
Encephalitis, arboviral, Calif, EEE, WEE, SLE, West Nile	Immediately	Sec. 65
Escherichia coli, infection (including E. coli 0157:H7 and other enterohemorrhagic types)	Immediately	Sec. 66
Gonorrhea	Within 72 hours	Sec. 67
Granuloma inguinale	Within 72 hours	Sec. 68
Haemophilus influenzae invasive disease	Immediately	Sec. 69
Hansen's disease (leprosy)	Within 72 hours	Sec. 70
Hantavirus pulmonary syndrome	Immediately	Sec. 71
Hemolytic uremic syndrome, postdiarrheal	Immediately	Sec. 66
Hepatitis, viral, Type A	Immediately	Sec. 72
Hepatitis, viral, Type B	Within 72 hours	Sec. 73
Hepatitis, viral, Type B, pregnant woman (acute and chronic), or perinatally exposed infant	Immediately (when discovered at or close to time of birth)	Sec. 73
Hepatitis, viral, Type C (acute)	Within 72 hours	Sec. 74
Hepatitis, viral, Type Delta	Within 72 hours	Sec. 73
Hepatitis, viral, unspecified	Within 72 hours	
Histoplasmosis	Within 72 hours	Sec. 75
HIV infection/disease	Within 72 hours	Sec. 76
HIV infection/disease, pregnant woman, or perinatally exposed infant	Immediately (when discovered at or close to time of birth)	Sec. 76
Legionellosis	Within 72 hours	Sec. 77
Leptospirosis	Within 72 hours	Sec. 78
Listeriosis	Within 72 hours	Sec. 79
Lyme disease	Within 72 hours	Sec. 80
Lymphogranuloma venereum	Within 72 hours	Sec. 81
Malaria	Within 72 hours	Sec. 82
Measles (rubeola)	Immediately	Sec. 83
Meningitis, aseptic	Within 72 hours	Sec. 84
Meningococcal disease, invasive	Immediately	Sec. 85
Mumps	Within 72 hours	Sec. 86
Pertussis	Immediately	Sec. 88
Plague	Immediately	Sec. 89
Poliomyelitis	Immediately	Sec. 90

## Proposed Rules

Psittacosis	Within 72 hours	Sec. 91
Q Fever	Immediately	Sec. 92
Rabies in humans or animals (confirmed and suspect animal with human exposure)	Immediately	Sec. 93
Rabies, postexposure treatment	Within 72 hours	Secs. 93 and 52
Rocky Mountain spotted fever	Within 72 hours	Sec. 94
Rubella (German measles)	Immediately	Sec. 95
Rubella congenital syndrome	Immediately	Sec. 95
Salmonellosis, other than typhoid fever	Within 72 hours	Sec. 96
Shigellosis	Immediately	Sec. 97
Smallpox (variola infection)	Immediately	Sec. 97.5
Adverse events or complications due to smallpox vaccination (vaccinia virus infection) or secondary transmission to others after vaccination. This includes accidental implantation at sites other than the vaccination site, secondary bacterial infections at vaccination site, vaccinia keratitis, eczema vaccinatum, generalized vaccinia, congenital vaccinia, progressive vaccinia, vaccinia encephalitis, death due to vaccinia complications, and other complications requiring significant medical intervention.	Immediately	Sec. 97.5
Staphylococcus aureus, Vancomycin resistance level of MIC $\geq$ 8 $\mu$ g/mL	Immediately	Sec. 98
Streptococcus pneumoniae, invasive disease, and antimicrobial resistance pattern	Within 72 hours	Sec. 99
Streptococcus, Group A, invasive disease	Within 72 hours	Sec. 100
Streptococcus, Group B, invasive disease	Within 72 hours	Sec. 101
Syphilis	Within 72 hours	Sec. 102
Tetanus	Within 72 hours	Sec. 103
Toxic shock syndrome (streptococcal or staphylococcal)	Within 72 hours	Sec. 104
Trichinosis	Within 72 hours	Sec. 105
Tuberculosis, cases and suspects	Within 72 hours	Sec. 106
Tularemia	Immediately	Sec. 107
Typhoid fever, cases and carriers	Immediately	Sec. 108
Typhus, endemic (flea borne)	Within 72 hours	Sec. 109
Varicella, resulting in hospitalization or death	Within 72 hours	Sec. 110
Yellow fever	Within 72 hours	Sec. 111
Yersiniosis	Within 72 hours	Sec. 112
<b>DANGEROUS BUT NOT COMMUNICABLE DISEASES AND CONDITIONS OF PUBLIC HEALTH SIGNIFICANCE</b>		
<b>Disease and Condition</b>	<b>When to Report (from probable diagnosis)</b>	<b>Disease Intervention Methods</b>
Pediatric venous blood lead $> 10 \mu$ g/dl in children less than or equal to 6 years of age	Within 1 week	Sec. 87

(e) Reporting of HIV infection/disease shall include classification as defined in the CDC Morbidity and Mortality Weekly Report, Volume 41, No. RR-17, 1993 Revised Classification System for HIV Infection and Expanded Surveillance Case Definition for AIDS among Adolescents and Adults. Reporting of HIV infection/disease in children less than thirteen (13) years of age shall include classification as defined in the CDC Morbidity and Mortality Weekly Report, Volume 43, No. RR-12, 1994 Revised Classification System for Human Immunodeficiency Virus Infection in Children Less Than 13 Years of Age.

Supplemental reports shall be provided by the physician when an individual's classification changes. The CD4+ T-lymphocyte count and percentage or viral load count, or both, shall be included with both initial and supplemental reports.

(f) The department, under the authority of IC 4-22-2-37.1, may adopt emergency rules to include mandatory reporting of emerging infectious diseases. Reports shall include the information specified in subsection (c). ~~of this rule.~~

(g) Outbreaks of any of the following shall be reported immediately upon suspicion:

- (1) Any disease required to be reported under this section.
- (2) Diarrhea of the newborn (in hospitals or other institutions).
- (3) Foodborne or waterborne diseases in addition to those specified by name in this rule.
- (4) Streptococcal illnesses.
- (5) Conjunctivitis.
- (6) Impetigo.
- (7) Nosocomial disease within hospitals and health care facilities.
- (8) Influenza-like illness.
- (9) Unusual occurrence of disease.
- (10) Any disease, that is:

- (A) anthrax;
- (B) plague;
- (C) tularemia;
- (D) *Brucella* species;
- (E) smallpox; or
- (F) botulinum toxin;

or chemical illness that is considered a bioterrorism threat, importation, or laboratory release.

(h) Failure to report constitutes a Class A infraction as specified by IC 16-41-2-8. (*Indiana State Department of Health; 410 IAC 1-2.3-47; filed Sep 11, 2000, 1:36 p.m.: 24 IR 339; filed Oct 23, 2003, 4:10 p.m.: 27 IR 865*)

SECTION 2. 410 IAC 1-2.3-48 IS AMENDED TO READ AS FOLLOWS:

#### **410 IAC 1-2.3-48 Laboratories; reporting requirements**

Authority: IC 16-41-2-1  
Affected: IC 16-41-2-8

Sec. 48. (a) Each director, or the director's representative, of a medical laboratory in which examination of any specimen derived from the human body yields:

- (1) microscopic;
- (2) bacteriologic;
- (3) immunologic;
- (4) serologic; or
- (5) other;

evidence of infection by any of the organisms or agents listed in subsection (d) shall report ~~such~~ **the** findings and any other epidemiologically necessary information requested by the department. HIV serologic results of tests performed anonymously in conjunction with the operation of a counseling and testing site registered with the department shall not be identified by **the** name of **the** patient, but by a numeric identifier code. For **the** appropriate method to report ~~such~~ **the** results, see subsection (b).

(b) The report required by subsection (a) shall, at a minimum, include the following:

- (1) **The:**

- (A) name, date, **and** results of **the** test performed; ~~the~~
- (B) laboratory's normal limits for that test; and ~~the~~
- (C) laboratory's interpretation of the test results.
- (2) **The** name of **the** person and **the** date of birth or age of **the** **person** from whom **the** specimen was obtained.
- (3) **The** name, address, and telephone number of **the:**
  - (A) attending physician;
  - (B) hospital;
  - (C) clinic; or
  - (D) other specimen submitter.
- (4) **The** name, address, and telephone number of the laboratory performing the test.

(c) This subsection does not preclude laboratories from testing specimens, which, when submitted to the laboratory, are identified by a numeric identifier code and not by **the** name of **the** patient. If testing of such a specimen, identified by numeric code, produces results that are required to be reported under this rule, the laboratory shall submit a report that includes the following:

- (1) **The** numeric identifier code, date, and results of tests performed.
- (2) **The** name and address of **the:**
  - (A) attending physician;
  - (B) hospital;
  - (C) clinic; or
  - (D) other.
- (3) **The** name and address of the laboratory performing the test.

(d) Laboratory findings demonstrating evidence of the following infections, diseases, or conditions shall be reported at least weekly to the department:

- (1) Arboviruses, including, but not limited to, the following:
  - (A) St. Louis.
  - (B) California group.
  - (C) Eastern equine.
  - (D) Western equine.
  - (E) West Nile.
  - (F) Japanese B.
  - (G) Yellow fever.
- (2) *Babesia* species.
- (3) *Bacillus anthracis*.
- (4) *Bordetella pertussis*.
- (5) *Borrelia burgdorferi*.
- (6) *Brucella* species.
- (7) *Calymmatobacterium granulomatis*.
- (8) *Campylobacter* species.
- (9) *Chlamydia psittaci*.
- (10) *Chlamydia trachomatis*.
- (11) *Clostridium botulinum*.
- (12) *Clostridium perfringens*.
- (13) *Clostridium tetani*.
- (14) *Corynebacterium diphtheriae*.
- (15) *Coxiella burnetii*.

## Proposed Rules

- (16) *Cryptococcus neoformans*.
- (17) *Cryptosporidium parvum*.
- (18) *Cyclospora cayetanensis*.
- (19) *Ehrlichia chaffeensis*.
- (20) *Ehrlichia phagocytophila*.
- (21) Enteroviruses (coxsackie, echo, polio).
- (22) *Escherichia coli* infection, including:
  - (A) *E. coli* 0157:H7; and
  - (B) other enterohemorrhagic types.
- (23) *Francisella tularensis*.
- (24) *Haemophilus ducreyi*.
- (25) Hantavirus.
- (26) Hepatitis viruses:
  - (A) anti-HAV IgM;
  - (B) HbsAg or HbeAg or anti-HBc IgM;
  - (C) RIBA or RNA or Anti-HCV, or any combination;
  - (D) Delta.
- (27) *Haemophilus influenzae*, invasive disease.
- (28) *Histoplasmosis capsulatum*.
- (29) HIV and related retroviruses.
- (30) Influenza.
- (31) Kaposi's sarcoma (biopsies).
- (32) *Legionella* species.
- (33) *Leptospira* species.
- (34) *Listeria monocytogenes*.
- (35) Measles virus.
- (36) Mumps virus.
- (37) *Mycobacterium tuberculosis*.
- (38) *Neisseria gonorrhoeae*.
- (39) *Neisseria meningitidis*, invasive.
- ~~(40) Pediatric blood lead tests (capillary and venous) equal to or greater than 10 µg/dl on children less than or equal to six (6) years of age.~~
- ~~(41) (40) Plasmodium species.~~
- ~~(42) (41) Pneumocystis carinii.~~
- ~~(43) (42) Rabies virus (animal or human).~~
- ~~(44) (43) Rickettsia species.~~
- ~~(45) (44) Rubella virus.~~
- ~~(46) (45) Salmonella species.~~
- ~~(47) (46) Shigella species and antimicrobial resistance pattern.~~
- ~~(48) (47) Smallpox (variola) virus.~~
- ~~(49) (48) Staphylococcus aureus, Vancomycin resistance equal to or greater than eight (8) µg/mL.~~
- ~~(50) (49) Streptococcus pneumoniae, invasive disease, and antimicrobial resistance pattern.~~
- ~~(51) (50) Streptococcus Group A (Streptococcus pyogenes), invasive disease.~~
- ~~(52) (51) Streptococcus Group B, invasive disease.~~
- ~~(53) (52) Treponema pallidum.~~
- ~~(54) (53) Trichinella spiralis.~~
- ~~(55) (54) Vibrio species.~~
- ~~(56) (55) Yersinia species, including the following:~~
  - (A) Pestis.
  - (B) Enterocolitica. and
  - (C) Pseudotuberculosis.

(e) Laboratories may also report to the local health officer, but any such local report shall be in addition to reporting to the department. A laboratory may report by electronic data transfer, telephone, or other confidential means of communication. ~~In lieu~~ **Instead** of electronic data transfer or reporting by telephone, a laboratory may submit a legible copy of the laboratory report, provided that the information specified in subsection (b) appears thereon. Whenever a laboratory submits a specimen, portion of a specimen, or culture to the department laboratory resource center for confirmation, phage typing, or other service, these reporting requirements will be deemed to have been fulfilled, provided that the minimum information specified in subsection (b) accompanies the specimen or culture.

(f) Laboratories shall submit all isolates of the following organisms to the department's microbiology laboratory for further evaluation:

- (1) *Haemophilus influenzae*, invasive disease.
- (2) *Neisseria meningitidis*, invasive disease.
- (3) *E. coli* 0157:H7 or sorbitol-negative *E. coli* isolates.
- (4) *Staphylococcus aureus*, Vancomycin resistance equal to or greater than **eight** (8) µg/mL.
- (5) *Mycobacterium tuberculosis*.
- (6) *Listeria monocytogenes*.
- (7) *Salmonella* from any site.

~~(g) Quarterly report the total number of blood lead test (capillary and venous) performed on children six (6) years of age or less.~~

~~(h)~~ (g) Reporting by a laboratory, as required by this section, shall not:

- (1) constitute a diagnosis or a case report; and
- (2) be considered to fulfill the obligation of the attending physician or hospital to report.

*(Indiana State Department of Health; 410 IAC 1-2.3-48; filed Sep 11, 2000, 1:36 p.m.; 24 IR 342; filed Oct 23, 2003, 4:10 p.m.; 27 IR 869)*

SECTION 3. 410 IAC 29 IS ADDED TO READ AS FOLLOWS:

### ARTICLE 29. REPORTING, MONITORING, AND PREVENTIVE PROCEDURES FOR LEAD POISONING

#### Rule 1. Definitions

#### 410 IAC 29-1-1 Applicability

Authority: IC 16-41-39.4-1

Affected: IC 16-41-39.4

**Sec. 1. The definitions in this rule apply throughout this article.** *(Indiana State Department of Health; 410 IAC 29-1-1)*

#### 410 IAC 29-1-2 "At-risk" defined

Authority: IC 16-41-39.4-1

Affected: IC 16-41-39.4



**Sec. 2. “At-risk” means a child is at-risk if that child:**

- (1) lives in or regularly visits a house or other structure built before 1978;
- (2) has a sibling or playmate who has been lead poisoned;
- (3) has frequent contact with an adult who:
  - (A) works in an industry; or
  - (B) has a hobby;
 that uses lead;
- (4) is an immigrant or refugee or has recently lived abroad;
- (5) is a member of a minority group;
- (6) is a Medicaid recipient;
- (7) uses medicines or cosmetics containing lead; or
- (8) lives in a geographic area that increases the child’s probability of exposure to lead.

*(Indiana State Department of Health; 410 IAC 29-1-2)*

**410 IAC 29-1-3 “Capillary blood lead test” defined**

Authority: IC 16-41-39.4-1  
 Affected: IC 16-41-39.4

**Sec. 3. “Capillary blood lead test” means a blood lead test for which the blood sample was drawn using a finger lance to break the skin, followed by:**

- (1) drawing the blood from the cut into a capillary tube or other collection device; or
- (2) placing drops of blood onto a piece of filter paper.

*(Indiana State Department of Health; 410 IAC 29-1-3)*

**410 IAC 29-1-4 “Case management” defined**

Authority: IC 16-41-39.4-1  
 Affected: IC 16-41-39.4

**Sec. 4. “Case management” means the process of providing, overseeing, and coordinating lead poisoning services, including, but not limited to, the following:**

- (1) Outreach and identification of children with EBLLs.
- (2) Child case management service planning and resource identification.
- (3) Child case management service implementation and coordination.
- (4) Monitoring of child case management service delivery, program advocacy, and program evaluation.

*(Indiana State Department of Health; 410 IAC 29-1-4)*

**410 IAC 29-1-5 “Case manager” defined**

Authority: IC 16-41-39.4-1  
 Affected: IC 16-41-39.4

**Sec. 5. “Case manager” means a person authorized by a health department and trained by the department or its designated representative within six (6) months of hire or the effective date of this rule to perform case management protocols developed by the state.** *(Indiana State Department of Health; 410 IAC 29-1-5)*

**410 IAC 29-1-6 “Child case management service implementation and coordination” defined**

Authority: IC 16-41-39.4-1  
 Affected: IC 16-41-39.4

**Sec. 6. “Child case management service implementation and coordination” means the following:**

- (1) For confirmed blood lead levels between zero (0) and nine and nine-tenths (9.9) µg/dL, the following:

- (A) Notify the child’s primary medical provider within ten (10) working days of receipt of test results by the local health officer.
- (B) Provide educational materials to the parents or family of the child regarding prevention of lead poisoning.
- (C) Any additional actions the local health officer believes will assist the family in preventing the child’s blood lead level from increasing.

- (2) For confirmed elevated blood lead levels between ten (10) and fourteen and nine-tenths (14.9) µg/dL, begin child case management services within ten (10) working days after receipt of test results, including the following:

- (A) Notify the child’s primary medical provider within five (5) working days of receipt of test results and ensure coordination of long term services and retesting.
- (B) Arrange for testing of all children under seven (7) years of age living in the home.
- (C) Conduct an initial home visit to include the following:
  - (i) A medical, developmental, and behavioral history.
  - (ii) Lead education, including medical effects and environmental sources.
  - (iii) A determination of potential household exposures.
  - (iv) An evaluation of the risk of other family members, including pregnant women.
  - (v) A nutrition assessment or referral for nutrition assessment.
  - (vi) A developmental assessment or referral for developmental assessment.
  - (vii) Referrals to other social services as appropriate.

- (D) Provide an environmental inspection to include the following:

- (i) A risk assessment of the child’s primary and secondary addresses within ten (10) working days after receipt of test results if the structure was built before 1978, to include the following:

- (AA) A complete risk assessment including recommendations to mitigate identified lead hazards.
- (BB) A written report to the family and the owner if the family does not own the home.
- (CC) Education of the family and the owner on lead hazards in the home and measures to protect the child from further poisoning.

- (ii) An environmental investigation, including the following:

- (AA) Identification and evaluation of nonstructural exposure sources within the child’s environment.
- (BB) Presentation of results of the environmental investigation, including recommendations for reducing or eliminating exposure.
- (CC) Education of the family on hazards found and education on temporary and permanent measures to protect the child from further exposure.

(E) If the risk assessment finds lead hazards, immediately provide written notice to the property owner of the lead hazards and required remediation options. The notice should include the risk assessment. The property owner is given a reasonable time to implement recommendations for remediating lead hazards within sixty (60) days. A clearance examination is conducted to establish the efficacy of remediation.

(F) Provide continuing child case management services until case closure as appropriate to the child's case and not less frequently than one (1) contact every three (3) months, to include the following:

(i) Monitoring blood lead levels by retesting according to section 5 of this rule and notification of the primary medical provider of the results and ensuring blood lead testing of other children and pregnant women residing in the home.

(ii) Monitoring and evaluation of other aspects of the child's case, including, but not limited to, the following:

(AA) Additional home visits to monitor the child's progress and to identify needs that may arise from changes in primary and secondary addresses, housing condition, family composition, occupations of family members, child's activities, child's development, medical condition, nutrition, and use of nonprescription medications or household goods.

(BB) Contacts with other service providers to monitor and evaluate service delivery, appropriateness, and efficacy.

(3) For confirmed elevated blood lead levels between fifteen (15) and nineteen and nine-tenths (19.9) µg/dL, initiate actions as in subdivision (1), and child case management services begin within five (5) working days after receipt of test results.

(4) For confirmed elevated blood lead levels between twenty (20) and forty-four and nine-tenths (44.9) µg/dL, initiate child case management services within five (5) working days after receipt of test results and all actions as in subdivision (1) with the following changes:

(A) Notify the child's primary medical provider immediately and ensure coordination of long term services and follow-up testing.

(B) Initiate risk assessment of the child's primary and secondary addresses within five (5) working days after receipt of test results if the structure was built before 1978.

(5) For confirmed elevated blood lead levels between forty-five (45) and sixty-nine and nine-tenths (69.9) µg/dL, initiate child case management services within twenty-four (24) hours after receipt of test results and all actions as in subdivision (1) with the following changes:

(A) Notify the child's primary medical provider immediately and ensure coordination of long term services and follow-up testing.

(B) Initiate a risk assessment of the child's primary and

secondary addresses within two (2) working days after receipt of test results if the structure was built before 1978.

(C) Chelation therapy followed by a venous blood lead test one (1) month after completion of therapy as follows:

(i) Chelation therapy may be conducted at the child's home if the home does not have any lead hazards.

(ii) If the home has lead hazards, the child must be admitted to a hospital and chelation therapy performed at the hospital.

(6) For confirmed elevated blood lead level greater than or equal to seventy (70) µg/dL, initiate child case management services immediately after receipt of test results and all actions as in subdivision (1) with the following changes:

(A) Notify the child's primary medical provider immediately and ensure coordination of long term services and follow-up testing.

(B) Initiate a risk assessment of the child's primary and secondary addresses within twenty-four (24) hours after receipt of test results if the structure was built before 1978.

(C) Treatment of the child's EBLL as a medical emergency.

(D) Admission of the child to a hospital for chelation therapy.

(E) Obtain a venous blood lead test one (1) month after completion of therapy.

*(Indiana State Department of Health; 410 IAC 29-1-6)*

### 410 IAC 29-1-7 "Child case management service planning and resource identification" defined

Authority: IC 16-41-39.4-1

Affected: IC 16-41-39.4

Sec. 7. "Child case management service planning and resource identification" means:

(1) implementing a system to provide child case management services; and

(2) identifying resources and services in the community that can be utilized in child case management.

*(Indiana State Department of Health; 410 IAC 29-1-7)*

### 410 IAC 29-1-8 "Clearance examination" defined

Authority: IC 16-41-39.4-1

Affected: IC 16-41-39.4

Sec. 8. "Clearance examination" means an activity as defined in 326 IAC 23 conducted to establish proper completion of remediation. *(Indiana State Department of Health; 410 IAC 29-1-8)*

### 410 IAC 29-1-9 "Confirmatory testing" defined

Authority: IC 16-41-39.4-1

Affected: IC 16-41-39.4

Sec. 9. "Confirmatory testing" means conducting additional blood lead level tests on children with initial capillary

blood lead tests as follows:

- (1) Initial blood lead level zero (0) to nine and nine-tenths (9.9) µg/dL requires no confirmatory test.
- (2) Confirm initial blood lead levels of ten (10) to nineteen and nine-tenths (19.9) µg/dL within two (2) months of receiving test results by the venous or capillary method.
- (3) Confirm initial blood lead levels of twenty (20) to forty-four and nine-tenths (44.9) µg/dL within one (1) week of receiving test results by the venous or capillary method.
- (4) Confirm initial blood lead levels of forty-five (45) µg/dL and over with a venous test within twenty-four (24) hours of receiving test results.

*(Indiana State Department of Health; 410 IAC 29-1-9)*

**410 IAC 29-1-10 “Confirmed blood lead test” defined**

Authority: IC 16-41-39.4-1  
Affected: IC 16-41-39.4

**Sec. 10. “Confirmed blood lead test” means either of the following:**

- (1) Two (2) consecutive capillary blood lead tests not more than twelve (12) weeks apart.
- (2) A single venous blood lead test.

*(Indiana State Department of Health; 410 IAC 29-1-10)*

**410 IAC 29-1-11 “Confirmed elevated blood lead level” or “CEBL” defined**

Authority: IC 16-41-39.4-1  
Affected: IC 16-41-39.4

**Sec. 11. “Confirmed elevated blood lead level” or “CEBL” means a blood lead level of ten (10) µg/dL or higher that has been verified by a confirmed blood lead test.**  
*(Indiana State Department of Health; 410 IAC 29-1-11)*

**410 IAC 29-1-12 “Department” defined**

Authority: IC 16-41-39.4-1  
Affected: IC 16-41-39.4

**Sec. 12. “Department” means the Indiana state department of health.** *(Indiana State Department of Health; 410 IAC 29-1-12)*

**410 IAC 29-1-13 “Elevated blood lead level” or “EBLL” defined**

Authority: IC 16-41-39.4-1  
Affected: IC 16-41-39.4

**Sec. 13. “Elevated blood lead level” or “EBLL” means a blood lead level of ten (10) µg/dL or higher.** *(Indiana State Department of Health; 410 IAC 29-1-13)*

**410 IAC 29-1-14 “Environmental inspection” defined**

Authority: IC 16-41-39.4-1  
Affected: IC 16-41-39.4

**Sec. 14. “Environmental inspection” means the following:**  
(1) An environmental investigation.

(2) A risk assessment of the child’s primary and secondary addresses.

*(Indiana State Department of Health; 410 IAC 29-1-14)*

**410 IAC 29-1-15 “Environmental investigation” defined**

Authority: IC 16-41-39.4-1  
Affected: IC 16-41-39.4

**Sec. 15. “Environmental investigation” means an identification of lead hazards from any nonstructural source, including the following:**

- (1) Identification and evaluation of nonstructural exposure sources within the child’s environment.
- (2) Presentation of results of the environmental investigation, including recommendations for reducing or eliminating exposure.
- (3) Education of the family on:
  - (A) hazards found; and
  - (B) temporary and permanent measures; to protect the child from further exposure.

*(Indiana State Department of Health; 410 IAC 29-1-15)*

**410 IAC 29-1-16 “Family” defined**

Authority: IC 16-41-39.4-1  
Affected: IC 16-41-39.4

**Sec. 16. “Family” means the caregivers and household of a child.** *(Indiana State Department of Health; 410 IAC 29-1-16)*

**410 IAC 29-1-17 “Local health officer” defined**

Authority: IC 16-41-39.4-1  
Affected: IC 16-41-39.4

**Sec. 17. “Local health officer” means the local health officer or the local health officer’s designated representative.** *(Indiana State Department of Health; 410 IAC 29-1-17)*

**410 IAC 29-1-18 “Monitoring of child case management service delivery, program advocacy, and program evaluation” defined**

Authority: IC 16-41-39.4-1  
Affected: IC 16-41-39.4

**Sec. 18. “Monitoring of child case management service delivery, program advocacy, and program evaluation” means the following:**

- (1) Tracking the provision of case management services.
- (2) Securing resources adequate to support local efforts.
- (3) Measuring program outputs.

*(Indiana State Department of Health; 410 IAC 29-1-18)*

**410 IAC 29-1-19 “Outreach and identification” defined**

Authority: IC 16-41-39.4-1  
Affected: IC 16-41-39.4

**Sec. 19. “Outreach and identification” means the following:**

- (1) The promotion of awareness of the health effects of lead, techniques for preventing lead poisoning, and techniques for treating lead poisoning and providing lead hazard education

in the local health officer's jurisdiction through activities including, but not limited to, training staff on issues relevant to lead poisoning effects, prevention, and treatment, including, but not limited to, the following:

- (A) Housing.
- (B) Environment.
- (C) Testing.

(2) Raising awareness in the community of lead hazards for those included in at-risk categories.

(3) Providing consultation and education to the local medical community.

(4) Providing consumer alerts and consumer education regarding lead hazards, including products for purchase in the community.

(5) Determining the magnitude of lead poisoning in their jurisdictions through activities including, but not limited to, the following:

- (A) Ensuring blood lead testing of children at risk for lead poisoning.
  - (B) Partnering with:
    - (i) children's and maternal nutrition and health programs;
    - (ii) education programs and institutions;
    - (iii) community action agencies;
    - (iv) housing authorities;
    - (v) physicians; and
    - (vi) other partners, such as schools and community and faith-based organizations;
- involved in the care of children to ensure screening and testing of all at-risk children.
- (C) Partnering with local officials to determine high-risk geographic areas in order to target testing of children at risk for lead poisoning.

*(Indiana State Department of Health; 410 IAC 29-1-19)*

#### **410 IAC 29-1-20 "Remediation" defined**

Authority: IC 16-41-39.4-1  
Affected: IC 16-41-39.4

Sec. 20. "Remediation" means actions that constitute either:

- (1) abatement; or
- (2) interim control;

of a lead hazard as defined in 326 IAC 23. *(Indiana State Department of Health; 410 IAC 29-1-20)*

#### **410 IAC 29-1-21 "Retesting" defined**

Authority: IC 16-41-39.4-1  
Affected: IC 16-41-39.4

Sec. 21. "Retesting" means additional testing to monitor a child's blood lead level over time, with specific intervals depending on whether a child's blood lead level has or has not decreased, as follows:

- (1) If the child's blood lead level has not decreased by at least three (3) µg/dL within at least a three (3) month period, retest as follows:

(A) In three (3) months for results between zero (0) and fourteen and nine-tenths (14.9) µg/dL.

(B) In two (2) months for results between fifteen (15) and nineteen and nine-tenths (19.9) µg/dL.

(C) In one (1) month for results between twenty (20) and twenty-four and nine-tenths (24.9) µg/dL.

(D) In two (2) weeks for results between twenty-five (25) and forty-four and nine-tenths (44.9) µg/dL.

(E) By the venous method one (1) month after completion of chelation therapy for results greater than forty-five (45) µg/dL.

(2) If the child's blood lead level has decreased by at least three (3) µg/dL within at least a three (3) month period, retest as follows:

(A) In six (6) months for results between zero (0) and fourteen and nine-tenths (14.9) µg/dL.

(B) In three (3) months for results between fifteen (15) and nineteen and nine-tenths (19.9) µg/dL.

(C) In two (2) months for results between twenty (20) and twenty-four and nine-tenths (24.9) µg/dL.

(D) In one (1) month for results between twenty-five (25) and forty-four and nine-tenths (44.9) µg/dL.

(E) By the venous method one (1) month after completion of chelation therapy for results greater than forty-five (45) µg/dL.

*(Indiana State Department of Health; 410 IAC 29-1-21)*

#### **410 IAC 29-1-22 "Risk assessment" defined**

Authority: IC 16-41-39.4-1  
Affected: IC 16-41-39.4

Sec. 22. "Risk assessment" means an assessment of lead hazards from any structural source by a licensed risk assessor consistent with 326 IAC 23 to include the following:

(1) A complete risk assessment including recommendations to mitigate identified lead hazards.

(2) A written report to the family and the owner if the family does not own the home.

(3) Education of the family and the owner on the following:

(A) Lead hazards in the home.

(B) Measures to protect children from further poisoning.

*(Indiana State Department of Health; 410 IAC 29-1-22)*

#### **410 IAC 29-1-23 "Risk assessor" defined**

Authority: IC 16-41-39.4-1  
Affected: IC 16-41-39.4

Sec. 23. "Risk assessor" means a person licensed by the state to conduct risk assessments consistent with section 15 of this rule. *(Indiana State Department of Health; 410 IAC 29-1-23)*

#### **410 IAC 29-1-24 "Unconfirmed elevated blood lead level" or "UEBL" defined**

Authority: IC 16-41-39.4-1  
Affected: IC 16-41-39.4

**Sec. 24. “Unconfirmed elevated blood lead level” or “UEBL” means a blood lead level of ten (10) µg/dL or greater that has not yet been subject to confirmatory testing.**  
*(Indiana State Department of Health; 410 IAC 29-1-24)*

**410 IAC 29-1-25 “Venous blood lead test” defined**

Authority: IC 16-41-39.4-1  
 Affected: IC 16-41-39.4

**Sec. 25. “Venous blood lead test” means a blood lead test for which the blood sample was drawn using venipuncture.**  
*(Indiana State Department of Health; 410 IAC 29-1-25)*

**Rule 2. Case Management and Testing**

**410 IAC 29-2-1 Case management**

Authority: IC 16-41-39.4-1  
 Affected: IC 16-41-39.4

**Sec. 1. Local health officers shall ensure the provision of case management to all children under seven (7) years of age in their jurisdictions, including the following:**

- (1) Outreach and identification of EBL children.
- (2) Child case management service planning and resource identification.
- (3) Confirmatory testing.
- (4) Child case management service implementation and coordination.
- (5) Retesting.
- (6) Monitoring of child case management service delivery, program advocacy, and program evaluation.

*(Indiana State Department of Health; 410 IAC 29-2-1)*

**410 IAC 29-2-2 Case closure**

Authority: IC 16-41-39.4-1  
 Affected: IC 16-41-39.4

**Sec. 2. The department or local health officer may close cases under either of the following conditions:**

- (1) A case may be designated “case complete” if:
  - (A) referrals have been made to individuals and agencies for long term developmental, environmental, and medical follow-up; and
  - (B) the child has two (2) or more consecutive confirmed blood lead tests for which the BLL is less than ten (10) µg/dL in a six (6) month period, and environmental lead hazards have been remediated and passed a dust clearance test.
- (2) A case may be designated “administratively closed” for any of the following reasons:
  - (A) The child moves to another state and a case referral has been made to the appropriate state lead poisoning prevention program. This referral must be made not later than ten (10) working days after the case manager learns of the move, and the department shall keep the case open until the case is confirmed as received by the state to which it has been transferred.
  - (B) The child moves to another county in Indiana and a

case referral has been made to the appropriate local health department. This referral must be made not later than ten (10) working days after the case manager learns of the move, and the department shall keep the case open until the case is confirmed as received by the local health department to which it has been transferred.

(C) The child reaches his or her seventh birthday and referrals have been made to individuals and agencies for long term developmental, environmental, and medical follow-up.

(D) The child can no longer be located or contacted and five (5) attempts have been made to contact the child during a twenty-six (26) week closure window according to the following action periods:

- (i) At least one (1) telephone call to the parent or guardian after the first four (4) weeks of the twenty-six (26) week closure window.
- (ii) At least one (1) letter to the parent or guardian between nine (9) and thirteen (13) weeks into the twenty-six (26) week closure window.
- (iii) At least one (1) certified letter to the parent or guardian between thirteen (13) and twenty-one (21) weeks into the twenty-six (26) week closure window.
- (iv) At least one (1) attempted home visit to the child’s last known address after twenty-four (24) weeks into the twenty-six (26) week closure window.

Actions completed later than the action period shall be recorded against the twenty-six (26) week closure window in the week in which they were performed.

(E) Case management is blocked for religious or other legally recognized reasons, and documentation of these reasons is on file.

(F) The death of the child.

*(Indiana State Department of Health; 410 IAC 29-2-2)*

**Rule 3. Reporting**

**410 IAC 29-3-1 Reporting of blood lead test results**

Authority: IC 16-41-39.4-1  
 Affected: IC 16-41-39.4

**Sec. 1. (a) A person that examines the blood of an individual for the presence of lead must report to the department the results of the examination not later than one (1) week after completing the examination. The report must include at least the following:**

- (1) With respect to the individual whose blood is examined, the following:
  - (A) Full name.
  - (B) Date of birth.
  - (C) Gender.
  - (D) Full address, including street address, city, and zip code.
  - (E) County of residence.
  - (F) Race and ethnicity.
  - (G) Parent’s or guardian’s name and phone number, where applicable.

---

## Proposed Rules

---

(H) Any other information that is required to be included to qualify to receive federal funding.

(2) With respect to the examination, the following:

(A) The date.

(B) The type of blood test performed.

(C) The person's normal limits for the test.

(D) The results of the test.

(E) The person's interpretation of the results of the test.

(3) The names, addresses, and telephone numbers of the following:

(A) The person examining the blood.

(B) The attending physician, hospital, clinic, or other specimen submitter.

(b) If a person required to report under subsection (a) has submitted more than fifty (50) results in the previous calendar year, the person must submit subsequent reports in an electronic format determined by the department. (Indiana State Department of Health; 410 IAC 29-3-1)

### 410 IAC 29-3-2 Reporting of case information

Authority: IC 16-41-39.4-1

Affected: IC 16-41-39.4

Sec. 2. (a) Local health officers shall ensure that case information is reported to the department for children less than seven (7) years of age who have an elevated blood lead level.

(b) Case management activities shall be reported electronically or using the forms designated by the department.

(c) Case closure activities shall be reported electronically or using forms designated by the department. (Indiana State Department of Health; 410 IAC 29-3-2)

### 410 IAC 29-3-3 Reporting of housing information

Authority: IC 16-41-39.4-1

Affected: IC 16-41-39.4

Sec. 3. Local health officers shall ensure that addresses associated with children with elevated blood lead levels and gathered after July 1, 2002, are provided to federal, state, and local organizations covered by 24 CFR Subpart A, Part 35. (Indiana State Department of Health; 410 IAC 29-3-3)

## Rule 4. Prevention and Remediation

### 410 IAC 29-4-1 Prevention or remediation

Authority: IC 16-41-39.4-1

Affected: IC 16-41-39.4

Sec. 1. Local health officers may do the following:

(1) Enter upon and inspect private property, at proper times after due notice, in regard to the possible presence, source, and cause of lead poisoning and lead hazards.

(2) Order what is reasonable and necessary to prevent lead poisoning or remediate lead hazards.

Remediation shall be followed by dust clearance examination. (Indiana State Department of Health; 410 IAC 29-4-1)

SECTION 4. 410 IAC 1-2.3-87 IS REPEALED.

### Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on May 9, 2006 at 10:00 a.m., at the Indiana State Department of Health, 2 North Meridian Street, Rice Auditorium, Indianapolis, Indiana the Indiana State Department of Health will hold a public hearing on a proposed rule to add rules regarding the reporting, monitoring, and preventive procedures to protect from lead poisoning and to establish requirements for case management of a child with lead poisoning and delete the reporting and other requirements for blood lead levels from 410 IAC 1-2.3.

This rule is written to comply with the requirements of IC 16-41-39.4.

Copies of these rules are now on file at the Community and Family Health 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.

Sue Uhl

Deputy State Health Commissioner

Indiana State Department of Health

---

## TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

### Proposed Rule

LSA Document #05-190

### DIGEST

Adds 410 IAC 5.2 to regulate who may operate a radiation machine and what level of training and experience the operator must have. Repeals 410 IAC 5-11. Effective 30 days after filing with the Secretary of State.

### IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

#### Description of Rule:

The Indiana State Department of Health (ISDH) has responsibility for the licensing and regulation of individuals practicing medical radiologic technology. In 1983, the ISDH adopted radiology licensing rules requiring radiologic technologists and individuals providing limited radiologic services to be licensed. The rules became effective in 1984. With the exception of a few minor amendments, the rules have not been updated since 1984.

Since 1984, radiology has experienced extensive growth and change. Procedures such as computed tomography and interventional radiography were relatively new modalities in

1984 but are now widespread. Technologies such as digital imaging and positron emission tomography had not been developed but now are an important technology. Nuclear medicine and radiation therapy were still in their formative years in 1984 but have expanded significantly in recent years. The result is that the existing rules are outdated, ineffective, or procedurally inefficient.

The proposed rule continues the licensing of radiologic technologists and individuals performing limited radiographic procedures. The primary addition in the rule is to add licensing for nuclear medicine technologists and radiation therapists. Licensing of nuclear medicine technologists and radiation therapists are the two primary changes fiscally impacting the ISDH.

#### **Economic Impact on Small Businesses**

##### **1. Estimate of the number of small businesses, classified by industry sector, that will be subject to the proposed rule.**

IC 4-22-2.1-4 defines a small business as any person, firm, corporation, limited liability company, partnership, or association that:

- (1) is actively engaged in business in Indiana and maintains its principal place of business in Indiana;
- (2) is independently owned and operated;
- (3) employs one hundred (100) or fewer full-time employees; and
- (4) has gross annual receipts of five million dollars (\$5,000,000) or less.

Statute requires that any medical radiation provider be licensed by the ISDH. The proposed rule establishes licensing standards for individuals to include radiologic technologists, radiation therapists, nuclear medicine technologists, and limited radiology operators. These individuals are employed by hospitals, clinics, or physician offices to perform radiologic services. The North American Industry Classification System classifies these institutions as General Medical and Surgical Hospitals (NAICS 622110), Diagnostic Imaging Centers (NAICS 621512), and Offices of Physicians (NAICS 621111).

The proposed radiology licensing rule applies to individuals rather than businesses. The licensing fees are the responsibility of the individual being licensed. The individuals licensed under this proposed rule do not meet the requirements of a small business as defined by IC 4-22-2.1-4.

#### **Conclusion**

Because the regulated entities under this rule are individuals and do not meet the definition of a small business, there is no economic impact of the proposed rule on small businesses.

#### **410 IAC 5-11**

#### **410 IAC 5.2**

SECTION 1. 410 IAC 5.2 IS ADDED TO READ AS FOLLOWS:

#### **ARTICLE 5.2. RADIOGRAPHY, NUCLEAR MEDICINE, AND RADIATION THERAPY LICENSING**

#### **Rule 1. Definitions**

##### **410 IAC 5.2-1-1 Applicability**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

**Sec. 1. The definitions in this rule apply throughout this article.** (*Indiana State Department of Health; 410 IAC 5.2-1-1*)

##### **410 IAC 5.2-1-2 "Abuse" defined**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

**Sec. 2. "Abuse" means any:**

- (1) physical or mental injury; or
- (2) sexual assault;

**inflicted on a patient other than by accidental means.** (*Indiana State Department of Health; 410 IAC 5.2-1-2*)

##### **410 IAC 5.2-1-3 "Chiropractor" defined**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 25-10-1; IC 16-41-35

**Sec. 3. "Chiropractor" means a person licensed under IC 25-10-1.** (*Indiana State Department of Health; 410 IAC 5.2-1-3*)

##### **410 IAC 5.2-1-4 "Contrast media" defined**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

**Sec. 4. "Contrast media" means material intentionally administered to the human body to enhance radiographic visualization of anatomy.** (*Indiana State Department of Health; 410 IAC 5.2-1-4*)

##### **410 IAC 5.2-1-5 "Dental hygienist" defined**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 25-13-1; IC 16-41-35

**Sec. 5. "Dental hygienist" means a person licensed under IC 25-13-1.** (*Indiana State Department of Health; 410 IAC 5.2-1-5*)

##### **410 IAC 5.2-1-6 "Dentist" defined**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 25-14-1; IC 16-41-35

**Sec. 6. "Dentist" means a person licensed under IC 25-14-1.** (*Indiana State Department of Health; 410 IAC 5.2-1-6*)

##### **410 IAC 5.2-1-7 "Department" defined**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

**Sec. 7. "Department" means the Indiana state department of health.** (*Indiana State Department of Health; 410 IAC 5.2-1-7*)

##### **410 IAC 5.2-1-8 "Direct supervision" defined**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

---

## Proposed Rules

---

**Sec. 8. “Direct supervision” means the supervisor must be present in the radiographic area while the person being supervised is:**

- (1) operating a radiation machine; or**
- (2) using radioactive materials;**

**on human beings.** (*Indiana State Department of Health; 410 IAC 5.2-1-8*)

**410 IAC 5.2-1-9 “Misappropriation of property” defined**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 9. “Misappropriation of property” means the deliberate:**

- (1) misplacement;**
- (2) exploitation; or**
- (3) wrongful temporary or permanent use;**

**of a patient’s belongings or money without the patient’s consent.** (*Indiana State Department of Health; 410 IAC 5.2-1-9*)

**410 IAC 5.2-1-10 “Neglect” defined**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 10. “Neglect” means any of the following:**

- (1) An act or omission that places a patient in a situation that may endanger the patient’s life or health.**
- (2) Abandoning or inappropriately confining the patient.**
- (3) Depriving the patient of necessary support or medical care.**

(*Indiana State Department of Health; 410 IAC 5.2-1-10*)

**410 IAC 5.2-1-11 “Nuclear medicine technologist” defined**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 11. “Nuclear medicine technologist” means a person, other than a practitioner, who uses radiopharmaceutical agents to perform medical diagnostic or therapeutic procedures on humans.** (*Indiana State Department of Health; 410 IAC 5.2-1-11*)

**410 IAC 5.2-1-12 “Physician” defined**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 25-22.5-5; IC 16-41-35

**Sec. 12. “Physician” means a person licensed under IC 25-22.5-5.** (*Indiana State Department of Health; 410 IAC 5.2-1-12*)

**410 IAC 5.2-1-13 “Podiatrist” defined**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 25-29; IC 16-41-35

**Sec. 13. “Podiatrist” means a person licensed under IC 25-29.** (*Indiana State Department of Health; 410 IAC 5.2-1-13*)

**410 IAC 5.2-1-14 “Practitioner” defined**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 14. “Practitioner” means any of the following:**

- (1) A physician.**
- (2) A dentist.**
- (3) A chiropractor.**
- (4) A podiatrist.**

(*Indiana State Department of Health; 410 IAC 5.2-1-14*)

**410 IAC 5.2-1-15 “Radiation machine” defined**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 15. “Radiation machine” means any equipment or device that produces ionizing radiation when the associated control devices are operated.** (*Indiana State Department of Health; 410 IAC 5.2-1-15*)

**410 IAC 5.2-1-16 “Radiation machine operator” defined**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 16. “Radiation machine operator” means a person, under the direction of a practitioner, who actuates the radiation machine resulting in the production of ionizing radiation.** (*Indiana State Department of Health; 410 IAC 5.2-1-16*)

**410 IAC 5.2-1-17 “Radiation therapist” defined**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 17. “Radiation therapist” means a person, other than a licensed practitioner, who applies radiation to humans for therapeutic purposes.** (*Indiana State Department of Health; 410 IAC 5.2-1-17*)

**410 IAC 5.2-1-18 “Radiographer” defined**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 18. “Radiographer” means a radiologic technologist.** (*Indiana State Department of Health; 410 IAC 5.2-1-18*)

**410 IAC 5.2-1-19 “Radiologic technologist” defined**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 19. “Radiologic technologist” means a person, other than a licensed practitioner, who:**

- (1) applies radiation to humans for diagnostic purposes; and**
- (2) is certified by the American Registry of Radiologic Technologists.**

(*Indiana State Department of Health; 410 IAC 5.2-1-19*)

**410 IAC 5.2-1-20 “Radiology” defined**

**Authority:** IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

**Affected:** IC 16-41-35

**Sec. 20. “Radiology” means the study of radiation to include the following:**



- (1) Radiologic technology.
- (2) Radiation therapy.
- (3) Nuclear medicine.

*(Indiana State Department of Health; 410 IAC 5.2-1-20)*

**410 IAC 5.2-1-21 “Verbal abuse” defined**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

**Sec. 21. “Verbal abuse” means a disparaging or derogatory oral or written comment or gesture made to a patient.**  
*(Indiana State Department of Health; 410 IAC 5.2-1-21)*

**Rule 2. Exemptions**

**410 IAC 5.2-2-1 Exemptions**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

**Sec. 1. (a) The following individuals are exempt from the requirements of this article:**

- (1) Physicians.
- (2) Dentists.
- (3) Chiropractors.
- (4) Podiatrists.
- (5) Dental hygienists.
- (6) Operators of radiation machines on other than living human beings.
- (7) Users of radioactive materials for purposes other than the administration of the radioactive materials to patients for medical purposes.
- (8) Individuals:
  - (A) performing bone mineral density analysis on:
    - (i) feet;
    - (ii) hands; or
    - (iii) forearms; and
  - (B) who have been trained in radiation safety and on the proper operation of the analytical equipment either by:
    - (i) the manufacturer of the analytical equipment; or
    - (ii) a radiologic technologist licensed under this article.

**(b) The department may grant exemptions from the requirements of this article:**

- (1) as determined to be necessary; and
- (2) that will not result in an undue hazard to public health and safety.

*(Indiana State Department of Health; 410 IAC 5.2-2-1)*

**Rule 3. Licensing and Permit Requirements**

**410 IAC 5.2-3-1 Licensing and permit requirements**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

**Sec. 1. (a) A person who does not have a current license or permit issued by the department shall not:**

- (1) operate a radiation machine; or
- (2) use radiopharmaceutical agents.

**(b) Operation of a radiation machine consists of operating the associated control devices such that ionizing radiation is produced.**

**(c) The following are the radiation machine operator and radioactive materials user licenses and permits issued by the department:**

- (1) Radiologic technologist license.
- (2) Radiation therapist license.
- (3) Nuclear medicine technologist license.
- (4) Student radiology permit.
- (5) Provisional radiography permit.
- (6) Limited dental radiography license.
- (7) Limited chest radiography license.
- (8) Limited chiropractic radiography license.
- (9) Limited general radiography license.
- (10) Limited podiatric radiography license.

**(d) The department may utilize nationally accepted testing services and review committees to assist in the administration of this article.** *(Indiana State Department of Health; 410 IAC 5.2-3-1)*

**410 IAC 5.2-3-2 Student radiology permit requirements**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

**Sec. 2. (a) Students enrolled in any of the following are eligible for a student radiology permit:**

- (1) A radiologic technology program approved under this article.
- (2) A radiation therapy program approved under this article.
- (3) A nuclear medicine technology program approved under this article.

**(b) A student radiology permit expires:**

- (1) upon the student’s withdrawal or termination from the program; or
- (2) six (6) months after the student’s graduation from a:
  - (A) radiologic technology;
  - (B) radiation therapy; or
  - (C) nuclear medicine;
 program.

**(c) First year students in a program listed in subsection (a) must be under direct supervision by:**

- (1) an appropriate practitioner;
- (2) a licensed radiologic technologist;
- (3) a licensed radiation therapist;
- (4) a licensed nuclear medicine technologist; or
- (5) another licensed individual approved by the department;

**in order to assist and evaluate the student’s performance and ensure the quality of the procedure.** *(Indiana State Department of Health; 410 IAC 5.2-3-2)*

---

## Proposed Rules

---

### 410 IAC 5.2-3-3 Provisional permit requirements

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 3. (a) A person enrolled in a limited radiology program approved by the department is eligible for a provisional radiography permit.

(b) A provisional permit expires six (6) months after its effective date.

(c) A provisional permit may not be renewed.

(d) Provisional permits are issued in the same limited category as the person would be licensed upon completion of requirements for that limited license.

(e) An individual issued a provisional permit may perform any procedure allowed under the scope of practice for a person licensed or certified in that area.

(f) If an individual has not completed the requirements for a license upon expiration of the provisional permit, the individual must cease performing radiology procedures. Once the individual meets the requirements for a limited license under this article, the individual may apply for the license but may not perform radiographic procedures until he or she is issued a license by the department.

(g) The department places no limit on the number of times that an individual may attempt a qualifying examination before, during, or after the provisional period. (*Indiana State Department of Health; 410 IAC 5.2-3-3*)

### 410 IAC 5.2-3-4 Evidence of license or permit

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 4. Evidence of a person's current license or permit issued under this article must be available for public inspection within the radiology department where the person is operating a radiation machine or using radiopharmaceutical agents. A copy of:

- (1) the person's current license, permit, or pocket card issued by the department; or
- (2) a printout of the license or permit status from the department's on-line licensing system;

complies with this rule. (*Indiana State Department of Health; 410 IAC 5.2-3-4*)

### 410 IAC 5.2-3-5 Right of entry

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 5. The department and its agents may enter at all reasonable times any private or public property, upon presentation of appropriate credentials, to do either of the following:

(1) Inspect either of the following:

- (A) A radiation machine.
- (B) Records pertaining to a license or permit issued by the department.

(2) Ensure compliance with this article.

(*Indiana State Department of Health; 410 IAC 5.2-3-5*)

### Rule 4. Licensing and Permitting Procedures

### 410 IAC 5.2-4-1 Application and approval

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 1. (a) To obtain a license or permit, the applicant shall do the following:

(1) Submit the following:

- (A) An application for a license or permit on a form and in a manner approved by the department.
- (B) Documents required by the application for a license or permit.

(2) Furnish evidence satisfactory to the department that the qualifying requirements have been met as required by IC 16-41-35-29 and this article.

(3) Submit the appropriate fee.

(b) Upon receipt of a completed application for a license or permit, the department will review the application and accompanying documentation to determine that the applicant has met the requirements of this article.

(c) Upon determination by the department that the applicant has failed to comply with this article, the department may do any of the following:

- (1) Request additional information concerning the application.
- (2) Conduct a further investigation to determine whether a license or permit should be issued.
- (3) Deny the application.

(d) Upon determination by the department that the applicant has complied with the licensing requirements under this article, the department will do the following:

- (1) Approve the application.
- (2) Issue the appropriate license or permit.

(*Indiana State Department of Health; 410 IAC 5.2-4-1*)

### 410 IAC 5.2-4-2 Expiration and renewal of license

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 2. (a) Radiology licenses expire on the last day of the month two (2) years after issue.

(b) If a person becomes licensed in multiple areas, the expiration date of the second and subsequent license will be the same as the original license.

(c) At least thirty (30) days before the expiration of a person's

license or permit, the applicant shall do the following:

- (1) Submit the following:
  - (A) An application for renewal of a radiography license or permit on a form and in a manner approved by the department.
  - (B) Documents required by the application for renewal.
- (2) Furnish evidence satisfactory to the department that the qualifying requirements have been met as required by IC 16-41-35-29 and this article.
- (3) Submit the appropriate fee.

(d) An individual with an expired license or permit shall not do any of the following:

- (1) Take radiographs.
- (2) Perform either of the following:
  - (A) Radiation therapy.
  - (B) Nuclear medicine studies.

(e) An application shall be deemed abandoned if, after six (6) months from the date of filing, the requirements for a license or permit have not been completed and submitted to the department. (*Indiana State Department of Health; 410 IAC 5.2-4-2*)

#### **410 IAC 5.2-4-3 Denial and disciplinary actions**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29

Affected: IC 4-21.5-3-6; IC 16-18-2-199; IC 16-41-35; IC 16-42-19-3

Sec. 3. (a) As follows, a radiology license or permit may be denied or disciplinary action may be taken by the department if the department determines that the person:

- (1) Engaged in:
  - (A) dishonorable;
  - (B) unethical; or
  - (C) unprofessional;

conduct of a character likely to deceive, defraud, or harm the public.

- (2) Engaged in or knowingly cooperated in:

- (A) fraud;
- (B) forgery; or
- (C) material deception;

in order to obtain a radiology license or permit.

- (3) Knowingly allowed one's name or radiology license or permit issued under this article to be used by another individual to provide radiology services.

- (4) Has been convicted for a crime that has a direct bearing on the person's ability to perform their responsibilities competently and in compliance with this article.

- (5) Diverted:

- (A) a legend drug (as defined in IC 16-18-2-199); or
- (B) any other drug or device issued under a drug order (as defined in IC 16-42-19-3);

to oneself or another individual.

- (6) Develops such physical or mental disability or other condition that continued practice or performance of his or her duties may be dangerous to patients or the public.

- (7) Operated a radiation machine or used radioactive

materials while under the influence of alcohol or drugs such that it endangers the public by impairing the person's ability to work safely and competently.

- (8) Abused, verbally abused, or neglected a patient or misappropriated property of a patient.

- (9) Exercised influence on a patient in such a manner as to exploit the patient for financial gain of the licensee or a third party, which shall include, but not be limited to, the promoting or selling of goods or services.

- (10) Engaged in lewd or immoral conduct in connection with the delivery of services to a patient.

- (11) Engaged in inappropriate contact with a patient or sexually harassed a patient.

- (12) Failed to comply with any of the following:

- (A) This article.
- (B) Any rule of the department.
- (C) Federal regulation.

- (13) Willfully or repeatedly violated an order issued in a disciplinary proceeding.

- (14) Is incompetent.

- (15) Inaccurately:

- (A) recorded;
- (B) falsified; or
- (C) altered;

patient records.

- (16) Provided false or incorrect information to an employer regarding the status of his or her license.

- (17) Abandoned a patient.

- (18) Knowingly operated a radiation machine that did not meet all applicable requirements set forth in 410 IAC 5.

- (19) Knowingly administered radioactive materials in a manner that did not meet all applicable requirements set forth in 410 IAC 5.

(b) On a determination by the department that a breach of this article has occurred, the department may issue an order under IC 4-21.5-3-6 for one (1) or more of the following disciplinary actions:

- (1) Issue an order for immediate correction of the breach.
- (2) Issue an order to require training or education.
- (3) Issue a written reprimand.
- (4) Place the person on probation.
- (5) Suspend the person's license or permit for up to one (1) year.
- (6) Revoke the person's license or permit.

(c) In determining appropriate disciplinary actions, the department shall consider the following:

- (1) Whether the breach occurred in part for reasons outside of the person's control.
- (2) Whether the person has taken the appropriate steps to reasonably ensure that the breach will not recur.
- (3) The person's history of breaches of this article.
- (4) The effect of the breach on the patient.
- (5) The extent that breach was willful, intentional, or repeated.

(d) Upon a revocation of a license or permit, the person shall relinquish his or her license or permit to the department, and the license or permit is deemed to be expired. (*Indiana State Department of Health; 410 IAC 5.2-4-3*)

#### **410 IAC 5.2-4-4 Request for removal of revocation of license or permit**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 4. (a) A person who fails to comply with a revocation or suspension is not eligible for a license.

(b) When a person's radiology license or permit has been revoked, the department may, not sooner than two (2) years after the date of revocation, entertain an application for removal of the revocation and issuance of a license or permit. The department shall not remove the revocation or issue a license or permit to a person unless the department has determined that the person is able to practice as a:

- (1) radiologic technologist;
- (2) radiation therapist;
- (3) nuclear medicine technologist; or
- (4) limited radiation machine operator;

in a manner that will not endanger patients or the public. (*Indiana State Department of Health; 410 IAC 5.2-4-4*)

#### **410 IAC 5.2-4-5 Appeal procedures**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 4-21.5; IC 16-41-35

Sec. 5. (a) A person aggrieved by an order issued under this article may request a review under IC 4-21.5. If a request for a hearing is not filed within the fifteen (15) day period, the determination contained in the order is final.

(b) Hearings under this article shall be conducted in accordance with IC 4-21.5.

(c) Hearings under this article shall be conducted by an administrative law judge who is as follows:

- (1) Admitted to the practice of law in Indiana.
- (2) Not a member of the executive board or an employee of the state.

(d) The person shall have the right to the following:

- (1) Be present in person.
- (2) Be represented by counsel.
- (3) Present evidence.
- (4) Be heard in opposition to the order issued by the department.

(*Indiana State Department of Health; 410 IAC 5.2-4-5*)

#### **410 IAC 5.2-4-6 Name or address change and issuance of duplicate license or permit**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 6. (a) A person issued a license or permit under this article shall notify the department of a change of name or address within thirty (30) calendar days of the change. Name changes must be received by the department along with a copy of one (1) of the following:

- (1) A marriage certificate.
- (2) A court decree evidencing the change.
- (3) A Social Security card reflecting the new name.

(b) If a person desires a replacement license or permit reflecting the name change, the replacement license may be issued on:

- (1) request to the department; and
- (2) payment of a replacement fee.

(c) Replacements for lost, damaged, or stolen licenses or permits may be issued on:

- (1) request to the department; and
- (2) payment of a replacement fee.

(d) The failure of a person to receive notification of license renewal because the person did not notify the department of a change of name or address shall not:

- (1) constitute an error on the part of the department; or
- (2) exonerate or otherwise excuse the individual from renewing the license.

(*Indiana State Department of Health; 410 IAC 5.2-4-6*)

#### **410 IAC 5.2-4-7 Retired status**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 7. A person who was formerly issued a license under this article and is retired from active practice in the licensed area may apply for renewal of his or her license under a retired status. A person with a retired status shall not operate a radiation machine or perform procedures requiring the administration of radioactive materials. A person in retired status who wishes to be removed from retired status must do the following:

- (1) Comply with all requirements in this article.
- (2) Be issued a license under this article.

(*Indiana State Department of Health; 410 IAC 5.2-4-7*)

#### **410 IAC 5.2-4-8 Fees**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 8. (a) The fee for a license issued under this article is sixty dollars (\$60).

(b) The renewal fee for licenses issued under this article is sixty dollars (\$60).

(c) There is no fee for either of the following:

- (1) A student radiology permit.
- (2) A provisional radiology permit.

(d) A twenty dollar (\$20) fee will be charged for the following:

- (1) A retired status license.
- (2) A duplicate license or permit.
- (3) A license or permit for a name change.

(e) A late fee of sixty dollars (\$60) shall be imposed if the renewal application is received after the expiration of the previous license.

(f) Persons licensed in more than one (1) area licensed under this article are only required to pay one (1) sixty dollar (\$60) fee for all licenses issued under this article. *(Indiana State Department of Health; 410 IAC 5.2-4-8)*

#### **Rule 5. Standards of Competent Practice**

##### **410 IAC 5.2-5-1 Confidentiality**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 1. An individual issued a license or permit under this article shall maintain the confidentiality of the following:

- (1) All knowledge and information regarding a patient.
- (2) All records relating to the patient as required by law.

*(Indiana State Department of Health; 410 IAC 5.2-5-1)*

##### **410 IAC 5.2-5-2 Reasonable care**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 2. An individual issued a license or permit under this article shall exercise reasonable care and diligence in the care and treatment of patients based upon the following:

- (1) Generally accepted:
  - (A) scientific principles;
  - (B) methods; and
  - (C) treatments.
- (2) Current professional theory and practice.

*(Indiana State Department of Health; 410 IAC 5.2-5-2)*

##### **410 IAC 5.2-5-3 Incompetent practice**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 3. The following establishes incompetent practice under this article:

- (1) Practicing radiology in a manner that endangers patients or the public.
- (2) Willful violation of this article.
- (3) Repeated violations of this article.
- (4) Accepting or performing professional responsibilities that the person:
  - (A) knows;
  - (B) has reason to know; or
  - (C) should know;that he or she is not competent to perform.
- (5) Failure to deliver radiology services with a level of

care, skill, and treatment that is recognized by a reasonably prudent person with similar education and training as being acceptable under similar conditions and circumstances.

(6) Inaccurately documenting patient care.

(7) Failure to appropriately supervise students under the licensee's direction.

*(Indiana State Department of Health; 410 IAC 5.2-5-3)*

#### **Rule 6. Licensing of Radiologic Technologists**

##### **410 IAC 5.2-6-1 Additional licensing requirements**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 1. (a) In addition to the requirements in 410 IAC 5.2-4, to be eligible for a radiologic technologist license, a person shall be as follows:

- (1) A graduate of a radiologic technology program:
  - (A) accredited by the Joint Review Committee on Education in Radiologic Technology; or
  - (B) approved by the department that has demonstrated to the department equivalent or higher standards as compared to standards of the Joint Review Committee on Education in Radiologic Technology.
- (2) Currently certified and registered in radiologic technology by the American Registry of Radiologic Technologists (ARRT).

(b) Individuals who have never been registered by the ARRT but were issued a general radiation machine operator certificate before the effective date of this rule:

- (1) are exempt from the requirements found in subsection (a); and
- (2) will be issued a radiologic technologist license upon proof of:
  - (A) prior certification; and
  - (B) the completion of requirements under 410 IAC 5.2-4.

*(Indiana State Department of Health; 410 IAC 5.2-6-1)*

##### **410 IAC 5.2-6-2 Scope of practice**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 2. A radiologic technologist license authorizes an individual to perform all radiologic procedures ordered by a licensed practitioner except radiation therapy and nuclear medicine procedures. *(Indiana State Department of Health; 410 IAC 5.2-6-2)*

#### **Rule 7. Licensing of Radiation Therapists**

##### **410 IAC 5.2-7-1 Additional licensing requirements**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 1. (a) In addition to the requirements in 410 IAC 5.2-

4, to be eligible for a radiation therapist license, a person shall be as follows:

- (1) A graduate of a radiation therapist program:
  - (A) accredited by the Joint Review Committee on Education in Radiologic Technology; or
  - (B) approved by the department that has demonstrated to the department equivalent or higher standards as compared to standards of the Joint Review Committee on Education in Radiologic Technology.
- (2) Currently certified and registered in radiation therapy by the American Registry of Radiologic Technologists (ARRT).

(b) An individual who provides written proof to the department that he or she was actively employed as a radiation therapist for at least one (1) year before the effective date of this rule:

- (1) is exempt from subsection (a); and
- (2) will be granted a radiation therapist license upon the completion of requirements under 410 IAC 5.2-4.

(Indiana State Department of Health; 410 IAC 5.2-7-1)

#### **410 IAC 5.2-7-2 Scope of practice**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 2. A radiation therapist license authorizes an individual to perform all radiation therapy procedures ordered by a licensed practitioner including therapy simulator or computed tomography (CT) simulator procedures. (Indiana State Department of Health; 410 IAC 5.2-7-2)

#### **Rule 8. Licensing of Nuclear Medicine Technologists**

##### **410 IAC 5.2-8-1 Additional licensing requirements**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 1. (a) In addition to the requirements in 410 IAC 5.2-4, to be eligible for a nuclear medicine technologist license, a person shall be as follows:

- (1) A graduate of a nuclear medicine technology program:
  - (A) accredited by the Joint Review Committee on Educational Programs in Nuclear Medicine Technology; or
  - (B) approved by the department that has demonstrated to the department equivalent or higher standards as compared to standards of the Joint Review Committee on Education Programs in Nuclear Medicine.
- (2) Currently certified and registered in nuclear medicine technology by the American Registry of Radiologic Technologists (ARRT) or the Nuclear Medicine Technology Certification Board (NMTCB).

(b) An individual who provides written proof to the department that he or she was actively employed as a nuclear medicine technologist for at least one (1) year before the effective date of this rule will be granted a nuclear

medicine license upon completion of requirements under 410 IAC 5.2-4. (Indiana State Department of Health; 410 IAC 5.2-8-1)

##### **410 IAC 5.2-8-2 Scope of practice**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 2. A nuclear medicine technology license authorizes an individual to administer radiopharmaceutical agents for diagnostic and therapeutic purposes for the performance of nuclear medicine or positron emission tomography (PET) procedures ordered by a licensed practitioner. (Indiana State Department of Health; 410 IAC 5.2-8-2)

#### **Rule 9. Limited Radiography Programs**

##### **410 IAC 5.2-9-1 Procedure for limited radiography licensing**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 1. (a) In addition to the requirements under 410 IAC 5.2-4, to be eligible for a limited radiology license or provisional permit, a person shall meet the following requirements:

- (1) Be the following:
  - (A) At least eighteen (18) years of age.
  - (B) A high school graduate or GED certificate holder.
- (2) Complete a limited radiography program approved by the department.
- (3) Obtain the following:
  - (A) Clinical training.
  - (B) Certification of proficiency.

The person must obtain certification of proficiency before the expiration of the provisional limited radiography permit.

(b) An applicant to obtain a limited radiography license shall not operate a radiation machine:

- (1) before obtaining a provisional limited radiography permit; or
- (2) after expiration of a provisional limited radiography permit.

(c) The limited radiography program may be completed before or after being issued a provisional limited radiography permit.

(d) If a person fails to complete the limited radiography program and exam required for a limited radiography license before the expiration of the provisional permit, the permit expires and the person may not operate a radiation machine. Upon:

- (1) completion of the limited radiography program; and
- (2) passing of the required exam;

the department may grant the individual an additional thirty (30) days to complete the certification of proficiency

requirements if not previously completed. (*Indiana State Department of Health; 410 IAC 5.2-9-1*)

**410 IAC 5.2-9-2 Approval of limited radiography programs**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 2. (a) The following are the limited radiography programs authorized under this article:

- (1) Limited dental radiography program.
- (2) Limited chest radiography program.
- (3) Limited chiropractic radiography program.
- (4) Limited general radiography program.
- (5) Limited podiatric radiography program.

(b) Limited radiology programs shall be approved by the department before offering the program.

(c) Faculty of a limited radiology program shall be a:

- (1) practitioner; or
- (2) licensed radiologic technologist.

(d) To be approved by the department, the limited radiology program must do the following:

- (1) Submit the following:
  - (A) An application for approval as a limited radiology program:
    - (i) on a form; and
    - (ii) in a manner; approved by the department.
  - (B) Information and documentation required by the application form.
  - (C) A complete curriculum to the department for approval.
- (2) Demonstrate compliance with program requirements established by the department.

(e) Programs must be reapproved by the department every five (5) years. (*Indiana State Department of Health; 410 IAC 5.2-9-2*)

**410 IAC 5.2-9-3 Curriculum for limited radiology programs**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 3. (a) The curriculum for a limited radiology program shall be approved by the department. The department may seek the assistance of a curriculum review committee appointed by the department to do the following:

- (1) Review the adequacy of the curriculum.
- (2) Make curricular recommendations to programs.
- (3) Ensure compliance with minimum curricular standards established by the department.

(b) The following general categories must be included in a limited radiology program:

- (1) Fundamentals of health care.
- (2) Medical terminology.
- (3) Patient care and management.
- (4) Human anatomy and physiology.
- (5) Imaging production and evaluation.
- (6) Imaging equipment and radiation production.
- (7) Radiation protection and radiobiology.

(c) In addition to the categories in subsection (b), the curriculum must include the following:

- (1) Limited chest radiography programs must include instruction on chest radiography procedures.
- (2) Limited chiropractic programs must include instruction on spine and extremity radiographic procedures.
- (3) Limited dental programs must include instruction on dental radiographic procedures.
- (4) Limited podiatry programs must include instruction on:
  - (A) foot;
  - (B) ankle; and
  - (C) leg below the knee;
 radiographic procedures.

(d) Limited radiography programs must be competency-based educational programs. (*Indiana State Department of Health; 410 IAC 5.2-9-3*)

**410 IAC 5.2-9-4 Procedures for certification of proficiency**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 4. (a) An applicant for a limited radiography license must obtain:

- (1) a practitioner;
- (2) an educator in an approved radiologic technology program; or
- (3) another licensed individual approved by the department; to certify the applicant's proficiency in the procedures included under the limited license for which the applicant is applying. The individual providing the certification may only certify procedures that fall under his or her license.

(b) The responsibilities of the individual providing the certification are as follows:

- (1) The individual providing the certification must do the following:
  - (A) Ensure that the student is instructed on the:
    - (i) principles of radiation protection; and
    - (ii) operation of radiation machines;
 before the student making radiographic exposures.
  - (B) Provide the applicant with clinical instruction on procedures included in that limited radiography license.
  - (C) Ensure that the applicant is under direct supervision by:
    - (i) an appropriate practitioner;
    - (ii) a licensed radiologic technologist; or

(iii) another licensed individual approved by the department;  
in order to assist and evaluate the student's performance in terms of positioning, radiation protection, and radiographic film quality.

(2) The individual providing the certification shall complete an evaluation and certification form:

- (A) on a form; and
- (B) in a manner;  
approved by the department.

(c) The certification must be achieved by the expiration of the provisional permit.

(d) The applicant may select a new individual to provide the certification during the provisional license period. This shall not, however, extend the expiration date of the provisional license. (*Indiana State Department of Health; 410 IAC 5.2-9-4*)

#### **Rule 10. Limited Dental Radiography License**

##### **410 IAC 5.2-10-1 Additional license requirements**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 1. (a) As follows, in addition to the requirements in 410 IAC 5.2-4, to be eligible for a limited dental radiography license, a person shall have satisfactorily:

- (1) Completed an educational program from a school whose radiographic program is either of the following:
  - (A) Approved by the commission on dental accreditation.
  - (B) A limited dental radiography program approved by the department.
- (2) Been certified by a licensed practitioner or licensed dental hygienist in an approved educational program as proficient in performing the procedures included in the limited dental curriculum.
- (3) Passed one (1) or more of the following examinations:
  - (A) The Dental Assisting National Board (DANB) examination in general chairside assisting.
  - (B) The Dental Assisting National Board (DANB) dental radiation health and safety examination.
  - (C) An examination approved by the department.

(b) Persons issued a limited dental radiology certificate by the department before the effective date of this rule:

- (1) are deemed to be in compliance with subsection (a); and
- (2) will continue to be issued a renewal upon compliance with the application requirements under 410 IAC 5.2-4.  
(*Indiana State Department of Health; 410 IAC 5.2-10-1*)

##### **410 IAC 5.2-10-2 Scope of practice**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 2. A limited dental radiography license authorizes an individual to perform any dental radiographic procedure ordered by a practitioner. (*Indiana State Department of Health; 410 IAC 5.2-10-2*)

#### **Rule 11. Limited General Radiography License**

##### **410 IAC 5.2-11-1 Additional licensing requirements**

Authority: IC 16-41-35-26; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 1. (a) As follows, in addition to the requirements in 410 IAC 5.2-4, to be eligible for a limited general radiology license, a person shall have satisfactorily:

- (1) Completed a limited general radiography program approved by the department.
- (2) Passed an exam approved by the department.
- (3) Been certified by a licensed:
  - (A) practitioner; or
  - (B) radiologic technologist;as proficient in performing the procedures included in the limited general curriculum.

(b) Persons issued a limited general radiology certificate by the department before the effective date of this rule:

- (1) are deemed to be in compliance with subsection (a), and
- (2) will continue to be issued a renewal upon compliance with the application requirements under 410 IAC 5.2-4.

(c) No new limited general radiology certificates or licenses will be issued to initial applicants after the effective date of this rule. (*Indiana State Department of Health; 410 IAC 5.2-11-1*)

##### **410 IAC 5.2-11-2 Scope of practice for limited general radiography license**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 2. A limited general radiography license authorizes an individual to perform any radiographic procedure except for procedures using contrast media and mammography procedures. The radiographic procedure shall have been ordered by a practitioner. (*Indiana State Department of Health; 410 IAC 5.2-11-2*)

#### **Rule 12. Limited Chest Radiography License**

##### **410 IAC 5.2-12-1 Additional licensing requirements**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

Sec. 1. (a) As follows, in addition to the requirements in 410 IAC 5.2-4, to be eligible for a limited chest radiography license, a person shall have:

- (1) Completed a limited general radiography program approved by the department.



- (2) Passed an exam approved by the department.
- (3) Been certified as proficient in performing the procedures included in the limited chest radiography curriculum by a licensed practitioner or a licensed radiologic technologist employed as an educator in a radiologic technology program approved by the department.

(b) Persons issued a limited chest radiography certificate by the department before the effective date of this rule:

- (1) are deemed to be in compliance with subsection (a); and
- (2) will continue to be issued a renewal upon compliance with the application requirements under 410 IAC 5.2-4.

*(Indiana State Department of Health; 410 IAC 5.2-12-1)*

#### **410 IAC 5.2-12-2 Scope of practice**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

**Sec. 2. A limited chest radiography license authorizes an individual to perform chest radiography procedures ordered by a practitioner.** *(Indiana State Department of Health; 410 IAC 5.2-12-2)*

#### **Rule 13. Limited Chiropractic Radiography License**

#### **410 IAC 5.2-13-1 Additional license requirements**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

**Sec. 1. (a) As follows, in addition to the requirements in 410 IAC 5.2-4, to be eligible for a limited chiropractic radiography license, a person shall have:**

- (1) Completed a limited chiropractic radiography program approved by the department.
- (2) Passed an exam approved by the department.
- (3) Been certified as proficient in performing the procedures included in the limited chiropractic radiography curriculum by a licensed practitioner or a licensed radiologic technologist employed as an educator in a radiologic technology program approved by the department.

(b) Persons issued a limited chiropractic radiography certificate by the department before the effective date of this rule:

- (1) are deemed to be in compliance with subsection (a); and
- (2) will continue to be issued a renewal upon compliance with the application requirements under 410 IAC 5.2-4.

*(Indiana State Department of Health; 410 IAC 5.2-13-1)*

#### **410 IAC 5.2-13-2 Scope of practice**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

**Sec. 2. A limited chiropractic radiography license authorizes an individual to perform spine and extremity radio-**

**graphic procedures ordered by a practitioner.** *(Indiana State Department of Health; 410 IAC 5.2-13-2)*

#### **Rule 14. Limited Podiatric Radiography License**

#### **410 IAC 5.2-14-1 Additional licensing requirements**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

**Sec. 1. (a) As follows, in addition to the requirements in 410 IAC 5.2-4, to be eligible for a limited podiatric radiography license, a person shall have:**

- (1) Completed a limited podiatric radiography program approved by the department.
- (2) Passed an exam approved by the department.
- (3) Been certified as proficient in performing the procedures included in the limited podiatric radiography curriculum by a licensed practitioner or a licensed radiologic technologist employed as an educator in a radiologic technology program approved by the department.

(b) Persons issued a limited podiatric radiography certificate by the department before the effective date of this rule:

- (1) are deemed to be in compliance with subsection (a), and
- (2) will continue to be issued a renewal upon compliance with the application requirements under 410 IAC 5.2-4.

*(Indiana State Department of Health; 410 IAC 5.2-14-1)*

#### **410 IAC 5.2-14-2 Scope of practice**

Authority: IC 16-41-35-26; IC 16-41-35-28; IC 16-41-35-29  
Affected: IC 16-41-35

**Sec. 2. A limited podiatric radiography license authorizes an individual to perform:**

- (1) foot;
- (2) ankle; and
- (3) leg below the knee;

**radiographic procedures ordered by a practitioner.** *(Indiana State Department of Health; 410 IAC 5.2-14-2)*

SECTION 2. 410 IAC 5-11 IS REPEALED.

#### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on April 24, 2006 at 9:30 a.m., at the Indiana State Department of Health, 2 North Meridian Street, Rice Auditorium, Indianapolis, Indiana the Indiana State Department of Health will hold a public hearing on a proposed new rule to regulate who may operate a radiation machine and what level of training and experience the operator must have and to repeal 410 IAC 5-11.*

*These rules update the rules for operators of radiation machines recognizing the changes in different types of radiation machines. Requirements of this rule are in concert with the statute requiring this rule to be written.*

---

## Proposed Rules

---

*Copies of these rules are now on file at the Health Care Regulatory 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.*

Sue Uhl  
Deputy State Health Commissioner  
Indiana State Department of Health

---

### TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

#### Proposed Rule LSA Document #05-260

#### DIGEST

Amends 410 IAC 17-10-1, 410 IAC 17-12-1, 410 IAC 17-12-3, 410 IAC 17-13-1, and 410 IAC 17-16-1 and adds 410 IAC 17-13-2 and 410 IAC 17-13-3 to revise the requirements and procedures for home health agencies, add requirements for home health aide registration upon change in employment, increase the annual license fee, and make changes for compliance with P.L.212-2005. Effective 30 days after filing with the Secretary of State.

#### Description of Rule

The Indiana State Department of Health (ISDH) has statutory responsibility for the licensing and surveying of home health agencies. HEA 1098 (2005) made changes to statutory definitions for home health services and attendant care services. The proposed rule amends the current rule to ensure consistency between the rules and state statute.

HEA 1098 (2005) also required the ISDH to license personal services agencies. The statute mandated an annual license fee of \$250 for personal services agencies and increased the maximum licensing fee for home health agencies from an annual \$200 to an annual \$250. This incremental increase was targeted at offsetting the cost of administering the personal services agency statute in which home health agencies may participate without an additional license. The proposed rule increases the home health agency licensing fee from \$100 to \$250. Because the personal services agency licensing system creates a service plan of care distinct from a nursing plan of care, the proposed home health rule distinguishes between the medical, nursing, and service plans of care.

#### Economic Impact on Small Businesses

##### 1. Estimate of the number of small businesses, classified by industry sector, that will be subject to the proposed rule.

IC 4-22-2.1-4 defines a small business as any person, firm, corporation, limited liability company, partnership, or association that:

(1) is actively engaged in business in Indiana and maintains its principal place of business in Indiana;

- (2) is independently owned and operated;  
(3) employs one hundred (100) or fewer full-time employees; and  
(4) has gross annual receipts of five million dollars (\$5,000,000) or less.

The ISDH licenses 249 home health agencies. The North American Industry Classification System classifies these agencies as Home Health Care Services (NAICS 621610). The ISDH estimates that most of these home health agencies are small businesses as defined by IC 4-22-2.1-4.

##### 2. Estimate of the average annual reporting, record keeping, and other administrative costs that small businesses will incur to comply with the proposed rule.

Each agency will incur a statutorily mandated licensing fee increase of \$150 from \$100 to \$250 per annum.

Each agency will incur a cost for the development of a template for new documentation requirements associated with a nurse directed plan of care. The ISDH estimates these costs at eight hours of staff time at \$15/hour amounting to a one-time cost of \$120. This cost could be eliminated if agencies using a home health aide plan of care convert the form to a nurse-directed plan of care. The requirements for a nurse-directed plan are significantly less than those of a medical plan of care.

Agencies currently providing services utilizing only home health aide services must obtain a physician's authorization and complete a full medical plan of care. The form is mailed to physicians for signature (without compensation) and returned to the agency. Many agencies find it necessary to complete this process several times if physicians fail to respond in a timely manner. The implementation of a nurse-directed care plan for these nonskilled services, home health aide only, eliminates the need for the complete medical plan of care and therefore eliminates the process of mailing the plan to a physician and awaiting return mail. Agencies will realize cost reductions proportionate to the number of clients receiving these services. Additionally, physicians will no longer be required to review and sign such plans, thereby reducing demands on their time. As noted, the nurse-directed plan of care carries significantly fewer requirements than the current medical plan of care.

The remaining rule requirements reflect those activities in which agencies are routinely engaged as part of their normal business operations. These areas do not add additional operational expense above the current rule requirements.

The average additional compliance cost beyond the current rule incurred by providers in year one is estimated at \$270 (\$150 increase in license fee and \$120 in one-time costs). The average additional compliance cost beyond the current rule incurred by providers in subsequent years is estimated at the license fee increase of \$150. These costs could be offset in part as described above.

##### 3. Estimate of the total annual economic impact that compliance with the proposed rule will have on all small businesses subject to the rule.

Based on these above assumptions, cost to the provider industry after year one is approximately \$37,350 annually,

which is the increase in the licensure fee.

**4. Statement justifying any requirement or cost that is imposed on small businesses by the rule; and not expressly required by the statute authorizing the agency to adopt the rule; or any other state or federal law.**

Home health agencies provide services to three basic client groups utilizing three categories of personnel as follows:

Clients	Personnel
Skilled services	Physician ordered services provided by a licensed health practitioner and home health aide services under the supervision of the practitioner.
Nonskilled, home health aide services only	No physician oversight. Allowable medical services provided by a qualified home health aide.
Nonskilled, personal services	Services not of a medical nature performed by agency-trained personnel.

In the absence of a nurse directed plan of care, as required by the revised rule, home health aides would be performing medically related services without direction or supervision by a licensed health care practitioner (e.g., nurse-delegated care). The ISDH's mission, in part, is to protect the public health of Indiana residents. The ISDH believes that unsupervised provision of certain medical services is not congruent with the mission and are services beyond the scope of the average layperson. The rule therefore implements a nurse directed plan of care that provides the necessary oversight for personnel performing medical services that have a potential for harm but do not rise to the requirement that a licensed individual, subsequent to a physician's order, perform the services. This process benefits both the agency and referring physicians as noted in section 2, item C, and reduces economic impact.

**5. Regulatory Flexibility Analysis**

Other factors considered:

**A. Establishment of less stringent compliance or reporting requirements for small businesses.**

1. Nurse-directed plan of care: As previously stated, the nurse-directed plan of care reduces the burden on both the agency and the physician due to the less stringent requirements than those imposed by the medical plan of care.

2. Tuberculosis testing: The rule reduces the burden on agencies in regards to tuberculosis testing while maintaining patient and personnel safety. The rule permits agencies to accept proof of previous (within the preceding 12 months) TB testing. Prior to the revised rule, agencies were required to test each new employee upon hire regardless of the time interval from a previous test. In line with the Centers for Disease Control and Prevention (CDC) guidelines, which require annual testing for medium risk groups, the ISDH has reduced the testing burden. This change reduces costs to agencies for TB testing.

3. The revised rule permits the department to issue a 90-day provisional license with a possible extension of an additional 90 days. Previously, agencies had a 90-day window in which to

demonstrate compliance. The window could be extended in 15-day increments. The 15-day increment schedule increased the burden on agencies to make conforming changes within 10 working days. The 90-day extension provides the agency additional days in which to make the necessary changes.

**B. Establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.**

The rule provides for the use of an acceptable accreditation survey by a recognized accrediting body in lieu of a state survey. Therefore, accredited agencies with acceptable accreditation surveys are not subject to a duplicative state survey.

**C. Consolidation or simplification of compliance or reporting requirements for small businesses.**

See section B.

**D. Establishment of performance standards for small businesses instead of design or operational standards imposed on other regulated entities by the rule.**

The cause under consideration is amendments to existing rules. The implementation of performance standards is at the discretion of the Home Health Services and Hospices Services Council which includes representation from the regulated industry.

**E. Exemption of small businesses from part or all of the requirements or costs imposed by the rule.**

In order to protect all clients utilizing home health care services and provide the noted benefits to each agency, it is necessary that the requirements, as amended, apply to all providers within this industry sector.

**Conclusion**

The proposed changes, with the exception of the statutorily mandated fee increase, provide the industry with a reduction in costs and lighten the burden necessary for compliance while protecting the health and safety of Indiana residents.

**410 IAC 17-10-1**

**410 IAC 17-12-1**

**410 IAC 17-12-3**

**410 IAC 17-13-1**

**410 IAC 17-13-2**

**410 IAC 17-13-3**

**410 IAC 17-16-1**

SECTION 1. 410 IAC 17-10-1 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 17-10-1 Licensure**

**Authority:** IC 16-27-1-7

**Affected:** IC 12-17-15-3; IC 16-20; IC 16-22-8; IC 25-22.5

Sec. 1. (a) No home health agency shall:

- (1) be opened;
- (2) be operated;
- (3) be managed;
- (4) be maintained; or
- (5) otherwise conduct business;

without a license issued by the department.

(b) A license is required for any home health agency providing care in Indiana where the parent agency is located in a state

## Proposed Rules

other than Indiana. The home health agency must:

- (1) be authorized by the secretary of state to conduct business in Indiana; and
- (2) have a branch office located in Indiana.

(c) Application for a license to operate a home health agency shall be:

- (1) made on a form provided by the department; and ~~shall be~~
- (2) accompanied by a nonrefundable fee of ~~one two hundred fifty dollars (\$100):~~ **(\$250).**

(d) Disclosure of ownership and management information must be made to the department at the time of the home health agency's initial request for licensure, for each survey, and at the time of any change in ownership or management. The disclosure must include **the names and addresses of** the following:

- (1) ~~The name and address of~~ All persons having at least five percent (5%) ownership or controlling interest in the home health agency.
- (2) ~~The name and address of~~ Each person who is:
  - (A) an officer;
  - (B) a director;
  - (C) a managing agent; or
  - (D) a managing employee;

**of the home health agency and evidence supporting the qualifications required by this article.**

- (3) ~~The name and address of~~ The corporation, association, or other company that is responsible for the management of the home health agency. ~~and the name and address of~~
- (4) The chief executive officer and the chairman or equivalent position of the governing body of that corporation, association, or other legal entity responsible for the management of the home health agency.

(e) After receiving a completed application, the nonrefundable fee required by subsection (c), ~~of this rule;~~ and disclosure of ownership and management information, the department may issue a **letter of approval for operating a home health agency provisional license** for a period of ~~up to~~ ninety (90) days pending an on-site inspection. In determining whether to issue the ~~letter of approval;~~ **provisional license,** the department shall consider the following factors:

- (1) Whether the department has filed an action against an agency owned or operated by the applicant that resulted in **any of the following:**
  - (A) The revocation of a license.
  - (B) The denial or renewal of a license.
  - (C) The issuance or renewal of a probationary license. ~~or~~
  - (D) The payment of a civil penalty.
- (2) Whether the department has issued an order against an agency owned or operated by the applicant.
- (3) Whether an agency owned or operated by the applicant has surrendered its license to the department.
- (4) Whether any injunction has been issued against an agency owned or operated by the applicant. ~~and~~
- (5) Whether an agency owned or operated by the applicant

has operated in substantial violation of:

- (A) this rule; or
  - (B) any other law governing home health agencies;
- at any time within two (2) years immediately preceding the date that the applicant applied for a license.

(f) **After:**

- (1) **the opening of the agency; and**
- (2) **before the expiration of the provisional license;**

the department may ~~extend this ninety (90) day period for a total of one hundred twenty (120) days in fifteen (15) day increments. Such decision to grant an extension shall take into consideration the health, safety, and welfare of the citizens the home health agency serves and the individual circumstances warranting the need for the extension. The home health agency must provide the service(s) that have been specified on the application prior to the inspection and must have a minimum of three (3) patients for record review. Record review may consist of both open and closed patient files. conduct a licensing survey or additional documentation will be requested prior to the end of the provisional period to ensure compliance with this article.~~

(g) **If the agency is found to be in compliance with this article, the department will issue a full license to operate a home health agency. If the agency is not found to be in compliance with this article, the department may extend the provisional license for ninety (90) days. If the provisional license is extended, a revisit survey may be conducted or additional documentation will be requested before the end of the provisional period to ensure compliance with this article. If the agency is found to be in compliance with this article, the department will issue a full license to operate a home health agency. If the agency is not found to be in compliance with this article after the extended provisional period, the department may do any of the following:**

- (1) **Request additional information concerning the application.**
- (2) **Conduct a further investigation to determine whether a provisional license should be granted.**
- (3) **Deny the application.**

~~(g)~~ (h) **In determining whether to issue the initial license to operate a home health agency, the department may consider the following:**

- (1) The factors described under subsection (e). ~~of this rule and~~
- (2) The results of the initial survey.

~~(h)~~ (i) **The full license shall relate back to and reflect the date of the first day of the ~~ninety (90) day~~ first provisional license issued by the department.**

~~(i)~~ (j) **In determining whether to renew a license to operate a home health agency, the department may consider the following:**

- (1) The factors described under subsection (e). ~~of this rule and~~
- (2) Any actions pending against the home health agency.

~~(j)~~ **(k)** In conducting a survey, a surveyor shall receive copies of any and all documents necessary to make a determination of compliance. The surveyor may **do either of the following**:

- (1)** Make copies with **the** permission of the home health agency. ~~or~~
- (2)** Supervise any copying process to ensure that photocopies are true and accurate.

At the sole discretion of the department and for good cause shown, the home health agency may be granted up to twenty-four (24) hours to produce documents requested by the surveyor.

~~(k)~~ **(l)** A home health agency may apply to provide a service that was not listed in its application or renewal application by notifying the department in writing of the new service, the date the service is intended to be offered, and all supporting documentation that shows the home health agency is qualified to provide the additional service. ~~Such~~ **This** documentation includes, but is not limited to, the following:

- (1)** Personnel qualifications and licensing.
- (2)** Limited criminal history from the Indiana central repository established by IC 5-2-5 [IC 5-2-5 was repealed by P.L. 2-2003, SECTION 102, effective July 1, 2003].
- (3)** Procedures for the supervision of personnel.
- (4)** Contracts between the home health agency and any person offering the new service.
- (5)** Records of physical exams showing that personnel are free of communicable disease.

In the event the initial information submitted is not sufficient for the department to determine the home health agency's compliance regarding the new service, the department will inform the home health agency of the additional documents required. A home health agency may not offer additional services until it has received approval from the department to do so.

~~(l)~~ **(m)** The following are not required to be licensed as a home health agency:

- (1)** A physician licensed under IC 25-22.5.
- (2)** An individual:
  - (A)** whose permanent residence is in the patient's residence; or
  - (B)** who is a member of the patient's immediate family.
- (3)** Incidental services provided by licensed health facilities to their patients.
- (4)** An employee of a person holding a license under IC 16-27-1 who provides home health services only as an employee of the licensed person.
- (5)** A local health department established under IC 16-20.
- (6)** A health care professional who provides one **(1)** health service through a contract with a person licensed under IC 16-27-1.
- (7)** A durable medical equipment supply company that furnishes equipment but provides no home health services to persons in their homes.
- (8)** A drugstore or wholesale medical supply company that furnishes no home health services to persons in their home.

**(9)** A volunteer who provides home health aide services without compensation.

**(10)** An individual health care professional who provides professional services to a patient in the temporary or permanent residence of the patient.

**(11)** An entity does not need a home health license to provide early intervention services (as defined in IC 12-17-15-3) to a child pursuant to a state program funded by the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

~~(m)~~ **(n)** Except as provided in 410 IAC 17-11-5, each license shall:

- (1)** be for a term of one (1) year; and ~~shall~~
- (2)** expire one (1) year from the date of issuance.

The licensee shall notify the department in writing thirty (30) days in advance of closing or selling the home health agency.

~~(n)~~ **(o)** Each license shall:

- (1)** be issued only for the home health agency named in the application; and ~~shall~~
- (2)** not be transferred or assigned.

Upon sale, assignment, lease, or other transfer, voluntary or involuntary, including those transfers that qualify as changes of ownership, a new owner or person in interest shall obtain a license from the department ~~prior to~~ **before** maintaining, operating, or conducting a home health agency.

~~(o)~~ **(p)** The licensee shall submit an annual activity report to the department on a form provided by the department.

~~(p)~~ ~~Surveys~~ **(q)** ~~The department may be, conduct, but are is~~ not limited to, the following:

- (1)** Unannounced **licensing** surveys conducted annually for compliance.
- (2)** Post survey revisits conducted:
  - (A)** based on a home health agency's plan of correction; and
  - (B)** for the purpose of determining compliance.
- (3)** Patient care ~~complaints~~: **complaint surveys**.

**(r)** ~~In the years that a home health agency has an accreditation survey by a body recognized as a home health accrediting agency, the home health agency may submit the accreditation survey report to the department for review and action as follows:~~

- (1)** ~~If the department determines that the agency was found to substantially comply with the accreditation standards, the department will accept the report instead of a licensing survey.~~
- (2)** ~~If the department determines that the agency failed to significantly comply with the accreditation standards, the department may conduct a licensing survey.~~

*(Indiana State Department of Health; 410 IAC 17-10-1; filed Mar 18, 2002, 3:40 p.m.: 25 IR 2481)*

SECTION 2. 410 IAC 17-12-1 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 17-12-1 Home health agency administration and management**

**Authority:** IC 16-27-1-7

**Affected:** IC 16-27-2

Sec. 1. (a) Organization, services furnished, administrative control, and lines of authority for the delegation of responsibility down to the patient care level shall be:

- (1) clearly set forth in writing; and ~~be~~
- (2) readily identifiable.

Administrative and supervisory responsibilities shall not be delegated to another agency or organization, and all services not furnished directly, including services provided through a branch office, shall be monitored and controlled by the parent agency.

(b) A governing body, or designated **person or** persons so functioning, shall assume full legal authority and responsibility for the operation of the home health agency. The governing body shall **do the following**:

- (1) Appoint a qualified administrator.
- (2) Adopt and periodically review written bylaws or an acceptable equivalent. ~~and~~
- (3) Oversee the management and fiscal affairs of the home health agency.

(c) An individual need not be a home health agency employee or be present full time at the home health agency in order to qualify as its administrator. The administrator, who may also be the supervising physician or registered nurse required by subsection (d), ~~of this rule~~, shall do the following:

- (1) Organize and direct the home health agency's ongoing functions.
- (2) Maintain ongoing liaison among the governing body and the staff.
- (3) Employ qualified personnel and ensure adequate staff education and evaluations.
- (4) Ensure the accuracy of public information materials and activities.
- (5) Implement a budgeting and accounting system.
- (6) Ensure that the home health agency meets all rules and regulations for licensure.
- (7) Upon request, make available to the commissioner or his **or her** designated agent all:

- (A) reports;
- (B) records;
- (C) minutes;
- (D) documentation;
- (E) information; and
- (F) files;

required to determine compliance within seventy-two (72) hours of ~~such the~~ request or, in the event ~~such a the~~ request is made in conjunction with a survey, by the time the surveyor exits the home health agency, whichever is sooner.

(8) Ensure that a qualified person is authorized in writing to act in the administrator's absence.

(d) A physician or a registered nurse who has two (2) years of nursing experience, with at least one (1) year of supervisory or administrative experience, shall supervise and direct nursing and other therapeutic services. ~~Such The~~ person or similarly qualified alternate shall be on the premises or capable of being reached immediately by phone, pager, or other means. In addition, the person must be able to:

- (1) respond to an emergency;
- (2) provide guidance to staff;
- (3) answer questions; and
- (4) resolve issues;

within a reasonable amount of time, given the emergency or issue that has been raised.

(e) The administrator shall be responsible for an ongoing quality assurance program designed to **do the following**:

- (1) Objectively and systematically monitor and evaluate the quality and appropriateness of patient care.
- (2) Resolve identified problems. ~~and~~
- (3) Improve patient care.

(f) Personnel practices for employees shall be supported by written policies. All employees caring for patients in Indiana shall be subject to Indiana licensure, certification, or registration required to perform the respective service. Personnel records of employees who deliver home health services shall be kept current and shall include documentation of orientation to the job, including **the following**:

- (1) Receipt of job description.
- (2) Qualifications.
- (3) A copy of limited criminal history ~~pursuant to under~~ IC 16-27-2.
- (4) A copy of current license, certification, or registration.
- (5) Annual performance evaluations.

(g) **As follows**, personnel records of the supervising nurse, appointed ~~pursuant to under~~ subsection (d), ~~of this rule~~, shall:

- (1) Be kept current. ~~and shall~~
- (2) Include a copy of the following:

- ~~(1)~~ (A) Limited criminal history ~~pursuant to under~~ IC 16-27-2.
- ~~(2)~~ (B) Nursing license.
- ~~(3)~~ (C) Annual performance evaluations.
- ~~(4)~~ (D) Documentation of orientation to the job.

Performance evaluations required by this subsection must be performed every nine (9) to fifteen (15) months of active employment.

(h) Each employee who will have direct patient contact shall have a physical examination by a physician or nurse practitioner ~~no not~~ more than one hundred eighty (180) days before the date that the employee has direct patient contact. The physical examination shall be of sufficient scope to ensure that the employee will not spread infectious or communicable diseases to patients.

(i) The home health agency shall ~~require all employees who will have direct patient contact to complete a PPD (mantoux) skin test for tuberculosis no more than thirty (30) days before the date that the employee has direct patient contact and annually thereafter for negative findings. Positive findings shall require appropriate clinical follow-up before the employee has direct patient contact; but no repeat skin test. A physician shall advise and approve policies regarding positive outcomes. The home health agency shall follow the Centers for Disease Control and Prevention guidelines for administering the tuberculin skin test. These guidelines are the "Core Curriculum on Tuberculosis"; Chapter IV(B); Fourth Edition (2000) ensure that all employees, staff members, persons providing care on behalf of the agency, and contractors having direct patient contact are evaluated for tuberculosis and documentation as follows:~~

(1) Any person with a negative history of tuberculosis or a negative test result must have a baseline two-step tuberculin skin test using the Mantoux method or a quantiferon-TB assay unless the individual has documentation that a tuberculin skin test has been applied at any time during the previous twelve (12) months and the result was negative.

(2) The second step of a two-step tuberculin skin test using the Mantoux method must be administered one (1) to three (3) weeks after the first tuberculin skin test was administered.

(3) Any person with:

(A) a documented:

- (i) history of tuberculosis;
- (ii) previously positive test result for tuberculosis; or
- (iii) completion of treatment for tuberculosis; or

(B) newly positive results to the tuberculin skin test; must have one (1) chest radiograph to exclude a diagnosis of tuberculosis.

(4) After baseline testing, tuberculosis screening must:

- (A) be completed annually; and
- (B) include, at a minimum, a tuberculin skin test using the Mantoux method or a quantiferon-TB assay unless the individual was subject to subdivision (3).

(5) Any person having a positive finding on a tuberculosis evaluation may not:

(A) work in the home health agency; or

(B) provide direct patient contact;

unless approved by a physician to work.

(6) The home health agency must maintain documentation of tuberculosis evaluations showing that any person:

(A) working for the home health agency; or

(B) having direct patient contact;

has had a negative finding on a tuberculosis examination within the previous twelve (12) months.

(j) The information obtained from the:

(1) physical examinations required by subsection (h); ~~of this rule and PPD (mantoux) skin tests~~

(2) tuberculosis evaluations and clinical follow-ups required

by subsection (i); ~~of this rule~~

must be maintained in separate medical files and treated as confidential medical records, except as provided in subsection (k). ~~of this rule.~~

(k) The following records shall be made available, on request, to the department for review:

(1) Personnel records and policies that document the home health agency's compliance with subsection (f). ~~of this rule.~~

(2) Records of physical examinations that document the agency's compliance with subsection (h). ~~of this rule.~~

(3) Records of ~~PPD (mantoux) skin tests; the results of the skin tests following:~~

(A) Tuberculosis evaluations.

(B) Appropriate clinical follow-up for positive findings. ~~and~~

(C) Any other records that document the home health agency's compliance with subsection (i). ~~of this rule.~~

(l) The department shall:

(1) treat the information described in subsection (k) ~~of this rule~~ as confidential medical records; and

(2) use it only for the purposes for which it was obtained.

(m) Policies and procedures shall be written and implemented for the control of communicable disease in compliance with applicable federal and state laws. (*Indiana State Department of Health; 410 IAC 17-12-1; filed Mar 18, 2002, 3:40 p.m.: 25 IR 2483*)

SECTION 3. 410 IAC 17-12-3 IS AMENDED TO READ AS FOLLOWS:

#### **410 IAC 17-12-3 Patient rights**

Authority: IC 16-27-1-7

Affected: IC 16-27-1

Sec. 3. (a) The patient or the patient's legal representative has the right to be informed of the patient's rights through effective means of communication. The home health agency must protect and promote the exercise of these rights ~~as follows; and shall do the following:~~

(1) ~~The home health agency shall~~ Provide the patient with a written notice of the patient's right:

(A) in advance of furnishing care to the patient; or

(B) during the initial evaluation visit before the initiation of treatment.

(2) ~~The home health agency shall~~ Maintain documentation showing that it has complied with the requirements of this section.

(b) The patient has the right to exercise his or her rights as a patient of the home health agency as follows:

(1) The patient's family or legal representative may exercise the patient's rights as permitted by law.

(2) The patient has the right to **the following:**

(A) Have his or her property treated with respect.

~~(3)~~ ~~The patient has the right to~~ **(B)** Voice grievances regarding treatment or care that is (or fails to be) furnished, or regarding the lack of respect for property by anyone who is furnishing services on behalf of the home health agency and must not be subjected to discrimination or reprisal for doing so.

~~(4)~~ ~~The patient has the right to~~ **(C)** Place a complaint with the department regarding treatment or care furnished by a home health agency.

~~(5)~~ ~~The patient has the right to~~ **(D)** Be informed about the care to be furnished and of any changes in the care to be furnished as follows:

~~(A)~~ **(i)** The home health agency shall advise the patient in advance of the:

**(AA)** disciplines that will furnish care; and ~~the~~

**(BB)** frequency of visits proposed to be furnished.

~~(B)~~ **(ii)** The patient has the right to participate in the planning of the care. The home health agency shall advise the patient in advance of the right to participate in planning **the following**:

**(AA)** The care or treatment. ~~and in planning~~

**(BB)** Changes in the care or treatment.

~~(C)~~ **(iii)** The home health agency shall advise the patient of any change in the plan of care, including reasonable discharge notice.

~~(6)~~ ~~The patient has the right to~~ **(E)** Confidentiality of the clinical records maintained by the home health agency. The home health agency shall advise the patient of the agency's policies and procedures regarding disclosure of clinical records.

~~(7)~~ **(3)** The patient or patient's legal representative ~~have~~ **has** the right under Indiana law to access the patient's clinical records unless certain exceptions apply. The home health agency shall advise the patient or the patient's legal representative of its policies and procedures regarding the accessibility of clinical records.

~~(8)~~ **(4)** The patient has the right to be **as follows**:

**(A)** Free from verbal, physical, and psychological abuse.

~~and to be~~

**(B)** Treated with dignity.

(c) The home health agency shall **do the following**:

**(1)** Investigate complaints made by a patient or the patient's family or legal representative regarding **either of the following**:

**(A)** Treatment or care that is (or fails to be) furnished. ~~or regarding~~

**(B)** The lack of respect for the patient's property by anyone furnishing services on behalf of the home health agency. ~~and shall~~

**(2)** Document both the existence of the complaint and the resolution of the complaint.

(d) The home health agency shall make available to the patient upon request, a written notice in advance of furnishing care to the patient or during the initial evaluation visit before the

initiation of treatment, a listing of all individuals or other legal entities who have an ownership or control interest in the agency as defined in 42 CFR § 420.201, 42 CFR § 420.202, and 42 CFR § 420.206, **in effect on July 1, 2005.**

(e) The home health agency must inform and distribute written information to the patient, in advance, concerning its policies on advance directives, including a description of applicable state law. The home health agency may furnish advanced directives information to a patient at the time of the first home visit, as long as the information is furnished before care is provided. (*Indiana State Department of Health; 410 IAC 17-12-3; filed Mar 18, 2002, 3:40 p.m.: 25 IR 2486*)

SECTION 4. 410 IAC 17-13-1 IS AMENDED TO READ AS FOLLOWS:

## 410 IAC 17-13-1 Medical plan of care

Authority: IC 16-27-1-7

Affected: IC 25

Sec. 1. (a) Patients shall be accepted for care on the basis of a reasonable expectation that the patient's health needs can be adequately met by the home health agency in the patient's place of residence. Medical care shall follow a written medical plan of care established and periodically reviewed by the physician, dentist, chiropractor, optometrist, or podiatrist as follows:

**(1) As follows**, the medical plan of care shall:

**(A)** Be developed in consultation with the home health agency staff. ~~and shall~~

**(B) Include all services to be provided if a skilled service is being provided.**

**(C)** Cover all pertinent diagnoses. ~~and~~

**(D)** Include the following:

~~(A)~~ **(i)** Mental status.

~~(B)~~ **(ii)** Types of services and equipment required.

~~(C)~~ **(iii)** Frequency and duration of visits.

~~(D)~~ **(iv)** Prognosis.

~~(E)~~ **(v)** Rehabilitation potential.

~~(F)~~ **(vi)** Functional limitations.

~~(G)~~ **(vii)** Activities permitted.

~~(H)~~ **(viii)** Nutritional requirements.

~~(I)~~ **(ix)** Medications and treatments.

~~(J)~~ **(x)** Any safety measures to protect against injury.

~~(K)~~ **(xi)** Instructions for timely discharge or referral.

~~(L)~~ **(xii)** Therapy modalities specifying length of treatment.

~~(M)~~ **(xiii)** Any other appropriate items.

**(2)** The total medical plan of care shall be reviewed by the attending physician, dentist, chiropractor, optometrist, or podiatrist and home health agency personnel as often as the severity of the patient's condition requires, but at least once every two (2) months. The health care professional staff of the home health agency shall promptly alert the person responsible for the medical component of the patient's care to any changes that suggest a need to alter the medical plan of care. A written summary report for each patient shall be sent to the:



- (A) physician;
- (B) dentist;
- (C) chiropractor;
- (D) optometrist; or
- (E) podiatrist;

at least every two (2) months.

(b) A home health agency may accept written orders for home health services from a physician, a dentist, a chiropractor, a podiatrist, or an optometrist licensed in Indiana or in any other state. If the home health agency receives an order from a physician, dentist, chiropractor, podiatrist, or optometrist who is licensed in another state, the home health agency shall take reasonable immediate steps to determine ~~that~~ **the following:**

- (1) The order complies with the laws of the state where the order originated. ~~and~~
- (2) The individual who issued the order:
  - (A) examined the patient; and
  - (B) is licensed to practice in that state.

(c) All orders issued by:

- (1) a physician;
- (2) a dentist;
- (3) a chiropractor;
- (4) a podiatrist; or
- (5) an optometrist;

for home health services must meet the same requirements whether the order originates in Indiana or another state. Orders issued from another state may not exceed the authority allowed under orders from the same profession in Indiana under IC 25.

(d) Home health agency personnel shall promptly notify a patient's physician or other appropriate licensed professional staff and legal representative, if any, of any significant physical or mental changes observed or reported by the patient. In the case of a medical emergency, the home health agency must know in advance which emergency system to contact. (*Indiana State Department of Health; 410 IAC 17-13-1; filed Mar 18, 2002, 3:40 p.m.: 25 IR 2486*)

SECTION 5. 410 IAC 17-13-2 IS ADDED TO READ AS FOLLOWS:

**410 IAC 17-13-2 Nurse directed plan of care**

Authority: IC 16-27-1-7  
Affected: IC 25

**Sec. 2. (a) A nurse directed plan of care must be developed by a registered nurse for the purpose of delegating nursing directed patient care provided through the home health agency for patients receiving only home health aide services in the absence of a skilled service.**

**(b) The nurse directed plan of care must contain the following:**

- (1) A plan of care and appropriate patient identifying information.

- (2) The name of the patient's physician.
- (3) Services to be provided.
- (4) The frequency and duration of visits.
- (5) Medications, diet, and activities.
- (6) Signed and dated clinical notes from all personnel providing services.
- (7) Supervisory visits.
- (8) Sixty (60) day summaries.
- (9) The discharge note.
- (10) The signature of the registered nurse who developed the plan.

(*Indiana State Department of Health; 410 IAC 17-13-2*)

SECTION 6. 410 IAC 17-13-3 IS ADDED TO READ AS FOLLOWS:

**410 IAC 17-13-3 Service plan**

Authority: IC 16-27-1-7  
Affected: IC 16-27-4; IC 25

**Sec. 3. (a) This section shall apply to services that are performed by a personal services agency under IC 16-27-4 that is operated under a home health agency license, which include, but are not limited to, any of the following:**

- (1) **Homemaker services, including the following:**
  - (A) Shopping.
  - (B) Laundry.
  - (C) Cleaning.
  - (D) Seasonal chores.
- (2) **Companion type services, including the following:**
  - (A) Transportation.
  - (B) Letter writing.
  - (C) Mail reading.
  - (D) Escort services.
- (3) **Assistance with cognitive tasks, including the following:**
  - (A) Managing finances.
  - (B) Planning activities.
  - (C) Making decisions.
- (4) **Attendant care services.**
- (5) **Any other services for which an individual:**
  - (A) license;
  - (B) certification;
  - (C) registration; or
  - (D) permit;**is not required under state law.**

**(b) The personal services agency's manager or the manager's designee shall prepare a service plan for a client before providing personal services for the client. A permanent change to the service plan requires a written change to the service plan. The service plan must:**

- (1) be in writing, dated, and signed by the individual who prepared it;
- (2) list the types and schedule of services to be provided; and
- (3) state that the services to be provided to the client are subject to the client's right to:

---

---

## Proposed Rules

---

---

- (A) temporarily suspend;
  - (B) permanently terminate;
  - (C) temporarily add; or
  - (D) permanently add;
- the provision of any service.

(c) All permanent changes require a change in the written service plan. The service plan must be signed and dated by the client not later than fourteen (14) days after:

- (1) services begin for the client; and
- (2) any permanent change to the service plan.

(d) Personal care services provided by a personal services agency operated under a home health agency license must meet the requirements of IC 16-27-4. (*Indiana State Department of Health; 410 IAC 17-13-3*)

SECTION 7. 410 IAC 17-16-1 IS AMENDED TO READ AS FOLLOWS:

### 410 IAC 17-16-1 Incorporation by reference

Authority: IC 16-27-1-7

Affected: IC 16-27-1

Sec. 1. Chapter IV(B) of "Core Curriculum on Tuberculosis, Fourth Edition, (2000)" is hereby (a) When used in this article, references to the following publication shall mean the version of that publication listed and are hereby incorporated by reference:

- (1) 42 CFR 420.201 (July 1, 2005 edition).
- (2) 42 CFR 420.202 (July 1, 2005 edition).
- (3) 42 CFR 420.206 (July 1, 2005 edition).

(b) Federal rules that have been incorporated by reference Copies of this publication may be obtained by writing to Technical Information Services, Centers for Prevention Services, Centers for Disease Control, Mail Stop E06, Atlanta, Georgia 30333. Copies may also be obtained from the Indiana State 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. of Health, 2 North Meridian Street, Indianapolis, Indiana 46202-3006. (*Indiana State Department of Health; 410 IAC 17-16-1; filed Mar 18, 2002, 3:40 p.m.: 25 IR 2489*)

### Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on May 3, 2006 at 1:30 p.m., at the Indiana State Department of Health, 2 North Meridian Street, Yoho Board Room, Third Floor, Indianapolis, Indiana the Indiana State Department of Health will hold a public hearing on a proposed amendment to 410 IAC 17 to revise the requirements and procedures for home health agencies, add requirements for home health aide

registration upon change in employment, increase the annual license fee, and make changes for compliance with P.L.212-2005.

These rules are designed to comply with the changes made by P.L.212-2005.

Copies of these rules are now on file at the Health Care Regulatory 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.

Sue Uhl

Deputy State Health Commissioner  
Indiana State Department of Health

---

---

## TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

### Proposed Rule

LSA Document #05-321

### DIGEST

Adds 410 IAC 15-2.4-3, amends 410 IAC 26-1-1, amends 410 IAC 26-1 by adding new definitions, adds 410 IAC 26-6-2, amends 410 IAC 27-1-1, amends 410 IAC 27-1 by adding new definitions, and adds 410 IAC 27-6-2 to require ambulatory outpatient surgical centers, abortion clinics, and birthing centers to implement a medical errors reporting system and report medical errors reporting data to the department. Effective 30 days after filing with the Secretary of State.

### IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

#### Description of Rule:

The Indiana State Department of Health (ISDH) has responsibility for the licensure and regulation of ambulatory surgery centers, abortion clinics, and birthing centers pursuant to IC 16-21. In January 2005, Governor Daniels issued Executive Order 05-10 requiring the ISDH to develop and implement a medical errors reporting system (MERS). In response to the Executive Order, the ISDH Hospital Council recommended and the ISDH Executive Board preliminarily adopted rules requiring the reporting of medical errors.

The proposed rule is based on the National Quality Forum's 27 serious reportable events or 'never' events as they are frequently called. The proposed rule requires ambulatory surgery centers, abortion clinics, and birthing centers to have a serious adverse event reporting system in place and requires reports of serious adverse events that occur on or after January 1, 2006, to be reported to the ISDH. The rule requires the facility's quality assessment and improvement program to review incidents and determine whether a serious adverse event occurred. If a serious adverse event occurs, the facility must report the event to the ISDH not later than 15 working days after

the facility's quality assessment and improvement program determines that a serious adverse event occurred. Data submission will occur utilizing the ISDH Web-based portal system. The ISDH is required to analyze and publish the data no less than annually.

### **Fiscal Impact**

Indiana Code 4-22-2-28(c) requires an agency to submit to the Office of Management and Budget any proposed rule with an estimated economic impact of greater than \$500,000 on all persons regulated by the rule. After the preliminary adoption of such a rule, the Office of Management and Budget must prepare a fiscal impact statement concerning the effect that compliance with the proposed rule will have on the state and all persons regulated by the proposed rule.

The department reviewed the proposed rule to determine whether the total economic impact of the rule on regulated persons will exceed \$500,000. The department determined, based on the information available at the time of the rule promulgation, that the proposed rule does not have an estimated economic impact of greater than \$500,000 on the persons regulated by the rule. The ISDH therefore did not submit the proposed rule to the Office of Management and Budget prior to the rule being adopted.

### **Economic Impact on Small Businesses**

#### **1. Estimate of the number of small businesses, classified by industry sector, that will be subject to the proposed rule.**

IC 4-22-2.1-4 defines a small business as any person, firm, corporation, limited liability company, partnership, or association that:

- (1) is actively engaged in business in Indiana and maintains its principal place of business in Indiana;
- (2) is independently owned and operated;
- (3) employs one hundred (100) or fewer full-time employees; and
- (4) has gross annual receipts of five million dollars (\$5,000,000) or less.

The ISDH licenses 123 ambulatory surgery centers. The ISDH does not have data on the gross annual receipts of ambulatory surgery centers. Based on factors such as the number and type of procedures performed at the center, the ISDH estimates that fewer than 25 percent of centers would meet the definition of a small business. The ISDH therefore estimates there to be no more than 30 ambulatory surgery centers that are small businesses. The North American Industry Classification System classifies these institutions as ambulatory surgery centers (NAICS 621493).

In 2005, a public law was passed by the Indiana General Assembly requiring the licensing of abortion clinics beginning July 1, 2006. The ISDH has not yet begun the licensing of abortion clinics so does not have a definitive number of these clinics. The ISDH estimates the number of abortion clinics to be nine. The North American Industry Classification System classifies these institutions as abortion clinics (NAICS 621410).

In 2005, a public law was passed by the Indiana General Assembly requiring the licensing of birthing centers. Rules

allowing to the licensing of birthing centers became effective on March 5, 2006. The ISDH has not yet begun the licensing of birthing centers so does not have a definitive number of these centers. The ISDH estimates the number of birthing centers to be five. The North American Industry Classification System classifies these institutions as midwives' offices or centers (NAICS 621399).

In summary, the number of small businesses impacted by this rule is likely less than 44.

#### **2. Estimate of the average annual reporting, record keeping, and other administrative costs that small businesses will incur to comply with the proposed rule.**

The economic impact of the serious adverse event reporting rule on ambulatory surgery centers, abortion clinics, and birthing centers is minimal. Ambulatory surgery centers are federally certified and state licensed. Abortion clinics and birthing centers are state licensed. Pursuant to existing certification and licensing standards, the health care facilities regulated by this rule are required to maintain records and ensure quality care. Existing rules and regulations require the regulated businesses to have a quality assurance committee and system. Each facility's quality assurance program is required to review and address quality of care issues. Existing rules and regulations would therefore require that the health care facility review serious adverse events and develop and implement a plan to address those events.

#### **Initial start-up expenses:**

This rule will require ambulatory surgery centers, abortion clinics, and birthing centers to gather and report serious adverse event data. To implement and achieve compliance with the rule, the facilities may have to modify current reporting policies and procedures in order to add the serious adverse event reporting. The facilities will need to ensure preparation, completion, and submission of required data. Because the reports will be submitted through the ISDH Web-based portal system, the facility will need to designate an individual to submit the reports and that individual will need to register on the system. The total estimated employee compensated time per facility for initial start-up compliance during the first year is 20 hours. The ISDH expects these activities to be coordinated and performed by a compliance officer or director of nursing. The estimated total start-up expense based on estimated labor rates is \$500 [20 hours × \$25/hour].

#### **Recurring expenses:**

The rule will require the health care facility to determine whether a reportable serious adverse event occurred and, if so, report that event to the ISDH. The reporting of a serious adverse event is essentially a two-step process. The rule requires that the facility quality assessment and improvement program review reported medical errors to determine whether a reportable serious adverse event occurred. Under existing facility licensing rules, the facility quality assessment and improvement program is already required to review this kind of information so that component of the rule should not result in an added expense for the facility. If the program determines that a reportable serious adverse event occurred, the rule requires the facility to report

serious adverse events within 15 working days of the determination by the quality assessment and improvement program. Reporting occurs through a Web-based portal system and only takes a couple of minutes to do per reportable event. The time required for gathering the information, determining whether reportable, and filing the report is likely no more than two hours per serious adverse event. For facilities with few or no reportable errors, the cost is proportionately lower. Facilities reporting a significant number of errors would incur costs proportionately higher. Assuming one event per month, the estimated recurring annual expense is \$600 [12 events × 2 hours × \$25/hour].

### **3. Estimate of the total annual economic impact that compliance with the proposed rule will have on all small businesses subject to the rule.**

Based on the above assumptions, the average first year expense is \$1,100 [\$500 start-up costs plus \$600 recurring expenses] per facility. The total annual cost on small businesses for the initial year is therefore \$48,400 [44 small businesses × \$1,100 per facility].

The average expense for subsequent years is \$600 per facility. The annual ongoing cost to the small businesses is therefore approximately \$26,400 [44 small businesses × \$600].

### **4. Statement justifying any requirement or cost that is imposed on small businesses by the rule; and not expressly required by the statute authorizing the agency to adopt the rule; or any other state or federal law.**

IC 16-21 requires the ISDH to license and regulate ambulatory surgery centers, abortion clinics, and birthing centers. The statute requires the ISDH to adopt rules to ensure quality assurance standards at the regulated facilities. Additionally, rules and regulations require the facilities to maintain a quality assurance program. The ISDH believes the proposed rules are within the requirements established in applicable statutes, rules, and regulations.

Patient safety is of significant concerns to all Hoosiers. Medical errors have been identified in studies such as the Institute of Medicines 2000 report entitled *To Err is Human* as a significant problem in ensuring health care quality. The ability to collect data on serious adverse events is an important step towards analyzing information in order to improve health care quality through decreasing medical errors. The reduction of serious adverse events would decrease operating costs for health care facilities.

### **5. Regulatory Flexibility Analysis**

#### **A. Establishment of less stringent compliance or reporting requirements for small businesses.**

In order to ensure the ability to obtain complete data, the reporting requirements are the same for all health care providers. The reporting requirement is very minimal. The facility is only required to report the classification of the serious adverse event and the quarter in which it occurred.

#### **B. Establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.**

Because the reporting requirements are minimal, there was no need to establish less stringent schedules or deadlines for small

business compliance.

#### **C. Consolidation or simplification of compliance or reporting requirements for small businesses.**

It is expected that the health care facility's quality assessment and improvement program will meet periodically and review any serious adverse events gathered during the period since their last meeting. The program will therefore be able to consolidate events in an efficient manner. There are no other reporting requirements imposed by the proposed rule.

#### **D. Establishment of performance standards for small businesses instead of design or operational standards imposed on other regulated entities by the rule.**

There are accreditation and certification organizations that have established performance standards for these health care facilities. The standards imposed by this rule were developed by the National Quality Forum in collaboration with health care providers.

#### **E. Exemption of small businesses from part or all of the requirements or costs imposed by the rule.**

The health care facilities already have quality assurance programs in place pursuant to other requirements. This proposed rule adds a minimal reporting requirement that is negligible.

### **Conclusion**

The economic impact of the proposed rule on small businesses is minimal. If the health care facility has no serious adverse events, there would be no economic impact on small businesses.

410 IAC 15-2.4-3	410 IAC 27-1-1.5
410 IAC 26-1-1	410 IAC 27-1-2.5
410 IAC 26-1-3.5	410 IAC 27-1-3.5
410 IAC 26-1-4.6	410 IAC 27-1-9.5
410 IAC 26-1-4.8	410 IAC 27-1-13.4
410 IAC 26-1-9.5	410 IAC 27-1-13.5
410 IAC 26-1-12.5	410 IAC 27-1-13.6
410 IAC 26-1-12.6	410 IAC 27-1-13.7
410 IAC 26-1-12.7	410 IAC 27-1-13.8
410 IAC 26-1-12.8	410 IAC 27-1-13.9
410 IAC 26-1-12.9	410 IAC 27-1-15.5
410 IAC 26-1-13.5	410 IAC 27-1-16.5
410 IAC 26-1-17.5	410 IAC 27-1-21.5
410 IAC 26-1-17.8	410 IAC 27-1-23
410 IAC 26-1-19	410 IAC 27-1-24
410 IAC 26-6-2	410 IAC 27-6-2
410 IAC 27-1-1	

SECTION 1. 410 IAC 15-2.4-3 IS ADDED TO READ AS FOLLOWS:

#### **410 IAC 15-2.4-3 Reporting serious adverse events**

Authority: IC 16-19-3-4; IC 16-21-1-7

Affected: IC 16-19-3; IC 16-21-1

**Sec. 3. (a) The center's quality assessment and improvement program under section 2 of this rule shall include the following:**

**(1) A process for determining the occurrence of the following serious adverse events within the center:**

**(A) The following surgical events:**

(i) Surgery performed on the wrong body part, defined as any surgery performed on a body part that is not consistent with the documented informed consent for that patient. Excluded are emergent situations:

(AA) that occur in the course of surgery; or

(BB) whose exigency precludes obtaining informed consent;

or both

(ii) Surgery performed on the wrong patient, defined as any surgery on a patient that is not consistent with the documented informed consent for that patient.

(iii) Wrong surgical procedure performed on a patient, defined as any procedure performed on a patient that is not consistent with the documented informed consent for that patient. Excluded are emergent situations:

(AA) that occur in the course of surgery; or

(BB) whose exigency precludes obtaining informed consent;

or both

(iv) Retention of a foreign object in a patient after surgery or other invasive procedure. The following are excluded:

(AA) Objects intentionally implanted as part of a planned intervention.

(BB) Objects present before surgery that were intentionally retained.

(v) Intraoperative or immediately postoperative death in an ASA Class I patient. Included are all ASA Class I patient deaths in situations where anesthesia was administered; the planned surgical procedure may or may not have been carried out.

**(B) The following product or device events:**

(i) Patient death or serious disability associated with the use of contaminated drugs, devices, or biologics provided by the center. Included are generally detectable contaminants in drugs, devices, or biologics regardless of the source of contamination or product.

(ii) Patient death or serious disability associated with the use or function of a device in patient care in which the device is used or functions other than as intended. Included are, but not limited to, the following:

(AA) Catheters.

(BB) Drains and other specialized tubes.

(CC) Infusion pumps.

(DD) Ventilators.

(iii) Patient death or serious disability associated with intravascular air embolism that occurs while being cared for in the center. Excluded are deaths associated with neurosurgical procedures known to present a high risk of intravascular air embolism.

**(C) The following patient protection events:**

(i) Infant discharged to the wrong person.

(ii) Patient death or serious disability associated with patient elopement (disappearance) for more than four

(4) hours. Excluded are events involving adults with decision-making capacity.

(iii) Patient suicide or attempted suicide resulting in serious disability, while being cared for in the center, defined as events that result from patient actions after admission to the center. Excluded are deaths resulting from self-inflicted injuries that were the reason for admission to the center.

**(D) The following care management events:**

(i) Patient death or serious disability associated with a medication error, for example, errors involving the wrong:

(AA) drug;

(BB) dose;

(CC) patient;

(DD) time;

(EE) rate;

(FF) preparation; or

(GG) route of administration.

Excluded are reasonable differences in clinical judgment on drug selection and dose.

(ii) Patient death or serious disability associated with a hemolytic reaction due to the administration of ABO-incompatible blood or blood products.

(iii) Maternal death or serious disability associated with labor or delivery in a low-risk pregnancy while being cared for in the center. Included are events that occur within forty-two (42) days postdelivery. Excluded are deaths from any of the following:

(AA) Pulmonary or amniotic fluid embolism.

(BB) Acute fatty liver of pregnancy.

(CC) Cardiomyopathy.

(iv) Patient death or serious disability associated with hypoglycemia, the onset of which occurs while the patient is being cared for in the center.

(v) Death or serious disability (kernicterus) associated with hyperbilirubinemia in neonates.

(vi) Stage 3 or 4 pressure ulcers acquired after admission to the center. Excluded is progression from Stage 2 to Stage 3 if Stage 2 was recognized upon admission.

(vii) Patient death or serious disability due to spinal manipulation therapy performed in the center.

**(E) The following environmental events:**

(i) Patient death or serious disability associated with an electric shock while being cared for in the center. Excluded are events involving planned treatment, such as electrical countershock.

(ii) Any incident in which a line designated for oxygen or other gas to be delivered to a patient:

(AA) contains the wrong gas; or

(BB) is contaminated by toxic substances.

(iii) Patient death or serious disability associated with a burn incurred from any source while being cared for in the center.

(iv) Patient death associated with a fall while being cared for in the center.

(v) Patient death or serious disability associated with the use of restraints or bedrails while being cared for in the center.

**(F) The following criminal events:**

(i) Any instance of care ordered by or provided by someone impersonating a physician, nurse, pharmacist, or other licensed healthcare provider.

(ii) Abduction of a patient of any age.

(iii) Sexual assault on a patient within or on the grounds of the center.

(iv) Death or significant injury of a patient or staff member resulting from a physical assault (i.e. battery) that occurs within or on the grounds of the center.

(2) A process for reporting to the department each serious adverse event listed in subdivision (1) that is determined by the center's quality assessment and improvement program to have occurred within the center.

(b) Subject to subsection (e), the process for determining the occurrence of the serious adverse events listed in subsection (a)(1) by the center's quality assessment and improvement program shall be designed by the center to accurately determine the occurrence of any of the serious adverse events listed in subsection (a)(1) within the center in a timely manner.

(c) Subject to subsection (e), the process for reporting the occurrence of a serious adverse event listed in subsection (a)(1) shall comply with the following:

**(1) The report shall:**

(A) be made to the department;

(B) be submitted not later than fifteen (15) working days after the serious adverse event is determined to have occurred by the center's quality assessment and improvement program; and

(C) identify the serious adverse event and the center, but shall not include any identifying information for any:

(i) patient;

(ii) individual licensed under IC 25; or

(iii) center employee involved;

or any other information.

(2) The report, and any documents permitted under this section to accompany the report, shall be submitted in an electronic format, including a format for electronically affixed signatures.

(d) The center's report of a serious adverse event listed in subsection (a)(1) shall be used by the department for purposes of publicly reporting the type and number of such serious adverse events occurring within each center. The department's public report will be issued not less frequently than annually.

(e) Any serious adverse event listed in subsection (a)(1) that:

(1) is determined to have occurred within the center between:

(A) January 1, 2006; and

(B) the effective date of this rule; and

(2) has not been previously reported;

must be reported within five (5) days of the effective date of this rule. (*Indiana State Department of Health; 410 IAC 15-2.4-3*)

SECTION 2. 410 IAC 26-1-1, PROPOSED TO BE ADDED AT 29 IR 85, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**410 IAC 26-1-1 Applicability**

Authority: IC 16-21-1-7; IC 16-21-1-8; IC 16-21-1-9

Affected: IC 16-19-3; IC 16-21-1

Sec. 1. The definitions in this rule apply throughout this article **except as otherwise indicated.** (*Indiana State Department of Health; 410 IAC 26-1-1*)

SECTION 3. 410 IAC 26, PROPOSED TO BE ADDED AT 29 IR 85, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**410 IAC 26-1-3.5 "ASA Class I patient" defined**

Authority: IC 16-19-3-4; IC 16-21-1-7

Affected: IC 16-19-3; IC 16-21-1

Sec. 3.5. "ASA Class I patient" means a normal, healthy patient. (*Indiana State Department of Health; 410 IAC 26-1-3.5*)

SECTION 4. 410 IAC 26, PROPOSED TO BE ADDED AT 29 IR 85, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**410 IAC 26-1-4.6 "Biologics" defined**

Authority: IC 16-19-3-4; IC 16-21-1-7

Affected: IC 16-19-3; IC 16-21-1

Sec. 4.6 "Biologics" means a biological product, such as:

(1) a globulin;

(2) a serum;

(3) a vaccine;

(4) an antitoxin;

(5) blood; or

(6) an antigen;

used in the prevention or treatment of disease. (*Indiana State Department of Health; 410 IAC 26-1-4.6*)

SECTION 5. 410 IAC 26, PROPOSED TO BE ADDED AT 29 IR 85, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**410 IAC 26-1-4.8 "Burn" defined**

Authority: IC 16-19-3-4; IC 16-21-1-7

Affected: IC 16-19-3; IC 16-21-1

**Sec. 4.8. “Burn” means any injury or damage to the tissues of the body caused by exposure to any of the following:**

- (1) Fire.
- (2) Heat.
- (3) Chemicals.
- (4) Electricity.
- (5) Radiation.
- (6) Gases.

*(Indiana State Department of Health; 410 IAC 26-1-4.8)*

SECTION 6. 410 IAC 26, PROPOSED TO BE ADDED AT 29 IR 85, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**410 IAC 26-1-9.5 “Elopement” defined**

Authority: IC 16-19-3-4; IC 16-21-1-7  
Affected: IC 16-19-3; IC 16-21-1

**Sec. 9.5. “Elopement” means any situation in which a registered or admitted patient, excluding adults with decision making capacity, leaves the clinic without staff being aware that the patient has done so.** *(Indiana State Department of Health; 410 IAC 26-1-9.5)*

SECTION 7. 410 IAC 26, PROPOSED TO BE ADDED AT 29 IR 85, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**410 IAC 26-1-12.5 “Hypoglycemia” defined**

Authority: IC 16-19-3-4; IC 16-21-1-7  
Affected: IC 16-19-3; IC 16-21-1

**Sec. 12.5. “Hypoglycemia” means a physiologic state in which:**

- (1) the blood sugar falls below sixty (60) mg/dl (forty (40) mg/dl in neonates); and
- (2) physiological or neurological, or both, dysfunction begins.

*(Indiana State Department of Health; 410 IAC 26-1-12.5)*

SECTION 8. 410 IAC 26, PROPOSED TO BE ADDED AT 29 IR 85, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**410 IAC 26-1-12.6 “Immediately postoperative” defined**

Authority: IC 16-19-3-4; IC 16-21-1-7  
Affected: IC 16-19-3; IC 16-21-1

**Sec. 12.6. “Immediately postoperative” means within twenty-four (24) hours after either of the following:**

- (1) Induction of anesthesia (if surgery or other invasive procedure is not completed).
- (2) Completion of surgery or other invasive procedure.

*(Indiana State Department of Health; 410 IAC 26-1-12.6)*

SECTION 9. 410 IAC 26, PROPOSED TO BE ADDED AT

29 IR 85, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**410 IAC 26-1-12.7 “Informed consent” defined**

Authority: IC 16-19-3-4; IC 16-21-1-7  
Affected: IC 16-19-3; IC 16-21-1

**Sec. 12.7. “Informed consent” means a patient’s authorization or agreement to undergo surgery or other invasive procedure that is based upon communication between a patient and his or her physician regarding the surgery or other invasive procedure.** *(Indiana State Department of Health; 410 IAC 26-1-12.7)*

SECTION 10. 410 IAC 26, PROPOSED TO BE ADDED AT 29 IR 85, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**410 IAC 26-1-12.8 “Intended use” defined**

Authority: IC 16-19-3-4; IC 16-21-1-7  
Affected: IC 16-19-3; IC 16-21-1

**Sec. 12.8. “Intended use” means the use of a device as described on the label and associated materials provided by the device’s manufacturer.** *(Indiana State Department of Health; 410 IAC 26-1-12.8)*

SECTION 11. 410 IAC 26, PROPOSED TO BE ADDED AT 29 IR 85, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**410 IAC 26-1-12.9 “Kernicterus” defined**

Authority: IC 16-19-3-4; IC 16-21-1-7  
Affected: IC 16-19-3; IC 16-21-1

**Sec. 12.9. “Kernicterus” means the medical condition in which elevated levels of bilirubin cause brain damage.** *(Indiana State Department of Health; 410 IAC 26-1-12.9)*

SECTION 12. 410 IAC 26, PROPOSED TO BE ADDED AT 29 IR 85, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**410 IAC 26-1-13.5 “Low-risk pregnancy” defined**

Authority: IC 16-19-3-4; IC 16-21-1-7  
Affected: IC 16-19-3; IC 16-21-1

**Sec. 13.5. “Low-risk pregnancy” means a woman sixteen (16) to thirty-nine (39) years of age, with no previous diagnosis of any of the following:**

- (1) Essential hypertension.
- (2) Renal disease.
- (3) Collagen-vascular disease.
- (4) Liver disease.
- (5) Preeclampsia.
- (6) Cardiovascular disease.
- (7) Placenta previa.
- (8) Multiple gestation.
- (9) Intrauterine growth retardation.

- (10) Smoking.
- (11) Pregnancy-induced hypertension.
- (12) Premature rupture of membranes.
- (13) Other previously documented condition that poses a high risk of pregnancy-related mortality.

*(Indiana State Department of Health; 410 IAC 26-1-13.5)*

SECTION 13. 410 IAC 26, PROPOSED TO BE ADDED AT 29 IR 85, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**410 IAC 26-1-17.5 “Serious disability” defined**

Authority: IC 16-19-3-4; IC 16-21-1-7

Affected: IC 16-19-3; IC 16-21-1

Sec. 17.5. “Serious disability” means either of the following:

(1) Significant loss of function including sensory, motor, physiologic, or intellectual impairment:

(A) not present on admission and requiring continued treatment; or

(B) for which there is a high probability of long term or permanent lifestyle change at discharge.

(2) Unintended loss of a body part.

*(Indiana State Department of Health; 410 IAC 26-1-17.5)*

SECTION 14. 410 IAC 26, PROPOSED TO BE ADDED AT 29 IR 85, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**410 IAC 26-1-17.8 “Surgery or other invasive procedure” defined**

Authority: IC 16-19-3-4; IC 16-21-1-7

Affected: IC 16-19-3; IC 16-21-1

Sec. 17.8. “Surgery or other invasive procedure”, for purposes of 410 IAC 26-6-2, means surgical or other invasive procedures that involve a skin incision or puncture including, but not limited to, the following:

- (1) Open or percutaneous surgical procedures.
- (2) Percutaneous aspiration.
- (3) Selected injections.
- (4) Biopsy.
- (5) Percutaneous cardiac and vascular diagnostic or interventional procedures.
- (6) Laparoscopies.
- (7) Endoscopies.
- (8) Colonoscopies.

The term excludes intravenous therapy, venipuncture for phlebotomy, or diagnostic tests without intravenous contrast agents. *(Indiana State Department of Health; 410 IAC 26-1-17.8)*

SECTION 15. 410 IAC 26, PROPOSED TO BE ADDED AT 29 IR 85, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**410 IAC 26-1-19 “Toxic substance” defined**

Authority: IC 16-19-3-4; IC 16-21-1-7

Affected: IC 16-19-3; IC 16-21-1

Sec. 19. “Toxic substance” means chemicals that are present in sufficient concentration to pose a hazard to human health. *(Indiana State Department of Health; 410 IAC 26-1-19)*

SECTION 16. 410 IAC 26, PROPOSED TO BE ADDED AT 29 IR 85, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**410 IAC 26-6-2 Reporting serious adverse events**

Authority: IC 16-19-3-4; IC 16-21-1-7

Affected: IC 16-19-3; IC 16-21-1

Sec. 2. (a) The clinic’s quality assessment and improvement program under section 2 of this rule shall include the following:

(1) A process for determining the occurrence of the following serious adverse events within the clinic:

(A) The following surgical events:

(i) Surgery performed on the wrong body part, defined as any surgery performed on a body part that is not consistent with the documented informed consent for that patient. Excluded are emergent situations:

(AA) that occur in the course of surgery; or

(BB) whose exigency precludes obtaining informed consent;

or both.

(ii) Surgery performed on the wrong patient, defined as any surgery on a patient that is not consistent with the documented informed consent for that patient.

(iii) Wrong surgical procedure performed on a patient, defined as any procedure performed on a patient that is not consistent with the documented informed consent for that patient. Excluded are emergent situations:

(AA) that occur in the course of surgery; or

(BB) whose exigency precludes obtaining informed consent;

or both.

(iv) Retention of a foreign object in a patient after surgery or other invasive procedure. The following are excluded:

(AA) Objects intentionally implanted as part of a planned intervention.

(BB) Objects present before surgery that were intentionally retained.

(v) Intraoperative or immediately postoperative death in an ASA Class I patient. Included are all ASA Class I patient deaths in situations where anesthesia was administered; the planned surgical procedure may or may not have been carried out.

(B) The following product or device events:

(i) Patient death or serious disability associated with the use of contaminated drugs, devices, or biologics provided by the clinic. Included are generally detectable contaminants in drugs, devices, or biologics regardless of the source of contamination or product.



(ii) Patient death or serious disability associated with the use or function of a device in patient care in which the device is used or functions other than as intended. Included are, but not limited to, the following:

- (AA) Catheters.
- (BB) Drains and other specialized tubes.
- (CC) Infusion pumps.
- (DD) Ventilators.

(iii) Patient death or serious disability associated with intravascular air embolism that occurs while being cared for in the clinic. Excluded are deaths associated with neurosurgical procedures known to present a high risk of intravascular air embolism.

(C) The following patient protection events:

- (i) Patient death or serious disability associated with patient elopement (disappearance) for more than four (4) hours. Excluded are events involving adults with decision making capacity.
- (ii) Patient suicide or attempted suicide resulting in serious disability, while being cared for in the clinic, defined as events that result from patient actions after admission to the clinic.

(D) The following care management events:

- (i) Patient death or serious disability associated with a medication error, for example, errors involving the wrong:
  - (AA) drug;
  - (BB) dose;
  - (CC) patient;
  - (DD) time;
  - (EE) rate;
  - (FF) preparation; or
  - (GG) route of administration.

Excluded are reasonable differences in clinical judgment on drug selection and dose.

- (ii) Patient death or serious disability associated with a hemolytic reaction due to the administration of ABO-incompatible blood or blood products.
- (iii) Patient death or serious disability associated with hypoglycemia, the onset of which occurs while the patient is being cared for in the clinic.

(E) The following environmental events:

- (i) Patient death or serious disability associated with an electric shock while being cared for in the clinic. Excluded are events involving planned treatment, such as electrical countershock.
- (ii) Any incident in which a line designated for oxygen or other gas to be delivered to a patient:
  - (AA) contains the wrong gas; or
  - (BB) is contaminated by toxic substances.
- (iii) Patient death or serious disability associated with a burn incurred from any source while being cared for in the clinic.
- (iv) Patient death associated with a fall while being cared for in the clinic.
- (v) Patient death or serious disability associated with

the use of restraints or bedrails while being cared for in the clinic.

(F) The following criminal events:

- (i) Any instance of care ordered by or provided by someone impersonating a physician, nurse, pharmacist, or other licensed healthcare provider.
- (ii) Abduction of a patient of any age.
- (iii) Sexual assault on a patient within or on the grounds of the clinic.
- (iv) Death or significant injury of a patient or staff member resulting from a physical assault, that is, battery, that occurs within or on the grounds of the clinic.

(2) A process for reporting to the department each serious adverse event listed in subdivision (1) that is determined by the clinic's quality assessment and improvement program to have occurred within the clinic.

(b) Subject to subsection (e), the process for determining the occurrence of the serious adverse events listed in subsection (a)(1) by the clinic's quality assessment and improvement program shall be designed by the clinic to accurately determine the occurrence of any of the serious adverse events listed in subsection (a)(1) within the clinic in a timely manner.

(c) Subject to subsection (e), the process for reporting the occurrence of a serious adverse event listed in subsection (a)(1) shall comply with the following:

(1) The report shall:

- (A) be made to the department;
- (B) be submitted not later than fifteen (15) working days after the serious adverse event is determined to have occurred by the clinic's quality assessment and improvement program; and
- (C) identify the serious adverse event and the clinic, but shall not include any identifying information for any:
  - (i) patient;
  - (ii) individual licensed under IC 25; or
  - (iii) clinic employee involved;
 or any other information.

(2) The report, and any documents permitted under this section to accompany the report, shall be submitted in an electronic format, including a format for electronically affixed signatures.

(d) The clinic's report of a serious adverse event listed in subsection (a)(1) shall be used by the department for purposes of publicly reporting the type and number of such serious adverse events occurring within each clinic. The department's public report will be issued not less frequently than annually.

(e) Any serious adverse event listed in subsection (a)(1) that: (1) is determined to have occurred within the clinic between:

---

## Proposed Rules

---

(A) January 1, 2006; and  
(B) the effective date of this rule; and  
(2) has not been previously reported;  
must be reported within five (5) days of the effective date of this rule. (*Indiana State Department of Health; 410 IAC 26-6-2*)

SECTION 17. 410 IAC 27-1-1, AS ADDED AT 29 IR 1904, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### 410 IAC 27-1-1 Applicability

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-19-3; IC 16-21-1

Sec. 1. The definitions in this rule apply throughout this article **except as otherwise indicated**. (*Indiana State Department of Health; 410 IAC 27-1-1; filed Feb 3, 2006, 2:00 p.m.: 29 IR 1904*)

SECTION 18. 410 IAC 27, AS ADDED AT 29 IR 1904, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

### 410 IAC 27-1-1.5 “ASA Class I patient” defined

Authority: IC 16-19-3-4; IC 16-21-1-7

Affected: IC 16-19-3; IC 16-21-1

Sec. 1.5. “ASA Class I patient” means a normal, healthy patient. (*Indiana State Department of Health; 410 IAC 27-1-1.5*)

SECTION 19. 410 IAC 27, AS ADDED AT 29 IR 1904, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

### 410 IAC 27-1-2.5 “Biologics” defined

Authority: IC 16-19-3-4; IC 16-21-1-7

Affected: IC 16-19-3; IC 16-21-1

Sec. 2.5 “Biologics” means a biological product, such as:

- (1) a globulin;
- (2) a serum;
- (3) a vaccine;
- (4) an antitoxin;
- (5) blood; or
- (6) an antigen;

used in the prevention or treatment of disease. (*Indiana State Department of Health; 410 IAC 27-1-2.5*)

SECTION 20. 410 IAC 27, AS ADDED AT 29 IR 1904, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

### 410 IAC 27-1-3.5 “Burn” defined

Authority: IC 16-19-3-4; IC 16-21-1-7

Affected: IC 16-19-3; IC 16-21-1

Sec. 3.5. “Burn” means any injury or damage to the tissues of the body caused by exposure to any of the following:

- (1) Fire.
- (2) Heat.
- (3) Chemicals.
- (4) Electricity.
- (5) Radiation.
- (6) Gases.

(*Indiana State Department of Health; 410 IAC 27-1-3.5*)

SECTION 21. 410 IAC 27, AS ADDED AT 29 IR 1904, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

### 410 IAC 27-1-9.5 “Elopement” defined

Authority: IC 16-19-3-4; IC 16-21-1-7

Affected: IC 16-19-3; IC 16-21-1

Sec. 9.5. “Elopement” means any situation in which a registered or admitted patient, excluding adults with decision making capacity, leaves the center without staff being aware that the patient has done so. (*Indiana State Department of Health; 410 IAC 27-1-9.5*)

SECTION 22. 410 IAC 27, AS ADDED AT 29 IR 1904, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

### 410 IAC 27-1-13.4 “Hyperbilirubinemia” defined

Authority: IC 16-19-3-4; IC 16-21-1-7

Affected: IC 16-19-3; IC 16-21-1

Sec. 13.4. “Hyperbilirubinemia” means total serum bilirubin levels greater than twenty-five (25) mg/dl in a neonate. (*Indiana State Department of Health; 410 IAC 27-1-13.4*)

SECTION 23. 410 IAC 27, AS ADDED AT 29 IR 1904, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

### 410 IAC 27-1-13.5 “Hypoglycemia” defined

Authority: IC 16-19-3-4; IC 16-21-1-7

Affected: IC 16-19-3; IC 16-21-1

Sec. 13.5. “Hypoglycemia” means a physiologic state in which:

- (1) the blood sugar falls below sixty (60) mg/dl (forty (40) mg/dl in neonates); and
- (2) physiological or neurological, or both, dysfunction begins.

(*Indiana State Department of Health; 410 IAC 27-1-13.5*)

SECTION 24. 410 IAC 27, AS ADDED AT 29 IR 1904, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

### 410 IAC 27-1-13.6 “Immediately postoperative” defined

Authority: IC 16-19-3-4; IC 16-21-1-7

Affected: IC 16-19-3; IC 16-21-1

**Sec. 13.6. “Immediately postoperative” means within twenty-four (24) hours after either of the following:**

- (1) Induction of anesthesia (if surgery or other invasive procedure is not completed).**
- (2) Completion of surgery or other invasive procedure.**  
(*Indiana State Department of Health; 410 IAC 27-1-13.6*)

SECTION 25. 410 IAC 27, AS ADDED AT 29 IR 1904, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**410 IAC 27-1-13.7 “Informed consent” defined**

Authority: IC 16-19-3-4; IC 16-21-1-7  
Affected: IC 16-19-3; IC 16-21-1

**Sec. 13.7. “Informed consent” means a patient’s authorization or agreement to undergo surgery or other invasive procedure that is based upon communication between a patient and his or her physician regarding the surgery or other invasive procedure.** (*Indiana State Department of Health; 410 IAC 27-1-13.7*)

SECTION 26. 410 IAC 27, AS ADDED AT 29 IR 1904, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**410 IAC 27-1-13.8 “Intended use” defined**

Authority: IC 16-19-3-4; IC 16-21-1-7  
Affected: IC 16-19-3; IC 16-21-1

**Sec. 13.8. “Intended use” means the use of a device as described on the label and associated materials provided by the device’s manufacturer.** (*Indiana State Department of Health; 410 IAC 27-1-13.8*)

SECTION 27. 410 IAC 27, AS ADDED AT 29 IR 1904, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**410 IAC 27-1-13.9 “Kernicterus” defined**

Authority: IC 16-19-3-4; IC 16-21-1-7  
Affected: IC 16-19-3; IC 16-21-1

**Sec. 13.9. “Kernicterus” means the medical condition in which elevated levels of bilirubin cause brain damage.** (*Indiana State Department of Health; 410 IAC 27-1-13.9*)

SECTION 28. 410 IAC 27, AS ADDED AT 29 IR 1904, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**410 IAC 27-1-15.5 “Low-risk pregnancy” defined**

Authority: IC 16-19-3-4; IC 16-21-1-7  
Affected: IC 16-19-3; IC 16-21-1

**Sec. 15.5. “Low-risk pregnancy” means a woman sixteen (16) to thirty-nine (39) years of age, with no previous diagnosis of any of the following:**  
**(1) Essential hypertension.**

- (2) Renal disease.**
- (3) Collagen-vascular disease.**
- (4) Liver disease.**
- (5) Preeclampsia.**
- (6) Cardiovascular disease.**
- (7) Placenta previa.**
- (8) Multiple gestation.**
- (9) Intrauterine growth retardation.**
- (10) Smoking.**
- (11) Pregnancy-induced hypertension.**
- (12) Premature rupture of membranes.**
- (13) Other previously documented condition that poses a high risk of pregnancy-related mortality.**  
(*Indiana State Department of Health; 410 IAC 27-1-15.5*)

SECTION 29. 410 IAC 27, AS ADDED AT 29 IR 1904, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**410 IAC 27-1-16.5 “Neonates” defined**

Authority: IC 16-19-3-4; IC 16-21-1-7  
Affected: IC 16-19-3; IC 16-21-1

**Sec. 16.5. “Neonates” means infants in the first twenty-eight (28) days of life.** (*Indiana State Department of Health; 410 IAC 27-1-16.5*)

SECTION 30. 410 IAC 27, AS ADDED AT 29 IR 1904, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**410 IAC 27-1-21.5 “Serious disability” defined**

Authority: IC 16-19-3-4; IC 16-21-1-7  
Affected: IC 16-19-3; IC 16-21-1

**Sec. 21.5. “Serious disability” means either of the following:**

- (1) Significant loss of function including sensory, motor, physiologic, or intellectual impairment:**
  - (A) not present on admission and requiring continued treatment; or**
  - (B) for which there is a high probability of long term or permanent lifestyle change at discharge.**
- (2) Unintended loss of a body part.**

(*Indiana State Department of Health; 410 IAC 27-1-21.5*)

SECTION 31. 410 IAC 27, AS ADDED AT 29 IR 1904, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**410 IAC 27-1-23 “Surgery or other invasive procedure” defined**

Authority: IC 16-19-3-4; IC 16-21-1-7  
Affected: IC 16-19-3; IC 16-21-1

**Sec. 23. “Surgery or other invasive procedure” means, for purposes of 410 IAC 27-6-2, surgical or other invasive procedures that involve a skin incision or puncture includ-**

ing, but not limited to, the following:

- (1) Open or percutaneous surgical procedures.
- (2) Percutaneous aspiration.
- (3) Selected injections.
- (4) Biopsy.
- (5) Percutaneous cardiac and vascular diagnostic or interventional procedures.
- (6) Laparoscopies.
- (7) Endoscopies.
- (8) Colonoscopies.

The term excludes intravenous therapy, venipuncture for phlebotomy, or diagnostic tests without intravenous contract agents. (*Indiana State Department of Health; 410 IAC 27-1-23*)

SECTION 32. 410 IAC 27, AS ADDED AT 29 IR 1904, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**410 IAC 27-1-24 “Toxic substance” defined**

Authority: IC 16-19-3-4; IC 16-21-1-7  
Affected: IC 16-19-3; IC 16-21-1

Sec. 24. “Toxic substance” means chemicals that are present in sufficient concentration to pose a hazard to human health. (*Indiana State Department of Health; 410 IAC 27-1-24*)

SECTION 33. 410 IAC 27, AS ADDED AT 29 IR 1904, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

**410 IAC 27-6-2 Reporting serious adverse events**

Authority: IC 16-19-3-4; IC 16-21-1-7  
Affected: IC 16-19-3; IC 16-21-1

Sec. 2. (a) The center’s quality assessment and improvement program under section 2 of this rule shall include:

- (1) A process for determining the occurrence of the following serious adverse events within the center:

(A) The following surgical events:

(i) Surgery performed on the wrong body part, defined as any surgery performed on a body part that is not consistent with the documented informed consent for that patient. Excluded are emergent situations:

- (AA) that occur in the course of surgery; or  
(BB) whose exigency precludes obtaining informed consent;

or both.

(ii) Surgery performed on the wrong patient, defined as any surgery on a patient that is not consistent with the documented informed consent for that patient.

(iii) Wrong surgical procedure performed on a patient, defined as any procedure performed on a patient that is not consistent with the documented informed consent for that patient. Excluded are emergent situations:

- (AA) that occur in the course of surgery; or

(BB) whose exigency precludes obtaining informed consent;

or both.

- (iv) Retention of a foreign object in a patient after surgery or other invasive procedure. The following are excluded:

(AA) Objects intentionally implanted as part of a planned intervention.

(BB) Objects present before surgery that were intentionally retained.

- (v) Intraoperative or immediately postoperative death in an ASA Class I patient. Included are all ASA Class I patient deaths in situations where anesthesia was administered; the planned surgical procedure may or may not have been carried out.

(B) The following product or device events:

(i) Patient death or serious disability associated with the use of contaminated drugs, devices, or biologics provided by the center. Included are generally detectable contaminants in drugs, devices, or biologics regardless of the source of contamination or product.

(ii) Patient death or serious disability associated with the use or function of a device in patient care in which the device is used or functions other than as intended. Included are, but not limited to, the following:

(AA) Catheters.

(BB) Drains and other specialized tubes.

(CC) Infusion pumps.

(DD) Ventilators.

(iii) Patient death or serious disability associated with intravascular air embolism that occurs while being cared for in the center. Excluded are deaths associated with neurosurgical procedures known to present a high risk of intravascular air embolism.

(C) The following patient protection events:

(i) Infant discharged to the wrong person.

(ii) Patient death or serious disability associated with patient elopement (disappearance) for more than four (4) hours. Excluded are events involving adults with decision making capacity.

(iii) Patient suicide or attempted suicide resulting in serious disability, while being cared for in the center, defined as events that result from patient actions after admission to the center.

(D) The following care management events:

(i) Patient death or serious disability associated with a medication error, for example, errors involving the wrong:

(AA) drug;

(BB) dose;

(CC) patient;

(DD) time;

(EE) rate;

(FF) preparation; or

(GG) route of administration.

Excluded are reasonable differences in clinical judgment on drug selection and dose.

(ii) Patient death or serious disability associated with a hemolytic reaction due to the administration of ABO-incompatible blood or blood products.

(iii) Maternal death or serious disability associated with labor or delivery in a low-risk pregnancy while being cared for in the center. Included are events that occur within forty-two (42) days postdelivery. Excluded are deaths from any of the following:

(AA) Pulmonary or amniotic fluid embolism.

(BB) Acute fatty liver of pregnancy.

(CC) Cardiomyopathy.

(iv) Patient death or serious disability associated with hypoglycemia, the onset of which occurs while the patient is being cared for in the center.

(v) Death or serious disability (kernicterus) associated with hyperbilirubinemia in neonates.

(E) The following environmental events:

(i) Patient death or serious disability associated with an electric shock while being cared for in the center. Excluded are events involving planned treatment, such as electrical countershock.

(ii) Any incident in which a line designated for oxygen or other gas to be delivered to a patient:

(AA) contains the wrong gas; or

(BB) is contaminated by toxic substances.

(iii) Patient death or serious disability associated with a burn incurred from any source while being cared for in the center.

(iv) Patient death associated with a fall while being cared for in the center.

(v) Patient death or serious disability associated with the use of restraints or bedrails while being cared for in the center.

(F) The following criminal events:

(i) Any instance of care ordered by or provided by someone impersonating a physician, nurse, pharmacist, or other licensed healthcare provider.

(ii) Abduction of a patient of any age.

(iii) Sexual assault on a patient within or on the grounds of the center.

(iv) Death or significant injury of a patient or staff member resulting from a physical assault, that is, battery, that occurs within or on the grounds of the center.

(2) A process for reporting to the department each serious adverse event listed in subdivision (1) that is determined by the center's quality assessment and improvement program to have occurred within the center.

(b) Subject to subsection (e), the process for determining the occurrence of the serious adverse events listed in subsection (a)(1) by the center's quality assessment and improvement program shall be designed by the center to accurately determine the occurrence of any of the serious adverse events listed in subsection (a)(1) within the center

in a timely manner.

(c) Subject to subsection (e), the process for reporting the occurrence of a serious adverse event listed in subsection (a)(1) shall comply with the following:

(1) The report shall:

(A) be made to the department;

(B) be submitted not later than fifteen (15) working days after the serious adverse event is determined to have occurred by the center's quality assessment and improvement program; and

(C) identify the serious adverse event and the center, but shall not include any identifying information for any:

(i) patient;

(ii) individual licensed under IC 25; or

(iii) center employee involved;

or any other information.

(2) The report, and any documents permitted under this section to accompany the report, shall be submitted in an electronic format, including a format for electronically affixed signatures.

(d) The center's report of a serious adverse event listed in subsection (a)(1) shall be used by the department for purposes of publicly reporting the type and number of such serious adverse events occurring within each center. The department's public report will be issued not less frequently than annually.

(e) Any serious adverse event listed in subsection (a)(1) that:

(1) is determined to have occurred within the center between:

(A) January 1, 2006; and

(B) the effective date of this rule; and

(2) has not been previously reported;

must be reported within five (5) days of the effective date of this rule. (*Indiana State Department of Health; 410 IAC 27-6-2*)

### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on April 24, 2006 at 9:00 a.m., at the Indiana State Department of Health, 2 North Meridian Street, Rice Auditorium, Indianapolis, Indiana the Indiana State Department of Health will hold a public hearing on a proposed rule to require ambulatory outpatient surgical centers, abortion clinics, and birthing centers to implement a medical errors reporting system and report medical errors reporting data to the department.*

*This rule imposes additional requirements in order to comply with Executive Order 5-10 of Governor Daniels.*

*Copies of these rules are now on file at the Health Care Regulatory Services Commission at the Indiana State Department of Health, 2 North Meridian Street and Legislative*

---

---

## Proposed Rules

---

---

*Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Sue Uhl  
Deputy State Health Commissioner  
Indiana State Department of Health

---

### TITLE 512 DEPARTMENT OF EDUCATION

#### Proposed Rule LSA Document #06-39

#### DIGEST

Adds 512 IAC concerning the established threshold for absences related to students in school corporations and accredited nonpublic schools, which threshold of 20% shall be used to report symptoms and health syndromes from outbreaks or suspected outbreaks of diseases or other health conditions to local health departments. Effective 30 days after filing with the Secretary of State.

#### IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

The proposed amendments will not impose requirements or costs on small businesses under IC 4-22-2.1-5.

#### 512 IAC

SECTION 1. 512 IAC IS ADDED TO READ AS FOLLOWS:

#### TITLE 512 DEPARTMENT OF EDUCATION

#### ARTICLE 1. THRESHOLD OF STUDENT ABSENCES FOR REPORTING PURPOSES TO LOCAL HEALTH DEPARTMENTS

##### Rule 1. Definitions

#### 512 IAC 1-1-1 Definitions

Authority: IC 20-33-2-47  
Affected: IC 16-19-10-8; IC 20-33-2-42

Sec. 1. (a) The definitions in this section apply throughout this article.

(b) “Coordinator” means a registered nurse who:

- (1) holds a bachelor of science in nursing; and
- (2) is responsible for coordination of health services in a school corporation in accordance with 511 IAC 4-1.5-6(b).

(c) “Nonpublic school” means a school that is not maintained by a school corporation. The term includes a private or parochial school accredited by the Indiana state board of education.

(d) “School corporation” means a public school corporation established by Indiana law. The term includes any of the following:

- (1) School city.
- (2) School town.
- (3) School township.
- (4) Consolidated school corporation.
- (5) Metropolitan school district.
- (6) Township school corporation.
- (7) County school corporation.
- (8) United school corporation.
- (9) Community school corporation.

(e) “State attendance officer” or “state attendance official” means the person or persons appointed by the superintendent of public instruction to receive reports sent to the department of education under the provisions of this article.

(f) “Superintendent” means either of the following:

- (1) The chief administrative officer of a school corporation.
- (2) In the case of a township school, the county superintendent of schools.

*(Department of Education; 512 IAC 1-1-1)*

#### Rule 2. Collecting and Reporting Data Related to Symptoms and Health Syndromes

#### 512 IAC 1-2-1 Development of local attendance reporting system

Authority: IC 20-33-2-47  
Affected: IC 16-19-10-8; IC 20-33-2-42

Sec. 1. (a) A school corporation and accredited nonpublic school shall develop its local attendance system for reporting symptoms and health syndromes from outbreaks or suspected outbreaks of diseases or other health conditions that may be a danger to public health.

(b) A school corporation shall develop its local attendance reporting system in consultation with the school nurse who:

- (1) is designated as coordinator; and
- (2) shall report any known or suspected reason for the excessive rate of absenteeism directly to the superintendent or designated administrator.

An accredited nonpublic school shall develop its local attendance reporting system in consultation with the registered nurse who coordinates student health services.

(c) A local attendance reporting system shall establish the following:

- (1) The form of the report required by section 2 of this rule.
- (2) The mode of communication in which the report will be transmitted.

*(Department of Education; 512 IAC 1-2-1)*

**512 IAC 1-2-2 Report of absenteeism in excess of the threshold**

Authority: IC 20-33-2-47

Affected: IC 16-19-10-8; IC 20-33-2-42

**Sec. 2. (a) Except as provided in subsection (c), each school corporation and accredited nonpublic school shall report to the local health department the percentage of student absences when the percentage of students absent from a school is equal to or greater than the threshold rate of twenty percent (20%) of the enrolled students.**

**(b) Reports are not required on days immediately before or after a school vacation day or a scheduled instructional day that is canceled due to any weather-related emergency unless otherwise determined by the superintendent.**

**(c) A copy of any report to the local health department under provisions of this article shall be sent to the state attendance officer or state attendance official. (Department of Education; 512 IAC 1-2-2)**

**Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on May 1, 2006 at 10:00 a.m., at the Department of Education, 151 West Ohio Street, James Whitcomb Riley Conference Room, Indianapolis, Indiana the Department of Education will hold a public hearing on a proposed new rule concerning the established threshold for absences related to students in local school corporations and accredited nonpublic schools, which threshold of twenty percent (20%) shall be used to report symptoms and health syndromes from outbreaks or suspected outbreaks of diseases or other health conditions to local health departments.*

*The proposed rule does not impose any requirements or costs on a regulated entity not expressly required by state or federal law.*

*Copies of these rules are now on file at 229 State House and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Gaylon J. Nettles, Director  
Office of Student Services  
Department of Education

---



---

**TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION**

**Proposed Rule**

LSA Document #05-50

**DIGEST**

Amends 675 IAC 21, the safety code for elevators, escalators, manlifts, and hoists, to make substantive and technical changes, including changes to reference updated standards, to adopt ASME A17.1, 2004 edition, Safety Code for Elevators and

Escalators, to adopt ASME A17.3, 2002 edition, Safety for Existing Elevators and Escalators, to adopt ASME QEI-1, 2004 Edition, Standard for Qualification of Elevator Inspectors, to adopt ASCE 21, Part 1, 1996; Part 2, 1998; and Part 3, 2000, Standard for Automated People Movers, to adopt ANSI/ASME A18.1, 2003 edition, Safety Standard for Platform and Stairway Chairlifts, to adopt ANSI A10.4, 2004 edition, Safety Requirements for Personnel Hoist and Employee Elevators American National Standard for Construction and Demolition Operations, and to adopt ASME A90.1, 2003 edition, Safety Standard for Belt Manlifts. Effective 30 days after filing with the Secretary of State.

**675 IAC 21-1-10**

**675 IAC 21-3-1**

**675 IAC 21-3-2**

**675 IAC 21-4-1**

**675 IAC 21-4-2**

**675 IAC 21-5-1**

**675 IAC 21-5-3**

**675 IAC 21-8-1**

**675 IAC 21-8-2**

**675 IAC 21-9**

**675 IAC 21-10**

**675 IAC 21-11**

SECTION 1. 675 IAC 21-1-10 IS AMENDED TO READ AS FOLLOWS:

**675 IAC 21-1-10 Definitions**

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15-5-11

Sec. 10. (a) The definitions in this section apply throughout this article.

**(b) "Elevator work" means the:**

**(1) installation;**

**(2) alteration;**

**(3) maintenance;**

**(4) repair;**

**(5) replacement; or**

**(6) placement of an elevator out of service as described in Section 8.11.1.4 of 675 IAC 21-3-2;**

**of any regulated lifting device. The term does not include demolition, hole drilling, or monthly fire service testing as described in Section 8.6.10.1 of 675 IAC 21-3-2.**

~~(b)~~ **(c) "Licensed inspector"** means an individual licensed as an elevator inspector under IC 22-15-5-11. ~~Prior to~~ **Before** March 1, 2003, a qualified inspector may perform any inspection required to be conducted by a licensed inspector.

~~(c)~~ **(d) "Qualified inspector"** means an individual **certified by an organization:**

~~(1) certified by an organization~~ accredited by ASME in accordance with the requirements of ASME QEI-1; or

~~(2) certified by an organization~~ that the authority having jurisdiction has determined has equivalent requirements and conditions as ASME QEI-1 for obtaining and retaining ~~such~~ **the** certification.

*(Fire Prevention and Building Safety Commission; 675 IAC 21-1-10; filed Dec 3, 2002, 3:05 p.m.: 26 IR 1086)*

## Proposed Rules

SECTION 2. 675 IAC 21-3-1 IS AMENDED TO READ AS FOLLOWS:

### 675 IAC 21-3-1 Adoption by reference

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 1. That certain document, being titled as ANSI/ASME A17.1, 2000, 2004, Safety Code for Elevators and Escalators, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016 is hereby adopted by reference and made a part of this rule as if fully set out herein, save and except those additions, deletions, and amendments as are made in section 2 of this rule. (*Fire Prevention and Building Safety Commission; 675 IAC 21-3-1; filed Aug 30, 1985, 11:52 a.m.: 9 IR 41, eff Oct 1, 1985; filed Mar 6, 1986, 3:00 p.m.: 9 IR 1658; errata, 9 IR 2063; filed Sep 27, 1989, 4:30 p.m.: 13 IR 288; errata filed Nov 15, 1989, 5:00 p.m.: 13 IR 675; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Dec 3, 2002, 3:05 p.m.: 26 IR 1087*)

SECTION 3. 675 IAC 21-3-2 IS AMENDED TO READ AS FOLLOWS:

### 675 IAC 21-3-2 Amendments to adopted code

Authority: IC 22-13-2-13

Affected: IC 10-19; IC 22-12-1-22; IC 22-12-2-10; IC 22-13-2-10; IC 22-14; IC 22-15; IC 36-7

Sec. 2. (a) Explanatory material, in the form of notes, that is not part of a table, figure, or graph, is not:

- (1) a part of this standard; and is not
- (2) enforceable as part of this rule.

(b) Delete subsection 1.1.3 in its entirety and substitute the following: 1.1.3 Application of Code

(a) Except as provided in (b) and (c) below, this Code applies to new installations only.

(b) Part 1 and Section 5.10, Section 8.6, Section 8.7, Section 8.8, Section 8.9, Section 8.10, and Section 8.11 apply to new and existing installations.

(c) Section 8.1 applies to any installation for which an installation permit was received by the Department on or after January 3, 2003.

(b) (c) Delete subsection 1.1.4, Effective Date, without substitution.

(c) (d) Delete Section 1.2, Purpose and Exceptions, without substitution. in its entirety and substitute the following: 1.2 Keys All keys associated with the equipment described in Section 1.1 shall be placed in a heavy metal enclosure. All such keys shall be clearly identified. The enclosure shall be conspicuously located and identified by a sign stating "FOR EMERGENCY USE ONLY". All such enclosures shall be equipped with a seven (7) pin cylindrical lock opened by a common key SI-2. Only responding fire department officers, the authority having jurisdiction, and the elevator contrac-

tor shall be permitted to retain keys for such enclosures.

(d) (e) Amend Section 1.3, Definitions, to read as follows:

(1) Add a definition to read as follows: NFPA 70 means the Indiana Electrical Code (675 IAC 17).

(2) Add a definition to read as follows: ANSI A117.1 means the Indiana Building Code, Chapter 11, Part 1 (675 IAC 13).

(3) Add a definition to read as follows: Department means the Indiana Department of Homeland Security created in accordance with IC 10-19.

(4) Add a definition to read as follows: Division means the Division of Fire and Building Safety of the Department.

(5) Change the definition of APPROVED to read as follows: APPROVED means, as to materials, equipment, products, and construction, acceptance by the authority having jurisdiction by one (1) of the following methods:

(A) Investigation or tests conducted by recognized authorities.

(B) Investigation or tests conducted by technical or scientific organizations.

(C) Accepted principles.

The investigation, tests, or principles shall establish that the materials, equipment, products, and construction are safe for their intended purposes.

(6) Change the definition of AUTHORITY HAVING JURISDICTION to read as follows: AUTHORITY HAVING JURISDICTION means the office of the state building commissioner Division or officer of a local unit of government empowered by law to administer and enforce the rules of the commission as set forth at IC 22-13-2-10.

(7) Change the definition of BUILDING CODE to read as follows: BUILDING CODE means the Indiana Building Code, 675 IAC 13, for Class 1 structures except townhouses or the Indiana Residential Code, 675 IAC 14, for Class 2 structures and townhouses in effect at the time of the construction, addition, or alteration of the building or structure.

(8) Change the definition of CERTIFIED to read as follows: CERTIFIED means "approved".

(9) Change the definition of ELEVATOR to read as follows: ELEVATOR means a regulated lifting device as defined in IC 22-12-1-22.

(10) Change the definition of LABELED/MARKED to read as follows: LABELED means equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization engaged in product evaluation, that maintains periodic inspection of production of labeled equipment or materials, and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

(11) Change the definition of LISTED/CERTIFIED to read as follows: LISTED. Equipment or materials included in a list published by an organization engaged in product evaluation that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner.



~~(10)~~ **(12)** Change the definition of REGULATORY AUTHORITY to read as follows: REGULATORY AUTHORITY: See AUTHORITY HAVING JURISDICTION.

~~(e)~~ Delete the text in section 2.27.8 Switch Keys, and substitute as follows: The emergency operation keys, machine room door keys, and hoistway door unlocking devices shall be placed in a heavy metal enclosure. All such keys shall be clearly identified. The enclosure shall be conspicuously located and identified by a sign stating "For Emergency Use Only". All such enclosures shall be equipped with a seven ~~(7)~~ pin cylindrical lock opened by a common key SI-2. Only fire officials, the authority having jurisdiction, and the elevator contractor shall be permitted to retain keys for such enclosures.

**(f)** Deleted Section 2.2.2.5 in its entirety without substitution.

**(g)** Amend Section 3.4.5(b) to insert, after the word "assemblies", ", any hydraulic jack".

~~(5)~~ **(h)** Delete Sections 5-3, 5-4, **5.8**, and 5-9 without substitution.

~~(g)~~ **(i)** Amend Section 6.1.1.1, Protection Required, to read as follows: Floor openings for escalators shall be protected against the passage of flame, heat, and/or smoke in accordance with the Indiana Building Code, 675 IAC 13.

~~(h)~~ **(j)** Amend subsection 6.1.2.1, Protection Required, as follows:

- (1) Delete "of NFPA 101, whichever is applicable (see Chapter 9)".
- (2) Delete "adequate" and insert "required".

~~(i)~~ **(k)** Amend Section 6.2.1.1, Protection Required, to read as follows: Where a moving walk penetrates a building floor, the opening shall be protected against the passage of flame, heat, and/or smoke in accordance with the provisions of the Indiana Building Code, 675 IAC 13.

~~(j)~~ **(l)** Amend subsection 6.2.2.1, Protection Required, as follows:

- (1) Delete "of NFPA 101, whichever is applicable (see Chapter 9)".
- (2) Delete "adequate" and insert "required".

~~(k)~~ **(m)** Amend subsection 7.1.1.1 by deleting the second sentence.

~~(l)~~ **(n)** Amend subsection 7.1.8.2 as follows: Requirement 2.8.2.3 does not apply. Sprinklers shall be permitted in the hoistway when conforming to NFPA 13 ~~(675 IAC 13-1)~~: **as adopted by the commission at the time of installation of the elevator.** All sprinkler risers and returns shall be located outside the hoistway.

**(o)** Delete Sections 7.4, 7.5, and 7.6 without substitution.

~~(m)~~ **(p)** Amend subsection 8.6.1.4.2, Record Availability, as follows: Add "and the AUTHORITY HAVING JURISDICTION" to the end of the section.

**(q)** Amend the first sentence of Section 8.6.1.5.1 to read as follows: For installations for which installation permit applications were received by the Department on or after January 3, 2003, a data plate that indicates the applicable rule of the commission in effect at the time of installation and any alteration (see 8.7.1.8) shall be provided.

**(r)** Amend Section 8.6.1.6.3(a) to read as follows: For installations for which installation permit applications were received by the Department on or after January 3, 2003, up-to-date wiring diagrams detailing circuits of all electrical protective devices (see 2.26.2) and critical operating circuits (see 2.26.3), where such diagrams are available from the original equipment manufacturer, shall be available in the machine room.

**(s)** Amend Section 8.6.3.11 as follows:

- (1) Add at the end of the first sentence " , and such replacements shall be subjected to the relief valve setting testing described in Section 8.11.3.2.1".
- (2) Add a second sentence as follows: Documentation of such testing shall be maintained with the maintenance records on site for review by the Division.

**(t)** Amend Section 8.6.5.4 to insert the following at the end of the sentence, "contained in the manufacturer's specifications".

**(u)** Amend Section 8.6.5.6 to add the following at the end of the section: Such replacements shall be subjected to the relief valve setting testing described in Section 8.11.3.2.1 and Section 8.11.3.2.4. Documentation of such testing shall be maintained with the maintenance records on site for review by the division.

**(v)** Amend Section 8.7.2.11.5 to read as follows:

- (a) Except as provided in (b) below, where a device that restricts the opening of hoistway doors or car doors is altered or installed, the device shall conform to 2.12.5.
- (b) Platform guards shall comply with 2.15.9 to the greater of:
  - (1) the leveling or truck zone, plus 75 mm (3 in.); or
  - (2) the extent the existing pit shall permit.

**(w)** Amend Section 8.7.2.20 to read as follows:

- (a) The requirements of 2.19 shall be conformed to where a device for protection against ascending car overspeed and unintended car movement is altered or installed.
- (b) The requirements of 2.15.9 shall be conformed to where a device for protection against ascending car overspeed and unintended car movement is altered or installed to the greater of:

---

## Proposed Rules

---

- (1) the leveling or truck zone, plus 75 mm (3 in.); or
- (2) the extent the existing pit shall permit.

(x) Amend Section 8.7.5.7 to delete “the entire installation” and substitute “only the work contained in the alteration”.

(y) Amend Section 8.7.7.2 in the first sentence to delete the word “elevator” and insert the words “material lift”.

(z) Amend subsection 8.10.1.1.1 to read as follows: A licensed inspector must conduct the acceptance inspection. A licensed inspector employed by the enforcement authority may conduct the acceptance inspection. If the enforcement authority chooses not to make this inspection, a third party licensed inspector shall make the acceptance inspection in accordance with the following:

(1) This third party licensed inspector shall sign an attestation for each test that reads, “I hereby attest under penalty for perjury that:

(A) all of the tests required by 8.10.2, 8.10.3, 8.10.4, or 8.10.5 have been completed in my presence by persons qualified to perform such services; and

(B) the regulated lifting device conforms to all applicable building and equipment codes in effect at the time of installation and all applicable building and equipment codes effective as applicable to and for each alteration.”.

(2) The third party licensed inspector that performs the acceptance inspection shall not be an employee of the elevator contractor that installed or altered the regulated lifting device or that is performing the required tests.

(aa) Delete Section 8.10.1.1.3 in its entirety without substitution.

(bb) Delete Section 8.10.5.2 in its entirety without substitution.

(cc) Delete Section 8.11.1.1 in its entirety without substitution.

(dd) Amend Section 8.11.1.2(a) to read as follows: A qualified inspector shall attest to the Category 1, Category 3, and Category 5 Periodic Test Requirements. This qualified inspector shall sign an attestation for each test that reads, “I hereby attest under penalty for perjury that:

(A) all of the required tests have been completed by persons qualified to perform such services; and

(B) the regulated lifting device conforms to all applicable building and equipment codes in effect at the time of installation and all applicable building and equipment codes effective as applicable to and for each alteration.”.

(ee) Amend Section 8.11.1.2(b) to read as follows: The owner or the owner’s authorized agent shall have all of the tests required by 8.11.2, 8.11.3, 8.11.4, and 8.11.5 made by persons

qualified to perform such service. For the Category 1, Category 3, and Category 5 Test Requirements, the owner or the owner’s authorized agent shall have these tests attested to by a qualified inspector in the manner specified in 8.11.1.2(a).

(ff) Amend Section 8.11.1.3 to read as follows: The frequency of periodic inspections shall be established by the authority having jurisdiction and the frequency of periodic tests shall be as established in the Indiana Elevator Safety Code (675 IAC 21).

(gg) Delete Section 8.11.2.1, Periodic Inspection Requirements, in its entirety without substitution.

(hh) Delete Section 8.11.3.1, Periodic Inspection Requirements, in its entirety without substitution.

(ii) Amend Section 8.11.3.2.1 to read as follows: **Relief Valve Setting and System Pressure Test. The relief valve setting shall be tested to determine that it will bypass the full output of the pump before the pressure exceeds 125% of the working pressure for elevators installed before January 3, 2003, and 150% of the working pressure for elevators that were installed after January 3, 2003, and that the system will withstand this pressure. It shall be sealed if the relief valve setting is altered or if the seal is broken.**

(jj) Delete Section 8.11.4.1 in its entirety without substitution.

(kk) Delete Section 8.11.5.2 in its entirety without substitution.

(ll) Delete Section 8.11.5.13.1 in its entirety without substitution.

(mm) In Section 9, the following definitions are applicable:

(1) Except as specified in subdivision (2), “latest edition” means the edition that is in effect on ~~October 1, 2002~~ **November 1, 2006**.

(2) For those codes that are adopted in this article, “latest edition” means the edition that has been adopted into this article.

(nn) Delete the following appendices without substitution:

- (1) Appendix D.
- (2) Appendix E.
- (3) Appendix H.
- (4) Appendix J.
- (5) Appendix K.
- (6) Appendix L.
- (7) Appendix M.
- (8) Appendix O.

(oo) Appendix N is adopted and amended as follows: In Table N1, delete without substitution, both columns under

Periodic Inspections.

(cc) (pp) The following appendices are adopted:

- (1) Appendix A.
- (2) Appendix B.
- (3) Appendix C.

(4) Appendix F.

(5) Appendix G.

(6) Appendix I.

(7) **Appendix P.**

(qq) Delete Appendix L and insert the following:

**ASME A17.1-2004**

**NONMANDATORY APPENDIX L**

**INDEX OF ALTERATION REQUIREMENTS FOR ELECTRIC ELEVATORS, HYDRAULIC ELEVATORS, ESCALATORS, AND MOVING WALKS**

Item	Electric Elevators	Hydraulic Elevators	Escalators and Moving Walks	Permit required
Access doors and openings	8.7.2.7.3	8.7.2.7.3	8.7.6.1.14, 8.7.6.2.14	yes
Access switch and unlocking devices	8.7.2.11.4	8.7.3.11		yes
Addition of automatic transfer device (DW.& Material lifts)	8.7.7.2	8.7.7.2		yes
Addition of auxiliary rope-fastening devices	8.7.2.21.3			yes
Addition of elevator to existing hoistway	8.7.2.1.2	8.7.2.1.2		yes
Addition of rope equalizers	8.7.2.21.2.	8.7.3.25.2		yes
Anti-creep leveling device		8.7.3.31.3		yes
Ascending car overspeed and unintended movement	8.7.2.20			yes
Auxiliary power lowering operation		8.7.3.31.9		yes
Car and counterweight buffers and bumpers	8.7.2.23	8.7.3.27		yes
Car door or gate	8.7.2.14	8.7.3.13		yes
Car enclosure	8.7.2.14, 8.7.2.27.7	8.7.3.13		yes
Car frame and platform	8.7.2.15.1	8.7.3.14		yes
Car leveling or truck zoning devices	8.7.2.27.2	8.7.3.31.2		yes
Car and counterweight safeties	8.7.2.18	8.7.3.15		yes
Carrying of passengers on freight elevators	8.7.2.16.3	8.7.3.19		yes
Change in class of loading	8.7.2.16.2	8.7.3.18		yes
Change in location of hydraulic jack		8.7.3.23.5		yes
Change in power supply	8.7.2.27.3	8.7.3.31.4		yes
Change in ropes	8.7.2.21.1	8.7.3.25.1		yes
Change in type of motion control	8.7.2.27.5	8.7.3.31.6		yes
Change in type of operation control	8.7.2.27.6	8.7.3.31.7		yes
Change in type of service	8.7.2.16.1	8.7.3.17		yes
Complates			8.7.6.1.8, 8.7.6.2.8	yes
Construction at bottom of hoistway	8.7.2.1.4	8.7.2.1.4		yes
Construction at top of hoistway	8.7.2.1.3	8.7.2.1.3		yes
Construction requirements (escalators and moving walks)			8.7.6.1.5, 8.7.6.2.5	yes
Control of smoke and hot gases	8.7.2.1.5	8.7.2.1.5		yes
Controller	8.7.2.27.4	8.7.3.31.5		yes
Counterweights	8.7.2.22	8.7.3.26		yes
Counterweight, location and guarding of	8.7.2.3	8.7.3.3		yes
Cylinder		8.7.3.23.3		yes
Decrease in rated speed	8.7.2.17.3	8.7.3.22.3		yes
Door reopening device	8.7.2.13	8.7.2.13		yes
Driving machine and sheaves	8.7.2.25.1	8.7.3.23	8.7.6.1.12, 8.7.6.2.12	yes

## Proposed Rules

Driving machine, change in location of	8.7.2.25.2			yes
Dumbwaiters without automatic transfer devices	8.7.7.1	8.7.7.1		yes
Electrical equipment, wiring, pipes, ducts in HW.& M.R.	8.7.2.8	8.7.3.8		yes
Emergency operations and signaling devices	8.7.2.28	8.7.3.31.8		yes
Entrance and egress escalator and moving walk			8.7.6.1.15	yes
Entrance, horizontal slide type	8.7.2.10.2	8.7.2.10.2		yes
Entrance, swing type	8.7.2.10.4	8.7.2.10.4		yes
Entrance, vertical slide type	8.7.2.10.3	8.7.2.10.3		yes
Entrance, general requirement, emergency door	8.7.2.10.1	8.7.3.10		yes
General requirements, escalators and moving walks			8.7.6.1.1, 8.7.6.2.1	yes
Guide rails, supports, and fastenings	8.7.2.24	8.7.3.28		yes
Hand elevators		8.7.4.3		yes
Handrails (escalators and moving walks)			8.7.6.1.6, 8.7.6.2.6	yes
Headroom, machine room	8.7.2.7.4	8.7.2.7.4		yes
Hoistway enclosure walls	8.7.2.1.1	8.7.3.1		yes
Horizontal car and counterweight clearances	8.7.2.5	8.7.3.5		yes
Illumination in car	8.7.2.14	8.7.3.13		yes
In-car stop switch		8.7.3.31.10		yes
Inclined elevators	8.7.5.1	8.7.5.1		yes
Increase or decrease in deadweight of car	8.7.2.15.2	8.7.3.21		yes
Increase in rated load	8.7.2.16.4	8.7.3.20		yes
Increase in rated speed	8.7.2.17.2	8.7.3.22.2		yes
Increase or decrease in travel	8.7.2.17.1	8.7.3.22.1		yes
Increase in working pressure		8.7.3.23.4		yes
Interlocks	8.7.2.11.1	8.7.3.11		yes
Jack, hydraulic		8.7.3.23.1		yes
Lighting, access, and electrical work (esc. & moving walk)			8.7.6.1.14, 8.7.6.2.14	yes
Lighting of machine room	8.7.2.7.6	8.7.3.7		yes
Machine room and machinery spaces, enclosures	8.7.2.7.1	8.7.3.7		yes
Machinery and sheave beams, supports and foundations	8.7.2.9	8.7.3.9		yes
Material lift with automatic transfer device	8.7.7.3	8.7.7.3		yes
Means of access to machine room or machinery space	8.7.2.7.2	8.7.2.7.2		yes
Mechanical lock and electric contact	8.7.2.11.2	8.7.3.11		yes
Operating and safety devices			8.7.6.1.13, 8.7.6.2.13	yes
Parking device	8.7.2.11.3	8.7.3.11		yes
Pit	8.7.2.2	8.7.3.2		yes
Plunger		8.7.3.23.2		yes
Plunger gripper		8.7.3.23.7		yes
Power operation of hoistway door	8.7.2.12	8.7.3.12		yes
Protection of floor openings			8.7.6.1.3, 8.7.6.2.3	yes
Protection of space below hoistway	8.7.2.6	8.7.3.6		yes
Protection of truss and machinery spaces against fire			8.7.6.1.4, 8.7.6.2.4	yes
Rack and pinion	8.7.4.1			yes
Rated load and speed			8.7.6.1.11, 8.7.6.2.11	yes

## Proposed Rules

Relocation of escalator			8.7.6.1.2	yes
Relocation of hydraulic machine (power unit)		8.7.3.23.6		yes
Relocation of moving walk			8.7.6.2.2	yes
Restricted opening of doors	8.7.2.11.5	8.7.2.11.5		yes
Roof top elevators	8.7.5.6	8.7.5.6		yes
Screw column elevators	8.7.4.2			yes
Sidewalk elevators	8.7.5.5	8.7.5.5		yes
Signaling device	8.7.2.28	8.7.3.31.8		yes
Special purpose elevators	8.7.5.7			yes
Speed governors and governor ropes	8.7.2.19	8.7.3.16		yes
Step system			8.7.6.1.7	yes
Supply piping and fittings		8.7.3.24		yes
Tank		8.7.3.29		yes
Terminal stopping device	8.7.2.26	8.7.3.30		yes
Top of car operating device	8.7.2.27.1	8.7.3.31.1		yes
Track system			8.7.6.1.10, 8.7.6.2.10	yes
Treadway system			8.7.6.2.7	yes
Trusses and girders			8.7.6.1.9, 8.7.6.2.9	yes
Valves, pressure piping, and fittings		8.7.3.24		yes
Ventilation of machine room or machinery spaces	8.7.2.7.7	8.7.2.7.7		yes
Vertical car and counterweight clearances and runbys	8.7.2.4	8.7.3.4		yes
Window and skylight in machine room	8.7.2.7.5	8.7.2.7.5		yes

(Fire Prevention and Building Safety Commission; 675 IAC 21-3-2; filed Aug 30, 1985, 11:52 a.m.: 9 IR 41, eff Oct 1, 1985; filed Nov 14, 1986, 9:22 a.m.: 10 IR 873, eff Jan 1, 1987; filed Sep 27, 1989, 4:30 p.m.: 13 IR 288; filed Feb 23, 1995, 11:00 a.m.: 18 IR 1832; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Dec 3, 2002, 3:05 p.m.: 26 IR 1087)

SECTION 4. 675 IAC 21-4-1 IS AMENDED TO READ AS FOLLOWS:

### 675 IAC 21-4-1 Adoption by reference

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 1. That certain document being titled as ANSI A10.4, ~~1990~~, **2004**, American National Standard Safety Requirements for Personnel Hoists and Employee Elevators for Construction and Demolition Operations, published by the National Safety Council, 444 North Michigan Avenue, Chicago, Illinois 60611, is hereby adopted by reference and made a part of this section as if fully set out herein, save and except those additions, deletions, and amendments as are made in section 2 of this rule.  
(Fire Prevention and Building Safety Commission; 675 IAC 21-4-1; filed Aug 30, 1985, 11:52 a.m.: 9 IR 42, eff Oct 1, 1985; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Dec 3, 2002, 3:05 p.m.: 26 IR 1090)

SECTION 5. 675 IAC 21-4-2 IS AMENDED TO READ AS FOLLOWS:

### 675 IAC 21-4-2 Amendments to adopted standard

Authority: IC 22-13-2-13

Affected: IC 10-19; IC 22-12; IC 22-13-2-10; IC 22-14; IC 22-15-5; IC 25-4; IC 25-31

Sec. 2. (a) Explanatory material, in the form of notes, that is not part of a table, figure, or graph, is not:

- (1) a part of this standard; and ~~is not~~
- (2) enforceable as part of this Indiana Elevator Safety Code.

(b) Delete Section 1.3, Exceptions, without substitution.

(c) Delete Section 2, References, without substitution.

(d) In Section 3, Definitions, make the following changes:

(1) Change the definition of APPROVED to read as follows: APPROVED means as to materials, equipment, and types of construction, acceptance by the authority having jurisdiction by one (1) of the following methods:

- (1) Investigation or tests conducted by recognized authorities.
- (2) Investigation or tests conducted by technical or scientific organizations.
- (3) Accepted principles.

The investigation, tests, or principles shall establish that the materials, equipment and types of construction are safe for their intended purpose.

(2) Add the following definitions:

(A) **AUTHORITY HAVING JURISDICTION** means the ~~office of the state building commissioner~~ **Division** or officer of a local unit of government empowered by law to admin-

---

## Proposed Rules

---

ister and enforce the rules of the commission as set forth at IC 22-13-2-10.

**(B) DEPARTMENT means the Indiana Department of Homeland Security created in accordance with IC 10-19.**

**(C) DIVISION means the Division of Fire and Building Safety of the Department.**

**(D) ENFORCING AUTHORITY means the office of the state building commissioner or officer of a local unit of government empowered by law to administer and enforce the rules of the commission as set forth at IC 22-13-2-10: authority having jurisdiction.**

**(E) GOVERNING AUTHORITY means the office of the state building commissioner or officer of a local unit of government empowered by law to administer and enforce the rules of the commission as set forth at IC 22-13-2-10: authority having jurisdiction.**

**(F) DESIGN PROFESSIONAL means an architect registered under IC 25-4 or a professional engineer registered under IC 25-31.**

(e) Amend Section 4 to read as follows: Permanent passenger or freight elevators under construction, modification, or demolition may be used for carrying workers or materials, or both, provided that the elevators are approved for such use by the authority having jurisdiction in accordance with IC 22-15-5 and the Indiana Elevator Safety Code.

(f) In subsection 5.4.3, delete “qualified professional engineer” and “qualified engineer” and insert “design professional” for each.

(g) In subsection 8.1.3, make the following changes:

(1) Delete “American National Standard National Electrical Code, ANSI/NFPA 70-1990” and insert “the Indiana Electrical Code (675 IAC 17)”.

(2) In the last sentence, delete “ANSI/NFPA 70-1990” and insert “the Indiana Electrical Code (675 IAC 17)”.

**(h) Add a new Section 6.2.4 to read as follows: Electric Contact Devices. Every landing door shall be provided with an electric contact device to prevent operation of the hoist when the manual or automatic door locking device is in an unlocked position.**

~~(h)~~ **(i)** In subsection 14.3.1, delete “Part II, section 201, Rule 201.4 of ANSI/ASME A17.1-1987” and insert “section 2.22.4 of ANSI/ASME A17.1-2000 as adopted by the Indiana Elevator Safety Code”.

~~(i)~~ **(j)** In subsection 24.3.1, ~~make the following change:~~ in the last sentence, delete “ANSI/NFPA 70-1990” and insert “the Indiana Electrical Code (675 IAC 17)”.

~~(j)~~ **(k)** In subsection 24.4, ~~make the following change:~~ delete “ANSI/NFPA 70-1987” and insert “the Indiana Electrical Code (675 IAC 17)”.

~~(k)~~ **(l)** In subsection 26.1.1, in the ~~second last~~ sentence, delete “A similar inspection” “not” and insert “An acceptance inspection”: “major”.

~~(l)~~ **(m)** In subsection 26.1.2, make the following amendments:

(1) In the title, delete “Initial and Periodic Installation”.

(2) Delete the first paragraph and insert the following: A licensed inspector must conduct the acceptance inspection and witness the full load tests required by 26.1.1. A licensed inspector employed by the authority having jurisdiction may conduct the acceptance inspection and witness these full load tests. If the authority having jurisdiction chooses not to make this inspection and witness this test, a third party licensed inspector shall conduct the required acceptance inspection and witness the full load test.

(3) In the third paragraph, delete “can be performed by state, local, licensed authority or the manufacturer.” and insert “may be performed by a licensed inspector employed by the authority having jurisdiction. If the authority having jurisdiction chooses not to make this inspection, it shall be performed by a third party licensed inspector”.

(4) In the fourth paragraph, insert a period after “equipment” and delete “in the presence of an inspector employed by the enforcement authority” and insert “The enforcement authority may require that these tests be conducted in the presence of a licensed inspector employed by the enforcement authority. If the enforcement authority chooses not to be present for these tests, the tests shall be performed in the presence of a third party licensed inspector.”.

~~(m)~~ **(n)** In subsection 26.1.3, add the following at the end of the sentence: The owner or the owner’s authorized agent shall have all of the required acceptance tests made by persons qualified to perform such service. The enforcement authority may require that the acceptance tests be performed in the presence of a licensed inspector employed by the enforcement authority. If the enforcement authority chooses not to be present, then these tests shall be performed in the presence of a third party licensed inspector. The third party licensed inspector shall not be an employee of the elevator contractor that installed or altered the regulated lifting device or that is performing the required tests. The third party licensed inspector shall sign an attestation for each test that reads, “I hereby attest under penalty for perjury that:

(A) all of the required acceptance tests have been completed in my presence by persons qualified to perform such services; and  
(B) the regulated lifting device conforms to all applicable building and equipment codes in effect at the time of installation and all applicable building and equipment codes effective as applicable to and for each alteration.”.

~~(n)~~ **(o)** In Section 26.3, delete “Part X, Section 1000, Rule 1000.3 of ANSI/ASME A17.1-1988” and insert “Section 8.10.2.2.5(c) of ANSI/ASME A17.1-2000 as adopted by the Indiana Elevator Safety Code (675 IAC 21)”.

(p) Delete subsections 26.4.1 and replace it with the following: 26.4.1 Periodic Inspections. Periodic inspections shall be made by an inspector employed by the governing authority. The governing authority shall establish the frequency of these periodic inspections.

(q) Delete subsection 26.4.2 and replace it with the following: 26.4.2 General Requirements for Periodic Tests.

(1) Periodic tests shall be attested to by a qualified inspector.  
(2) The qualified inspector identified in 26.4.2(1) shall sign an attestation for each periodic test for each regulated lifting device that reads, "I hereby attest under penalty for perjury that:

(A) all of the periodic tests required by this standard have been completed by persons qualified to perform such services; and

(B) the regulated lifting device conforms to all applicable building and equipment codes in effect at the time of installation and all applicable building and equipment codes effective as applicable to and for each alteration."

(3) The owner or the owner's authorized agent shall have all of the required periodic tests made by persons qualified to perform such service and shall have these tests attested to by a qualified inspector in the manner specified in 26.4.2(2).

(r) Delete subsection 26.4.3 and replace it with the following: 26.4.3 Frequency of Periodic Tests. Periodic tests of hoists shall be made at intervals not to exceed three (3) months.

(s) In subsection 26.4.4, in the title, delete "Inspections and".

(t) In subsection 26.4.5, in the title, delete "Inspections and".

(u) In subsection 26.4.6, in the title, delete "Inspection" and insert "Test".

(v) In subsection 26.4.7, in the title, delete "Inspection" and insert "Test".

(w) In subsection 26.5, in the last sentence, delete "and" and insert "but the installation must be".

(x) Delete Section 29 in its entirety without substitution. (*Fire Prevention and Building Safety Commission; 675 IAC 21-4-2; filed Aug 30, 1985, 11:52 a.m.: 9 IR 42, eff Oct 1, 1985; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Dec 3, 2002, 3:05 p.m.: 26 IR 1090*)

SECTION 6. 675 IAC 21-5-1 IS AMENDED TO READ AS FOLLOWS:

#### **675 IAC 21-5-1 Adoption by reference**

**Authority:** IC 22-13-2-13

**Affected:** IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 1. That certain document, being titled as ~~ANSI~~ **ASME A90.1, 1997, 2003**, Safety Standard for Belt Manlifts, published by the American Society of Mechanical Engineers, Three Park

Avenue, New York, New York 10016, is hereby adopted by reference and made a part of this section as if fully set out herein, save and except those additions, deletions, and amendments as are made in section 3 of this rule. (*Fire Prevention and Building Safety Commission; 675 IAC 21-5-1; filed Aug 30, 1985, 11:52 a.m.: 9 IR 43, eff Oct 1, 1985; filed Sep 27, 1989, 4:30 p.m.: 13 IR 290; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Dec 3, 2002, 3:05 p.m.: 26 IR 1092*)

SECTION 7. 675 IAC 21-5-3 IS AMENDED TO READ AS FOLLOWS:

#### **675 IAC 21-5-3 Amendments to adopted standard**

**Authority:** IC 22-13-2-13

**Affected:** IC 22-12; IC 22-13-2-10; IC 22-14; IC 22-15

Sec. 3. (a) Explanatory material, in the form of notes, that is not part of a table, figure, or graph, is not:

(1) a part of this standard; and ~~is not~~

(2) enforceable as part of the Indiana Elevator Safety Code (675 IAC 21).

(b) In Section 1.2 Purpose, delete the second sentence.

(c) In Section 1.3 Application, revise (c) to read as follows: This standard applies to new installations. Existing belt manlifts shall be inspected, tested, and maintained in accordance with the code or standard in effect at the time of installation and the manufacturer's instructions.

(d) Delete paragraph 1.4, Exceptions, without substitution.

(e) In Section 2, References, add the following: When the term ANSI/NFPA 70-1984 is used, it shall mean the Indiana Electrical Code (675 IAC 17).

(f) In Section 3, Definitions, add the following definitions: INDIANA ELECTRICAL CODE means the Electrical Code in effect in Indiana at the time of construction, installation, remodeling, or alteration of the equipment.

(g) In paragraph 8.1, Acceptance and Annual Tests, delete the Note and the first sentence and insert the following:

(A) On completion of the manlift installation, an acceptance test shall be performed by the owner, manufacturer, or installer (under no circumstances shall ~~be~~ humans be used as weights for testing). The enforcement authority may require that these tests be conducted in the presence of a licensed inspector employed by the enforcement authority. If the enforcement authority chooses not to be present at these tests, these tests shall be conducted in the presence of a third party licensed inspector. The third party licensed inspector shall not be an employee of the elevator contractor that installed or altered the regulated lifting device or that is performing the required tests. The third party licensed inspector shall sign an attestation for each test that reads, "I hereby attest under penalty for perjury that:

## Proposed Rules

(1) all of the required acceptance tests have been completed in my presence by persons qualified to perform such services; and

(2) the regulated lifting device conforms to all applicable ~~building and equipment codes~~ **rules of the commission** in effect at the time of installation and all ~~applicable building and equipment codes effective as rules of the commission~~ applicable to and for each alteration.”.

(B) The same series of tests as outlined in this paragraph shall be performed by the owner annually. These annual tests shall be attested to by a qualified inspector. This qualified inspector shall sign an attestation for each annual test of each manlift that reads, “I hereby attest under penalty for perjury that:

(1) all of the required tests have been completed by persons qualified to perform such services; and

(2) the manlift conforms to all applicable ~~building and equipment codes~~ **rules of the commission** in effect at the time of installation and all **rules of the commission** applicable ~~building and equipment codes effective as applicable~~ to and for each alteration.”.

(h) In paragraph 8.2, Periodic Inspection, in the title delete “Periodic” and insert “Routine”.

(i) In subsection 8.2.1, Frequency, add the following sentence at the end of the subsection: A qualified inspector shall attest to these tests. This qualified inspector shall sign an attestation for each test of each manlift that reads, “I hereby attest under penalty for perjury that:

(1) all of the required tests have been completed by persons qualified to perform such services; and

(2) the manlift conforms to all applicable ~~building and equipment codes~~ **rules of the commission** in effect at the time of installation and all **rules of the commission** applicable ~~building and equipment codes effective as applicable~~ to and for each alteration.”.

(j) In subsection 8.2.2, delete “periodic” and insert “routine”.

(k) Appendices ~~A I~~ and ~~B II~~ of this standard are:

(1) not adopted; ~~are~~

(2) not enforceable; and ~~are~~

(3) for guidance purposes only.

*(Fire Prevention and Building Safety Commission; 675 IAC 21-5-3; filed Dec 3, 2002, 3:05 p.m.: 26 IR 1092)*

SECTION 8. 675 IAC 21-8-1 IS AMENDED TO READ AS FOLLOWS:

### 675 IAC 21-8-1 Adoption by reference

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 1. That certain document, being titled as ASME ~~A18.1a, 2001 (Addenda to ASME 18.1-1999)~~, **A18.1-2003**, Safety Standard for Platform Lifts and Stairway Chairlifts, published by the American Society of Mechanical Engineers, Three Park

Avenue, New York, New York 10016, is hereby adopted by reference and made a part of this rule as if fully set out herein, save and except those additions, deletions, and amendments as are made in section 2 of this rule. *(Fire Prevention and Building Safety Commission; 675 IAC 21-8-1; filed Dec 3, 2002, 3:05 p.m.: 26 IR 1093)*

SECTION 9. 675 IAC 21-8-2 IS AMENDED TO READ AS FOLLOWS:

### 675 IAC 21-8-2 Amendments to adopted code

Authority: IC 22-13-2-13

Affected: IC 10-19; IC 22-12; IC 22-13-2-10; IC 22-14; IC 22-15

Sec. 2. (a) ~~In Amend Section 1.1.1, change the fourth sentence 1.1.3 to read as follows: Except as specifically allowed in 2-7-1, the device shall not penetrate more than one (1) floor. provided in Section 10.1.1 and Section 10.1.2.1, this standard applies to new installations and alterations.~~

(b) Delete Section 1.1.4, Effective Date, in its entirety without substitution.

(c) In Section 1.2, Purpose and Exceptions, delete the third paragraph in its entirety without substitution.

(d) In Section 1.3, Definitions, change the definitions to read as follows:

APPROVED means, as to materials, equipment, products, and construction, acceptance by authority having jurisdiction by one (1) of the following methods:

(A) Investigation or tests conducted by recognized authorities.

(B) Investigation or tests conducted by technical or scientific organizations.

(C) Accepted principles.

The investigation, tests, or principles shall establish that the materials, equipment, products, and construction are safe for their intended purposes.

AUTHORITY HAVING JURISDICTION means the ~~office of the state building commissioner~~ **Division** or officer of a local unit of government empowered by law to administer and enforce the rules of the commission as set forth at IC 22-13-2-10.

BUILDING CODE means the Indiana Building Code (675 IAC 13), for Class 1 structures except townhouses, or the Indiana Residential Code (675 IAC 14), for Class 2 structures and townhouses, in effect at the time of the construction, addition, or alteration of the building or structure.

CERTIFIED means approved.

DEPARTMENT means the **Indiana Department of Homeland Security created in accordance with IC 10-19. DIVISION means the Division of Fire and Building Safety of the Department.**

LABELED means equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization engaged in product evaluation, that maintains periodic inspection of production of labeled equipment or materials, and by whose labeling the manufacturer indicates compliance with



appropriate stands or performance in a specified manner.

LISTED means equipment or materials included in a list published by an organization engaged in product evaluation that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner. ELECTRICAL CODE means the Indiana Electrical Code (675 IAC 17) in effect at the time of construction, installation, remodeling, or alteration of the equipment.

(e) Add a new paragraph to Section 1.4 to read as follows: Where ANSI A117.1-1986 is used in this standard, it shall mean Chapter 11 of the Indiana Building Code (675 IAC 13). Where ANSI/NFPA 70 is used, it shall mean the Indiana Electrical Code (675 IAC 17). Where the term “building code” is used, it shall mean the Indiana Building Code (675 IAC 13). In Table 1.4-1, “latest edition” means the edition that is in effect on ~~October 1, 2002~~, **November 1, 2006**, except that, for those codes that are adopted in this article, “latest edition” means the edition that has been adopted into this article.

(f) Add a new Section 2.1.1.9 to read as follows: **All keys associated with runways installed in accordance with 2.1.1 shall be placed in a heavy metal enclosure. All such keys shall be clearly identified. The enclosure shall be conspicuously located and identified by a sign stating “FOR EMERGENCY USE ONLY”. All such enclosures shall be equipped with a seven (7) pin cylindrical lock opened by a common key SI-2. Only responding fire department officers, the authority having jurisdiction, and the elevator contractor shall be permitted to retain keys for such enclosures.**

(~~g~~) (g) Amend Section 2.3.1.6 by adding a third paragraph to read as follows: If a winding drum is used, it shall have ~~no~~ **not** more than one (1) layer of ~~cable~~ **rope**.

(~~g~~) (h) Amend the ~~third next to last~~ sentence in Section ~~2.7.1~~ **2.6.7** to read: **The travel shall not exceed thirty (30) feet; delete “over” and may penetrate more than one (1) floor; insert “adjacent”.**

(~~h~~) (i) Amend Section 2.11.3 to read as follows: If the audible signaling device(s) or the means of two-way conversation, or both, are connected to the building power supply, they shall automatically transfer to a source of standby or emergency power upon failure of the normal power supply. This standby or emergency power source shall be capable of providing for the operation of the audible signaling device and illumination of the alarm switch for at least one (1) hour and the means of two-way conversation for at least four (4) hours.

(j) Amend Section 3.3.1.6 by adding a third paragraph to read as follows: **If a winding drum is used, it shall have not more than one (1) layer of rope.**

(k) Amend Section 4.3.1.3 by adding a third paragraph to read as follows: **If a winding drum is used, it shall have not more than one (1) layer of rope.**

(~~l~~) (l) In Section 10, delete “Routine” in the title and in the following paragraph.

(~~l~~) (m) Delete Section 10.1.1 and insert the following: **10.1.1. Routine inspections. The owner or the owner’s authorized agent shall have routine inspections and tests performed annually. Such routine inspections and tests shall be performed on all existing vertical platform lifts, inclined platform lifts, and incline stairway chairlifts. The testing shall be attested to by a qualified inspector. This qualified inspector shall sign an attestation for each test that reads, “I hereby attest under penalty for perjury that:**

**(A) all of the tests required by 10.1.1. have been completed by persons qualified to perform such services; and**

**(B) the regulated lifting device conforms to all applicable rules of the commission in effect at the time of installation and all rules of the commission applicable to and for each alteration.”.**

(n) Add a new Section 10.1.1.2 to read as follows: Periodic inspections. Periodic inspections shall be made by the authority having jurisdiction at a frequency determined by the authority having jurisdiction.

(~~k~~) (o) Amend the title of Section 10.1.2 to delete “Inspections and”.

(~~l~~) (p) Amend Section 10.1.2.1 to read as follows: The one-year test requirements under 10.3.1, the three-year test requirements under 10.3.2, and the five-year test requirements under 10.3.3 shall be attested to by a qualified inspector. This qualified inspector shall sign an attestation for each test that reads, “I hereby attest under penalty for perjury that:

(A) all of the tests required by 10.3.1, 10.3.2, or 10.3.3 have been completed by persons qualified to perform such services; and

(B) the regulated lifting device conforms to all applicable building and equipment codes in effect at the time of installation and all applicable building and equipment codes effective as applicable to and for each alteration.”.

(~~m~~) (q) Amend Section 10.1.2.2 to read as follows: The owner or his/her authorized agent shall have all of the tests required by paragraph 10.3 made by a person qualified to perform such service.

(~~n~~) (r) Delete section 10.1.2.3 without substitution.

(~~o~~) (s) Amend Section 10.1.3.1 to read as follows: A licensed inspector must conduct the acceptance inspection. A licensed inspector employed by the enforcement authority may conduct the acceptance inspection. If the enforcement authority chooses not to make this inspection, a third party licensed inspector shall

---

## Proposed Rules

---

make the acceptance inspection in accordance with the following:

(1) This third party inspector shall sign an attestation for each test that reads, "I hereby attest under penalty for perjury that:

(A) all of the tests required by paragraphs 10.4 or 10.5 have been completed in my presence by persons qualified to perform such services; and

(B) the regulated lifting device conforms to all applicable building and equipment codes in effect at the time of installation and all applicable building and equipment codes effective as applicable to and for each alteration."

(2) The third party licensed inspector that performs the acceptance inspection shall not be an employee of the elevator contractor that installed or altered the regulated lifting device or that is performing the required tests.

~~(p)~~ (t) Amend Section 10.1.3.2 to read as follows: The person installing or altering the equipment shall perform all of the tests required by paragraphs 10.4 or 10.5 in the presence of the enforcement authority or a qualified inspector.

~~(q)~~ (u) Delete Section 10.1.3.3 without substitution.

~~(r)~~ (v) Delete Section 10.2.1 without substitution.

~~(s)~~ (w) Amend Section 10.2.2 to read as follows: Routine inspections and tests shall include where applicable the following:

~~(t)~~ (x) In paragraph 10.3, delete "Inspections and" in the title and amend the following paragraph to read as follows: Periodic Tests Periods.

(a) In addition to the **requirements of 10.1.1 and the** routine inspections and tests identified in paragraph 10.2, the applicable inspections and tests specified in paragraph 10.3.1 shall be performed in intervals not longer than one (1) year, the applicable inspections and tests specified in paragraph 10.3.2 shall be made at intervals not longer than three (3) years, and the applicable inspections and tests specified in paragraph 10.3.3 shall be made at intervals not longer than five (5) years.

(b) **The inspections and tests described in (a) above shall be performed on all existing vertical platform lifts, inclined platform lifts, and inclined stairway chairlifts.**

*(Fire Prevention and Building Safety Commission; 675 IAC 21-8-2; filed Dec 3, 2002, 3:05 p.m.: 26 IR 1093)*

SECTION 10. 675 IAC 21-9 IS ADDED TO READ AS FOLLOWS:

### Rule 9. Existing Elevators and Escalators

#### 675 IAC 21-9-1 Adoption by reference

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

**Sec. 1. That certain document, being titled ASME A17.3,**

**2002, Safety Code for Existing Elevators and Escalators, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016, is hereby adopted by reference and made a part of this rule as if fully set out herein, save and except those additions, deletions, and amendments as are made in section 2 of this rule.** *(Fire Prevention and Building Safety Commission; 675 IAC 21-9-1)*

#### 675 IAC 21-9-2 Amendments to adopted code

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13-2-10; IC 22-14; IC 22-15

**Sec. 2. Amend ASME A17.3 by deleting the entire text and substituting the following: Existing elevators and escalators shall comply with the applicable rules of the commission, including, without limitation, 675 IAC 12-4.** *(Fire Prevention and Building Safety Commission; 675 IAC 21-9-2)*

SECTION 11. 675 IAC 21-10 IS ADDED TO READ AS FOLLOWS:

### Rule 10. Automated People Mover

#### 675 IAC 21-10-1 Adoption by reference

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

**Sec. 1. Those certain documents, being titled ASCE 21 Automated People Mover Standards, Part 1, 1996 edition; ASCE 21 Automated People Mover Standards, Part 2, 1998 edition; and ASCE 21 Automated People Mover Standards, Part 3, 2000 edition, published by the American Society of Civil Engineers, 1801 Alexander Bell Drive, Reston, Virginia, 20191-4400, are hereby adopted by reference and made a part of this rule as if fully set out herein, save and except those additions, deletions, and amendments as are made in section 2 of this rule.** *(Fire Prevention and Building Safety Commission; 675 IAC 21-10-1)*

#### 675 IAC 21-10-2 Amendments to adopted code

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13-2-10; IC 22-14; IC 22-15

**Sec. 2. Amend ASCE Standard Automated People Mover Standards - Part 1, 1996 edition; ASCE 21 Automated People Mover Standards, Part 2, 1998 edition; and ASCE 21 Automated People Mover Standards, Part 3, 2000 edition, by deleting the entire text and substituting the following: Automated people movers shall be maintained in accordance with the manufacturer's construction and installation specifications. Such specifications and records of such maintenance shall be provided to the Division not less than thirty (30) days prior to any inspection.** *(Fire Prevention and Building Safety Commission; 675 IAC 21-10-2)*

SECTION 12. 675 IAC 21-11 IS ADDED TO READ AS FOLLOWS:

**Rule 11. Qualification of Elevator Inspectors**

**675 IAC 21-11-1 Adoption by reference**

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

**Sec. 1. That certain document, being titled ASME QEI-1, 2004, Standard for the Qualification of Elevator Inspectors, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016, is hereby adopted by reference and made a part of this rule as if fully set out herein, save and except those additions, deletions, and amendments as are made in section 2 of this rule. (Fire Prevention and Building Safety Commission; 675 IAC 21-11-1)**

**675 IAC 21-11-2 Amendments to adopted code**

Authority: IC 22-13-2-13

Affected: IC 22-12; IC 22-13-2-10; IC 22-14; IC 22-15

**Sec. 2. Amend ASME QEI-1 by deleting the entire text and substituting the following: A qualified inspector shall comply with the certification requirements described in 675 IAC 21-1-10(d). (Fire Prevention and Building Safety Commission; 675 IAC 21-11-2)**

**Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on June 15, 2006, at 10:00 a.m., at the Indiana Government Center-South, 302 West Washington Street, Conference Center Room 6, Indianapolis, Indiana; AND on September 5, 2006 at 10:00 a.m., at the Indiana Government Center-South, 302 West Washington Street, Conference Center Room B, Indianapolis, Indiana the Fire Prevention and Building Safety Commission will hold a public hearing on proposed amendments to 675 IAC 21, the safety code for elevators, escalators, manlifts, and hoists, to make substantive and technical changes, including changes to reference updated standards, to adopt ASME A17.1, 2004 edition, Safety Code for Elevators and Escalators, to adopt ASME A17.3, 2002 edition, Safety for Existing Elevators and Escalators, to adopt ASME QEI-1, 2004 Edition, Standard for Qualification of Elevator Inspectors, to adopt ASCE 21, Part 1, 1996; Part 2, 1998; and Part 3, 2000, Standard for Automated People Movers, to adopt ANSI/ASME A18.1, 2003 edition, Safety Standard for Platform and Stairway Chairlifts, to adopt ANSI A10.4, 2004 edition, Safety Requirements for Personnel Hoist and Employee Elevators American National Standard for Construction and Demolition Operations, and to adopt ASME A90.1, 2003 edition, Safety Standard for Belt Manlifts.*

*The Fire Prevention and Building Safety Commission has the authority to adopt the proposed amendments under IC 22-13-2-2 and IC 22-13-2-13. The amendments will help small business by providing for the use of updated editions of the relevant standards and such updated editions are required to be adopted under IC 22-13-2-2.*

*Copies of these rules are now on file at the Indiana Govern-*

*ment Center-South, 302 West Washington Street, Room W246 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

David Hannum

Chairman

Fire Prevention and Building Safety Commission

---



---

**TITLE 760 DEPARTMENT OF INSURANCE**

**Proposed Rule**

LSA Document #05-265

**DIGEST**

Amends 760 IAC 1-38.1 regarding definitions, order of benefits, terms of policies, medical expenses, and to update the rule consistent with the most recent model adopted by the National Association of Insurance Commissioners. Effective 30 days after filing with the Secretary of State.

**IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses**

The proposed rule prescribes standards for insurance companies in the handling of health insurance claims. There are 6 Indiana domestic insurance companies or health maintenance organizations writing health insurance that would qualify as a small business as defined at IC 4-22-2.1-4.

**Estimated Average Annual Administrative Costs that Small Businesses will Incur:**

There are no regulatory costs associated with this proposed rule. There may be information technology expenses to conform electronic handling of claims to the standards. However, companies that write in more than one state have likely already upgraded their systems to comply with these standards.

**Estimated Total Annual Economic Impact on Small Businesses:**

The proposed rule will likely result in a net savings to the insurer/health maintenance organization. The rule clarifies the allowed amount for reimbursement and includes nongroup contract into those that are subject to coordination of benefits, which will reduce account where there are 2 primary plans. The result will be a net savings to the insurer/health maintenance organization.

**Regulatory Flexibility Analysis of Alternative Methods:**

The Department determined that adoption of the model standards issued by the National Association of Insurance would be the most efficient for the marketplace. The standards are uniform so that there is no additional cost for doing business in Indiana.

**760 IAC 1-38.1-2**

**760 IAC 1-38.1-2.5**

**760 IAC 1-38.1-3**

**760 IAC 1-38.1-4**

**760 IAC 1-38.1-4.3**

**760 IAC 1-38.1-4.7**

**760 IAC 1-38.1-5**

**760 IAC 1-38.1-5.2**

---

## Proposed Rules

---

760 IAC 1-38.1-5.6  
760 IAC 1-38.1-5.8  
760 IAC 1-38.1-7  
760 IAC 1-38.1-7.5  
760 IAC 1-38.1-8  
760 IAC 1-38.1-9  
760 IAC 1-38.1-10  
760 IAC 1-38.1-11  
760 IAC 1-38.1-12  
760 IAC 1-38.1-13

760 IAC 1-38.1-14  
760 IAC 1-38.1-15  
760 IAC 1-38.1-15.5  
760 IAC 1-38.1-16  
760 IAC 1-38.1-17  
760 IAC 1-38.1-19  
760 IAC 1-38.1-20  
760 IAC 1-38.1-21.2  
760 IAC 1-38.1-21.6

SECTION 1. 760 IAC 1-38.1-2 IS AMENDED TO READ AS FOLLOWS:

### 760 IAC 1-38.1-2 “Allowable expenses” defined

Authority: IC 27-1-3-7  
Affected: IC 27-8-5-19

Sec. 2. (a) As used in this rule, “allowable expenses” means the necessary, reasonable, and customary item of expense for any health care when the item of expense, including:

- (1) coinsurance or copayments; and
- (2) without reduction for any applicable deductible;

that is covered at least in part under any of the plans involved, covering the person, except where a statute requires a different definition.

(b) If:

- (1) a plan is advised by a covered person that all plans covering the person are high-deductible health plans; and
- (2) the person intends to contribute to a health savings account established in accordance with Section 223 of the Internal Revenue Code of 1986;

the primary high-deductible health plan’s deductible is not an allowable expense, except for any health care expense incurred that may not be subject to the deductible as described in Section 223(c)(2)(C) of the Internal Revenue Code of 1986.

(c) An expense or a portion of an expense that is not covered by any of the plans is not an allowable expense.

(d) Any expense that a provider:

- (1) by law; or
- (2) in accordance with a contractual agreement;

is prohibited from charging a covered person is not an allowable expense.

~~(b)~~(e) Notwithstanding subsection (a), items of expense under coverages, such as dental care, vision care, prescription drug, or hearing aid programs, may be excluded from the definition of allowable expense. A plan which provides that limits the application of coordination of benefits only for any such items of expense to certain coverages or benefits may limit its definition of allowable in its contract to expenses that are similar to the expenses that it provides. When coordination of benefits is restricted to like items specific coverages or

benefits in a contract, the definition of allowable expense shall include similar expense to which coordination of benefits applies.

~~(e)~~ (f) When a plan provides benefits in the form of service, the reasonable cash value of each service will be considered as both of the following:

- (1) An allowable expense. ~~and~~
- (2) A benefit paid.

~~(d)~~ (g) The difference between the cost of a:

- (1) private hospital room; and ~~the cost of a~~
- (2) semiprivate room;

is not considered an allowable expense under subsection (a) unless the patient’s stay in a private hospital room is medically necessary in terms of generally accepted medical practice.

~~(e)~~ When coordination of benefits is restricted in its use to specific coverage in a contract, for example, major medical or dental, the definition of “allowable expense” must include the corresponding expenses or services to which coordination of benefits applies.

~~(f)~~ (h) When benefits are reduced under a primary plan because a covered person does not comply with the plan provisions the amount of such reduction will not be considered an allowable expense. Examples of such provisions are those related to:

- (1) second surgical opinions;
- (2) precertification of admissions or services; and
- (3) preferred provider arrangements;

the amount of the reduction will not be considered an allowable expense.

(g) Only benefit reductions based upon provisions similar in purpose to those described in subsection (f) and which are contained in the primary plan may be excluded from allowable expenses. The provisions of subsection (f) shall not be used by a secondary plan to refuse to pay benefits because a health maintenance organization (HMO) member has elected to have health care services provided by a nonHMO provider and the HMO, pursuant to its contract, is not obligated to pay for providing those services.

(i) If a person is covered as follows by two (2) or more plans that:

(1) Compute their benefits payments on the basis of:

- (A) usual and customary fees;
- (B) relative value schedule reimbursement; or
- (C) other similar reimbursement methodology;

any amount charged by the provider in excess of the highest reimbursement amount for a specified benefit is not an allowable expense.

(2) Provide benefits or services on the basis of negotiated fees, any amount in excess of the highest of the negotiated fees is not an allowable expense.

(j) If a person is covered by:  
 (1) one (1) plan that calculates its benefits or services on the basis of:

- (A) usual and customary fees;
- (B) relative value schedule reimbursement; or
- (C) other similar reimbursement methodology; and

(2) another plan that provides its benefits or services on the basis of negotiated fees;

the primary plan's payment arrangement shall be the allowable expense for all plans. However, if the provider has contracted with the secondary plan to provide the benefit or service for a specific negotiated fee or payment amount that is different than the primary plan's payment arrangement and if the provider's contract permits, that negotiated fee or payment shall be the allowable expense used by the secondary plan to determine its benefits. *(Department of Insurance; 760 IAC 1-38.1-2; filed Feb 14, 1990, 3:30 p.m.: 13 IR 1169; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531)*

SECTION 2. 760 IAC 1-38.1-2.5 IS ADDED TO READ AS FOLLOWS:

**760 IAC 1-38.1-2.5 "Birthday" defined**

Authority: IC 27-1-3-7  
 Affected: IC 27-8-5-19

Sec. 2.5. As used in this rule, "birthday" refers only to the month and day in a calendar year. The term does not include the year in which the individual is born. *(Department of Insurance; 760 IAC 1-38.1-2.5)*

SECTION 3. 760 IAC 1-38.1-3 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 1-38.1-3 "Claim" defined**

Authority: IC 27-1-3-7  
 Affected: IC 27-8-5-19

Sec. 3. As used in this rule, "claim" means a request that benefits of a plan be provided or paid. A claim may be for **any of the following**:

- (1) Services (including supplies).
- (2) Payment for all or a portion of the expenses incurred.
- (3) A combination of subdivisions (1) ~~through~~ and (2). ~~or~~
- (4) An indemnification.

*(Department of Insurance; 760 IAC 1-38.1-3; filed Feb 14, 1990, 3:30 p.m.: 13 IR 1170; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531)*

SECTION 4. 760 IAC 1-38.1-4.3 IS ADDED TO READ AS FOLLOWS:

**760 IAC 1-38.1-4.3 "Closed panel plan" defined**

Authority: IC 27-1-3-7  
 Affected: IC 27-8-5-19

Sec. 4.3. As used in this rule, "closed panel plan" means a plan that provides health benefits to covered persons

primarily in the form of services through a panel of providers that have been contracted with or are employed by the plan. The term excludes benefits for services provided by other providers, except in cases of emergency or referral by a panel member. *(Department of Insurance; 760 IAC 1-38.1-4.3)*

SECTION 5. 760 IAC 1-38.1-4.7 IS ADDED TO READ AS FOLLOWS:

**760 IAC 1-38.1-4.7 "Consolidated Omnibus Budget Reconciliation Act of 1985" or "COBRA" defined**

Authority: IC 27-1-3-7  
 Affected: IC 27-8-5-19

Sec. 4.7. As used in this rule, "Consolidated Omnibus Budget Reconciliation Act of 1985" or "COBRA" means coverage provided under a right of continuation pursuant to federal law. *(Department of Insurance; 760 IAC 1-38.1-4.7)*

SECTION 6. 760 IAC 1-38.1-5 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 1-38.1-5 "Coordination of benefits" or "COB" defined**

Authority: IC 27-1-3-7  
 Affected: IC 27-8-5-19

Sec. 5. As used in this rule, "coordination of benefits" or "COB" means a provision:

- (1) establishing an order in which plans pay their claims; and
- (2) permitting secondary plans to reduce their benefits so that the combined benefits do not exceed the total allowable expenses.

*(Department of Insurance; 760 IAC 1-38.1-5; filed Feb 14, 1990, 3:30 p.m.: 13 IR 1170; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531)*

SECTION 7. 760 IAC 1-38.1-5.2 IS ADDED TO READ AS FOLLOWS:

**760 IAC 1-38.1-5.2 "Custodial parent" defined**

Authority: IC 27-1-3-7  
 Affected: IC 27-8-5-19

Sec. 5.2. As used in this rule, "custodial parent" means:

- (1) the parent awarded custody of a child for more than one-half (½) of the calendar year by a court decree; or
- (2) in the absence of a court decree, the parent with whom the child resides more than one-half (½) of the calendar year without regard to any temporary visitation.

*(Department of Insurance; 760 IAC 1-38.1-5.2)*

SECTION 8. 760 IAC 1-38.1-5.6 IS ADDED TO READ AS FOLLOWS:

**760 IAC 1-38.1-5.6 "Group-type contract" defined**

Authority: IC 27-1-3-7  
 Affected: IC 27-8-5-19

## Proposed Rules

**Sec. 5.6.** As used in this rule, “group-type contract” means a contract that is:

- (1) not available to the general public; and
- (2) obtained and maintained only because of:
  - (A) membership in; or
  - (B) a connection with;a particular organization or group, including blanket coverage.

The term does not include any individually underwritten and issued guaranteed renewable policy even if the policy is purchased through payroll deduction at a premium savings to the insured since the insured would have the right to maintain or renew the policy independently of continued employment with the employer. (*Department of Insurance; 760 IAC 1-38.1-5.6*)

SECTION 9. 760 IAC 1-38.1-5.8 IS ADDED TO READ AS FOLLOWS:

### **760 IAC 1-38.1-5.8 “High-deductible health plan” defined**

Authority: IC 27-1-3-7  
Affected: IC 27-8-5-19

**Sec. 5.8.** As used in this rule, “high-deductible health plan” has the meaning given the term under Section 223 of the Internal Revenue Code of 1986, as amended by the Medicare Prescription Drug Improvement and Modernization Act of 2003. (*Department of Insurance; 760 IAC 1-38.1-5.8*)

SECTION 10. 760 IAC 1-38.1-7 IS AMENDED TO READ AS FOLLOWS:

### **760 IAC 1-38.1-7 “Plan” defined**

Authority: IC 27-1-3-7  
Affected: IC 27-8-5-19

**Sec. 7.** (a) As used in this rule, “plan” means a form of coverage with which coordination is allowed. **Separate parts of a plan for members of a group that are:**

- (1) provided through alternative contracts; and
- (2) intended to be part of a coordinated package of benefits;

**are considered one (1) plan, and there is no COB among the separate parts of the plan. If a plan coordinates benefits, the definition of plan in the group contract must state the types of coverage which that will be considered in applying the coordination of benefits provision of that contract. The right to include a type of coverage is limited by subsections (b) through (d).**

(b) This rule uses the term “plan”. However, a group contract may instead use “program” or some other term.

(c) A plan may include the following:

- (1) Group **and nongroup** insurance contracts and group subscriber contracts.

(2) Uninsured arrangements of group or group-type coverage.  
(3) Group or ~~group-type~~ **nongroup** coverage through health maintenance organizations (HMOs) and other prepayment, group practice, and individual practice closed panel plans.  
(4) Group-type contracts. ~~which are contracts not available to the general public and which can be obtained and maintained only because of membership in or connection with a particular organization or group.~~ Group-type contracts answering this description may be included in the definition of plan; at the option of the insurer or the service provider and the contract client whether or not uninsured arrangements or individual contract forms are used and regardless of how the group-type coverage is designated; for example, “franchise” or “blanket”. Individually underwritten and issued guaranteed renewable policies would not be considered “group-type” even though purchased through payroll deduction at a premium savings to the insured since the insured would have the right to maintain or renew the policy independently of continued employment with the employer.

(5) The amount by which group or group-type hospital indemnity benefits exceed one hundred dollars (\$100) per day. ~~medical care components of long term care contracts, such as skilled nursing care.~~

(6) The medical benefits coverage in: ~~group; group-type; and individual~~

(A) automobile “no fault”; and

(B) traditional automobile “fault”;

type contracts.

(7) Medicare or other governmental benefits, except as provided in subsection (d)(7). That part of the definition of plan may be limited to the hospital, medical, and surgical benefits of the governmental program.

(d) A plan shall not include the following:

(1) ~~Individual or family insurance contracts.~~ **Accident only coverage.**

(2) ~~Individual Specified disease or family subscriber contracts.~~ **specified accident coverage.**

(3) ~~Individual or family Limited health benefit coverage.~~ through health maintenance organizations.

(4) ~~Individual or family coverage under other prepayment, group practice, and individual practice plans.~~ **Benefits provided in long term care insurance policies for either of the following:**

(A) Nonmedical services, such as the following:

(i) Personal care.

(ii) Adult day care.

(iii) Homemaker services.

(iv) Assistance with activities of daily living.

(v) Respite care and custodial care.

(B) **Contracts that pay a fixed daily benefit without regard to expenses incurred or the receipt of services.**

(5) ~~Group or group-type Hospital indemnity coverage benefits of one hundred dollars (\$100) per day or less.~~ **other fixed indemnity coverage.**

(6) School accident-type coverages covering grammar, high school, and college students for accidents only, including athletic injuries, either on a:

(A) twenty-four (24) hour; ~~basis or on a~~

(B) "to and from school";

basis.

(7) A state plan under Medicaid ~~and shall not include a law or a government plan when; that,~~ by law, **it provides** benefits **that** are in excess of those of any:

(A) private insurance plan; or

(B) other nongovernmental plan.

**(8) Medicare supplement policies.**

*(Department of Insurance; 760 IAC 1-38.1-7; filed Feb 14, 1990, 3:30 p.m.: 13 IR 1170; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531)*

SECTION 11. 760 IAC 1-38.1-7.5 IS ADDED TO READ AS FOLLOWS:

**760 IAC 1-38.1-7.5 "Policyholder" defined**

Authority: IC 27-1-3-7

Affected: IC 27-8-5-19

**Sec. 7.5. As used in this rule, "policyholder" means the primary insured named in a nongroup insurance policy.**  
*(Department of Insurance; 760 IAC 1-38.1-7.5)*

SECTION 12. 760 IAC 1-38.1-8 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 1-38.1-8 "Primary plan" defined**

Authority: IC 27-1-3-7

Affected: IC 27-8-5-19

Sec. 8. As used in this rule, "primary plan" means a plan whose benefits for a person's health care coverage must be determined without taking the existence of any other plan into consideration. A plan is a primary plan if either of the following conditions are true:

(1) The plan either has:

(A) no order of benefit determination rules; or ~~it has~~

(B) rules ~~which that~~ differ from those permitted by this rule. ~~There may be more than one (1) primary plan.~~

(2) All plans ~~which that~~ cover the person use the order of benefit determination provisions of this rule, and under this rule the plan determines its benefits first.

*(Department of Insurance; 760 IAC 1-38.1-8; filed Feb 14, 1990, 3:30 p.m.: 13 IR 1171; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531)*

SECTION 13. 760 IAC 1-38.1-9 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 1-38.1-9 "Secondary plan" defined**

Authority: IC 27-1-3-7

Affected: IC 27-8-5-19

Sec. 9. As used in this rule, "secondary plan" means a plan ~~which that~~ is not a primary plan. ~~If a person is covered by more than one (1) secondary plan, the order of benefit determination rules decide the order in which their benefits are determined in relation to each other. The benefits of each secondary plan may take into consideration the benefits of the primary plan or plans and the benefits of any other plan which, under these rules, has its benefits determined before those of that secondary plan.~~  
*(Department of Insurance; 760 IAC 1-38.1-9; filed Feb 14, 1990, 3:30 p.m.: 13 IR 1171; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531)*

SECTION 14. 760 IAC 1-38.1-11 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 1-38.1-11 Model coordination of benefits provision; prohibited coordination; benefit design**

Authority: IC 27-1-3-7

Affected: IC 27-8-5-19

Sec. 11. (a) A model coordination of benefits provision for use in group contracts, contained as Appendix A to the Group Coordination of Benefits Model Regulation as adopted and amended in ~~December, 1988,~~ **April 2005**, by the National Association of Insurance Commissioners (NAIC) ~~(1989 (2005~~ Proc. I), appearing in the NAIC Model Insurance Laws, Regulations and Guidelines, Vol. I, pages ~~120-9 120-14~~ through ~~120-13, 120-19~~, is hereby adopted by reference, as if fully set out in this rule.

(b) A group contract's coordination of benefits provision does not have to use the words and format shown in the model provision adopted by reference in subsection (a). Changes may be made to:

(1) fit the language and style of the rest of the group contract; or ~~to~~

(2) reflect the difference among plans ~~which that~~:

(A) provide services; ~~which~~

(B) pay benefits for expenses incurred; and ~~which~~

(C) indemnify.

No ~~other~~ substantive changes are allowed.

(c) A ~~group contract~~ **COB provision** may not be used that **permits a plan to reduce its** benefits on the basis that:

(1) another plan exists **and the covered person did not enroll in that plan; or**

(2) a person:

(A) is or could have been covered under another plan, except with respect to Part B of Medicare; or

~~(3) a person (B) has elected an option under another plan providing a lower level of benefits than another option which that~~ could have been elected.

(d) No contract may contain a provision that its benefits are **"always excess"** or **"always secondary"** to any plan as defined

## Proposed Rules

in section 7 of this rule, except in compliance with ~~these rules~~  
this rule.

(e) Under the terms of a closed panel plan, benefits are not payable if the covered person does not use the services of a closed panel provider. In most instances, COB does not occur if a covered person:

- (1) is enrolled in two (2) or more closed panel plans; and
- (2) obtains services from a provider in one (1) of the closed panel plans because the other closed panel plan (the one (1) whose providers were not used) has no liability.

However, COB may occur during the plan year when the covered person receives emergency services that would have been covered by both plans. The secondary plan shall use the provisions of section 17 of this rule to determine the amount to pay for the benefit.

(f) No plan may use a COB provision or any other provision that allows it to reduce its benefits with respect to any other coverage its insured may have that does not meet the definition of plan as defined by section 7 of this rule. (*Department of Insurance; 760 IAC 1-38.1-11; filed Feb 14, 1990, 3:30 p.m.; 13 IR 1172; readopted filed Sep 14, 2001, 12:22 p.m.; 25 IR 531*)

SECTION 15. 760 IAC 1-38.1-12 IS AMENDED TO READ AS FOLLOWS:

### 760 IAC 1-38.1-12 Order of benefits; general and nondependent/dependent

Authority: IC 27-1-3-7

Affected: IC 27-8-5-19

Sec. 12. (a) When a person is covered by two (2) or more plans, the primary plan must pay or provide its benefits as if the secondary plan or plans did not exist. The following apply:

(1) If the:

- (A) primary plan is a closed panel plan; and
- (B) secondary plan is not a closed panel plan;

the secondary plan shall pay or provide benefits as if it were the primary plan when a covered person uses a nonpanel provider, except for emergency services or authorized referrals that are paid or provided by the primary plan.

(2) When multiple contracts providing coordinated coverage are treated as a single plan under this rule:

- (A) this section applies only to the plan as a whole; and
- (B) coordination among the component contracts is governed by the terms of the contracts.

If more than one (1) carrier pays or provides benefits under the plan, the carrier designated as primary within the plan shall be responsible for the plan's compliance with this rule.

(3) If a person is covered by more than one (1) secondary plan, the order of benefits determination rules of this rule decide the order in which secondary plans benefits are determined in relation to each other. Each secondary plan

shall take into consideration the benefits of:

- (A) the primary plan or plans; and
- (B) any other plan that under the rules of this rule has its benefits determined before those of that secondary plan.

(b) A plan that does not include a coordination of benefits provision ~~may not take the benefits of another plan as defined in section 7 of~~ consistent with this rule into account when it determines its benefits. ~~One (1) exception is that a contract holder's is always the primary plan unless the provisions of both plans state that the complying plan is primary. However, coverage which that is obtained by virtue of membership in a group designed to supplement a part of a basic package of benefits may provide that the supplementary coverage shall be excess to any other parts of the plan provided by the contract holder. The following are examples:~~

- (1) Major medical coverages that are superimposed over base plan hospital and surgical benefits.
- (2) Insurance type coverages that are written in connection with a closed panel plan to provide out of network benefits.

~~(b) (c)~~ A secondary plan may take the benefits of another plan into account only when, under this rule, it is secondary to that other plan. Each plan determines its order of benefits using the first of the rules in sections 12 through 16.5 of this rule.

~~(c) (d)~~ The benefits of the plan which that covers the person as an employee, member, or subscriber, policyholder, or retiree (that is, other than as a dependent) are determined before those of the plan which that covers the person as a dependent. If the person is a Medicare beneficiary, and, as a result of the provisions of Title XVIII of the Social Security Act and implementing regulations, Medicare is:

- (1) secondary to the plan covering the person as a dependent; and
- (2) primary to the plan covering the person as other than a dependent, such as a retired employee;

then the order of benefits is reversed so that the plan covering the person as an employee, member, subscriber, policyholder, or retiree is the secondary plan and the other plan covering the person as a dependent is the primary plan. (*Department of Insurance; 760 IAC 1-38.1-12; filed Feb 14, 1990, 3:30 p.m.; 13 IR 1172; readopted filed Sep 14, 2001, 12:22 p.m.; 25 IR 531*)

SECTION 16. 760 IAC 1-38.1-13 IS AMENDED TO READ AS FOLLOWS:

### 760 IAC 1-38.1-13 Order of benefits for dependent child/parents not separated or divorced

Authority: IC 27-1-3-7

Affected: IC 27-8-5-19

Sec. 13. (a) For a dependent child whose parents are:



- (1) married; or  
(2) living together, whether or not they have ever married;

the benefits of the plan of the parent whose birthday falls earlier in a calendar year are determined before those of the plan of the parent whose birthday falls later in that year: **primary.**

(b) If both parents have the same birthday, the benefits of the plan which that has covered the parent longer are determined before those of longest is the **primary** plan, which covered the other parent for a shorter period of time.

(c) The word "birthday" refers only to month and day in a calendar year, not the year in which the person was born.

(d) A group contract which includes coordination of benefits and which is issued or renewed, or which has an anniversary date on or after sixty (60) days after the effective date of this rule shall include the substance of the provision in subsections (a) through (c). Until that provision becomes effective, the group contract may instead contain wording such as: "Except as stated in 760 IAC 1-38.1-14, the benefits of a plan which covers a person as a dependent of a male are determined before those of a plan which covers the person as a dependent of a female."

(e) If the other plan does not have the provisions described in subsections (a) through (c), but instead has a provision based upon the gender of the parent, and if, as a result, the plans do not agree on the order of benefits, the provision based upon the gender of the parent will determine the order of benefits. (Department of Insurance; 760 IAC 1-38.1-13; filed Feb 14, 1990, 3:30 p.m.: 13 IR 1172; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531)

SECTION 17. 760 IAC 1-38.1-14 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 1-38.1-14 Order of benefits for dependent child/separated or divorced parents**

Authority: IC 27-1-3-7  
Affected: IC 27-8-5-19

Sec. 14. (a) If two (2) or more plans cover a person as For a dependent child of whose parents are divorced or separated parents, or do not live together, whether or not they have ever been married, this subsection applies. If there is no court decree allocating responsibility for the child's health care expenses or health care coverage, the order of benefits for the child are determined in the following order: as follows:

- (1) The plan of the custodial parent. with custody of the child.
- (2) The plan of the spouse of the custodial parent. with custody of the child.
- (3) The plan of the noncustodial parent. not having custody of the child.
- (4) The plan of the spouse of the noncustodial parent.

(b) If the:

(1) specific terms of a court decree state that one (1) of the parents is responsible for the health care expenses of the child; and the

(2) entity obligated to pay or provide the benefits of the plan of that parent has actual knowledge of those terms; the benefits of

that plan are determined first. is **primary**. The plan of the other parent shall be with the **secondary** plan. responsibility has no health care coverage for the dependent child's health care expenses, but that parent's spouse does, that parent's spouse's plan is the **primary** plan. This subsection does not apply with respect to any claim determination period or plan year during which any benefits are actually paid or provided before the entity has that actual knowledge.

(c) If the specific terms of a court decree state that the parents shall share joint custody, without stating that one (1) of the both parents is are responsible for the **dependent child's** health care expenses of the child, the plans covering the child shall follow the order of benefit determination rules outline set forth in or health care coverage, the provisions of section 13 of this rule shall determine the order of benefits.

(d) For a dependent child covered under more than one (1) plan of individuals who are not the parents of the child, the order of benefits shall be determined as applicable under section 13 of this rule as if those individuals were parents of the child. (Department of Insurance; 760 IAC 1-38.1-14; filed Feb 14, 1990, 3:30 p.m.: 13 IR 1173; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531)

SECTION 18. 760 IAC 1-38.1-15 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 1-38.1-15 Order of benefits for active/inactive employee**

Authority: IC 27-1-3-7  
Affected: IC 27-8-5-19

Sec. 15. The benefits of a plan which that covers a person as: (1) an active employee, meaning an employee who is neither laid off nor retired; or as

(2) that employee's dependent; are determined before those of a

is the **primary** plan. which covers The plan covering that same person as a laid off or retired or laid off employee or as that employee's a dependent of a retired or laid off employee is the **secondary** plan. If the other plan does not have this provision, and if, as a result, the plans do not agree on the order of benefits, this section is ignored. This section does not apply if section 12(d) of this rule can determine the order of benefits. (Department of Insurance; 760 IAC 1-38.1-15; filed Feb 14, 1990, 3:30 p.m.: 13 IR 1173; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531)

---

## Proposed Rules

---

SECTION 19. 760 IAC 1-38.1-15.5 IS ADDED TO READ AS FOLLOWS:

### 760 IAC 1-38.1-15.5 Order of benefits under COBRA or continuation coverage

Authority: IC 27-1-3-7  
Affected: IC 27-8-5-19

Sec. 15.5. If a person whose coverage is provided under COBRA or under a right of continuation under state or other federal law is covered under another plan, the plan covering the person as:

- (1) an employee, member, subscriber, or retiree; or
- (2) a dependent of an employee, member, subscriber, or retiree;

is the primary plan, and the plan covering that same person under COBRA or under a right of continuation under state or other federal law is the secondary plan. If the other plan does not have this rule and as a result the plans do not agree on the order of benefit, this rule is ignored. This section does not apply if the rule in section 12(d) of this rule can determine the order of benefits. (*Department of Insurance; 760 IAC 1-38.1-15.5*)

SECTION 20. 760 IAC 1-38.1-16 IS AMENDED TO READ AS FOLLOWS:

### 760 IAC 1-38.1-16 Order of benefits for longer/shorter length of coverage

Authority: IC 27-1-3-7  
Affected: IC 27-8-5-19

Sec. 16. (a) If the provisions of sections 12 through ~~15~~ **15.5** of this rule do not determine the order of benefits, the benefits of the plan ~~which that~~ covered an employee, member, or subscriber ~~the person for the:~~

- (1) longer ~~are determined before those of period of time is~~ the **primary** plan; ~~which covered that person for the and~~
- (2) shorter ~~term: period of time is the secondary plan.~~

(b) To determine the length of time a person has been covered under a plan, two (2) plans shall be treated as one (1) **plan** if the claimant was eligible under the second **plan** within twenty-four (24) hours after the first **plan** ended.

(c) The start of a new plan does not include **a change**:

- (1) ~~a change~~ in the amount or scope of a plan's benefits;
- (2) ~~a change~~ in the entity ~~which that~~ pays, provides, or administers the plan's benefits; or
- (3) ~~a change~~ from one (1) type of plan to another, such as from a single employer plan to that of a multiple employer plan.

(d) The claimant's length of time covered under a plan is measured from the claimant's first date of coverage under the plan. If that date is not readily available, the date the claimant first became a member of the group shall be used as the date from which to determine the length of time the claimant's

coverage under the present plan has been in force. (*Department of Insurance; 760 IAC 1-38.1-16; filed Feb 14, 1990, 3:30 p.m.: 13 IR 1173; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531*)

SECTION 21. 760 IAC 1-38.1-17 IS AMENDED TO READ AS FOLLOWS:

### 760 IAC 1-38.1-17 Secondary plan procedures; total allowable expenses

Authority: IC 27-1-3-7  
Affected: IC 27-8-5-19

Sec. 17. (a) When it is determined under sections ~~12 through 16~~ of this rule that this plan is a **In determining the amount to be paid by the secondary plan it may reduce its on a claim, should the plan wish to coordinate benefits, the secondary plan shall calculate the benefits so that the total benefits it would have paid or provided by all plans during a on the claim determination period are not more than total in the absence of other health coverage and apply that calculated amount to any allowable expenses. The amount by which expense under its plan that is unpaid by the primary plan.** The secondary plan's benefits have been reduced shall be used by the secondary plan: to pay allowable expenses, not otherwise paid, which were incurred during the claim determination period by the person for whom the claim is made. As each claim is submitted, the secondary plan determines its obligation to pay for allowable expenses based on all claims which were submitted up to that point in time during the claim determination period.

(b) The benefits of the secondary plan will be reduced when the sum of the benefits that would be payable for the allowable expenses under the secondary plan in the absence of the coordination of benefits provision and the benefits that would be payable for the allowable expenses under the other plans, in the absence of provisions with a purpose like that of this coordination of benefits provision, whether or not claim is made, exceeds those allowable expenses in a claim determination period. In that case, the benefits of the secondary plan will be reduced so that they and the benefits payable under the other plans do not total more than those allowable expenses.

(c) When the benefits of this plan are reduced as described in subsection (b), each benefit is reduced in proportion. It is then charged against any applicable benefit limit of this plan:

(d) Subsection (c) may be omitted if the plan provides only one (1) benefit, or may be altered to suit the coverage provided:

- (1) may reduce its payment by the amount so that, when combined with the amount paid by the primary plan, the total benefits paid or provided by all plans for the claim do not exceed one hundred percent (100%) of the total allowable expense for that claim; and
- (2) shall credit to its plan deductible any amounts it would have credited to its deductible in the absence of other health care coverage.

(Department of Insurance; 760 IAC 1-38.1-17; filed Feb 14, 1990, 3:30 p.m.: 13 IR 1173; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531)

SECTION 22. 760 IAC 1-38.1-19 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 1-38.1-19 Excess and other nonconforming provisions**

Authority: IC 27-1-3-7  
Affected: IC 27-8-5-19

Sec. 19. (a) ~~Some plans have order of benefit determination provisions not consistent with this rule, which declare that the plan's coverage is "excess" to all others, or "always secondary". This occurs because certain plans may not be subject to insurance regulation, or because some group contracts have not yet conformed with this rule.~~

~~(b)~~ (a) A plan with order of benefit determination provisions ~~which that~~ comply with this rule (complying plan) may coordinate its benefits with a plan ~~which that~~ is "excess" or "always secondary", or ~~which that~~ uses order of benefit determination provisions ~~which that~~ are inconsistent with those contained in this rule (noncomplying plan) on the following basis:

- (1) If the complying plan is the:
  - (A) primary plan, it shall pay or provide its benefits on a primary basis; ~~or~~
  - ~~(2) If the complying plan is the~~ (B) secondary plan, it shall, nevertheless, pay or provide its benefits first, but the amount of the benefits payable shall be determined as if the complying plan were the secondary plan. In such a situation, ~~such the~~ payment shall be the limit of the complying plan's liability.

~~(3)~~ (2) If the noncomplying plan does not provide the information needed by the complying plan to determine its benefits within a reasonable time after it is requested to do so, the complying plan shall **do the following**:

- (A) Assume that the benefits of the noncomplying plan are identical to its own. ~~and shall~~
- (B) Pay its benefits accordingly. ~~However, If, within two~~ (2) **years of payment**, the complying plan ~~must adjust any payments it makes based on such assumption whenever receives information becomes available as to the actual benefits of the noncomplying plan, it shall adjust payment accordingly.~~

~~(c)~~ (b) If the noncomplying plan:

- (1) reduces its benefits so that the ~~employee, subscriber, or member covered person~~ receives less in benefits than he or she would have received had the complying plan paid or provided its benefits as the secondary plan; and ~~the noncomplying plan~~
- (2) paid or provided its benefits as the primary plan; and governing state law allows the right of subrogation under section 21 of this rule, then the complying plan shall advance to

or on behalf of the ~~employee, subscriber, or member covered person~~ an amount equal to ~~such the~~ difference.

~~(d)~~ (c) In no event shall the complying plan advance more than the complying plan would have paid had it been the primary plan less any amount it previously paid **for the same expense or service**. In consideration of such advance, the complying plan shall be subrogated to all rights of the employee, subscriber, or member against the noncomplying plan. Such advance by the complying plan shall also be without prejudice to any claim it may have against the noncomplying plan in the absence of ~~such the~~ subrogation. (Department of Insurance; 760 IAC 1-38.1-19; filed Feb 14, 1990, 3:30 p.m.: 13 IR 1174; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531)

SECTION 23. 760 IAC 1-38.1-20 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 1-38.1-20 Allowable expense**

Authority: IC 27-1-3-7  
Affected: IC 27-8-5-19

Sec. 20. ~~A term~~ **Terms** such as:

- (1) "usual and customary", "usual and prevailing", or "reasonable and customary" may be substituted for the term "necessary, reasonable, and customary"; ~~Terms such as and~~
- (2) "medical care" or "dental care" may be substituted for "health care";

to describe the coverages to which the coordination of benefits provisions apply. (Department of Insurance; 760 IAC 1-38.1-20; filed Feb 14, 1990, 3:30 p.m.: 13 IR 1174; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531)

SECTION 24. 760 IAC 1-38.1-21.2 IS ADDED TO READ AS FOLLOWS:

**760 IAC 1-38.1-21.2 Notice to covered persons**

Authority: IC 27-1-3-7  
Affected: IC 27-8-5-19

Sec. 21.2. A plan shall, in its explanation of benefits provided to covered persons, include the language, "If you are covered by more than one health benefit plan, you should file all your claims with each plan.". (Department of Insurance; 760 IAC 1-38.1-21.2)

SECTION 25. 760 IAC 1-38.1-21.6 IS ADDED TO READ AS FOLLOWS:

**760 IAC 1-38.1-21.6 Failure to agree**

Authority: IC 27-1-3-7  
Affected: IC 27-8-5-19

Sec. 21.6. If the plans cannot agree on the order of benefits within thirty (30) calendar days after the plans have received all of the information needed to pay the claim, the plans shall:

- (1) immediately pay the claim in equal shares; and

---

## Proposed Rules

---

**(2) determine their relative liabilities following payment; except that no plan shall be required to pay more than it would have paid had it been the primary plan. (Department of Insurance; 760 IAC 1-38.1-21.6)**

SECTION 26. THE FOLLOWING ARE REPEALED: 760 IAC 1-38.1-4; 760 IAC 1-38.1-10.

### *Notice of Public Hearing*

*Under IC 4-22-2-24, notice is hereby given that on May 9, 2006 at 10:00 a.m., at the Department of Insurance, 311 West Washington Street, Suite 300, Indianapolis, Indiana the Department of Insurance will hold a public hearing on proposed amendments to 760 IAC 1-38.1 regarding coordination of benefits.*

*The proposed amendment affects small insurance companies or health maintenance organizations that write health insurance in Indiana. Currently, there are 6 such entities. The net effect of the proposed amendment is a savings to the insurance company. The amount of this impact depends upon the type and amount of health insurance that a company writes.*

*Copies of these rules are available on the Department of Insurance's Web site at [www.state.in.us/idoi](http://www.state.in.us/idoi).*

*Copies of these rules are now on file at the Department of Insurance, 311 West Washington Street, Suite 300 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Jim Atterholt  
Commissioner  
Department of Insurance

---

## TITLE 760 DEPARTMENT OF INSURANCE

### Proposed Rule LSA Document #05-266

#### DIGEST

Amends 760 IAC 1-60-5 regarding the Indiana Patient's Compensation Fund surcharge rates for fellowships, part-time and locum tenen physicians. Effective 30 days after filing with the Secretary of State.

### **IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses**

#### **Estimated Number of Small Businesses Subject to this Rule:**

Pursuant to IC 34-18-5-3, the Department of Insurance shall set surcharge rates for health care providers to participate in the Indiana Patient's Compensation Fund at a rate that is determined by actuarial principles and is adequate for the payment of claims and expenses from the Patient's Compensation Fund. Physicians who work fewer than 40 hours in a week and physicians who participate in fellowship programs are affected by this proposed rule. The Department has no way to identify how many physi-

cians fall into this category.

#### **Estimated Average Annual Administrative Costs that Small Businesses will Incur:**

The proposed rule adds no administrative costs to small businesses.

#### **Estimated Total Annual Economic Impact of Small Businesses:**

The Department has determined that the credits for part-time physicians and the charge for fellowship programs are currently not appropriate for the risks that are insured. It is expected that more physicians will receive a credit for working part time. We believe that physicians that work 24 hours or 36 hours were not getting an appropriate discount. The proposed amendment will do so. Those that work 24 hours in a week will get a reduction in the annual surcharge equal to 50 percent; those that work 36 hours in a week will received a reduction equal to 25 percent. Persons in fellowships will pay the surcharge that is applicable to the work that they are performing. If the fellowship is the majority of their work, then the specialty class of that fellowship will control; if the fellowship is incidental, then their primary practice will dictate which specialty class surcharge code is applied.

#### **Regulatory Flexibility Analysis of Alternative Methods:**

The Department of Insurance is directed to set surcharge rates by actuarial principles and is adequate for the payment of claims and expenses from the Patient's Compensation Fund. The Department consulted with an actuary to review the sufficiency of the current rates and was advised that adjustments should be made. The financial impact is not significant and should be mostly positive to the individual physician.

### **760 IAC 1-60-5**

SECTION 1. 760 IAC 1-60-5 IS AMENDED TO READ AS FOLLOWS:

#### **760 IAC 1-60-5 Part-time and retired physicians**

Authority: IC 34-18-5-2

Affected: IC 25-22.5-1-1.1

Sec. 5. (a) A physician who practices medicine on a part-time basis shall pay a reduced surcharge as follows:

(1) A physician who practices medicine ~~ten (10)~~ **twelve (12)** hours per week or less shall receive a credit equal to seventy-five percent (75%) of the surcharge amount.

(2) A physician who practices medicine more than ~~ten (10)~~ **twelve (12)** hours but ~~less fewer than twenty (20)~~ **twenty-five (25)** hours per week shall receive a credit equal to fifty percent (50%) of the surcharge amount.

(3) ~~A physician who practices medicine more than twenty-five (25) hours per week but fewer than thirty-one (31) hours per week shall receive a credit equal to twenty-five percent (25%) of the surcharge amount.~~

(b) Medical school faculty shall receive a credit equal to sixty-seven percent (67%) of the surcharge amount. As used in this

subsection, "medical school faculty" means a physician engaged in research or teaching at a medical school as defined in IC 25-22.5-1-1.1(h). To be eligible for the credit, ~~no~~ **not** more than thirty percent (30%) of the physician's time may be spent treating patients whose treatment is unrelated to the physician's duties at the medical school.

(c) Newly licensed physicians shall receive a credit equal to fifty percent (50%) of the surcharge amount during their first year of practice and twenty-five percent (25%) during their second year. For purposes of this subsection, a physician is considered newly licensed for two (2) years after:

- (1) completion of a residency program ~~or a fellowship program~~ in their medical specialty; or
- (2) the fulfillment of a military obligation in remuneration for medical school tuition.

**(d) A physician participating in a fellowship program shall pay the following:**

- (1) If the fellowship is full time and the physician is engaging in no other medical practice, the physician shall pay an annual surcharge equal to fifty percent (50%) of the surcharge due for the specialty class of the fellowship.
- (2) If the physician is engaging in a medical practice outside of the fellowship, the physician shall pay the greater of the following:

**(A) The full-time surcharge due for the medical practice outside of the fellowship.**

**(B) Fifty percent (50%) of the surcharge due for the specialty class of the fellowship.**

**For purposes of this subsection, "part-time" has the meaning described in subsection (a)(2).**

~~(d)~~ **(e)** A retired physician shall pay an annual surcharge in the amount of five hundred dollars (\$500).

~~(e)~~ **(f)** **Not** more than one (1) credit may be applied to a physician in any policy year. (*Department of Insurance; 760 IAC 1-60-5; filed Oct 23, 1998, 2:45 p.m.: 22 IR 756; filed Aug 6, 1999, 2:35 p.m.: 22 IR 3936; filed Apr 26, 2004, 2:00 p.m.: 27 IR 2730, eff Jul 1, 2004*)

### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on May 9, 2006 at 11:00 a.m., at the Department of Insurance, 311 West Washington Street, Suite 300, Indianapolis, Indiana the Department of Insurance will hold a public hearing on proposed amendments to 760 IAC 1-60-5 regarding the Indiana Patient's Compensation Fund surcharge rates for fellowships, part time and locum tenen physicians.*

*The Department must set surcharges rates for coverage with the Patient's Compensation Fund by actuarial principles. The surcharge rate must be adequate for the payment of claims and expenses from the Patient's Compensation Fund. The proposed rule affects small employers that physicians who work part time*

*or participate in a fellowship program. The proposed rule adjusts the surcharge rates for part-time physicians and those participating in fellowships to more accurately reflect the risk. The Department expects a positive fiscal impact to physicians.*

*Copies of these rules are available on the Department of Insurance's Web site at [www.state.in.us/idoi](http://www.state.in.us/idoi).*

*Copies of these rules are now on file at the Department of Insurance, 311 West Washington Street, Suite 300 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Jim Atterholt  
Commissioner  
Department of Insurance

---

---

## **TITLE 844 MEDICAL LICENSING BOARD OF INDIANA**

**Proposed Rule**  
LSA Document #06-13

### **DIGEST**

Amends 844 IAC 10-4-3 concerning the reinstatement requirements for a certificate that has been expired for more than three years to allow the committee to require a licensee to take and pass an examination. Effective 30 days after filing with the Secretary of State.

### **IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses**

#### **Estimated Number of Small Businesses Subject to This Rule:**

NAICS 621340 Offices of Physical, Occupational and Speech Therapists, and Audiologists

This rule makes changes regarding the practice of occupational therapy. The Occupational Therapy Committee (Committee) has the authority to propose rules to the Medical Licensing Board of Indiana (Board) concerning the competent practice of occupational therapy and the administration of IC 25-23.5. After considering the Committee's proposed rule, the Board shall adopt the rules under IC 4-22-2. The Board estimates that no small businesses will be directly affected by this rule. The proposed rule gives the Committee the discretion to require occupational therapists or occupational therapy assistants to take and pass the licensing examination if their certificate has been expired for more than three years.

### **844 IAC 10-4-3**

SECTION 1. 844 IAC 10-4-3 IS AMENDED TO READ AS FOLLOWS:

#### **844 IAC 10-4-3 Reinstatement of delinquent certificate**

**Authority:** IC 25-23.5-2-5; IC 25-23.5-2-6  
**Affected:** IC 25-23.5-5-10

---

## Proposed Rules

---

Sec. 3. (a) An occupational therapist or occupational therapy assistant who is less than three (3) years delinquent in renewing a license or registration shall be reinstated upon receipt of **the following:**

- (1) A renewal application.
- (2) A penalty fee. ~~and~~
- (3) Renewal fees.

(b) If more than three (3) years have elapsed since the expiration of a certificate to practice as an occupational therapist or occupational therapy assistant, **the occupational therapy committee may require that** the applicant ~~must~~ take and pass an examination approved by the **occupational therapy committee prior to reinstatement. before reinstatement.** (*Medical Licensing Board of Indiana; 844 IAC 10-4-3; filed Dec 28, 1990, 5:00 p.m.; 14 IR 1068; readopted filed Nov 9, 2001, 3:16 p.m.; 25 IR 1325*)

### Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on April 27, 2006 at 11:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W064, Indianapolis, Indiana the Medical Licensing Board of Indiana will hold a public hearing on proposed amendments concerning the reinstatement requirements for a certificate that has been expired for more than three years to allow the committee to require a licensee to take and pass an examination.*

*This rule makes changes regarding the practice of occupational therapy. The Occupational Therapy Committee (Committee) has the authority to propose rules to the Medical Licensing Board of Indiana (Board) concerning the competent practice of occupational therapy and the administration of IC 25-23.5. After considering the Committee's proposed rule, the Board shall adopt the rules under IC 4-22-2. The Board estimates that no small businesses will be directly affected by this rule. This proposed rule will have some costs on the regulated entities because they will have to pay register to sit for the licensing examination if the Committee determines that the licensee has to pass the licensing examination. However, the proposed rule gives the Committee the discretion to require occupational therapists or occupational therapy assistants to take and pass the licensing examination if their certificate has been expired for more than three years. The proposed rule allows the Committee to consider other factors, such as whether the licensee has been practicing in another state before applying for reinstatement.*

*Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W072 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Frances L. Kelly  
Executive Director  
Indiana Professional Licensing Agency

---

## TITLE 864 STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

Proposed Rule  
LSA Document #05-295

### DIGEST

Amends 864 IAC 1.1-4.1-7 to implement rule changes based on SEA 139-2005 (P.L.194-2005) to change the number of examination attempts for registration as a professional engineer. Amends 864 IAC 1.1-4.1-8 to implement rule changes based on SEA 139-2005 (P.L.194-2005) to bring the termination of application in conformity with the examination attempts for registration as a professional engineer. Amends 864 IAC 1.1-4.1-9 to implement rule changes based on SEA 139-2005 (P.L.194-2005) to change the number of examination attempts for registration as an engineer intern. Effective 30 days after filing with the Secretary of State.

### IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

#### Estimated Number of Small Businesses Subject to This Rule:

NAICS 541330 Engineering Services

The State Board of Registration of Professional Engineers (Board) estimates that some small businesses will be directly affected by this rule. The Board has the authority to promulgate rules in accordance with IC 25-31-1-7, including establishing the requirements and examination attempts for registration as a professional engineer and an engineer intern. This proposed rule will not have any costs on small businesses.

**864 IAC 1.1-4.1-7**

**864 IAC 1.1-4.1-8**

**864 IAC 1.1-4.1-9**

SECTION 1. 864 IAC 1.1-4.1-7 IS AMENDED TO READ AS FOLLOWS:

### 864 IAC 1.1-4.1-7 Examination attempts for registration as a professional engineer

Authority: IC 25-31-1-7

Affected: IC 25-31-1-14

Sec. 7. (a) This section applies to the examination for registration as a professional engineer.

(b) An applicant who does not pass the entire fundamentals of engineering examination (Part I) in the first attempt shall be entitled to take ~~it one (1) the examination two (2) additional time provided that times.~~ **However, the applicant's:**

**(1) second examination is must be** taken at either of the next two (2) regularly scheduled examinations after the failure of the first examination; **and**

**(2) third examination must be taken at either of the next two (2) regularly scheduled examinations after the failure of the second examination.**

(c) An applicant who took the fundamentals of engineering examination two (2) times before July 1, 2005, shall not be entitled to further examination attempts under subsection (b). An applicant who took the fundamentals of engineering examination one (1) time before July 1, 2005, shall be entitled to two (2) additional examination attempts as long as the requirements stated in subsection (b) for timing of each examination attempt are met.

~~(e)~~ (d) Upon the exhaustion of the examination attempts allowed under subsection (b), the application shall be deemed terminated.

~~(d)~~ (e) An applicant who does not pass the principles and practice examination (Part II) and Part III on the first attempt shall be entitled to take ~~them one (1)~~ **the examinations two (2)** additional ~~time provided that times.~~ **However**, the applicant's:

(1) second examination ~~is must be~~ taken at either of the next two (2) regularly scheduled examinations after the failure of the first examination; **and**

(2) **third examination must be taken at either of the next two (2) regularly scheduled examinations after the failure of the second examination.**

(f) An applicant who took the principles and practice examination two (2) times before July 1, 2005, shall not be entitled to further examination attempts under subsection (b). An applicant who took the principles and practice examination one (1) time before July 1, 2005, shall be entitled to two (2) additional examination attempts as long as the requirements stated in subsection (b) for timing of each examination attempt are met.

~~(e)~~ (g) If the applicant passed Part II or Part III of the examination on the first attempt, the applicant will not be required to retake the passed part in the second examination allowed by subsection ~~(d)~~ (e).

~~(f)~~ (h) Upon the exhaustion of the examination attempts allowed by subsection ~~(d)~~ (e), the application shall be deemed terminated.

~~(g)~~ (i) If an application is terminated under subsection ~~(f)~~ (h), the applicant shall not lose credit for a previous passing of the fundamentals of engineering examination. However, the applicant shall lose credit for passing either Part II or Part III.

~~(h)~~ (j) For purposes of this section, examination attempts out of state count. (*State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-7; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3906; filed Jul 24, 1989, 5:00 p.m.: 12 IR 2284; filed Sep 24, 1992, 9:00 a.m.: 16 IR 728; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2107; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824*)

SECTION 2. 864 IAC 1.1-4.1-8 IS AMENDED TO READ AS FOLLOWS:

## 864 IAC 1.1-4.1-8 Terminated applications; reapplication for admission, qualifications

Authority: IC 25-31-7

Affected: IC 25-31-1-12; IC 25-31-1-14

Sec. 8. (a) An individual whose application has been deemed terminated under section ~~7(c), 7(f), 7(d), 7(h), or 9(d)~~ **9(e)** of this rule may reapply for admission to the applicable examination.

(b) In order for readmission to be granted, the applicant must meet the education and experience requirements in effect at the time of reapplication and must have completed the following:

(1) Since the termination of the application, nine (9) or more semester credit hours of college level courses related to the applicant's examination deficiency.

(2) Appropriate experience of the type required under IC 25-31-1-12 for at least two (2) years subsequent to the termination of the application.

Under this subsection, the date of termination shall be deemed to be the date the ~~second~~ **third** examination was taken.

(c) An applicant who is readmitted to an examination under this section shall be treated as if the applicant had not previously taken the examination for all purposes under sections 5 and 7 of this rule.

(d) Individuals may be deemed terminated partially or completely because of out-of-state examination attempts. Therefore, an applicant will be required to comply with subsection (b) even if the first, second, **third**, or ~~both all~~ examination attempts are out of state.

(e) Individuals shall be deemed terminated under section ~~7(f)~~ **7(d)** or ~~9(d)~~ **9(e)** of this rule on the basis of all fundamentals of engineering examination attempts. Therefore, applicants will be required to comply with subsection (b) once the applicant has had ~~two (2)~~ **three (3)** fundamentals of engineering examination attempts regardless of whether ~~they the examination attempts~~ were as:

(1) an engineering intern applicant; or

(2) a professional engineer applicant.

(f) For purposes of this section and sections 7 and 9 of this rule, an examination attempt:

(1) means the actual taking of the examination; and

(2) does not include a failure to appear to take the examination.

(*State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-8; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3907; errata filed Feb 5, 1990, 4:15 p.m.: 13 IR 1066; filed Nov 15, 1990, 1:35 p.m.: 14 IR 757; filed Sep 24, 1992, 9:00 a.m.: 16 IR 728; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2108; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824*)

SECTION 3. 864 IAC 1.1-4.1-9, AS AMENDED AT 28 IR 603, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

---

## Proposed Rules

---

### 864 IAC 1.1-4.1-9 Examination attempts for certification as an EI

Authority: IC 25-31-1-7

Affected: IC 25-31-1-13; IC 25-31-1-14

Sec. 9. (a) This section applies to the examinations for certification as an EI.

(b) An applicant who does not pass the examination may take ~~it one (1) the examination two (2) additional time provided that times. However, the applicant requests to applicant's:~~

(1) ~~second examination must be admitted to taken at~~ either of the next two (2) regularly scheduled examinations ~~after the failure of the first examination; and~~

(2) ~~third examination must be taken at either of the next two (2) regularly scheduled examinations after the failure of the second examination.~~

(c) An applicant who took the examination two (2) times before July 1, 2005, shall not be entitled to further examination attempts under subsection (b). An applicant who took the examination one (1) time before July 1, 2005, shall be entitled to two (2) additional examination attempts as long as the requirements stated in subsection (b) for timing of each examination attempt are met.

~~(e)~~ (d) An applicant who took the examination the first time on a college campus, as allowed by 864 IAC 1.1-2-4(b), may take the examination ~~one (1) two (2) additional time times~~ provided the applicant **does the following:**

(1) Complies with subsection (b).

(2) Pays the fees under **the following:**

(A) 864 IAC 1.1-12-1(1). ~~and~~

(B) 864 IAC 1.1-12-2.

(3) Submits a certified copy of educational transcripts showing any degree conferred.

(4) Provides three (3) references as required under IC 25-31-1-13(a). ~~and~~

(5) Otherwise qualifies for admission to the examination.

~~(d)~~ (e) Upon the exhaustion of the examination attempts allowed by this section, the application shall be deemed terminated.

~~(e)~~ (f) For ~~the~~ purposes of this section, examination attempts out of state count. (*State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-9; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3907; filed Sep 24, 1992, 9:00 a.m.: 16 IR 729; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2108; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; filed Sep 16, 2004, 9:00 a.m.: 28 IR 603, eff Nov 1, 2004*)

#### Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on May 12, 2006 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W064, Indianapolis, Indiana the State Board of Registration for Professional Engineers will hold a public hearing on proposed amendments*

*to implement rule changes based on SEA 139-2005 (P.L.194-2005), including changes to the number of examination attempts for registration as a professional engineer, changes to bring the termination of application in conformity with the examination attempts for registration as a professional engineer, and changes to the number of examination attempts for registration as an engineer intern.*

*The State Board of Registration of Professional Engineers has the authority to promulgate rules in accordance with IC 25-31-1-7, including establishing the requirements and examination attempts for registration as a professional engineer and an engineer intern. The proposed rule is being promulgated to implement rule changes based on SEA 139-2005 (P.L.194-2005) to change the number of examination attempts for registration as a professional engineer and an engineer intern. This proposed rule will have some costs on the regulated entities. The regulated entity will have to pay to register to sit for another licensing examination. However, the regulated entity is given another opportunity to sit for the licensing examination before being required to obtain additional education and to reapply to sit for the licensing examination. This proposed rule will not have any costs on small businesses.*

*Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W072 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Frances L. Kelly  
Executive Director  
Indiana Professional Licensing Agency

---

### TITLE 880 SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD

#### Proposed Rule

LSA Document #05-224

#### DIGEST

Amends 880 IAC 1-1, 880 IAC 1-2.1, and 880 IAC 1-3.1 to implement rule changes based on House Enrolled Act 1098-2005 (P.L.212-2005) and Senate Enrolled Act 607 (P.L.206-2005), including defining the role of support personnel, revising the definitions, licensure, ethics, and continuing education requirements, revising and establishing the educational and clinical practice requirements for speech-language pathologists and audiologists, revising and establishing the educational and tasks requirements for speech-language aides, associates, and assistants, revising and establishing the registration and renewal requirements for speech language aides, associates, and assistants, and establishing the requirements for the collection and use of a Social Security number for applicants who apply for a license, certificate, or permit under IC 25-35.6-1. Effective 30 days after filing with the Secretary of State.



**IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses**

**Estimated Number of Small Businesses Subject to This Rule:**  
NAICS 621340 Offices of Physical, Occupational and Speech Therapists, and Audiologists

The Speech-Language Pathology and Audiology Board (Board) estimates that no small businesses will be directly affected by this rule. The Speech-Language Pathology and Audiology Board has the authority to promulgate rules in accordance with IC 25-35.6-1-8 and IC 25-35.6-2-2 to implement changes in accordance with the requirements of HEA 1098-2005 (P.L.212-2005) and SEA 607-2005 (P.L.206-2005). This proposed rule defines the role of support personnel, establishes the standards for the competent practice of speech-language pathology and audiology, establishes the educational and experience requirements for registration for speech-language pathology aides, associates, and assistants and audiologists, establishes the duties of speech-language pathology aides, associates, and assistants, and brings the Board's rules in conformity with HEA 1098-2005 (P.L.212-2005) and SEA 607-2005 (P.L.206-2005). The proposed rule is needed as a matter of consumer protection to assure that the citizens of Indiana are receiving speech-language pathology services from qualified, licensed providers. The educational and experience requirements for licensure allow the Board and the state a method to verify that providers of such services are competent and available for education, service, and repair. This will also provide another avenue for the government to control the practice of speech-language pathology.

<b>880 IAC 1-1-1</b>	<b>880 IAC 1-2.1-3.1</b>
<b>880 IAC 1-1-1.5</b>	<b>880 IAC 1-2.1-4</b>
<b>880 IAC 1-1-2</b>	<b>880 IAC 1-2.1-4.1</b>
<b>880 IAC 1-1-2.5</b>	<b>880 IAC 1-2.1-6</b>
<b>880 IAC 1-1-3.1</b>	<b>880 IAC 1-2.1-7</b>
<b>880 IAC 1-1-5</b>	<b>880 IAC 1-2.1-8</b>
<b>880 IAC 1-1-6</b>	<b>880 IAC 1-2.1-9</b>
<b>880 IAC 1-2.1-1</b>	<b>880 IAC 1-2.1-10</b>
<b>880 IAC 1-2.1-2</b>	<b>880 IAC 1-3.1-1</b>
<b>880 IAC 1-2.1-3</b>	<b>880 IAC 1-3.1-3</b>

SECTION 1. 880 IAC 1-1-1 IS AMENDED TO READ AS FOLLOWS:

**880 IAC 1-1-1 Definitions**

Authority: IC 25-35.6-2-2  
Affected: IC 25-35.6

Sec. 1. In addition to the definitions contained in IC 25-35.6, the following definitions apply **throughout this article**:

- (1) "ASHA" means the American Speech-Language Hearing Association.
- (2) "Board" means the Indiana speech-language pathology and audiology board.
- (3) "Bureau" means the health professions bureau.
- (3) "Clinical experience intern" means an individual engaged in a clinical experience year.
- (4) "Clinical experience year" means a supervised profes-

sional experience obtained during a doctoral audiology program.

(5) "Clinical fellow" means an individual who is registered to practice:

- (A) speech-language pathology; or
- (B) audiology;

**under the supervision of a licensee approved by the board.**

~~(4) (6) "Clinical fellowship" means the a supervised professional experience requirements as set forth in IC 25-35.6-1-5(a)(5);~~ **obtained after confirmation of a graduate degree in speech-language pathology or audiology.**

~~(5) (7) "Examination" means the National Examination in Speech-Language Pathology or the National Examination in Audiology administered by the Educational Testing Service of Princeton, New Jersey, or other suitable examination approved by the board.~~

**(8) "Licensee" means either of the following:**

- (A) A speech-language pathologist.
- (B) An audiologist.

**(9) "Licensing agency" means the Indiana professional licensing agency.**

*(Speech-Language Pathology and Audiology Board; Reg PA-1, Ch I; filed Dec 4, 1974, 12:54 p.m.: Rules and Regs. 1975, p. 320; filed Jan 5, 1977, 3:30 p.m.: Rules and Regs. 1978, p. 316; filed Jan 5, 1977, 3:30 p.m.: Rules and Regs. 1978, p. 317; filed Dec 15, 1989, 5:00 p.m.: 13 IR 898; readopted filed Nov 9, 2001, 3:18 p.m.: 25 IR 1345)*

SECTION 2. 880 IAC 1-1-1.5 IS ADDED TO READ AS FOLLOWS:

**880 IAC 1-1-1.5 Accepted colleges and universities**

Authority: IC 25-35.6-2-2  
Affected: IC 25-35.6

Sec. 1.5. A college or university is recognized by the board if it is accredited by one (1) of the following regional accrediting associations:

- (1) Middle States Association of Colleges and Schools/Commission on Higher Education.
- (2) New England Association of Schools and Colleges.
- (3) North Central Association of Schools and Colleges.
- (4) Northwest Association of Schools and Colleges.
- (5) Southern Association of Colleges and Schools/Commission on Colleges.
- (6) Western Association of Schools and Colleges/Accrediting Commission for Senior Colleges.

*(Speech-Language Pathology and Audiology Board; 880 IAC 1-1-1.5)*

SECTION 3. 880 IAC 1-1-2 IS AMENDED TO READ AS FOLLOWS:

**880 IAC 1-1-2 Application for license as a speech-language pathologist**

Authority: IC 25-35.6-1-8; IC 25-35.6-2-2  
Affected: IC 25-35.6-1-3; IC 25-35.6-1-5; IC 25-35.6-3-3

Sec. 2. (a) An application for a license as a speech-language

## Proposed Rules

pathologist or an audiologist shall be submitted to the board on a form provided by the ~~bureau~~ **licensing agency**. An application shall be typed or printed in ink, signed under the penalty of perjury, and accompanied by the following:

- (1) **The** fee required by section 5 of this rule.
- (2) **The** official transcript from an educational institution recognized by the board, certifying that the applicant possesses a master's degree or its equivalent **as approved by the board** from an accredited institution **listed under section 1.5 of this rule** in the area for which the applicant is applying for licensure. As used in this section, "equivalent" means having completed at least two (2) full years of study in a college of liberal arts or sciences. This college course must include at least the following:

(A) **A total of six (6) semester credit hours in any combination of the following:**

- (i) English.
- (ii) Biology.
- (iii) Chemistry.
- (iv) Mathematics. ~~and~~
- (v) Physics.

(B) Three (3) semester credits in **each of the following:**

- (i) Interpersonal communication.
- (ii) Psychology. ~~and~~
- (iii) Statistics.

(C) **A total of nine (9) semester credits in humanities and social sciences.**

Furthermore, the applicant must meet requirements as set forth in IC 25-35.6-1-5(3)(A) through IC 25-35.6-1-5(3)(D) and at least twenty-one (21) of at least forty-two (42) semester hours in courses providing information about and practical experience in the management of speech, hearing, and language disorders must be obtained from a single college or university, and none may have been completed more than ten (10) years prior to the date of application.

(3) Certification from the educational institution specified in subdivision (2) that the applicant has completed ~~three a minimum of four hundred (300) (400) clock hours of direct supervised clinical experience required by IC 25-35.6-1-5(4):~~ **in the practice of speech-language pathology.**

(4) Certification of completion of a clinical fellowship ~~which that meets the requirements of IC 25-35.6-1-5(5) IC 25-35.6-1-5(2)(B)~~ and section 3.1 of this rule.

(5) **The** official score report from the Professional Examination Service certifying that the applicant has passed the examination in the area in which the applicant is applying for licensure, with a score of **at least** six hundred (600). ~~or above.~~

(6) A statement from the appropriate agency in each state where the applicant has been licensed, certifying whether or not disciplinary proceedings:

- (A) have ever been initiated; or
- (B) are presently pending; against the applicant.

(b) ~~in lieu~~ **Instead** of the documents required by subsection

(a)(2) through (a)(5), the board will accept a certificate of clinical competence issued by **either of the following:**

(1) ASHA. ~~or~~

(2) Another **board-approved** nationally recognized association for speech-language pathology ~~or audiology that meets the minimum requirements as stated in subsection (a)(2) through (a)(5)~~ in the area in which the applicant is applying for licensure.

**Evidence of such certification shall be received by the board directly from the certifying agency with all fees borne by the applicant.**

(c) An applicant who applies for licensure under IC 25-35.6-3-3(a) bears the burden of proving that the requirements of the state or territory in which the applicant currently is licensed are equivalent to those requirements set forth in IC 25-35.6. The applicant shall submit **the following:**

(1) **The** documentation required by subsection (a). ~~as well as~~

(2) Any other information required by the board to make a determination as to whether the requirements of the other state or territory are equivalent to those set forth in IC 25-35.6.

(d) The applicant shall be notified in writing of the results of the evaluation of the applicant's application for license.

(e) An applicant who seeks licensure in both speech-language pathology and audiology must file an application in both areas as provided by IC 25-35.6-1-3.

(f) An application shall be considered abandoned if the applicant does not complete the requirements for licensure within one (1) year from the date on which application was filed. An application submitted subsequent to an abandoned application shall be treated as a new application.

(g) In addition to the requirements set forth in this section, an applicant for licensure must pass a written examination on the Indiana speech-language pathology ~~and audiology~~ statutes and rules. A score of **at least** seventy-five (75) ~~or above~~ is passing. (*Speech-Language Pathology and Audiology Board; Reg PA-1, Ch II; filed Dec 4, 1974, 12:54 p.m.: Rules and Regs. 1975, p. 320; filed Dec 15, 1989, 5:00 p.m.: 13 IR 899; errata filed Jun 7, 1990, 9:40 a.m.: 13 IR 1862; filed Aug 24, 1994, 1:40 p.m.: 18 IR 101; readopted filed Nov 9, 2001, 3:18 p.m.: 25 IR 1345*)

SECTION 4. 880 IAC 1-1-2.5 IS ADDED TO READ AS FOLLOWS:

### **880 IAC 1-1-2.5 Application for license as an audiologist**

Authority: IC 25-35.6-1-8; IC 25-35.6-2-2

Affected: IC 25-35.6-1-3; IC 25-35.6-1-5; IC 25-35.6-3-3

**Sec 2.5. (a) An application for a license as an audiologist shall be submitted to the board on a form provided by the licensing agency. An application shall be typed or printed in ink, signed under penalty of perjury, and accompanied by the following:**

(1) The fee required by section 5 of this rule.  
 (2) The official transcript from an educational institution recognized by the board, certifying that the applicant possesses a doctoral degree or its equivalent as approved by the board from an accredited institution listed under section 1.5 of this rule in the area for which the applicant is applying for licensure. As used in this section, "equivalent" means having completed a minimum of seventy-five (75) semester hours of graduate or professional study that includes academic course work in the following areas:

- (A) Fundamentals of communication.
- (B) Normal aspects and development of hearing and balance.
- (C) Clinical evaluation of hearing and balance disorders.
- (D) Habilitative/rehabilitative procedures for hearing and balance disorders.

The course work must be sufficient in depth and breadth to reflect achievement of appropriate knowledge and skills outcomes.

(3) Certification from the educational institution specified in subdivision (2) that the applicant has completed a minimum of one thousand eight hundred twenty (1,820) clock hours of supervised clinical practicum, including a clinical experience that is equivalent to a minimum of twelve (12) months of full-time supervised experience obtained during completion of his or her audiology doctoral degree program. Supervised clinical practicum hours must be supervised by an individual meeting the requirements for Indiana licensure in audiology.

(4) The official score report from the Professional Examination Service certifying that the applicant has passed the examination in the area in which the applicant is applying for licensure, with a score of at least six hundred (600).

(5) A statement from the appropriate agency in each state where the applicant has been licensed, certifying whether or not disciplinary proceedings:

- (A) have ever been initiated; or
- (B) are presently pending; against the applicant.

(b) Instead of the documents required in subsection (a)(2) through (a)(5), the board may accept a certificate of clinical competence issued by either of the following:

- (1) ASHA.
- (2) Another board-approved nationally recognized association for audiology in the area that meets the minimum requirements in subsection (a)(2) through (a)(5) in the area in which the applicant is applying for licensure.

Evidence of such certification shall be received by the board directly from the certifying agency with all fees borne by the applicant.

(c) An applicant who applies for licensure under IC 25-35.6-3-3(a) bears the burden of proving that the require-

ments of the state or territory in which the applicant currently is licensed are equivalent to those requirements set forth in IC 25-35.6. The applicant shall submit the following:

- (1) The documentation required by subsection (a).
- (2) Any other information required by the board to make a determination as to whether the requirements of the other state or territory are equivalent to those set forth in IC 25-35.6.

(d) An applicant shall be notified in writing of the results of the evaluation of the applicant's application for license.

(e) An applicant who seeks licensure in both speech-language pathology and audiology must file an application in both areas as provided by IC 25-35.6-1-3.

(f) An application shall be considered abandoned if the applicant does not complete the requirements for licensure within one (1) year from the date on which application was filed. An application submitted subsequent to an abandoned application shall be treated as a new application.

(g) In addition to the requirements set forth in this section, an applicant for licensure shall pass a written examination on the Indiana audiology statutes and rules. A score of at least seventy-five (75) is passing. (*Speech-Language Pathology and Audiology Board; 880 IAC 1-1-2.5*)

SECTION 5. 880 IAC 1-1-3.1 IS AMENDED TO READ AS FOLLOWS:

**880 IAC 1-1-3.1 Clinical fellowship**

Authority: IC 25-35.6-1-8; IC 25-35.6-2-2

Affected: IC 25-35.6-1-2

Sec. 3.1. (a) An individual preparing to enter the clinical fellowship must notify the board by filing:

- (1) a form provided by the ~~bureau~~, **accompanied by licensing agency; and**
- (2) the application fee provided by section 5 of this rule; ~~prior to~~

**before** the beginning date of the clinical fellowship.

(b) The clinical fellowship shall **consist of nine (9) months full-time employment or its equivalent** not to exceed a maximum period of eighteen (18) consecutive months.

(c) A clinical fellowship of ~~less~~ **fewer** than fifteen (15) hours per week will not fulfill any part of the supervised experience requirement.

(d) Clinical fellowship supervision must entail the personal and direct involvement of the supervisor in any and all ways that will permit the clinical fellowship supervisor to:

- (1) monitor;
- (2) improve; and

## Proposed Rules

(3) evaluate;  
the clinical fellow's performance in professional employment.

(e) A person completing the supervised professional experience shall practice only speech-language pathology using the designation clinical fellow.

(f) A clinical fellow shall not supervise support personnel.

(g) A clinical fellowship supervisor assumes professional responsibility for services provided by the clinical fellow under his or her supervision.

(h) A clinical fellow must do the following:

(1) Report any change in supervision to the board within thirty (30) days of that change.

(2) Submit the appropriate application.

(~~e~~) (i) A person who completes a clinical fellowship may not practice as a speech-language pathologist or an audiologist until the person has been:

(1) approved for licensure by the board; and ~~has been~~

(2) issued a license by the ~~bureau~~ licensing agency.

(~~f~~) (j) A person completing the clinical experience requirement may not hold himself or herself out as:

(1) a speech-language pathologist as set forth in IC 25-35.6-1-2(c); or

(2) an audiologist as set forth in IC 25-35.6-1-2(e).

(Speech-Language Pathology and Audiology Board; 880 IAC 1-1-3.1; filed Dec 15, 1989, 5:00 p.m.: 13 IR 900; filed Jun 9, 1994, 2:00 p.m.: 17 IR 2355; readopted filed Nov 9, 2001, 3:18 p.m.: 25 IR 1345)

SECTION 6. 880 IAC 1-1-5 IS AMENDED TO READ AS FOLLOWS:

### 880 IAC 1-1-5 Fees

Authority: IC 25-1-8-2; IC 25-35.6-2-2

Affected: IC 25-35.6-3-7

Sec. 5. The following fees apply to licensed speech-language pathologists and audiologists:

Application/issuance fee (nonrefundable)	\$150
License renewal (December 31 of each odd-numbered year)	\$100
<del>Aide</del> Support personnel registration	\$50
Renewal of <del>aide</del> support personnel registration (annually on December 31)	\$25
Registration of an individual participating in a supervised experience year	\$50
Duplicate license	\$10
Verification of licensure	\$10

(Speech-Language Pathology and Audiology Board; Reg PA-1, Ch V; filed Dec 4, 1974, 12:54 p.m.: Rules and Regs. 1975, p. 323; filed Jan 5, 1977, 3:30 p.m.: Rules and Regs. 1978, p. 317;

filed May 30, 1985, 10:25 a.m.: 8 IR 1306; filed Apr 30, 1986, 9:42 a.m.: 9 IR 2206; filed Mar 8, 1988, 2:08 p.m.: 11 IR 2631; filed May 20, 1996, 3:00 p.m.: 19 IR 2881; readopted filed Dec 2, 2001, 12:35 p.m.: 25 IR 1345)

SECTION 7. 880 IAC 1-1-6 IS AMENDED TO READ AS FOLLOWS:

### 880 IAC 1-1-6 Denial, suspension, and revocation of licenses; unprofessional conduct; conviction of crime; disciplinary action

Authority: IC 25-1-9; IC 25-35.6-2-2

Affected: IC 25-1-9-4; IC 25-1-9-16; IC 25-35.6-3-5.1

Sec. 6. ~~Denial, Suspension, and Revocation of Licenses.~~ (a) ~~Unprofessional Conduct.~~ The board may refuse to issue a license to, or may suspend or revoke the license of, any person who has been guilty of unprofessional conduct within the meaning of ~~IC 1971, 25-35.6-3-5. IC 25-1-9-4.~~ In addition to the general specifications encountered in Section 5, IC 25-1-9-4, unprofessional conduct shall include, but is not limited to, the following:

(1) Violating or conspiring to violate or aiding or abetting any person to violate the provisions of ~~the Act.~~ IC 25-35.6.

(2) Committing a dishonest or fraudulent act as a licensed ~~speech~~ speech-language pathologist or audiologist.

(3) Diagnosing or treating individuals for speech or hearing disorders by mail or telephone unless the:

(A) individual has been previously examined by the licensee; and ~~the~~

(B) diagnosis or treatment is related to ~~such~~ the examination.

(4) Incompetence or negligence in the practice of ~~speech~~ speech-language pathology or audiology ~~which that~~:

(A) has endangered; or

(B) is likely to endanger;

the health, welfare, or safety of the public.

(b) ~~Conviction of Crime: Criteria for Rehabilitation.~~ The board may order a license suspended or revoked, or may decline to issue a license, if an applicant or licensee has been convicted of a crime within the meaning of ~~IC 1971, 25-35.6-3-5. IC 25-1-9-4 or IC 25-1-9-16.~~ (~~†~~) Upon the suspension or revocation of a license on the grounds that the licensee has been convicted of a crime, the board, in evaluating the rehabilitation of ~~such a the~~ person and his ~~or her~~ eligibility for licensure, will consider the following:

(~~†~~) (1) The nature and severity of the ~~act or~~ acts ~~which that~~ resulted in the suspension or revocation of his ~~or her~~ license.

(~~†~~) (2) The extent of time elapsed since the commission of the ~~act or~~ acts ~~which that~~ resulted in the suspension or revocation.

(~~†~~) (3) Whether the person has committed any ~~act or~~ acts ~~which that~~ if done by a licensee would be grounds for suspension or revocation of a license since the date of suspension or revocation.

(~~†~~) (4) Whether the person has done any ~~act or~~ acts involving

dishonesty, fraud, or deceit with the intent to substantially:

- (A) benefit himself or herself or another; or substantially
- (B) injure another;

since the date of the suspension or revocation.

(5) Whether the person has complied with any or all conditions of:

- (A) probation or restitution; or
- (B) any other civil or criminal sanction;

imposed against him or her as a result of the act or acts, including such administrative penalties and conditions of probation as have been imposed on him or her by the board. and

(6) Any other evidence of rehabilitation and eligibility for licensure as that the person may submit. submits.

(c) **Disciplinary action taken by this board will be reported to the Indiana department of education.** (*Speech-Language Pathology and Audiology Board; Reg PA-1, Ch VI; filed Dec 4, 1974, 12:54 p.m.: Rules and Regs. 1975, p. 323; readopted filed Nov 9, 2001, 3:18 p.m.: 25 IR 1345*)

SECTION 8. 880 IAC 1-2.1-1 IS AMENDED TO READ AS FOLLOWS:

### **Rule 2.1. Support Personnel**

#### **880 IAC 1-2.1-1 Definitions pertaining to support personnel**

Authority: IC 25-35.6-1-8; IC 25-35.6-2-2  
Affected: IC 25-35.6-1-2

Sec. 1. The following definitions apply throughout this rule:

(1) "Aide" means a person employed as support personnel under the direction and authority of the supervising licensed speech-language pathologist. This rule applies to all support personnel when providing direct client services in the area of speech-language pathology intervention.

(2) (1) "Board" means the speech-language pathology and audiology board.

(3) "Bureau" means the health professions bureau.

(4) (2) "Direct supervision" of an SLP aide and an SLP aide support personnel means on-site, in-view observation and guidance by the supervising speech-language pathologist while an assigned therapeutic activity is being performed.

(3) "Licensing agency" means the Indiana professional licensing agency.

(4) "SLP" means a speech-language pathologist.

(5) "SLP aide" means a speech-language pathology aide. †

(6) "SLP assistant" means a speech-language pathology assistant.

(6) (7) "SLP aide H<sup>2</sup> associate" means a speech-language pathology aide H: associate.

(8) "SLP support personnel" means the following:

- (A) Speech-language pathology aides.
- (B) Speech-language pathology associates.
- (C) Speech-language pathology assistants.

(7) (9) "Supervisor", when referring to a speech-language pathology aide; support personnel, means a person who:

(A) holds a current Indiana license as a speech-language pathologist; and

(B) has been approved by the board to supervise an aide support personnel as provided by IC 25-35.6-1-2(g).

(10) "Support personnel" means a person employed under the direction and authority of the supervising licensed speech-language pathologist. This rule applies to all SLP aides, SLP associates, and SLP assistants when providing direct client services in the area of speech-language pathology intervention.

(*Speech-Language Pathology and Audiology Board; 880 IAC 1-2.1-1; filed Oct 6, 2003, 5:15 p.m.: 27 IR 534*)

SECTION 9. 880 IAC 1-2.1-2 IS AMENDED TO READ AS FOLLOWS:

#### **880 IAC 1-2.1-2 Educational requirements for SLP aide**

Authority: IC 25-35.6-1-8; IC 25-35.6-2-2  
Affected: IC 25-35.6-1-2

Sec. 2. The minimum educational requirement for an SLP aide † shall be a high school degree or equivalent. (*Speech-Language Pathology and Audiology Board; 880 IAC 1-2.1-2; filed Oct 6, 2003, 5:15 p.m.: 27 IR 534*)

SECTION 10. 880 IAC 1-2.1-3 IS AMENDED TO READ AS FOLLOWS:

#### **880 IAC 1-2.1-3 Educational requirements for SLP associate**

Authority: IC 25-35.6-1-8; IC 25-35.6-2-2  
Affected: IC 25-35.6-1-2

Sec. 3. (a) The minimum educational requirement for an SLP aide H associate is an associate degree or its equivalent from an accredited institution in the area for which the applicant is requesting to be registered.

(b) As used in this section, "equivalent" means having completed the following:

(1) A minimum of a sixty (60) semester credit hours in a program of study that includes the following:

- (A) General education. and
- (B) The specific knowledge and skills for a speech-language pathology assistant. associate.

(2) A minimum of twenty-four (24) credit hours of the sixty (60) semester hours required must be completed in general education. The general education curriculum shall include, but is not be limited to, the following:

- (A) Oral and written communication.
- (B) Mathematics.
- (C) Computer applications.
- (D) Social sciences.
- (E) Natural sciences.

(3) A minimum of twenty-four (24) credit hours of the sixty

## Proposed Rules

(60) semester credit hours required must be completed in technical content areas. Technical content course work provides students with knowledge and skills to assume the job responsibilities and core technical skills for the speech-language pathology ~~assistant~~ **associate** and must include the following:

(A) Instruction about normal processes of communication.  
(B) Instruction targeting the practices and methods of service delivery ~~which that~~ are specific to speech-language pathology ~~assistants~~ **associates**.

(C) Instruction regarding the treatment of communication disorders.

(D) Instruction targeting the following workplace behavior and skills:

(i) Working with clients or patients in a supportive manner.

(ii) Following supervisor's instructions.

(iii) Maintaining confidentiality.

(iv) Communicating with oral and written forms. ~~and~~

(v) Following established health and safety precautions.

(E) Clinical observation.

(F) A minimum of one hundred (100) clock hours of supervised field experience that provides the applicant with appropriate experience for learning speech-language pathology ~~assistant-specific~~ **associate-specific**:

(i) job responsibilities; and ~~speech-language pathology assistant-specific~~

(ii) workplace behaviors;

of the speech-language pathology ~~assistant~~ **associate**.

*(Speech-Language Pathology and Audiology Board; 880 IAC 1-2.1-3; filed Oct 6, 2003, 5:15 p.m.: 27 IR 534)*

SECTION 11. 880 IAC 1-2.1-3.1 IS ADDED TO READ AS FOLLOWS:

### 880 IAC 1-2.1-3.1 Educational requirements for SLP assistant

Authority: IC 25-35.6-1-8; IC 25-35.6-2-2

Affected: IC 25-35.6-1-2

Sec 3.1. (a) **The minimum educational requirement for an SLP assistant is a bachelor's degree or its equivalent in communication disorders from an accredited institution in the area for which the applicant is requesting to be registered.**

(b) **One hundred (100) hours of clinical practicum is required and must be supervised by an SLP licensed by the board. These hours may be completed before the degree is conferred or during a paid experience. Of the one hundred (100) hours obtained, seventy-five (75) shall be obtained with direct face-to-face patient/client contact, and the remaining twenty-five (25) hours may be obtained through observation of assessment and therapy. The direct face-to-face patient/client contact hours must be obtained in the following categories:**

(1) **A minimum of twenty (20) hours in speech disorders.**

(2) **A minimum of twenty (20) hours in language disorders.**

(3) **The remaining hours may be obtained in any of the following areas:**

(A) **Speech disorders.**

(B) **Language disorders.**

(C) **Hearing disorders.**

*(Speech-Language Pathology and Audiology Board; 880 IAC 1-2.1-3.1)*

SECTION 12. 880 IAC 1-2.1-4 IS AMENDED TO READ AS FOLLOWS:

### 880 IAC 1-2.1-4 Application for registration

Authority: IC 25-35.6-1-8; IC 25-35.6-2-2

Affected: IC 25-35.6-1-2

Sec. 4. (a) The application for approval of ~~an SLP aide I or SLP aide H~~ **support personnel** must be:

(1) made on a form provided by the ~~bureau~~ **licensing agency**; and

(2) submitted to the board by the supervisor under whose direct supervision the SLP ~~aide I or SLP aide H~~ **support personnel** will work, with all documentation as requested.

(b) The application must contain the following information:

(1) The supervisor's:

(A) name;

(B) address;

(C) phone number; and

(D) current Indiana license number.

(2) The name and location of where services will be performed.

(3) A detailed description of the responsibilities assigned to the SLP ~~aide I or SLP aide H~~ **support personnel**.

(4) A certified statement from the supervisor that the SLP ~~aide I and SLP aide H~~ **support personnel** will be supervised as required by IC 25-35.6-1-2 and this rule.

(5) A certified statement from the SLP ~~aide I or SLP aide H~~ **support personnel** that he or she may not perform any activity as specified in section 7 of this rule.

(6) A certified statement ~~that the SLP aide I or SLP aide H may perform from the supervisor listing which of the tasks as specified in section 8 of this rule if delegated by the supervisor.~~ **SLP support personnel may perform.**

(7) An application fee as specified in section 5 of this rule.

(8) Official transcripts from an educational institution **documenting the following:**

(A) SLP aide: ~~I~~ Proof of a high school degree or equivalent.

(B) SLP aide ~~H~~ **associate**: ~~Official transcript from an educational institution recognized by the board certifying that the applicant possesses~~ **Proof of an associate degree in communication disorders** or its equivalent from an accredited institution. ~~in the area for which the applicant is requesting to be registered.~~

(C) SLP assistant: **Proof of a bachelor's degree in communication disorders or its equivalent from an**

**accredited institution.**

(9) Any other information as required by the board.

(c) When an application has been approved by the board, a certificate of registration will be issued by the ~~bureau~~ **licensing agency**.

(d) ~~A An SLP aide, I and SLP aide H associate, or SLP assistant~~ may not begin work before his or her application has been approved by the board. (*Speech-Language Pathology and Audiology Board; 880 IAC 1-2.1-4; filed Oct 6, 2003, 5:15 p.m.: 27 IR 534*)

SECTION 13. 880 IAC 1-2.1-4.1 IS ADDED TO READ AS FOLLOWS:

**880 IAC 1-2.1-4.1 Social Security numbers**

Authority: IC 4-1-8-1; IC 25-35.6-1-8; IC 25-35.6-2-2  
Affected: IC 25-35.6-1-2

**Sec. 4.1. (a) An applicant who applies for a license, certificate, or permit under IC 25-35.6-1 must submit to the board 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 board.**

**(c) The licensing agency and the board will release the applicant's Social Security number as provided in state or federal law.**

**(d) The licensing agency and the board may allow access to the Social Security number of each person who holds a license, certificate, or permit issued under IC 35.6-1 or has applied for a license, certificate, or permit under IC 25-35.6-1 to the following:**

- (1) A testing service that provides the examination for licensure to the licensing agency 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.**

(*Speech-Language Pathology and Audiology Board; 880 IAC 1-2.1-4.1*)

SECTION 14. 880 IAC 1-2.1-6 IS AMENDED TO READ AS FOLLOWS:

**880 IAC 1-2.1-6 Renewal of registration**

Authority: IC 25-35.6-1-8; IC 25-35.6-2-2  
Affected: IC 25-35.6-1-2

**Sec. 6. (a) A registration issued under section 2 of this rule expires on December 31 of each year. A supervisor must renew the registration by submitting the following:**

- (1) A renewal form provided by the ~~bureau~~ and licensing**

**agency.**

**(2) A fee as specified in 880 IAC 1-1-5.**

**(b) In order to avoid any interruption of work activity, a registration must be renewed ~~prior to~~ before December 31 of each year.**

**(c) Information submitted with the renewal form shall include the following:**

- (1) The nature and extent of the:**
  - (A) functions performed; ~~by the aide during the preceding year; and~~**
  - (2) ~~The nature and extent of the~~ (B) training completed; by the ~~aide~~ SLP support personnel during the preceding year.**
- (3) ~~(2)~~ Any other information required by the board.**

**(d) The supervisor must report any change in information required by subsection (a) to the board at the time the change occurs by submitting the following:**

- (1) A new application. ~~and~~**
- (2) The fee as specified in 880 IAC 1-1-5.**

**(e) ~~An SLP aide I and SLP aide H support personnel~~ may not continue working after his or her ~~their~~ registration has expired. Any such continuation will constitute a violation of this section.**

**(f) If a supervisor does not renew the SLP ~~aide I or SLP aide H support personnel~~ registration on or before December 31, the registration becomes invalid. The supervisor must submit the following:**

- (1) A new application. ~~and~~**
- (2) The fee as specified in section 4 of this rule.**

(*Speech-Language Pathology and Audiology Board; 880 IAC 1-2.1-6; filed Oct 6, 2003, 5:15 p.m.: 27 IR 535*)

SECTION 15. 880 IAC 1-2.1-7 IS AMENDED TO READ AS FOLLOWS:

**880 IAC 1-2.1-7 Activities prohibited by the SLP support personnel**

Authority: IC 25-35.6-1-8; IC 25-35.6-2-2  
Affected: IC 25-35.6-1-2

**Sec. 7. ~~An SLP aide I and/or SLP aide H support personnel~~ may not perform any of the following activities:**

- (1) Administer:**
  - (A) standardized or nonstandardized diagnostic tests; or**
  - (B) formal or informal evaluations;**
or interpret test results.
- (2) ~~May not~~ Participate in:**
  - (A) parent conferences;**
  - (B) case conferences; or**
  - (C) any interdisciplinary team;**
without the presence of the supervisor or other licensed speech-language pathologist designated by the supervisor.
- (3) ~~May not~~ Provide patient/client or family counseling.**
- (4) ~~May not~~ Write, develop, or modify a patient's or client's**

## Proposed Rules

individualized treatment plan in any way.

(5) ~~May not~~ Assist with a patient or client without:

- (A) following the individualized treatment plans prepared by the supervisor; or ~~without~~
- (B) access to supervision.

(6) ~~May not~~ Sign any formal documents, for example, **any of the following:**

- (A) Treatment plans.
- (B) Reimbursement forms. ~~or~~
- (C) Reports.

However, the SLP ~~aide I and/or SLP aide H~~ **support personnel** may sign or initial informal treatment notes for review and cosignature by the supervisor if specifically asked to do so by the supervisor.

(7) ~~May not~~ Select patients or clients for services.

(8) ~~May not~~ Discharge a patient or client from services.

(9) ~~May not~~ Disclose clinical or confidential information either orally or in writing to anyone other than the supervisor.

(10) ~~May not~~ Make referrals for additional service outside the scope of the intervention setting.

(11) ~~May not~~ Communicate with:

- (A) the patient;
- (B) **the** client;
- (C) **the** family; or
- (D) others;

regarding any aspect of the patient or client status or service without the specific consent of the supervisor.

(12) ~~May not~~ Counsel or consult with:

- (A) the patient;
- (B) **the** client;
- (C) **the** family; or
- (D) others;

regarding the patient or client status or service.

(13) ~~May not~~ Represent himself or herself as a speech-language pathologist.

*(Speech-Language Pathology and Audiology Board; 880 IAC 1-2.1-7; filed Oct 6, 2003, 5:15 p.m.: 27 IR 535)*

SECTION 16. 880 IAC 1-2.1-8 IS AMENDED TO READ AS FOLLOWS:

### **880 IAC 1-2.1-8 Tasks that may be delegated to the SLP support personnel**

Authority: IC 25-35.6-1-8; IC 25-35.6-2-2

Affected: IC 25-35.6-1-2

Sec. 8. The following tasks may be delegated to ~~an SLP aide I and/or SLP aide H~~ **support personnel** if the tasks have been planned by the supervisor and the SLP ~~aide I and/or SLP aide H~~ **has support personnel** have been provided with adequate training to perform the task competently:

- (1) Assist the supervisor with speech-language and hearing screenings (without interpretation).
- (2) Follow documented treatment plans or protocols developed by the supervisor.
- (3) Document patient or client performance **and report**

**information to the supervising SLP**, for example, **the following:**

- (A) Tallying data for the speech-language pathologist. ~~to use; and~~
- (B) Preparing **the following:**

- (i) Charts.
- (ii) Records. ~~and~~
- (iii) Graphs.

~~and report this information to the supervising speech-language pathologists.~~

(4) Assist the supervisor during assessment of patients or clients.

(5) Assist with informal documentation as directed by the supervisor.

(6) Assist with clerical duties, such as:

- (A) preparing materials; and
- (B) scheduling activities;

as directed by the supervisor.

(7) Perform checks and maintenance of equipment.

(8) Support the supervisor in **the following:**

- (A) Research projects.
- (B) Inservice training. ~~and~~
- (C) Public relations programs.

(9) Assist with **the following** departmental operations:

- (A) Scheduling.
- (B) Record keeping. ~~and~~
- (C) Safety and maintenance of supplies and equipment.

(10) ~~Correct~~ **Collect** data for quality improvement.

(11) Exhibit compliance with **the following:**

- (A) Regulations.
- (B) Reimbursement requirements. ~~and~~
- (C) SLP aide, I ~~and~~ SLP aide H **associate, and SLP assistant** job responsibilities.

*(Speech-Language Pathology and Audiology Board; 880 IAC 1-2.1-8; filed Oct 6, 2003, 5:15 p.m.: 27 IR 536)*

SECTION 17. 880 IAC 1-2.1-9 IS AMENDED TO READ AS FOLLOWS:

### **880 IAC 1-2.1-9 Supervisors; responsibilities**

Authority: IC 25-35.6-1-8; IC 25-35.6-2-2

Affected: IC 25-35.6-1-2

Sec. 9. (a) ~~Prior to Before~~ utilizing ~~an aide~~, **SLP support personnel**, the supervisor shall carefully delineate the role and tasks of the SLP ~~aide I and/or SLP aide H~~; **support personnel**, including the following:

- (1) Specific lines of responsibility and authority.
- (2) Assurance that the SLP ~~aide I and/or SLP aide H~~ **is support personnel** are responsible only to the supervisor in all patient/client activities. The supervisor must assess individual ~~client~~ **patient/client** needs when deciding the appropriateness of a support personnel service delivery model.

(b) When ~~an aide assists~~ **SLP support personnel assist** in providing treatment, the supervisor of the SLP ~~aide I and/or SLP~~



~~aide H~~ **support personnel** shall do the following:

(1) The supervisor of the SLP aide I shall provide direct supervision a minimum of twenty percent (20%) weekly for the first ninety (90) days of work and ten percent (10%) weekly ~~after the initial work period: thereafter.~~ The supervisor must **do the following:**

(A) Be physically present within the same building as the SLP aide I whenever direct client care is provided. ~~The supervisor must~~

(B) Directly provide a minimum of thirty-three percent (33%) of the patient's or client's treatment weekly.

(2) The supervisor of the SLP ~~aide H~~ **associate** shall provide direct supervision a minimum of twenty percent (20%) weekly for the first ninety (90) days of work and ten percent (10%) weekly ~~after the initial work period: thereafter.~~ Supervision days and times should be alternated to ensure that all ~~individuals~~ **patients/clients** receive direct ~~contact with treatment~~ **from** the supervisor at least once every two (2) weeks. At no time should an SLP ~~aide H~~ **associate** perform tasks when a supervisor cannot be reached by:

(A) personal contact;

(B) telephone;

(C) pager; or

(D) other immediate means.

(3) **The supervisor for the SLP assistant shall provide direct supervision a minimum of twenty percent (20%) weekly for the first ninety (90) days of work and ten percent (10%) weekly thereafter. Supervision days and times should be alternated to ensure that all patients/clients receive direct treatment from the supervisor at least once every two (2) weeks. At no time should an SLP assistant perform tasks when a supervisor cannot be reached by:**

(A) personal contact;

(B) telephone;

(C) pager; or

(D) other immediate means.

~~(3)~~ (4) **The supervisor must determine supervision needs.** The amount of supervision may be ~~adjusted~~ **increased** depending on the:

(A) competency of the SLP ~~aide I or SLP aide H;~~ **the support personnel;**

(B) needs of the patients or clients served; and ~~the~~

(C) nature of the assigned tasks.

However, the minimum standard must be maintained. ~~The supervisor must determine supervision needs.~~ Indirect supervision activities may include, but are not limited to, record review, phone conferences, or audio/video tape review.

~~(4)~~ (5) Determine the responsibilities assigned to the SLP ~~aide I and/or SLP Aide H~~ **support personnel** based upon the:

(A) educational level;

(B) training; and

(C) experience;

of the ~~aide:~~ **support personnel.**

~~(5)~~ (6) Evaluate each patient or client ~~prior to before treat-~~

ment.

~~(6)~~ (7) Outline and direct the specific program for the clinical management of each client ~~assigned to~~ **serviced by** the SLP ~~aide I and/or SLP aide H;~~ **support personnel.**

~~(7)~~ (8) Every five (5) working days, review all data and documentation on clients seen for treatment by the SLP ~~aide I and/or SLP aide H;~~ **support personnel.**

~~(8)~~ (9) Ensure that, at the termination of services, the case is reviewed by the speech-language ~~pathologists~~ **pathologist** responsible for the client.

(c) The supervisor shall not permit ~~an SLP aide I and/or SLP aide H~~ **support personnel** to make decisions regarding the:

(1) diagnosis;

(2) management; or

(3) future disposition;  
of clients.

(d) The supervisor must officially designate ~~an SLP aide I and/or SLP aide H;~~ **support personnel** as such on all clinical records.

(e) The supervisor must be present when the SLP ~~aide I and/or SLP aide H~~ **provides support personnel provide** direct client treatment outside the designated practice setting.

(f) The supervisor may designate a licensed speech-language pathologist to supervise a SLP ~~aide I and/or SLP aide H~~ **support personnel** under his or her supervision during vacation periods or illness, but for ~~no~~ **not** longer than a thirty (30) day period.

(g) Within ten (10) days after the termination of the supervision of ~~an SLP aide I and SLP aide H;~~ **support personnel,** the supervisor:

(1) shall notify the board, in writing, of the:

(A) termination; and ~~the~~

(B) date of the termination; and

(2) may designate a licensee to serve as an interim supervisor for a period not to exceed thirty (30) days upon approval of the board.

An interim supervisor is not required to pay a fee for the thirty (30) day period.

(h) A supervisor may not supervise more than ~~three (3) aides~~ **two (2) SLP support personnel** at one (1) time.

(i) ~~A supervisor must be~~ **In order to supervise SLP support personnel, a licensed** speech-language pathologist **must:**

(1) **hold a current license as a speech-language pathologist as issued by the board** for a minimum of two (2) years ~~prior to before~~ registering and supervising ~~an SLP aide I and/or SLP aide H;~~ **support personnel; and**

(2) **have at least three (3) years of clinical experience.**

(j) **A supervisor assumes professional responsibility for services provided under their supervision.** (*Speech-Language*

---

## Proposed Rules

---

*Pathology and Audiology Board; 880 IAC 1-2.1-9; filed Oct 6, 2003, 5:15 p.m.: 27 IR 536)*

SECTION 18. 880 IAC 1-2.1-10 IS AMENDED TO READ AS FOLLOWS:

### 880 IAC 1-2.1-10 SLP aides previously registered under 880 IAC 1-2

Authority: IC 25-35.6-1-8; IC 25-35.6-2-2

Affected: IC 25-35.6-1-2

Sec. 10. ~~(a) SLP aides previously registered under 880 IAC 1-2, which meet the educational requirements of: 880 IAC 1-2.1-2;~~  
**(1) section 2 of this rule**, shall be registered as an SLP aide;  
~~1 without the necessity of filing an additional application under 880 IAC 1-2.1-4.~~

~~(b) SLP aides previously registered under 880 IAC 1-2, which meet the educational requirements of 880 IAC 1-2.1-3;~~ **(2) section 3 of this rule**, shall be registered as an SLP aide ~~if~~  
~~without the necessity of filing an additional application under 880 IAC 1-2.1-4.~~ **associate; and**

**(3) section 3.1 of this rule, shall be registered as an SLP assistant;**

**without the necessity of filing an additional application under section 4 of this rule.** *(Speech-Language Pathology and Audiology Board; 880 IAC 1-2.1-10; filed Oct 6, 2003, 5:15 p.m.: 27 IR 537)*

SECTION 19. 880 IAC 1-3.1-1 IS AMENDED TO READ AS FOLLOWS:

### 880 IAC 1-3.1-1 Renewal of license

Authority: IC 25-35.6-1-8; IC 25-35.6-2-2

Affected: IC 25-35.6-3-6

Sec. 1. (a) A renewal application shall be submitted to the ~~bureau~~ **licensing agency** on or before December 31 of each odd-numbered year on a form provided by the ~~bureau~~ **licensing agency**. The application shall be accompanied by **the following**:

- (1) The renewal fee required by 880 IAC 1-1-5. and**
- (2) Evidence of the continuing education required by section 2 of this rule.**

(b) A person who holds a license in speech-language pathology ~~and/or~~ **or** audiology, **or both**, must renew each license biennially as required by IC 25-35.6-3-6.

(c) A license ~~which that~~ is not renewed on or before December 31 of each odd-numbered year becomes invalid. The license may be reinstated within ~~two~~ **(2) three (3)** years of the date of expiration by:

- (1) submitting the renewal fee and penalty fee required by 880 IAC 1-1-5; and**
- (2) the continuing education required by section 2 of this rule.**

(d) A license ~~which that~~ has been invalid for more than ~~two~~

~~(2) three (3)~~ years may not be reinstated. *(Speech-Language Pathology and Audiology Board; 880 IAC 1-3.1-1; filed Dec 15, 1989, 5:00 p.m.: 13 IR 900; readopted filed Nov 9, 2001, 3:18 p.m.: 25 IR 1345)*

SECTION 20. 880 IAC 1-3.1-3 IS AMENDED TO READ AS FOLLOWS:

### 880 IAC 1-3.1-3 Responsibilities

Authority: IC 25-35.6-1-8; IC 25-35.6-2-2

Affected: IC 25-35.6-3-6

Sec. 3. ~~(a)~~ A licensee must **report do the following**:

**(1) Confirm** the continuing education required by section 2 of this rule at the time of license renewal on a form provided by the ~~bureau~~ **licensing agency**.

~~(b) A licensee must~~ **(2)** Retain a record of completion of the continuing education required by section 2 of this rule for four (4) years.

~~(c) A licensee must~~ **(3)** Present verification of completion of the continuing education required by section 2 of this rule upon request by the board.

*(Speech-Language Pathology and Audiology Board; 880 IAC 1-3.1-3; filed Dec 15, 1989, 5:00 p.m.: 13 IR 901; readopted filed Nov 9, 2001, 3:18 p.m.: 25 IR 1345)*

### Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on May 9, 2006 at 10:35 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Room 130, Indianapolis, Indiana the Speech-Language Pathology and Audiology Board will hold a public hearing on proposed amendments and new rules to implement rule changes based on House Enrolled Act 1098-2005 (P.L.212-2005) and Senate Enrolled Act 607 (P.L.206-2005), including defining the role of support personnel, revising the definitions, licensure, ethics, and continuing education requirements, revising and establishing the educational and clinical practice requirements for speech-language pathologists and audiologists, revising and establishing the educational and tasks requirements for speech-language aides, associates, and assistants, revising and establishing the registration and renewal requirements for speech language aides, associates, and assistants, and establishing the requirements for the collection and use of a Social Security number for applicants who apply for a license, certificate, or permit under IC 25-35.6-1.*

*The Speech-Language Pathology and Audiology Board has the authority to promulgate rules in accordance with IC 25-35.6-1-8 and IC 25-35.6-2-2 to implement changes in accordance with the requirements of HEA 1098-2005 (P.L.212-2005) and SEA 607-2005 (P.L.206-2005). This proposed rule defines the role of support personnel, establishes the standards for the competent practice of speech-language pathology and audiology, establishes the educational and experience requirements for registration for speech-language pathology aides, associ-*

ates, and assistants and audiologists, establishes the duties of speech-language pathology aides, associates, and assistants, and brings the Board's rules in conformity with HEA 1098-2005 (P.L.212-2005) and SEA 607-2005 (P.L.206-2005). The proposed rule is needed as a matter of consumer protection to assure that the citizens of Indiana are receiving speech-language pathology services from qualified, licensed providers. The educational and experience requirements for licensure allow the Board and the state a method to verify that providers of such services are competent and available for education, service, and repair. This will also provide another avenue for the government to control the practice of speech-language pathology. This proposed rule will have costs on the regulated entities; however, the fiscal impact of this proposed rule is dependent on the number of applicants that seek licensure, which might vary. Both the educational and experience requirements for speech-language aides, associates, and assistants and audiologists could affect the numbers of licenses that an applicant applies for. Currently, the Speech-Language Pathology and Audiology Board charges \$150 for speech-language pathologists and audiologists licenses and \$50 for the speech-language pathology aides license. There are approximately 1,569 speech-language pathologists and 30 speech-language aides licensed by the Board. Based on the statutory changes and the Board's proposed rule changes, approximately 2,101 individuals working at educational institution will be required to obtain a speech-language pathologist license. The revenue generated by the additional licensees is \$315,150 (2,101 applicants × \$150 application/issuance fee). Of the 30 speech-language pathology aides, all but one will remain aides. One speech-language pathology aide will be eligible to obtain speech-language pathology associate license with no additional fee charged.

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W072 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Frances L. Kelly  
Executive Director  
Indiana Professional Licensing Agency

---

---

---

---

## Readopted Rules

---

---

Notices of Intent to Readopt
------------------------------

### **TITLE 407 OFFICE OF THE CHILDREN'S HEALTH INSURANCE PROGRAM**

Notice of Intent  
LSA Document #06-76

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:

- 407 IAC 1 CHILDREN'S HEALTH INSURANCE PROGRAM GENERAL PROVISIONS; PROVIDERS
- 407 IAC 2 APPLICANTS AND MEMBERS; ELIGIBILITY AND ENROLLMENT; APPEAL PROCEDURES
- 407 IAC 3 BENEFITS AND MEDICAL POLICY

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

MS27  
Office of General Counsel  
Indiana Family and Social Services Administration  
402 W. Washington Street, Room W451  
Indianapolis, IN 46204  
Attn: Catherine Rudd  
Statutory authority: IC 12-17.6-2-11.

---

---

<b>60 Day Requirement (IC 4-22-2-19)</b>
--

**TITLE 25 INDIANA DEPARTMENT OF  
ADMINISTRATION**

LSA Document #05-129

TO: Sen. Young, Chair  
Administrative Rules Oversight Committee

FROM: Davina L. Patterson, Staff Attorney  
Indiana Department of Administration

RE: Compliance with IC 4-22-2-19 IDOA's Promulgation of  
"Code Adam" Rules

DATE: February 14, 2006

This memo serves as written notice required by IC 4-22-2-19(c)(2).

A bill was passed in 2005 which required the Department of Administration to adopt rules establishing and implementing a "Code Adam" protocol for lost or missing children in certain state buildings. The statute went into effect July 1, 2005.

The Department published a Notice of Intent in the June 1, 2005, Indiana Register. The promulgation process was not completed, however, because the Department needed to meet with the Indiana State Police to discuss how "Code Adam" would work in practice. Additionally, it was imperative that the responsibilities of the Department, Indiana State Police, and Capitol Police be outlined in greater detail.

Such meetings have taken place, and the Department is prepared to move forward with promulgating "Code Adam" rules.

Please contact me at 232-3073 or [dpatterson@idoa.in.gov](mailto:dpatterson@idoa.in.gov) if you need additional information. I thank you in advance for your prompt consideration of this matter.

---

---

**TITLE 414 HOSPITAL COUNCIL**

LSA Document #05-95

**EXTENSION OF TIME REQUEST**

VIA HAND DELIVERY

March 10, 2006

The Honorable Todd Rokita  
Secretary of State of Indiana  
Room 201, Statehouse  
Indianapolis, IN 46204

Dear Todd:

Pursuant to Indiana Code 4-22-2-34(b), this statement is being filed with your office to inform you that I intend to take an additional fifteen (15) days to approve or disapprove the following rules, which were submitted to me on March 8, 2006:

Indiana State Department of Health, Hospital Council:

LSA #05-95(F) License Fees

We would be grateful if you would file and date stamp the attached copy of this letter and return it to my office via our courier. Please call Mark Massa, General Counsel, at 233-5764 with any questions concerning this matter.

Sincerely,

Mitchell E. Daniels, Jr.  
Governor

## TITLE 326 AIR POLLUTION CONTROL BOARD

### CONTINUATION OF FIRST NOTICE OF COMMENT PERIOD

LSA Document #05-232(APCB)

#### DEVELOPMENT OF NEW RULES CONCERNING THE ENVIRONMENTAL STEWARDSHIP PROGRAM AND COMPREHENSIVE LOCAL ENVIRONMENTAL ACTION NETWORK

##### PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on new rules to 326 IAC concerning instituting state voluntary performance-based programs similar to the United States Environmental Protection Agency's (U.S. EPA) National Environmental Performance Track Program (Performance Track) to provide opportunities and incentives for eligible entities to allocate resources towards continuous improvement of their environmental management systems and pollution prevention programs. The First Notice of Comment Period, published on September 1, 2005 (28 IR 3665), asked for comments on possible incentives for the program, on elements of U.S. EPA's program and programs in other states that may be appropriate for Indiana, and on any other issues related to development and implementation of a performance-based incentive program for Indiana companies. This state program will be called the Environmental Stewardship Program (ESP). Since the publication of the First Notice of Comment Period, IDEM has identified another state program in the development stage, Comprehensive Local Environmental Action Network (CLEAN), that could be included in this rulemaking. This Continuation of First Notice provides information about the CLEAN program and requests comments on inclusion of CLEAN in this rulemaking.

##### HISTORY

First Notice of Comment Period: September 1, 2005, Indiana Register (28 IR 3665). Comment period ended October 3, 2005.

**CITATIONS AFFECTED:** 326 IAC 25.

**AUTHORITY:** IC 13-14-8; IC 13-17-3-1; IC 13-17-3-4.

##### SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

###### Basic Purpose and Background

IDEM is considering implementing a performance-based incentive program, ESP, for companies that not only meet environmental regulatory requirements but that voluntarily go beyond those requirements to provide even greater protection to the environment and public health. To reward and encourage these companies, U.S. EPA and several states have implemented innovative programs that provide flexibility to eligible companies in meeting certain existing requirements. The goal of ESP is to achieve better environmental results by focusing more on

outcomes than traditional measures. By providing regulatory flexibility, opportunities are provided to go beyond the compliance measures established by regulations. Opportunities are also created for state and federal government, as well as the regulated community, to focus resources more strategically to produce better overall environmental results.

The federal Performance Track program is a voluntary, performance-based program that provides incentives to companies that have gone above and beyond standard regulatory requirements. Incentives may include: recognition, networking opportunities, low priority for routine inspections, permitting flexibility, and decreased record keeping, reporting, and monitoring frequencies. These incentives include policy, guidance, and regulatory approaches. In some cases, other actions also must be completed before an organization may take advantage of an incentive. For example, states are responsible for implementing parts of many federal environmental programs. In such cases, states may need to revise regulations, seek U.S. EPA approval of a revised program, re-issue permits, or take other actions.

Significant improvements in environmental quality are being achieved at the state and federal level as a result of performance-based programs. These programs provide opportunities and incentives for organizations to allocate resources towards continuous improvement of their environmental management systems and pollution prevention programs. Through these focused efforts, U.S. EPA and state agencies are reporting increased compliance levels and reductions in material usage, energy consumption, and emission levels by program members.

In the First Notice of Comment Period, IDEM proposed the development of a voluntary, performance-based program designed to recognize and provide greater flexibility to Indiana companies for exemplary environmental performance and stewardship. IDEM is also currently in the initial implementation phase of a voluntary program for municipalities called CLEAN. The CLEAN Community Challenge is a voluntary recognition program that helps local government take steps to plan, develop, and implement a quality of life plan. The quality of life plan addresses continuous environmental improvement and management of the community's environmental issues above and beyond regulatory compliance. The quality of life plan consists of four components: 1) mission statement, 2) environmental activities and goals, 3) implementation and operation procedures, and 4) monitoring and reviewing the plan's progress. The CLEAN Community Challenge is proposed to be structured similarly to the ESP and has equivalent eligibility criteria.

With this Continuation of First Notice, IDEM seeks comment on inclusion of the CLEAN program in this rulemaking and any elements of U.S. EPA's program and programs in other states that may be appropriate for the CLEAN program in Indiana.

###### Alternatives To Be Considered Within the Rulemaking

The First Notice of Comment Period, published on September 1, 2005 (28 IR 3665), included three (3) alternatives for which comments were received. This continuation of first notice adds

this additional alternative to be considered.

**Alternative 4. Include the CLEAN program in the new rules.**

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? This alternative is not imposed by federal law, but it provides a regulatory framework to implement a voluntary state program similar to the National Environmental Performance Track Program.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

**Applicable Federal Law**

This rule is for two voluntary, performance-based programs similar to the U.S. EPA's National Environmental Performance Track Program, a voluntary program that recognizes excellent environmental performance with opportunities and incentives. Specific environmental laws may become applicable if future federal rules for the National Environmental Performance Track Program are adopted at the state level.

**Potential Fiscal Impact**

There would be no fiscal impact imposed under any of the identified alternatives because the program is voluntary. However, organizations taking advantage of the program could see reduced costs from some of the potential incentives such as reduced record keeping, reporting, and monitoring frequency.

**Small Business Assistance Information**

IDEM established a compliance and technical assistance (CTAP) program under IC 13-28-3. The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with IC 13-28-3 and IC 13-28-5, there is a Small Business Assistance Program Ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at [www.in.gov/idem/ctap](http://www.in.gov/idem/ctap).

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Sandra El-Yusuf  
IDEM Compliance and Technical Assistance Program  
OPPTA - MC60-04  
100 N. Senate Avenue, W-041  
Indianapolis, IN 46204-2251  
(317) 232-8578  
[selyusuf@idem.in.gov](mailto:selyusuf@idem.in.gov)

The Small Business Assistance Program Ombudsman is:  
Eric Levenhagen  
IDEM Small Business Assistance Program Ombudsman  
External Affairs - MC50-01  
100 N. Senate Avenue, IGCN 1301  
Indianapolis, IN 46204-2251  
(317) 234-3386  
[elevenha@idem.in.gov](mailto:elevenha@idem.in.gov)

**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:

#05-232(APCB) ESP and CLEAN  
Christine Pedersen Mail Code 61-50  
c/o Administrative Assistant  
Rules Development Section  
Office of Air Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, Indiana 46204.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the tenth floor reception desk, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342 or (317) 233-5967, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Section at (317) 233-0426.

**COMMENT PERIOD DEADLINE**

Comments must be postmarked, faxed, or hand delivered by May 1, 2006.

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).

Kathryn A. Watson, Chief  
Air Programs Branch  
Office of Air Quality



## TITLE 327 WATER POLLUTION CONTROL BOARD

### CONTINUATION OF FIRST NOTICE OF COMMENT PERIOD

LSA Document #05-233(WPCB)

#### DEVELOPMENT OF NEW RULES CONCERNING THE ENVIRONMENTAL STEWARDSHIP PROGRAM AND COMPREHENSIVE LOCAL ENVIRONMENTAL ACTION NETWORK

##### PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on new rules to 327 IAC concerning instituting state voluntary performance-based programs similar to the United States Environmental Protection Agency's (U.S. EPA) National Environmental Performance Track Program (Performance Track) to provide opportunities and incentives for eligible entities to allocate resources towards continuous improvement of their environmental management systems and pollution prevention programs. The First Notice of Comment Period, published on September 1, 2005 (28 IR 3686), asked for comments on possible incentives for the program, on elements of U.S. EPA's program and programs in other states that may be appropriate for Indiana, and on any other issues related to development and implementation of a performance-based incentive program for Indiana companies. This state program will be called the Environmental Stewardship Program (ESP). Since the publication of the First Notice of Comment Period, IDEM has identified another state program in the development stage, Comprehensive Local Environmental Action Network (CLEAN), that could be included in this rulemaking. This Continuation of First Notice provides information about the CLEAN program and requests comments on inclusion of CLEAN in this rulemaking.

##### HISTORY

First Notice of Comment Period: September 1, 2005, Indiana Register (28 IR 3686). Comment period ended October 3, 2005.

**CITATIONS AFFECTED:** 327 IAC 18.

**AUTHORITY:** IC 13-14-8; IC 13-18-3-1.

##### SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

###### Basic Purpose and Background

IDEM is considering implementing a performance-based incentive program, ESP, for companies that not only meet environmental regulatory requirements but that voluntarily go beyond those requirements to provide even greater protection to the environment and public health. To reward and encourage these companies, U.S. EPA and several states have implemented innovative programs that provide flexibility to eligible companies in meeting certain existing requirements. The goal of ESP is to achieve better environmental results by focusing more on

outcomes than traditional measures. By providing regulatory flexibility, opportunities are provided to go beyond the compliance measures established by regulations. Opportunities are also created for state and federal government, as well as the regulated community, to focus resources more strategically to produce better overall environmental results.

The federal Performance Track program is a voluntary, performance-based program that provides incentives to companies that have gone above and beyond standard regulatory requirements. Incentives may include: recognition, networking opportunities, low priority for routine inspections, permitting flexibility, and decreased record keeping, reporting, and monitoring frequencies. These incentives include policy, guidance, and regulatory approaches. In some cases, other actions also must be completed before an organization may take advantage of an incentive. For example, states are responsible for implementing parts of many federal environmental programs. In such cases, states may need to revise regulations, seek U.S. EPA approval of a revised program, re-issue permits, or take other actions.

Significant improvements in environmental quality are being achieved at the state and federal level as a result of performance-based programs. These programs provide opportunities and incentives for organizations to allocate resources towards continuous improvement of their environmental management systems and pollution prevention programs. Through these focused efforts, U.S. EPA and state agencies are reporting increased compliance levels and reductions in material usage, energy consumption, and emission levels by program members.

In the First Notice of Comment Period, IDEM proposed the development of a voluntary, performance-based program designed to recognize and provide greater flexibility to Indiana companies for exemplary environmental performance and stewardship. IDEM is also currently in the initial implementation phase of a voluntary program for municipalities called CLEAN. The CLEAN Community Challenge is a voluntary recognition program that helps local government take steps to plan, develop, and implement a quality of life plan. The quality of life plan addresses continuous environmental improvement and management of the community's environmental issues above and beyond regulatory compliance. The quality of life plan consists of four components: 1) mission statement, 2) environmental activities and goals, 3) implementation and operation procedures, and 4) monitoring and reviewing the plan's progress. The CLEAN Community Challenge is proposed to be structured similarly to the ESP and has equivalent eligibility criteria.

With this Continuation of First Notice, IDEM seeks comment on inclusion of the CLEAN program in this rulemaking and any elements of U.S. EPA's program and programs in other states that may be appropriate for the CLEAN program in Indiana.

###### Alternatives To Be Considered Within the Rulemaking

The First Notice of Comment Period, published on September 1, 2005 (28 IR 3686), included three (3) alternatives for which comments were received. This continuation of first notice adds

this additional alternative to be considered.

**Alternative 4. Include the CLEAN program in the new rules.**

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? This alternative is not imposed by federal law, but it provides a regulatory framework to implement a voluntary state program similar to the National Environmental Performance Track Program.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

**Applicable Federal Law**

This rule is for two voluntary, performance-based programs similar to the U.S. EPA's National Environmental Performance Track Program, a voluntary program that recognizes excellent environmental performance with opportunities and incentives. Specific environmental laws may become applicable if future federal rules for the National Environmental Performance Track Program are adopted at the state level.

**Potential Fiscal Impact**

There would be no fiscal impact imposed under any of the identified alternatives because the program is voluntary. However, organizations taking advantage of the program could see reduced costs from some of the potential incentives such as reduced record keeping, reporting, and monitoring frequency.

**Small Business Assistance Information**

IDEM established a compliance and technical assistance (CTAP) program under IC 13-28-3. The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with IC 13-28-3 and IC 13-28-5, there is a Small Business Assistance Program Ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at [www.in.gov/idem/ctap](http://www.in.gov/idem/ctap).

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Sandra El-Yusuf  
IDEM Compliance and Technical Assistance Program  
OPPTA - MC60-04  
100 N. Senate Avenue, W-041  
Indianapolis, IN 46204-2251  
(317) 232-8578  
[selyusuf@idem.in.gov](mailto:selyusuf@idem.in.gov)

The Small Business Assistance Program Ombudsman is:  
Eric Levenhagen  
IDEM Small Business Assistance Program Ombudsman  
External Affairs - MC50-01  
100 N. Senate Avenue, IGCN 1301  
Indianapolis, IN 46204-2251  
(317) 234-3386  
[elevenha@idem.in.gov](mailto:elevenha@idem.in.gov)

**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:

#05-233(WPCB) ESP and CLEAN  
Christine Pedersen Mail Code 61-50  
c/o Administrative Assistant  
Rules Development Section  
Office of Air Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, Indiana 46204.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the tenth floor reception desk, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342 or (317) 233-5967, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Section at (317) 233-0426.

**COMMENT PERIOD DEADLINE**

Comments must be postmarked, faxed, or hand delivered by May 1, 2006.

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).

Bruno Pigott  
Assistant Commissioner  
Office of Water Quality

**TITLE 329 SOLID WASTE MANAGEMENT BOARD**

**FIRST NOTICE OF COMMENT PERIOD**  
#06-70(SWMB)

**AMENDMENTS TO 329 IAC 11 REGARDING TRANSFER STATIONS**

**PURPOSE OF NOTICE**

Amends 329 IAC 11 concerning provisions for solid waste transfer stations. The rulemaking proposes clarification for the following: definitions, exclusions to the rule, zoning requirements, application and design standards, operating standards, and closure and post-closure requirements. This rule will also make 329 IAC 11 consistent with the standards in 329 IAC 10 and other processing requirements. It will cause some rule reorganization that will make the rule easier to understand and follow.

IDEM seeks comment on the affected citations listed and any other provisions of Title 329 that may be affected by this rulemaking.

**CITATIONS AFFECTED:** 329 IAC 11.

**AUTHORITY:** IC 4-22-2; IC 13-14-8-1; IC 13-14-8-2; IC 13-14-9; IC 13-15-2; IC 13-19-3-1; IC 13-20-6-9; IC 13-30-2.

**SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**

**Basic Purpose and Background**

The existing transfer station rule has not undergone significant revision since the early 1990s. The objectives of this rulemaking are to make the language more clear, to maintain consistency with relevant statutes and other solid waste rules, and to improve the organization of the rule to allow for easier location of pertinent requirements. The following list is divided into the three objectives for the rulemaking:

**Clarity Changes**

**General**

1. Definition of major/minor modification.
2. Exclusion of transfer and storage of enclosed (not-opened) containers with solid waste other than municipal solid waste.
3. Modification to zoning requirements.
4. Expiration of permit if construction of the facility is not begun within a reasonable time frame.

**Application requirement and design standards**

1. Information submitted on a plot plan at 329 IAC 11-9-2(h).
2. Requirements for the facility to be in an enclosed building with lockable doors.
3. Waste processing and storage area to be constructed with an impermeable surface for the floor.
4. Liquid waste and wastewater holding areas to be equipped with secondary containment or spill prevention procedures, or both.

**Operating standards**

1. Information required on the facility sign.

2. Floor cleaning in the loading areas so waste and waste residues are contained.
3. Emergency or contingency procedures for spill, fire, and contaminant release.
4. Closure and post-closure standards.

**Consistency Changes**

1. Definitions.
2. Application procedure at 329 IAC 11-9-1(d).
3. Miscellaneous provision concerning solid waste management in 329 IAC 11-15.
4. Establish financial assurance with the preoperation requirements.

**Organizational Changes**

1. Merge 329 IAC 11-13-6, 329 IAC 11-21-5, and 329 IAC 11-21-6.
2. Merge 329 IAC 11-13-4(a), 329 IAC 11-13-4(b), 329 IAC 11-13-4(c), and 329 IAC 11-21-8.
3. Merge 329 IAC 11-13-4(e), 329 IAC 11-13-4(f), and 329 IAC 11-21-9(2).
4. Merge 329 IAC 11-13-4(d) and 329 IAC 11-21-9(3).

Other changes, unknown at this time, may become necessary to improve the efficacy of 329 IAC 11, may be made in response to a comment, or may be made to comply with the Legislative Services Agency Administrative Rules Drafting Manual.

**Alternatives to Be Considered Within the Rulemaking**

**Alternative 1. Clarify, reorganize, and make consistent 329 IAC 11 regarding transfer stations**

Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.

Is this alternative imposed by federal law or is there a comparable federal law? No.

If it is a federal requirement, is it different from federal law? Not applicable.

If it is different, describe the differences. Not applicable.

**Alternative 2. Attempt to address all the problems and concerns with 329 IAC 11 by departmental policy**

Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.

Is this alternative imposed by federal law or is there a comparable federal law? No.

If it is a federal requirement, is it different from federal law? Not applicable.

If it is different, describe the differences. Not applicable.

**Applicable Federal Law**

Federal law that prohibits any solid waste management practice or disposal of solid or hazardous waste which constitutes the open dumping of solid waste or hazardous waste. (42 U.S.C. 6945) The regulations at 40 CFR 257.2 define disposal "as the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground water." Federal regulations at 40 CFR 257.3 prohibit solid waste practices that violate the established environmental criteria and

pose a reasonable probability of adverse effects on human health or the environment.

**Potential Fiscal Impact**

**Potential Fiscal Impact** The proposed changes in this rulemaking are anticipated to result in little or no additional costs to the regulated community. IDEM specifically solicits comment on any potential fiscal impacts that may result from the proposed rule amendments.

**Small Business Assistance Information**

IDEM established a compliance and technical assistance (CTAP) program under IC 13-28-3. The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with IC 13-28-3 and IC 13-28-5, there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at [www.in.gov/idem/ctap](http://www.in.gov/idem/ctap).

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Sandra El-Yusuf

IDEM Compliance and Technical Assistance Program

OPPTA - MC60-04

100 N. Senate Avenue

W-041

Indianapolis, IN 46204-2251

(317) 232-8578

[selyusuf@idem.in.gov](mailto:selyusuf@idem.in.gov)

The Small Business Assistance Program Ombudsman is:

Eric Levenhagen

IDEM Small Business Assistance Program Ombudsman

External Affairs - MC50-01

100 N. Senate Avenue

IGCN 1301

Indianapolis, IN 46204-2251

(317) 234-3386

[elevenha@idem.in.gov](mailto:elevenha@idem.in.gov)

**Public Participation and Workgroup Information**

A workgroup is planned for this rulemaking. If you are interested in being a member of this workgroup, please contact Lynn West, Rules, Planning, and Outreach Section, Office of Land Quality at (317) 232-3593 or (800) 451-6027 (in Indiana). The first meeting of the workgroup will be on April 18, 2006, at 1:30 p.m., in the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, 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:

#06-70(SWMB) [Transfer Station Change Rule]

Marjorie Samuel

Rules, Planning, and Outreach Section

Office of Land Quality

Indiana Department of Environmental Management

100 North Senate Avenue

Indianapolis, Indiana 46204.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the eleventh floor reception desk, Office of Land Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 232-3403, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling Marjorie Samuel in the Rules, Planning, and Outreach Section at (317) 232-7995.

**COMMENT PERIOD DEADLINE**

Comments must be postmarked, faxed, or hand delivered by May 1, 2006.

Additional information regarding this action may be obtained from Lynn West, Rules, Planning, and Outreach Section, Office of Land Quality, (317) 232-3593 or (800) 451-6027 (in Indiana).

Bruce H. Palin

Deputy Assistant Commissioner

Office of Land Quality

---

**TITLE 329 SOLID WASTE MANAGEMENT BOARD**

**CONTINUATION OF FIRST NOTICE OF COMMENT PERIOD**

LSA Document #05-234(SWMB)

**DEVELOPMENT OF NEW RULES CONCERNING THE ENVIRONMENTAL STEWARDSHIP PROGRAM AND**

## COMPREHENSIVE LOCAL ENVIRONMENTAL ACTION NETWORK

### PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on new rules to 329 IAC concerning instituting state voluntary performance-based programs similar to the United States Environmental Protection Agency's (U.S. EPA) National Environmental Performance Track Program (Performance Track) to provide opportunities and incentives for eligible entities to allocate resources towards continuous improvement of their environmental management systems and pollution prevention programs. The First Notice of Comment Period, published on September 1, 2005 (28 IR 3691), asked for comments on possible incentives for the program, on elements of U.S. EPA's program and programs in other states that may be appropriate for Indiana, and on any other issues related to development and implementation of a performance-based incentive program for Indiana companies. This state program will be called the Environmental Stewardship Program (ESP). Since the publication of the First Notice of Comment Period, IDEM has identified another state program in the development stage, Comprehensive Local Environmental Action Network (CLEAN), that could be included in this rulemaking. This Continuation of First Notice provides information about the CLEAN program and requests comments on inclusion of CLEAN in this rulemaking.

### HISTORY

First Notice of Comment Period: September 1, 2005, Indiana Register (28 IR 3691). Comment period ended October 3, 2005.

**CITATIONS AFFECTED:** 329 IAC 18.

**AUTHORITY:** IC 13-14-8; IC 13-19-3-1.

### SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

#### Basic Purpose and Background

IDEM is considering implementing a performance-based incentive program, ESP, for companies that not only meet environmental regulatory requirements but that voluntarily go beyond those requirements to provide even greater protection to the environment and public health. To reward and encourage these companies, U.S. EPA and several states have implemented innovative programs that provide flexibility to eligible companies in meeting certain existing requirements. The goal of ESP is to achieve better environmental results by focusing more on outcomes than traditional measures. By providing regulatory flexibility, opportunities are provided to go beyond the compliance measures established by regulations. Opportunities are also created for state and federal government, as well as the regulated community, to focus resources more strategically to produce better overall environmental results.

The federal Performance Track program is a voluntary, performance-based program that provides incentives to companies that have gone above and beyond standard regulatory

requirements. Incentives may include: recognition, networking opportunities, low priority for routine inspections, permitting flexibility, and decreased record keeping, reporting, and monitoring frequencies. These incentives include policy, guidance, and regulatory approaches. In some cases, other actions also must be completed before an organization may take advantage of an incentive. For example, states are responsible for implementing parts of many federal environmental programs. In such cases, states may need to revise regulations, seek U.S. EPA approval of a revised program, re-issue permits, or take other actions.

Significant improvements in environmental quality are being achieved at the state and federal level as a result of performance-based programs. These programs provide opportunities and incentives for organizations to allocate resources towards continuous improvement of their environmental management systems and pollution prevention programs. Through these focused efforts, U.S. EPA and state agencies are reporting increased compliance levels and reductions in material usage, energy consumption, and emission levels by program members.

In the First Notice of Comment Period, IDEM proposed the development of a voluntary, performance-based program designed to recognize and provide greater flexibility to Indiana companies for exemplary environmental performance and stewardship. IDEM is also currently in the initial implementation phase of a voluntary program for municipalities called CLEAN. The CLEAN Community Challenge is a voluntary recognition program that helps local government take steps to plan, develop, and implement a quality of life plan. The quality of life plan addresses continuous environmental improvement and management of the community's environmental issues above and beyond regulatory compliance. The quality of life plan consists of four components: 1) mission statement, 2) environmental activities and goals, 3) implementation and operation procedures, and 4) monitoring and reviewing the plan's progress. The CLEAN Community Challenge is proposed to be structured similarly to the ESP and has equivalent eligibility criteria.

With this Continuation of First Notice, IDEM seeks comment on inclusion of the CLEAN program in this rulemaking and any elements of U.S. EPA's program and programs in other states that may be appropriate for the CLEAN program in Indiana.

#### Alternatives To Be Considered Within the Rulemaking

The First Notice of Comment Period, published on September 1, 2005 (28 IR 3691), included three (3) alternatives for which comments were received. This continuation of first notice adds this additional alternative to be considered.

#### Alternative 4. Include the CLEAN program in the new rules.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? This alternative is not imposed by federal law, but it provides a regulatory framework to implement a voluntary state program similar to the National Environmental Performance Track Program.

- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

**Applicable Federal Law**

This rule is for two voluntary, performance-based programs similar to the U.S. EPA's National Environmental Performance Track Program, a voluntary program that recognizes excellent environmental performance with opportunities and incentives. Specific environmental laws may become applicable if future federal rules for the National Environmental Performance Track Program are adopted at the state level.

**Potential Fiscal Impact**

There would be no fiscal impact imposed under any of the identified alternatives because the program is voluntary. However, organizations taking advantage of the program could see reduced costs from some of the potential incentives such as reduced record keeping, reporting, and monitoring frequency.

**Small Business Assistance Information**

IDEM established a compliance and technical assistance (CTAP) program under IC 13-28-3. The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with IC 13-28-3 and IC 13-28-5, there is a Small Business Assistance Program Ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at [www.in.gov/idem/ctap](http://www.in.gov/idem/ctap).

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Sandra El-Yusuf

IDEM Compliance and Technical Assistance Program  
OPPTA - MC60-04

100 N. Senate Avenue, W-041

Indianapolis, IN 46204-2251

(317) 232-8578

[selyusuf@idem.in.gov](mailto:selyusuf@idem.in.gov)

The Small Business Assistance Program Ombudsman is:

Eric Levenhagen

IDEM Small Business Assistance Program Ombudsman  
External Affairs - MC50-01

100 N. Senate Avenue, IGCN 1301

Indianapolis, IN 46204-2251

(317) 234-3386

[elevenha@idem.in.gov](mailto:elevenha@idem.in.gov)

**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:

#05-234(SWMB) ESP and CLEAN

Christine Pedersen Mail Code 61-50

c/o Administrative Assistant

Rules Development Section

Office of Air Quality

Indiana Department of Environmental Management

100 North Senate Avenue

Indianapolis, Indiana 46204.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the tenth floor reception desk, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342 or (317) 233-5967, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Section at (317) 233-0426.

**COMMENT PERIOD DEADLINE**

Comments must be postmarked, faxed, or hand delivered by May 1, 2006.

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).

Bruce H. Palin

Assistant Commissioner

Office of Land Quality

---

**TITLE 329 SOLID WASTE MANAGEMENT BOARD****SECOND NOTICE OF COMMENT PERIOD**

#05-167(SWMB)

**DEVELOPMENT OF AMENDMENTS TO RULES AT 329 IAC 10-20 AND 329 IAC 10-39 CONCERNING SOLID WASTE LAND DISPOSAL FACILITIES; FINANCIAL RESPONSIBILITY AND ANNUAL REVIEW AND ANNUAL SURVEY RESULTS**

## PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to 329 IAC 10-20 and 329 IAC 10-39 concerning financial responsibility for solid waste land disposal facilities. 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 329 that may be affected by this rulemaking.

## HISTORY

First Notice of Comment Period: July 1, 2005, Indiana Register (28 IR 3060).

Continuation of First Notice of Comment Period: January 1, 2006, Indiana Register (29 IR 1393).

**CITATIONS AFFECTED:** 329 IAC 10-20-24; 329 IAC 10-39-2; 329 IAC 10-39-3.

**AUTHORITY:** IC 4-22-2; IC 13-14-8-1; IC 13-14-8-2; IC 13-14-9; IC 13-15-2; IC 13-19-3-1; IC 13-30-2.

## SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

### Basic Purpose and Background

This rulemaking involves changes to the post-closure trust fund rule language to only allow annual payments for trust funds and to require the trust fund to be fully funded within the term of the initial permit or the life of the permitted unit, whichever is shorter. This rule would allow post-closure funding, for other than the trust fund, to be appropriately fully funded based on a formula that takes into account the acreage that will be certified to begin placing waste. In addition, the annual survey (flyover) would take place between January 1 and March 31, with both the annual review of the financial closure and post-closure estimate and the annual survey (flyover) submitted on the same date, June 15, each year.

The changes regarding the trust fund are being proposed to protect the state of Indiana financially. If a landfill goes bankrupt before post-closure is fully funded, the state could be left with post-closure costs. The proposed changes to submit the two annual reports on the same day are for the convenience of the regulated community. The current rule is not as stringent as the federal regulation regarding trust funds and the allowance for other mechanisms to be annually funded. The proposed changes will make the rule consistent with federal regulations and provide clarity.

### 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. This rule is required and authorized under 40 CFR 258.

### **Potential Fiscal Impact**

There should be no fiscal impact, as all changes are already required under the federal rule and under the current state rule.

However, due to a previous interpretation of the state rule because of unclear language, some owner/operators or permittees of solid waste land disposal facilities may be required to obtain complete post-closure funding within a shorter time.

### **Public Participation and Workgroup Information**

An external workgroup has been established to discuss issues involved in this rulemaking. The workgroup is made up of IDEM staff and a cross section of stakeholders. The workgroup met on September 7, 2005, and November 7, 2005, to discuss rule language and implementation of the rule.

If you wish to provide comments to the workgroup on the rulemaking, attend meetings, or have suggestions related to the workgroup process, please contact, Lynn West, Rules, Planning, and Outreach Section, Office of Land Quality at (317) 232-3593 or (800) 451-6027 (in Indiana). Please provide your name, address, phone number, and e-mail address, if applicable, where you can be contacted. The public is also encouraged to submit comments and questions to members of the workgroup who represent their particular interests in the rulemaking.

## SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from July 1, 2005, through July 30, 2005, 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:

Guinn P. Doyle, Barnes and Thornburg (BT)

Following is a summary of the comments received and IDEM's responses thereto:

*Comment:* IDEM is considering a change to the financial responsibility rule to require that a trust fund used to provide financial assurance be fully funded during the term of the permit or the life of the permitted unit, whichever is shorter. While not specifically stated, the proposed change appears to apply only to those solid waste facilities using a funded trust under 329 IAC 10-39-2(a)(1). Does IDEM intend that the proposed change will also affect solid waste facilities providing financial assurance by means of a letter of credit, surety bond or insurance? (BT)

*Response:* The proposed change may affect some facilities using letter of credit, surety bond, or insurance if the facility was annually funding over the life of the facility.

*Comment:* The notice suggests that the owner/operator or permittee of a solid waste facilities is required to conduct an annual flyover (apparently for purposes of surveying the facilities) and that IDEM is proposing to now require submission of the results of the annual flyover by February 15 of each year, rather than some other date. 329 IAC 10-20-24 requires the owner/operator or permittee to conduct an annual survey of the site between October 1 and December 31 of each year. That section does not require an annual flyover. Moreover, the equivalent federal rules, 40 CFR 258, Subpart F, imposes no requirement to conduct an annual flyover. The Solid Waste Management Board should not impose requirement on solid waste facilities that are over and above those required under the federal solid waste rule, 40 CFR 258. (BT)

*Response:* The department agrees with the commentor. Instead of “annual flyover”, the notice should have read “annual survey”. This was corrected in the continuation of first comment period.

### **SUMMARY/RESPONSE TO COMMENTS FROM THE CONTINUATION OF FIRST COMMENT PERIOD**

IDEM requested public comment from January 1, 2006, through January 30, 2006, on additional considerations for the rulemaking, 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:

Brian Hart, Regional Services Corporation (RSC)

Lisa McCoy, Dalton Corporation (DC-1)

Following is a summary of the comments received and IDEM’s responses thereto:

*Comment:* IDEM issued a first notice of intent (and a continuation) to amend these regulations; however, both the proposal and the comments refer to terms to which restricted waste sites are not familiar such as changing the annual survey (fly-over) to a certain date. It is difficult, without proposed language, to know what affect, if any, this proposed change will have on restricted waste sites. (DC-1)

*Response:* The proposed revisions to 329 IAC 10-20-24 (survey requirements) will not affect restricted waste sites; these revisions apply only to municipal solid waste landfills. The financial responsibility changes apply to all solid waste land disposal facilities as stated in the title of the rulemaking.

*Comment:* Dalton would suggest that any proposed language keep in mind that the financial assurance requirements also apply to restricted waste sites and that the amended language needs to include references to the regulations applicable to restricted waste sites if the intent is to do so. For example, when referring to annual survey (flyover) if the intent is to include the annual plot plan requirement applicable to restricted waste sites in the date change it should be stated. (DC-1)

*Response:* The financial responsibility requirements do apply to all solid waste land disposal facilities, as stated in the title of the published notices; however, the proposed revisions to 329 IAC 10-20-24 (survey requirements) will not affect restricted waste sites.

*Comment:* Dalton would suggest clarification on what specifically IDEM is trying to accomplish by the following language since it is not clear (at least to Dalton) what IDEM means by its statement that “annual payments can only be for the duration of the initial permit or over the remaining life of the facility, whichever is shorter”. [emphasis added] Does this mean that the permittee must pay for the closure of the entire permitted landfill within the time period of the initial permit (which is typically a five year permit for a restricted waste site) even if areas have yet to receive waste? IDEM needs to clarify what it is attempting to change and the basis for the change. (DC-1)

*Response:* Dalton’s interpretation that the initial permit is for five (5) years is correct; however, annual payments are only applicable to post closure financial responsibility. Please note

that the above referenced language applies only when the facility is using a trust fund as the mechanism for financial responsibility. The clarification was needed to bring the Indiana rule into compliance with 40 CFR 258 (Subtitle D), instead of relying on an interpretation of the rule. The same argument for requiring that MSWLFs have all post closure funds in place before any waste is placed can be applied to all solid waste disposal facilities. If the owner declares bankruptcy, the State could be held liable for the costs of post closure. This rule only makes changes to the financial responsibility for post closure funding section and does not deal with closure funding. In addition, as discussed in the comment, the post closure funding will only take into account that acreage certified to begin placing waste.

*Comment:* Dalton conditionally supports the suggestion by the workgroup that post closure funding be based on a formula that takes into account the acreage that will be certified to begin placing waste. The support is conditional only because the formula has not yet been proposed. (DC-1)

*Response:* The formula is being proposed in this second notice. Please refer to 329 IAC 10-39-3(b)(2) of the draft rule.

*Comment:* We believe the funding pay-in period for annual Trust Fund updates should be the design life (intended life) of the facility permit (typically 20 years) or the estimated remaining life of the facility, not the permit renewal period (5-years) as stated in the July 1, 2005 First Notice. (RSC)

*Response:* IDEM examined the current language in 329 IAC 10-39-3(b)(3) and determined that this section needed further clarification to be consistent with 40 CFR 258 requirements. IDEM believes the requirement for post closure to be fully funded within the initial term of the permit (five (5) years) or the life of the landfill unit, whichever is shorter, applies here and protects Indiana from the expense of funding post closures for some solid waste land disposal facilities.

*Comment:* We also request that IDEM consider (to be consistent with Subtitle D) allowing an annual Trust Fund update using the funding formula (CE-CV/Y) for the closure cost estimate in addition to the post-closure estimate. (RSC)

*Response:* Allowing incremental post closure funding as proposed in 329 IAC 10-39-3(b)(2) for a trust fund mechanism will not be consistent with Subtitle D requirements. As the state is authorized to act in lieu of the federal government, it is important that the rules be consistent.

*Comment:* In review of paragraph 3 of Section 7(a)(1) of Subtitle D Appendix H (Supplemental Information for Subpart G—Financial Assurance Criteria), it appears that the intent of Subtitle D was to allow facilities using Trust Funds to gradually fund the trust for both closure and post-closure over the expected life of the facility. It is stated in paragraph 3 that the maximum pay-in period is the life of the facility permit, if applicable, or the remaining number of years of facility operating life”. We believe that “initial permit” as used in the final rule (258.74(a)(2)) was intended to apply to the design life (economic life) as outlined in the closure plan and approved in the permit (new permit, permit expansion or permit modification). Similarly, paragraph 10 of Section 2 (Appendix H) states:



“The Agency does not believe that owners and operators will be unreasonably burdened by the costs of obtaining financial assurance mechanisms. The cost of complying with the financial assurance requirements should not be excessive and will be a relatively small part of the total costs of complying with closure, post-closure care, or corrective action costs, but rather to demonstrate future availability of those funds. For example, today’s rule allows trust funds to be built up gradually (see section 7.a of this appendix). By allowing an extended “pay-in” period for trust funds, the burden of funding closure, post-closure care, and corrective action obligations will be spread out over the economic life of the facility, thereby making trust funds one of the most viable financial assurance mechanisms for many owners and operators.” The financial burden to a facility could be significant by restricting the Trust Fund pay-in period to 5-years (renewal permit period) and not allowing the annual funding formula for closure. For example, under 329 IAC 10, an Operator using the Trust Fund mechanism who constructs a five acre cell must currently fully fund the closure Trust Fund for this new 5-acre area (approximately \$450,000) before accepting any waste into the area. We believe this is excessive and not in-line with the intent of Subtitle D (“trust to be gradually funded over the expected life of the facility”). (RSC)

*Response:* However helpful a Federal regulation preamble may be, it is not law. Often the rule may change though the development process but the preamble does not. IDEM closely examined Subtitle D language and consulted with EPA staff and permitting staff in other states regarding the “initial permit” requirement. Based on the comments received from EPA, IDEM believes that “initial permit” is the permit given prior to the first renewal and is given for five (5) or less years. In addition, other federal rule language supports with this interpretation of “initial permit”. For instance, 40 CFR 70.7(h) states that all part 70 “permit proceedings, including **initial permit** issuance, significant modifications, and renewals, shall provide adequate procedures for public notice”. With regards to the incremental funding of closure, IDEM did not make any revisions to this portion of the rule. It has been shown by past experience that if a solid waste disposal facility does not fully fund the post closure and the owners declare bankruptcy, the state can be liable for post closure costs.

*Comment:* We request that IDEM consider allowing facilities to establish their own site specific annual survey update period (3 month period) and financial assurance update. Fiscal year, budgeting, internal reporting, construction scheduling, type of survey, and planning (etc) are all components that can vary from facility to facility and result in a desired alternative survey or financial assurance schedule. We request that IDEM consider allowing facility’s the option to update financial assurance for new construction at the time of construction. (RSC)

*Response:* IDEM did incorporate suggestions from the first comment period and workgroup meetings. The majority of facility representatives that attended the workgroup meetings agreed to the changes. The date of annual survey submittal was moved to June 15 of each year to coincide with the date of the

financial update submittal. This was done so one (1) map can be used for both requirements. The requirement of including all new construction areas for the annual update applies only if the facility chooses to use the proposed formula in 329 IAC 10-39-3(b)(2) to calculate its post closure amount.

*Comment:* We request that IDEM provide at least a 24-month transitional time for compliance after the new rule becomes effective. This transitional time is requested to allow facilities that may be significantly under funded adequate time to comply. (RSC)

*Response:* IDEM considers the proposed changes to be either rule clarifications or changes that will actually benefit the regulated community; however, IDEM is interested in hearing about any specific circumstances or facilities that would be adversely impacted by the rule as drafted.

## 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:

#05-167(SWMB)[Financial Responsibility Change Rule]  
Marjorie Samuel  
Rules, Planning, and Outreach Section  
Office of Land Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the receptionist on duty at the eleventh floor reception desk, Office of Land Quality, 100 North Senate Avenue, Indianapolis, Indiana.

## COMMENT PERIOD DEADLINE

Comments must be postmarked or hand delivered by May 1, 2006.

Additional information regarding this action may be obtained from Lynn West, Rules, Planning, and Outreach Section, Office of Land Quality, (317)232-3593 or (800) 451-6027 (in Indiana).

## DRAFT RULE

SECTION 1. 329 IAC 10-20-24 IS AMENDED TO READ AS FOLLOWS:

### 329 IAC 10-20-24 Survey requirements

**Authority:** IC 13-14-8-7; IC 13-15; IC 13-19-3  
**Affected:** IC 13-20; IC 36-9-30

Sec. 24. (a) The owner, operator, or permittee of an MSWLF shall maintain the series of identifiable boundary markers required under 329 IAC 10-19-1(a)(2)(B) to delineate the approved solid waste land disposal facility boundary and approved solid waste boundaries for the life of the MSWLF.

(b) The owner, operator, or permittee shall maintain the on-site benchmarks required under 329 IAC 10-19-1(a)(2)(C) so that no portion of the proposed solid waste disposal area is

further than one thousand (1,000) feet from a benchmark unless a greater distance is:

- (1) necessary to avoid the placement of benchmarks on filled areas; and ~~is~~
- (2) approved by the commissioner.

(c) The owner, operator, or permittee shall conduct an annual survey between ~~October~~ **January 1** and ~~December~~ **March 31** of each year for the purpose of establishing a contour map that indicates existing contours of the MSWLF and the existing limits of solid waste disposed at the MSWLF. The contour map must be done at the same scale as the final contour map required under 329 IAC 10-15-2. The contour map must:

- (1) indicate the day the survey was conducted; and ~~must~~
- (2) be submitted to the department by ~~February~~ **June 15** of ~~the year following the survey~~ in a paper copy form.

(d) The owner, operator, or permittee of a currently permitted MSWLF shall submit a present contour map and a proposed final contour map on paper copy form as required by 329 IAC 10-15-2(b). In addition to the paper copy forms, a copy may also be submitted electronically. No subsequent annual submissions of the final contour map will be necessary unless there is a change to the approved final contours. (*Solid Waste Management Board; 329 IAC 10-20-24; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1853; filed Mar 19, 1998, 11:07 a.m.: 21 IR 2789; filed Aug 2, 1999, 11:50 a.m.: 22 IR 3834; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Feb 9, 2004, 4:51 p.m.: 27 IR 1825, eff Apr 1, 2004*)

SECTION 2. 329 IAC 10-39-2 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 10-39-2 Closure; financial responsibility**

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3

Affected: IC 13-20; IC 36-9-30

Sec. 2. (a) The permittee shall establish financial responsibility for closure of **all the permitted acreage for** the solid waste land disposal facility **before waste placement**. The permittee shall choose from the following options:

- (1) The trust fund option, including the following:
  - (A) The permittee may satisfy the requirements of this section by establishing a trust agreement on:
    - (i) forms provided by the commissioner; or ~~on such~~
    - (ii) other ~~form as~~ **forms** approved by the commissioner.
  - (B) All trust agreements must contain the following:
    - (i) Identification of solid waste land disposal facilities and corresponding closure cost estimates covered by the trust agreement.
    - (ii) The establishment of a trust fund in the amount determined by subsection (b) and guarantee payments from that fund either:
      - (AA) reimbursing the permittee for commissioner-approved closure work done; or
      - (BB) making payments to the commissioner for accomplishing required closure work.

(iii) The requirement of annual evaluations of the trust to be submitted to the commissioner.

(iv) The requirement of successor trustees to notify the commissioner, in writing, of their appointment at least ten (10) days ~~prior to~~ **before** the appointment becoming effective.

(v) The requirement of the trustee to notify the commissioner, in writing, of the failure of the permittee to make a required payment into the fund.

(vi) The establishment that the trust is irrevocable unless terminated, in writing, with the approval of the:

- (AA) permittee; ~~the~~
- (BB) trustee; and ~~the~~
- (CC) commissioner.

(vii) A certification that the signatory of the trust agreement for the permittee was duly authorized to bind the permittee.

(viii) A notarization of all signatures by a notary public commissioned to be a notary public in the state of Indiana at the time of notarization.

(ix) The establishment that the trustee is:

- (AA) authorized to act as a trustee; and ~~is~~
- (BB) an entity whose operations are regulated and examined by a federal and state of Indiana agency.

(x) The requirement of:

- (AA) initial payment into the fund be made within thirty (30) days of the commissioner's approval of the trust agreement; and
- (BB) any subsequent payments be made ~~within thirty (30) days of each anniversary of the initial payment.~~ **annually not later than June 15.**

(2) The surety bond option, including the following:

(A) The permittee may satisfy the requirements of this section by establishing a surety bond on:

- (i) forms provided by the commissioner; or ~~on such~~
- (ii) other forms ~~as~~ approved by the commissioner.

(B) All surety bonds must contain the following:

(i) The establishment of penal sums in the amount determined by subsection (b).

(ii) Provision that the surety:

- (AA) will be liable to fulfill the permittee's closure obligations upon notice from the commissioner that the permittee has failed to do so; ~~and~~
- (iii) ~~Provision that the surety~~ (BB) may not cancel the bond without first sending notice of cancellation by certified mail to the permittee and the commissioner at least one hundred twenty (120) days ~~prior to~~ **before** the effective date of the cancellation.

~~(iv)~~ (iii) Provision that the permittee may not terminate the bond without prior written authorization by the commissioner.

(C) The permittee shall establish a standby trust fund to be utilized in the event the:

- (i) permittee fails to fulfill closure obligations; and ~~the~~
- (ii) bond guarantee is exercised. ~~Such~~

The trust fund must be established in accordance with the requirements of subdivision (1).

(D) The surety company issuing the bond must be:

(i) among those listed as acceptable sureties for federal bonds in Circular 570 of the United States Department of the Treasury; and ~~must be~~

(ii) authorized to do business in Indiana.

(E) The surety will not be liable for deficiencies in the performance of closure by the permittee after the commissioner releases the permittee in accordance with section 6 of this rule.

(3) The letter of credit option, including the following:

(A) The permittee may satisfy the requirements of this section by establishing a letter of credit on:

(i) forms provided by the commissioner; or ~~on such~~

(ii) other forms ~~as~~ approved by the commissioner.

(B) All letters of credit must contain the following:

(i) The establishment of credit in the amount determined by subsection (b).

(ii) Irrevocability.

(iii) An effective period of at least one (1) year and automatic extensions for periods of at least one (1) year unless the issuing institution provides written notification of cancellation by certified mail to both the permittee and the commissioner at least one hundred twenty (120) days ~~prior to~~ before the effective date of cancellation.

(iv) Provision that, upon written notice from the commissioner, the institution issuing the letter of credit will:

(AA) state that the permittee's obligations have not been fulfilled; and ~~the institution will~~

(BB) deposit funds equal to the amount of the letter of credit into a trust fund to be used to ensure the permittee's closure obligations are fulfilled.

(C) The permittee shall establish a standby trust fund to be utilized in the event the:

(i) permittee fails to fulfill its closure obligations; and ~~the~~

(ii) letter of credit is utilized. ~~Such~~

The trust funds must be established in accordance with the requirements of subdivision (1).

(D) The issuing institution must be an entity:

(i) that has the authority to issue letters of credit; and

(ii) whose letters of credit operations are regulated and examined by a federal or Indiana agency.

(4) The insurance option, including the following:

(A) The permittee may satisfy the requirements of this section by providing evidence of insurance on:

(i) forms provided by the commissioner; or ~~on such~~

(ii) other forms ~~as~~ approved by the commissioner.

(B) All insurance must include the following requirements:

(i) Be in the amount determined by subsection (b).

(ii) Provide that, upon written notification to the insurer by the commissioner that the permittee has failed to perform final closure, the insurer shall make payments:

(AA) in any amount, not to exceed the amount insured; and

(BB) to any person authorized by the commissioner.

(iii) Provide that the permittee shall maintain the policy in full force and effect unless the commissioner consents in writing to termination of the policy.

(iv) Provide for assignment of the policy to a transferee permittee.

(v) Provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure of the permittee to pay the premium. No policy may:

(AA) be canceled;

(BB) be terminated; or

(CC) fail to be renewed;

unless at least one hundred twenty (120) days ~~prior to~~ ~~such before the~~ event the commissioner and the permittee are notified by the insurer in writing.

(C) The insurer shall either be:

(i) licensed to transact the business of insurance; or ~~be~~

(ii) eligible to provide insurance as an excess or surplus lines insurer;

in one (1) or more states.

(5) The financial test for restricted waste sites option, including the following:

(A) This financial test is only available for restricted waste sites.

(B) If a permittee meets the criteria set forth in item (i) and either item (ii) or (iii), the permittee shall be deemed to have established financial responsibility as follows:

(i) Less than fifty percent (50%) of the company's gross revenues are derived from waste management.

(ii) The permittee meets the following four (4) tests:

(AA) Two (2) of the following three (3) ratios are met:

(aa) A ratio of total liabilities to net worth less than two (2.0).

(bb) A ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than one-tenth (0.1).

(cc) A ratio of current assets to current liabilities greater than one and one-half (1.5).

(BB) Net working capital and tangible net worth each at least six (6) times the sum of the current closure and current post-closure cost estimates.

(CC) Tangible net worth of at least ten million dollars (\$10,000,000).

(DD) Assets in the United States amounting to at least ninety percent (90%) of the permittee's total assets or at least six (6) times the sum of the current closure and current post-closure costs estimates.

(iii) The permittee meets the following four (4) tests:

(AA) A current rating for the permittee's most recent bond issuance of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's.

(BB) Tangible net worth of at least six (6) times the sum of the current closure and current post-closure cost estimates.

(CC) Tangible net worth of at least ten million dollars (\$10,000,000).

(DD) Assets located in the United States amounting to at least ninety percent (90%) of the permittee's total assets or at least six (6) times the sum of the current closure and current post-closure estimates.

(C) To demonstrate the financial test has been met, the permittee shall submit the following documents to the commissioner:

(i) A form provided by the commissioner or ~~such~~ other form ~~as~~ approved by the commissioner, signed by the permittee's chief financial officer, demonstrating the applicable criteria have been met.

(ii) A copy of an independent certified public accountant's report examining the permittee's financial statements for the latest completed fiscal year.

(iii) A special report from the permittee's independent certified public accountant to the permittee stating **the following:**

(AA) The certified public accountant has compared the data that the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in ~~such the~~ financial statements. ~~and~~

(BB) In connection with that procedure, no matters ~~come came~~ to the attention of the certified public accountant that caused the certified public accountant to believe that the specified data should be adjusted.

(D) The permittee shall submit updated clause (C) documents to the commissioner within ninety (90) days after the close of each fiscal year.

(E) If at any time the permittee fails to meet the financial test, the permittee shall establish an alternate financial responsibility mechanism within one hundred twenty (120) days after the end of the fiscal year for which the year-end financial data shows that the permittee no longer meets the requirements.

(F) The commissioner may disallow use of this test on the basis of qualifications in the opinion expressed in the independent certified public accountant's report examining the permittee's financial statements. An adverse opinion or a disclaimer of opinion will be cause for disallowance. Other qualifications may be cause for disallowance if, in the opinion of the commissioner, they indicate the permittee does not meet the requirements of this subdivision. The permittee shall choose an alternate financial responsibility mechanism within thirty (30) days after notification of the disallowance.

(6) The local government financial test option, including the following:

(A) This financial test is only available for permittees that are local governments. As used in this subdivision, "local government" means a county, municipality, township, or solid waste management district.

(B) A local government permittee that satisfies the following requirements may demonstrate financial assurance up to the amount specified in clause (C):

(i) The local government permittee shall meet the following financial component requirements:

(AA) The local government permittee shall satisfy either of the following as applicable:

(aa) If the local government permittee has outstanding, rated general obligation bonds that are not secured by insurance, a letter of credit, or other collateral or guarantee, the local government permittee shall have a current rating of:

(1) Aaa, Aa, A, or Baa as issued by Moody's; or

(2) AAA, AA, A, or BBB as issued by Standard and Poor's;

on all ~~such the~~ general obligation bonds.

(bb) The local government permittee shall satisfy the following financial ratios based on the local government permittee's most recent audited annual financial statement:

(1) A ratio of cash plus marketable securities to total expenditures greater than or equal to five-hundredths (0.05).

(2) A ratio of annual debt service to total expenditures less than or equal to two-tenths (0.20).

(BB) The local government permittee shall:

(aa) prepare the local government permittee's financial statements in conformity with generally accepted accounting principles (GAAP) for governments; and

(bb) have the financial statements audited by an independent certified public accountant or the state board of accounts.

(CC) A local government permittee is not eligible to assure the local government permittee's obligations under this subdivision if any of the following applies to the local government permittee:

(aa) The local government permittee is currently in default on any outstanding general obligation bonds.

(bb) The local government permittee has any outstanding general obligation bonds rated lower than Baa as issued by Moody's or BBB as issued by Standard and Poor's.

(cc) The local government permittee has operated at a deficit equal to five percent (5%) or more of total annual revenue in each of the past two (2) fiscal years.

(dd) The local government permittee receives an adverse opinion, disclaimer of opinion, or other qualified opinion from the independent certified public accountant or the state board of accounts auditing its financial statement as required under subitem (BB). The commissioner may evaluate qualified opinions on a case-by-case basis and allow use of the financial test in cases where the commissioner deems the qualification insufficient to warrant

disallowance of use of the test.

(DD) As used in this subdivision, the following terms apply:

(aa) "Cash plus marketable securities" means all the cash plus marketable securities held by the local government permittee on the last day of a fiscal year, excluding cash and marketable securities designated to satisfy past obligations, such as pensions.

(bb) "Debt service" means the amount of principal and interest due on a loan in a given time period, typically the current year.

(cc) "Deficit" means total annual revenues minus total annual expenditures.

(dd) "Total expenditures" means all expenditures, excluding capital outlays and debt repayment.

(ee) "Total revenues" means revenues from all taxes and fees but does not include the proceeds from borrowing or asset sales, excluding revenues from funds managed by the local government permittee on behalf of a specific third party.

(ii) The local government permittee shall meet the following public notice component requirements:

(AA) The local government permittee shall place a reference to the closure and post-closure care costs assured through the financial test into the local government permittee's next comprehensive annual financial report (CAFR) at the time of the next required local government financial test annual submittal or **prior to before** the initial receipt of waste at the facility, whichever is later. Disclosure must include the following:

(aa) Nature and source of closure and post-closure care requirements.

(bb) Reported liability at the balance sheet date.

(cc) Estimated total closure and post-closure care cost remaining to be recognized.

(dd) Percentage of landfill capacity used to date.

(ee) Estimated landfill life in years.

(BB) A reference to corrective action costs must be placed in the CAFR not later than one hundred twenty (120) days after the corrective action remedy has been selected in accordance with the requirements of 329 IAC 10-21-13.

(CC) For the first year the financial test is used to assure costs at a particular facility, the reference may instead be placed in the facility's operating record until issuance of the next available CAFR if timing does not permit the reference to be incorporated into the most recently issued CAFR or budget.

(DD) For closure and post-closure costs, conformance with Government Accounting Standards Board Statement 18 assures compliance with this public notice component.

(iii) The local government permittee shall meet the following record keeping and reporting requirements:

(AA) The local government permittee shall place the

following items in the facility's operating record:

(aa) A letter signed by the local government permittee's chief financial officer that completes the following:

(1) Lists all of the current cost estimates covered by a financial test as described in clause (C).

(2) Provides evidence and certifies that the local government permittee meets the conditions of item (i)(AA) ~~(i)(BB)~~, and through (i)(CC).

(3) Certifies that the local government permittee meets the conditions of item (ii) and clause (C).

(bb) The local government permittee's independently audited year-end financial statements for the latest fiscal year (except for local government permittees where audits are required every two (2) years when unaudited statements may be used in years when audits are not required), including the unqualified opinion of the auditor, who shall be an independent certified public accountant, or the state board of accounts that conducts equivalent comprehensive audits.

(cc) A report to the local government permittee from the local government permittee's independent certified public accountant or the state board of accounts based on performing an agreed upon procedures engagement relative to the:

(1) financial ratios required by item (i)(AA)(bb), if applicable; and

(2) requirements of item (i)(BB), (i)(CC)(cc), and (i)(CC)(dd).

The independent certified public accountant's or state board of accounts' report must state the procedures performed and the findings.

(dd) A copy of the CAFR used to comply with item (ii) or certification that the requirements of General Accounting Standards Board Statement 18 have been met.

(BB) The items required in subitem (AA) must be placed in the facility operating record as follows:

(aa) In the case of closure and post-closure care, either at the time of the next required local government financial test annual submittal or **prior to before** the initial receipt of waste at the facility, whichever is later.

(bb) In the case of corrective action, not later than one hundred twenty (120) days after the corrective action remedy is selected in accordance with the requirements of 329 IAC 10-21-13.

(CC) After the initial placement of the items in the facility's operating record, the local government permittee shall:

(aa) update the information; and

(bb) place the updated information in the operating record;

within one hundred eighty (180) days following the

close of the local government permittee's fiscal year.

(DD) The local government permittee is no longer required to meet the requirements of this item when either of the following occur: **local government permittee:**

(aa) The local government permittee substitutes alternate financial assurance as specified in this rule;

or

(bb) The local government permittee is released from the requirements of this rule in accordance with section 6 or 11 of this rule.

(EE) A local government permittee shall satisfy the requirements of the financial test at the close of each fiscal year. If the local government permittee no longer meets the requirements of the local government financial test, the local government permittee shall, within one hundred twenty (120) days following the close of the local government permittee's fiscal year, complete the following:

(aa) Obtain alternative financial assurance that meets the requirements of this rule.

(bb) Place the required submissions for that assurance in the facility's operating record.

(cc) Notify the commissioner that the local government permittee no longer meets the criteria of the financial test and that alternate assurance has been obtained.

(FF) The commissioner, based on a reasonable belief that the local government permittee may no longer meet the requirements of the local government financial test, may require additional reports of financial condition from the local government permittee at any time. If the commissioner finds, on the basis of such the reports or other information, that the local government permittee no longer meets the requirements of the local government financial test, the local government permittee shall provide alternate financial assurance in accordance with this rule.

(GG) The commissioner may disallow use of this test on the basis of qualifications in the opinion expressed in the state board of accounts' annual financial audit of the local government permittee. An adverse opinion or a disclaimer of opinion is cause for disallowance. Other qualifications may be cause for disallowance if, in the opinion of the commissioner, the qualifications indicate the local government permittee does not meet the requirements of this subdivision. The local government permittee shall choose an alternate financial responsibility mechanism within ninety (90) days after notification of the disallowance.

(C) The local government permittee shall complete the calculation of costs to be assured. The portion of the closure, post-closure, and corrective action costs for which a local government permittee can assure under this subdivision is determined as follows:

(i) If the local government permittee does not assure other environmental obligations through a financial test, the local government permittee may assure closure, post-closure, and corrective action costs that equal up to forty-three percent (43%) of the local government permittee's total annual revenue.

(ii) If the local government permittee assures other environmental obligations through a financial test, including those associated with:

(AA) underground injection control (UIC) facilities under 40 CFR 144.62;

(BB) petroleum underground storage tank facilities under 329 IAC 9-8;

(CC) polychlorinated biphenyls (PCB) storage facilities under 40 CFR 761; and

(DD) hazardous waste treatment, storage, and disposal facilities under 329 IAC 3.1-14 or 329 IAC 3.1-15;

the local government permittee shall add those costs to the closure, post-closure, and corrective action costs the local government permittee seeks to assure under this subdivision. The total that may be assured must not exceed forty-three percent (43%) of the local government permittee's total annual revenue.

(iii) The local government permittee shall obtain an alternate financial assurance instrument for those costs that exceed the limits set in this clause.

(7) The local government guarantee option, including the following:

(A) A permittee may demonstrate financial assurance for closure, post-closure, and corrective action, as required by sections 2, 3, and 10 of this rule, by obtaining a written guarantee provided by a local government.

(B) The guarantor shall meet the requirements of the local government financial test in subdivision (6) and shall comply with the terms of a written guarantee as follows:

(i) The guarantee must be effective:

(AA) before the initial receipt of waste or at the time of the next required local government financial test annual submittal, whichever is later, in the case of closure and post-closure care; or

(BB) ~~no~~ not later than one hundred twenty (120) days after the corrective action remedy has been selected in accordance with the requirements of 329 IAC 10-21-13.

(ii) The guarantee must provide the following:

(AA) If the permittee fails to perform any combination of closure, post-closure care, or corrective action of a facility covered by the guarantee, the guarantor shall:

(aa) perform or pay a third party to perform any combination of closure, post-closure care, or corrective action as required under this subitem; or

(bb) establish a fully funded trust fund as specified in subdivision (1) in the name of the permittee.

(BB) The guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the permittee and to the commissioner. Cancellation

must not occur during the one hundred twenty (120) days beginning on the date of receipt of the notice of cancellation by both the permittee and the commissioner as evidenced by the return receipts.

(CC) If a guarantee is canceled under subitem (BB), the permittee shall, within ninety (90) days following receipt of the cancellation notice by the permittee and the commissioner, complete the following:

(aa) Obtain alternate financial assurance under this rule.

(bb) Place evidence of that alternate financial assurance in the facility operating record.

(cc) Notify the commissioner.

(DD) If the permittee fails to provide alternate financial assurance within the ninety (90) day period under subitem (CC), the guarantor shall complete the following:

(aa) Provide alternate assurance within one hundred twenty (120) days following the guarantor's notice of cancellation.

(bb) Place evidence of the alternate assurance in the facility operating record.

(cc) Notify the commissioner.

(C) The permittee shall complete the following record keeping and reporting requirements:

(i) The permittee shall place a certified copy of the guarantee along with the items required under subdivision (6)(B)(iii) into the facility's operating record:

(AA) before the initial receipt of waste or at the time of the next required local government financial test annual submittal, whichever is later, in the case of closure and post-closure care; or

(BB) ~~no~~ **not** later than one hundred twenty (120) days after the corrective action remedy has been selected in accordance with 329 IAC 10-21-13.

(ii) The permittee is no longer required to maintain the items specified in this clause when **the permittee:**

(AA) ~~the permittee~~ substitutes alternate financial assurance as specified in this rule; or

(BB) ~~the permittee~~ is released from the requirements of this rule in accordance with section 6 or 11 of this rule.

(iii) If a local government guarantor no longer meets the requirements of subdivision (6), the permittee shall, within ninety (90) days, complete the following:

(AA) Obtain alternative assurance.

(BB) Place evidence of the alternate assurance in the facility operating record.

(CC) Notify the commissioner.

If the permittee fails to obtain alternate financial assurance within the ninety (90) day period, the guarantor shall provide that alternate assurance within the next thirty (30) days.

(b) Financial responsibility closure cost estimate requirements must be as follows:

(1) For purposes of establishing financial responsibility, the permittee shall have a detailed written estimate of the cost of closing the facility based on the following:

(A) The closure costs derived under:

(i) 329 IAC 10-22-2(c);

(ii) 329 IAC 10-30-4(b); or

(iii) 329 IAC 10-37-4(b).

(B) One (1) of the closure cost estimating standards under subdivision (3).

(2) As used in this section, "establishment of financial responsibility" means submission of financial responsibility to the commissioner in the form of one (1) of the options under subsection (a).

(3) The permittee shall use one (1) of the following closure cost estimating standards:

(A) The entire solid waste land disposal facility closure standard is an amount that equals the estimated total cost of closing the entire solid waste land disposal facility, less an amount representing portions of the solid waste land disposal facility that have been certified for partial closure in accordance with:

(i) 329 IAC 10-22-3;

(ii) 329 IAC 10-30-5; or

(iii) 329 IAC 10-37-5.

(B) The incremental closure standard is an amount ~~which,~~ **that,** for any year of operation, equals the total cost of closing the portion of the solid waste land disposal facility dedicated to the current year of solid waste land disposal facility operation, plus all closure amounts from all other partially or completely filled portions of the solid waste land disposal facility from prior years of operation that have not yet been certified for partial closure in accordance with:

(i) 329 IAC 10-22-3;

(ii) 329 IAC 10-30-5; or

(iii) 329 IAC 10-37-5.

(c) Until final closure of the solid waste land disposal facility is certified, the permittee shall annually review and submit to the commissioner the financial closure estimate derived under this section ~~within thirty (30) days after the annual submittal date. The funding must be established or updated within thirty (30) days after the original effective date of the establishment of responsibility for closure. The funding must be updated within thirty (30) days after the annual submittal date. annually not later than June 15.~~ The submittal must also include a copy of the final contour map of the solid waste land disposal facility that delineates the boundaries of all areas into which waste has been placed as of the annual review and certified by a registered professional engineer or registered land surveyor. In addition, as part of the annual review, the permittee shall revise the closure estimate as follows:

(1) For inflation, using an inflation factor derived from the annual implicit price deflator for gross national product as published by the United States Department of Commerce in its Survey of Current Business. The inflation factor is the

result of dividing the latest published annual deflator by the deflator for the previous year as follows:

(A) The first revision is made by multiplying the original closure cost estimate by the inflation factor. The result is the revised closure cost estimate.

(B) Subsequent revisions are made by multiplying the latest revised closure cost estimate by the latest inflation factor.

(2) For changes in the closure plan, whenever ~~such~~ the changes increase the cost of closure.

(d) The permittee may revise the closure cost estimate downward whenever a change in the closure plan decreases the cost of closure or whenever portions of the solid waste land disposal facility have been certified for partial closure under:

- (1) 329 IAC 10-22-3;
- (2) 329 IAC 10-30-5; or
- (3) 329 IAC 10-37-5.

*(Solid Waste Management Board; 329 IAC 10-39-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1919; filed Mar 19, 1998, 11:07 a.m.: 21 IR 2817; filed Feb 26, 1999, 5:45 p.m.: 22 IR 2228; filed Aug 2, 1999, 11:50 a.m.: 22 IR 3866; errata filed Sep 8, 1999, 11:38 a.m.: 23 IR 27; filed Feb 9, 2004, 4:51 p.m.: 27 IR 1864, eff Apr 1, 2004)*

SECTION 3. 329 IAC 10-39-3 IS AMENDED TO READ AS FOLLOWS:

### 329 IAC 10-39-3 Post-closure; financial responsibility

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3

Affected: IC 13-20; IC 36-9-30

Sec. 3. (a) The permittee shall establish financial responsibility for post-closure care **for all the permitted acreage** of the solid waste land disposal facility **before waste placement, unless as allowed by subsection (b).** The permittee shall choose from the following options:

(1) The trust fund option, including the following:

- (A) The permittee shall establish a trust agreement on:
  - (i) forms provided by the commissioner; or ~~on such~~
  - (ii) other forms ~~as~~ approved by the commissioner.

(B) All trust agreements must conform to the requirements detailed in section 2(a)(1)(B) of this rule, with the exception that the term "post-closure" be substituted for the term "closure".

(2) The surety bond option, including the following:

- (A) The permittee shall establish a surety bond on:
  - (i) forms provided by the commissioner; or ~~on such~~
  - (ii) other ~~form as~~ forms approved by the commissioner.
- (B) All surety bonds must conform to the requirements detailed in section 2(a)(2)(B) through 2(a)(2)(E) of this rule, with the exception that the term "post-closure" be substituted for the term "closure".

(3) The letter of credit option, including the following:

- (A) The permittee shall establish a letter of credit on:
  - (i) forms provided by the commissioner; or ~~on such~~
  - (ii) other forms ~~as~~ approved by the commissioner.
- (B) All letters of credit must conform to the requirements

detailed in section 2(a)(3)(B) through 2(a)(3)(D) of this rule, with the exception that the term "post-closure" be substituted for the term "closure".

(4) The insurance option, including the following:

- (A) The permittee shall provide evidence of insurance on:
  - (i) forms provided by the commissioner; or ~~on such~~
  - (ii) other forms ~~as~~ approved by the commissioner.

(B) All insurance must conform to the requirements detailed in section 2(a)(4)(B) ~~through~~ and 2(a)(4)(C) of this rule, with the exception that the term "post-closure" be substituted for the term "closure".

(5) The financial test for restricted waste sites option, including the following:

(A) This financial test is only available for restricted waste sites.

(B) If a permittee meets the criteria set forth in section 2(a)(5)(B) through 2(a)(5)(D) of this rule, the permittee shall be deemed to have established financial responsibility.

(6) The local government financial test option, including the following:

(A) This financial test is only available for permittees that are local governments. As used in this subdivision, "local government" means a county, municipality, township, or solid waste management district.

(B) If a permittee meets the criteria set forth in section 2(a)(6)(B) ~~through~~ and 2(a)(6)(C) of this rule, the permittee shall be deemed to have established financial responsibility.

(C) If, at any time, the permittee fails to meet the financial test, the permittee shall establish an alternate financial responsibility mechanism within one hundred twenty (120) days after the end of the fiscal year for which the financial data required by this clause shows that the permittee no longer meets the requirements.

(D) The commissioner may disallow use of this test on the basis of qualifications in the opinion expressed in the state board of accounts' annual financial audit of the permittee. An adverse opinion or a disclaimer of opinion is cause for disallowance. Other qualifications may be cause for disallowance if, in the opinion of the commissioner, the qualifications indicate the permittee does not meet the requirements of this subdivision. The permittee shall choose an alternate financial responsibility mechanism within ninety (90) days after notification of the disallowance.

(7) The local government guarantee option. If the local government guarantor and the permittee meet the requirements of section 2(a)(7)(B) and 2(a)(7)(C) of this rule, the permittee shall be deemed to have established financial responsibility.

(b) The permittee shall choose a financial responsibility mechanism, **as provided in subsection (a),** that guarantees funds will be available to meet the post-closure requirements of the solid waste land disposal facility, including the following:

(1) **As applicable,** funding must equal the amount determined under:



- (A) 329 IAC 10-23-3(c)(5) and 329 IAC 10-23-3(c)(6);
- (B) 329 IAC 10-31-3(b)(4); or
- (C) 329 IAC 10-38-3(b)(4).

(2) Funding may be accomplished by initially funding the chosen financial responsibility mechanism in an amount equal to the amount determined under:

- (A) 329 IAC 10-23-3(c)(5) and 329 IAC 10-23-3(c)(6);
- (B) 329 IAC 10-31-3(b)(4); or
- (C) 329 IAC 10-38-3(b)(4).

(2) Except for the trust fund mechanism, the permittee may completely fund the post-closure care amount, as determined under subdivision (1), based on the following formula and before the placement of any waste in the permitted area that is certified to receive waste:

$$\left[ \left( \frac{CA + TR_A}{TP_A} \times PC_{(o)} \right) + PC_{(f)} \right] \times C = PCF$$

Where: CA = Total of existing acres certified to receive waste and acres that received waste previously.

TP<sub>A</sub> = Total permitted acres.

TR<sub>A</sub> = Total projected acres that will be certified to receive waste within the current annual update year, which is June 15 to June 15.

PC<sub>(f)</sub> = Fixed post-closure costs.

PC<sub>(o)</sub> = All other post-closure costs but fixed post-closure costs.

C = Contingencies, which are 25% of total post-closure costs.

PCF = Post-closure funding.

Fixed costs include semiannual inspections and reports, access control and benchmark maintenance, ground water monitoring and well maintenance, and methane gas monitoring and maintenance.

(3) For only the trust fund mechanism, funding may also be accomplished by making annual payments equal to the amount determined by the formula:

$$\text{Next Payment} = \frac{CE - CV}{Y}$$

Where: CE = The current total post-closure cost estimate as determined by subdivision (1).

CV = The current value of the trust fund.

Y = The number of years remaining in the pay-in period term of the original permit, which is five (5) years or less, or over the remaining life of the MSWLF, whichever is shorter.

Annual funding must be no accomplished not later than thirty (30) days after either each annual anniversary date of the first payment into the mechanism or the establishment of the mechanism, if no payments are required: June 15 of each year.

(c) The permittee shall submit an annual update for the

amount calculated under subsection (b) for inflation and for changes in the post-closure plan, which increase the costs of post-closure, within thirty (30) days after the annual submittal date not later than June 15 of each year to the commissioner regarding post-closure financial assurance until final closure certification.

(d) If the formula in subsection (b)(2) is used, the permittee shall itemize separately both the fixed costs and all other costs. (Solid Waste Management Board; 329 IAC 10-39-3; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1922; filed Feb 26, 1999, 5:45 p.m.: 22 IR 2235; filed Aug 2, 1999, 11:50 a.m.: 22 IR 3871; filed Feb 9, 2004, 4:51 p.m.: 27 IR 1870, eff Apr 1, 2004)

#### 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 July 18, 2006, at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Solid Waste Management Board will hold a public hearing on amendments to 329 IAC 10-20-24 and 329 IAC 10-39.

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. Procedures to be followed at this hearing may be found in the April 1, 1996, Indiana Register, page 1710 (19 IR 1710).

Additional information regarding this action may be obtained from Lynn West, Rules, Planning, and Outreach Section, Office of Land Quality, (317) 232-3593 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

Indianapolis, Indiana 46206-6015

or call (317) 233-1785 (V) or (317) 233-6565 (TDD). Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Office of Land Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Eleventh Floor West, Indianapolis, Indiana and are open for public inspection.

#### TITLE 329 SOLID WASTE MANAGEMENT BOARD

#### SECOND NOTICE OF COMMENT PERIOD #05-296 (SWMB)

**DEVELOPMENT OF AMENDMENTS TO RULES AT 329 IAC 10 CONCERNING CONSTRUCTION/DEMOLITION WASTE AND CERTAIN PERMITTING REQUIREMENTS****PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to rules at 329 IAC 10 concerning unrecognizable, crushed construction/demolition waste and changes to permitting requirements mandated under Senate Enrolled Act 279-2005. In addition to the subject matter in the first notice, the Continuation of First Notice proposed further amendments to Article 10 relating to New Source Performance Standards for the purpose of maintaining consistency with state and federal air pollution regulations and to clarify municipal solid waste landfill (MSWLF) owner/operator responsibilities for closure and post-closure cost estimates for gas extraction systems. IDEM seeks comment on the affected citations listed and any other provisions of Title 329 that may be affected by this rulemaking.

**HISTORY**

First Notice of Comment Period: November 1, 2005, Indiana Register (29 IR 693).

Continuation of First Notice of Comment Period: January 1, 2006, Indiana Register (29 IR 1395).

**CITATIONS AFFECTED:** 329 IAC 10.

**AUTHORITY:** IC 4-22-2; IC 13-14-8-1; IC 13-14-8-2; IC 13-14-9; IC 13-15-2; IC 13-19-3-1; IC 13-19-4-1; IC 13-19-4-6; IC 13-30-2.

**SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING****Basic Purpose and Background**

An amendment to 329 IAC 10-9-3 is proposed that provides that construction/demolition waste must be easily recognizable as such, and not crushed, in order to be disposed of in a construction/demolition landfill. This amendment is needed in the Indiana solid waste rules because some businesses have been completely crushing large volumes of construction/demolition waste and shipping it by railcar to some of Indiana's neighboring states, causing environmental and health problems that Indiana should avoid. The construction/demolition landfills in our neighboring states, much like Indiana's landfills, are not constructed to receive such large volumes of dense waste. These types of landfills are not constructed with either leachate or gas collection lines or a plastic liner. The disposal of large volumes of dense waste, specifically crushed wallboard, has caused hydrogen sulfide to be produced at these landfills sometimes to the extent that nearby schools and businesses have had to be temporarily closed and the integrity of the landfill has been compromised.

This rulemaking also proposes to amend the permitting requirements in 329 IAC 10 to include statutory revisions that were passed by the Indiana Legislature in Senate Enrolled Act

279-2005. These changes include the following:

- Good character requirements do not apply to the transfer of a permit for a solid waste disposal facility to an applicant that holds a permit for and is operating a solid waste disposal facility or hazardous waste facility in Indiana after December 31, 2004, except as provided in IC 13-19-4-8(e). The implementing amendment is proposed to be added at 329 IAC 10-13-5(d).
- Good character requirements are applied depending on the percentage of change in ownership control for a solid waste disposal facility per IC 13-19-4-8(e).
- Good character requirements do not apply to renewals. The implementing amendments are proposed to be added under the permit application requirements at 329 IAC 10-11-2.1.

This rulemaking will also clarify municipal solid waste landfill owner/operator responsibilities for closure and post-closure cost estimates for gas extraction systems.

**IC 13-14-9-4 Identification of Restrictions and Requirements Not Imposed Under Federal Law**

The following 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":

NIFL Element (A): 329 IAC 10-9-3(a). "A construction/demolition site may only accept easily recognizable construction/demolition waste as defined in 329 IAC 10-2-37".

(1) This amendment is needed in the Indiana solid waste rules because some businesses have been completely crushing large volumes of construction/demolition waste and shipping it by railcar to some of Indiana's neighboring states, causing environmental and health problems that Indiana should avoid. Adding this NIFL element into Indiana's rules will protect the human health and the environment in our state. The federal law allows crushing of construction/demolition waste and, therefore, is not as protective as Indiana's proposed amendment.

(2) Under 329 IAC 10-9-3(a) owners/operators are required to only accept construction/demolition waste. Since the owner/operator must already assure that only construction/demolition waste is accepted, this rule will not require the owner/operator to pay additional expenses because they must already check the loads being disposed at the site. The owner/operator cannot accept crushed loads because there can be no certainty that the load is construction/demolition waste and will not compromise the integrity of the landfill.

(3) The materials used by IDEM to support this NIFL element was information from the 2005 EPA Regional Solid Waste Meeting in Chicago. Representatives from Ohio presented the hazards associated with construction/demolition landfills accepting crushed waste as there can be no certainty that it is only construction/demolition waste since it is no longer recognizable. IDEM has the supporting documentation to the presentation submitted by the representatives from Ohio.

**Potential Fiscal Impact**

Amendments being proposed with this rulemaking will have very limited fiscal impact on regulated entities affected by this rule. IDEM requests comment on any potential fiscal impact

associated with the amendment of 329 IAC 10-9-3(b).

Under 329 IAC 10-9-3(a) owners/operators are required to only accept construction/demolition waste. Since the owner/operator must already assure that only construction/demolition waste is accepted, this rule will not require the owner/operator to pay additional expenses because they must already check the loads being disposed at the site. The owner/operator cannot accept crushed loads because there can be no certainty that it is construction/demolition waste and will compromise the integrity of the landfill.

The proposed amendments to 329 IAC 10-20-25 cross-reference the already applicable air pollution control rules and federal rules related to new source performance standards and, therefore, will not result in any additional costs.

The clarification to the MSWLF owner/operator responsibilities for closure and post-closure cost estimates for gas extraction systems is required in the permit and is part of the federal rules on new source performance standards; therefore, no new costs will result.

#### **Public Participation and Workgroup Information**

No workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Kiran Verma, Rules, Planning, Outreach, and Section, Office of Land Quality at (317) 232-8899 or (800) 451-6027 (in Indiana).

#### **SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD**

IDEM requested public comment from November 1, 2005, through November 30, 2005, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received no comments in response to the first notice of public comment period.

#### **SUMMARY/RESPONSE TO COMMENTS FROM THE CONTINUATION OF THE FIRST COMMENT PERIOD**

IDEM proposed further amendments than those listed in the first notice; therefore, IDEM requested public comment from January 1, 2006, through January 31, 2006, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received no comments in response to the Continuation of First Notice of public comment period.

#### **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:

#05-296(SWMB) [Amendments to 329 IAC for C/D Waste and Changes to Permitting Requirements]  
 Marjorie Samuel  
 Rules, Planning, and Outreach Section  
 Office of Land Quality  
 Indiana Department of Environmental Management  
 100 North Senate Avenue

Indianapolis, Indiana 46204.

Hand delivered comments will be accepted by the receptionist on duty at the eleventh floor reception desk, Office of Land Quality, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-3403, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules, Planning, and Outreach Section at (317) 232-7995.

#### **COMMENT PERIOD DEADLINE**

Comments must be postmarked, faxed, or hand delivered by May 1, 2006.

Additional information regarding this action may be obtained from Kiran Verma, Rules, Planning and Outreach Section, Office of Land Quality, (317) 232-8899 or (800) 451-6027 (in Indiana).

#### **DRAFT RULE**

SECTION 1. 329 IAC 10-9-3 IS AMENDED TO READ AS FOLLOWS:

#### **329 IAC 10-9-3 Construction/demolition site waste criteria**

**Authority:** IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1

**Affected:** IC 13-30-2; IC 36-9-30

Sec. 3. (a) A construction/demolition site may accept **only easily recognizable** construction/demolition waste as defined in 329 IAC 10-2-37. Other items are prohibited, except as specified in subsection (b).

(b) Specific, written approval by the commissioner for disposal of other items may be requested. ~~Such~~ Approvals will be granted only if the other items to be disposed of:

- (1) are incidental to the construction/demolition site;
- (2) are of a similar type and size to the items allowed by subsection (a); and
- (3) will not create a greater threat to the environment than the items allowed by subsection (a).

*(Solid Waste Management Board; 329 IAC 10-9-3; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1805; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

SECTION 2. 329 IAC 10-11-2.1 IS AMENDED TO READ AS FOLLOWS:

#### **329 IAC 10-11-2.1 Permit application requirements; general**

**Authority:** IC 13-14-8-7; IC 13-15-2-1

**Affected:** IC 4-21.5-3-5; IC 13-14-11-3; IC 13-19-4; IC 13-20-21; IC 36-7-4; IC 36-9-30

Sec. 2.1. (a) An application for:

- (1) any solid waste land disposal facility permit, including renewals; or ~~for~~
- (2) a modification to a solid waste land disposal facility permit, excluding insignificant modifications;

must be submitted to the commissioner on permit application forms provided by the commissioner in a format specified by the commissioner. All narrative, plans, and other support documentation accompanying the application must also be submitted in a format specified by the commissioner.

(b) A complete application must include all of the following information:

(1) The ~~name names~~ and ~~address addresses~~ of the following:

(A) The applicant.

~~(2) The name and address of~~ (B) The solid waste land disposal facility site.

~~(3) The name and address of~~ (C) The solid waste land disposal facility owner, operator, or permittee if different from the real property owner.

~~(4) The names and addresses of~~ (D) The members of the board of county commissioners of a county that is affected by the permit application.

~~(5) The names and addresses of~~ (E) The:

(i) mayors of any cities; ~~that are affected by the permit application; and~~

~~(6) The names and addresses of the~~ (ii) presidents of town councils of any towns;

that are affected by the permit application.

~~(7)~~ (2) The legal description as defined in 329 IAC 10-2-104 for the following:

(A) The solid waste land disposal facility boundary.

(B) If applicable, the solid waste boundary defining the area where the solid waste is to be deposited.

~~(C)~~ Sufficient documentation must be provided to verify that the waste deposition area is located within the facility boundaries. The documentation must include a map of the legal description for these areas certified by a registered land surveyor.

~~(8)~~ (3) Solid waste land disposal facility information, including the following:

(A) A description of the type of operation.

(B) The planned or remaining life of the solid waste land disposal facility in years.

(C) The expected amount of waste to be received in:

(i) tons; ~~per operating day~~ or

(ii) cubic yards;

per operating day.

(D) The type of waste to be received.

~~(9)~~ (4) Signatures and certification statements in compliance with section 3 of this rule.

~~(10)~~ (5) Disclosure of all good character information as described in IC 13-19-4 unless the application is for a **renewal or** minor modification.

(c) Five (5) copies of the completed application and all supporting documentation must be submitted to the commissioner as follows:

(1) Sent by registered mail, certified mail, **or** private carrier or delivered in person.

(2) In addition to the paper copies, a copy of the completed

application and all supporting documentation may be submitted by electronic submission, the type and format of which will be prescribed by the commissioner. The commissioner may make a determination that only an electronic copy is needed.

(3) Plans and documentation accompanying the application shall be submitted as required in 329 IAC 10-15-1(c).

(d) Confidential treatment of information may be requested in accordance with 329 IAC 6.1 for all or a portion of the permit application and supporting documentation.

(e) All corporations must submit a copy of the certificate of existence signed by the secretary of state.

(f) Fees must be submitted with the application in accordance with IC 13-20-21. (*Solid Waste Management Board; 329 IAC 10-11-2.1; filed Aug 2, 1999, 11:50 a.m.; 22 IR 3788; filed Feb 9, 2004, 4:51 p.m.; 27 IR 1801, eff Apr 1, 2004*)

SECTION 3. 329 IAC 10-13-5 IS AMENDED TO READ AS FOLLOWS:

### 329 IAC 10-13-5 Transferability of permits

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3

Affected: IC 13-14-8; IC 13-15-7; IC 13-19-4-8; IC 13-30-6; IC 36-9-30-35

Sec. 5. (a) **As follows**, a permit may be transferred to a third person by the permittee without the need for a new permit or modification or revocation of the existing permit being required if:

(1) The permittee notifies the commissioner of the proposed transfer at least sixty (60) days before the proposed date of transfer on forms provided by the commissioner.

(2) A written contract between the permittee and the third person containing a specific date of transfer of permit responsibility is submitted to the commissioner.

(3) The transferee has not been convicted under IC 13-30-6 or IC 36-9-30-35.

(4) The commissioner has not revoked under IC 13-15-7 a permit to the transferee that was issued under **any of the following**:

(A) This article.

(B) 329 IAC 1.5, which was repealed in 1989. ~~or~~

(C) 329 IAC 2, which was repealed in 1996.

(5) The third person, ~~is~~, at the time of the application or permit decision:

(A) **is** in compliance with the Environmental Protection Acts and rules promulgated thereunder; and

(B) does not have a history of repeated violations of the Acts or rules or material permit conditions that evidence an inability or unwillingness to comply with requirements of this article or a facility permit.

(6) The transferee provides **the following** proof to the department: ~~of~~

(A) Financial responsibility under 329 IAC 10-39. ~~and~~

~~(7) the transferee provides proof to the department (B) That the transferee is, or will be, the owner of the real property or provides proof of the applicant's agreement regarding the leasing of the property.~~

(b) The transfer will be effective on the specific date of transfer provided by the permittee unless the commissioner notifies the permittee and the transferee that the transfer will be denied.

(c) Notwithstanding subsection (a)(1), a variance granted under IC 13-14-8 must not be transferred to another person without independent proof of undue hardship or burden by the person seeking transfer.

**(d) Except as provided in IC 13-19-4-8(e), good character requirements in IC 13-19-4 do not apply to the transfer of a permit for a solid waste disposal facility to an applicant that holds a permit for and is operating either of the following after December 31, 2004:**

**(1) A solid waste disposal facility.**

**(2) A hazardous waste facility.**

*(Solid Waste Management Board; 329 IAC 10-13-5; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1815; errata filed Apr 4, 1996, 4:00 p.m.: 19 IR 2045; filed Mar 19, 1998, 11:07 a.m.: 21 IR 2758; filed Feb 9, 2004, 4:51 p.m.: 27 IR 1806, eff Apr 1, 2004)*

SECTION 4. 329 IAC 10-20-25 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 10-20-25 Air criteria**

**Authority:** IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1

**Affected:** IC 13-30-2; IC 36-9-30

Sec. 25. (a) The owner, operator, or permittee of ~~MSWLFs~~ **an MSWLF shall do the following:**

**(1) Ensure that the an MSWLF does not violate any applicable requirements developed under Indiana's state implementation plan (SIP) approved or promulgated by the United States Environmental Protection Agency administrator under Section 110 of the Clean Air Act, 42 U.S.C. 7401 et seq., as amended November 15, 1990.**

**(2) Comply with the new source performance standards and emission guidelines at 326 IAC 12-1-1(b)(1) (40 CFR Part 60 Subpart WWW), as applicable.**

~~(b) The owner, operator, or permittee of an MSWLF shall~~ **(3) Not cause or allow the storage, containment, processing, or disposal of solid waste in a manner that creates a threat to human health or the environment, including the creation of a fire hazard or air pollution.**

*(Solid Waste Management Board; 329 IAC 10-20-25; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1853; filed Aug 2, 1999, 11:50 a.m.: 22 IR 3834; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

SECTION 5. 329 IAC 10-22-2 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 10-22-2 Closure plan**

**Authority:** IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1

**Affected:** IC 13-30-2; IC 36-9-30

Sec. 2. (a) The owner, operator, or permittee of an MSWLF shall prepare a written closure plan. The plan must be **as follows:**

**(1) Submitted with the permit application in accordance with 329 IAC 10-11. and be**

**(2) Approved by the commissioner as part of the permit.**

The approved closure plan becomes a condition of the permit upon approval.

(b) The owner, operator, or permittee of an MSWLF permitted under 329 IAC 1.5, which was repealed in 1989, or 329 IAC 2, which was repealed in 1996, that:

(1) closed on or before January 1, 1998, must close under the MSWLF's existing approved closure plans; or

(2) intend to close after January 1, 1998, must:

(A) revise closure plans to meet the requirements of subsection (c); and

(B) submit the revised plans to the commissioner for approval within six (6) months after April 13, 1996, or the anniversary date of the approved closure plans, whichever is earlier.

(c) The closure plan must identify the steps necessary to completely close the MSWLF at any point during its active life in accordance with section 1 of this rule. The plan must be certified by a registered professional engineer. The closure plan must include the following:

(1) A description of the steps that will be used to partially close, if applicable, and finally close the MSWLF in accordance with section 1 of this rule.

(2) A listing of labor, materials, and testing necessary to close the MSWLF.

(3) An estimate of the expected year of closure and a schedule for final closure. The schedule must include the following:

(A) The total time required to close the MSWLF.

(B) The time required for completion of intervening closure activities.

(4) An estimate of the maximum inventory of wastes that will be on site over the active life of the MSWLF.

(5) An estimate of the cost per acre of providing final cover and vegetation. ~~Such~~ **The** cost must reflect cost necessary to close the MSWLF by the third party as required by the approved plan, but must not be less than **the following:**

(A) Twenty-one thousand dollars (\$21,000) per acre to close MSWLF units that are constructed with only a soil liner. ~~and~~

(B) Seventy-eight thousand seven hundred fifty dollars (\$78,750) per acre for MSWLF units that are constructed with a composite bottom liner system.

For an application for a new MSWLF or a major modification submitted on or after April 1, 2005, the owner, operator, or permittee must adjust the minimum closure costs provided in clauses (A) and (B) for inflation, as described in 329 IAC 10-

39-2(c)(1).

(6) For new MSWLFs and major modifications, the closure cost estimate must include a ten percent (10%) contingency cost on the total closure cost of the MSWLF.

(7) If the owner, operator, or permittee of an MSWLF utilizes the incremental closure standard, as contained in 329 IAC 10-39-2(b)(3)(B), then for each yearly period following the beginning of operation of the MSWLF, the closure plan must **do the following**:

(A) Specify the maximum area of the MSWLF into which municipal solid waste will have been deposited through that year of the MSWLF's life. ~~and must~~

(B) Delineate ~~such the~~ areas on the copy of the facility's final contour map. ~~The closure plan must~~

(C) List closure cost estimates for each year of the anticipated life of the facility equal to the costs specified by subdivisions (5) and (6).

(8) An estimate of the yearly maintenance costs for a dike or dikes required under 329 IAC 10-16-2.

**(9) An estimate of the installation costs for a landfill gas control system must be submitted, if the facility has:**

(A) **complied with 329 IAC 10-20-25(b); or**

(B) **obtained a waiver under 329 IAC 10-22-6(c).**

~~(9)~~ **(10)** A construction quality assurance and construction quality control plan for the construction and installation of the final cover system as required by this rule.

~~(10)~~ **(11)** A description of the final cover, designed in accordance with this rule, and the methods and procedures to be used to install the cover.

~~(11)~~ **(12)** An estimate of the largest area of the MSWLF ever requiring a final cover as required under this rule at any time during the active life.

~~(12)~~ **(13)** If property is used to fulfill or reduce the cost of closure funding, the property must not be sold, relinquished, or used for any other purpose. If the property is proposed to be sold, relinquished, or used for any other purpose, the owner, operator, or permittee shall complete the following requirements:

(A) The closure plan must be:

(i) updated under this section; and

(ii) submitted to the commissioner.

(B) The closure financial responsibility must be:

(i) updated under 329 IAC 10-39; and

(ii) submitted to the commissioner.

(C) The owner, operator, or permittee shall receive approval from the commissioner for the requirements under clauses (A) and (B) ~~prior to before~~ selling, relinquishing, or using the property for any other purpose.

*(Solid Waste Management Board; 329 IAC 10-22-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1882; errata filed Apr 4, 1996, 4:00 p.m.: 19 IR 2047; filed Aug 2, 1999, 11:50 a.m.: 22 IR 3859; filed Feb 9, 2004, 4:51 p.m.: 27 IR 1855, eff Apr 1, 2004)*

SECTION 6. 329 IAC 10-23-3 IS AMENDED TO READ AS FOLLOWS:

### 329 IAC 10-23-3 Post-closure plan

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3

Affected: IC 13-20; IC 36-9-30

Sec. 3. (a) The owner, operator, or permittee of an MSWLF shall have a written post-closure plan. The post-closure plan must be **as follows**:

(1) Submitted with the permit application in accordance with 329 IAC 10-11. ~~and be~~

(2) Approved by the commissioner.

The approved post-closure plan must become a condition of the permit. If the permit expires or is revoked, the post-closure plan remains effective and enforceable during the post-closure period. If the plan is determined to be unacceptable, the commissioner shall identify the items needed to make it complete.

(b) The owner, operator, or permittee of existing MSWLFs shall revise and submit post-closure plans meeting the requirements of this rule within six (6) months after April 13, 1996, or the anniversary date of the approved post-closure plan, whichever is earlier.

(c) The post-closure plan must identify the activities that will be carried on after closure under section 2 of this rule and must include at least the following:

(1) A description of the planned:

(A) ground water monitoring activities; and ~~the frequency at which they will be performed.~~

~~(2) A description of the planned~~ (B) maintenance activities; and the frequency at which they will be performed.

~~(3) (2)~~ A description of the planned uses of the property during the post-closure period. Post-closure use of the property must not disturb the:

(A) integrity of the final cover, liner, or any other component of the containment system; or ~~the~~

(B) function of the monitoring system;

unless necessary to comply with this article. The commissioner may approve other disturbances if the owner, operator, or permittee demonstrates that disturbance of the final cover, liner, or other component of the containment system, including any removal of waste, will not increase the potential threat to human health or the environment.

~~(4) (3)~~ The name, address, and telephone number of the owner, operator, or permittee with responsibility for maintaining the site after closure whom the commissioner may contact about the MSWLF during the post-closure period.

~~(5) (4)~~ A post-closure cost estimate in accordance with 329 IAC 10-39. Post-closure costs must be calculated based on the cost necessary for the work to be performed by a third party for thirty (30) years of the post-closure period and must include the following:

(A) For post-closure maintenance of final cover and vegetation, the amount per acre must be ten percent (10%) of the cost calculated under 329 IAC 10-22-2(c)(5) multiplied by the total acreage of the site permitted for filling.

(B) At a minimum, the amount of funds necessary for

leachate treatment and disposal must be based on the following gallons per acre per day over the thirty (30) year post-closure period:

Year	Gallons Per Acre Per Day (GPAD)
1-5	150
6-10	80
11-15	50
16-20	30
21-25	20
26-30	10

The commissioner may increase or decrease this amount of funding if it is determined that, based on a site-specific basis, more or less funds are necessary. A partial closure for leachate generation rate, based on the rates described in this clause, may be granted if the owner, operator, or permittee of an MSWLF provides actual leachate generation rate data of an area for at least a two (2) years duration after final cover is installed and certified.

(C) At a minimum, the amount of funds necessary to provide for post-closure activities must include funds for the following:

- (i) Ground water monitoring and well maintenance, including piezometers when applicable.
- (ii) Methane monitoring and maintenance.
- (iii) Landfill gas emissions extraction system operation and maintenance.**
- ~~(iii)~~ **(iv) Maintenance of the following:**
  - (AA) The drainage and erosion control system.**
  - ~~(iv)~~ **(BB) The leachate collection system.**
  - ~~(v)~~ **(CC) Access control.**
  - ~~(vi)~~ **(v) Control of vegetation.**
  - ~~(vii)~~ **(vi) Maintenance of the dike or dikes if required under 329 IAC 10-16-2.**

(6) The post-closure cost estimate must include a twenty-five percent (25%) contingency cost based on total post-closure cost.

(7) If the property is used to fulfill or reduce the cost of post-closure funding, the property must not be sold, relinquished, or used for any other purpose. If the property is proposed to be sold, relinquished, or used for any other purpose, the owner, operator, or permittee shall complete the following requirements:

- (A) The post-closure plan must be:
  - (i) updated under this section; and**
  - (ii) submitted to the commissioner.**
- (B) The post-closure financial responsibility must be:
  - (i) updated under 329 IAC 10-39; and**
  - (ii) submitted to the commissioner.**
- (C) The owner, operator, or permittee shall receive approval from the commissioner for the requirements under clauses (A) and (B) **prior to before** selling, relinquishing, or

using the property for any other purpose.

(d) Proposed changes to the approved post-closure plans may be submitted to the commissioner during the post-closure period. The commissioner shall provide notification that the modification is not acceptable within sixty (60) days of receiving the modification request. If the owner or operator does not receive notification from the commissioner within sixty (60) days, the post-closure plan modifications may be installed in accordance with documentation provided to the commissioner. *(Solid Waste Management Board; 329 IAC 10-23-3; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1887; filed Mar 19, 1998, 11:07 a.m.: 21 IR 2816; filed Aug 2, 1999, 11:50 a.m.: 22 IR 3864; filed Feb 9, 2004, 4:51 p.m.: 27 IR 1859, eff Apr 1, 2004)*

#### 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 July 18, 2006, at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana, the Solid Waste Management Board will hold a public hearing on amendments to 329 IAC 10 concerning construction/demolition waste and certain permitting requirements.*

*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 Kiran Verma, Rules, Planning, and Outreach Section, Office of Land Quality, (317) 232-8899 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 or (317) 233-6565 (TDD). 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 Land Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Eleventh Floor East and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana, and are open for public inspection.*

---

---

## Executive Orders

---

---

STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS

**EXECUTIVE ORDER:** 06-01

**FOR:** INDIANA STATE HISTORICAL RECORDS ADVISORY BOARD

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS.

**WHEREAS**, the National Historical Publications and Records Commission ("NHPRC") was established by Congress in 1934 to preserve, publish and encourage the use of documentary sources relating to the history of the United States;

**WHEREAS**, NHPRC works collectively with State Historical Records Advisory Boards and provides grants nationwide to help identify, preserve and provide public access to records, photographs and other materials that document American history; and

**WHEREAS**, Indiana's State Archives and historic records repositories hold the State's most treasured documents and history. The establishment of a State Historical Records Advisory Board will allow Indiana to improve the effectiveness, coordination and cooperation of its archival community and preserve these significant resources.

**NOW, THEREFORE, I, Mitchell E. Daniels, Jr.**, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. The Indiana State Historical Records Advisory Board is established.
2. The Board shall consist of at least seven (7) members who shall be appointed by the Governor including the State Historical Records Coordinator to chair the Board.
  - a. The State Archivist shall be designated as the State Coordinator and chair of the Board.
  - b. A majority of the members shall have recognized experience in the administration of government records, historical records, or archives.
  - c. Two members shall be appointed for a term of one (1) year, two members for a term of two (2) years, and at least two members for a term of three (3) years. Each successor shall serve a term of three years with the possibility of reappointment. Any vacancy occurring in the membership of the board for any cause shall be filled by appointment by the Governor for the unexpired term.
3. The Board shall meet at least quarterly or at the call of the Chairman. A quorum shall consist of a simple majority of voting members.
4. The Board will serve as the central advisory body for historical records planning and for NHPRC- funded projects developed and carried out within Indiana. The Board may perform such duties as:
  - a. Develop and submit to NHPRC state priorities for historical records programs as part of a state plan.
  - b. Solicit or develop proposals for NHPRC grant projects.
  - c. Review proposals by institutions in the State and make recommendations about these to NHPRC.
  - d. Work to preserve Indiana's documentary heritage.
  - e. Promote practices that ensure preservation of and access to the State's public and private records.
  - f. Encourage adherence to archival and records management principles through meetings and workshops.
  - g. Survey repositories, support the State's records management program, and promote the sharing of collection information.
  - h. Encourage the professional development of archivists, curators, volunteers, and others dedicated to the task of caring for Indiana's documentary heritage.
5. All members of the Board shall serve without salary or per diem, except that members of the Board shall be reimbursed in accordance with state law and the policies of the Department of Administration and the State Budget Agency for actual expenses incurred in carrying out their responsibilities as members of the Board.
6. The Board shall issue a report on its initial work to the Governor no later than December 31, 2006 and thereafter on an annual basis. The reports of the Board shall be a public record.

**IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr.**, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 20th day of February, 2006.

Mitchell E. Daniels, Jr.  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State



**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER: 06-02**

**FOR: CONDITIONAL COMMUTATION OF SENTENCE – KIM L. LUCAS**

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

**WHEREAS**, KIM L. LUCAS, who has petitioned for a commutation of sentence, was convicted in Tippecanoe Superior Court in June 1992 for the offense of Dealing in Cocaine, for which she received an 18-year sentence accompanied by a consecutive 20-year enhanced sentence for being a habitual offender (having been convicted of two prior unrelated felonies), for a total term of 38 years in the Department of Correction;

**WHEREAS**, petitioner, who is now 43 years of age, has served more than 13 years of her sentence, and will not be eligible for parole until February 25, 2010;

**WHEREAS**, at the time of her conviction, petitioner was an admitted cocaine addict who had suffered a lengthy history of criminal problems related to supporting her drug habit;

**WHEREAS**, while incarcerated, the petitioner has obtained therapy to help her recover from her cocaine addiction, and has also completed numerous education and training programs, including computer training and several religious studies courses;

**WHEREAS**, the petitioner, who has been a Deans' List student while working toward an Associates Degree in Business Administration and who has plans to pursue a Bachelors Degree in Theology, looks forward to the prospect of regaining custody of her own children and working with addicts and their families to help them cope with the problems of drug addiction;

**WHEREAS**, the petitioner's request for clemency is supported by family, friends, community members, and public officials, as well as the original sentencing judge, who has stated his belief that the petitioner has been rehabilitated and that commutation is appropriate;

**WHEREAS**, the Indiana Parole Board, after careful investigation and examination of all the facts in this case, has unanimously recommended to the Governor that the petitioner's sentence be commuted; and

**WHEREAS**, the Governor, under Article 5 Section 17 of the Indiana Constitution, is empowered to grant commutation to individuals after conviction subject to such regulations as may be provided by law.

**NOW THEREFORE, I, Mitchell E. Daniels, Jr.**, Governor of the State of Indiana, having thought proper the extension of clemency under the authority vested in me by the Constitution and the laws of the State of Indiana, do hereby order that the original sentence of Kim L. Lucas to the Department of Correction be, and hereby is, conditionally commuted by suspending the remainder of her sentence subject to the following:

1. Petitioner shall complete a pre-release program and agree to a subsequent work release program developed by the Department of Correction to meet the specific needs of her individual case;
2. Following completion of a pre-release program but prior to parole eligibility, the petitioner shall, within twelve (12) months following the date of this order, and while continuing to observe good behavior, successfully complete the work release program specified by the Department of Correction in paragraph 1, the terms of which (including without limitation all required counseling services) were expressly agreed upon by the petitioner on February 22, 2006;
3. If the Indiana Parole Board determines that the petitioner merits parole release after the condition set forth in paragraph 2 is satisfied, then the petitioner shall be released on parole in accordance with the provisions of I.C. 11-13-3 and related rules and procedures of the Indiana Parole Board.
4. In the event the petitioner fails to successfully complete the work release program specified above, or any of the conditions thereof, or in the event the petitioner violates the conditions of her parole, the original sentencing and commitment order of the trial court shall be reinstated, and the petitioner shall be returned to the custody of the Department of Correction to complete the balance of such term.

**IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr.**, have hereunto set my hand and caused to be

---

---

## Executive Orders

---

---

affixed the Great Seal of the State of Indiana on this 22nd day of February, 2006.

Mitchell E. Daniels, Jr.  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

---

---

**STATE OF INDIANA**  
**EXECUTIVE DEPARTMENT**  
**INDIANAPOLIS**

**EXECUTIVE ORDER: 06-03**

**FOR: COMMUTATION OF SENTENCE**

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS;

**WHEREAS**, JAMES H. WATTS, who has petitioned for medical clemency, was convicted on November 5, 2003, in Hendricks Circuit Court, of theft and receiving stolen property; on November 24, 2003, in Putnam Superior Court, of operating a vehicle while intoxicated, and on January 23, 2004, in Marion Superior Court, of operating a vehicle while intoxicated; collectively he was sentenced to a term of four years to the Department of Corrections;

**WHEREAS**, the petitioner is 59 years old and has a lengthy criminal background, most of which is and was related to ongoing alcohol and substance abuse problems;

**WHEREAS**, petitioner is a diabetic with Hepatitis C and has recently been diagnosed with liver cancer that has metastasized and spread to his colon; official medical diagnosis deems his condition terminal and as of February 13, 2006, doctors estimated he would only live another sixty (60) to ninety (90) days;

**WHEREAS**, the petitioner's original parole release date for the abovementioned crimes is April 18, 2006;

**WHEREAS**, the petitioner has requested clemency from the Governor so that he may spend his remaining time with his wife, children, grandchildren, and siblings;

**WHEREAS**, the facts of petitioner's case represent extraordinary circumstances not contemplated by Indiana statute or the original sentencing order by which he was convicted; and

**WHEREAS**, the Parole Board, after careful investigation and examination of all the facts in this case have concluded petitioner poses no danger to society in his current medical condition and has unanimously recommended that the petitioner's request for clemency be granted.

**NOW THEREFORE, I, Mitchell E. Daniels, Jr.**, Governor of the State of Indiana, by virtue of the authority vested in me by the Constitution under Article 5 Section 17 and the laws of said State, do hereby commute the sentence of James H. Watts to time served and make him eligible for parole upon the effective date of this order.

**IN TESTIMONY WHEREOF, I**, Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 22nd day of February, 2006.

Mitchell E. Daniels, Jr.  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

---

---

**INDIANA DEPARTMENT OF HOMELAND SECURITY  
DIVISION OF FIRE AND BUILDING SAFETY**

**Title:** Interpretation of Section R602.10.5 of the **2005 Indiana Residential Code (675 IAC 14-4.3)**

**Date:** March 10, 2006

**Purpose:** To assist code enforcement officials, design professionals and the general public in accurately interpreting the intent of Section R602.10.5 of the 2005 Indiana Residential Code.

**Interpretation:** The agency interprets Section R602.10.5 of the 2005 Indiana Residential Code such that all sheathable areas of all exterior walls are not required to be sheathed with wood structural panels in order to perform construction that complies with this section. This interpretation will be codified in the 2005 Indiana Residential Code via an amendment published as proposed rule LSA Doc. 05-348.

---

---

**DEPARTMENT OF STATE REVENUE**

02980523.SLOF

**SUPPLEMENTAL LETTER OF FINDINGS: 98-0523****Indiana Adjusted Gross Income Tax  
For Tax Years 1993 and 1994**

**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. Adjusted Gross Income Tax: Business/Non-Business Income and I.R.C. § 338(h)(10) Elections**

**Authority:** I.R.C. §338(h)(10); IC 6-8.1-5-1(f); IC 6-3-1-20; 45 IAC 15-5-5; 45 IAC 3.1-1-37; 26 Ind. Reg. 580 (Ind. Dept. of Revenue 2002); May Dept. Stores Co. v. Indiana Dept. of State Revenue, 749 N.E.2d 651 (Ind. Tax Ct. 2001); McVean & Barlow v. New Mexico Bureau of Revenue, 543 P.2d 489 (N.M. Ct. App. 1975); Laurel Pipe Line Co. v. Board of Fin. & Revenue, 642 A.2d 472 (Pa. 1994); Polaroid Corp. v. Offerman, 507 S.E.2d 284 (N.C. 1998); Lenox Inc. v. Offerman, 538 S.E.2d 203 (N.C. Ct. App. 2000); Lenox, Inc. v. Tolson, 548 S.E.2d 513 (N.C. 2001); Kemppel v. Zaino, 746 N.E.2d 1073 (Ohio 2001); Blessing/White Inc. v. Zehnder, 768 N.E.2d 332 (Ill. App. Ct. 2002); Texaco-Cities Serv. Pipeline Co. v. McGaw, 695 N.E.2d 481 (Ill. 1998); Welded Tube Co. v. Commonwealth, 515 A.2d 988 (Pa. Commw. Ct. 1986).

Taxpayer protests the characterization of gain derived from a deemed asset sale as business income.

**STATEMENT OF FACTS**

AC (Acquiring Corporation) purchased the stock of TC (Target Corporation) from PC (Parent Corporation of Target). AC and PC made an I.R.C. §338(h)(10) election for federal income tax purposes. By making the election, AC and PC could treat the sale of TC stock as a sale of TC's assets, with TC recognizing a taxable gain. The Department characterized the gain as business income subject to 45 IAC 3.1-1-37 formulary apportionment rules. TC (our taxpayer) took the position the Department should properly characterize the gain as allocable non-business income.

Taxpayer's ensuing protest proved unsuccessful. See 26 Ind. Reg. 580 (Ind. Dept. of Revenue 2002). Pursuant to IC 6-8.1-5-1(f) and 45 IAC 15-5-5, taxpayer requested and the Department granted a rehearing. The results of which now follow.

**DISCUSSION****I. Adjusted Gross Income Tax: Business/Non-Business Income and I.R.C. § 338(h)(10) Elections**

Taxpayer summarized the Department's position in its Request for Rehearing as:

In 26 Ind. Reg. 580 (Ind. Dept. of Revenue 2002), the Department held that the gain recognized on the deemed sale of Taxpayer's assets as a result of an I.R.C. §338(h)(10) election is properly classified as business income subject to apportionment under the functional test set forth in IC 6-3-1-20....

Taxpayer previously argued the Department improperly classified the "gain" in question as business income subject to formulary apportionment. The taxpayer explained:

[T]he deemed sale of its assets was an extraordinary, non-recurring event that was neither a necessary nor an essential part of [t]axpayer's regular trade or business operations. The [deemed asset sales] transaction could not be a necessary and essential part of [t]axpayer's regular trade or business operations...because the [deemed] disposition of the assets...terminated [taxpayer's business operations]. As a result of this [I.R.C. § 338(h)(10)] election between the [ ] Buyer and [ ] Seller, Taxpayer is deemed to sell all of its assets in liquidation of its business and immediately distribute the proceeds from the deemed sale to its parent corporation in liquidation of its corporate existence. Under the construct of I.R.C. §338(h)(10), the funds are treated as if they were distributed in liquidation because the funds are in fact received by...the actual seller.

Taxpayer now argues that “[t]he disposition of [an] entire business cannot be considered an integral part of the taxpayer’s regular trade or business.” To support its conclusion, the taxpayer directs the Department’s attention to other jurisdictions. According to the taxpayer, there exists a line of cases which stand for the proposition that proceeds derived from the complete liquidation of an entire business and proceeds derived from the liquidation of a “separate and distinct aspect” of a business represent nonbusiness income if such proceeds are distributed to shareholders. See McVean & Barlow v. New Mexico Bureau of Revenue, 543 P.2d 489 (N.M. Ct. App. 1975); Laurel Pipe Line Co. v. Board of Fin. & Revenue, 642 A.2d 472 (Pa. 1994); Polaroid Corp. v. Offerman, 507 S.E.2d 284 (N.C. 1998); Lenox Inc. v. Offerman, 538 S.E.2d 203 (N.C. Ct. App. 2000); Lenox, Inc. v. Tolson, 548 S.E.2d 513 (N.C. 2001); Kemppel v. Zaino, 746 N.E.2d 1073 (Ohio 2001); Blessing/White Inc. v. Zehnder, 768 N.E.2d 332 (Ill. App. Ct. 2002); But c.f., Texaco-Cities Serv. Pipeline Co. v. McGaw, 695 N.E.2d 481 (Ill. 1998) (proceeds derived from partial liquidation deemed business income because sale did not result in cessation of any particular line of business and sale proceeds were reinvested in the company); Welded Tube Co. v. Commonwealth, 515 A.2d 988 (Pa. Commw. Ct. 1986) (proceeds from sale of manufacturing facility characterized as business income under the functional test because the closing of the facility did not lead to a cessation of taxpayer’s manufacturing operations and the “[g]ain from the sale was invested in on-going operations”).

Taxpayer further argues “[t]here is no basis in law or logic for treating a deemed liquidation under §338(h)(10) differently from an actual liquidation.” Taxpayer explains:

The target [TC] is treated, under §338(h)(10), as if it sold all of its assets, went out of business, and liquidated. This is precisely the type of liquidation contemplated by the court cases. Whether the buyer continues the business or uses the assets in another business is of no consequence. The point is that taxpayer has liquidated its business.

Therefore, since the “[t]axpayer is treated as liquidating its corporate existence for all income tax purposes as a result of the I.R.C. §338(h)(10) election,” the gain from the deemed sale of assets, fails to qualify as business income under the functional test.

**The Issue:**

At issue is whether TC’s gain is taxable under I.C. 6-3-1-20. Taxpayer argues the income derived from the “deemed” asset sale represents allocable non-business income. The Department, on the other hand, contends this income represents business income subject to apportionment. Both parties agree resolution of the legal issue depends on whether the income derived from an I.R.C. §338(h)(10) transaction meets the IC 6-3-1-20 definition of “business income.” Specifically, resolution depends on whether the aforementioned income qualifies as business income under the functional test.

**Indiana “business income”:**

IC 6-3-1-20 provides “[t]he term “business income” means income arising from transactions and activity in the regular course of the taxpayer’s trade or business and includes income from tangible and intangible property if the acquisition, management, and disposition of the property constitute integral parts of the taxpayer’s regular trade or business operations.” The Indiana Tax Court recognized the language of IC 6-3-1-20 to include both a “transactional” and a “functional” test. The court in May Dept. Stores Co. v. Indiana Dept. of State Revenue, 749 N.E.2d 651, 665 (Ind. Tax Ct. 2001) stated:

The language and structure of IND.CODE § 6-3-1-20 supports the conclusion that the [Indiana] General Assembly intended to define business income via application of both a transactional and functional test. The Court agrees with the Oregon Supreme Court [see Willamette Indus. v. Department of Revenue, 15 P.3d 18 (Or. 2000)] that the functional test requires that the disposition of the assets at issue must, along with their acquisition and management, constitute an integral part of the taxpayer’s regular trade or business operations.

The May court explained that business income includes both: (1) income derived from transactions conducted in the regular course of taxpayer’s trade or business; and/or (2) income derived from the acquisition, management, and disposition of the property that constitutes integral parts of the taxpayer’s regular trade or business operations.” Id. at 655. The former represents the transactional test and the latter, the functional test.

Using the functional test, the May court held:

Associated [predecessor of taxpayer] divested an entire division for the benefit of a competitor pursuant to a court order. This divestiture was not an essential part of its department store retailing operations. Associated [predecessor of taxpayer], through all of its divisions, including Horne, was engaged in the business of department store retailing. The *disposition* of Horne’s assets was neither a necessary nor an essential part of Associated’s department store retailing business operations. Horne was unquestionably an integral part of Associated’s business operations. Indeed, Horne was being expanded at the time May [taxpayer] acquired Associated’s stock. *However, pursuant to the [Stipulation and] Order, the divestiture of Horne’s assets was for the benefit of a competitor and not for the benefit of Associated. Under these circumstances, this divestiture (or disposition of assets) could not have constituted an integral part of Associated’s regular trade or business operations.* See Laurel PipeLine Co v Board of Fin. & Revenue, 642 A.2d 472, 475-476 (Pa. 1994) (citing McVean & Barlow v. New Mexico Bureau of Revenue, 543 P.2d 489 (N.M. Ct. App. 1975)). *Therefore, the gains from the sale of Horne’s assets did not qualify as business income under the functional test.* Id. at 665. (Emphasis added.)

The Court further reasoned, “it is not enough that the property was used to generate business income for the taxpayer prior to its disposition. The disposition must be an integral part of the taxpayer’s regular trade or business operations.” Id. at 664.

### Legal Analysis:

Taxpayer presumes Indiana recognizes the validity of the proposition that income derived from a sale of assets previously used to generate apportionable business income is allocable non-business income, in the context of a complete or partial liquidation. Nothing in IC 6-3-1-20 or the May case suggest such a presumption. Under May, the language of IC 6-3-1-20 establishes two tests to determine whether income is “business income”. A third test does not exist. The Department only justifies the characterization of income as “business income” when the transactional test or the functional test is met.

Income qualifies as “business income” for the functional test when the income originates from tangible and intangible property, and the acquisition, management, and disposition of such property represent “integral parts of the taxpayer’s regular trade or business operations”. IC 6-3-1-20. “[I]t is not enough that the property was used to generate business income for the taxpayer prior to its disposition.” May Dept. Stores Co. at 664. “The disposition too must be an integral part of the taxpayer’s regular trade or business operations.” Id. at 664.

Using this language, the Department must consider three factors in its determination of whether a taxpayer’s income qualifies as “business income” under the functional test. The three factors are: (1) whether the acquisition, management, and disposition of the property generated income; (2) whether a disposition occurred; and (3) whether the acquisition, management, and disposition of the property constituted an integral part of the taxpayer’s trade or business.

The first factor of the functional test involves examining whether the taxpayer, prior to the sale, used the transferred property in its business to produce income. Before the sale, the taxpayer’s assets generated business expenses, deductions, and produced substantial income. After the disposition, the assets retained these business characteristics. The taxpayer continued using the assets and the assets continued generating expenses, deductions, and income.

The second factor of the functional test involves looking at the intent of the taxpayer with respect to the disposition. In May, the court examined the taxpayer’s intent with respect to the disposition by making note of the following facts:

- (1) **The Stipulation and Order (Order) required** May to “divest all of the assets and interests” of Horne.
- (2) Associated (prior to its merger into May) **divested** an entire division for the benefit of a competitor *pursuant to a court order*.
- (3) **Pursuant to the Order**, the divestiture of Horne’s assets was for the benefit of a competitor and not for the benefit of Associated.

Id. at 654, and 665. (Emphasis added.) Utilizing these facts, May held that the taxpayer’s disposition of business assets were not “an integral [part] of the taxpayer’s regular trade or business operations” because the disposition was legally compelled and not a volitional act. Distinguishing this case from the current taxpayer, the taxpayer’s motive in the disposition of the property was for business reasons and not pursuant to an administrative, legislative, or judicial decision. The taxpayer’s decision to sell its stock, make an I.R.C. §338(h)(10) election, and treat the stock sale as a “deemed asset” sale were all volitional acts. Thus, from these facts it is clear that the taxpayer’s intent was to cause a disposition of the property.

The third factor of the functional test involves looking at the end result of the transaction. By examining the end result of the transaction, the Department can confirm whether the disposed property constituted an integral part of the taxpayer’s business. In May, the court remarked:

*[T]he divestiture of Horne’s assets was for the benefit of a competitor and not for the benefit of Associated.* Under these circumstances, the divestiture (or disposition of assets) could not have constituted an integral part of Associated’s regular trade or business operations.”

Id. at 665. (Emphasis added.) Comparing the analysis used in May to this taxpayer, the taxpayer utilized the proceeds of the asset disposition to further the seller’s (Parent Corporation) ongoing business operations. That is, the seller (Parent Corporation) reinvested the proceeds in its ongoing business. The seller (Parent Corporation) used (and still uses) the tax attributes (basis adjustment) associated with the disposition to reduce the taxpayer’s—and indirectly, the Purchaser’s—apportionable business income subject to Indiana adjusted gross income tax. Thus, using an analysis similar to the May court, the disposition benefited the taxpayer and not the purchaser; and therefore, the disposition of the property constituted an integral part of the taxpayer’s business operations.

For all the aforementioned reasons, the Department properly characterized the income derived from taxpayer’s I.R.C. §338(h)(10) deemed asset sale as IC 6-3-1-20 “business income”.

### FINDING

The Department denies the Taxpayer’s protest.

---



---

## DEPARTMENT OF STATE REVENUE

02-20020276.LOF

### LETTER OF FINDINGS NUMBER: 02-0276

#### Gross Income Tax

#### For the Year 1996-1999

**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

---

---

## Nonrule Policy Documents

---

---

of this document will provide the general public with information about the Department's official position concerning a specific issue.

### ISSUES

#### **I. Gross Income Tax -- Leasing income**

**Authority:** Ind. Code § 6-2.1-2-2; 45 IAC 1-1-162 (repealed effective January 1, 1999); 45 IAC 1.1-3-13; *First National Leasing v. Ind. Dep't of State Revenue*, 598 N.E.2d 640 (Ind. Tax 1992).

Taxpayer protests the imposition of gross income tax with respect to lease income received from a trust.

#### **II. Tax Administration -- Negligence Penalty**

**Authority:** IC 6-8.1-10-2.1; 45 IAC 15-11-2

Taxpayer protests the assessment of a negligence penalty.

### STATEMENT OF FACTS

Taxpayer is engaged in a variety of businesses, including the leasing of tangible personal property, operated through a grantor trust. During the years in question, the trust engaged in two types of leases. The first type, "M Leases," generally covered ordinary tangible personal property, some fixtures, and construction equipment. The second type, "R Leases," covered larger, mobile items of tangible personal property, as well as plant equipment and power plant generators.

During the years in question, Taxpayer did not report its income from the trusts on its corporate income tax return. However, as a result of a Department audit, the Department assessed additional tax with respect to the income generated from the leases. In addition, the Department assessed a negligence penalty of ten percent. Taxpayer has protested the assessments of both tax and penalty.

#### **I. Gross Income Tax -- Leasing Income**

### DISCUSSION

In general, the gross income of a non-resident taxpayer derived from activities or businesses in Indiana was subject to a gross income tax prior to January 1, 2003. Ind. Code § 6-2.1-2-2. Trusts that resembled corporations in form and carried the purpose of conducting a trade or business were subject to tax as corporations. 45 IAC 1-1-162 (repealed effective January 1, 1999); *see also* 45 IAC 1.1-3-13 (effective January 1, 1999). Based on the facts of this case--inasmuch as the lease income was constructively received by Taxpayer--the Department appears to have actually underassessed tax rather than overassess tax against Taxpayer.

Taxpayer argues that its income derived from R Leases is not subject to gross income tax due to Taxpayer's (and the property's) lack of nexus with Indiana, and the fact that its power plants would not generate net income for several years. Taxpayer cites *First National Leasing v. Ind. Dep't of State Revenue*, 598 N.E.2d 640 (Ind. Tax Ct. 1992) for the proposition that its income from the leases should be exempt from gross income tax. In *First National Leasing*, First National leased equipment used by Hulcher, a wholly-owned subsidiary of First National. Some of the equipment leased by Hulcher was located at a Hulcher base located in Indiana. The companies negotiated their leases outside Indiana, and First National did not control the location of the property that it leased. The court held that First National's income from leasing was not derived from Indiana sources.

First, Taxpayer's net income, rather than its gross income, appears to have been taxed. Second, with respect to its nexus argument based on *First National Leasing*, Taxpayer has not sufficiently developed this argument to show whether its activities were exempt from tax, and accordingly is denied.

### FINDING

Taxpayer's protest is denied.

#### **II. Tax Administration -- Negligence Penalty**

### DISCUSSION

The Department may impose a ten percent negligence penalty. IC 6-8.1-10-2.1 and 45 IAC 15-11-2. Generally, a taxpayer's failure to pay taxes determined by a Department audit will result in penalty assessment. IC 6-8.1-10-2.1(a)(3). However, the Department may waive this penalty if the taxpayer can establish that its failure to file "was due to reasonable cause and not due to negligence." 45 IAC 15-11-2(c). A taxpayer may demonstrate reasonable cause by showing "that it exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed...." *Id.* With respect to the penalty, Taxpayer has not provided sufficient information to permit penalty waiver.

### FINDING

Taxpayer's protest is denied.

---

---

## DEPARTMENT OF STATE REVENUE

02-20030062.LOF

### LETTER OF FINDINGS NUMBER: 03-0062

#### Adjusted Gross Income Tax

#### For the Years 1996-1999

**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.

#### ISSUES

##### **I. Business / Non-business Classification – Adjusted Gross Income Tax.**

**Authority:** Ind. Code § 6-3-1-20; Ind. Code § 6-3-1-21; Ind. Code § 6-3-2-2; *May Dep't Stores Co. v. Indiana Dep't of State Revenue*, 749 N.E.2d 651 (Ind. Tax 2001); *Hoechst Celanese Corp. v. Franchise Tax Board*, 22 P.3d 324 (Cal. 2001); *Jim Beam Brands Corp. v. Franchise Tax Board*, 34 Cal. Rptr. 3d 874 (Cal. Ct. App. 1<sup>st</sup> Dist. 2005); *Times Mirror Co. v. Franchise Tax Board*, 162 Cal. Rptr. 630 (Cal. Ct. App 2<sup>nd</sup> Dist. 1980)

#### STATEMENT OF FACTS

Taxpayer is a corporation which filed a unitary tax return on behalf of several affiliates. During 1996, Taxpayer sold several businesses. The largest dollar amount was realized from the sale of Group W, which itself consisted of several subsidiaries.

In addition, an affiliate of Taxpayer, Sub A, sold an interest in Unrelated S, a business whose subsidiary, Unrelated N, was engaged in management of environmental emergencies on behalf of Sub A. Sub A owned options and participation options in Unrelated S. In 1996, Sub A exercised its options in shares of Unrelated S. Sub A then sold its shares of Unrelated S. While Sub A contracted with Unrelated N to provide federally mandated services on behalf of Sub A, Sub A never owned or even had the right to own more than twenty percent of Unrelated S.

Further, Taxpayer sold an interest in an Austrian partnership that it had purchased, apparently for the sole purpose of allowing Taxpayer's chairman to obtain an Austrian passport. Finally, Taxpayer purchased shares of several corporations that Taxpayer considered to be possible takeover targets; however, Taxpayer purchased less than a five percent interest in the targets. As a result of owning shares in these takeover targets, Taxpayer received dividends from the target corporations.

Meanwhile, Taxpayer also owned Group E and stock in Sub C, a company designed to manage Taxpayer's health care liabilities. Group E consisted of several subsidiaries. In 1996, the operations of Group E were reorganized into an LLC. As a result of the reorganization and a subsequent distribution of the LLC to Company R, Taxpayer incurred a significant loss. Also in 1996, ten percent of the stock of Sub C was sold to an unrelated third party. The sale of Sub C stock resulted in a substantial loss.

In 1997, another company, Sub G, sold its remaining gas contracts, terminating its gas marketing business activities, incurring a substantial gain. Taxpayer received additional dividends from potential takeover targets.

On its Indiana tax returns for the years in question, Taxpayer reported all the income and losses in question as nonbusiness income. Upon Department audit, the Department determined that the items should have been classified as business income and assessed additional tax. Taxpayer filed a protest of the items that resulted in gains; however, as part of its protest, it stated that the items that resulted in losses were in fact business income. A hearing was held with respect to the protest.

##### **I. Business / Non-business Classification – Adjusted Gross Income Tax**

#### DISCUSSION

Ind. Code § 6-3-1-20 provides:

The term "business income" means income arising from transactions and activity in the regular course of the taxpayer's trade or business and includes income from tangible and intangible property if the acquisition, management and disposition of the property constitutes integral parts of the taxpayer's regular trade or business.

Conversely, Ind. Code § 6-3-1-21 provides that "nonbusiness income" means all income other than business income.

Under the provisions of Ind. Code § 6-3-2-2, business income of a corporation is subject to apportionment to Indiana, while nonbusiness income is generally allocable to the corporation's domicile.

In *May Dep't Stores Co. v. Indiana Dep't of State Revenue*, 749 N.E.2d 651 (Ind. Tax 2001), the court determined that the definition of business income encompassed two tests. The first test, the transactional test considers

- (1) the frequency and regularity of similar transactions;
- (2) the former practices of the business; and
- (3) the taxpayer's subsequent use of the income.

*Id.* at 658-659.

In *May*, May Department Stores ("May") owned a several large department store chains purchased a rival department store chain. As a result of the purchase, an antitrust case was launched against May. In settlement of the antitrust claim, May sold the assets of one of its divisions, Home. As a result of Home's asset sale, May realized a gain that it treated as nonbusiness income, allocable to May's domicile; however, the Indiana Department of State Revenue determined that the income was business income apportionable to Indiana and other states. The court held that, because the sale of the assets was a one-time, extraordinary transaction, the sale did not meet the transactional test for business income. *Id.* at 664

Applying the test from *May*, the sales of Taxpayer's interests in various divisions and other companies generally did not meet the transactional test due to their extraordinary nature. However, with respect to the dividends received from the potential takeover target corporations, the dividends met the transactional test. As part of Taxpayer's regular business, Taxpayer bought (and

presumably sold) shares in potential takeover targets. The receipt of dividends from takeover targets- a consistent and ongoing activity of Taxpayer- was in contrast to May that sold the assets in one division as a one-time transaction. Accordingly, the dividends met the transactional test for business income.

The second test, the functional test, “dictates that acquisition, management, use or rental, *and* disposition of property must constitute integral parts of regular business operations.” *Id.* at 660 (emphasis added). In *May*, the court noted that the sale of the assets of the division in question was done to benefit a competitor, rather than May. As a result, the sale could not have been an integral part of May’s business, and therefore the sale failed to meet the functional agreement. *Id.* at 665.

First, with respect to the sale of Group W (and Sub G’s gas contracts, which parallels Group W but will not be discussed separately), Taxpayer operated this business for several years as part of its core business of energy production. Taxpayer had used Group W for the production of business income and business deductions. Further, while Taxpayer was no longer engaged in the mining business in certain states, Taxpayer admits that it was engaged in the mining business in other parts of the country, and uses this argument to justify treating losses from its partial sale of Group E as *business* losses. While the Department acknowledges that different methods may be used to mine the coal in different regions of the United States, this does not change the fact that Group W, its management, its extraction of coal, and ultimately its sale were part of Taxpayer’s regular business operations. Unlike May, which had to sell the assets of Home to benefit a competitor, Taxpayer sold Group W as part of a regular business decision to benefit itself. The operation and sale of Group W was an integral part of its overall business, unlike May that had to sell the assets of Home to *prevent* helping itself and, in fact, help its competition.

Finally, if Taxpayer’s argument is to be understood, the sale of all of a business interest renders a gain a nonbusiness gain, while a sale of ten percent renders the sale a business gain (or loss, as occurs in this case). Apparently, somewhere in between these numbers exists a point where gains change their character, and an influx of income suddenly switches from one side of Taxpayer’s tax ledger (business income) to the other side (nonbusiness income). Absent a clear statutory, regulatory or other guidance as to when this switch occurs, Taxpayer has not carried its burden of showing the error of the assessment. As such, the income from the sale of the Group W was business income within the meaning of Ind. Code § 6-3-1-20.

Furthermore, while Indiana has considered this issue in one particular set of circumstances, California has considered the issue with respect to the sale of subsidiaries in the normal course of a taxpayer’s business. While California law is not binding authority in Indiana, California’s constructions are noteworthy because its statutes and rulings formed the basis of the Uniform Division of Income for Tax Purposes Act (UDITPA), *Hoechst Celanese Corp. v. Franchise Tax Board*, 22 P.3d 324, 334-335 (Cal. 2001), and Indiana has generally based its corporate tax statutes on UDITPA. *May*, 749 N.E.2d at 651. In *Jim Beam Brands Corp. v. Franchise Tax Board*, 34 Cal. Rptr. 3d 874 (Cal. Ct. App. 1<sup>st</sup> Dist. 2005), Jim Beam owned all the shares of a subsidiary, Clear Spring, who in turn owned all the shares of yet another company, Taylor Foods. In 1987, Clear Spring sold its shares in Taylor Foods. The reason given for the sale was that Taylor Foods did not fit into Jim Beam’s long-term plans. The proceeds were distributed from Clear Spring to Jim Beam and further to Jim Beam’s parent. Jim Beam had classified the income as nonbusiness income allocable to Jim Beam’s Kentucky domicile. Previously, Jim Beam had treated Taylor Foods as part of its unitary group and had treated its income and deductions as business income or deductions. However, California sought to treat the income as apportionable to California.

The court looked at the whether the property itself was used for the production of income as an integral part of Jim Beam’s operation, rather than just the disposition of that property. The court held that Taylor Foods itself was used to produce business income, and as a result the disposition of Taylor Foods was business income. *See also Hoechst Celanese* 22 P.3d at 343 (distribution of excess pension funds to preclude use by other corporations possible takeovers resulted in business income when the corporation had claimed its payments into the fund as business deductions); *Times Mirror Co. v. Franchise Tax Board*, 162 Cal. Rptr. 630 (Cal. Ct. App 2<sup>nd</sup> Dist. 1980) (disposition of a wholly-owned subsidiary held to be business income).

Here- just as Taylor Foods was part of Jim Beam’s unitary business in *Jim Beam*- Group W was part of Taxpayer’s overall unitary operation. Similarly, even though Jim Beam did not even retain the funds from the sale of Taylor Foods or continue to operate Taylor Foods, Taxpayer did not continue to operate Group W. Nevertheless, Group W was a part of Taxpayer’s overall business. That it was sold as a part of Taxpayer’s overall business plan did not change the character of the property in question. It was business property and remained business property even in its ultimate disposition.

In addition, with respect to its dividends from potential takeover targets, Taxpayer used its stake in these companies to decide whether to expand its operations. It decided either to offer to take over the target corporation or to refuse to buy it. While the operation of the target corporations was not part of its unitary business, the buying and selling of the target corporations was clearly integral to its core operations.

Further, with respect to the sales (or deemed sale) of portions of Group E and Sub C, it is clear that these corporations were part of its overall unitary business. Accordingly, the losses are business losses. However, if it is subsequently determined that the gains from Group W was nonbusiness gains, it would stand to reason that the losses from Group E and Sub C are nonbusiness losses, notwithstanding that the businesses were operated by Taxpayer after the sales of shares of these companies.

However, with respect to the sale of Taxpayer’s interests in the Austrian partnership and in Unrelated S, Taxpayer has provided sufficient information to conclude that the assets were not part of its regular business operations, and therefore Taxpayer’s protest



is sustained on these issues.

### **FINDING**

Taxpayer's protest is sustained with respect to its sale of Unrelated S and its interest in an Austrian partnership. Taxpayer's protest is otherwise denied.

---

---

### **DEPARTMENT OF STATE REVENUE**

01-20030363.LOF, 04-20030364.LOF

### **LETTER OF FINDINGS NUMBERS: 03-0363, 03-0364**

### **Sales/Use Tax and Personal Income 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.

### **ISSUES**

#### **I. Tax Administration - Best information available**

**Authority:** Ind. Code § 6-8.1-5-1; Ind. Code § 6-8.1-5-4

Taxpayer protests the imposition of sales tax and income tax with respect to an increase in its receipts.

### **STATEMENT OF FACTS**

Taxpayer is an individual engaged in the business of selling food items at local fairs and festivals around Indiana. Taxpayer was audited by the Department in 2002 for the years 1999-2001. The Department conducted an audit based on one of the 2002 fairs at which Taxpayer did business. As a result of the audit, Taxpayer was assessed additional sales and income taxes, penalty and interest based on an underreporting of receipts. Taxpayer filed a protest, and a hearing was held. Additional facts will be supplied as necessary.

#### **I. Tax Administration - Best information available**

### **DISCUSSION**

Taxpayer argues several assumptions made by the auditor were incorrect. Assessments by the Department are presumed correct, and the burden of showing the incorrectness of any assessment rests with the taxpayer. Ind. Code § 6-8.1-5-1(a).

First, Taxpayer argues that the prices used by the auditor were incorrect. In particular, the Department used prices that Taxpayer charged at a county fair in 2002, while the audit period was for 1999-2001. Taxpayer argues that the prices used by the Department overstated Taxpayer's sales for the years in question. While some inflation took place, it cannot be said that Taxpayer has overcome the presumption of the correctness of the audit.

Second, Taxpayer admits that the Department's auditor incorrectly applied the waste factor. Taxpayer argues that, though its waste might have been higher than the fifteen percent used by the Department, that figure was reasonably close. Taxpayer does argue that significant waste does transpire due to the transient nature of Taxpayer's business and resulting issues with refrigeration, but this can be described as not sufficiently supported by Taxpayer.

However, Taxpayer argues that the waste factor was applied entirely to lunches (the meat item), while not applied at all to dinners (the meat item plus side dishes). In particular, Taxpayer argues that its food was cooked in advance, then served as lunches or dinners as the customers order their food. However, the audit stated that the dinners were cooked to order, and accordingly the waste factor was not applicable. The differences in methodology can best be described by the following example.

Taxpayer purchases 10,000 ribs. Seventy-five percent are sold as lunches, while twenty-five percent are sold as dinners. According to the auditor, 7,500 would be sold as lunches. However, fifteen percent would be wasted, resulting in 6,375 rib lunches sold. The remaining 2,500 would be sold as lunches. According to Taxpayer, 8,500 ribs are sold, for 6,375 lunches and 2,125 dinners.

Taxpayer has provided sufficient information to conclude that the auditor incorrectly applied the waste factor in its computation, and accordingly Taxpayer is sustained.

Third, Taxpayer argues that the percentages applied by the auditor to lunches and dinners as a percentage of overall sales, resulted in an excess percentage of sales being attributed to dinners. The auditor assessed tax based on a 75-25 split between lunches and dinners, while Taxpayer asserts that the breakdown was closer to 95-5. Taxpayer states that, when customers purchase items at the fairs at which Taxpayer did business, customers purchased only the meat, without anything else.

Here, Taxpayer's evidence, which consists of statements and not actual evidence of sales from fairs, either during the years of the audit or subsequent years, does not meet its statutory burden, and accordingly is denied.

Fourth, Taxpayer also argues that the auditor did not take into account other dispositions of ribs, such as promotional giveaways and discount or frozen sales. In particular, Taxpayer argues that certain sales made to qualifying groups (e.g., senior citizens) were

not taken into consideration. Further, Taxpayer argues, Taxpayer sold significant quantities of frozen ribs and pork chops to persons who wish to buy in bulk, at prices significantly reduced from their normal resale prices.

With respect to this argument, the auditor apparently did account for the bulk sales of frozen items in determining Taxpayer's sales at fairs. With respect to Taxpayer's arguments concerning promotional sales, Taxpayer has not provided sufficient documentation to rebut the auditor's assessment.

Fifth, Taxpayer argues that the auditor's underreporting assumptions were incorrect. The Department auditor estimated the underreporting of receipts for 2001, and then applied the same percentage to 1999 and 2000. Taxpayer argues that each year should stand alone. Other than the assertion that the auditor's method was incorrect, Taxpayer has not otherwise provided information to conclude that the auditor's methods were incorrect, and accordingly has not met its statutory burden of proof.

Sixth, Taxpayer argues that the auditor's assumption that Taxpayer's records were inadequate was incorrect. Ind. Code § 6-8.1-5-4 states:

(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 in this subsection include all source documents necessary to determine the tax, including invoices, register tapes, receipts, and canceled checks.

(b) A person must retain the books and records described in subsection (a), and any state or federal tax return that the person has filed:

(1) for an unlimited period, if the person fails to file a return or receives notice from the department that the person has filed a suspected fraudulent return, or an unsigned or substantially blank return; or

(2) in all other cases, for a period of at least three (3) years after the date the final payment of the particular tax liability was due, unless after an audit, the department consents to earlier destruction. In addition, if the limitation on assessments provided in section 2 of this chapter is extended beyond three (3) years for a particular tax liability, the person must retain the books and records until the assessment period is over.

(c) A person must allow inspection of the books and records and returns by the department or its authorized agents at all reasonable times.

(d) A person must, on request by the department, furnish a copy of any federal returns that he has filed.

Taxpayer states, "[Indiana law] only requires the Taxpayer to keep such records as are necessary to make an accurate determination of the sales and income tax due." The Department agrees with the substance of this statement; the Department's disagreement is whether Taxpayer has kept those records. While taxpayers may have varying degrees of being able to keep records, the records of any taxpayer must be sufficient to permit the Department to reconstruct that taxpayer's business. Here, Taxpayer's records did not permit such a reconstruction, and accordingly Taxpayer did not rebut the correctness of the Department's assessment.

Taxpayer has further protested an income tax assessment with respect to added receipts. Taxpayer's adjusted gross income for the years in question is increased consistent with the discussion above for his additional sales.

#### **FINDING**

Taxpayer's protest is sustained in part and denied in part.

---

---

### **DEPARTMENT OF STATE REVENUE**

02-20030478.LOF

#### **LETTER OF FINDINGS NUMBER: 03-0478**

#### **Gross Income Tax and Adjusted Gross Income Tax**

#### **For the Year 1998-2000**

**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.

#### **ISSUES**

##### **I. Gross Income Tax--Interstate Commerce**

**Authority:** Ind. Code § 6-2.1-3-3; 45 IAC 1-1-120 (repealed effective January 1, 1999); 45 IAC 1.1-3-3; *Reynolds Metal Co. v. Indiana Dept. of State Revenue*, 433 N.E.2d 1 (Ind. Ct. App. 1982).

Taxpayer protests the imposition of gross income tax with respect to items that Taxpayer retains title to, though the items are stored at the seller's location.

##### **II. Adjusted Gross Income Tax--Unitary filing**

**Authority:** Ind. Code § 6-3-2-2.

Taxpayer protests the disallowance of unitary filing between Taxpayer and a related holding company.

### III. Adjusted Gross Income Tax--Deductions

**Authority:** Ind. Code § 6-3-2-2.

Taxpayer protests the disallowance of a deduction for interest paid by Taxpayer to a related holding company.

### IV. Adjusted Gross Income Tax--Net operating losses

**Authority:** Ind. Code § 6-3-2-2.6; I.R.C. § 382.

Taxpayer protests the disallowance of net operating loss carryforwards after Taxpayer had been acquired by another company.

### V. Tax Administration--Negligence Penalty

**Authority:** IC 6-8.1-10-2.1; 45 IAC 15-11-2

Taxpayer protests the assessment of a negligence penalty.

#### STATEMENT OF FACTS

Taxpayer is a business engaged in making toothpaste tubes, primarily for a large toothpaste manufacturer. With respect to its operations, Taxpayer manufactures its tubes at its plant in another state. When Taxpayer manufactures its tubes, it puts the name of the company on the tubes it sends to the company's Indiana facility. Title to the toothpaste tubes remained with Taxpayer until such time as the tubes were filled by the company; however, as a matter of practice, the tubes were purchased by the company unless the tubes were not in compliance with the manufacturer's standards at the time of shipment. Taxpayer claimed that the sales were the result of interstate commerce; however, upon Department audit, the auditor determined that the taxpayer's sales were conducted in Indiana and thus subject to gross income tax.

In addition, Taxpayer had operated as part of a larger group of companies for several years but filed separate Indiana returns. In mid-1998, Taxpayer and its group were sold to another company. Later in 1998, Taxpayer was sold as a separate entity to yet another company. These sales created a limitation on net operating losses under the Internal Revenue Code. However, upon audit, the Department determined that the net operating losses could not be carried forward after 1998, and accordingly assessed additional tax on this basis.

In 2000, Taxpayer requested Department consent for it and the holding corporation that had acquired Taxpayer in 1998 ("holding company") to file unitary tax returns; however, Taxpayer did not request permission to include its foreign parent. The Department sent a standard letter permitting such filing subject to audit review. Taxpayer and the holding company proceeded to file unitary returns for two of the years in controversy. However, the Department's audit later determined that the two companies should have filed separately. Further, the audit denied a deduction for interest paid by Taxpayer to the holding company.

Finally, with respect to the assessments listed above, the Department assessed a negligence penalty of ten percent. Taxpayer has also protested this assessment.

### I. Gross Income Tax—Interstate Commerce

#### DISCUSSION

Taxpayer's first point of contention is with respect to the imposition of gross income tax on its sales of toothpaste tubes to an Indiana facility. Taxpayer manufactures its tubes at its plant in another state. When Taxpayer manufactures its tubes, it puts the name of the company on the tubes it sends to the company's Indiana facility. Title to the toothpaste tubes remained with Taxpayer until such time as the tubes were filled by the company; however, as a matter of practice, the tubes were purchased by the company unless the tubes were non-compliant at the time of shipment.

Taxpayer argues that its sales really were between its manufacturing plant in another state and the company's Indiana facility. Accordingly, Taxpayer maintains that the sale should be characterized as one in interstate commerce, rather than an Indiana sale occurring at the location where the toothpaste tubes were stored, and accordingly exempt under Ind. Code § 6-2.1-3-3. In support of its contention, taxpayer cites to the case of *Reynolds Metal Co. v. Indiana Dept. of State Revenue*, 433 N.E.2d 1 (Ind. Ct. App. 1982). In that case, an aluminum producer entered into contracts with four distributors for the sale of the producer's products. The producer and distributor had entered into the contracts outside Indiana. As part of the contract, the producer would manufacture its products at an agreed-upon price, and then ship it to the distributors. Payments were made to the producer monthly, based on withdrawals from the distributor's inventory. The distributor assumed any risk of loss, had responsibility for insuring the products, and had responsibility for paying property taxes. The parties could agree to accept the return of non-salable goods, and the producer could demand return of their products if the distributor declared bankruptcy. *Id.* at 16. The Department argued that the relationship was a consignment and thus subject to tax, while the producer argued that the producer had only a security interest, and thus the sale was exempt as being in interstate commerce. The court noted that the relationship between the distributor and the producer more closely resembled a security interest in property rather than a consignment. Accordingly, the transaction between the producer and the distributor was treated as a sale, and thus treated as being in interstate commerce. *Id.* at 18.

Taxpayer argues that its inventory arrangement with the manufacturing plant was in reality a sale prior to the shipment of tubes to the manufacturing plant. Taxpayer has argued that it had limited rights to the inventory after it reached the manufacturing plant. Further, Taxpayer argues that the manufacturer only rejected defective tubes and continued to use older tubes (for instance, a different outer design) that Taxpayer had supplied, giving further evidence that the property in question was really a sale, title notwithstanding.

Here, 45 IAC 1.1-3-3(d)(6) and its pre-1999 counterpart, 45 IAC 1-1-120, is best applicable to this situation. That regulation

states that:

(d) Gross income derived from the sale of tangible personal property in interstate commerce is subject to the gross income tax if the sale is completed in Indiana. The following examples are situations where a sale is completed in Indiana prior to or after shipment in interstate commerce:

\*\*\*

(6) A sale to an Indiana buyer by a nonresident seller after the goods are transported into Indiana.

Here, the title to the property changed when the manufacturer took the tubes and puts its toothpaste in the tubes. Further, unlike the producer in Reynolds who was treated as having a security interest in the metal, Taxpayer expressly does not have a security interest in the toothpaste tubes pursuant to paragraph 3 of the manufacturer's "Consignment Policy." Thus, the sales took place in Indiana after the tubes were shipped into Indiana. Accordingly, the income in question was Indiana gross income and properly subject to tax.

#### **FINDING**

Taxpayer's protest is denied.

## **II. Adjusted Gross Income Tax--Unitary filing**

#### **DISCUSSION**

Taxpayer also protests the disallowance of unitary filing with a domestic holding company. In particular, Taxpayer notes that the two entities had the same owners and the same management. Further, Taxpayer notes that the holding company had no separate employees, and Taxpayer's staff handled the administrative functions of the domestic holding company.

One or more taxpayers may petition to file a combined (unitary) return if such request is made within thirty (30) days of the end of the taxpayer's taxable year, the companies subject to combined filing must show that the entities' income is such that the income does not fairly reflect income from Indiana sources per Ind. Code § 6-3-2-2(l), and that the inability to fairly reflect its Indiana income can be remedied by combined filing. Ind. Code § 6-3-2-2(q) Here, Taxpayer made a timely request for unitary filing with it and the holding company. The Department in turn sent a letter permitting Taxpayer and holding company to file as a unitary filer, subject to Department audit.

Under Ind. Code § 6-3-2-2(l):

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.

In effect, three criteria must be met under Indiana statutes for unitary filing. First, a taxpayer must show that it is a unitary business. Second, a taxpayer must show that its Indiana income on a separate company basis does not fairly reflect its Indiana source income. Third, the taxpayer must show, under Ind. Code § 6-3-2-2(l)(4), that its income can be remedied by unitary filing.

For the sake of this discussion, Taxpayer and its domestic holding company will be assumed to be unitary; however, the Department does not concede that Taxpayer and its domestic holding company were unitary. Unitary status does not automatically permit combined filing. Unitary filing *and* an inability to fairly reflect Indiana income permits unitary filing for Indiana. Ind. Code § 6-3-2-2(p). With respect to the inability to fairly reflect income, the domestic holding company pays financing debt. The domestic holding company is owned by yet another company based in a foreign country, and the domestic holding company must pay interest on the financing debt to the foreign holding company-- a debt that the foreign holding company created for the purpose of the acquisition of Taxpayer. Under Ind. Code § 6-3-2-2(o) and (q), it effectively becomes Taxpayer's option to include the foreign company. If Taxpayer, its domestic holding company and the foreign holding company were all included in the unitary return, this would have fairly reflected the overall Indiana income of Taxpayer's operations. However, by permitting Taxpayer the full scope of this deduction, while stating that the foreign company's income was not includible manages to accomplish two things. First, it fails to show that the Taxpayer's income, as determined on a separate company basis, does not fairly reflect Indiana income. Second, it created its own form of not fairly reflecting Indiana income, by allowing a deduction of interest on a debt created by a commonly-owned taxpayer, without the inclusion of the resulting income, diluting the income of the entire unitary entity claimed by Taxpayer.

Taxpayer has further argued that the Department may not rescind its permission to file unitary returns retroactively absent failure by Taxpayer to present material facts. However, the Department in its response to Taxpayer's request for unitary filing explicitly gave its permission to file the returns *subject to Department audit*. Thus, Taxpayer was permitted to file such returns, but the Department could audit the returns and determine whether the unitary filing was improper.

Taxpayer further protests the disallowance of consolidated filing with the same holding company. Taxpayer has conceded this issue, and thus is denied.

#### **FINDING**

Taxpayer's protest is denied.

### III. Adjusted Gross Income Tax--Deductions

#### DISCUSSION

Taxpayer has also protested the disallowance of interest paid by it to the foreign holding company. In particular, when Taxpayer was purchased, its domestic holding company borrowed several million dollars from its foreign holding company. Then, after the purchase of Taxpayer was complete, the domestic holding company dropped down to Taxpayer roughly half of the debt that it incurred. The debt in question correlated to debt that was incurred in the first acquisition of Taxpayer and which was transferred from its first acquiring group to Taxpayer.

Ind. Code § 6-3-2-2 generally provides that a corporation's adjusted gross income begins with the corporation's taxable income for federal income tax purposes. Under Ind. Code § 6-3-2-2(l), the Department is permitted several powers, including the disallowance of deductions if the deductions result in a corporation's Indiana income not being fairly reflected.

Here, Taxpayer sought to deduct interest that reflected an artifice of Taxpayer's creation--namely, a loan from the foreign holding company to the domestic holding company to purchase Taxpayer. Alternatively, it can be viewed as debt that was incurred as a result of the first acquiring group's acquisition of Taxpayer. Either way, Taxpayer is effectively seeking the benefit of being able to deduct the interest paid by one hand to its other hand, without a resulting inclusion of income. Accordingly, Taxpayer's protest is denied.

#### FINDING

Taxpayer's protest is denied.

### IV. Adjusted Gross Income Tax--Net Operating Losses

#### DISCUSSION

Taxpayer has also protested the disallowance of its net operating losses for Indiana purposes under Ind. Code § 6-3-2-2.6. In particular, the Department stated that "[t]he corporation did not calculate the section 382 limitation utilizing the value of the old corporation immediately before the first ownership change."

Under I.R.C. § 382, a corporate taxpayer is limited in certain instances in the amount of its net operating losses that it may use in years after an ownership change. In effect, the limitation is the lower of the net operating losses that it may have used prior to the ownership change or the amount as computed under § 382. If a taxpayer goes through multiple ownership changes, the lowest amount computed under § 382(b) is the amount that can be used.

Here, Taxpayer underwent two ownership changes during a short period of time. When it became part of the first acquiring company, a portion of the operating group's net operating losses became subject to a § 382 limitation of roughly \$10,000,000 according to the taxpayer. When the second sale of Taxpayer to its current owner occurred, Taxpayer claimed a § 382 limitation of roughly \$3,000,000.

The auditor's principal objection was that Taxpayer had not provided sufficient information to substantiate the second § 382 limitation, both in terms of actual carryover after the acquisition by its present owner and by not providing information with respect to two sales of property held by Taxpayer. Accordingly, the auditor interpreted this as meaning that the § 382 limitation was zero. However, Taxpayer has provided sufficient information, both with respect to the election to treat the first § 382 limitation as the amount claimed by Taxpayer and with respect to a subsequent audit of Taxpayer by the IRS, to conclude that the amount of its carryover is correct. However, the effects of such carryover must be determined by further audit review.

#### FINDING

Taxpayer's protest is sustained subject to audit review.

### V. Tax Administration--Negligence Penalty

#### DISCUSSION

The Department may impose a ten percent negligence penalty. IC 6-8.1-10-2.1 and 45 IAC 15-11-2. Generally, a deficiency resulting from a Department audit will result in penalty assessment. IC 6-8.1-10-2.1(a)(3). However, the Department may waive this penalty if the taxpayer can establish that its failure to file "was due to reasonable cause and not due to negligence." 45 IAC 15-11-2(c). A taxpayer may demonstrate reasonable cause by showing "that it exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed...." *Id.*

With respect to the penalty, Taxpayer has not provided sufficient information to permit penalty waiver.

#### FINDING

Taxpayer's protest is denied.

---



---

## DEPARTMENT OF STATE REVENUE

0320050502.LOF

### LETTER OF FINDINGS NUMBER: 03-0502

#### Withholding Tax

#### For Tax Years 1998-01

**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. Withholding Tax—Responsible Officer Liability**

**Authority:** Indiana Department of Revenue v. Safayan, 654 N.E.2d 270 (Ind. 1995); IC 6-3-4-8; IC 6-8.1-5-1

Taxpayer protests his classification as a responsible officer of a corporation.

#### STATEMENT OF FACTS

Taxpayer was listed as an officer for a corporation which failed to remit withholding taxes. After the corporation did not pay its liabilities, The Department of Revenue ("Department") shifted the responsibility for the liabilities to the officers of the corporation. Taxpayer states that he learned of the liabilities while applying for a residential mortgage. Taxpayer protests his classification as a responsible officer for the corporation. Further facts will be supplied as required.

##### **I. Withholding Tax—Responsible Officer Liability**

#### DISCUSSION

Taxpayer protests his classification as a responsible officer for the corporation in question. The withholding liabilities were personally assessed against taxpayer pursuant to IC 6-3-4-8(f), which provides that, "In the case of a corporate or partnership employer, every officer, employee, or member of such employer, 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." Also, under Indiana Department of Revenue v. Safayan, 654 N.E.2d 270 (Ind. 1995), "The statutory duty to remit trust taxes falls on any officer or employee who has the authority to see that they are paid. The factors considered to determine whether a person has such authority are the following:

1. The person's position within the power structure of the Corporation.
2. The authority of the officer as established by the Articles of Incorporation, By-laws or employment contract; and
3. Whether the person actually exercised control over the finances of the business including control of the bank account, signing checks and tax returns or determining when and in what order to pay creditors.

Id., at 273.

In the course of this protest, taxpayer has provided sufficient documentation to determine that he did not have a position within the power structure of the corporation. He had no authority under an employment contract since he was not employed by the corporation. Finally, he exercised no control over the finances of the business. Control of the bank account, signing checks and tax returns and determining when and in what order to pay creditors were the sole responsibilities of another individual.

Under IC 6-8.1-5-1(b), assessments issued by the Department of Revenue are prima facie evidence that the taxes are owed, and the burden of proving them wrong rests with the taxpayer. Taxpayer has provided sufficient documentation to prove the assessments wrong. Therefore, taxpayer has met his burden under IC 6-8.1-5(b).

#### FINDING

Taxpayer's protest is sustained.

---

---

### DEPARTMENT OF STATE REVENUE

0220040006.LOF

#### LETTER OF FINDINGS NUMBER: 04-0006

##### **Corporate Income Tax**

##### **Tax Period 2000-2002**

**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. Gross Income Tax-Imposition**

**Authority:** IC 6-8.1-5-1(b), IC 6-2.1-2-2, IC 6-2.1-2-1(c)(1)(A), IC 6-2.1-1-8, 45 IAC 1.1- 1-11, Indiana Department of State Revenue v. Boswell Oil Co., 148 Ind. App. 569, 268 N.E.2d 303 (1971).

The taxpayer protests the imposition of gross income tax.

#### STATEMENT OF FACTS

The taxpayer is a purchasing cooperative for hardware and building materials. The taxpayer filed an amended gross income tax return for the year ending June 30, 2000. With this amended return, the taxpayer requested a refund which the Indiana Department of Revenue, "department," issued. The department then audited the taxpayer for the years ending June 30, 2000, through June 30,

2002. As a result of the audit, the department recaptured the refund and assessed additional tax for the years of the audit. The taxpayer protested this assessment. A hearing was held and this Letter of Findings results.

## **I. Gross Income Tax-Imposition**

### **DISCUSSION**

Originally the taxpayer reported and paid gross income tax at the low rate on all of its transactions. In some of the wholesale sales, the taxpayer alleged that it actually acted as a broker negotiating sales between suppliers and members. In those sales, members place orders directly with the suppliers or with the taxpayer. In both of these situations, the taxpayer has pre-negotiated the price. The orders are drop shipped directly from suppliers to members. The suppliers invoice the taxpayer for the goods allowing discounts for early payment. The taxpayer invoices the members the same amount, the same discount and a variable adder. The amended returns indicated that the variable add-on was a commission subject to gross income tax at the high rate. The department assessed gross income tax on the gross receipts from the transactions as wholesale sales taxable at the low rate. The taxpayer protested this assessment.

The taxpayer classifies its sales into three categories. First is the classification where it purchases hardware supplies, stores them in its warehouse and sells them to cooperative members. The taxpayer agrees that these transactions are wholesale sales with the gross receipts subject to gross income tax at the low rate.

In the second type of transaction, the member places an order directly with one of the taxpayer's suppliers at prices pre-negotiated by the taxpayer. The suppliers ship the goods directly to the purchasers. The suppliers invoice the taxpayer for the purchases. The taxpayer then invoices the member at the pre-agreed price. Some suppliers pay the taxpayer a commission for arranging the sale, and members are invoiced at the same price that suppliers invoice the taxpayer. Other supplier agreements require the taxpayer to collect some or all of its commission from the purchasing member as an add-on to the price that the taxpayer charges the member. The taxpayer is only entitled to keep the add-on or commission. In all cases, the member and supplier have knowledge of the pricing arrangement.

The third method is for the member to notify the taxpayer that it wishes to purchase a certain amount of a particular product for delivery within a specified time period. The taxpayer purchasing agents shop the contract with qualified suppliers. When the contract terms are settled, the order is placed by the taxpayer on behalf of the member. The supplier invoices the taxpayer and the taxpayer invoices the member. The taxpayer may collect commissions from the supplier and/or the member, as in the second method. This method is used mostly for purchasing commodity products, such as dimensional lumber, that fluctuate in price too much to make the pre-negotiated pricing of the second method practical.

Indiana Department of Revenue assessments are prima facie evidence that the department's claim for unpaid taxes is valid. IC 6-8.1-5-1(b). The taxpayer has the burden of proving whether the department incorrectly imposed the assessment. Id.

IC 6-2.1-2-2 provides:

(a) An income tax, known as the gross income tax, is imposed upon the receipt of:

(1) the entire taxable gross income of a taxpayer who is a resident or a domiciliary of Indiana; and

The department and taxpayer are in agreement that the taxpayer is subject to the gross income tax on the receipts from each of the three types of transactions. They disagree, however, on what constitutes the taxable gross income is in the second and third types of transactions. The department considered the disputed sales as wholesale sales with the total receipts taxable at the low rate. The taxpayer contended that these transactions were not wholesale sales. Rather, the taxpayer argued that it actually acted as a broker in the last two types of transactions. As such, only the add on fees or commissions would be subject to the gross income tax. These receipts would be taxed at the high rate.

The issue to be determined in this case is whether the taxpayer is acting as a wholesaler or a broker in the last two scenarios.

The statute defines a "wholesale sale" at IC 6-2.1-2-1(c)(1)(A) as follows:

(A) Sales of tangible personal property (except capital assets or depreciable assets of the seller) for resale in the form in which it was purchased.

The income of brokers subject to the Indiana gross income tax is delineated at IC 6-2.1-1-8 as follows:

In the case of banks, national banks, trust companies, building and loan associations, investment companies regulated under the Federal Investment Company Act of 1940, as amended and in effect on January 1, 1977, brokers, dealers in securities, finance companies, dealers in commercial paper, and taxpayers engaged in the business of lending money or providing credit "gross income" means gross earning with respect to the businesses and activities enumerated in this section.

The Indiana Court of Appeals dealt with this issue in Indiana Department of State Revenue v. Boswell Oil Co., 148 Ind. App. 569, 268 N.E.2d 303 (1971). In that case, the department assessed Boswell as a wholesaler of fuel oil. Boswell argued that it was a broker or middleman who matched sellers with buyers. It contracted separately with the suppliers and purchasers in its own name. Boswell never took possession of the fuel oil or had any interest in it. Rather, Boswell arranged for the fuel oil to be shipped from the suppliers directly to the purchasers. Boswell collected payment from the purchasers. It paid the suppliers directly and kept a service fee or commission for itself. The court found that, based upon its method of conducting business, Boswell met the definition of a

“broker.” Therefore it was entitled to use the statutory gross earnings method and pay the gross income tax at the high rate on its commissions.

In considering the gross income tax liability of Boswell, the court described the situation as follows:

As we see it, Boswell meets [the] definition [of a broker] in that... it matches suppliers of residual fuel oil and consumers of such oil, negotiates fuel prices, causes the fuel oil to be transported directly from the refinery to the consumer, maintains no store of oil in Indiana for sale or investment, and the refiner and the consumer each know to whom the oil is sold and shipped. So far, Boswell has negotiated a “contract” between others and has dealt with contracting parties and has no interest in nor possession of the property. Thus, Boswell has performed the essential function of a broker, which is to negotiate contracts between others, and, unlike a factor, has not taken possession, management, or control of the goods.

268 N.E.2d at 306.

The department’s regulations reflect the Court’s determination in the Boswell case. 45 IAC 1.1-1-11 provides as follows:

(a) “Gross income of a broker” means the commissions earned from brokerage transactions without any deductions of any kind or character.

(b) As used in this section, “broker” includes a securities broker and a commodity broker. However, it does not include a taxpayer who purchases produce or otherwise acquires the ownership of a stock of commodities carried and handled for sale in its normal trade or business. The essential function of a broker is making a bargain for contracting parties without taking possession, management, control, or title of the goods involved. A broker cannot make a contract in its own name, except under the following circumstances:

(1) The contract is made with the knowledge and consent of the broker’s principal.

(2) The contract is justified by the usages of trade of the particular business involved.

(c) As used in this section, “brokerage transaction” means a group of activities whereby a taxpayer is paid a commission for bringing a buyer and seller together and completing a sale of property.

(d) A taxpayer acting as a broker for goods and, at the same time, as a retail merchant for the same or similar type of goods, will report its gross income under subsection (a) only to the extent that its income is received from acting as a broker.

The taxpayer only meets the statutory qualifications of being a wholesaler by purchasing materials and reselling them in the same form in the first type of transaction. Therefore, that is the only instance of a wholesale sale with the all receipts being subject to the gross income tax at the low rate.

In the second and third types of transactions, the taxpayer does not take possession or title to the goods. Since the taxpayer does not take possession or title to the goods, it does not resell them. Rather, the taxpayer brings buyers and sellers together to assist in the completion of a sale. The product is shipped directly from the supplier to the buyer. The suppliers and purchasers know each other’s identities and the identity of the broker. These transactions are analogous to the brokerage transactions in the Boswell case. The second and third methods of taxpayer’s operations also meet the statutory and regulatory conditions for the taxpayer to be treated as a broker. Therefore, only the taxpayer’s commissions or brokerage fees are subject to the Indiana gross income tax at the high rate.

#### **FINDING**

The taxpayer’s protest is sustained.

---

---

### **DEPARTMENT OF STATE REVENUE**

0220040241.LOF

#### **LETTER OF FINDINGS NUMBER: 04-0241**

##### **Corporate Income Tax**

##### **Tax Period 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**

##### **1. Corporate Income Tax- Unitary Relationship**

**Authority:** IC 6-8.1-5-1(b); 45 IAC 3.1-1-153; 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); F.W. Woolworth Co. v. Taxation and Revenue Dep’t., 458 U.S. 354 (1982); ASARCO, Inc. v. Idaho State Tax Comm’n, 458 U.S. 307 (1982); Exxon Corp. v. Department. of Revenue, 447 U.S. 207 (1980); Mobil Oil Corp. v. Commissioner of Taxes, 445 U.S. 425 (1980).

Taxpayer protests the determination that one of the taxpayer’s subsidiaries is not unitary.

#### **STATEMENT OF FACTS**

Taxpayer, a food manufacturer, files a consolidated Indiana return. Taxpayer has a business association with an unrelated



company. The two parties own a corn mill through a limited partnership. The parties indirectly share ownership in the limited partnership through subsidiary corporations. Taxpayer consists of the parent corporation and two subsidiaries.

The Department conducted an audit and included only the Taxpayer's consolidated group of companies that operated in or had a taxable nexus within Indiana as unitary for purposes of 45 IAC 3.1-1-153. As a result of this determination, the Taxpayer's taxable adjusted gross income increased significantly. The Taxpayer previously treated the income from all of its subsidiaries as unitary and apportioned the income. The taxpayer submitted a protest challenging the audit's determination. The Department held a hearing and now presents this Letter of Findings.

## 1. Corporate Income Tax- Unitary Relationship

### DISCUSSION

To help identify the parties, the department will designate the two subsidiaries as "Subsidiary A" and "Subsidiary B". Both of the subsidiaries, Subsidiary A and Subsidiary B, own interest in a limited partnership. Subsidiary B is the general partner holding a 1 percent interest. Subsidiary A is a limited partner holding a 79.2 percent interest. An unrelated third company holds a 19.8 percent limited interest in the partnership. The limited partnership distributed its income to the partners based on the partner's ownership percentage.

On audit, the Department took the position that a unitary relationship does not flow through a corporate parent, but rather between the partnership and the corporate partners directly. Using this analysis, the audit review determined Subsidiary B and the limited partnership were unitary and apportioned the income Subsidiary B received from the limited partnership to Indiana. The audit review determined no unitary relationship existed between Subsidiary A and the limited partnership. This determination allowed the Department to allocate Subsidiary A's income from the limited partnership to Indiana in accordance to Subsidiary A's ownership percentage and the limited partnership's Indiana apportionment percentage. The audit review reached its decision, with respect to Subsidiary A, for these reasons: Subsidiary A only derived income from the partnership distributions; its only asset consisted of the limited partnership interest; and its only activity consisted of holding its investment in the partnership. The Department viewed these facts as consistent with a non-unitary business relationship.

Indiana Department of Revenue assessments are prima facie evidence that department's claim for unpaid taxes is valid. IC 6-8.1-5-1(b). The taxpayer has the burden of proving whether the department incorrectly imposed the assessment. *Id.* The determination of whether or not a unitary relationship exists depends on 45 IAC 3.1-1-153. 45 IAC 3.1-1-153 provides:

- \ (a) A corporate partner's share of profit or loss from a partnership will be included in its federal taxable income and therefore generally subject to the same rules as any other adjusted gross income. (b) 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....

The Supreme Court established the factors to consider in a unitary business analysis. See *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); *F.W. Woolworth Co. v. Taxation and Revenue Dep't.*, 458 U.S. 354 (1982); *ASARCO, Inc. v. Idaho State Tax Comm'n*, 458 U.S. 307 (1982); *Exxon Corp. v. Department of Revenue*, 447 U.S. 207 (1980); *Mobil Oil Corp. v. Commissioner of Taxes*, 445 U.S. 425 (1980). The three factors are: functional integration; centralization of management; and economies of scale. *Id.* No single factor outweighs the other factors. *Id.* However, the showing of day-to-day operational control in the partnership indicates the existence of a unitary business relationship. See *Allied-Signal, Inc.*, 504 U.S. at 768; *Container Corp. of America*, 463 U.S. at 166; *ASARCO, Inc.*, 458 U.S. at 307.

The Taxpayer takes exception to the Department's determination. The taxpayer argues that under the common law definition of unitary business, the subsidiaries and the limited partnership are unitary because the combined group forms a vertically integrated business. According to the Taxpayer, common law defines "unitary business" as "vertically integrated business, either through affiliates or divisions that perform interdependent steps that lead to a finished product". Therefore, the taxpayer contends that if the Department viewed one member of the vertically integrated business as unitary, then all members of the combined group is unitary.

The taxpayer's interpretation of "unitary business" extends the definition too broadly for 45 IAC 3.1-1-153 purposes. The taxpayer provides no substantive cite for its reliance or use of the common law definition of "unitary business". However, using the analysis established by the Supreme Court cases, the Department must consider each partner in the partnership and determine whether the partner in question can exercise day-to-day operational control. Once the Department completes this examination, then it may apply the factors to further support the existence of a unitary business. Therefore, since Subsidiary A is a limited partner, a presumption exists that limited partners cannot exercise day-to-day operational control in a partnership. Thus, because the Taxpayer has not provided any evidence to rebut this presumption, the audit review correctly determined that Subsidiary A was not unitary with the partnership.

### FINDING

For the reasons stated above, the department denies the taxpayer's protest.

---

---

## Nonrule Policy Documents

---

---

### DEPARTMENT OF STATE REVENUE

0220040267P.LOF

#### LETTER OF FINDINGS NUMBER: 04-0267P

##### Income Tax

##### For the Short Period ended February 28, 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 – Penalty

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2;

The taxpayer protests the late penalty.

#### STATEMENT OF FACTS

The late penalty was assessed on the late payment and filing of the Short Period return for the period ended February 28, 2002. The taxpayer is an Indiana company.

##### I. Tax Administration – Penalty

#### DISCUSSION

The taxpayer argues the penalty should be abated. The taxpayer's argument includes (1) the definition of inattention, (2) the fact that the IRS would abate the penalty, and (3) the compliance record.

With regard to the compliance record, the taxpayer has had three errors. One error occurred in the year 2000. Two errors occurred in the year 2001. The Department does not feel the taxpayer's compliance record would be a factor in the abatement of penalty.

With regard to IRS abatement, the Department does not follow IRS guidelines in the abatement of penalty.

With regard to the definition of inattention, Webster's Unabridged Dictionary states inattention is the failure to carryout, or perform, as a result of disregard. The Department feels the taxpayer demonstrated disregard of tax duties in that the taxpayer did not prepare for the tax ramifications of a planned IRS section 338 sale.

The regulation which controls the application of penalty is 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 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.

---

---

### DEPARTMENT OF STATE REVENUE

04-20040268.LOF

#### LETTER OF FINDINGS NUMBER: 04-0268

##### Use Tax and Penalty

##### For the Years 1998-2000

**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.

#### ISSUES

##### I. Use Tax—Steel Uncoilers

**Authority:** Ind. Code § 6-2.5-2-1; Ind. Code § 6-2.5-3-1; Ind. Code § 6-2.5-5-3; Ind. Code § 6-8.1-5-1; 45 IAC 2.2-5-8; 45 IAC 15-5-3

Taxpayer protests the assessment of use tax on the purchase of steel uncoilers where no sales tax was paid at the point of

purchase.

## **II. Use Tax--Packaging**

**Authority:** Ind. Code § 6-2.5-5-9; 45 IAC 2.2-5-16

Taxpayer protests the assessment of use tax on the purchasing of packaging paper where no sales tax was paid at the point of purchase.

## **III. Tax Administration--Negligence Penalty**

**Authority:** Ind. Code § 6-8.1-10-2.1; 45 IAC 15-11-2

Taxpayer protests the assessment of a negligence penalty.

### **STATEMENT OF FACTS**

Taxpayer is in the business of manufacturing steel tubing. The production process consists of taking flat steel stock and forming, welding, and cutting it into steel tubing. Taxpayer purchased uncoilers, which unroll raw steel from a spool before the steel is loaded into machines that form the flat steel into tubes. Taxpayer paid no sales tax on the purchase of the uncoilers. Taxpayer had protested the same issue to the Department during a prior audit period; the Department denied that protest, and Taxpayer did not appeal that denial.

When shipping the tubing to its customers, Taxpayer uses paper packaging to absorb moisture that would otherwise harm the steel tubing's tensile strength and otherwise protect the steel tubes. Taxpayer paid no sales tax on the paper at the time of purchase. Taxpayer also protests the imposition of a negligence penalty.

Taxpayer supplemented their written protest with a video of their processes, which the Department viewed as part of the protest. Additional facts will be supplied as necessary.

## **I. Use Tax—Steel Uncoilers**

### **DISCUSSION**

Taxpayer protests the proposed assessment of use tax on the purchase of steel uncoilers where no gross retail tax was paid at the point of purchase. Taxpayer argues that the uncoilers perform the first step in the production process.

Pursuant to Ind. Code § 6-8.1-5-1(b) and 45 IAC 15-5-3(8), a “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 assessment is made.” In general, a person is liable for sales tax at the time of purchase, unless an exemption applies. Ind. Code § 6-2.5-2-1. A parallel tax, the use tax, is also due for any tangible personal property stored, used, or consumed in Indiana. Ind. Code § 6-2.5-3-1. If sales tax was paid at the time of purchase, the amount paid is credited against the use tax. Ind. Code § 6-2.5-3-5. Further, if tangible personal property is purchased for an exempt purpose, the use of that property for the exempt purpose is also exempt from use tax. Ind. Code § 6-2.5-3-4.

Specifically, Ind. Code § 6-2.5-5-3(b) provides that “transactions involving manufacturing machinery, tools, and equipment are exempt from the state gross retail tax if the person acquiring that property acquires it for direct use in the direct production... of other tangible personal property. The applicable regulation, 45 IAC 2.2-5-8, provides in relevant part:

(a) In general, all purchase of tangible personal property by persons engaged in the direct production, manufacture, fabrication, assembly, or finishing of tangible personal property are taxable. The exemption provided in this regulation [45 IAC 2.2] extends only to manufacturing machinery, tools, and equipment directly used by the purchaser in direct production.

(b) The state gross retail tax does not apply to sales of manufacturing machinery, tools, and equipment to be directly used by the purchaser in the direct production, manufacture, fabrication, assembly, or finishing of tangible personal property.

(c) The state gross retail tax does not apply to purchases of manufacturing machinery, tools, and equipment to be directly used by the purchaser in the production process provided that such machinery, tools, and equipment are directly used in the production process; i.e., they have an immediate effect on the article being produced. Property has an immediate effect on the article being produced if it is an essential and integral part of an integrated process which produces tangible personal property.

(d) Pre-production and post production activities. “Direct use in the production process” begins at the point of the first operation or activity constituting part of the integrated production process and ends at the point that the production has altered the item to its completed form, including packaging, if required.

Here, the uncoiler straightened the steel. While this was necessary to begin the process by which Taxpayer produced tangible personal property, the straightening of steel preceded the process in which the steel eventually became steel tubes. As such, the uncoiler did not have an immediate direct effect on the property in production, and thus did not constitute part of the production of other tangible personal property. Taxpayer also raises an argument with respect to the uncoiler being exempt as safety equipment. Taxpayer has not provided sufficient information to substantiate this secondary contention.

### **FINDING**

Taxpayer’s protest is denied.

## **II. Use Tax--Packaging**

### **DISCUSSION**

Taxpayer also protests the imposition of use tax for certain paper and cardboard items. In particular, Taxpayer argues that the

---

---

## Nonrule Policy Documents

---

---

packaging materials placed in containers to preserve its character during shipping are exempt from tax.

Under Ind. Code § 6-2.5-5-9(d), “[s]ales 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.” In addition, 45 IAC 2.2-5-16 provides:

(a) The state gross retail tax shall not apply to sales of nonreturnable wrapping materials and empty containers to be used by the purchaser as enclosures or containers for selling contents to be added, and returnable containers containing contents sold in a sale constituting selling at retail and returnable containers sold empty for refilling.

(b) In general the gross proceeds from the sale of tangible personal property in a transaction of a retail merchant constituting selling at retail are taxable. This regulation [45 IAC 2.2] provided an exemption for wrapping materials and containers.

(c) General rule. The receipt from a sale by a retail merchant of the following types of tangible personal property are exempt from state gross retail tax:

(1) Nonreturnable containers and wrapping materials including steel strap and shipping pallets to be used by the purchaser as enclosures for selling tangible personal property.

\* \* \*

(d) Application of general rule.

(1) Nonreturnable wrapping material and empty containers. To qualify for this exemption, nonreturnable wrapping materials and empty containers must be used by the purchaser in the following way:

(A) The purchaser must add contents to the containers purchased; and

(B) The purchaser must sell the contents added.

\* \* \*

(e) Definitions.

(1) Returnable containers. As used in this regulation [45 IAC 2.2], the term returnable container means containers customarily returned by the buyer of the contents for reuse as containers.

(2) Nonreturnable containers. As used in this regulation [45 IAC 2.2], the term nonreturnable containers means all containers which are not returnable containers.

In this case, the issue was if the protective materials that Taxpayer provided constituted a “container” within the meaning of the statute and regulation. Based on the context of the statute as well as the ordinary definition of the term “container”, the exemption applied to the outer casing or cover of the material, not to the inner packing materials designed to protect the product. Accordingly, Taxpayer has not met its burden and is denied.

### FINDING

Taxpayer’s protest is denied.

### III. Tax Administration--Negligence Penalty

#### DISCUSSION

The Department may impose a ten (10) percent negligence penalty. Ind. Code § 6-8.1-10-2.1 and 45 IAC 15-11-2. Taxpayer’s failure to pay the proper amount due as determined by Department audit, generally, will result in penalty assessment. Ind. Code § 6-8.1-10-2.1(a)(3). The Department, however, may waive this penalty if the taxpayer can establish that its failure to file “was due to reasonable cause and not due to negligence.” 45 IAC 15-11-2(c). A taxpayer may demonstrate reasonable cause by showing “that it exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed....” *Id.*

Even if Taxpayer had been sustained on all issues in its protest, its error percentage would have been reduced from 13.17 percent to six percent of its gross receipts otherwise used to determine the proper amount of use tax. Further, Taxpayer failed to remit use tax on items for which it had previously been assessed tax by the Department, protested, and lost the protest. In light of the circumstances, Taxpayer has not met its burden of showing ordinary business care.

### FINDING

Taxpayer’s protest is denied.

---

---

## DEPARTMENT OF STATE REVENUE

04-20040287.LOF

### LETTER OF FINDINGS NUMBER: 04-0287

#### STATE GROSS RETAIL TAX

#### For Years 2000 AND 2001

**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. State Gross Retail Tax —Undefined protest**

**Authority:** I.C. 6-8.1-5-1

Taxpayer protests the proposed assessments of Indiana's State Gross Retail tax.

### **STATEMENT OF FACTS**

Taxpayer owned and operated a convenience store/gas station. An audit was conducted for the years under protest and the Department of Revenue made an assessment. Taxpayer protested and the field auditor conducted a supplemental review that resulted in a reduction of the original assessment. The supplemental review addressed the issue originally raised by the taxpayer. However taxpayer did not wish to forego the hearing, so a hearing was accordingly scheduled. Taxpayer did not contact the Department or attend the hearing, and the Department prepared a Letter of Findings based on the above information.

#### **I. State Gross Retail Tax —Undefined protest**

### **DISCUSSION**

IC § 6-8.1-5-1 states in relevant part:

(a) If the department reasonably believes that a person has not reported the proper amount of tax due, the department shall make a proposed assessment of the amount of the unpaid tax on the basis of the best information available to the department. The amount of the assessment is considered a tax payment not made by the due date and is subject to IC 6-8.1-10 concerning the imposition of penalties and interest. The department shall send the person a notice of the proposed assessment through the United States mail.

....

(i) The department shall demand payment, as provided in IC 6-8.1-8-2(a), of any part of the proposed tax assessment, interest, and penalties that it finds owing because:

.....

(2) the person requested a hearing but failed to appear at that hearing;

.....

Aside from the adjustments granted in the supplemental review of the original assessment, taxpayer failed to present any additional basis for overturning or reducing the remaining assessment. Taxpayer also failed to appear at the scheduled hearing. Based on taxpayer's failure to appear or participate in the scheduled hearing as required in IC § 6-8.1-5-1, taxpayer protest is denied.

### **FINDING**

Taxpayer's protest is denied.

---

---

## **DEPARTMENT OF STATE REVENUE**

0120040380.LOF

### **LETTER OF FINDINGS: 04-0380** **Indiana Adjusted Gross Income Tax** **For 1999 through 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 the document will provide the general public with information about the Department's official position concerning a specific issue.

### **ISSUE**

#### **I. Not-for-Profit Exemption – Individual Adjusted Gross Income Tax.**

**Authority:** IC 6-8.1-5-1(b); IC 6-8.1-5-1(d) to (e); IC 6-8.1-5-1(f); IC 6-8.1-5-1(g) to (h); I.R.C. § 501; 26 CFR 301.6361-2(d); 26 CFR 301.6361-2(d)(2); Rev. Rul. 73-370, 1973-2 C.B. 184.

Taxpayer argues that he is not subject to Indiana Adjusted Gross Income Tax because any income he obtained was attributable to "not-for-profit activities."

### **STATEMENT OF FACTS**

The Indiana Department of Revenue (Department) determined that taxpayer owed state adjusted gross income tax for 1999 through 2001 and sent taxpayer a notice of "Proposed Assessment" addressing his potential state tax liability for 1999. The Department prepared the notice on September 13, 2004. Taxpayer's representative responded in a letter dated September 22, 2004. Taxpayer's letter stated that he "is disputing the... tax liability and is requesting appeals consideration of said tax liability." In addition, taxpayer sent copies of correspondence with the IRS including an "Affidavit of Composite Return" which taxpayer cited as authority to "amend a previously filed 1040 return." On the ground that taxpayer was engaged in "Not-for-Profit Activities,"

taxpayer amended his original 1040 returns to reflect the assertion that his taxable income was reduced to "\$0.00 on said 1040 return." Taxpayer arrived at this number by claiming a mandatory "not-for-profit deduction" equal to the amount of taxpayer income previously reported on the returns.

Despite taxpayer's assertion that "[t]he IRS Office of Appeals now has exclusive jurisdiction in this matter" and that any administrative decision the Department might make was "contrary to law," the Department assigned taxpayer's protest to a hearing office. The Hearing Officer contacted taxpayer's representative in a letter dated August 3, 2005. Taxpayer declined the invitation to participate in an administrative hearing or to present additional information. This Letter of Findings is based upon the taxpayer's original protest letter and his subsequent correspondence.

#### **DISCUSSION**

##### **I. Not-for-Profit Exemption – Individual Adjusted Gross Income Tax.**

**A. Jurisdiction:** As a threshold issue, taxpayer challenges the Department's authority to act upon taxpayer's protest. According to taxpayer, the IRS "has exclusive jurisdiction in this matter. Any determination [the Department] might make after the Administrative Protest and Request for Appeals Conference was filed is contrary to law." Taxpayer cites as authority 26 CFR 301.6361-2(d) which states that:

General rule. Except as provided in subparagraphs (2) and (3) of this paragraph (d), the Federal Government shall appear on behalf of any State the qualified tax of which it collects (or did collect for the year in issue), and shall represent such State's interests in any administrative or judicial proceeding, either civil or criminal in nature, which relates to the administration and collection of such qualified tax, in the same manner as it represents the interests of the United States in corresponding proceedings involving Federal income tax matters.

Taxpayer interprets 26 CFR 301.6361-2(d) as requiring Indiana to accede to the federal government's representation in any civil or administrative proceeding stemming from taxpayer's protest. The Department must disagree with taxpayer's interpretation. 26 CFR 301.6361-2(d)(2) provides that:

The Federal Government shall not so represent a State's interests either--

- (i) In proceedings in a State court involving the constitution of such State, to the extent of such constitutional issue, or
- (ii) In proceedings in any court involving the relationship between the United States and the State, to the extent of the issue pertaining to such relationship, if either:

(A) The proceeding is one which is initiated by the United States against the State, or by the State against the United States, and no individual (except in his official capacity as a governmental official) is an original party to the proceeding, or

(B) The proceeding is not one described in (A), *but the State elects to represent its own interests to the extent permissible under this subdivision. (Emphasis added).*

Indiana has chosen to provide taxpayers an administrative remedy by which the individual taxpayer may challenge a proposed assessment, air his or her grievances, and receive a written response to that challenge. *See* IC 6-8.1-5-1(d) to (e). If the aggrieved taxpayer is dissatisfied with the Department's written response, Indiana has provided a method may seek supplemental administrative review *See* IC 6-8.1-5-1(f). In addition to the administrative remedies otherwise available, Indiana has provided taxpayers a judicial remedy by means of the Indiana Tax Court. *See* IC 6-8.1-5-1(g) to (h). The Department acted well within its authority to address taxpayer's state income tax protest notwithstanding taxpayer's parallel effort to resolve the related federal tax issues.

**B. Not-for-Profit:** Taxpayer states that, "The underlying tax claim is a not-for-profit activity." Based on this assertion, taxpayer concludes that the 1999 income is not subject to the state's income tax.

Certain types of organizations are exempt from income tax. To qualify for exempt status, the taxpayer must be formed for a designated charitable, nonprofit purpose, and its status as a tax exempt entity must be determined by the District Director. I.R.C. § 501; Rev. Rul. 73-370, 1973-2 C.B. 184.

Although taxpayer suggests that he is not subject to Indiana income tax, he has provided no evidence to substantiate that proposal and fails to carry his burden of demonstrating that he is entitled to the exemption. "The burden of proving that the proposed assessment is wrong rests with the person against whom the proposed assessment is made." IC 6-8.1-5-1(b). Because taxpayer failed to meet the statutory mandate, the Department must deny taxpayer's protest.

#### **FINDING**

Taxpayer's protest is denied.

---

---

#### **DEPARTMENT OF STATE REVENUE**

0420040432P.LOF

#### **LETTER OF FINDINGS NUMBER: 04-0432P**

##### **Sales Tax**

##### **For the Month of February 2004**

**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 penalty assessed for failure to timely file a monthly sales tax return and remit the appropriate tax.

#### **STATEMENT OF FACTS**

The taxpayer filed its sales tax return for the month of February 2004 after the due date. The calculated amount of tax due was remitted with the return. Accordingly, the department assessed a penalty for the taxpayer's failure to timely remit its tax. In his correspondence, the taxpayer's representative requested that the penalty be abated due to reasonable cause.

#### **I. Tax Administration – Penalty**

The representative asserts that the taxpayer filed its return and remitted its tax late due to a combination of unfortunate problems all within an eight-week period. Among these problems were:

- Sales tax software failures
- People, computers, and files were moved to another floor for construction
- A new vice president of tax was appointed
- A new tax compliance manager was appointed
- Four new staff tax preparers were appointed
- Employee medical problems

The taxpayer asserts that any one of the circumstances by itself might not justify the waiver of penalty, but all of them considered together do justify the waiver of penalty. The department disagrees. Even though the taxpayer had several unfortunate circumstances occur at the same time, all of them were within the scope of what a reasonable person engaged in business might anticipate.

The taxpayer asserts that there are additional reasons that support the abatement of penalty:

- Despite its sales tax compliance problems, the taxpayer continued to file personal property tax returns, business license requirements, and income tax returns for its Indiana stores.
- The taxpayer pays in excess of \$116,000 in annual property taxes
- The taxpayer is a community minded corporate citizen.

The department acknowledges the taxpayer's filing history, contribution to the Indiana economy, and generosity. However, this information is not relevant to proving the absence of negligence and the existence of reasonable cause.

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 has not established that its failure to timely file the return in question and pay the appropriate tax was due to reasonable cause and not due to negligence.

### **FINDING**

The taxpayer's protest is denied.

---

---

## **DEPARTMENT OF STATE REVENUE**

04-20040436.LOF

### **LETTER OF FINDINGS NUMBER: 04-0436 SALES AND USE TAX FOR TAX YEARS 2000-2003**

**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 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: Fuel Sales**

**Authority:** IC 6-8.1-5-1(b); IC 6-2.5-7-3.

Taxpayer protests the assessment of sales tax on fuel sold through metered pumps.

**STATEMENT OF FACTS**

Taxpayer owns and operates a convenience store and gas station. The taxpayer had an arrangement with another area retailer. The arrangement allowed the area retailer to provide fueling cards to its clients, whereby those clients could purchase fuel from the taxpayer's pumps. The taxpayer did not charge the clients at the pump, but rather billed the area retailer for the amount of fuel dispensed to their clients at the purchase price per gallon (including prepaid sales tax) plus five cents per gallon. The area retailer then in turn billed their clients. On audit, the Department assessed additional sales tax on the gasoline sold through the taxpayer's metered pumps. The taxpayer submitted a protest challenging the assessment. The Department held a hearing and now presents this Letter of Findings.

**I. Sales and Use Tax: Gasoline Sales****DISCUSSION**

The taxpayer argues the Department erred in assessing additional sales tax. The taxpayer contends the Department collected the sales tax when the area retailer bills its clients.

Indiana Department of Revenue assessments are prima facie evidence the department's claim for unpaid taxes is valid. IC 6-8.1-5-1(b). The taxpayer has the burden of proving whether the department incorrectly imposed the assessment. Id.

IC 6-2.5-7-3 provides as follows:

(a) With respect to the sale of gasoline which is dispensed from a metered pump, a retail merchant shall collect, for each unit of gasoline sold, state gross retail tax in an amount equal to the product, rounded to the nearest one-tenth of one cent (\$.001), of:

(1) the price per unit before the addition of state and federal taxes; multiplied by

(2) six percent (6%).

The retail merchant shall collect the state gross retail tax prescribed in this section even if the transaction is exempt from taxation under IC 6-2.5-5.

The Department finds the transaction between the taxpayer and the area retailer is subject to the retail sales tax. Per IC 6-2.5-7-3, all gasoline sales are subject to sales tax. The statute requires the retail merchant, in this case the taxpayer, to collect and remit the sales tax. No exemption exists for selling fuel to another retailer or for allowing another retailer's clients to use a taxpayer's pump without charging the sales tax. The statute still requires the taxpayer to collect and remit the sales tax, regardless of who is actually billed for the fuel. Therefore, since the taxpayer allowed the area retailer's clients to dispense fuel and the taxpayer failed to collect and remit the sales tax on those transactions, the audit correctly assessed the additional sales tax.

**FINDING**

For the reasons stated above, the Department denies the taxpayer's protest.

---

---

**DEPARTMENT OF STATE REVENUE**

0420040444.LOF

**LETTER OF FINDINGS: 04-0444****Gross Retail Tax****For 2001 through 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 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. Purchase of Golf Simulators – Gross Retail Tax.**

**Authority:** IC 6-2.5-1-21(a); IC 6-2.5-1-21(d); IC 6-2.5-2-1; IC 6-2.5-4-10; IC 6-2.5-5-8; IC 6-2.5-5-1 to 70; Black's Law Dictionary (7<sup>th</sup> ed. 1999).

Taxpayer challenges the Department of Revenue's decision to assess use tax on the purchase price of three golf simulators.

**STATEMENT OF FACTS**

Taxpayer owns and operates golf courses. Taxpayer earns money from the provision of services and the sale of items associated with the operation of the golf courses.

The Department of Revenue (Department) conducted an audit review of taxpayer's business records. The audit concluded that



taxpayer should have paid sales tax when it purchased three golf simulators. Because taxpayer did not pay sales tax, the Department assessed use tax.

Taxpayer disagreed, submitted a protest to that effect, an administrative hearing was conducted during which taxpayer's representative explained the basis for the protest, and this Letter of Findings results.

### **DISCUSSION**

#### **I. Purchase of Golf Simulators – Gross Retail Tax.**

Taxpayer bought three golf simulators during 2002. The golf simulators were described in the audit report as "high tech driving range[s]."

Thereafter, taxpayer began to make the simulators available to its customers charging the customers an hourly rate for the privilege.

Because taxpayer did not pay sales tax after initially purchasing the simulators, the audit review assessed use tax. The audit did so on the ground that, "the golfer has no element of control when using the simulators, therefore the taxpayer is providing a service and the simulators are subject to use tax." Taxpayer disagreed with this determination arguing that its customers were renting the simulators. On the ground that the simulators were intended for rental purposes, taxpayer claimed the initial purchase was not subject to sales tax and that the audit's assessment of use tax was inappropriate. Based on this argument, taxpayer admits that it should have been collecting sales tax on the rental fees received each time it rented one of the simulators. Taxpayer admits that it failed to do so but concedes that sales tax on the rental fees is now due.

Indiana imposes a gross retail (sales) tax on retail transactions made in Indiana. IC 6-2.5-2-1. The legislature has provided a number of exemptions to the imposition of that tax. *See* IC 6-2.5-5-1 to 70. One of those exemptions is provided at IC 6-2.5-5-8. IC 6-2.5-5-8 provides, "Transactions involving tangible personal property are exempt from the state gross retail tax if the person acquiring the property acquires it for resale, rental, or leasing in the ordinary course of his business without changing the form of the property."

Under taxpayer's interpretation of the facts, it bought the three golf simulators because it wanted to rent the simulators to its customers. Because the simulators were bought for the purpose of "rental, or leasing in the ordinary course of [its] business," the purchase of the simulators was not subject to sales tax.

Under the audit's interpretation, taxpayer bought the simulators because taxpayer wanted to provide a service to and earn money from its customers. The audit disagrees with taxpayer's position because the customers do not exercise control over the simulators; the customers do not "rent" the simulators, they simply receive a service, enjoy the use of the simulators, and pay taxpayer for the privilege of doing so.

Taxpayer quotes from IC 6-2.5-1-21(a) which states in part: "'Lease' or 'rental' means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration and may include future options to purchase or extend." However, it should be noted that IC 6-2.5-1-21(d) states that, "This section applies only to leases or rentals entered into after June 30, 2003, and has no retroactive effect on leases or rentals entered into before July 1, 2003."

Assuming for the moment that that IC 6-2.5-1-21(a) applies to the specific transactions at issue, taxpayer points out that taxpayer's simulator customers exercise control over the simulators. Taxpayer states that the customers have exclusive use of the simulators for a defined period; the customers have the ability to determine the speed of the game; the customers have the right "to determine what type of entertainment to enjoy;" the customers have the right to determine who is allowed in the simulator; and the simulators are controlled by the customers from within the simulator booth.

The Department is unable to agree that taxpayer transfers "possession" of the simulators to its customers. "Possession" means, "The fact of having or holding property in one's power; the exercise of dominion over property." Black's Law Dictionary 1183 (7<sup>th</sup> ed. 1999). "Possession... is evidence of ownership; the possessor of a thing is presumed to be the owner of it, and may put all other claimants to proof of their title." *Id.* The simulator customers do not take "possession" of the simulators, they merely have the right to use the simulators for a fixed period of time. In that sense, the simulators are analogous to the electronic games found in video arcades. The video game customer pays for the privilege of using the game without interference from other customers and controls the manner in which the game is played. The video game customer may have the exclusive right to use the video game for a short period, but the video game customer does not take "possession" of the device. Both taxpayer and the arcade owner would look askance at any customer who backed up a truck and attempted to take possession of either the simulator or the video game.

In contrast, a person who rents or leases a car is entitled to take possession of the car and to continue to exercise that possessory interest for a fixed period of time. The person who visits a local rental store and arranges to rent a lawn mower over the weekend, takes "possession" of the lawn mower for the weekend. The automobile rental business and the local rental store purchase the car and the lawn mower without paying sales tax pursuant to IC 6-2.5-5-8 but must thereafter collect sales tax from their customers each time the car or lawn mower is rented. (*See* IC 6-2.5-4-10).

Taxpayer is in the business of providing a service to its simulator customers; that service consists of permitting its customers to use – not truly possess – the golf simulators for a fixed period of time. Although the transitory "use" of the simulators possesses qualities which mimic the attributes of "possession," nevertheless, the simulator customers do not acquire uninhibited possession of

---

---

## Nonrule Policy Documents

---

---

the simulators. Because taxpayer provides a service to its customers, taxpayer should have paid sales tax at the time it bought the simulators.

### FINDING

Taxpayer's protest is respectfully denied.

---

---

#### DEPARTMENT OF STATE REVENUE

0420050013.SLOF

#### SUPPLEMENTAL LETTER OF FINDINGS NUMBER: 05-0013

##### Sales and Use Tax

##### For Tax Years 1998-2001

**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. Sales Tax—Liability for Unpaid Sales Tax

**Authority:** IC 6-2.5-9-3

Taxpayer protests imposition of sales tax.

### STATEMENT OF FACTS

Taxpayer pleaded guilty in criminal court to failure to remit sales tax. The Department of Revenue ("Department") assessed liabilities for the base tax, penalties and interest. Taxpayer protests that she paid all that was due under the court order. Further facts will be supplied as required.

#### I. Sales Tax—Liability for Unpaid Sales Tax

### DISCUSSION

Taxpayer pleaded guilty to failure to remit sales tax. The criminal court ordered taxpayer to perform community service, undergo probation and to pay the financial obligation. The Department's representative participated in a restitution hearing at which the amount of the obligation was determined.

The proposed sales tax liability was issued under IC 6-2.5-9-3, which provides:

An individual who:

(1) is an individual retail merchant or is an employee, officer, or member of a corporate or partnership retail merchant; and

(2) has a duty to remit state gross retail or use taxes to the department; holds those taxes in trust for the state and is personally liable for the payment of those taxes, plus any penalties and interest attributable to those taxes, to the state.

In the course of this protest, taxpayer provided sufficient documentation to establish that she paid her court ordered financial obligation to the Department in full. Since the Department participated in determining the amount of the financial obligation, and since taxpayer has paid the obligation in full, taxpayer owes no more sales tax, penalties or interest for this tax period for this business.

### FINDING

Taxpayer's protest is sustained.

---

---

#### DEPARTMENT OF STATE REVENUE

0420050028P.LOF

#### LETTER OF FINDINGS NUMBER: 05-0028P

##### Sales Tax

##### For the Months of February and March 2004

**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 penalty assessed for failure to timely file a monthly sales tax return and remit the appropriate tax.

#### **STATEMENT OF FACTS**

The taxpayer filed its sales tax returns for the months of February and March 2004 after their respective due dates. The calculated amounts of tax due were remitted with the returns. Accordingly, the department assessed penalties for the taxpayer's failure to timely remit its tax. In his correspondence, the taxpayer's representative requested that the penalties be abated due to reasonable cause.

#### **I. Tax Administration – Penalty**

The representative asserts that the taxpayer filed its returns and remitted its tax late due to a combination of unfortunate problems all within an eight-week period. Among these problems were:

- Sales tax software failures
- People, computers, and files were moved to another floor for construction
- A new vice president of tax was appointed
- A new tax compliance manager was appointed
- Four new staff tax preparers were appointed
- Employee medical problems

The taxpayer asserts that any one of the circumstances by itself might not justify the waiver of penalty, but all of them considered together do justify the waiver of penalty. The department disagrees. Even though the taxpayer had several unfortunate circumstances occur at the same time, all of them were within the scope of what a reasonable person engaged in business might anticipate.

The taxpayer asserts that there are additional reasons that support the abatement of penalty:

- Despite its sales tax compliance problems, the taxpayer continued to file personal property tax returns, business license requirements, and income tax returns for its Indiana stores.
- The taxpayer pays in excess of \$116,000 in annual property taxes
- The taxpayer is a community minded corporate citizen.

The department acknowledges the taxpayer's filing history, contribution to the Indiana economy, and generosity. However, this information is not relevant to proving the absence of negligence and the existence of reasonable cause.

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 has not established that its failure to timely file the returns in question and pay the appropriate tax was due to reasonable cause and not due to negligence.

#### **FINDING**

The taxpayer's protest is denied.

---

---

### **DEPARTMENT OF STATE REVENUE**

0420050160.LOF

#### **LETTER OF FINDINGS NUMBER: 05-0160**

##### **Use Tax**

##### **For Tax Year 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 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. Aircraft Rental—Use Tax**

**Authority:** IC 6-2.5-5-8; IC 6-8.1-5-1; 45 IAC 2.2-4-8

Taxpayer protests imposition of use tax on the purchase of an aircraft.

#### **STATEMENT OF FACTS**

Taxpayer purchased an aircraft and did not pay sales tax on the purchase price. Taxpayer claimed an exemption for rental or

leasing. Upon review, the Indiana Department of Revenue ("Department") determined that taxpayer did not qualify for the claimed exemption and issued a proposed assessment use tax, penalty and interest. Taxpayer protests the imposition of tax. Further facts will be supplied as necessary.

**I. Aircraft Rental—Use Tax****DISCUSSION**

Taxpayer purchased an aircraft and claimed an exemption from sales tax on the purchase of the aircraft. Both taxpayer and the lessee corporation are owned by the same individual. The exemption at issue is found in IC 6-2.5-5-8, which states in relevant part:

Transactions involving tangible personal property are exempt from the state gross retail tax if the person acquiring the property acquires it for resale, rental, or leasing in the ordinary course of his business without changing the form of the property.

Taxpayer states that it purchased the aircraft for rental or lease to another corporation, and that this qualifies it for the exemption in IC 6-2.5-5-8.

The Department reviewed the claim for the exemption and determined that taxpayer did not qualify for the exemption. The Department reviewed taxpayer's 2002 payment of sales tax from its leasing activities and noted that an extremely high percentage of reported sales were listed as exempt sales. The Department considered this as evidence that taxpayer was not accurately collecting sales tax on its aircraft leasing activities. The Department then decided that, since taxpayer was not collecting sales tax on its aircraft leasing, it was not actually leasing the aircraft and so did not qualify for the exemption found in IC 6-2.5-5-8.

In the course of its protest, taxpayer provided documentation establishing that it was involved in several leasing activities, including rental of accommodations for more than thirty (30) days, which is an exempt activity under 45 IAC 2.2-4-8(b), which states:

In general, the gross receipts from renting or furnishing accommodations are taxable. An accommodation which is rented for more than thirty (30) days or more is not subject to the gross retail tax.

The documentation establishes that an extremely large percentage of taxpayer's rental sales were eligible for the exemption found in 45 IAC 2.2-4-8(b). This accounts for taxpayer's aircraft rental sales.

This new information clarifies taxpayer's activities and establishes that taxpayer did not claim the exempt sales to apply to its rental of the aircraft in question. Since taxpayer collected and remitted sales tax on the rental of the aircraft, it did rent the aircraft in the ordinary course of its business. Pursuant to IC 6-8.1-5-1(b), taxpayer has provided sufficient documentation to meet its burden of proving that the proposed assessment is wrong. Taxpayer qualified for the exemption found in IC 6-2.5-5-8.

**FINDING**

Taxpayer's protest is sustained.

---

---

**DEPARTMENT OF STATE REVENUE**

0420050172.LOF

**LETTER OF FINDINGS NUMBER: 05-0172****Sales and Use Tax****For the Years 2001-2003**

**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 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-Imposition**

**Authority:** IC 6-8.1-5-1(b), IC 6-2.5-2-1(a), IC 6-2.5-1-2, IC 6-2.5-4-1.

The taxpayer protests the imposition of sales tax.

**II. Tax Administration- Ten Percent (10%) Negligence Penalty**

**Authority:** IC 6-8.1-10-2.1, 45 IAC 15-11-2(b), 45 IAC 15-11-2(c).

The taxpayer protests the imposition of the ten percent negligence penalty.

**STATEMENT OF FACTS**

The taxpayer sells personal property from its facility, through vending machines and from other locations. 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 imposition of sales tax and penalty. A hearing was scheduled for January 12, 2006. The taxpayer failed to appear for the hearing. Therefore, this Letter of Findings is based on the documentation in the file.

**I. Sales and Use Tax-Imposition****DISCUSSION**

The taxpayer sells personal property through vending machines and commissaries in county jails. Prior to April, 2001, the

taxpayer provided lists of what was available in the commissary to the detainees who filled out order sheets. The taxpayer sorted the items and packed them in individual bags for each detainee. The bags were delivered to the Sheriffs who delivered them to the detainees. The taxpayer billed the sheriff on a monthly basis for the personal items ordered by the detainees. The county jail then issued a check to the taxpayer from the jail's commissary fund to pay the invoice. Essentially, the taxpayer sold the goods to the sheriff who then resold the goods to the detainees. Those sales were not subject to the Indiana sales tax.

In April 2001 the taxpayer began the changeover to a new debit card system. First, the taxpayer changed to the new debit card system for the vending machines. Then, in December 2002 it changed to the debit card system for the commissary. With this debit card system, the taxpayer sells debit cards to the detainees and their families. The debit cards are identified and coded for specific detainees. The sheriff stores the debit cards at all times except when the detainee is actually using the card. The detainees or their families apply money to the debit cards. The detainees use these cards to purchase items from the taxpayer's vending machines or the commissary. The taxpayer is required to maintain trust account records for each detainee and account for all vending machine and commissary charges made by each detainee. The audit assessed sales tax on the sales made after the changes to the debit card system. The taxpayer protested this assessment.

All tax assessments are presumed to be accurate. The taxpayer bears the burden of proving that any assessment is incorrect. IC 6-8.1-5-1(b).

I.C. 6-2.5-2-1(a) imposes sales tax on retail transactions made in Indiana. A retail transaction is one that constitutes selling at retail. IC 6-2.5-1-2. "Selling at retail" is defined at IC 6-2.5-4-1 in pertinent part as follows:

- (b) A person is engaged in selling at retail when, in the ordinary course of his regularly conducted trade or business, he:
  - (1) acquires tangible personal property for the purpose of resale; and
  - (2) transfers that property to another person for consideration.

As part of its regular course of business, the taxpayer acquires goods for resale and delivers ownership of those goods to the detainees in exchange for money. Under the debit card system, the detainees pay the taxpayer directly for the goods they purchase. The detainees purchase the goods from the taxpayer. These transactions constitute retail sales subject to the Indiana sales tax.

#### **FINDING**

The taxpayer's protest is denied.

## **II. Tax Administration- Ten Percent Negligence Penalty**

### **DISCUSSION**

The taxpayer protests the imposition of the ten percent negligence penalty pursuant to IC 6-8.1-10-2.1. 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 standard for waiving the negligence penalty is given at 45 IAC 15-11-2(c) as follows:

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. Factors which may be considered in determining reasonable cause include, but are not limited to:

- (1) the nature of the tax involved;
- (2) judicial precedents set by Indiana courts;
- (3) judicial precedents established in jurisdictions outside Indiana;
- (4) published department instructions, information bulletins, letters of findings, rulings, letters of advice, etc;
- (5) previous audits or letters of findings concerning the issue and taxpayer involved in the penalty assessment.

Reasonable cause is a fact sensitive question and thus will be dealt with according to the particular facts and circumstances of each case.

The taxpayer provided substantial documentation to indicate that its failure to pay the assessed use tax was due to reasonable cause rather than negligence.

#### **FINDING**

The taxpayer's protest to the imposition of penalty is sustained.

---

---

**DEPARTMENT OF STATE REVENUE**

0420050293P.LOF

**LETTER OF FINDINGS NUMBER: 05-0293P****Sales and Use Taxes****For the Calendar Year 2004**

**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; IC 6-8.1-3-17(c); 45 IAC 15-11-2

The taxpayer protests the penalty assessed for failure to timely file its annual sales tax return due by its due date and remit the appropriate tax.

**STATEMENT OF FACTS**

The taxpayer filed its annual return for sales and use taxes for calendar year 2004 after the due date. Accordingly, the department assessed a penalty for the taxpayer's failure to timely remit its tax. In his letter of protest, the taxpayer's controller requested that the penalty be abated due to reasonable cause.

**I. Tax Administration – Penalty**

The taxpayer makes two arguments in its request for waiver of the penalty:

- The department failed to provide the appropriate forms in a timely manner.
- Some taxpayers that truly were negligent had penalties and interest waived as part of the Indiana Tax Amnesty Program.

Following an audit by the department, the taxpayer believed the department would automatically mail the appropriate forms for reporting sales and use taxes. Apparently, this did not happen. Eventually, the taxpayer contacted the department, and the appropriate forms were obtained. While the department makes a reasonable effort to provide forms to taxpayers, it is not required to do so. Obtaining tax forms so that returns can be filed in a timely manner is the responsibility of the taxpayer.

Regarding the Indiana Tax Amnesty Program, IC 6-8.1-3-17(c) states, "The department shall establish an amnesty program for taxpayers having an unpaid tax liability for a listed tax that was due and payable for a tax period ending before July 1, 2004." The liability under protest is for the taxable period ending December 31, 2004; hence, it is not eligible for the amnesty program. While the department acknowledges the taxpayer's frustration, it is required to apply the statute as it was written.

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 has not established that its failure to timely file the return in question and pay the appropriate tax was due to reasonable cause and not due to negligence.

**FINDING**

The taxpayer's protest is denied.

---

---

**DEPARTMENT OF STATE REVENUE**

03-20050331P.LOF

**LETTER OF FINDINGS NUMBER: 05-0331P****Withholding Tax****For the Periods January 2004 Through November 2004**

**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; IC 6-3-4-8; 45 IAC 15-11-2

The taxpayer protests the penalties assessed for failure to timely file 11 withholding tax returns by their due dates and remit the appropriate tax.

#### **STATEMENT OF FACTS**

The taxpayer filed its withholding tax returns for the months of January through November 2004 after their due dates. The calculated amount of tax due for these months was remitted in February 2005. Accordingly, the department assessed penalties for the taxpayer's failure to timely remit its tax. In his letter of protest, the taxpayer's manager requested that the penalty be abated due to reasonable cause.

##### **I. Tax Administration – Penalty**

The returns in question were due 30 days following the end of each month. The taxpayer asserts that it opened for business in January 2004. However, the taxpayer's management personnel did not read the withholding tax information provided by the department until January 2005. Upon becoming aware of its withholding tax responsibility, the taxpayer remitted the appropriate tax. The taxpayer requests that the department reconsider the imposition of penalty because it was a newly-organized business and is struggling to survive. The department does not consider this to be reasonable cause.

IC 6-3-4-8(b) states in relevant part: "An employer shall pay taxes withheld under subsection (a) during a particular month to the department no later than thirty (30) days after the end of that month." The statute does not provide for any leniency based upon a taxpayer's being recently organized.

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 has not established that its failure to timely file the returns in question and pay the appropriate tax was due to reasonable cause and not due to negligence.

#### **FINDING**

The taxpayer's protest is denied.

---

---

### **DEPARTMENT OF STATE REVENUE**

0420060024.LOF

#### **LETTER OF FINDINGS: 06-0024**

##### **Gross Retail and Use Tax**

##### **For the Tax Periods 2002 through 2004**

**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. Publication – Gross Retail and Use Tax.**

**Authority:** IC 6-2.5-5-17; Carroll County Rural Electric Membership Corp. v. Ind. Dept. of Revenue, No. 49T10-0003-TA-32, 2005 Ind. Tax LEXIS 80 (Ind. Tax Ct. 2005); 45 IAC 2.2-5-26.

Taxpayer argues that the publication which it circulates monthly to its customers qualifies as a "newspaper" and is not subject to Indiana's gross retail tax.

#### **STATEMENT OF FACT**

Taxpayer is a not-for-profit rural electric cooperative organized to provide electric power to its member-owners. The Department of Revenue (Department) conducted an audit review of taxpayer's business records. The audit concluded that taxpayer owed additional sales and use tax. Taxpayer protested a portion of the assessment, the protest was assigned to a hearing officer, and this Letter of Findings results.

#### **DISCUSSION**

##### **I. Publication – Gross Retail and Use Tax.**

During the tax periods at issue, taxpayer purchased copies of a publication and circulated the copies to its member-owners. In the belief that the copies were exempt "newspapers," taxpayer did not pay sales tax when it bought the copies. On the ground that the publication was not a "newspaper," the audit disagreed and assessed taxpayer use tax. The audit did so based upon 45 IAC 2.2-5-

---

---

## Nonrule Policy Documents

---

---

26 which states in part:

In general, sales of all publications irrespective of format are taxable. The exemption by this rule... is limited to sales of newspapers.... For purposes of the state gross retail tax, the term “newspaper” means only those publications which are:

- (1) commonly understood to be newspapers;
- (2) published for the dissemination of news of importance and of current interest to the general public, general news of the day, and information of current events;
- (3) circulated among the general public;
- (4) published at stated short intervals;
- (5) entered or are qualified to be admitted and entered as second class mail at a post office in the county where published.

See IC 6-2.5-5-17.

The issue raised by taxpayer was addressed by the Indiana Tax Court in Carroll County Rural Electric Membership Corp. v. Ind. Dept. of Revenue, No. 49T10-0003-TA-32, 2005 Ind. Tax LEXIS 80 (Ind. Tax Ct. 2005). In that case, the court found that the petitioner’s publication – circulated to the petitioner’s own member-owners – was “a newspaper because it is: (1) commonly understood to be a newspaper; (2) circulated among the general public; and (3) published at stated short intervals.” Id. at \*15. The court concluded that petitioner’s purchase of its publication was “exempt from the sales tax pursuant to Indiana Code § 6-2.5-5-17.” Id.

Taxpayer’s protest is squarely on point with the facts and law set out in Carroll County and is nearly identical with that case in all material ways. Taxpayer’s publication is the same publication purchased by the petitioner in Carroll County and is circulated to taxpayer’s member-owners in the same manner as the publication considered by the court in that case.

The Department will, of course, defer to the Tax Court in its interpretation of what constitutes an exempt “newspaper” pursuant to IC 6-2.5-5-17. Taxpayer’s publication is entitled to the same exempt status as that of the publication described in Carroll County.

### FINDING

Taxpayer’s protest is sustained.

---

---

### DEPARTMENT OF STATE REVENUE

#### Repeal of Nonrule Policy Document

#### Revenue Ruling #2006-01IT

February 22, 2006

**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.

Revenue Ruling #2005-02IT, printed at 28 IR 3124 is repealed.

Revenue Ruling #2006-02IT, supersedes repealed Revenue Ruling #2005-02IT.

---

---

### DEPARTMENT OF STATE REVENUE

#### Revenue Ruling #2006-02IT

February 22, 2006

**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.

### ISSUES

#### Corporate Adjusted Gross Income Tax—Sourcing Business Receipts

**Authority:** IC 6-3-2-1; IC 6-3-2-2; 45 IAC 3.1-1-37; 45 IAC 3.1-1-55.

Taxpayer requests the Department to rule on the sourcing of business receipts.

1. Should taxpayer apply the personal services ratio to determine how much of its receipts from commissions received on sale of insurance coverage policies should be sourced to Indiana?
2. Should taxpayer apply the personal services ratio to determine how much of its receipts from management fees should be sourced to Indiana?

### STATEMENT OF FACTS

Taxpayer is an Indiana corporation that specializes in marketing and writing property and casualty insurance. Taxpayer does



business and files income tax returns in Indiana and other states. Taxpayer's subsidiaries both are Indiana domiciled; they are licensed and sell insurance policies in all fifty states and all Canadian provinces. Revenue received from commissions for the solicitation and execution of insurance coverage policies and management fees represent approximately ninety percent (i.e., a principal source) of taxpayer's total net revenue as stated in taxpayer's audited financial statements. Taxpayer does not sell or lease intangible personal property.

### **DISCUSSION**

IC 6-3-2-1 imposes on every corporation an income tax upon the adjusted gross income derived from sources within Indiana. For adjusted gross income tax purposes, a corporation must apportion its business income derived from sources within and without Indiana. *See*, IC 6-3-2-2. 45 IAC 3.1-1-37 states that business income is apportioned to Indiana based on the 3-factor formula named in IC 6-3-2-2(b). Business income derived from sources within Indiana is determined by multiplying all business income by a fraction; the numerator of the fraction is the property factor plus the payroll factor plus twice the sales factor; the denominator of the fraction is four. *Id.*

45 IAC 3.1-1-55, **Attribution of sales to state**, interprets IC 6-3-2-2. The regulation states that gross receipts from transactions other than sales of tangible personal property are included in the numerator of the sales factor if the income-producing activity which gave rise to the receipts is performed wholly within Indiana. If the income producing activity is performed within and without Indiana, those receipts are attributed to Indiana based on whether or not the receipts constitute a principal source of income. *Id.* Income producing activity is deemed performed at the situs of real, tangible, and intangible personal property or the place where personal services are rendered. *Id.* The situs of intangible personal property is the commercial domicile of the taxpayer (i.e., the principal place from which trade or business of the taxpayer is directed or managed). *Id.*

#### **Commission Revenue on Sale of Insurance Policies**

Taxpayer states that the performance of services for customers across the United States are split between Indiana and the resident state of the insured. Taxpayer's employees travel into the various states and execute an insurance coverage application in the resident state of the insured. Prior to a quote being provided, Taxpayer's employees perform loss prevention services, which occurs in the home office located in the state of the prospective customer. Subsequent to the execution of the sale and loss prevention services, the insurance policy is underwritten by a taxpayer subsidiary. Once the policy is underwritten, it is delivered to the insured in their home state. Taxpayer receives a commission for the solicitation and execution of the sale.

Taxpayer's commission revenue constitutes a principal source of business income, therefore, Taxpayer's commission revenue is sourced in this manner. Services are rendered both within and without Indiana, 45 IAC 3.1-1-55(d) states that the gross business income receipts shall be attributed to Indiana based upon the ratio which the time spent performing services in Indiana bears to the total time spent in performing such services everywhere.

#### **Management Fee Revenue**

Taxpayer serves as a third-party administrator for many customers of self-insurance policies sold by one of its subsidiaries. Using its employees located in Indiana, Taxpayer provides services to process insurance claims for self-insurance customers. Taxpayer's employees supervise the handling and settlement of these claims, including hiring outside adjusters and attorneys. As well, Taxpayer's employees conduct many claim processing services, such as inspection, interviews, and documentation of insurance claims in the resident state of the insured or in the state where the accident occurred. Following the services rendered by the adjusters and attorneys, Taxpayer issues a claim report to the self-insured to the policy holder's resident state. A claims management fee is charged to each policyholder selecting Taxpayer as its third-party administrator. The fee is paid directly to taxpayer by the policyholder.

Taxpayer's management fee revenue constitutes a principal source of business income, therefore Taxpayer's management fee revenue is sourced in this manner. Services are rendered both within and without Indiana. 45 IAC 3.1-1-55(d) states that the gross business income receipts shall be attributed to Indiana based upon the ratio which the time spent performing services in Indiana bears to the total time spent in performing such services everywhere.

### **RULING**

The Department rules that the commission revenue and the management fee revenue is earned for services rendered both within and without Indiana. The gross business income receipts shall be attributed to Indiana based upon the ratio which the time spent performing services in Indiana bears to the total time spent in performing such services everywhere.

### **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.

# Cumulative Table of Nonrule Policy Documents

Digest	Published	Digest	Published
<b>ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF</b>			
<b>Office of Water Quality:</b>			
0007-NPD: Compliance and technical assistance program quality assurance guarantee (2/19/06)	29 IR 2074	04-0380 (Individual) (1999-2001): Not-for-profit exemption	29 IR 2419
<b>HOMELAND SECURITY, DEPARTMENT OF</b>			
Interpretation of Section R602.10.5 of the 2005 Indiana Residential Code (675 IAC 14-4.3) (3/10/06)	29 IR 2401	04-0388 (Individual) (2000-01): Overstated income	29 IR 1439
<b>NATURAL RESOURCES COMMISSION</b>			
<b>Information Bulletins:</b>			
13: Mediation and facilitation in administrative proceedings before the Natural Resources Commission and the Department of Natural Resources (1/1/06)	29 IR 1407	04-0389 (Individual) (2000-01): Overstated income	29 IR 1439
<b>REVENUE, DEPARTMENT OF STATE</b>			
<b>Audit-Grams:</b>			
027 (1/6/06): Cleaning compounds used in manufacturing	29 IR 1789	04-0427 (Corporate) (2000-01): Indiana sales; royalty payments; penalty	29 IR 1441
<b>Letters of Findings:</b>			
<b>Income Tax (Gross, Adjusted Gross, and Supplemental Net):</b>			
98-0523 (Supplemental) (1993-94): Business/nonbusiness income and IRC 338(h)(10) elections	29 IR 2401	04-0429P (Individual) (2003): Tax administration - penalty, interest	29 IR 2082
99-0598 (1995-97): Unitary status	29 IR 1789	05-0015 (Individual) (1998-99): Validity of assessment	29 IR 1443
02-0276 (1996-99): Leasing income; tax administration - negligence penalty	29 IR 2403	05-0019P (2001): Overpayment application; tax administration - negligence penalty and interest	29 IR 1444
02-0321 (Corporate) (1996-99): Nexus and Public Law 86-272	29 IR 2075	05-0031 (Corporate) (2000-01): Royalty income from trade names, trademarks, and other intellectual property; penalty	29 IR 1445
02-0349 (Corporate) (1996-99): Out-of-state sales	29 IR 2077	05-0206 (Corporate) (2000-02): Consolidated returns	29 IR 1447
02-0461 (Corporate) (1997-99): Elimination of interest income attributable to holding company's intercompany bonds; elimination of intercompany receipts; exclusion of out-of-state income; excluding out-of-state sales; intercompany aircraft rent payments - apportionment/property factor; addback of riverboat wagering tax; exclusion of dividend and interest income; elimination of intercompany transactions between members of a consolidated gross income tax return	29 IR 1412	05-0207 (Corporate) (2000-02): Consolidated returns	29 IR 1447
03-0062 (1996-99): Business/nonbusiness classification	29 IR 2404	05-0213 (Corporate) (1998-2004): Assessment	29 IR 1447
03-0112 (1998-2000): Intangible holding companies; net operating losses; small business companies; taxability of intangibles; leasing income; property factor; tax administration - penalty	29 IR 1418	05-0399 (Corporate) (2001-02): Applicability; consolidated filing	29 IR 1800
03-0213 (1998-2000): Small business exemption; proceeds from real estate property sale; receipts from sales in brokerage or agency agreements; tax administration - penalty	29 IR 1424	<b>Retail Tax:</b>	
03-0317 (Individual) (1997-2001): Tax administration - best information available, penalty	29 IR 1427	99-0640 (1997-2001): Abatement of the ten percent negligence penalty; food purchases	29 IR 1409
03-0398 (Corporate) (1998-2000): Income derived from sources within Indiana	29 IR 2078	03-0004 (1997-2001): Abatement of the ten percent negligence penalty; food purchases	29 IR 1409
03-0474 (Corporate) (1999-2000): Imposition	29 IR 1790	04-0287 (2000-01): Undefined protest	29 IR 2418
03-0478 (1998-2000): Interstate commerce; unitary filing; deductions; net operating losses; tax administration - negligence penalty	29 IR 2408	04-0444 (2001-03): Purchase of golf simulators	29 IR 2422
04-0006 (Corporate) (2000-02): Imposition	29 IR 2412	05-0265 (2004): Like-kind exchange	29 IR 1451
04-0170 (Corporate) (2000): Interstate commerce	29 IR 1793	05-0265 (Supplemental) (2004): Like-kind exchange	29 IR 2084
04-0201 (Corporate) (2000): Interstate commerce	29 IR 1793	05-0368P (2001-03): Penalty assessment	29 IR 1454
04-0235 (Corporate) (2000): Interstate commerce	29 IR 1793	06-0024 (2002-04): Publication	29 IR 2429
04-0241 (Corporate) (1999-2001): Unitary relationship	29 IR 2414	<b>Sales and Use Tax:</b>	
04-0265 (Individual) (2001): Involuntary servitude; citizenship; applicability of the state adjusted gross income tax; state income tax liability	29 IR 2079	03-0318 (1992-2001): Tax administration - best information available, penalty	29 IR 1437
04-0267P (short period ended 2/28/02): Tax administration - penalty	29 IR 2416	03-0362 (2000-02): Disputed items; items purchased for resale; resale to tax-exempt purchasers	29 IR 1430
04-0269 (2001): Sale of an ownership interest	29 IR 2081	03-0363 (1999-2001): Tax administration - best information available	29 IR 2407
04-0318 (Supplemental): Imposition	29 IR 1428	03-0364 (1999-2001): Tax administration - best information available	29 IR 2407
		03-0395 (2000-02): Disputed items; items purchased for resale; resale to tax-exempt purchasers	29 IR 1430
		04-0017P (2002): Tax administration - penalty	29 IR 1433
		04-0154 (2000-02): Advertising; imposition; inclusion of sales; tax administration - negligence penalty	29 IR 1433
		04-0176 (2000-02): Rental invoices	29 IR 1435
		04-0227 (Supplemental) (2001): Vehicles; services; imposition	29 IR 1436
		04-0268 (1998-2000): Steel uncoilers; packaging; tax administration - negligence penalty	29 IR 2416
		04-0390 (period ending 11/30/02): Casual sale; isolated sale	29 IR 1440
		04-0408 (2001-03): Leasing; tax administration - negligence penalty	29 IR 1794
		04-0432P (2/04): Tax administration - penalty	29 IR 2420
		04-0436 (2000-03): Fuel sales; gasoline sales	29 IR 2421
		05-0013 (Supplemental) (1998-2001): Liability for unpaid sales tax	29 IR 2424
		05-0028P (2-3/04): Tax administration - penalty	29 IR 2424
		05-0143 (2005): Aircraft purchase	29 IR 1795
		05-0160 (2003): Aircraft rental	29 IR 2425
		05-0172 (2001-03): Imposition; tax administration - ten percent negligence penalty	29 IR 2426
		05-0177 (Supplemental) (2001-03): Advertising materials	29 IR 2083
		05-0263 (2003): Assessment on purchase of aircraft	29 IR 1449
		05-0266P (2001-03): Tax administration - penalty	29 IR 2086
		05-0293P (2004): Tax administration - penalty	29 IR 2428

# Cumulative Table of Nonrule Policy Documents

Digest	Published	Digest	Published
05-0363 (2004): Assessment on purchase of aircraft	29 IR 1796		
05-0364 (2003): Rental and lease of aircraft	29 IR 1452		
05-0396 (2000-04): Imposition	29 IR 1798		
05-0443 (2000): Responsible officer liability	29 IR 1801		
05-0444 (2000): Responsible officer liability	29 IR 2088		
<b>Withholding Tax:</b>			
03-0502 (1998-2001): Responsible officer liability	29 IR 2411		
05-0300P (3/31/05):	29 IR 2086		
05-0331P (1/04-11/04): Tax administration - penalty	29 IR 2428		
05-0420P (12/04): Tax administration - penalty	29 IR 2087		
05-0446 (1999-2001): Responsible officer liability	29 IR 2089		
<b>Revenue Rulings:</b>			
05-13 ST (11/10/05): Sales/use tax - Parent's acquisition of tools and subsequent sale of same to subsidiary; subsidiary's purchase of tools from parent	29 IR 1455		
05-14 ST (12/9/05): Use tax - Leasing of an aircraft to an affiliated entity	29 IR 1801		
05-15 ST (12/12/05): Repeal of Revenue Ruling #05-09 ST	29 IR 1457		
06-01 IT (2/22/06): Repeal of #05-02 IT	29 IR 2430		
06-01 ST (1/9/06): Sales and use tax - Imposition	29 IR 2089		
06-02 IT (2/22/06): Corporate adjusted gross income tax - Sourcing business receipts	29 IR 2430		
<b>WATER POLLUTION CONTROL BOARD</b>			
Nonrule policy document (1/10/06)	29 IR 1804		

**For Cumulative Tables of Nonrule Policy Documents printed in the Indiana Register in previous years, consult the following table:**

1982	See 5 IR 2586	(December 1982)
1983	See 7 IR 252	(December 1983)
1984	See 8 IR 1220	(June 1985)
1985	See 9 IR 932	(January 1986)
1986	See 10 IR 173	(October 1986)
1987	See 11 IR 2786	(April 1988)
1988	See 12 IR 1023	(January 1989)
1989	See 13 IR 791	(January 1990)
1990	See 14 IR 956	(January 1991)
1991	See 15 IR 651	(January 1992)
1992	See 16 IR 1311	(January 1993)
1993	See 17 IR 897	(January 1994)
1994	See 18 IR 1166	(January 1995)
1995	See 19 IR 954	(January 1996)
1996	See 20 IR 1040	(January 1997)
1997	See 21 IR 1628	(January 1998)
1998	See 22 IR 1324	(January 1999)
1999	See 23 IR 1013	(January 2000)
2000	See 24 IR 1241	(January 2001)
2001	See 25 IR 1406	(January 2002)
2002	See 26 IR 1423	(January 2003)
2003	See 27 IR 1466	(January 2004)
2004	See 28 IR 1407	(January 2005)
2005	See 29 IR 1458	(January 2006)

# Cumulative Table of Executive Orders and Attorney General's Opinions

## EXECUTIVE ORDERS

<u>Number/Digest</u>	<u>Published</u>
05-29 Waiver of regulations relating to motor carriers and drivers transporting gasoline, diesel fuel, jet fuel, propane, natural gas/CNG, and ethanol	29 IR 1069
05-30 The effectiveness of population information from the United States Bureau of the Census for state law purposes	29 IR 1070
05-31 Declaring a disaster emergency in the state of Indiana due to a tornado, severe thunderstorms and extremely high winds	29 IR 1773
05-32 Special paid leave for state employees affected by severe storms in southwestern Indiana on November 6, 2005	29 IR 1773
05-33 Suspension of design release fee for construction to remedy damages caused by tornado, severe thunderstorms and extremely high winds	29 IR 1774
05-34 Declaring a disaster emergency in the state of Indiana due to tornadoes, severe thunderstorms, extremely high winds and flooding	29 IR 1776
05-35 Waiver of regulations relating to the transport of oversized tractor trailer loads for hurricane relief efforts	29 IR 1776
05-36 The effectiveness of population information from the United States Bureau of the Census for state law purposes	29 IR 1777
05-37 Extension of suspension of design release fee for construction to remedy damages caused by tornado, severe thunderstorms and extremely high winds	29 IR 1778
05-38 Pardon	29 IR 1779
05-39 Pardon	29 IR 1780
05-40 Pardon	29 IR 1780
05-41 Pardon	29 IR 1781
05-42 Pardon	29 IR 1782
05-43 Pardon	29 IR 1783
05-44 Pardon	29 IR 1783
05-45 Pardon	29 IR 1784
05-46 Pardon	29 IR 1785
05-47 Pardon	29 IR 1785
05-48 Pardon	29 IR 1786
05-49 Pardon	29 IR 1787
05-50 Pardon	29 IR 1787
06-01 Indiana State Historical Records Advisory Board	29 IR 2398
06-02 Conditional commutation of sentence - Kim L. Lucas	29 IR 2399
06-03 Commutation of sentence	29 IR 2400

**For Cumulative Tables of Executive Orders and Attorney General's Opinions printed in the Indiana Register in previous years, consult the following table:**

1978	See 2 IR 181	(February 1979)
1979	See 3 IR 336	(March 1980)
1980	See 3 IR 2266	(December 1980)
1981	See 5 IR 179	(January 1982)
1982	See 5 IR 2588	(December 1982)
1983	See 7 IR 256	(December 1983)
1984	See 8 IR 249	(December 1984)
1985	See 9 IR 933	(January 1986)
1986	See 10 IR 175	(October 1986)
1987	See 11 IR 2790	(April 1988)
1988	See 12 IR 1025	(January 1989)
1989	See 13 IR 792	(January 1990)
1990	See 14 IR 957	(January 1991)
1991	See 15 IR 652	(January 1992)
1992	See 16 IR 1312	(January 1993)
1993	See 17 IR 898	(January 1994)
1994	See 18 IR 1167	(January 1995)
1995	See 19 IR 955	(January 1996)
1996	See 20 IR 1043	(January 1997)
1997	See 21 IR 1633	(January 1998)
1998	See 22 IR 1332	(January 1999)
1999	See 23 IR 1022	(January 2000)
2000	See 24 IR 1249	(January 2001)
2001	See 25 IR 1413	(January 2002)
2002	See 26 IR 1431	(January 2003)
2003	See 27 IR 1474	(January 2004)
2004	See 28 IR 1412	(January 2005)
2005	See 29 IR 1465	(January 2006)

# Rules Affected by Volumes 28 and 29

TITLE 10 OFFICE OF ATTORNEY GENERAL FOR THE STATE  
10 IAC 5 N 05-319 29 IR 1248 \*CPH (29 IR 1964)

TITLE 20 STATE BOARD OF ACCOUNTS  
20 IAC 3 RA 05-147 **29 IR 1381**

TITLE 25 INDIANA DEPARTMENT OF ADMINISTRATION

25 IAC 1.1-1-6	A	06-4	29 IR 1971	
25 IAC 1.1-1-7	A	06-4	29 IR 1971	
25 IAC 1.1-1-14	A	06-4	29 IR 1972	
25 IAC 1.1-1-16	A	06-4	29 IR 1972	
25 IAC 2-1-1	A	05-318	29 IR 1586	
25 IAC 2-1-2	A	05-318	29 IR 1586	
25 IAC 2-2-1	A	05-318	29 IR 1587	
25 IAC 2-3-1	A	05-318	29 IR 1588	
25 IAC 2-3-3	A	05-318	29 IR 1588	
25 IAC 2-3-4	A	05-318	29 IR 1588	
25 IAC 2-3-6	A	05-318	29 IR 1588	
25 IAC 2-4-1	A	05-318	29 IR 1589	
25 IAC 2-4-2	A	05-318	29 IR 1589	
25 IAC 2-4-3	A	05-318	29 IR 1589	
25 IAC 2-5-1	A	05-318	29 IR 1589	
25 IAC 2-5-2	A	05-318	29 IR 1589	
25 IAC 2-5-3	A	05-318	29 IR 1590	
25 IAC 2-6-2	A	05-318	29 IR 1590	
25 IAC 2-6-3	A	05-318	29 IR 1590	
25 IAC 2-6-5	A	05-318	29 IR 1590	
25 IAC 2-8-1	A	05-318	29 IR 1591	
25 IAC 2-9-3	A	05-318	29 IR 1591	
25 IAC 2-9-4	R	05-318	29 IR 1596	
25 IAC 2-10-1	A	05-318	29 IR 1591	
25 IAC 2-12-1	A	05-318	29 IR 1591	
25 IAC 2-13-1	A	05-318	29 IR 1592	
25 IAC 2-13-3	A	05-318	29 IR 1592	
25 IAC 2-13-4	A	05-318	29 IR 1592	
25 IAC 2-13-5	A	05-318	29 IR 1592	
25 IAC 2-14-1	A	05-318	29 IR 1592	
25 IAC 2-14-2	A	05-318	29 IR 1593	
25 IAC 2-14-3	A	05-318	29 IR 1593	
25 IAC 2-15-1	A	05-318	29 IR 1593	
25 IAC 2-15-2	R	05-318	29 IR 1596	
25 IAC 2-15-3	R	05-318	29 IR 1596	
25 IAC 2-15-4	A	05-318	29 IR 1593	
25 IAC 2-15-5	R	05-318	29 IR 1596	
25 IAC 2-16-1	R	05-318	29 IR 1596	
25 IAC 2-16-2	A	05-318	29 IR 1593	
25 IAC 2-16-3	A	05-318	29 IR 1593	
25 IAC 2-16-4	A	05-318	29 IR 1594	
25 IAC 2-16-5	A	05-318	29 IR 1594	
25 IAC 2-16-7	A	05-318	29 IR 1594	
25 IAC 2-16-9	N	05-318	29 IR 1594	
25 IAC 2-17-1	R	05-318	29 IR 1596	
25 IAC 2-17-2	R	05-318	29 IR 1596	
25 IAC 2-17-3	R	05-318	29 IR 1596	
25 IAC 2-17-4	R	05-318	29 IR 1596	
25 IAC 2-17-5	R	05-318	29 IR 1596	
25 IAC 2-17-6	R	05-318	29 IR 1596	
25 IAC 2-17-7	A	05-318	29 IR 1595	
25 IAC 2-18-1	A	05-318	29 IR 1595	
25 IAC 2-18-2	A	05-318	29 IR 1595	
25 IAC 2-18-3	A	05-318	29 IR 1595	
25 IAC 2-18-4	A	05-318	29 IR 1596	
25 IAC 5-3-2	A	05-25	28 IR 2761	<b>29 IR 450</b>
25 IAC 5-3-5	A	05-25	28 IR 2762	<b>29 IR 451</b>
25 IAC 5-3-6	A	05-25	28 IR 2764	<b>29 IR 453</b>
25 IAC 5-4-1	A	05-25	28 IR 2765	<b>29 IR 454</b>
25 IAC 5-4-2	A	05-25	28 IR 2766	<b>29 IR 455</b>
25 IAC 5-6-2	A	05-25	28 IR 2766	<b>29 IR 455</b>
25 IAC 6	N	04-172	27 IR 3595	*CPH (28 IR 234)
	N	05-123	28 IR 3328	<b>29 IR 1202</b>

TITLE 28 STATE INFORMATION TECHNOLOGY OVERSIGHT  
COMMISSION  
28 IAC N 04-123 28 IR 986 \*CPH (28 IR 1498)

TITLE 31 STATE PERSONNEL DEPARTMENT  
31 IAC 1-9-4 A 04-170 27 IR 4049  
31 IAC 2-11-4 A 04-170 27 IR 4049

TITLE 40 STATE ETHICS COMMISSION  
40 IAC 2-1-5.5 N 04-198 28 IR 987 \*AROC (28 IR 3354)  
28 IR 2160 **28 IR 3452**  
40 IAC 2-1-6 A 04-198 28 IR 987 \*AROC (28 IR 3354)  
28 IR 2160 **28 IR 3452**  
40 IAC 2-1-7 A 04-198 28 IR 988 \*AROC (28 IR 3354)  
28 IR 2161 **28 IR 3453**

TITLE 42 OFFICE OF THE INSPECTOR GENERAL  
42 IAC N 05-124 28 IR 3615 **29 IR 1205**  
\*ARR (29 IR 1216)

TITLE 45 DEPARTMENT OF STATE REVENUE  
45 IAC 1.3 N 04-125 27 IR 3101  
45 IAC 18 R 04-292 28 IR 1518  
45 IAC 18-3-7 R 04-255 28 IR 624 \*AWR (28 IR 971)  
45 IAC 18-3-7.1 N 04-255 28 IR 623 \*AWR (28 IR 971)  
45 IAC 18-3-8 R 04-255 28 IR 624 \*AWR (28 IR 971)  
45 IAC 18-3-8.1 N 04-255 28 IR 623 \*AWR (28 IR 971)  
45 IAC 20 N 04-292 28 IR 1500 \*SPE  
N 05-359 29 IR 1596

TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE  
50 IAC 4.2-4-3 A 05-252 29 IR 836  
50 IAC 12 R 05-143 29 IR 1631  
50 IAC 13 R 05-253 29 IR 584  
50 IAC 20 N 04-174 27 IR 3603 \*AROC (27 IR 3707)  
**28 IR 1458**  
**28 IR 1452**  
50 IAC 21 N 02-297 27 IR 4050  
50 IAC 21-1-3 N 05-142 28 IR 3622  
50 IAC 21-2-1.5 N 05-142 28 IR 3622  
50 IAC 21-2-2 A 05-142 28 IR 3622  
50 IAC 21-2-2.5 N 05-142 28 IR 3622  
50 IAC 21-2-3 A 05-142 28 IR 3622  
50 IAC 21-3-3 A 05-142 28 IR 3623  
50 IAC 21-4-1 A 05-142 28 IR 3623  
50 IAC 21-4-2 A 05-142 28 IR 3624  
50 IAC 21-4-3 R 05-142 28 IR 3626  
50 IAC 21-5-2 A 05-142 28 IR 3624  
50 IAC 21-6-1 A 05-142 28 IR 3625  
50 IAC 21-7-1 A 05-142 28 IR 3625  
50 IAC 21-8-1 A 05-142 28 IR 3625  
50 IAC 21-9-1 A 05-142 28 IR 3625  
50 IAC 21-10-1 A 05-142 28 IR 3626  
50 IAC 21-11-1 A 05-142 28 IR 3626  
50 IAC 22 N 05-144 29 IR 579 \*ARR (29 IR 2204)  
29 IR 2257  
50 IAC 23 N 05-143 29 IR 1599

TITLE 65 STATE LOTTERY COMMISSION  
65 IAC 1-4-5.5 A 04-237 \*ER (28 IR 217)  
65 IAC 4-2-6 A 05-36 \*ER (28 IR 2153)  
A 05-312 \*ER (29 IR 828)  
65 IAC 4-3-2 A 06-64 \*ER (29 IR 2207)  
65 IAC 4-90 R 04-249 \*ER (28 IR 227)  
65 IAC 4-99 R 04-249 \*ER (28 IR 227)  
65 IAC 4-205 R 04-249 \*ER (29 IR 829)  
65 IAC 4-206 R 05-313 \*ER (28 IR 227)  
65 IAC 4-248 R 04-249 \*ER (28 IR 227)  
65 IAC 4-272 R 04-249 \*ER (28 IR 227)  
65 IAC 4-287 R 04-249 \*ER (28 IR 227)

## Rules Affected by Volumes 28 and 29

65 IAC 4-317	R	04-249	*ER (28 IR 227)	65 IAC 5-16-6	A	05-247	*ER (29 IR 49)
65 IAC 4-319	R	04-249	*ER (28 IR 227)	65 IAC 5-16-7	A	05-247	*ER (29 IR 49)
65 IAC 4-321	R	04-249	*ER (28 IR 227)	65 IAC 5-16-8	A	05-247	*ER (29 IR 49)
65 IAC 4-330	R	05-313	*ER (29 IR 829)	65 IAC 5-17	N	05-83	*ER (28 IR 2731)
65 IAC 4-331	R	05-313	*ER (29 IR 829)	65 IAC 5-18	N	05-88	*ER (28 IR 2738)
65 IAC 4-332	R	04-249	*ER (28 IR 227)	65 IAC 5-18-5	A	05-136	*ER (28 IR 2993)
65 IAC 4-339	R	05-313	*ER (29 IR 829)	65 IAC 5-19	N	05-159	*ER (28 IR 3313)
65 IAC 4-343	R	04-249	*ER (28 IR 227)	65 IAC 6-2-6	A	05-36	*ER (28 IR 2154)
65 IAC 4-346	R	05-313	*ER (29 IR 829)				
65 IAC 4-348	N	04-241	*ER (28 IR 221)	TITLE 68 INDIANA GAMING COMMISSION			
	R	05-313	*ER (29 IR 829)	68 IAC 1-5-1	A	04-103 27 IR 3115	<b>28 IR 532</b>
65 IAC 4-349	N	04-283	*ER (28 IR 975)	68 IAC 2-3-5	A	04-103 27 IR 3115	<b>28 IR 533</b>
	R	05-313	*ER (29 IR 829)	68 IAC 2-3-6	A	04-103 27 IR 3117	<b>28 IR 535</b>
65 IAC 4-350	N	04-252	*ER (28 IR 229)	68 IAC 2-3-9	A	04-103 27 IR 3118	<b>28 IR 535</b>
65 IAC 4-352	N	04-284	*ER (28 IR 978)	68 IAC 2-6-49	A	04-102 27 IR 3109	<b>28 IR 526</b>
	R	05-313	*ER (29 IR 829)	68 IAC 2-7-12	A	04-102 27 IR 3109	<b>28 IR 526</b>
65 IAC 4-353	N	04-329	*ER (28 IR 1492)	68 IAC 5-3-2	A	04-102 27 IR 3109	<b>28 IR 526</b>
65 IAC 4-354	R	04-249	*ER (28 IR 227)	68 IAC 5-3-7	A	04-102 27 IR 3109	<b>28 IR 527</b>
65 IAC 4-355	N	05-32	*ER (28 IR 2147)	68 IAC 8-1-11	A	04-102 27 IR 3110	<b>28 IR 527</b>
	R	05-313	*ER (29 IR 829)	68 IAC 8-2-29	A	04-102 27 IR 3110	<b>28 IR 527</b>
65 IAC 4-356	N	05-87	*ER (28 IR 2734)	68 IAC 9-4-8	A	04-102 27 IR 3110	<b>28 IR 527</b>
65 IAC 4-359	R	04-249	*ER (28 IR 227)	68 IAC 10-1-5	A	04-102 27 IR 3110	<b>28 IR 527</b>
65 IAC 4-367	R	04-249	*ER (28 IR 227)	68 IAC 11-1-8	A	04-102 27 IR 3110	<b>28 IR 528</b>
65 IAC 4-383	R	04-249	*ER (28 IR 227)	68 IAC 11-3-1	A	04-102 27 IR 3110	<b>28 IR 528</b>
65 IAC 4-390	R	04-249	*ER (28 IR 227)	68 IAC 12-1-0.5	N	05-199 29 IR 1632	
65 IAC 4-401	R	04-249	*ER (28 IR 227)	68 IAC 12-1-1	A	05-199 29 IR 1632	
65 IAC 4-402	R	04-249	*ER (28 IR 227)	68 IAC 12-1-1.5	N	05-199 29 IR 1633	
65 IAC 4-403	R	04-249	*ER (28 IR 227)	68 IAC 12-1-1.7	N	05-199 29 IR 1633	
65 IAC 4-404	R	04-249	*ER (28 IR 227)	68 IAC 12-1-2	A	05-199 29 IR 1633	
65 IAC 4-405	R	04-249	*ER (28 IR 227)	68 IAC 12-1-3	A	05-199 29 IR 1634	
65 IAC 4-406	R	04-249	*ER (28 IR 227)	68 IAC 12-1-4	A	05-199 29 IR 1636	
65 IAC 4-408	R	04-249	*ER (28 IR 227)	68 IAC 12-1-5	A	05-199 29 IR 1636	
65 IAC 4-437	R	04-249	*ER (28 IR 227)	68 IAC 12-1-5.5	N	05-199 29 IR 1637	
65 IAC 4-438	R	05-313	*ER (29 IR 829)	68 IAC 12-1-6	A	05-199 29 IR 1638	
65 IAC 4-439	R	04-249	*ER (28 IR 227)	68 IAC 12-1-6.5	N	05-199 29 IR 1639	
65 IAC 4-440	R	04-249	*ER (28 IR 227)	68 IAC 12-1-7	A	05-199 29 IR 1639	
65 IAC 4-441	R	04-249	*ER (28 IR 227)	68 IAC 12-1-8	A	05-199 29 IR 1639	
65 IAC 4-442	R	04-249	*ER (28 IR 227)	68 IAC 12-1-9	A	05-199 29 IR 1640	
65 IAC 4-443	R	04-249	*ER (28 IR 227)	68 IAC 12-1-10	A	05-199 29 IR 1641	
65 IAC 4-444	R	05-313	*ER (29 IR 829)	68 IAC 12-1-11	A	05-199 29 IR 1641	
65 IAC 4-445	R	04-249	*ER (28 IR 227)	68 IAC 12-1-12	A	05-199 29 IR 1641	
65 IAC 4-446	R	04-249	*ER (28 IR 227)	68 IAC 12-1-13	A	05-199 29 IR 1642	
65 IAC 4-447	R	04-249	*ER (28 IR 227)	68 IAC 12-1-14	A	05-199 29 IR 1642	
65 IAC 4-448	R	04-249	*ER (28 IR 227)	68 IAC 12-1-15	A	04-102 27 IR 3111	<b>28 IR 529</b>
65 IAC 4-450	R	04-249	*ER (28 IR 227)		A	05-199 29 IR 1642	
65 IAC 4-451	R	05-313	*ER (29 IR 829)	68 IAC 14-4-8	A	04-102 27 IR 3112	<b>28 IR 529</b>
65 IAC 4-453	R	04-249	*ER (28 IR 227)	68 IAC 14-5-6	A	04-102 27 IR 3112	<b>28 IR 529</b>
65 IAC 4-454	N	05-311	*ER (29 IR 826)	68 IAC 15-1-8	A	04-102 27 IR 3112	<b>28 IR 530</b>
65 IAC 5-2-6	A	05-36	*ER (28 IR 2153)	68 IAC 15-3-3	A	04-179 28 IR 237	<b>28 IR 2014</b>
	A	05-312	*ER (29 IR 828)	68 IAC 15-5-1.5	N	05-107 28 IR 3627	*CPH (29 IR 51)
65 IAC 5-3-2	A	06-75	*ER (29 IR 2208)				<b>29 IR 1876</b>
65 IAC 5-10-4	A	05-352	*ER (29 IR 1563)	68 IAC 15-5-2	A	04-179 28 IR 237	<b>28 IR 2014</b>
65 IAC 5-12-2	A	05-245	*ER (29 IR 41)	68 IAC 15-6-2	A	04-179 28 IR 238	<b>28 IR 2015</b>
65 IAC 5-12-3	A	05-245	*ER (29 IR 42)	68 IAC 15-6-3	A	04-179 28 IR 239	<b>28 IR 2016</b>
65 IAC 5-12-4	A	05-245	*ER (29 IR 42)	68 IAC 15-6-5	A	04-179 28 IR 240	<b>28 IR 2016</b>
65 IAC 5-12-5	A	05-245	*ER (29 IR 43)	68 IAC 15-9-4	A	04-102 27 IR 3112	<b>28 IR 530</b>
65 IAC 5-12-6	A	05-245	*ER (29 IR 43)	68 IAC 15-10-4.1	A	04-102 27 IR 3113	<b>28 IR 530</b>
65 IAC 5-12-9	A	05-245	*ER (29 IR 44)	68 IAC 15-13-2.5	N	04-102 27 IR 3113	<b>28 IR 531</b>
65 IAC 5-12-10	A	05-245	*ER (29 IR 45)	68 IAC 16-1-16	A	04-102 27 IR 3113	<b>28 IR 531</b>
65 IAC 5-12-11	A	05-245	*ER (29 IR 45)	68 IAC 17-1-5	A	04-102 27 IR 3114	<b>28 IR 531</b>
65 IAC 5-12-11.5	A	05-245	*ER (29 IR 46)	68 IAC 17-2-6	A	04-102 27 IR 3114	<b>28 IR 531</b>
65 IAC 5-12-12	A	05-245	*ER (29 IR 46)	68 IAC 18-1-2	A	04-102 27 IR 3114	<b>28 IR 531</b>
65 IAC 5-12-12.5	A	05-245	*ER (29 IR 47)	68 IAC 18-1-6	A	04-102 27 IR 3114	<b>28 IR 532</b>
65 IAC 5-13	R	04-249	*ER (28 IR 227)				
65 IAC 5-14	R	04-249	*ER (28 IR 227)	TITLE 71 INDIANA HORSE RACING COMMISSION			
65 IAC 5-15	R	04-249	*ER (28 IR 227)	71 IAC 1-1-1.5	N	05-246	*ER (29 IR 829)
65 IAC 5-16	N	05-28	*ER (28 IR 2142)	71 IAC 1-1-75.5	N	05-246	*ER (29 IR 829)
65 IAC 5-16-4	A	05-247	*ER (29 IR 49)	71 IAC 1.5-1-1.5	N	05-246	*ER (29 IR 829)
65 IAC 5-16-5	A	05-247	*ER (29 IR 49)	71 IAC 1.5-1-71.5	N	05-246	*ER (29 IR 829)

# Rules Affected by Volumes 28 and 29

71 IAC 3-2-9	A	05-115	*ER (28 IR 2745)	TITLE 135 INDIANA FINANCE AUTHORITY		
	A	06-24	*ER (29 IR 1955)	135 IAC 2-1-1	A	05-257 29 IR 598 *CPH (29 IR 1965)
71 IAC 3-3-11	A	05-115	*ER (28 IR 2746)			29 IR 1680
71 IAC 3-4-1	A	05-115	*ER (28 IR 2746)	135 IAC 2-2-1	A	05-257 29 IR 600 *CPH (29 IR 1965)
71 IAC 3-7-3	R	05-115	*ER (28 IR 2751)			29 IR 1682
71 IAC 3-11-1	A	05-115	*ER (28 IR 2746)	135 IAC 2-2-3	A	05-257 29 IR 601 *CPH (29 IR 1965)
71 IAC 4-4-10	N	06-78	*ER (29 IR 2210)			29 IR 1683
71 IAC 4-4-11	N	06-78	*ER (29 IR 2210)	135 IAC 2-2-5	A	05-257 29 IR 601 *CPH (29 IR 1965)
71 IAC 4.5-4-10	N	06-78	*ER (29 IR 2210)			29 IR 1683
71 IAC 4.5-4-11	N	06-78	*ER (29 IR 2210)	135 IAC 2-2-10	A	05-257 29 IR 601 *CPH (29 IR 1965)
71 IAC 5-1-21	A	06-78	*ER (29 IR 2211)			29 IR 1683
71 IAC 5-2-1	A	06-78	*ER (29 IR 2211)	135 IAC 2-2-12	A	05-257 29 IR 601 *CPH (29 IR 1965)
71 IAC 5-3-1	A	05-115	*ER (28 IR 2746)			29 IR 1683
71 IAC 5-3-3	A	06-78	*ER (29 IR 2212)	135 IAC 2-3-1	A	05-257 29 IR 602 *CPH (29 IR 1965)
71 IAC 5-3-3.1	N	06-78	*ER (29 IR 2213)			29 IR 1684
71 IAC 5.5-1-21	A	06-78	*ER (29 IR 2213)	135 IAC 2-3-2	A	05-257 29 IR 602 *CPH (29 IR 1965)
71 IAC 5.5-2-1	A	06-78	*ER (29 IR 2213)			29 IR 1684
71 IAC 5.5-3-3	A	06-78	*ER (29 IR 2214)	135 IAC 2-4-1	A	05-257 29 IR 602 *CPH (29 IR 1965)
71 IAC 5.5-3-3.1	N	06-78	*ER (29 IR 2215)			29 IR 1684
71 IAC 6-1-3	A	05-115	*ER (28 IR 2747)	135 IAC 2-4-2	A	05-257 29 IR 602 *CPH (29 IR 1965)
	A	06-78	*ER (29 IR 2215)			29 IR 1684
71 IAC 6-1-4	N	05-115	*ER (28 IR 2748)	135 IAC 2-4-4	A	05-257 29 IR 603 *CPH (29 IR 1965)
	N	06-78	*ER (29 IR 2217)			29 IR 1685
71 IAC 7-1-29	A	05-115	*ER (28 IR 2748)	135 IAC 2-5-1	A	05-257 29 IR 603 *CPH (29 IR 1965)
71 IAC 7-3-7	A	05-115	*ER (28 IR 2749)			29 IR 1685
71 IAC 7-3-13	A	05-115	*ER (28 IR 2750)	135 IAC 2-5-2	R	05-257 29 IR 614 *CPH (29 IR 1965)
71 IAC 7-3-18	A	05-115	*ER (28 IR 2750)			29 IR 1720
71 IAC 7-3-29	A	05-115	*ER (28 IR 2751)	135 IAC 2-5-2.1	N	05-257 29 IR 603 *CPH (29 IR 1965)
71 IAC 7-3-36	N	05-115	*ER (28 IR 2751)			29 IR 1685
71 IAC 7-5-1	A	05-115	*ER (28 IR 2751)	135 IAC 2-5-3	A	05-257 29 IR 607 *CPH (29 IR 1965)
71 IAC 7-5-2	A	05-115	*ER (28 IR 2751)			29 IR 1714
71 IAC 7.5-1-16	N	06-78	*ER (29 IR 2217)	135 IAC 2-5-5	A	05-257 29 IR 607 *CPH (29 IR 1965)
71 IAC 7.5-6-3	A	05-27	*ER (28 IR 2154)			29 IR 1714
71 IAC 8-1-1	A	06-78	*ER (29 IR 2217)	135 IAC 2-7-1	A	05-257 29 IR 608 *CPH (29 IR 1965)
71 IAC 8-1-5	A	06-78	*ER (29 IR 2218)			29 IR 1714
71 IAC 8-5-4	R	06-78	*ER (29 IR 2228)	135 IAC 2-7-2	A	05-257 29 IR 608 *CPH (29 IR 1965)
71 IAC 8-5-5	A	06-78	*ER (29 IR 2219)			29 IR 1714
71 IAC 8-5-7	R	06-78	*ER (29 IR 2228)	135 IAC 2-7-3	A	05-257 29 IR 608 *CPH (29 IR 1965)
71 IAC 8-5-8	A	06-78	*ER (29 IR 2219)			29 IR 1714
71 IAC 8-5-9	N	06-78	*ER (29 IR 2219)	135 IAC 2-7-5	A	05-257 29 IR 608 *CPH (29 IR 1965)
71 IAC 8-5-10	N	06-78	*ER (29 IR 2220)			29 IR 1715
71 IAC 8-5-11	N	06-78	*ER (29 IR 2220)	135 IAC 2-7-6	A	05-257 29 IR 609 *CPH (29 IR 1965)
71 IAC 8-5-12	N	06-78	*ER (29 IR 2220)			29 IR 1715
71 IAC 8-5-13	N	06-78	*ER (29 IR 2220)	135 IAC 2-7-7	A	05-257 29 IR 609 *CPH (29 IR 1965)
71 IAC 8-6-2	A	06-78	*ER (29 IR 2220)			29 IR 1715
71 IAC 8-8-1	A	06-78	*ER (29 IR 2221)	135 IAC 2-7-8	A	05-257 29 IR 609 *CPH (29 IR 1965)
71 IAC 8-8-2	N	06-78	*ER (29 IR 2222)			29 IR 1715
71 IAC 8-9-1	A	06-78	*ER (29 IR 2222)	135 IAC 2-7-11	A	05-257 29 IR 609 *CPH (29 IR 1965)
71 IAC 8-10-2	A	06-78	*ER (29 IR 2222)			29 IR 1716
71 IAC 8.5-1-1	A	06-78	*ER (29 IR 2223)	135 IAC 2-7-12	A	05-257 29 IR 609 *CPH (29 IR 1965)
71 IAC 8.5-1-5	A	06-78	*ER (29 IR 2223)			29 IR 1716
71 IAC 8.5-4-5	A	06-78	*ER (29 IR 2224)	135 IAC 2-7-13	A	05-257 29 IR 610 *CPH (29 IR 1965)
71 IAC 8.5-4-7	A	06-78	*ER (29 IR 2225)			29 IR 1716
71 IAC 8.5-4-9	N	06-78	*ER (29 IR 2225)	135 IAC 2-7-14	A	05-257 29 IR 610 *CPH (29 IR 1965)
71 IAC 8.5-4-10	N	06-78	*ER (29 IR 2225)			29 IR 1716
71 IAC 8.5-4-11	N	06-78	*ER (29 IR 2225)	135 IAC 2-7-15	A	05-257 29 IR 610 *CPH (29 IR 1965)
71 IAC 8.5-4-12	N	06-78	*ER (29 IR 2225)			29 IR 1716
71 IAC 8.5-4-13	N	06-78	*ER (29 IR 2225)	135 IAC 2-7-16	A	05-257 29 IR 610 *CPH (29 IR 1965)
71 IAC 8.5-5-2	A	06-78	*ER (29 IR 2226)			29 IR 1716
71 IAC 8.5-7-1	A	06-78	*ER (29 IR 2227)	135 IAC 2-7-17	A	05-257 29 IR 610 *CPH (29 IR 1965)
71 IAC 8.5-7-2	N	06-78	*ER (29 IR 2227)			29 IR 1717
71 IAC 8.5-10-2	A	06-78	*ER (29 IR 2227)	135 IAC 2-7-18	A	05-257 29 IR 610 *CPH (29 IR 1965)
71 IAC 8.5-13	N	05-221	*ER (28 IR 3599)			29 IR 1717
71 IAC 9-1-14	A	05-246	*ER (29 IR 830)	135 IAC 2-7-19	A	05-257 29 IR 611 *CPH (29 IR 1965)
71 IAC 12-2-15	A	06-71	*ER (29 IR 2208)			29 IR 1717
71 IAC 13.5-3-3	A	05-115	*ER (28 IR 2751)	135 IAC 2-7-20	A	05-257 29 IR 611 *CPH (29 IR 1965)
						29 IR 1717
TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION				135 IAC 2-7-21	A	05-257 29 IR 611 *CPH (29 IR 1965)
105 IAC 13	N	05-161 29 IR 59	*CPH (29 IR 832)			29 IR 1717
			*CPH (29 IR 1243)			29 IR 1717
105 IAC 14	N	05-258 29 IR 588 29 IR 1646	*CPH (29 IR 1964)			29 IR 1718

## Rules Affected by Volumes 28 and 29

135 IAC 2-7-22	A	05-257	29 IR 612 29 IR 1718	*CPH (29 IR 1965)	170 IAC 6-1.2	N	04-144	27 IR 4073	*CPH (28 IR 620) *AWR (28 IR 2730)
135 IAC 2-7-23	A	05-257	29 IR 612 29 IR 1718	*CPH (29 IR 1965)	170 IAC 7-1.3-2	A	04-144	27 IR 4080	*CPH (28 IR 620) *AWR (28 IR 2730)
135 IAC 2-7-24	A	05-257	29 IR 612 29 IR 1719	*CPH (29 IR 1965)	170 IAC 7-1.3-3	A	04-144	27 IR 4081	*CPH (28 IR 620) *AWR (28 IR 2730)
135 IAC 2-8-1	A	05-257	29 IR 612 29 IR 1719	*CPH (29 IR 1965)	170 IAC 7-1.3-8	A	04-144	27 IR 4083	*CPH (28 IR 620) *AWR (28 IR 2730)
135 IAC 2-8-3	A	05-257	29 IR 612 29 IR 1719	*CPH (29 IR 1965)	170 IAC 7-1.3-9	A	04-144	27 IR 4084	*CPH (28 IR 620) *AWR (28 IR 2730)
135 IAC 2-8-5	A	05-257	29 IR 613 29 IR 1719	*CPH (29 IR 1965)	170 IAC 7-1.3-10	A	04-144	27 IR 4085	*CPH (28 IR 620) *AWR (28 IR 2730)
135 IAC 2-8-7	A	05-257	29 IR 613 29 IR 1719	*CPH (29 IR 1965)	170 IAC 7-6	RA	05-22	28 IR 2458	<b>29 IR 144</b> *CPH (28 IR 620)
135 IAC 2-8-11	A	05-257	29 IR 613 29 IR 1720	*CPH (29 IR 1965)	170 IAC 8.5-2-1	A	04-144	27 IR 4086	*AWR (28 IR 2730) *CPH (28 IR 620)
135 IAC 2-10-1	R	05-257	29 IR 614 29 IR 1720	*CPH (29 IR 1965)	170 IAC 8.5-2-3	A	04-144	27 IR 4087	*AWR (28 IR 2730) *CPH (28 IR 620)
135 IAC 2-10-2	A	05-257	29 IR 613 29 IR 1720	*CPH (29 IR 1965)	170 IAC 8.5-2-4	A	04-144	27 IR 4089	*AWR (28 IR 2730) *CPH (28 IR 620)
					170 IAC 8.5-2-5	A	04-144	27 IR 4092	*CPH (28 IR 2730) *AWR (28 IR 2730)
TITLE 140 BUREAU OF MOTOR VEHICLES					TITLE 203 VICTIM SERVICES DIVISION				
140 IAC 4-4	RA	04-162	28 IR 323	<b>28 IR 1315</b>	203 IAC	N	04-63	27 IR 2526	<b>28 IR 6</b>
140 IAC 7-4	N	05-237	29 IR 64	<b>29 IR 1534</b>					
140 IAC 8-4	RA	04-162	28 IR 323	<b>28 IR 1315</b>					
TITLE 170 INDIANA UTILITY REGULATORY COMMISSION					TITLE 207 CORONERS TRAINING BOARD				
170 IAC 1-4	RA	04-163	27 IR 4140	*CPH (28 IR 620) <b>28 IR 1315</b>	207 IAC 2	N	04-231	28 IR 624	*ARR (28 IR 2392)
170 IAC 1-5	RA	04-163	27 IR 4140	*CPH (28 IR 620) <b>28 IR 1315</b>	TITLE 240 STATE POLICE DEPARTMENT				
170 IAC 4-1-15	R	04-144	27 IR 4095	*CPH (28 IR 620) *AWR (28 IR 2730)	240 IAC 1-4-3	A	05-287	29 IR 838 29 IR 1721	<b>29 IR 2178</b>
170 IAC 4-1-16	R	04-144	27 IR 4095	*CPH (28 IR 620) *AWR (28 IR 2730)	240 IAC 1-4-24.1	A	05-287	29 IR 838 29 IR 1721	<b>29 IR 2178</b>
170 IAC 4-1-16.5	R	04-144	27 IR 4095	*CPH (28 IR 620) *AWR (28 IR 2730)	240 IAC 1-5-5	A	05-287	29 IR 839 29 IR 1721	<b>29 IR 2178</b>
170 IAC 4-1-16.6	R	04-144	27 IR 4095	*CPH (28 IR 620) *AWR (28 IR 2730)	240 IAC 8	RA	04-164	27 IR 4140	<b>28 IR 677</b>
170 IAC 4-1-17	R	04-144	27 IR 4095	*CPH (28 IR 620) *AWR (28 IR 2730)	TITLE 260 STATE DEPARTMENT OF TOXICOLOGY				
170 IAC 4-1-23	A	04-68	27 IR 2765	<b>28 IR 789</b>	260 IAC 1.1-1-1	RA	05-152		<b>29 IR 896</b>
170 IAC 4-1.2	N	04-144	27 IR 4057	*CPH (28 IR 620) *AWR (28 IR 2730)	260 IAC 1.1-2-2	RA	05-152		<b>29 IR 896</b>
170 IAC 4-4.1-7	A	05-130	28 IR 3331	<b>29 IR 2169</b>	TITLE 280 DIVISION OF PREPAREDNESS AND TRAINING				
170 IAC 4-4.2	N	03-305	27 IR 2312	<b>28 IR 786</b>	280 IAC 1-1	RA	05-300		<b>29 IR 1381</b>
170 IAC 4-4.2-5	A	05-130	28 IR 3332	<b>29 IR 2169</b>	280 IAC 1-2	RA	05-300		<b>29 IR 1381</b>
170 IAC 4-4.3	N	05-130	28 IR 3333	<b>29 IR 2170</b>	280 IAC 1-3	RA	05-300		<b>29 IR 1381</b>
170 IAC 5-1-15	R	04-144	27 IR 4095	*CPH (28 IR 620) *AWR (28 IR 2730)	280 IAC 1-4	RA	05-300		<b>29 IR 1381</b>
170 IAC 5-1-16	A	05-100	28 IR 3627	<b>29 IR 2164</b>	TITLE 305 INDIANA BOARD OF LICENSURE FOR PROFESSIONAL GEOLOGISTS				
	R	04-144	27 IR 4095	*CPH (28 IR 620) *AWR (28 IR 2730)	305 IAC 1-2	RA	05-60	28 IR 3052	<b>29 IR 690</b>
	A	05-100	28 IR 3630	<b>29 IR 2166</b>	305 IAC 1-2-6	A	03-212	27 IR 216	*ARR (28 IR 215) <b>28 IR 12</b>
170 IAC 5-1-16.5	R	04-144	27 IR 4095	*CPH (28 IR 620) *AWR (28 IR 2730)	305 IAC 1-3-4	A	03-212	27 IR 216	*ARR (28 IR 215) <b>28 IR 12</b>
170 IAC 5-1-16.6	R	04-144	27 IR 4095	*CPH (28 IR 620) *AWR (28 IR 2730)	305 IAC 1-4-1	A	03-212	27 IR 217	*ARR (28 IR 215) <b>28 IR 12</b>
170 IAC 5-1-17	R	04-144	27 IR 4095	*CPH (28 IR 620) *AWR (28 IR 2730)	305 IAC 1-4-2	A	03-212	27 IR 217	*ARR (28 IR 215) <b>28 IR 13</b>
170 IAC 5-1.2	N	04-144	27 IR 4065	*CPH (28 IR 620) *AWR (28 IR 2730)	305 IAC 1-5	N	03-212	27 IR 217	*ARR (28 IR 215) <b>28 IR 13</b>
170 IAC 6-1-15	R	04-144	27 IR 4095	*CPH (28 IR 620) *AWR (28 IR 2730)	TITLE 312 NATURAL RESOURCES COMMISSION				
170 IAC 6-1-16	R	04-144	27 IR 4095	*CPH (28 IR 620) *AWR (28 IR 2730)	312 IAC 2-4-6	A	04-215	28 IR 626	<b>28 IR 2348</b>
170 IAC 6-1-17	R	04-144	27 IR 4095	*CPH (28 IR 620) *AWR (28 IR 2730)	312 IAC 2-4-12	A	04-67	27 IR 3604	<b>28 IR 1460</b>
170 IAC 6-1.1	N	04-268	28 IR 1518	*CPH (28 IR 1710) <b>29 IR 456</b>	312 IAC 2-4-14	N	04-215	28 IR 626	<b>28 IR 2348</b>
					312 IAC 3-1-7	A	04-263	28 IR 1203	<b>28 IR 2660</b>
					312 IAC 3-1-9	A	05-57	28 IR 3003	*DAG (29 IR 1384)
					312 IAC 4-6-6	A	04-208	28 IR 625	*ARR (28 IR 2140)
					312 IAC 5-6-5	A	04-84	28 IR 240	<b>28 IR 1680</b>



# Rules Affected by Volumes 28 and 29

312 IAC 5-6-5.5	N	04-210	28 IR 989	<b>28 IR 2944</b>	312 IAC 9-4-11	A	03-311	27 IR 1951	<b>28 IR 541</b>
312 IAC 5-7-5	A	05-263	29 IR 839			A	04-253	28 IR 1524	<b>28 IR 2946</b>
312 IAC 5-9-5	N	05-324	29 IR 1974			A	05-214	29 IR 623	*CPH (29 IR 1581)
312 IAC 5-14-1	A	04-155	27 IR 4100	<b>28 IR 1461</b>	312 IAC 9-4-14	A	03-311	27 IR 1952	<b>28 IR 542</b>
312 IAC 5-14-2	A	04-155	27 IR 4100	<b>28 IR 1461</b>	312 IAC 9-5-4	A	03-311	27 IR 1953	<b>28 IR 542</b>
312 IAC 5-14-4	A	04-155	27 IR 4101	<b>28 IR 1462</b>		A	04-253	28 IR 1526	<b>28 IR 2947</b>
312 IAC 5-14-5	R	04-155	27 IR 4109	<b>28 IR 1470</b>	312 IAC 9-5-6	A	03-311	27 IR 1953	<b>28 IR 543</b>
312 IAC 5-14-5.1	N	04-155	27 IR 4101	<b>28 IR 1462</b>	312 IAC 9-5-7	A	03-311	27 IR 1953	<b>28 IR 543</b>
312 IAC 5-14-6	R	04-155	27 IR 4109	<b>28 IR 1470</b>		A	04-253	28 IR 1526	<b>28 IR 2948</b>
312 IAC 5-14-6.1	N	04-155	27 IR 4102	<b>28 IR 1463</b>		A	06-9	29 IR 2272	
312 IAC 5-14-7	A	04-155	27 IR 4102	<b>28 IR 1463</b>	312 IAC 9-5-9	A	03-311	27 IR 1955	<b>28 IR 545</b>
312 IAC 5-14-8	A	04-155	27 IR 4102	<b>28 IR 1464</b>		A	04-253	28 IR 1528	<b>28 IR 2950</b>
312 IAC 5-14-9	A	04-155	27 IR 4103	<b>28 IR 1464</b>	312 IAC 9-5-11	N	03-311	27 IR 1956	<b>28 IR 546</b>
312 IAC 5-14-11	A	04-155	27 IR 4103	<b>28 IR 1464</b>		A	05-214	29 IR 624	*CPH (29 IR 1581)
312 IAC 5-14-15	A	04-155	27 IR 4103	<b>28 IR 1465</b>	312 IAC 9-6-9	A	03-311	27 IR 1957	<b>28 IR 547</b>
312 IAC 5-14-16	A	04-155	27 IR 4104	<b>28 IR 1465</b>	312 IAC 9-7-2	A	03-311	27 IR 1957	<b>28 IR 547</b>
312 IAC 5-14-17	A	04-155	27 IR 4104	<b>28 IR 1465</b>	312 IAC 9-7-6	A	03-311	27 IR 1959	<b>28 IR 549</b>
312 IAC 5-14-18	A	04-155	27 IR 4105	<b>28 IR 1466</b>	312 IAC 9-7-13	A	03-311	27 IR 1960	<b>28 IR 550</b>
312 IAC 5-14-19	A	04-155	27 IR 4105	<b>28 IR 1467</b>	312 IAC 9-10-5	A	05-214	29 IR 626	*CPH (29 IR 1581)
312 IAC 5-14-20	A	04-155	27 IR 4106	<b>28 IR 1467</b>	312 IAC 9-10-7	A	06-9	29 IR 2274	
312 IAC 5-14-21	A	04-155	27 IR 4106	<b>28 IR 1467</b>	312 IAC 9-10-9	A	03-311	27 IR 1960	<b>28 IR 550</b>
312 IAC 5-14-22	A	04-155	27 IR 4106	<b>28 IR 1468</b>	312 IAC 9-10-9.5	N	03-311	27 IR 1961	<b>28 IR 551</b>
312 IAC 5-14-24	A	04-155	27 IR 4107	<b>28 IR 1468</b>	312 IAC 9-10-10	A	03-311	27 IR 1962	<b>28 IR 552</b>
312 IAC 5-14-25	A	04-155	27 IR 4108	<b>28 IR 1469</b>	312 IAC 9-10-11	A	05-214	29 IR 626	*CPH (29 IR 1581)
312 IAC 5-14-26	R	04-155	27 IR 4109	<b>28 IR 1470</b>	312 IAC 9-10-12	A	05-214	29 IR 628	*CPH (29 IR 1581)
312 IAC 5-14-27	N	04-155	27 IR 4109	<b>28 IR 1470</b>	312 IAC 9-10-13.5	N	03-311	27 IR 1963	<b>28 IR 553</b>
312 IAC 6.2	N	04-66	27 IR 3119	<b>28 IR 1459</b>	312 IAC 9-10-17	A	03-311	27 IR 1964	<b>28 IR 554</b>
312 IAC 6.5	N	04-3	27 IR 2767	<b>28 IR 15</b>	312 IAC 9-10-21	N	05-261	29 IR 1728	
312 IAC 8	RA	03-315	27 IR 2339	<b>28 IR 1315</b>	312 IAC 9-11-1	A	03-311	27 IR 1964	<b>28 IR 554</b>
312 IAC 8-1-4	A	05-18	28 IR 2412	<b>29 IR 461</b>	312 IAC 9-11-2	A	03-311	27 IR 1965	<b>28 IR 555</b>
	A	06-9	29 IR 2269		312 IAC 9-11-13	A	05-214	29 IR 628	*CPH (29 IR 1581)
312 IAC 8-2-3	A	05-18	28 IR 2413	<b>29 IR 461</b>	312 IAC 9-11-14	A	03-311	27 IR 1965	<b>28 IR 555</b>
	A	06-9	29 IR 2270		312 IAC 10-3-6	A	06-9	29 IR 2274	
312 IAC 8-2-8	A	05-18	28 IR 2414	<b>29 IR 463</b>	312 IAC 10-4-4	A	06-9	29 IR 2275	
	A	05-344	29 IR 1975		312 IAC 11	RA	05-1	28 IR 2203	<b>28 IR 3661</b>
312 IAC 8-2-9	A	06-9	29 IR 2272		312 IAC 11-2-2	A	05-38	28 IR 2767	<b>29 IR 464</b>
312 IAC 9-1-9.5	N	03-311	27 IR 1946	<b>28 IR 536</b>	312 IAC 11-2-4	A	06-9	29 IR 2275	
312 IAC 9-1-11.5	N	03-311	27 IR 1946	<b>28 IR 536</b>	312 IAC 11-2-5	A	04-157	28 IR 1521	<b>28 IR 2660</b>
312 IAC 9-2-1	A	05-214	29 IR 618	*CPH (29 IR 1581)	312 IAC 11-2-7	A	05-38	28 IR 2767	<b>29 IR 464</b>
312 IAC 9-2-14	N	04-253	28 IR 1522		312 IAC 11-2-11	A	05-38	28 IR 2768	<b>29 IR 464</b>
	N	05-214	29 IR 618	*CPH (29 IR 1581)		A	06-9	29 IR 2275	
312 IAC 9-2-15	N	04-253	28 IR 1522		312 IAC 11-2-11.5	N	04-94	27 IR 4095	<b>28 IR 1681</b>
312 IAC 9-3-2	A	03-311	27 IR 1946	<b>28 IR 536</b>	312 IAC 11-2-11.8	N	05-38	28 IR 2768	<b>29 IR 464</b>
	A	05-214	29 IR 619	*CPH (29 IR 1581)	312 IAC 11-2-14.5	N	05-38	28 IR 2768	<b>29 IR 464</b>
	A	05-261	29 IR 1726			A	06-9	29 IR 2275	
312 IAC 9-3-2.5	N	05-262	29 IR 1250		312 IAC 11-2-20	A	05-38	28 IR 2768	<b>29 IR 465</b>
312 IAC 9-3-3	A	03-311	27 IR 1947	<b>28 IR 538</b>	312 IAC 11-2-21	A	06-9	29 IR 2275	
	A	05-214	29 IR 620	*CPH (29 IR 1581)	312 IAC 11-2-24	A	05-38	28 IR 2768	<b>29 IR 465</b>
312 IAC 9-3-4	A	03-311	27 IR 1948	<b>28 IR 538</b>		A	06-9	29 IR 2275	
	A	04-253	28 IR 1523	<b>28 IR 2945</b>	312 IAC 11-2-25.2	N	05-38	28 IR 2768	<b>29 IR 465</b>
312 IAC 9-3-5	A	04-253	28 IR 1523	<b>28 IR 2945</b>	312 IAC 11-2-27	A	06-9	29 IR 2276	
312 IAC 9-3-10	A	03-311	27 IR 1949	<b>28 IR 539</b>	312 IAC 11-2-27.5	N	05-38	28 IR 2769	<b>29 IR 465</b>
312 IAC 9-3-11	A	03-311	27 IR 1949	<b>28 IR 539</b>	312 IAC 11-2-28	R	06-9	29 IR 2278	
312 IAC 9-3-12	A	03-311	27 IR 1949	<b>28 IR 539</b>	312 IAC 11-3-1	A	04-94	27 IR 4095	<b>28 IR 1681</b>
	A	05-214	29 IR 621	*CPH (29 IR 1581)	312 IAC 11-3-3	A	05-38	28 IR 2769	<b>29 IR 465</b>
312 IAC 9-3-13	A	03-311	27 IR 1950	<b>28 IR 540</b>	312 IAC 11-4-2	A	05-38	28 IR 2770	<b>29 IR 466</b>
312 IAC 9-3-14	A	03-311	27 IR 1950	<b>28 IR 540</b>		A	06-9	29 IR 2276	
312 IAC 9-3-15	A	03-311	27 IR 1950	<b>28 IR 540</b>	312 IAC 11-4-3	A	05-38	28 IR 2770	<b>29 IR 467</b>
312 IAC 9-3-17	A	03-311	27 IR 1950	<b>28 IR 540</b>		A	06-9	29 IR 2276	
312 IAC 9-3-18.1	N	05-214	29 IR 621	*CPH (29 IR 1581)	312 IAC 11-4-4	A	05-38	28 IR 2771	<b>29 IR 467</b>
312 IAC 9-3-18.2	N	05-214	29 IR 621	*CPH (29 IR 1581)		A	06-9	29 IR 2277	
312 IAC 9-3-18.3	N	05-214	29 IR 621	*CPH (29 IR 1581)	312 IAC 11-4-5	A	06-9	29 IR 2278	
312 IAC 9-3-18.4	N	05-214	29 IR 621	*CPH (29 IR 1581)	312 IAC 11-4-6	A	06-9	29 IR 2278	
312 IAC 9-3-18.5	N	05-261	29 IR 1727		312 IAC 11-5-2	A	05-274	29 IR 1251	
312 IAC 9-3-19	A	05-214	29 IR 622	*CPH (29 IR 1581)	312 IAC 11-5-3	N	05-38	28 IR 2771	<b>29 IR 468</b>
312 IAC 9-4-2	A	05-214	29 IR 622	*CPH (29 IR 1581)	312 IAC 12	RA	05-1	28 IR 2203	<b>28 IR 3661</b>
312 IAC 9-4-5.5	N	05-214	29 IR 622	*CPH (29 IR 1581)	312 IAC 13	RA	05-1	28 IR 2203	<b>28 IR 3661</b>
312 IAC 9-4-7	R	03-311	27 IR 1966	<b>28 IR 556</b>	312 IAC 13-8-1	A	05-341	29 IR 2265	
312 IAC 9-4-10	A	03-311	27 IR 1951		312 IAC 13-8-3	A	05-341	29 IR 2265	

## Rules Affected by Volumes 28 and 29

312 IAC 13-10-2	A	05-341	29 IR 2267		315 IAC 1-3-9	A	04-70	28 IR 995	*CPH (28 IR 1498)
312 IAC 16	RA	03-315	27 IR 2339	<b>28 IR 1315</b>					*SPE
312 IAC 16-1-1	A	05-288	29 IR 1730			A	05-73	28 IR 2778	<b>29 IR 474</b>
312 IAC 16-1-2.5	N	05-288	29 IR 1730		315 IAC 1-3-10	A	04-70	28 IR 995	*CPH (28 IR 1498)
312 IAC 16-1-28.3	N	05-288	29 IR 1730						*SPE
312 IAC 16-1-31.2	N	05-288	29 IR 1730			A	05-73	28 IR 2778	<b>29 IR 475</b>
312 IAC 16-1-32.5	N	05-288	29 IR 1730		315 IAC 1-3-12	A	04-70	28 IR 996	*CPH (28 IR 1498)
312 IAC 16-1-32.6	N	05-288	29 IR 1730						*SPE
312 IAC 16-1-39.6	N	05-288	29 IR 1730			A	05-73	28 IR 2778	<b>29 IR 475</b>
312 IAC 16-1-39.8	N	05-288	29 IR 1730		315 IAC 1-3-14	A	04-70	28 IR 996	*CPH (28 IR 1498)
312 IAC 16-1-52	N	05-288	29 IR 1731						*SPE
312 IAC 16-3-2	A	04-121	27 IR 4097	<b>28 IR 1682</b>		A	05-73	28 IR 2779	<b>29 IR 475</b>
312 IAC 16-3-8	A	04-121	27 IR 4099	<b>28 IR 1684</b>	315 IAC 1-3-15	N	04-70	28 IR 996	*CPH (28 IR 1498)
312 IAC 16-5-4	A	05-248	29 IR 1722						*SPE
312 IAC 16-5-5	A	05-248	29 IR 1723			N	05-73	28 IR 2779	<b>29 IR 476</b>
312 IAC 16-5-14	A	04-23	27 IR 2532	<b>28 IR 556</b>					
312 IAC 16-5-19	A	05-14	28 IR 2410	<b>29 IR 458</b>	TITLE 326 AIR POLLUTION CONTROL BOARD				
312 IAC 17	RA	03-315	27 IR 2339	<b>28 IR 1315</b>	326 IAC 1-1-3	A	02-337	26 IR 1997	*ARR (27 IR 2500)
312 IAC 17-3	R	05-99	28 IR 3632	<b>29 IR 1876</b>					*CPH (27 IR 2521)
312 IAC 17-3-1	A	04-23	27 IR 2532	<b>28 IR 557</b>					<b>28 IR 17</b>
312 IAC 17-3-2	A	04-23	27 IR 2532	<b>28 IR 557</b>		A	04-299	28 IR 1815	*CPH (28 IR 2406)
312 IAC 17-3-3	A	04-23	27 IR 2532	<b>28 IR 557</b>					<b>29 IR 795</b>
312 IAC 17-3-4	A	04-23	27 IR 2533	<b>28 IR 558</b>		A	05-230	29 IR 632	
312 IAC 17-3-6	A	04-23	27 IR 2534	<b>28 IR 558</b>	326 IAC 1-1-3.5	A	02-337	26 IR 1997	*ARR (27 IR 2500)
312 IAC 17-3-8	A	04-23	27 IR 2534	<b>28 IR 558</b>					*CPH (27 IR 2521)
312 IAC 17-3-9	A	04-23	27 IR 2534	<b>28 IR 558</b>					<b>28 IR 18</b>
312 IAC 18-3-12	A	04-270	28 IR 1203	*GRAT (28 IR 3053)		A	04-299	28 IR 1815	*CPH (28 IR 2406)
				<b>28 IR 2951</b>					<b>29 IR 795</b>
	A	05-213	29 IR 614	*ARR (29 IR 2204)	326 IAC 1-1-6	N	04-180	28 IR 248	*GRAT (28 IR 2205)
			29 IR 2263						<b>28 IR 2046</b>
312 IAC 18-3-18	N	04-177	28 IR 1201	<b>28 IR 2942</b>	326 IAC 1-2-33.5	A	05-79	28 IR 3005	<b>29 IR 795</b>
312 IAC 18-3-19	N	04-127	28 IR 1521	<b>28 IR 2942</b>		A	06-19	29 IR 2288	
312 IAC 19	RA	03-315	27 IR 2339	<b>28 IR 1315</b>	326 IAC 1-2-48	A	05-79	28 IR 3005	<b>29 IR 796</b>
312 IAC 23	RA	05-1	28 IR 2203	<b>28 IR 3661</b>	326 IAC 1-2-52	A	03-228	27 IR 3120	<b>28 IR 1471</b>
312 IAC 25-4-102				*ERR (28 IR 214)	326 IAC 1-2-52.2	N	03-228	27 IR 3121	<b>28 IR 1471</b>
312 IAC 25-4-114				*ERR (28 IR 214)	326 IAC 1-2-52.4	N	03-228	27 IR 3121	<b>28 IR 1471</b>
312 IAC 25-5-16				*ERR (28 IR 214)	326 IAC 1-2-65	A	02-337	26 IR 1997	*ARR (27 IR 2500)
312 IAC 25-6-20				*ERR (28 IR 214)					*CPH (27 IR 2521)
312 IAC 25-7-1				*ERR (28 IR 214)					<b>28 IR 18</b>
312 IAC 26	RA	03-315	27 IR 2339	<b>28 IR 1315</b>	326 IAC 1-2-82.5	N	03-228	27 IR 3121	<b>28 IR 1471</b>
TITLE 315 OFFICE OF ENVIRONMENTAL ADJUDICATION					326 IAC 1-2-90	A	02-337	26 IR 1998	*ARR (27 IR 2500)
315 IAC 1	RA	04-71	27 IR 2879	<b>28 IR 323</b>					*CPH (27 IR 2521)
315 IAC 1-2-1	A	04-70	28 IR 990	*CPH (28 IR 1498)					<b>28 IR 18</b>
				*SPE		A	05-79	28 IR 3006	<b>29 IR 796</b>
	A	05-73	28 IR 2772	<b>29 IR 469</b>	326 IAC 1-3-4	A	03-228	27 IR 3121	<b>28 IR 1471</b>
315 IAC 1-3-1	A	04-70	28 IR 991	*CPH (28 IR 1498)		A	05-235	29 IR 633	<b>29 IR 2179</b>
				*SPE	326 IAC 1-4-1	A	04-148	27 IR 3606	<b>28 IR 1182</b>
	A	05-73	28 IR 2773	<b>29 IR 469</b>		A	06-18	29 IR 2287	
315 IAC 1-3-2	A	04-70	28 IR 991	*CPH (28 IR 1498)	326 IAC 2-2-13	A	02-337	26 IR 1998	*ARR (27 IR 2500)
				*SPE					*CPH (27 IR 2521)
	A	05-73	28 IR 2774	<b>29 IR 470</b>	326 IAC 2-2-16	A	02-337	26 IR 1999	<b>28 IR 19</b>
315 IAC 1-3-2.1	N	04-70	28 IR 992	*CPH (28 IR 1498)					*ARR (27 IR 2500)
				*SPE					*CPH (27 IR 2521)
	N	05-73	28 IR 2775	<b>29 IR 471</b>	326 IAC 2-5.1-1	RA	04-44	27 IR 3144	<b>28 IR 20</b>
315 IAC 1-3-3	A	04-70	28 IR 992	*CPH (28 IR 1498)	326 IAC 2-5.1-2	RA	04-44	27 IR 3145	<b>28 IR 791</b>
				*SPE	326 IAC 2-5.5-1	RA	04-44	27 IR 3146	<b>28 IR 792</b>
	A	05-73	28 IR 2775	<b>29 IR 471</b>	326 IAC 2-5.5-2	RA	04-44	27 IR 3146	<b>28 IR 793</b>
315 IAC 1-3-4	A	04-70	28 IR 993	*CPH (28 IR 1498)	326 IAC 2-5.5-3	RA	04-44	27 IR 3146	<b>28 IR 793</b>
				*SPE	326 IAC 2-5.5-4	RA	04-44	27 IR 3147	<b>28 IR 793</b>
	A	05-73	28 IR 2776	<b>29 IR 472</b>	326 IAC 2-5.5-5	RA	04-44	27 IR 3147	<b>28 IR 794</b>
315 IAC 1-3-5	A	04-70	28 IR 994	*CPH (28 IR 1498)	326 IAC 2-5.5-6	RA	04-44	27 IR 3147	<b>28 IR 794</b>
				*SPE	326 IAC 2-6-1	A	05-78	29 IR 1255	
	A	05-73	28 IR 2776	<b>29 IR 473</b>	326 IAC 2-6-3	A	05-78	29 IR 1256	
315 IAC 1-3-7	A	04-70	28 IR 994	*CPH (28 IR 1498)	326 IAC 2-6-4	A	05-78	29 IR 1257	
				*SPE	326 IAC 2-6.1-1	RA	04-44	27 IR 3149	<b>28 IR 795</b>
	A	05-73	28 IR 2777	<b>29 IR 473</b>	326 IAC 2-6.1-2	RA	04-44	27 IR 3149	<b>28 IR 795</b>
315 IAC 1-3-8	A	04-70	28 IR 994	*CPH (28 IR 1498)	326 IAC 2-6.1-3	RA	04-44	27 IR 3149	<b>28 IR 795</b>
				*SPE	326 IAC 2-6.1-4	RA	04-44	27 IR 3150	<b>28 IR 796</b>
	A	05-73	28 IR 2777	<b>29 IR 474</b>					

# Rules Affected by Volumes 28 and 29

326 IAC 2-6.1-5	RA	04-44	27 IR 3150	<b>28 IR 796</b>	326 IAC 3-7-2	A	02-337	26 IR 2024	*ARR (27 IR 2500)
326 IAC 2-6.1-6	RA	04-44	27 IR 3151	<b>28 IR 797</b>					*CPH (27 IR 2521)
326 IAC 2-6.1-7	RA	04-44	27 IR 3154	<b>28 IR 801</b>					<b>28 IR 38</b>
326 IAC 2-7-3	A	02-337	26 IR 2006	*ARR (27 IR 2500)	326 IAC 3-7-4	A	02-337	26 IR 2025	*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				<b>28 IR 20</b>					<b>28 IR 40</b>
326 IAC 2-7-8	A	02-337	26 IR 2006	*ARR (27 IR 2500)	326 IAC 3-8	N	04-182	29 IR 1254	*CPH (29 IR 1581)
				*CPH (27 IR 2521)	326 IAC 5-1-2	A	02-337	26 IR 2026	*ARR (27 IR 2500)
				<b>28 IR 20</b>					*CPH (27 IR 2521)
326 IAC 2-7-18	A	02-337	26 IR 2007	*ARR (27 IR 2500)					<b>28 IR 40</b>
				*CPH (27 IR 2521)	326 IAC 5-1-4	A	02-337	26 IR 2026	*ARR (27 IR 2500)
				<b>28 IR 21</b>					*CPH (27 IR 2521)
326 IAC 2-8-3	A	02-337	26 IR 2008	*ARR (27 IR 2500)					<b>28 IR 41</b>
				*CPH (27 IR 2521)	326 IAC 5-1-5	A	02-337	26 IR 2027	*ARR (27 IR 2500)
				<b>28 IR 22</b>					*CPH (27 IR 2521)
326 IAC 2-9-1	RA	04-44	27 IR 3155	<b>28 IR 801</b>					<b>28 IR 41</b>
326 IAC 2-9-2.5	RA	04-44	27 IR 3156	<b>28 IR 802</b>	326 IAC 6-1-1	R	02-335	28 IR 1813	<b>28 IR 3550</b>
326 IAC 2-9-3	RA	04-44	27 IR 3156	<b>28 IR 803</b>	326 IAC 6-1-1.5	R	02-335	28 IR 1813	<b>28 IR 3550</b>
326 IAC 2-9-4	RA	04-44	27 IR 3157	<b>28 IR 803</b>	326 IAC 6-1-2	R	02-335	28 IR 1813	<b>28 IR 3550</b>
326 IAC 2-9-5	RA	04-44	27 IR 3158	<b>28 IR 805</b>	326 IAC 6-1-3	R	02-335	28 IR 1813	<b>28 IR 3550</b>
326 IAC 2-9-6	RA	04-44	27 IR 3159	<b>28 IR 805</b>	326 IAC 6-1-4	R	02-335	28 IR 1813	<b>28 IR 3550</b>
326 IAC 2-9-7	A	02-337	26 IR 2009	*ARR (27 IR 2500)	326 IAC 6-1-5	R	02-335	28 IR 1813	<b>28 IR 3550</b>
				*CPH (27 IR 2521)	326 IAC 6-1-6	R	02-335	28 IR 1813	<b>28 IR 3550</b>
				<b>28 IR 23</b>	326 IAC 6-1-7	R	02-335	28 IR 1813	<b>28 IR 3550</b>
	RA	04-44	27 IR 3159	<b>28 IR 805</b>	326 IAC 6-1-8.1	R	02-335	28 IR 1813	<b>28 IR 3550</b>
326 IAC 2-9-8	A	02-337	26 IR 2010	*ARR (27 IR 2500)	326 IAC 6-1-9	R	02-335	28 IR 1813	<b>28 IR 3550</b>
				*CPH (27 IR 2521)	326 IAC 6-1-10.1	R	02-335	28 IR 1813	<b>28 IR 3550</b>
				<b>28 IR 25</b>	326 IAC 6-1-10.2	R	02-335	28 IR 1813	<b>28 IR 3550</b>
	RA	04-44	27 IR 3160	<b>28 IR 806</b>	326 IAC 6-1-11.1	R	02-335	28 IR 1813	<b>28 IR 3550</b>
326 IAC 2-9-9	A	02-337	26 IR 2012	*ARR (27 IR 2500)	326 IAC 6-1-11.2	R	02-335	28 IR 1813	<b>28 IR 3550</b>
				*CPH (27 IR 2521)	326 IAC 6-1-12	A	04-43	28 IR 242	*GRAT (28 IR 2204)
				<b>28 IR 26</b>					<b>28 IR 2037</b>
	RA	04-44	27 IR 3162	<b>28 IR 808</b>					*ERR (28 IR 2137)
326 IAC 2-9-10	A	02-337	26 IR 2013	*ARR (27 IR 2500)		R	02-335	28 IR 1813	<b>28 IR 3550</b>
				*CPH (27 IR 2521)	326 IAC 6-1-13	A	03-195	27 IR 2318	<b>28 IR 115</b>
				<b>28 IR 27</b>		R	02-335	28 IR 1813	<b>28 IR 3550</b>
	RA	04-44	27 IR 3163	<b>28 IR 809</b>	326 IAC 6-1-14	R	02-335	28 IR 1813	<b>28 IR 3550</b>
326 IAC 2-9-11	RA	04-44	27 IR 3164	<b>28 IR 810</b>	326 IAC 6-1-15	R	02-335	28 IR 1813	<b>28 IR 3550</b>
326 IAC 2-9-12	RA	04-44	27 IR 3165	<b>28 IR 811</b>	326 IAC 6-1-16	R	02-335	28 IR 1813	<b>28 IR 3550</b>
326 IAC 2-9-13	A	02-337	26 IR 2014	*ARR (27 IR 2500)	326 IAC 6-1-17	R	02-335	28 IR 1813	<b>28 IR 3550</b>
				*CPH (27 IR 2521)	326 IAC 6-1-18	R	02-335	28 IR 1813	<b>28 IR 3550</b>
				<b>28 IR 28</b>	326 IAC 6-2-1				*ERR (29 IR 819)
	RA	04-44	27 IR 3165	<b>28 IR 811</b>	326 IAC 6-3-1				*ERR (29 IR 819)
326 IAC 2-9-14	RA	04-44	27 IR 3167	<b>28 IR 814</b>	326 IAC 6-5-4				*ERR (29 IR 819)
326 IAC 3-4-1	A	02-337	26 IR 2016	*ARR (27 IR 2500)	326 IAC 6-6-1				*ERR (29 IR 819)
				*CPH (27 IR 2521)	326 IAC 6.5	N	02-335	28 IR 1714	<b>28 IR 3454</b>
				<b>28 IR 30</b>					*ERR (29 IR 548)
326 IAC 3-4-3	A	02-337	26 IR 2016	*ARR (27 IR 2500)	326 IAC 6.5-7-13	A	04-234	28 IR 1814	*CPH (28 IR 2406)
				*CPH (27 IR 2521)					<b>29 IR 476</b>
				<b>28 IR 31</b>	326 IAC 6.8	N	02-335	28 IR 1766	<b>28 IR 3503</b>
326 IAC 3-5-2	A	02-337	26 IR 2017	*ARR (27 IR 2500)	326 IAC 6.8-2-4	A	04-278	28 IR 3004	<b>29 IR 794</b>
				*CPH (27 IR 2521)	326 IAC 7-1.1-1	A	00-236	28 IR 632	*CPH (28 IR 982)
				<b>28 IR 32</b>					*CPH (28 IR 1710)
326 IAC 3-5-3	A	02-337	26 IR 2019	*ARR (27 IR 2500)					<b>28 IR 2953</b>
				*CPH (27 IR 2521)	326 IAC 7-1.1-2	A	00-236	28 IR 632	*CPH (28 IR 982)
				<b>28 IR 33</b>					*CPH (28 IR 1710)
326 IAC 3-5-4	A	02-337	26 IR 2019	*ARR (27 IR 2500)					<b>28 IR 2953</b>
				*CPH (27 IR 2521)	326 IAC 7-2-1	A	02-337	26 IR 2028	*ARR (27 IR 2500)
				<b>28 IR 34</b>					*CPH (27 IR 2521)
326 IAC 3-5-5	A	02-337	26 IR 2020	*ARR (27 IR 2500)					<b>28 IR 42</b>
				*CPH (27 IR 2521)		A	00-236	28 IR 632	*CPH (28 IR 982)
				<b>28 IR 34</b>					*CPH (28 IR 1710)
326 IAC 3-6-1	A	02-337	26 IR 2022	*ARR (27 IR 2500)					<b>28 IR 2953</b>
				*CPH (27 IR 2521)	326 IAC 7-4-1.1	R	00-236	28 IR 644	*CPH (28 IR 982)
				<b>28 IR 36</b>					*CPH (28 IR 1710)
326 IAC 3-6-3	A	02-337	26 IR 2022	*ARR (27 IR 2500)					<b>28 IR 2966</b>
				*CPH (27 IR 2521)	326 IAC 7-4-3	A	03-195	27 IR 2319	<b>28 IR 117</b>
				<b>28 IR 37</b>	326 IAC 7-4-10	A	02-337	26 IR 2029	*ARR (27 IR 2500)
326 IAC 3-6-5	A	02-337	26 IR 2023	*ARR (27 IR 2500)					*CPH (27 IR 2521)
				*CPH (27 IR 2521)					<b>28 IR 43</b>
				<b>28 IR 37</b>					

## Rules Affected by Volumes 28 and 29

326 IAC 7-4-13	A	03-282	27 IR 2768	*CPH (27 IR 3591) *GRAT (28 IR 2204) <b>28 IR 2021</b>	326 IAC 10-1-6	A	02-337	26 IR 2059	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 74</b>
326 IAC 7-4.1	N	00-236	28 IR 633	*CPH (28 IR 982) *CPH (28 IR 1710) <b>28 IR 2954</b>	326 IAC 10-3-3	A	04-200	28 IR 2781	<b>29 IR 1876</b>
326 IAC 8-1-4	A	02-337	26 IR 2030	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 44</b>	326 IAC 10-4-1	A	04-200	28 IR 2782	<b>29 IR 1877</b>
326 IAC 8-1-6	A	05-166	29 IR 1259		326 IAC 10-4-2	A	04-200	28 IR 2783	<b>29 IR 1879</b>
326 IAC 8-4-6	A	02-337	26 IR 2032	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 47</b>	326 IAC 10-4-3	A	04-200	28 IR 2790	<b>29 IR 1885</b>
326 IAC 8-4-9	A	02-337	26 IR 2035	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 49</b>	326 IAC 10-4-9	A	04-200	28 IR 2791	<b>29 IR 1886</b>
326 IAC 8-7-7	A	02-337	26 IR 2036	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 51</b>	326 IAC 10-4-13	A	04-200	28 IR 2797	<b>29 IR 1893</b>
326 IAC 8-9-2	A	02-337	26 IR 2037	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 51</b>	326 IAC 10-4-14	A	04-200	28 IR 2801	<b>29 IR 1896</b>
326 IAC 8-9-3	A	02-337	26 IR 2037	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 51</b>	326 IAC 10-4-15	A	04-200	28 IR 2801	<b>29 IR 1897</b>
326 IAC 8-9-4	A	02-337	26 IR 2038	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 52</b>	326 IAC 10-5	N	04-200	28 IR 2803	<b>29 IR 1899</b>
326 IAC 8-9-5	A	02-337	26 IR 2040	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 54</b>	326 IAC 11-3-4	A	02-337	26 IR 2060	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 74</b>
326 IAC 8-9-6	A	02-337	26 IR 2042	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 56</b>	326 IAC 11-7-1	A	02-337	26 IR 2061	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 75</b>
326 IAC 8-10-7	A	02-337	26 IR 2044	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 58</b>	326 IAC 13-1.1-1	A	02-337	26 IR 2062	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 76</b>
326 IAC 8-11-2	A	02-337	26 IR 2044	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 59</b>	326 IAC 13-1.1-8	A	02-337	26 IR 2063	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 77</b>
326 IAC 8-11-6	A	02-337	26 IR 2046	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 61</b>	326 IAC 13-1.1-10	A	02-337	26 IR 2063	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 78</b>
326 IAC 8-11-7	A	02-337	26 IR 2050	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 64</b>	326 IAC 13-1.1-13	A	02-337	26 IR 2064	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 79</b>
326 IAC 8-12-3	A	02-337	26 IR 2050	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 65</b>	326 IAC 13-1.1-14	A	02-337	26 IR 2065	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 80</b>
326 IAC 8-12-5	A	02-337	26 IR 2052	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 67</b>	326 IAC 13-1.1-16	A	02-337	26 IR 2066	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 81</b>
326 IAC 8-12-6	A	02-337	26 IR 2053	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 68</b>	326 IAC 14-1-1	A	02-337	26 IR 2066	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 81</b>
326 IAC 8-12-7	A	02-337	26 IR 2054	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 68</b>	326 IAC 14-1-2	A	02-337	26 IR 2067	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 81</b>
326 IAC 8-13-5	A	02-337	26 IR 2055	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 69</b>	326 IAC 14-1-4	R	02-337	26 IR 2099	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 114</b>
326 IAC 10-1-2	A	02-337	26 IR 2056	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 70</b>	326 IAC 14-3-1	A	02-337	26 IR 2067	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 82</b>
326 IAC 10-1-4	A	02-337	26 IR 2057	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 71</b>	326 IAC 14-4-1	A	02-337	26 IR 2067	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 82</b>
326 IAC 10-1-5	A	02-337	26 IR 2059	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 73</b>	326 IAC 14-5-1	A	02-337	26 IR 2068	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 82</b>
					326 IAC 14-7-1	A	02-337	26 IR 2068	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 83</b>
					326 IAC 14-8-1	A	02-337	26 IR 2068	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 83</b>
					326 IAC 14-8-3	A	02-337	26 IR 2069	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 83</b>
					326 IAC 14-8-4	A	02-337	26 IR 2069	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 84</b>
					326 IAC 14-8-5	A	02-337	26 IR 2069	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 84</b>

# Rules Affected by Volumes 28 and 29

326 IAC 14-9-5	A	02-337	26 IR 2070	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 84</b>	326 IAC 18-2-3	A	02-337	26 IR 2090	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 104</b>
326 IAC 14-9-8	A	02-337	26 IR 2071	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 85</b>		A	03-283	27 IR 3136	*CPH (27 IR 3591) *GRAT (28 IR 2204) <b>28 IR 2030</b>
326 IAC 14-9-9	A	02-337	26 IR 2071	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 86</b>	326 IAC 18-2-6	A	02-337	26 IR 2096	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 111</b>
326 IAC 14-10-1	A	02-337	26 IR 2072	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 87</b>	326 IAC 18-2-7	A	02-337	26 IR 2097	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 112</b>
326 IAC 14-10-2	A	02-337	26 IR 2074	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 88</b>	326 IAC 19-2-1	A	05-80	28 IR 3007	<b>29 IR 797</b>
326 IAC 14-10-3	A	02-337	26 IR 2076	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 91</b>	326 IAC 20-13-1	A	06-41		*ERR (29 IR 1936)
326 IAC 14-10-4	A	02-337	26 IR 2078	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 93</b>	326 IAC 20-25-1	A	03-264	27 IR 3123	*CPH (27 IR 3590) *GRAT (28 IR 2204) <b>28 IR 2017</b>
326 IAC 15-1-2	A	02-337	26 IR 2080	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 95</b>	326 IAC 20-25-2	A	03-264	27 IR 3124	*CPH (27 IR 3590) *GRAT (28 IR 2204) <b>28 IR 2018</b>
326 IAC 15-1-4	A	02-337	26 IR 2083	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 98</b>	326 IAC 20-29	N	05-236	29 IR 635	
326 IAC 16-3-1	A	02-337	26 IR 2084	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 98</b>	326 IAC 20-56	N	03-264	27 IR 3126	*CPH (27 IR 3590) *GRAT (28 IR 2204) <b>28 IR 2020</b>
326 IAC 18-1-1	A	03-283	27 IR 3128	*CPH (27 IR 3591) *GRAT (28 IR 2204) <b>28 IR 2022</b>	326 IAC 20-57	N	03-284	27 IR 1618	*CPH (27 IR 1937) <b>28 IR 119</b>
326 IAC 18-1-2	A	02-337	26 IR 2084	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 99</b>	326 IAC 20-58	N	03-284	27 IR 1619	*CPH (27 IR 1937) <b>28 IR 119</b>
	A	03-283	27 IR 3128	*CPH (27 IR 3591) *GRAT (28 IR 2204) <b>28 IR 2022</b>	326 IAC 20-59	N	03-284	27 IR 1619	*CPH (27 IR 1937) <b>28 IR 119</b>
326 IAC 18-1-3	A	03-283	27 IR 3130	*CPH (27 IR 3591) *GRAT (28 IR 2204) <b>28 IR 2024</b>	326 IAC 20-60	N	03-284	27 IR 1619	*CPH (27 IR 1937) <b>28 IR 119</b>
326 IAC 18-1-4	A	03-283	27 IR 3131	*CPH (27 IR 3591) *GRAT (28 IR 2204) <b>28 IR 2025</b>	326 IAC 20-61	N	03-284	27 IR 1619	*CPH (27 IR 1937) <b>28 IR 120</b>
326 IAC 18-1-5	A	02-337	26 IR 2086	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 101</b>	326 IAC 20-62	N	03-284	27 IR 1619	*CPH (27 IR 1937) <b>28 IR 120</b>
	A	03-283	27 IR 3132	*CPH (27 IR 3591) *GRAT (28 IR 2204) <b>28 IR 2026</b>	326 IAC 20-63	N	03-285	27 IR 2322	<b>28 IR 121</b>
326 IAC 18-1-6	A	03-283	27 IR 3133	*CPH (27 IR 3591) *GRAT (28 IR 2204) <b>28 IR 2027</b>	326 IAC 20-64	N	03-285	27 IR 2322	<b>28 IR 121</b>
326 IAC 18-1-7	A	02-337	26 IR 2087	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 102</b>	326 IAC 20-65	N	03-285	27 IR 2322	<b>28 IR 121</b>
326 IAC 18-1-8	A	02-337	26 IR 2088	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 103</b>	326 IAC 20-66	N	03-285	27 IR 2323	<b>28 IR 122</b>
326 IAC 18-1-9	A	03-283	27 IR 3134	*CPH (27 IR 3591) *GRAT (28 IR 2204) <b>28 IR 2028</b>	326 IAC 20-67	N	03-285	27 IR 2323	<b>28 IR 122</b>
326 IAC 18-2-2	A	02-337	26 IR 2088	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 103</b>	326 IAC 20-68	N	03-285	27 IR 2323	<b>28 IR 122</b>
	A	03-283	27 IR 3134	*CPH (27 IR 3591) *GRAT (28 IR 2204) <b>28 IR 2028</b>	326 IAC 20-69	N	03-285	27 IR 2323	<b>28 IR 122</b>
					326 IAC 20-70	N	03-284	27 IR 1620	*CPH (27 IR 1937) <b>28 IR 120</b>
					326 IAC 20-71	N	04-107	27 IR 3168	*CPH (27 IR 3592) *CPH (28 IR 234) *GRAT (28 IR 2205) <b>28 IR 2043</b>
					326 IAC 20-72	N	04-107	27 IR 3169	*CPH (27 IR 3592) *CPH (28 IR 234) *GRAT (28 IR 2205) <b>28 IR 2043</b>
					326 IAC 20-73	N	04-107	27 IR 3169	*CPH (27 IR 3592) *CPH (28 IR 234) *GRAT (28 IR 2205) <b>28 IR 2044</b>
					326 IAC 20-74	N	04-107	27 IR 3169	*CPH (27 IR 3592) *CPH (28 IR 234) *GRAT (28 IR 2205) <b>28 IR 2044</b>
					326 IAC 20-75	N	04-107	27 IR 3169	*CPH (27 IR 3592) *CPH (28 IR 234) *GRAT (28 IR 2205) <b>28 IR 2044</b>
					326 IAC 20-76	N	04-107	27 IR 3170	*CPH (27 IR 3592) *CPH (28 IR 234) *GRAT (28 IR 2205) <b>28 IR 2044</b>

## Rules Affected by Volumes 28 and 29

326 IAC 20-77	N	04-107	27 IR 3170	*CPH (27 IR 3592) *CPH (28 IR 234) *GRAT (28 IR 2205) <b>28 IR 2045</b>	327 IAC 2-1.5-10	A	03-129	27 IR 3650	*GRAT (28 IR 2205) <b>28 IR 2084</b>
326 IAC 20-78	N	04-107	27 IR 3170	*CPH (27 IR 3592) *CPH (28 IR 234) *GRAT (28 IR 2205) <b>28 IR 2045</b>	327 IAC 2-1.5-11	A	03-129	27 IR 3651	*GRAT (28 IR 2205) <b>28 IR 2084</b>
326 IAC 20-79	N	04-107	27 IR 3170	*CPH (27 IR 3592) *CPH (28 IR 234) *GRAT (28 IR 2205) <b>28 IR 2045</b>	327 IAC 2-1.5-16	A	03-129	27 IR 3660	*GRAT (28 IR 2205) <b>28 IR 2093</b> *ERR (28 IR 3582) *GRAT (28 IR 2205) <b>28 IR 2096</b>
326 IAC 20-80	N	04-181	29 IR 2279		327 IAC 2-4-3	A	03-129	27 IR 3663	*ERR (29 IR 1936) *GRAT (28 IR 2205) <b>28 IR 2097</b>
326 IAC 20-81	N	04-181	29 IR 2280		327 IAC 2-6.1-7		06-34		*ERR (29 IR 1936)
326 IAC 20-82	N	04-235	28 IR 997	<b>28 IR 2966</b>	327 IAC 2-10-3		06-34		*ERR (29 IR 1936)
326 IAC 20-83	N	04-236	28 IR 998	<b>28 IR 2967</b>	327 IAC 2-10-8		06-34		*ERR (29 IR 1936)
326 IAC 20-84	N	04-236	28 IR 998	<b>28 IR 2967</b>	327 IAC 2-11-3		06-34		*ERR (29 IR 1936)
326 IAC 20-85	N	04-236	28 IR 999	<b>28 IR 2967</b>	327 IAC 3-2-1.5	N	04-320	28 IR 2192	<b>28 IR 3551</b>
326 IAC 20-86	N	04-236	28 IR 999	<b>28 IR 2967</b>	327 IAC 3-2-3.5	N	04-320	28 IR 2192	<b>28 IR 3552</b>
326 IAC 20-87	N	04-236	28 IR 999	<b>28 IR 2968</b>	327 IAC 3-2-5.5	N	04-320	28 IR 2193	<b>28 IR 3552</b>
326 IAC 20-88	N	04-236	28 IR 999	<b>28 IR 2968</b>	327 IAC 5-1.5-72	A	03-129	27 IR 3663	*GRAT (28 IR 2205) <b>28 IR 2097</b>
326 IAC 20-90	N	04-300	28 IR 1816	<b>28 IR 3550</b>	327 IAC 5-2-1.5	A	03-129	27 IR 3663	*GRAT (28 IR 2205) <b>28 IR 2097</b>
326 IAC 20-91	N	04-300	28 IR 1816	<b>28 IR 3550</b>			06-34		*ERR (29 IR 1936)
326 IAC 20-92	N	04-300	28 IR 1817	<b>28 IR 3550</b>	327 IAC 5-2-11.1	A	03-129	27 IR 3664	*GRAT (28 IR 2205) <b>28 IR 2097</b>
326 IAC 20-93	N	04-300	28 IR 1817	<b>28 IR 3551</b>	327 IAC 5-2-11.2	A	03-129	27 IR 3668	*GRAT (28 IR 2205) <b>28 IR 2101</b>
326 IAC 20-94	N	04-300	28 IR 1817	<b>28 IR 3551</b>	327 IAC 5-2-11.4	A	03-129	27 IR 3669	*GRAT (28 IR 2205) <b>28 IR 2102</b>
326 IAC 20-95	N	05-23	29 IR 2284		327 IAC 5-2-11.5	A	03-129	27 IR 3679	*ERR (28 IR 3582) *GRAT (28 IR 2205) <b>28 IR 2112</b>
326 IAC 22-1-1	A	02-337	26 IR 2098	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 113</b>	327 IAC 5-2-11.6	A	03-129	27 IR 3689	*GRAT (28 IR 2205) <b>28 IR 2120</b>
326 IAC 23-1-31	A	02-337	26 IR 2099	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 114</b>	327 IAC 5-2-13	A	03-129	27 IR 3694	*GRAT (28 IR 2205) <b>28 IR 2125</b>
TITLE 327 WATER POLLUTION CONTROL BOARD					327 IAC 5-2-15	A	03-129	27 IR 3694	*GRAT (28 IR 2205) <b>28 IR 2126</b>
327 IAC 1-1-1	A	03-129	27 IR 3608	*GRAT (28 IR 2205) <b>28 IR 2046</b>	327 IAC 5-3.5	N	03-130	28 IR 650	*CPH (28 IR 1197) <b>28 IR 2349</b> *ERR (28 IR 3582)
327 IAC 1-1-2	A	03-129	27 IR 3608	*GRAT (28 IR 2205) <b>28 IR 2046</b>	327 IAC 5-4-3	A	05-322	29 IR 1982	*ERR (29 IR 1936)
327 IAC 1-1-3	A	03-129	27 IR 3608	*GRAT (28 IR 2205) <b>28 IR 2046</b>	327 IAC 5-4-6		06-34		*ERR (29 IR 1936)
327 IAC 2-1-5	A	03-129	27 IR 3608	*GRAT (28 IR 2205) <b>28 IR 2047</b>	327 IAC 5-17-12		06-34		*ERR (29 IR 1936)
327 IAC 2-1-6	A	03-129	27 IR 3609	*GRAT (28 IR 2205) <b>28 IR 2047</b>	327 IAC 5-18-4		06-34		*ERR (29 IR 1936)
327 IAC 2-1-8	A	03-129	27 IR 3617	*GRAT (28 IR 2205) <b>28 IR 2055</b>	327 IAC 5-18-5		06-34		*ERR (29 IR 1936)
327 IAC 2-1-8.1	A	03-129	27 IR 3617	*GRAT (28 IR 2205) <b>28 IR 2055</b>	327 IAC 5-18-10		06-34		*ERR (29 IR 1936)
327 IAC 2-1-8.2	A	03-129	27 IR 3618	*GRAT (28 IR 2205) <b>28 IR 2056</b>	327 IAC 5-19-6		06-34		*ERR (29 IR 1936)
327 IAC 2-1-8.3	A	03-129	27 IR 3620	*GRAT (28 IR 2205) <b>28 IR 2057</b>	327 IAC 5-20-1		06-34		*ERR (29 IR 1936)
327 IAC 2-1-8.9	N	03-129	27 IR 3621	*GRAT (28 IR 2205) <b>28 IR 2058</b> *ERR (28 IR 3582)	327 IAC 5-20-2		06-34		*ERR (29 IR 1937)
327 IAC 2-1-9	A	03-129	27 IR 3622	*GRAT (28 IR 2205) <b>28 IR 2060</b>	327 IAC 6.1-2-8		06-34		*ERR (29 IR 1937)
327 IAC 2-1-12	A	03-129	27 IR 3627	*GRAT (28 IR 2205) <b>28 IR 2064</b> *ERR (29 IR 1936)	327 IAC 6.1-2-13		06-34		*ERR (29 IR 1937)
327 IAC 2-1-13	N	03-129	27 IR 3627	*GRAT (28 IR 2205) <b>28 IR 2065</b>	327 IAC 6.1-4-6		06-34		*ERR (29 IR 1937)
327 IAC 2-1.5-2	A	03-129	27 IR 3631	*GRAT (28 IR 2205) <b>28 IR 2068</b>	327 IAC 6.1-4-11		06-34		*ERR (29 IR 1937)
327 IAC 2-1.5-6	A	03-129	27 IR 3637	*GRAT (28 IR 2205) <b>28 IR 2074</b>	327 IAC 6.1-4-13		06-34		*ERR (29 IR 1937)
327 IAC 2-1.5-8	A	03-129	27 IR 3638	*GRAT (28 IR 2205) <b>28 IR 2074</b>	327 IAC 6.1-4-14		06-34		*ERR (29 IR 1937)
					327 IAC 6.1-4-15		06-34		*ERR (29 IR 1937)
					327 IAC 6.1-4-16		06-34		*ERR (29 IR 1937)
					327 IAC 6.1-6-2		06-34		*ERR (29 IR 1937)
					327 IAC 6.1-7-2		06-34		*ERR (29 IR 1937)
					327 IAC 6.1-7-3		06-34		*ERR (29 IR 1937)
					327 IAC 6.1-7-4		06-34		*ERR (29 IR 1937)
					327 IAC 6.1-7-5		06-34		*ERR (29 IR 1937)
					327 IAC 6.1-7-10		06-34		*ERR (29 IR 1937)
					327 IAC 6.1-7.5-1		06-34		*ERR (29 IR 1937)
					327 IAC 6.1-8-6		06-34		*ERR (29 IR 1937)
					327 IAC 8-1-1	A	04-106	28 IR 2163	*ARR (29 IR 31)
					327 IAC 8-1-2	A	04-106	28 IR 2164	*ARR (29 IR 31)

# Rules Affected by Volumes 28 and 29

327 IAC 8-1-3	A	04-106	28 IR 2164	*ARR (29 IR 31)	327 IAC 8-3.2-4	A	04-106	28 IR 2171	*ARR (29 IR 31)
327 IAC 8-1-4	A	04-106	28 IR 2165	*ARR (29 IR 31)	327 IAC 8-3.2-8	A	04-106	28 IR 2171	*ARR (29 IR 31)
		06-34		*ERR (29 IR 1937)	327 IAC 8-3.2-11	A	04-106	28 IR 2173	*ARR (29 IR 31)
327 IAC 8-2-1	A	04-13	28 IR 1206	<b>28 IR 3184</b>	327 IAC 8-3.2-17	A	04-106	28 IR 2173	*ARR (29 IR 31)
327 IAC 8-2-4	A	04-13	28 IR 1210	<b>28 IR 3188</b>	327 IAC 8-3.2-18	A	04-106	28 IR 2174	*ARR (29 IR 31)
327 IAC 8-2-4.1	A	04-13	28 IR 1212	<b>28 IR 3190</b>	327 IAC 8-3.2-20	A	04-106	28 IR 2175	*ARR (29 IR 31)
327 IAC 8-2-4.2	A	04-13	28 IR 1217	<b>28 IR 3196</b>	327 IAC 8-3.3-4	A	04-106	28 IR 2175	*ARR (29 IR 31)
				*ERR (28 IR 3582)	327 IAC 8-3.3-5	A	04-106	28 IR 2176	*ARR (29 IR 31)
				*ERR (29 IR 30)	327 IAC 8-3.3-6	A	04-106	28 IR 2176	*ARR (29 IR 31)
327 IAC 8-2-5.1	A	04-13	28 IR 1220	<b>28 IR 3198</b>	327 IAC 8-3.4-1	A	04-106	28 IR 2176	*ARR (29 IR 31)
327 IAC 8-2-5.2	A	04-13	28 IR 1222	<b>28 IR 3200</b>			06-34		*ERR (29 IR 1937)
				*ERR (28 IR 3582)	327 IAC 8-3.4-2	A	04-106	28 IR 2178	*ARR (29 IR 31)
327 IAC 8-2-5.3		06-34		*ERR (29 IR 1937)	327 IAC 8-3.4-3	A	04-106	28 IR 2178	*ARR (29 IR 31)
327 IAC 8-2-5.5	A	04-13	28 IR 1225	<b>28 IR 3203</b>	327 IAC 8-3.4-4	A	04-106	28 IR 2179	*ARR (29 IR 31)
				*ERR (28 IR 3582)	327 IAC 8-3.4-8	A	04-106	28 IR 2180	*ARR (29 IR 31)
		06-34		*ERR (29 IR 1937)			06-34		*ERR (29 IR 1937)
327 IAC 8-2-5.6		06-34		*ERR (29 IR 1937)	327 IAC 8-3.4-9	A	04-106	28 IR 2180	*ARR (29 IR 31)
327 IAC 8-2-8.4		06-34		*ERR (29 IR 1937)			06-34		*ERR (29 IR 1937)
327 IAC 8-2-8.5	A	04-13	28 IR 1228	<b>28 IR 3206</b>	327 IAC 8-3.4-9.1	N	04-106	28 IR 2182	*ARR (29 IR 31)
327 IAC 8-2-8.7	A	04-13	28 IR 1229	<b>28 IR 3207</b>	327 IAC 8-3.4-12	A	04-106	28 IR 2183	*ARR (29 IR 31)
				*ERR (28 IR 3582)	327 IAC 8-3.4-13	A	04-106	28 IR 2183	*ARR (29 IR 31)
327 IAC 8-2-9	A	04-13	28 IR 1230	<b>28 IR 3209</b>	327 IAC 8-3.4-14	A	04-106	28 IR 2183	*ARR (29 IR 31)
327 IAC 8-2-10.1	A	04-13	28 IR 1230	<b>28 IR 3209</b>	327 IAC 8-3.4-16	A	04-106	28 IR 2184	*ARR (29 IR 31)
				*ERR (28 IR 3582)			06-34		*ERR (29 IR 1937)
327 IAC 8-2-10.2	A	04-13	28 IR 1233	<b>28 IR 3212</b>	327 IAC 8-3.4-17	A	04-106	28 IR 2185	*ARR (29 IR 31)
				*ERR (28 IR 3582)	327 IAC 8-3.4-23	A	04-106	28 IR 2185	*ARR (29 IR 31)
327 IAC 8-2-10.3	N	04-13	28 IR 1237	<b>28 IR 3215</b>			06-34		*ERR (29 IR 1937)
327 IAC 8-2-13	A	04-13	28 IR 1239	<b>28 IR 3217</b>	327 IAC 8-3.4-24	A	04-106	28 IR 2186	*ARR (29 IR 31)
327 IAC 8-2-21		06-34		*ERR (29 IR 1937)	327 IAC 8-3.4-25	A	04-106	28 IR 2187	*ARR (29 IR 31)
327 IAC 8-2-24	A	04-13	28 IR 1239	<b>28 IR 3218</b>	327 IAC 8-3.4-27	A	04-106	28 IR 2188	*ARR (29 IR 31)
327 IAC 8-2-34.1	N	04-13	28 IR 1240	<b>28 IR 3218</b>	327 IAC 8-3.5-1	A	04-106	28 IR 2188	*ARR (29 IR 31)
327 IAC 8-2-45	A	04-13	28 IR 1240	<b>28 IR 3218</b>	327 IAC 8-3.5-2	A	04-106	28 IR 2189	*ARR (29 IR 31)
				*ERR (28 IR 3583)			06-34		*ERR (29 IR 1937)
327 IAC 8-2-46	A	04-13	28 IR 1242	<b>28 IR 3220</b>	327 IAC 8-3.5-5	A	04-106	28 IR 2189	*ARR (29 IR 31)
327 IAC 8-2.1-3	A	04-13	28 IR 1244	<b>28 IR 3223</b>	327 IAC 8-3.6-4		06-34		*ERR (29 IR 1937)
				*ERR (28 IR 3583)	327 IAC 8-4-1	A	04-106	28 IR 2190	*ARR (29 IR 31)
		06-34		*ERR (29 IR 1937)	327 IAC 8-4-2	N	04-106	28 IR 2191	*ARR (29 IR 31)
327 IAC 8-2.1-4	A	04-13	28 IR 1247	<b>28 IR 3226</b>	327 IAC 8-4.1-5		06-34		*ERR (29 IR 1937)
327 IAC 8-2.1-6	A	04-13	28 IR 1248	<b>28 IR 3227</b>	327 IAC 8-4.1-7		06-34		*ERR (29 IR 1938)
327 IAC 8-2.1-8	A	04-13	28 IR 1255	<b>28 IR 3233</b>	327 IAC 8-6-1	A	04-106	28 IR 2191	*ARR (29 IR 31)
327 IAC 8-2.1-9	A	04-13	28 IR 1256	<b>28 IR 3234</b>	327 IAC 8-10-13		06-34		*ERR (29 IR 1938)
327 IAC 8-2.1-13		06-34		*ERR (29 IR 1937)	327 IAC 15-3-1		06-34		*ERR (29 IR 1938)
327 IAC 8-2.1-14	A	04-13	28 IR 1257	<b>28 IR 3235</b>	327 IAC 15-5-5		06-34		*ERR (29 IR 1938)
327 IAC 8-2.1-16	A	04-13	28 IR 1257	<b>28 IR 3236</b>	327 IAC 15-6-2		06-34		*ERR (29 IR 1938)
				*ERR (28 IR 3583)	327 IAC 15-6-4		06-34		*ERR (29 IR 1938)
327 IAC 8-2.1-17	A	04-13	28 IR 1261	<b>28 IR 3240</b>	327 IAC 15-6-8.5		06-34		*ERR (29 IR 1938)
327 IAC 8-2.5-5		06-34		*ERR (29 IR 1937)	327 IAC 15-6-12		06-34		*ERR (29 IR 1938)
327 IAC 8-2.5-6		06-34		*ERR (29 IR 1937)	327 IAC 15-7-5		06-34		*ERR (29 IR 1938)
327 IAC 8-2.6-1	A	04-13	28 IR 1268	<b>28 IR 3247</b>	327 IAC 15-8-5		06-34		*ERR (29 IR 1938)
				*ERR (29 IR 30)	327 IAC 15-9-5		06-34		*ERR (29 IR 1938)
327 IAC 8-2.6-2	A	04-13	28 IR 1269	<b>28 IR 3248</b>	327 IAC 15-10-5		06-34		*ERR (29 IR 1938)
				*ERR (28 IR 3583)	327 IAC 15-11-5		06-34		*ERR (29 IR 1938)
327 IAC 8-2.6-2.1	N	04-13	28 IR 1271	<b>28 IR 3250</b>	327 IAC 15-12-5		06-34		*ERR (29 IR 1939)
				*ERR (28 IR 3583)	327 IAC 15-13-9		06-34		*ERR (29 IR 1939)
327 IAC 8-2.6-3	A	04-13	28 IR 1273	<b>28 IR 3252</b>	327 IAC 15-14				*ERR (28 IR 214)
327 IAC 8-2.6-4	A	04-13	28 IR 1274	<b>28 IR 3253</b>	327 IAC 15-14-4		06-34		*ERR (29 IR 1939)
327 IAC 8-2.6-5	A	04-13	28 IR 1274	<b>28 IR 3253</b>	327 IAC 15-15-3		06-34		*ERR (29 IR 1939)
327 IAC 8-3-1	A	04-106	28 IR 2165	*ARR (29 IR 31)	327 IAC 15-15-5		06-34		*ERR (29 IR 1939)
327 IAC 8-3-1.1	A	04-106	28 IR 2166	*ARR (29 IR 31)	327 IAC 15-15-11	A	05-322	29 IR 1987	
327 IAC 8-3-2	A	04-106	28 IR 2166	*ARR (29 IR 31)	327 IAC 15-15-12	A	05-322	29 IR 1987	
327 IAC 8-3-2.1	N	04-106	28 IR 2167	*ARR (29 IR 31)	327 IAC 17	N	04-228	28 IR 1288	<b>28 IR 2968</b>
327 IAC 8-3-3	A	04-106	28 IR 2168	*ARR (29 IR 31)					*ERR (29 IR 548)
327 IAC 8-3-8	A	04-106	28 IR 2168	*ARR (29 IR 31)					
		06-34		*ERR (29 IR 1937)					
327 IAC 8-3.1-1	A	04-106	28 IR 2169	*ARR (29 IR 31)	TITLE 328 UNDERGROUND STORAGE TANK FINANCIAL ASSURANCE BOARD				
327 IAC 8-3.1-2	A	04-106	28 IR 2169	*ARR (29 IR 31)	328 IAC 1-1-2	A	02-204	27 IR 2778	*CPH (27 IR 3095)
		06-34		*ERR (29 IR 1937)					<b>28 IR 123</b>
327 IAC 8-3.2-1	A	04-106	28 IR 2170	*ARR (29 IR 31)	328 IAC 1-1-3	A	02-204	27 IR 2778	*CPH (27 IR 3095)
327 IAC 8-3.2-2	A	04-106	28 IR 2170	*ARR (29 IR 31)					<b>28 IR 123</b>
		06-34		*ERR (29 IR 1937)					

## Rules Affected by Volumes 28 and 29

TITLE 329 SOLID WASTE MANAGEMENT BOARD



# Rules Affected by Volumes 28 and 29

329 IAC 9-1-10.8	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-27	A	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-1-14	A	01-161	27 IR 3178 26 IR 1210	<b>28 IR 146</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-29.1	R	01-161	27 IR 3178 26 IR 1239	<b>28 IR 147</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-1-14.1	R	01-161	27 IR 3178 26 IR 1239	<b>28 IR 146</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-36	A	01-161	27 IR 3209 26 IR 1210	<b>28 IR 177</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-1-14.3	N	01-161	27 IR 3209 26 IR 1210	<b>28 IR 177</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-36.5 329 IAC 9-1-39.5	N	01-161	27 IR 3179 27 IR 3179 26 IR 1211	<b>28 IR 147</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-1-14.5	N	01-161	27 IR 3178 26 IR 1210	<b>28 IR 146</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-41	R	01-161	27 IR 3179 26 IR 1239	<b>28 IR 147</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-1-14.7	N	01-161	27 IR 3178 26 IR 1210	<b>28 IR 146</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-41.1	R	01-161	27 IR 3209 26 IR 1239	<b>28 IR 177</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-1-25	A	01-161	27 IR 3178 26 IR 1210	<b>28 IR 146</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-41.5	N	01-161	27 IR 3209 26 IR 1211	<b>28 IR 177</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3178	<b>28 IR 146</b>				27 IR 3179	<b>28 IR 147</b>

# Rules Affected by Volumes 28 and 29

329 IAC 9-1-42.1	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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3209	<b>28 IR 177</b>				27 IR 3187	<b>28 IR 155</b>
329 IAC 9-1-47	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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3179	<b>28 IR 147</b>				27 IR 3187	<b>28 IR 155</b>
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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3179	<b>28 IR 147</b>				27 IR 3187	<b>28 IR 155</b>
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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3179	<b>28 IR 148</b>				27 IR 3188	<b>28 IR 156</b>
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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3182	<b>28 IR 150</b>				27 IR 3188	<b>28 IR 156</b>
329 IAC 9-2.1-1	A	01-161	26 IR 1215	*ERR (28 IR 608) *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3183	<b>28 IR 151</b>				27 IR 3189	<b>28 IR 157</b>
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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3184	<b>28 IR 152</b>				27 IR 3189	<b>28 IR 158</b>

# Rules Affected by Volumes 28 and 29

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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3190	<b>28 IR 158</b>				27 IR 3196	<b>28 IR 164</b>
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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3191	<b>28 IR 160</b>				27 IR 3196	<b>28 IR 165</b>
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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3209	<b>28 IR 177</b>				27 IR 3199	<b>28 IR 168</b>
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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3192	<b>28 IR 160</b>				27 IR 3209	<b>28 IR 177</b>
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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3209	<b>28 IR 177</b>				27 IR 3200	<b>28 IR 168</b>
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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3192	<b>28 IR 160</b>				27 IR 3204	<b>28 IR 172</b>
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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3193	<b>28 IR 161</b>				27 IR 3204	<b>28 IR 173</b>
									*ERR (28 IR 1184)

## Rules Affected by Volumes 28 and 29

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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 173</b>	329 IAC 12-9-2	A	03-286	27 IR 3698	*GRAT (28 IR 2204) <b>28 IR 2128</b>
					329 IAC 13-3-1	A	03-312	27 IR 4115	<b>28 IR 2666</b>
						A	05-66	29 IR 1265	*CPH (29 IR 1582)
					329 IAC 13-3-4	N	03-312	27 IR 4116	<b>28 IR 2668</b>
					329 IAC 13-6-5	A	05-66	29 IR 1267	*CPH (29 IR 1582)
					329 IAC 13-7-4	A	05-66	29 IR 1267	*CPH (29 IR 1582)
					329 IAC 13-8-4	A	05-66	29 IR 1268	*CPH (29 IR 1582)
					329 IAC 13-9-5	A	03-312	27 IR 4117	<b>28 IR 2669</b>
					329 IAC 15-1-1				*ER (28 IR 214)
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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 173</b>	TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH				
					345 IAC 1-2.5	N	04-248	28 IR 1818	<b>28 IR 3554</b>
					345 IAC 1-3-6.5	R	04-147	27 IR 4136	<b>28 IR 2687</b>
					345 IAC 1-3-7	A	04-147	27 IR 4120	<b>28 IR 2671</b>
					345 IAC 1-3-9	R	04-147	27 IR 4136	<b>28 IR 2687</b>
					345 IAC 1-3-10	A	04-147	27 IR 4121	<b>28 IR 2672</b>
					345 IAC 1-3-17	A	05-216	29 IR 852	
					345 IAC 1-3-19	A	05-216	29 IR 852	
					345 IAC 1-3-20	R	05-41	28 IR 3648	*GRAT (29 IR 2058)
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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 173</b>					<b>29 IR 1552</b>
					345 IAC 1-3-31	A	04-287	28 IR 1833	<b>28 IR 3569</b>
					345 IAC 1-5-3	A	05-90	28 IR 3652	*GRAT (29 IR 2059)
									<b>29 IR 1556</b>
					345 IAC 1-7	N	05-121	29 IR 847	
					345 IAC 2-4.1	R	04-147	27 IR 4136	<b>28 IR 2687</b>
					345 IAC 2.5	N	04-147	27 IR 4121	<b>28 IR 2672</b>
					345 IAC 2.5-3-2	A	05-177	29 IR 849	
					345 IAC 4-4-1	A	04-135	27 IR 4118	<b>28 IR 1473</b>
					345 IAC 5-1-1	R	05-41	28 IR 3648	*GRAT (29 IR 2058)
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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 174</b>					<b>29 IR 1552</b>
					345 IAC 5-1-2	R	05-41	28 IR 3648	*GRAT (29 IR 2058)
									<b>29 IR 1552</b>
					345 IAC 5-2	N	05-41	28 IR 3633	*GRAT (29 IR 2058)
									<b>29 IR 1537</b>
					345 IAC 5-3	N	05-41	28 IR 3641	*GRAT (29 IR 2058)
									<b>29 IR 1545</b>
					345 IAC 5-4	N	05-41	28 IR 3642	*GRAT (29 IR 2058)
									<b>29 IR 1546</b>
					345 IAC 5-5	N	05-41	28 IR 3644	*GRAT (29 IR 2058)
329 IAC 9-7-5	A	01-161	27 IR 3207	<b>28 IR 175</b>					<b>29 IR 1548</b>
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) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 177</b>	345 IAC 5-6	N	05-41	28 IR 3645	*GRAT (29 IR 2058)
									<b>29 IR 1549</b>
					345 IAC 5-7	N	05-41	28 IR 3646	*GRAT (29 IR 2058)
									<b>29 IR 1550</b>
					345 IAC 6-2	N	04-158	28 IR 1000	<b>28 IR 2353</b>
					345 IAC 7-4.5	N	04-248	28 IR 1820	<b>28 IR 3556</b>
					345 IAC 7-5-12	A	04-147	27 IR 4135	<b>28 IR 2687</b>
					345 IAC 7-5-15.1	A	04-16	27 IR 2797	<b>28 IR 559</b>
					345 IAC 7-5-17	R	05-216	29 IR 853	
					345 IAC 7-5-18	R	05-216	29 IR 853	
					345 IAC 7-5-22	A	04-16	27 IR 2798	<b>28 IR 559</b>
329 IAC 9-8-13				*ERR (28 IR 2391) <b>28 IR 2670</b>	345 IAC 8-2-1.1	A	04-286	28 IR 1821	<b>28 IR 3557</b>
329 IAC 10-2-112	A	04-256	28 IR 1301	*ERR (28 IR 608)	345 IAC 8-2-1.5	A	04-286	28 IR 1823	<b>28 IR 3560</b>
329 IAC 10-8-2				*ERR (28 IR 608)	345 IAC 8-2-1.6	N	04-286	28 IR 1824	<b>28 IR 3560</b>
329 IAC 10-9-2				*ERR (28 IR 608)	345 IAC 8-2-1.7	A	04-286	28 IR 1824	<b>28 IR 3560</b>
329 IAC 10-9-4				*ERR (28 IR 1485) <b>28 IR 2670</b>	345 IAC 8-2-1.9	A	04-286	28 IR 1825	<b>28 IR 3561</b>
				*ERR (29 IR 1561)	345 IAC 8-2-4	A	04-286	28 IR 1826	<b>28 IR 3562</b>
329 IAC 10-11-6.5	N	04-256	28 IR 1301	*ERR (28 IR 608)	345 IAC 8-3-1	A	04-286	28 IR 1828	<b>28 IR 3564</b>
329 IAC 10-15-4				*ERR (28 IR 608)	345 IAC 8-3-2	A	04-286	28 IR 1829	<b>28 IR 3565</b>
329 IAC 10-20-14.1				*ERR (28 IR 608)	345 IAC 8-3-12	N	04-286	28 IR 1829	<b>28 IR 3565</b>
329 IAC 10-36-19				*ERR (28 IR 608)	345 IAC 8-4-1	A	04-286	28 IR 1830	<b>28 IR 3566</b>
329 IAC 11-3-2				*ERR (28 IR 608)	345 IAC 9-2.1-1	A	05-70	28 IR 3648	*GRAT (29 IR 2058)
329 IAC 11-8-2.5				*ERR (28 IR 608)					<b>29 IR 1552</b>
329 IAC 11-19-3				*ERR (28 IR 608)	345 IAC 9-12-2	A	05-70	28 IR 3649	*GRAT (29 IR 2058)
329 IAC 11-20-1				*ERR (27 IR 4023)					<b>29 IR 1553</b>
329 IAC 12-8-4	A	03-286	27 IR 3696	*GRAT (28 IR 2204) <b>28 IR 2127</b>	345 IAC 9-20-2	A	05-70	28 IR 3650	*GRAT (29 IR 2058)
									<b>29 IR 1554</b>
329 IAC 12-8-5	A	03-286	27 IR 3697	*GRAT (28 IR 2204) <b>28 IR 2128</b>	345 IAC 9-21.5	N	05-70	28 IR 3650	*GRAT (29 IR 2058)
									<b>29 IR 1554</b>

# Rules Affected by Volumes 28 and 29

345 IAC 10-2-5 N 04-135 27 IR 4119 **28 IR 1473**  
 345 IAC 10-2.1-1 A 04-135 27 IR 4119 **28 IR 1474**  
 A 05-70 28 IR 3650 \*GRAT (29 IR 2058)  
**29 IR 1554**

357 IAC 1-7-8 N 04-159 28 IR 252 **28 IR 1689**  
 357 IAC 1-8 RA 05-171 **29 IR 1381**  
 357 IAC 1-12 N 05-215 29 IR 853

## TITLE 355 STATE CHEMIST OF THE STATE OF INDIANA

355 IAC 2-1-1 A 04-312 28 IR 1838 **28 IR 3570**  
 355 IAC 2-1-6 A 04-312 28 IR 1838 **28 IR 3571**  
 355 IAC 2-2-1 A 04-312 28 IR 1839 **28 IR 3571**  
 355 IAC 2-2-1.5 N 04-312 28 IR 1839 **28 IR 3571**  
 355 IAC 2-2-6 A 04-312 28 IR 1839 **28 IR 3571**  
 355 IAC 2-2-9 A 04-312 28 IR 1839 **28 IR 3571**  
 355 IAC 2-2-10 A 04-312 28 IR 1839 **28 IR 3571**  
 355 IAC 2-2-13 A 04-312 28 IR 1840 **28 IR 3572**  
 355 IAC 2-2-14 A 04-312 28 IR 1840 **28 IR 3572**  
 355 IAC 2-2-15 A 04-312 28 IR 1840 **28 IR 3572**  
 355 IAC 2-2-17 A 04-312 28 IR 1840 **28 IR 3572**  
 355 IAC 2-3-4 A 04-312 28 IR 1840 **28 IR 3572**  
 355 IAC 2-3-6 A 04-312 28 IR 1841 **28 IR 3573**  
 355 IAC 2-3-8 A 04-312 28 IR 1841 **28 IR 3573**  
 355 IAC 2-3-11 A 04-312 28 IR 1841 **28 IR 3573**  
 355 IAC 2-3-12 A 04-312 28 IR 1841 **28 IR 3573**  
 355 IAC 2-4-1 A 04-312 28 IR 1842 **28 IR 3574**  
 355 IAC 2-5-1 A 04-312 28 IR 1842 **28 IR 3575**  
 355 IAC 2-5-2 A 04-312 28 IR 1843 **28 IR 3575**  
 355 IAC 2-5-3 A 04-312 28 IR 1844 **28 IR 3576**  
 355 IAC 2-5-4 A 04-312 28 IR 1844 **28 IR 3576**  
 355 IAC 2-5-6 A 04-312 28 IR 1844 **28 IR 3576**  
 355 IAC 2-5-8 A 04-312 28 IR 1844 **28 IR 3576**  
 355 IAC 2-5-12 A 04-312 28 IR 1845 **28 IR 3577**  
 355 IAC 2-5-12.5 A 04-312 28 IR 1845 **28 IR 3577**  
 355 IAC 2-5-13 A 04-312 28 IR 1846 **28 IR 3578**  
 355 IAC 2-5-14 R 04-312 28 IR 1846 **28 IR 3578**  
 355 IAC 2-6-1.5 A 04-312 28 IR 1846 **28 IR 3578**  
 355 IAC 2-6-2 R 04-312 28 IR 1846 **28 IR 3578**  
 355 IAC 2-8 R 04-312 28 IR 1846 **28 IR 3578**  
 355 IAC 2-9-1 A 04-312 28 IR 1846 **28 IR 3578**  
 355 IAC 4-2-2 A 04-309 28 IR 1834 **29 IR 6**  
 355 IAC 4-2-8 A 04-309 28 IR 1834 **29 IR 6**  
 355 IAC 4-5-1 A 04-310 28 IR 1835 **29 IR 7**  
 355 IAC 4-5-2 A 04-310 28 IR 1836 **29 IR 7**  
 355 IAC 4-5-3 A 04-310 28 IR 1836 **29 IR 8**  
 355 IAC 4-5-4 R 04-310 28 IR 1836 **29 IR 8**  
 355 IAC 4-5-5 R 04-310 28 IR 1836 **29 IR 8**  
 355 IAC 4-5-6 R 04-310 28 IR 1836 **29 IR 8**  
 355 IAC 4-5-11 R 04-310 28 IR 1836 **29 IR 8**  
 355 IAC 4-6-1 A 04-311 28 IR 1837 **29 IR 8**  
 355 IAC 4-6-2 R 04-311 28 IR 1837 **29 IR 9**  
 355 IAC 4-6-3 A 04-311 28 IR 1837 **29 IR 8**  
 355 IAC 4-6-4 R 04-311 28 IR 1838 **29 IR 9**  
 355 IAC 4-6-6 R 04-311 28 IR 1838 **29 IR 9**  
 355 IAC 4-6-10 R 04-311 28 IR 1838 **29 IR 9**

## TITLE 357 INDIANA PESTICIDE REVIEW BOARD

357 IAC 1-6-1 A 04-160 28 IR 253 **28 IR 1689**  
 357 IAC 1-6-2 A 04-160 28 IR 254 **28 IR 1690**  
 357 IAC 1-6-3 R 04-160 28 IR 257 **28 IR 1693**  
 357 IAC 1-6-4 A 04-160 28 IR 256 **28 IR 1692**  
 357 IAC 1-6-5 A 04-160 28 IR 256 **28 IR 1692**  
 357 IAC 1-6-6 A 04-160 28 IR 256 **28 IR 1693**  
 357 IAC 1-6-7 N 04-160 28 IR 257 **28 IR 1693**  
 357 IAC 1-6-8 N 04-160 28 IR 257 **28 IR 1693**  
 357 IAC 1-7-1 A 04-159 28 IR 249 **28 IR 1685**  
 357 IAC 1-7-2 A 04-159 28 IR 250 **28 IR 1686**  
 357 IAC 1-7-3 R 04-159 28 IR 252 **28 IR 1689**  
 357 IAC 1-7-4 A 04-159 28 IR 251 **28 IR 1687**  
 357 IAC 1-7-5 A 04-159 28 IR 252 **28 IR 1688**  
 357 IAC 1-7-6 A 04-159 28 IR 252 **28 IR 1688**  
 357 IAC 1-7-7 N 04-159 28 IR 252 **28 IR 1688**

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

405 IAC 1-1-3.1 N 04-321 28 IR 2196 \*NRA (28 IR 3321)  
**28 IR 3579**  
 405 IAC 1-1-5 A 04-178 28 IR 258 \*NRA (28 IR 1497)  
**28 IR 2129**  
 405 IAC 1-1.5-1 A 04-142 27 IR 3699 \*NRA (28 IR 619)  
**28 IR 815**  
 \*ERR (28 IR 970)  
 405 IAC 1-1.5-2 A 04-178 28 IR 259 \*NRA (28 IR 1497)  
**28 IR 2131**  
 405 IAC 1-1-6 N 04-142 27 IR 3699 \*NRA (28 IR 619)  
**28 IR 816**  
 \*ERR (28 IR 970)  
 405 IAC 1-5-1 A 04-219 28 IR 655 \*NRA (28 IR 1497)  
**28 IR 2134**  
 405 IAC 1-11.5-2 A 05-200 29 IR 637 \*NRA (29 IR 1580)  
**29 IR 1901**  
 405 IAC 1-12-27 N 05-113 28 IR 3654 \*AWR (29 IR 821)  
 405 IAC 1-14.5-27 N 05-114 28 IR 3655 \*ARR (29 IR 1216)  
 29 IR 1269 \*AROC (29 IR 2054)  
 405 IAC 1-14.6-2 A 05-112 29 IR 1731 \*AROC (29 IR 2054)  
 \*NRA (29 IR 2251)  
 405 IAC 1-14.6-5 A 05-112 29 IR 1734 \*AROC (29 IR 2054)  
 \*NRA (29 IR 2251)  
 405 IAC 1-14.6-7 A 05-112 29 IR 1735 \*AROC (29 IR 2054)  
 \*NRA (29 IR 2251)  
 405 IAC 1-14.6-9 A 05-112 29 IR 1737 \*AROC (29 IR 2054)  
 \*NRA (29 IR 2251)  
 405 IAC 1-14.6-18 A 05-112 29 IR 1739 \*AROC (29 IR 2054)  
 \*NRA (29 IR 2251)  
 405 IAC 1-14.6-23 N 05-114 28 IR 3655 \*ARR (29 IR 1216)  
 29 IR 1269 \*AROC (29 IR 2054)  
 405 IAC 1-14.6-24 N 05-112 29 IR 1740 \*AROC (29 IR 2054)  
 \*NRA (29 IR 2251)  
 405 IAC 1-14.6-25 N 05-112 29 IR 1741 \*AROC (29 IR 2054)  
 \*NRA (29 IR 2251)  
 405 IAC 2-2-3 A 04-319 28 IR 1847 \*NRA (28 IR 2752)  
**29 IR 9**  
 405 IAC 2-3-10 A 03-263 27 IR 1210 \*ARR (27 IR 4024)  
 \*NRA (27 IR 4044)  
**28 IR 178**  
 405 IAC 2-9-5 A 04-321 28 IR 2196 \*NRA (28 IR 3321)  
**28 IR 3579**  
 405 IAC 2-9-5 A 04-319 28 IR 1848 \*NRA (28 IR 2752)  
**29 IR 10**  
 405 IAC 5-1-5 A 04-178 28 IR 260 \*NRA (28 IR 1497)  
**28 IR 2131**  
 405 IAC 5-3-13 A 04-178 28 IR 260 \*NRA (28 IR 1497)  
**28 IR 2132**  
 A 05-220 29 IR 639 \*NRA (29 IR 1580)  
**29 IR 1903**  
 405 IAC 5-4-4 N 05-294 29 IR 1990  
 405 IAC 5-5-1 A 05-220 29 IR 640 \*NRA (29 IR 1580)  
**29 IR 1904**  
 405 IAC 5-9-1 A 04-178 28 IR 261 \*NRA (28 IR 1497)  
**28 IR 2132**  
 405 IAC 5-19-1 A 04-178 28 IR 261 \*NRA (28 IR 1497)  
**28 IR 2133**  
 405 IAC 5-19-3 A 03-207 27 IR 267 \*AROC (27 IR 2342)  
 405 IAC 5-19-10 A 04-178 28 IR 262 \*NRA (28 IR 1497)  
**28 IR 2134**  
 405 IAC 5-22-8 A 05-200 29 IR 638 \*NRA (29 IR 1580)  
**29 IR 1902**

## Rules Affected by Volumes 28 and 29

405 IAC 5-24-4	A	05-76	28 IR 3653	*NRA (29 IR 575) <b>29 IR 1212</b>	410 IAC 7-23-1	A	04-62	27 IR 3301	<b>28 IR 908</b>
405 IAC 5-24-5	A	05-76	28 IR 3653	*NRA (29 IR 575) <b>29 IR 1212</b>	410 IAC 7-24	N	04-60	27 IR 3216	<b>28 IR 822</b>
405 IAC 5-26-5	A	04-178	28 IR 262	*NRA (28 IR 1497) <b>28 IR 2134</b>	410 IAC 15-1.1-1	A	05-193	29 IR 1742	*ERR (28 IR 1485)
405 IAC 6-2-5	A	04-95	27 IR 3210	*NRA (27 IR 4044) <b>28 IR 179</b>	410 IAC 15-1.1-2.5	N	05-193	29 IR 1743	
405 IAC 6-3-3	A	04-95	27 IR 3210	*NRA (27 IR 4044) <b>28 IR 180</b>	410 IAC 15-1.1-3.3	N	05-193	29 IR 1743	
405 IAC 6-4-2	A	04-95	27 IR 3210	*NRA (27 IR 4044) <b>28 IR 180</b>	410 IAC 15-1.1-3.7	N	05-193	29 IR 1743	
405 IAC 6-4-3	A	04-95	27 IR 3211	*NRA (27 IR 4044) <b>28 IR 180</b>	410 IAC 15-1.1-8.5	N	05-193	29 IR 1743	
405 IAC 6-5-1	A	04-95	27 IR 3211	*NRA (27 IR 4044) <b>28 IR 181</b>	410 IAC 15-1.1-13.1	N	05-193	29 IR 1743	
405 IAC 6-5-2	A	04-95	27 IR 3211	*NRA (27 IR 4044) <b>28 IR 181</b>	410 IAC 15-1.1-13.2	N	05-193	29 IR 1743	
405 IAC 6-5-3	A	04-95	27 IR 3211	*NRA (27 IR 4044) <b>28 IR 181</b>	410 IAC 15-1.1-13.3	N	05-193	29 IR 1743	
405 IAC 6-5-4	A	04-95	27 IR 3212	*NRA (27 IR 4044) <b>28 IR 181</b>	410 IAC 15-1.1-13.4	N	05-193	29 IR 1743	
405 IAC 6-5-6	A	04-95	27 IR 3212	*NRA (27 IR 4044) <b>28 IR 182</b>	410 IAC 15-1.1-13.5	N	05-193	29 IR 1744	
405 IAC 6-10	N	05-209	29 IR 854	*NRA (29 IR 2251)	410 IAC 15-1.1-13.6	N	05-193	29 IR 1744	
405 IAC 8	N	05-209	29 IR 856	*NRA (29 IR 2251)	410 IAC 15-1.1-14.2	N	05-193	29 IR 1744	
TITLE 407 OFFICE OF THE CHILDREN'S HEALTH INSURANCE PROGRAM					410 IAC 15-1.1-15.5	N	05-193	29 IR 1744	
407 IAC 2-2-3	A	05-155	28 IR 3656	<b>29 IR 1213</b>	410 IAC 15-1.1-20	N	05-193	29 IR 1744	
407 IAC 2-3-1	A	05-156	28 IR 3657	<b>29 IR 1213</b>	410 IAC 15-1.1-21	N	05-193	29 IR 1744	
TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH					410 IAC 15-1.1-22	N	05-193	29 IR 1744	
410 IAC 1-2.3-47	A	05-189	29 IR 2290		410 IAC 15-1.1-23	N	05-193	29 IR 1745	
410 IAC 1-2.3-48	A	05-189	29 IR 2293		410 IAC 15-1.4-2.2	N	05-193	29 IR 1745	
410 IAC 1-2.3-87	R	05-189	29 IR 2300		410 IAC 15-2.1	RA	05-20	28 IR 2458	<b>28 IR 3661</b>
410 IAC 1-2.4	N	04-100	28 IR 2806	*AROC (28 IR 1561) <b>29 IR 798</b>	410 IAC 15-2.2	RA	05-20	28 IR 2458	<b>28 IR 3661</b>
410 IAC 1-4-1.1	A	05-259	29 IR 1750		410 IAC 15-2.3	RA	05-20	28 IR 2458	<b>28 IR 3661</b>
410 IAC 1-4-4.3	A	05-259	29 IR 1750		410 IAC 15-2.4	RA	05-20	28 IR 2458	<b>28 IR 3661</b>
410 IAC 1-4-8	A	05-259	29 IR 1750		410 IAC 15-2.4-3	N	05-321	29 IR 2322	
410 IAC 1-6	RA	05-20	28 IR 2458	<b>28 IR 3661</b>	410 IAC 15-2.5	RA	05-20	28 IR 2458	<b>28 IR 3661</b>
410 IAC 3.6	N	05-19	29 IR 870	*AROC (29 IR 898)	410 IAC 15-2.6	RA	05-20	28 IR 2458	<b>28 IR 3661</b>
410 IAC 5-11	R	05-190	29 IR 2311		410 IAC 15-2.6-1				*ERR (28 IR 1695)
410 IAC 5.2	N	05-190	29 IR 2301		410 IAC 15-2.7	RA	05-20	28 IR 2458	<b>28 IR 3661</b>
410 IAC 6-7.2-28				*ERR (28 IR 1695)	410 IAC 16.2-1.1-19.3	N	04-7	27 IR 2542	<b>28 IR 189</b>
410 IAC 6-7.2-29				*ERR (28 IR 2391)	410 IAC 16.2-3.1-2	A	03-297	27 IR 2536	<b>28 IR 182</b>
410 IAC 6-9-3				*ERR (28 IR 1695)	410 IAC 16.2-3.1-2	A	04-7	27 IR 2542	<b>28 IR 189</b>
410 IAC 6-12-0.5	N	03-276	27 IR 3212	<b>28 IR 818</b>	410 IAC 16.2-3.1-21				*ERR (28 IR 1695)
410 IAC 6-12-1	A	03-276	27 IR 3212	<b>28 IR 818</b>	410 IAC 16.2-3.1-53	N	04-7	27 IR 2545	<b>28 IR 192</b>
410 IAC 6-12-2	R	03-276	27 IR 3216	<b>28 IR 821</b>	410 IAC 16.2-5-1.1	A	03-297	27 IR 2539	<b>28 IR 185</b>
410 IAC 6-12-3	A	03-276	27 IR 3213	<b>28 IR 818</b>	410 IAC 16.2-5-1.4	A	04-7	27 IR 2547	<b>28 IR 193</b>
410 IAC 6-12-3.1	N	03-276	27 IR 3213	<b>28 IR 818</b>	410 IAC 16.2-5-1.5				*ERR (28 IR 1695)
410 IAC 6-12-3.2	N	03-276	27 IR 3213	<b>28 IR 818</b>	410 IAC 16.2-5-1.6				*ERR (28 IR 1695)
410 IAC 6-12-4	A	03-276	27 IR 3213	<b>28 IR 818</b>	410 IAC 16.2-5-5.1				*ERR (28 IR 1695)
410 IAC 6-12-5	R	03-276	27 IR 3216	<b>28 IR 821</b>	410 IAC 16.2-5-13	N	04-7	27 IR 2548	<b>28 IR 194</b>
410 IAC 6-12-6	R	03-276	27 IR 3216	<b>28 IR 821</b>	410 IAC 17-10-1	A	05-260	29 IR 2313	
410 IAC 6-12-7	A	03-276	27 IR 3213	<b>28 IR 818</b>	410 IAC 17-12-1	A	05-260	29 IR 2316	
410 IAC 6-12-8	A	03-276	27 IR 3213	<b>28 IR 819</b>	410 IAC 17-12-3	A	05-260	29 IR 2317	
410 IAC 6-12-9	A	03-276	27 IR 3214	<b>28 IR 820</b>	410 IAC 17-13-1	A	05-260	29 IR 2318	
410 IAC 6-12-10	A	03-276	27 IR 3215	<b>28 IR 820</b>	410 IAC 17-13-2	N	05-260	29 IR 2319	
410 IAC 6-12-11	A	03-276	27 IR 3215	<b>28 IR 820</b>	410 IAC 17-13-3	N	05-260	29 IR 2319	
410 IAC 6-12-12	A	03-276	27 IR 3215	<b>28 IR 820</b>	410 IAC 17-16-1	A	05-260	29 IR 2320	
410 IAC 6-12-13	A	03-276	27 IR 3215	<b>28 IR 820</b>	410 IAC 21-3-6	R	04-161	28 IR 657	<b>28 IR 2356</b>
410 IAC 6-12-14	A	03-276	27 IR 3215	<b>28 IR 821</b>	410 IAC 21-3-7	A	05-256	29 IR 1748	
410 IAC 6-12-15	R	03-276	27 IR 3216	<b>28 IR 821</b>	410 IAC 21-3-8	A	04-161	28 IR 656	<b>28 IR 2355</b>
410 IAC 6-12-17	N	03-276	27 IR 3216	<b>28 IR 821</b>	410 IAC 21-3-9	A	04-161	28 IR 656	<b>28 IR 2355</b>
410 IAC 7-20	R	04-60	27 IR 3301	<b>28 IR 906</b>	410 IAC 26	N	05-94	29 IR 85	*ARR (29 IR 1940)
410 IAC 7-21-34				*ERR (28 IR 1695)	410 IAC 26-1-1	A	05-321	29 IR 2324	*AROC (29 IR 2055)
					410 IAC 26-1-3.5	N	05-321	29 IR 2324	*GRAT (29 IR 2060)
					410 IAC 26-1-4.6	N	05-321	29 IR 2324	
					410 IAC 26-1-4.8	N	05-321	29 IR 2324	
					410 IAC 26-1-9.5	N	05-321	29 IR 2325	
					410 IAC 26-1-12.5	N	05-321	29 IR 2325	
					410 IAC 26-1-12.6	N	05-321	29 IR 2325	
					410 IAC 26-1-12.7	N	05-321	29 IR 2325	
					410 IAC 26-1-12.8	N	05-321	29 IR 2325	
					410 IAC 26-1-12.9	N	05-321	29 IR 2325	
					410 IAC 26-1-13.5	N	05-321	29 IR 2325	
					410 IAC 26-1-17.5	N	05-321	29 IR 2326	
					410 IAC 26-1-17.8	N	05-321	29 IR 2326	

## Rules Affected by Volumes 28 and 29

410 IAC 26-1-19	N	05-321	29 IR 2326		440 IAC 7.5-9-3	A	04-229	28 IR 667	*NRA (28 IR 1497)
410 IAC 26-6-2	N	05-321	29 IR 2326						<b>28 IR 2366</b>
410 IAC 27	N	05-93	29 IR 66	*GRAT (29 IR 2059)	440 IAC 7.5-10-1	A	04-229	28 IR 667	*NRA (28 IR 1497)
				<b>29 IR 1904</b>					<b>28 IR 2366</b>
410 IAC 27-1-1	A	05-321	29 IR 2328		440 IAC 7.5-10-2	A	04-229	28 IR 667	*NRA (28 IR 1497)
410 IAC 27-1-1.5	N	05-321	29 IR 2328						<b>28 IR 2366</b>
410 IAC 27-1-2.5	N	05-321	29 IR 2328		440 IAC 7.5-10-3	N	04-229	28 IR 667	*NRA (28 IR 1497)
410 IAC 27-1-3.5	N	05-321	29 IR 2328						<b>28 IR 2367</b>
410 IAC 27-1-9.5	N	05-321	29 IR 2328		440 IAC 7.5-11	N	04-229	28 IR 667	*NRA (28 IR 1497)
410 IAC 27-1-13.4	N	05-321	29 IR 2328						<b>28 IR 2367</b>
410 IAC 27-1-13.5	N	05-321	29 IR 2328		TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES				
410 IAC 27-1-13.6	N	05-321	29 IR 2328		460 IAC 1-3-4	N	04-75	28 IR 1002	*NRA (28 IR 1497)
410 IAC 27-1-13.7	N	05-321	29 IR 2329						*AROC (28 IR 2461)
410 IAC 27-1-13.8	N	05-321	29 IR 2329		460 IAC 1-8-3	A	04-199	28 IR 1007	*NRA (28 IR 1497)
410 IAC 27-1-13.9	N	05-321	29 IR 2329						<b>28 IR 2690</b>
410 IAC 27-1-15.5	N	05-321	29 IR 2329		460 IAC 1-8-11	N	04-199	28 IR 1007	*NRA (28 IR 1497)
410 IAC 27-1-16.5	N	05-321	29 IR 2329						<b>28 IR 2691</b>
410 IAC 27-1-21.5	N	05-321	29 IR 2329		460 IAC 1-8-12	N	04-199	28 IR 1008	*NRA (28 IR 1497)
410 IAC 27-1-23	N	05-321	29 IR 2329						<b>28 IR 2691</b>
410 IAC 27-1-24	N	05-321	29 IR 2330		460 IAC 1-8-13	N	04-199	28 IR 1008	*NRA (28 IR 1497)
410 IAC 27-6-2	N	05-321	29 IR 2330						<b>28 IR 2691</b>
410 IAC 28	N	05-192	29 IR 1271		460 IAC 1-10	N	03-231	27 IR 3303	*NRA (28 IR 233)
410 IAC 29	N	05-189	29 IR 2294						<b>28 IR 910</b>
TITLE 412 INDIANA HEALTH FACILITIES COUNCIL					460 IAC 1-11	N	04-136	28 IR 1004	*NRA (28 IR 1497)
412 IAC 2-1-2.1	A	05-35	28 IR 3341	<b>29 IR 799</b>					<b>28 IR 2687</b>
412 IAC 2-1-10	A	05-35	28 IR 3341	<b>29 IR 800</b>	460 IAC 1.1	N	03-245	27 IR 2799	*AROC (27 IR 3344)
412 IAC 2-1-13	R	05-35	28 IR 3342	<b>29 IR 801</b>					*NRA (28 IR 233)
412 IAC 2-1-14	A	05-35	28 IR 3342	<b>29 IR 800</b>					*GRAT (28 IR 2204)
TITLE 414 HOSPITAL COUNCIL									<b>28 IR 912</b>
414 IAC 1-1-3	N	05-95	29 IR 103	*GRAT (29 IR 2372)	460 IAC 1.2	N	05-119	29 IR 1991	*AROC (29 IR 2055)
414 IAC 1-1-4	N	05-95	29 IR 103	*GRAT (29 IR 2372)	460 IAC 2-2.1	N	04-76	27 IR 3701	*NRA (28 IR 233)
TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION									<b>28 IR 2368</b>
440 IAC 7.5-1-1	A	04-229	28 IR 657	*NRA (28 IR 1497)	460 IAC 3.5-2-3	N	04-269	28 IR 1303	*AWR (28 IR 1697)
				<b>28 IR 2356</b>	TITLE 465 DEPARTMENT OF CHILD SERVICES				
440 IAC 7.5-2-1	A	04-229	28 IR 660	*NRA (28 IR 1497)	465 IAC 2-9-31	A	04-316	29 IR 2008	
				<b>28 IR 2359</b>	465 IAC 2-9-32	A	04-316	29 IR 2008	
440 IAC 7.5-2-8	A	04-229	28 IR 661	*NRA (28 IR 1497)	465 IAC 2-9-57	A	04-316	29 IR 2008	
				<b>28 IR 2359</b>	465 IAC 2-9-58	A	04-316	29 IR 2008	
440 IAC 7.5-2-12	A	04-229	28 IR 661	*NRA (28 IR 1497)	465 IAC 2-9-59	A	04-316	29 IR 2009	
				<b>28 IR 2360</b>	465 IAC 2-10-31	A	04-316	29 IR 2010	
440 IAC 7.5-2-13	A	04-229	28 IR 662	*NRA (28 IR 1497)	465 IAC 2-10-32	A	04-316	29 IR 2010	
				<b>28 IR 2361</b>	465 IAC 2-10-57	A	04-316	29 IR 2010	
440 IAC 7.5-3-3	A	04-229	28 IR 663	*NRA (28 IR 1497)	465 IAC 2-10-58	A	04-316	29 IR 2011	
				<b>28 IR 2362</b>	465 IAC 2-10-59	A	04-316	29 IR 2012	
440 IAC 7.5-3-4	A	04-229	28 IR 664	*NRA (28 IR 1497)	465 IAC 2-12-57	A	04-316	29 IR 2012	
				<b>28 IR 2363</b>	465 IAC 2-13-57	A	04-316	29 IR 2013	
440 IAC 7.5-3-7	A	04-229	28 IR 664	*NRA (28 IR 1497)	TITLE 470 DIVISION OF FAMILY RESOURCES				
				<b>28 IR 2363</b>	470 IAC 3-1.1-0.5	A	04-77	27 IR 2837	*NRA (28 IR 1196)
440 IAC 7.5-4-4	A	04-229		*NRA (28 IR 1497)					*AROC (28 IR 1317)
				<b>28 IR 2363</b>					*ARR (28 IR 2140)
440 IAC 7.5-4-7	A	04-229	28 IR 664	*NRA (28 IR 1497)					*GRAT (28 IR 2205)
				<b>28 IR 2364</b>					*AWR (28 IR 2393)
440 IAC 7.5-4-8	A	04-229	28 IR 665	*NRA (28 IR 1497)	470 IAC 3-1.1-1	A	04-77	27 IR 2838	*NRA (28 IR 1196)
				<b>28 IR 2364</b>					*AROC (28 IR 1317)
440 IAC 7.5-5-1	A	04-229	28 IR 665	*NRA (28 IR 1497)					*ARR (28 IR 2140)
				<b>28 IR 2364</b>					*GRAT (28 IR 2205)
440 IAC 7.5-8-1	A	04-229	28 IR 666	*NRA (28 IR 1497)					*AWR (28 IR 2393)
				<b>28 IR 2365</b>	470 IAC 3-1.1-2	A	04-77	27 IR 2838	*NRA (28 IR 1196)
440 IAC 7.5-8-2	A	04-229	28 IR 666	*NRA (28 IR 1497)					*AROC (28 IR 1317)
				<b>28 IR 2365</b>					*ARR (28 IR 2140)
440 IAC 7.5-8-3	A	04-229	28 IR 666	*NRA (28 IR 1497)					*GRAT (28 IR 2205)
				<b>28 IR 2365</b>					*AWR (28 IR 2393)
440 IAC 7.5-9-1	A	04-229	28 IR 666	*NRA (28 IR 1497)					*NRA (28 IR 1196)
				<b>28 IR 2365</b>					*AROC (28 IR 1317)
440 IAC 7.5-9-2	A	04-229	28 IR 666	*NRA (28 IR 1497)					*ARR (28 IR 2140)
				<b>28 IR 2366</b>					*GRAT (28 IR 2205)
									*AWR (28 IR 2393)

**Rules Affected by Volumes 28 and 29**

[illegible]



## Rules Affected by Volumes 28 and 29

[illegible]

## Rules Affected by Volumes 28 and 29

470 IAC 3-1.3-2	N	04-77	27 IR 2855	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)	511 IAC 1-3-2 511 IAC 1-6-1 511 IAC 1-6-2 511 IAC 1-6-3 511 IAC 1-6-4 511 IAC 1-6-5				*ERR (28 IR 3306) *ERR (28 IR 3306) *ERR (28 IR 3306) *ERR (28 IR 3306) *ERR (28 IR 3306) *ERR (28 IR 3306)
470 IAC 3-1.3-3	N	04-77	27 IR 2855	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)	511 IAC 1-7-1 511 IAC 1-8-2 511 IAC 1-8-7 511 IAC 1-8-11				*ERR (28 IR 3306) *ERR (28 IR 3306) *ERR (28 IR 3306) *ERR (28 IR 3306) *ERR (28 IR 3306)
470 IAC 3-1.3-4	N	04-77	27 IR 2856	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)	511 IAC 1-9 511 IAC 4-4-3 511 IAC 5-1-1 511 IAC 5-2-4 511 IAC 5-2-4.5	RA	04-47	27 IR 2879	<b>28 IR 323</b> *ERR (28 IR 3306) *ERR (28 IR 3306) *ERR (28 IR 3306) <b>28 IR 2692</b> *ERR (28 IR 3306)
470 IAC 3-1.3-5	N	04-77	27 IR 2856	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)	511 IAC 5-3-2 511 IAC 6-7-1 511 IAC 6-7-2 511 IAC 6-7-6	N	04-214	28 IR 668	<b>28 IR 323</b> *ERR (28 IR 3306) *ERR (28 IR 3306) <b>28 IR 323</b> *ERR (28 IR 3306)
470 IAC 3-1.3-6	N	04-77	27 IR 2856	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)	511 IAC 6-7-6.1 511 IAC 6-7-6.5 511 IAC 6-7-1 511 IAC 6-7-1-4.5 511 IAC 6-9-1	A	04-36	27 IR 2552	<b>28 IR 959</b> <b>29 IR 801</b> *AWR (28 IR 2992)
470 IAC 3-1.3-7	N	04-77	27 IR 2856	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)	511 IAC 6-9-1 511 IAC 6-10-1 511 IAC 6.1-1-1 511 IAC 6.1-1-2 511 IAC 6.1-1-4 511 IAC 6.1-1-9	N	04-276	28 IR 1849	<b>28 IR 3052</b> *ERR (28 IR 3306) *ERR (28 IR 3306) *ERR (28 IR 3306) *ERR (28 IR 3306) *ERR (28 IR 3306)
470 IAC 3-4.8	N	03-232	27 IR 1626	*AROC (27 IR 2882) *NRA (27 IR 4044) <b>28 IR 196</b>	511 IAC 6.1-1-13.5 511 IAC 6.1-2-2.5 511 IAC 6.1-2-4 511 IAC 6.1-2-5 511 IAC 6.1-5-1 511 IAC 6.1-5-2.5	RA	04-47	27 IR 2879	<b>28 IR 323</b> *ERR (28 IR 3306) *ERR (28 IR 3306) *ERR (28 IR 3306) *ERR (28 IR 3306) *ERR (28 IR 3306)
470 IAC 3-18	N	03-233	27 IR 1627	*AROC (27 IR 3345) *NRA (28 IR 233) <b>28 IR 950</b>	511 IAC 6.1-2-5 511 IAC 6.1-5-1 511 IAC 6.1-5-2.5				<b>29 IR 2181</b> *ERR (28 IR 3306) *ERR (28 IR 3306) *ERR (28 IR 3306) *ERR (28 IR 3306)
470 IAC 3.1-1-10	A	05-201	29 IR 104	*NRA (29 IR 1580) <b>29 IR 2181</b>	511 IAC 6.1-5-3 511 IAC 6.1-5-4	RA	04-47	27 IR 2879	<b>28 IR 323</b> *ERR (28 IR 3306) *ERR (28 IR 3307)
470 IAC 3.1-1-18	A	05-201	29 IR 104	*NRA (29 IR 1580) <b>29 IR 2181</b>	511 IAC 6.1-5-5				<b>29 IR 1556</b> <b>28 IR 960</b> <b>28 IR 960</b> <b>28 IR 961</b> <b>28 IR 962</b> <b>28 IR 962</b> <b>28 IR 963</b> <b>28 IR 964</b> <b>29 IR 1557</b> <b>28 IR 957</b> <b>29 IR 1558</b> <b>29 IR 1560</b>
470 IAC 3.1-1-25	A	05-201	29 IR 104	*NRA (29 IR 1580) <b>29 IR 2181</b>	511 IAC 6.1-5-1-1 511 IAC 6.1-5-1-2 511 IAC 6.1-5-1-3 511 IAC 6.1-5-1-4 511 IAC 6.1-5-1-5 511 IAC 6.1-5-1-6 511 IAC 6.1-5-1-8 511 IAC 6.1-5-1-9	A	04-317	28 IR 2198	
470 IAC 3.1-1-26	A	05-201	29 IR 104	*NRA (29 IR 1580) <b>29 IR 2181</b>	511 IAC 6.1-5-1-10.1	A	04-36	27 IR 2553	
470 IAC 3.1-3-1	A	05-201	29 IR 105	*NRA (29 IR 1580) <b>29 IR 2181</b>		A	04-36	27 IR 2554	
470 IAC 3.1-4-2	A	05-201	29 IR 106	*NRA (29 IR 1580) <b>29 IR 2182</b>		A	04-36	27 IR 2555	
470 IAC 3.1-7-1	A	05-201	29 IR 106	*NRA (29 IR 1580) <b>29 IR 2183</b>		A	04-36	27 IR 2556	
470 IAC 3.1-7-2	A	05-201	29 IR 107	*NRA (29 IR 1580) <b>29 IR 2183</b>		A	04-317	28 IR 2199	
470 IAC 3.1-7-3	R	05-201	29 IR 109	*NRA (29 IR 1580) <b>29 IR 2186</b>		A	04-22	27 IR 2550	
470 IAC 3.1-11-2	A	05-201	29 IR 107	*NRA (29 IR 1580) <b>29 IR 2184</b>		A	04-317	28 IR 2200	
470 IAC 3.1-11-4	A	05-201	29 IR 107	*NRA (29 IR 1580) <b>29 IR 2184</b>		A	04-317	28 IR 2202	
470 IAC 3.1-12-2	A	05-201	29 IR 108	*NRA (29 IR 1580) <b>29 IR 2185</b>					
470 IAC 3.1-12-7	A	05-201	29 IR 108	*NRA (29 IR 1580) <b>29 IR 2185</b>					
470 IAC 3.1-15-10	A	05-201	29 IR 109	*NRA (29 IR 1580) <b>29 IR 2186</b>					
TITLE 511 INDIANA STATE BOARD OF EDUCATION					511 IAC 6.2-2-6 511 IAC 6.2-2-7 511 IAC 6.2-2-8 511 IAC 6.2-2-9 511 IAC 6.2-2-11				
511 IAC 1-2.5-1				*ERR (28 IR 3306) <b>28 IR 965</b>					*ERR (28 IR 3307) *ERR (28 IR 3

# Rules Affected by Volumes 28 and 29

511 IAC 6.2-2-12				*ERR (28 IR 3307)	515 IAC 8-1-42	A	03-321	27 IR 2330	*ARR (28 IR 610)
511 IAC 6.2-2.5-4				*ERR (28 IR 3307)					<b>28 IR 1478</b>
511 IAC 6.2-2.5-9				*ERR (28 IR 3307)	515 IAC 9-1-1				*ERR (28 IR 3308)
511 IAC 6.2-3-1				*ERR (28 IR 3307)		A	05-339	29 IR 1753	
511 IAC 6.2-3-3				*ERR (28 IR 3307)	515 IAC 9-1-2	A	05-339	29 IR 1754	
511 IAC 6.2-4-1				*ERR (28 IR 3307)	515 IAC 9-1-18				*ERR (28 IR 3309)
511 IAC 6.2-4-2				*ERR (28 IR 3307)	515 IAC 9-1-19				*ERR (28 IR 3309)
511 IAC 6.2-4-4				*ERR (28 IR 3307)	515 IAC 9-1-22	A	03-322	27 IR 2331	*ARR (28 IR 610)
511 IAC 6.2-6-2				*ERR (28 IR 3307)					<b>28 IR 1479</b>
511 IAC 6.2-6-3				*ERR (28 IR 3307)	515 IAC 10	N	04-197	28 IR 263	*ARR (28 IR 2991)
511 IAC 6.2-6-7				*ERR (28 IR 3307)	515 IAC 12	N	04-141	27 IR 3703	<b>28 IR 2135</b>
511 IAC 6.2-6-10				*ERR (28 IR 3307)	515 IAC 12-1-0.5	N	05-340	29 IR 1755	
511 IAC 6.2-7-2				*ERR (28 IR 3307)	515 IAC 12-1-1	A	05-340	29 IR 1755	
511 IAC 7-17-16				*ERR (28 IR 3307)	515 IAC 12-1-3	A	05-340	29 IR 1755	
511 IAC 7-18-1				*ERR (28 IR 3307)					
511 IAC 7-18-2				*ERR (28 IR 3307)	TITLE 540 INDIANA EDUCATION SAVINGS AUTHORITY				
511 IAC 7-27-4				*ERR (28 IR 3308)	540 IAC 1-1-11	RA	04-54	27 IR 2880	*CPH (27 IR 3096)
511 IAC 8	RA	04-47	27 IR 2879	<b>28 IR 323</b>					<b>28 IR 324</b>
511 IAC 8-1-1				*ERR (28 IR 3308)	540 IAC 1-1-17	RA	04-54	27 IR 2880	*CPH (27 IR 3096)
511 IAC 9-1-0.5				*ERR (28 IR 3308)					<b>28 IR 324</b>
511 IAC 9-1-1				*ERR (28 IR 3308)					
511 IAC 9-1-2				*ERR (28 IR 3308)	TITLE 570 INDIANA COMMISSION ON PROPRIETARY EDUCATION				
511 IAC 9-2-2				*ERR (28 IR 3308)	570 IAC 1-1-1	A	05-178	29 IR 111	
511 IAC 9-5-2				*ERR (28 IR 3308)	570 IAC 1-2-3	A	05-178	29 IR 114	
511 IAC 9-5-4				*ERR (28 IR 3308)	570 IAC 1-2-4	A	05-178	29 IR 114	
511 IAC 9-6-1				*ERR (28 IR 3308)	570 IAC 1-3-1	A	05-178	29 IR 114	
511 IAC 10-6-1				*ERR (28 IR 3308)	570 IAC 1-3-2	A	05-178	29 IR 115	
511 IAC 10-6-3				*ERR (28 IR 3308)	570 IAC 1-3-3	A	05-178	29 IR 116	
511 IAC 10-6-5				*ERR (28 IR 3308)	570 IAC 1-4-1	A	05-178	29 IR 116	
511 IAC 11-7-3				*ERR (28 IR 3308)	570 IAC 1-4-2	A	05-178	29 IR 117	
511 IAC 12-2-4				*ERR (28 IR 3308)	570 IAC 1-4-3	A	05-178	29 IR 118	
TITLE 512 DEPARTMENT OF EDUCATION					570 IAC 1-4-4	A	05-178	29 IR 119	
512 IAC	N	06-39	29 IR 2332		570 IAC 1-5-2	A	05-178	29 IR 119	
TITLE 514 INDIANA SCHOOL FOR THE DEAF BOARD					570 IAC 1-5-3	A	05-178	29 IR 120	
514 IAC	N	03-298	27 IR 1634	<b>28 IR 197</b>	570 IAC 1-5-4	A	05-178	29 IR 120	
TITLE 515 PROFESSIONAL STANDARDS, ADVISORY BOARD					570 IAC 1-5-5	A	05-178	29 IR 120	
OF THE DIVISION OF					570 IAC 1-5-6	A	05-178	29 IR 120	
515 IAC 1-1-89				*ERR (28 IR 3308)	570 IAC 1-5-7	A	05-178	29 IR 121	
515 IAC 1-1-93				*ERR (28 IR 3308)	570 IAC 1-6-1	A	05-178	29 IR 121	
515 IAC 1-2-2	R	05-339	29 IR 1754		570 IAC 1-6-2	A	05-178	29 IR 121	
515 IAC 1-2-17				*ERR (28 IR 3308)	570 IAC 1-6-3	A	05-178	29 IR 121	
515 IAC 1-2-18				*ERR (28 IR 3308)	570 IAC 1-6-4	A	05-178	29 IR 121	
515 IAC 1-4-1	A	03-320	27 IR 2558	*ARR (28 IR 610)	570 IAC 1-6-6	A	05-178	29 IR 122	
				<b>28 IR 1475</b>	570 IAC 1-8-3	A	05-178	29 IR 122	
515 IAC 1-4-2	A	03-320	27 IR 2558	*ERR (28 IR 3308)	570 IAC 1-8-4.5	A	05-178	29 IR 123	
				*ARR (28 IR 610)	570 IAC 1-8-5.5	N	05-178	29 IR 123	
				<b>28 IR 1475</b>	570 IAC 1-8-7	A	05-178	29 IR 123	
515 IAC 1-6-1				*ERR (28 IR 3308)	570 IAC 1-9-5	A	05-178	29 IR 124	
515 IAC 1-6-4				*ERR (28 IR 3308)	570 IAC 1-10.1-4	A	05-178	29 IR 124	
515 IAC 1-6-6				*ERR (28 IR 3308)	570 IAC 1-10.1-6	A	05-178	29 IR 125	
515 IAC 1-7-13				*ERR (28 IR 3308)	570 IAC 1-11-4	A	05-178	29 IR 125	
515 IAC 1-7-16				*ERR (28 IR 3308)	570 IAC 1-11-8	A	05-178	29 IR 125	
515 IAC 2-1-3				*ERR (28 IR 3308)	570 IAC 1-12-1	A	05-178	29 IR 125	
515 IAC 2-1-4				*ERR (28 IR 3308)	570 IAC 1-12-2	A	05-178	29 IR 126	
515 IAC 4-1-2				*ERR (28 IR 3308)	570 IAC 1-13-1	A	05-178	29 IR 126	
515 IAC 4-1-3				*ERR (28 IR 3308)	570 IAC 1-13-2	A	05-178	29 IR 126	
515 IAC 4-2-6				*ERR (28 IR 3308)	570 IAC 1-13-3	A	05-178	29 IR 127	
515 IAC 4-2-7				*ERR (28 IR 3308)	570 IAC 1-13-4	A	05-178	29 IR 127	
515 IAC 5-1-4				*ERR (28 IR 3308)	570 IAC 1-14-2	A	05-178	29 IR 127	
515 IAC 8-1-1				*ERR (28 IR 3308)	570 IAC 1-14-3	A	05-178	29 IR 128	
	A	05-338	29 IR 1751		570 IAC 1-14-4	A	05-178	29 IR 128	
515 IAC 8-1-21	A	05-338	29 IR 1752		570 IAC 1-14-10	A	05-178	29 IR 128	
515 IAC 8-1-23	A	03-321	27 IR 2330	*ARR (28 IR 610)	570 IAC 1-14-11	A	05-178	29 IR 128	
				<b>28 IR 1477</b>	TITLE 575 STATE SCHOOL BUS COMMITTEE				
515 IAC 8-1-35	A	05-338	29 IR 1752		575 IAC 1-1-1				*ERR (28 IR 3583)
					575 IAC 1-1-5				*ERR (28 IR 3583)
					575 IAC 1-5.5-1				*ERR (28 IR 3583)

## Rules Affected by Volumes 28 and 29

TITLE 590 INDIANA LIBRARY AND HISTORICAL BOARD  
590 IAC 3 RA 05-89 **29 IR 1382**

TITLE 646 DEPARTMENT OF WORKFORCE DEVELOPMENT

646 IAC 2-1-2	R	05-228	29 IR 649 29 IR 891	
646 IAC 2-1-4	A	05-228	29 IR 643 29 IR 886	
646 IAC 2-1-9	R	05-228	29 IR 649 29 IR 891	
646 IAC 2-1-13	A	05-228	29 IR 644 29 IR 886	
646 IAC 2-1-15	R	05-228	29 IR 649 29 IR 891	
646 IAC 2-1-16	R	05-228	29 IR 649 29 IR 891	
646 IAC 2-1-17	R	05-228	29 IR 649 29 IR 891	
646 IAC 2-1-19	A	05-228	29 IR 644 29 IR 887	
646 IAC 2-1-20	A	05-228	29 IR 644 29 IR 887	
646 IAC 2-1-21	R	05-228	29 IR 649 29 IR 891	
646 IAC 2-1-23	R	05-228	29 IR 649 29 IR 891	
646 IAC 2-1-24	A	05-228	29 IR 644 29 IR 887	
646 IAC 2-1-27	A	05-228	29 IR 645 29 IR 888	
646 IAC 2-2-2	A	05-228	29 IR 645 29 IR 888	
646 IAC 2-3	R	05-228	29 IR 649 29 IR 891	
646 IAC 2-4	R	05-228	29 IR 649 29 IR 891	
646 IAC 2-5-1	R	05-228	29 IR 649 29 IR 891	
646 IAC 2-5-2	A	05-228	29 IR 646 29 IR 889	
646 IAC 2-6-1	A	05-228	29 IR 647 29 IR 890	
646 IAC 2-7-2	R	05-228	29 IR 649 29 IR 891	
646 IAC 2-7-3	A	05-228	29 IR 647 29 IR 890	
646 IAC 2-7-4	A	05-228	29 IR 647 29 IR 890	
646 IAC 2-8-1	A	05-228	29 IR 648 29 IR 891	
646 IAC 2-9-1	A	05-228	29 IR 648 29 IR 891	
646 IAC 3-1-7	A	05-225	29 IR 641 29 IR 883	
646 IAC 3-1-12	N	03-317	27 IR 2858	<b>28 IR 560</b>
646 IAC 3-1-13	N	03-317	27 IR 2858	<b>28 IR 561</b>
646 IAC 3-4-11	N	03-317	27 IR 2858	<b>28 IR 561</b>
646 IAC 3-4-12	N	05-225	29 IR 642 29 IR 884	
646 IAC 3-5-1	A	03-317	27 IR 2859	<b>28 IR 561</b>
646 IAC 3-10-9	A	05-128	28 IR 3343 29 IR 882	*ARR (29 IR 820)
646 IAC 3-10-13	A	05-128	28 IR 3343 29 IR 882	*ARR (29 IR 820)

TITLE 655 BOARD OF FIREFIGHTING PERSONNEL STANDARDS  
AND EDUCATION

655 IAC 1-1-5.1	A	04-138	28 IR 1009	*AROC (28 IR 1073) <b>28 IR 2693</b>
	A	04-297	28 IR 2415	*AROC (28 IR 3354) <b>29 IR 477</b>

655 IAC 1-2.1-3	A	04-138	28 IR 1012	*AROC (28 IR 1073) <b>28 IR 2696</b>
655 IAC 1-2.1-4	A	04-138	28 IR 1012	*AROC (28 IR 1073) <b>28 IR 2696</b>
655 IAC 1-2.1-5	A	04-138	28 IR 1013	*AROC (28 IR 1073) <b>28 IR 2696</b>
655 IAC 1-2.1-6	A	04-138	28 IR 1013	*AROC (28 IR 1073) <b>28 IR 2697</b>
655 IAC 1-2.1-6.1	A	04-138	28 IR 1013	*AROC (28 IR 1073) <b>28 IR 2697</b>
655 IAC 1-2.1-6.2	A	04-138	28 IR 1013	*AROC (28 IR 1073) <b>28 IR 2697</b>
655 IAC 1-2.1-6.3	A	04-138	28 IR 1014	*AROC (28 IR 1073) <b>28 IR 2697</b>
655 IAC 1-2.1-6.4	A	04-138	28 IR 1014	*AROC (28 IR 1073) <b>28 IR 2698</b>
655 IAC 1-2.1-7.1	N	04-138	28 IR 1014	*AROC (28 IR 1073) <b>28 IR 2698</b>
655 IAC 1-2.1-8	A	04-138	28 IR 1016	*AROC (28 IR 1073) <b>28 IR 2700</b>
655 IAC 1-2.1-9	A	04-138	28 IR 1016	*AROC (28 IR 1073) <b>28 IR 2700</b>
655 IAC 1-2.1-10	A	04-138	28 IR 1016	*AROC (28 IR 1073) <b>28 IR 2700</b>
655 IAC 1-2.1-11	A	04-138	28 IR 1017	*AROC (28 IR 1073) <b>28 IR 2701</b>
655 IAC 1-2.1-12	A	04-138	28 IR 1017	*AROC (28 IR 1073) <b>28 IR 2701</b>
655 IAC 1-2.1-13	A	04-138	28 IR 1017	*AROC (28 IR 1073) <b>28 IR 2701</b>
655 IAC 1-2.1-14	A	04-138	28 IR 1017	*AROC (28 IR 1073) <b>28 IR 2701</b>
655 IAC 1-2.1-15	A	04-138	28 IR 1017	*AROC (28 IR 1073) <b>28 IR 2701</b>
655 IAC 1-2.1-20	A	04-138	28 IR 1018	*AROC (28 IR 1073) <b>28 IR 2702</b>
655 IAC 1-2.1-22	A	04-138	28 IR 1018	*AROC (28 IR 1073) <b>28 IR 2702</b>
655 IAC 1-2.1-23	A	04-138	28 IR 1018	*AROC (28 IR 1073) <b>28 IR 2702</b>
655 IAC 1-2.1-23.1	A	04-138	28 IR 1019	*AROC (28 IR 1073) <b>28 IR 2702</b>
655 IAC 1-2.1-24	A	04-138	28 IR 1019	*AROC (28 IR 1073) <b>28 IR 2703</b>
655 IAC 1-2.1-24.1	A	04-138	28 IR 1019	*AROC (28 IR 1073) <b>28 IR 2703</b>
655 IAC 1-2.1-24.2	A	04-138	28 IR 1019	*AROC (28 IR 1073) <b>28 IR 2703</b>
655 IAC 1-2.1-24.3	A	04-138	28 IR 1019	*AROC (28 IR 1073) <b>28 IR 2703</b>
655 IAC 1-2.1-75	A	04-138	28 IR 1020	*AROC (28 IR 1073) <b>28 IR 2704</b>
655 IAC 1-2.1-75.2	A	04-138	28 IR 1020	*AROC (28 IR 1073) <b>28 IR 2704</b>
655 IAC 1-2.1-75.3	A	04-138	28 IR 1020	*AROC (28 IR 1073) <b>28 IR 2704</b>
655 IAC 1-2.1-75.4	A	04-138	28 IR 1021	*AROC (28 IR 1073) <b>28 IR 2705</b>
655 IAC 1-2.1-75.5	A	04-138	28 IR 1021	*AROC (28 IR 1073) <b>28 IR 2705</b>
655 IAC 1-2.1-76.1	A	04-138	28 IR 1022	*AROC (28 IR 1073) <b>28 IR 2706</b>
655 IAC 1-2.1-76.2	R	04-138	28 IR 1029	*AROC (28 IR 1073) <b>28 IR 2712</b>
655 IAC 1-2.1-76.3	R	04-138	28 IR 1029	*AROC (28 IR 1073) <b>28 IR 2712</b>
655 IAC 1-2.1-96	N	04-138	28 IR 1022	*AROC (28 IR 1073) <b>28 IR 2706</b>

## Rules Affected by Volumes 28 and 29

655 IAC 1-2.1-97	N	04-138	28 IR 1022	*AROC (28 IR 1073) <b>28 IR 2706</b>	675 IAC 12-6-7	A	05-108	29 IR 1332
655 IAC 1-2.1-98	N	04-138	28 IR 1023	*AROC (28 IR 1073) <b>28 IR 2706</b>	675 IAC 12-6-8	A	05-108	29 IR 1333
655 IAC 1-2.1-99	N	04-138	28 IR 1023	*AROC (28 IR 1073) <b>28 IR 2707</b>	675 IAC 12-6-9	A	05-108	29 IR 1334
655 IAC 1-2.1-100	N	04-138	28 IR 1023	*AROC (28 IR 1073) <b>28 IR 2707</b>	675 IAC 12-6-10	A	05-108	29 IR 1335
655 IAC 1-2.1-101	N	04-138	28 IR 1024	*AROC (28 IR 1073) <b>28 IR 2708</b>	675 IAC 12-6-11	A	05-104	29 IR 1335
655 IAC 1-2.1-102	N	04-138	28 IR 1024	*AROC (28 IR 1073) <b>28 IR 2708</b>	675 IAC 12-6-12	A	05-108	29 IR 1336
655 IAC 1-2.1-103	N	04-138	28 IR 1025	*AROC (28 IR 1073) <b>28 IR 2709</b>	675 IAC 12-6-14	A	05-108	29 IR 1336
655 IAC 1-2.1-104	N	04-138	28 IR 1025	*AROC (28 IR 1073) <b>28 IR 2709</b>	675 IAC 12-6-15	A	05-108	29 IR 1337
655 IAC 1-2.1-105	N	04-138	28 IR 1026	*AROC (28 IR 1073) <b>28 IR 2710</b>	675 IAC 12-6-16	A	05-108	29 IR 1338
655 IAC 1-2.1-106	N	04-138	28 IR 1026	*AROC (28 IR 1073) <b>28 IR 2710</b>	675 IAC 12-6-18	A	05-108	29 IR 1338
655 IAC 1-2.1-107	N	04-138	28 IR 1027	*AROC (28 IR 1073) <b>28 IR 2710</b>	675 IAC 12-6-19	A	05-108	29 IR 1339
655 IAC 1-2.1-108	N	04-138	28 IR 1027	*AROC (28 IR 1073) <b>28 IR 2711</b>	675 IAC 12-6-20	A	05-108	29 IR 1339
655 IAC 1-2.1-109	N	04-138	28 IR 1027	*AROC (28 IR 1073) <b>28 IR 2711</b>	675 IAC 12-6-21	A	05-108	29 IR 1339
655 IAC 1-2.1-110	N	04-138	28 IR 1027	*AROC (28 IR 1073) <b>28 IR 2711</b>	675 IAC 12-6-23	A	05-108	29 IR 1340
655 IAC 1-2.1-111	N	04-297	28 IR 2419	*AROC (28 IR 3354) <b>29 IR 481</b>	675 IAC 12-7-1	A	05-108	29 IR 1340
655 IAC 1-2.1-112	N	04-297	28 IR 2423	*AROC (28 IR 3354) <b>29 IR 485</b>	675 IAC 12-7-2	A	05-108	29 IR 1340
655 IAC 1-2.1-113	N	04-297	28 IR 2423	*AROC (28 IR 3354) <b>29 IR 485</b>	675 IAC 12-7-3	A	05-108	29 IR 1341
655 IAC 1-2.1-114	N	04-297	28 IR 2424	*AROC (28 IR 3354) <b>29 IR 485</b>	675 IAC 12-7-4	A	05-108	29 IR 1341
655 IAC 1-2.1-115	N	04-297	28 IR 2425	*AROC (28 IR 3354) <b>29 IR 486</b>	675 IAC 12-7-5	A	05-108	29 IR 1342
655 IAC 1-3-8	R	03-186	27 IR 941	*AROC (27 IR 1652)	675 IAC 12-8-1	A	05-108	29 IR 1342
655 IAC 1-4-2	A	04-138	28 IR 1028	*AROC (28 IR 1073) <b>28 IR 2712</b>	675 IAC 12-8-3	A	05-108	29 IR 1342
TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION					675 IAC 12-8-4	A	05-108	29 IR 1343
675 IAC 12-1.1-1	A	05-108	29 IR 1317		675 IAC 12-8-5	A	05-108	29 IR 1344
675 IAC 12-1.1-2	A	05-108	29 IR 1317		675 IAC 12-8-6	A	05-108	29 IR 1344
675 IAC 12-1.1-3	A	05-108	29 IR 1317		675 IAC 12-8-7	A	05-108	29 IR 1344
675 IAC 12-1.1-4	A	05-108	29 IR 1317		675 IAC 12-8-8	A	05-108	29 IR 1345
675 IAC 12-1.1-5	A	05-108	29 IR 1318		675 IAC 12-8-9	A	05-108	29 IR 1345
675 IAC 12-3-2	A	05-108	29 IR 1318		675 IAC 12-8-10	A	05-108	29 IR 1346
675 IAC 12-3-6	A	05-108	29 IR 1319		675 IAC 12-8-11	A	05-108	29 IR 1346
675 IAC 12-3-8	A	05-108	29 IR 1320		675 IAC 12-8-12	A	05-108	29 IR 1347
675 IAC 12-3-11	A	05-108	29 IR 1320		675 IAC 12-8-13	A	05-108	29 IR 1347
675 IAC 12-3-13	A	05-108	29 IR 1320		675 IAC 12-8-14	A	05-108	29 IR 1347
675 IAC 12-3-14	A	05-108	29 IR 1321		675 IAC 12-8-15	A	05-108	29 IR 1348
675 IAC 12-3-15	A	05-108	29 IR 1322		675 IAC 12-8-17	A	05-108	29 IR 1348
675 IAC 12-4-4	A	05-108	29 IR 1322		675 IAC 12-8-18	A	05-108	29 IR 1349
675 IAC 12-4-5	A	05-108	29 IR 1322		675 IAC 12-8-19	A	05-108	29 IR 1349
675 IAC 12-4-7	A	05-108	29 IR 1322		675 IAC 12-8-20	A	05-108	29 IR 1349
675 IAC 12-4-11	A	05-108	29 IR 1323		675 IAC 12-8-21	A	05-108	29 IR 1350
675 IAC 12-5-2	A	05-108	29 IR 1324		675 IAC 12-9-1	A	05-108	29 IR 1350
675 IAC 12-5-4	A	05-108	29 IR 1325		675 IAC 12-9-2	A	05-108	29 IR 1350
675 IAC 12-5-5	A	05-108	29 IR 1325		675 IAC 12-9-3	A	05-108	29 IR 1351
675 IAC 12-5-6	A	05-108	29 IR 1326		675 IAC 12-9-4	A	05-108	29 IR 1352
675 IAC 12-5-9	A	05-108	29 IR 1327		675 IAC 12-9-5	A	05-108	29 IR 1352
675 IAC 12-6-2	A	05-108	29 IR 1327		675 IAC 12-9-6	A	05-108	29 IR 1352
675 IAC 12-6-3	A	05-108	29 IR 1328		675 IAC 12-9-7	A	05-108	29 IR 1353
675 IAC 12-6-4	A	05-108	29 IR 1328		675 IAC 12-9-9	A	05-108	29 IR 1353
675 IAC 12-6-6	A	05-108	29 IR 1331		675 IAC 12-10-8	A	05-108	29 IR 1353
					675 IAC 12-10-9	A	05-108	29 IR 1353
					675 IAC 12-11-1	A	05-108	29 IR 1354
					675 IAC 12-11-2	A	05-108	29 IR 1354
					675 IAC 12-11-3	A	05-108	29 IR 1355
					675 IAC 12-11-4	A	05-108	29 IR 1355
					675 IAC 12-11-5	A	05-108	29 IR 1355
					675 IAC 12-11-6	A	05-108	29 IR 1355
					675 IAC 12-11-7	R	05-108	29 IR 1360
					675 IAC 12-11-8	A	05-108	29 IR 1356
					675 IAC 12-11-9	A	05-108	29 IR 1356
					675 IAC 12-12-1	A	05-108	29 IR 1356
					675 IAC 12-12-2	A	05-108	29 IR 1356
					675 IAC 12-12-3	A	05-108	29 IR 1357
					675 IAC 12-12-4	A	05-108	29 IR 1357
					675 IAC 12-12-5	A	05-108	29 IR 1357
					675 IAC 12-12-6	A	05-108	29 IR 1358
					675 IAC 12-12-7	A	05-108	29 IR 1358
					675 IAC 12-13-2	A	05-108	29 IR 1358
					675 IAC 12-13-3	A	05-108	29 IR 1359
					675 IAC 12-13-4	A	05-108	29 IR 1359
					675 IAC 12-14-1	A	05-108	29 IR 1359
					675 IAC 13-1-4	R	05-104	29 IR 1316

## Rules Affected by Volumes 28 and 29

675 IAC 13-1-5	R	05-104	29 IR 1316		675 IAC 13-2.4-134.5	N	04-216	28 IR 1535	*AROC (29 IR 146)
675 IAC 13-1-9.5	R	05-104	29 IR 1316						<b>29 IR 501</b>
675 IAC 13-1-9.6	R	05-104	29 IR 1316		675 IAC 13-2.4-143	A	04-216	28 IR 1535	*AROC (29 IR 146)
675 IAC 13-1-22	R	05-104	29 IR 1316						<b>29 IR 501</b>
675 IAC 13-1-27	R	05-104	29 IR 1316		675 IAC 13-2.4-174		02-115		*ERR (28 IR 1695)
675 IAC 13-1-28	R	05-104	29 IR 1316		675 IAC 13-2.4-180.5	N	04-216	28 IR 1536	*AROC (29 IR 146)
675 IAC 13-2.4-3		02-115		*ERR (28 IR 1695)					<b>29 IR 502</b>
675 IAC 13-2.4-10	A	04-216	28 IR 1529	*AROC (29 IR 146)	675 IAC 13-2.4-201.5	N	04-216	28 IR 1536	*AROC (29 IR 146)
				<b>29 IR 496</b>					<b>29 IR 502</b>
675 IAC 13-2.4-15		02-115		*ERR (28 IR 1695)	675 IAC 13-2.4-201.7	N	04-216	28 IR 1536	*AROC (29 IR 146)
675 IAC 13-2.4-19	A	04-216	28 IR 1529	*AROC (29 IR 146)					<b>29 IR 502</b>
				<b>29 IR 496</b>	675 IAC 13-2.4-210.3	N	04-216	28 IR 1536	*AROC (29 IR 146)
675 IAC 13-2.4-20	A	04-216	28 IR 1530	*AROC (29 IR 146)					<b>29 IR 502</b>
				<b>29 IR 496</b>	675 IAC 13-2.4-210.5	N	04-216	28 IR 1536	*AROC (29 IR 146)
675 IAC 13-2.4-22	A	04-216	28 IR 1530	*AROC (29 IR 146)					<b>29 IR 502</b>
				<b>29 IR 496</b>	675 IAC 13-2.4-213.3	N	04-216	28 IR 1536	*AROC (29 IR 146)
675 IAC 13-2.4-24.3	N	04-216	28 IR 1530	*AROC (29 IR 146)					<b>29 IR 502</b>
				<b>29 IR 496</b>	675 IAC 13-2.4-213.5	N	04-216	28 IR 1536	*AROC (29 IR 146)
675 IAC 13-2.4-32.5	N	04-216	28 IR 1530	*AROC (29 IR 146)					<b>29 IR 502</b>
				<b>29 IR 497</b>	675 IAC 13-2.4-213.7	N	04-216	28 IR 1536	*AROC (29 IR 146)
675 IAC 13-2.4-40.5	N	04-216	28 IR 1531	*AROC (29 IR 146)					<b>29 IR 503</b>
				<b>29 IR 497</b>	675 IAC 13-2.4-214.2	N	04-216	28 IR 1537	*AROC (29 IR 146)
675 IAC 13-2.4-40.6	N	04-216	28 IR 1531	*AROC (29 IR 146)					<b>29 IR 503</b>
				<b>29 IR 497</b>	675 IAC 13-2.4-214.4	N	04-216	28 IR 1537	*AROC (29 IR 146)
675 IAC 13-2.4-41.5	N	04-216	28 IR 1531	*AROC (29 IR 146)					<b>29 IR 503</b>
				<b>29 IR 497</b>	675 IAC 13-2.4-214.6	N	04-216	28 IR 1537	*AROC (29 IR 146)
675 IAC 13-2.4-42.7	N	04-216	28 IR 1531	*AROC (29 IR 146)					<b>29 IR 503</b>
				<b>29 IR 497</b>	675 IAC 13-2.4-214.7	N	04-216	28 IR 1537	*AROC (29 IR 146)
675 IAC 13-2.4-43.2	N	04-216	28 IR 1531	*AROC (29 IR 146)					<b>29 IR 503</b>
				<b>29 IR 497</b>	675 IAC 13-2.4-222		02-115		*ERR (28 IR 1695)
675 IAC 13-2.4-43.6	N	04-216	28 IR 1531	*AROC (29 IR 146)	675 IAC 13-2.4-228.5	N	04-216	28 IR 1538	*AROC (29 IR 146)
				<b>29 IR 497</b>					<b>29 IR 504</b>
675 IAC 13-2.4-47	A	04-216	28 IR 1531	*AROC (29 IR 146)	675 IAC 14-4.2	R	04-194	28 IR 312	<b>28 IR 3304</b>
				<b>29 IR 497</b>	675 IAC 14-4.2-3				*ERR (28 IR 970)
675 IAC 13-2.4-55	A	04-216	28 IR 1533	*AROC (29 IR 146)	675 IAC 14-4.2-19.5				*ERR (28 IR 970)
				<b>29 IR 499</b>	675 IAC 14-4.2-20.5				*ERR (28 IR 970)
675 IAC 13-2.4-55.5	N	04-216	28 IR 1533	*AROC (29 IR 146)	675 IAC 14-4.2-21				*ERR (28 IR 970)
				<b>29 IR 499</b>	675 IAC 14-4.2-26.5				*ERR (28 IR 970)
675 IAC 13-2.4-56.5	N	04-216	28 IR 1533	*AROC (29 IR 146)	675 IAC 14-4.2-29				*ERR (28 IR 970)
				<b>29 IR 499</b>	675 IAC 14-4.2-30	A	04-8	27 IR 2333	<b>28 IR 562</b>
675 IAC 13-2.4-68		02-115		*ERR (28 IR 1695)	675 IAC 14-4.2-53.7				*ERR (28 IR 970)
675 IAC 13-2.4-96.5	N	04-216	28 IR 1533	*AROC (29 IR 146)	675 IAC 14-4.2-69.5				*ERR (28 IR 970)
675 IAC 13-2.4-105.6	N	04-216	28 IR 1533	*AROC (29 IR 146)	675 IAC 14-4.2-69.6				*ERR (28 IR 970)
				<b>29 IR 500</b>	675 IAC 14-4.2-73.5				*ERR (28 IR 970)
675 IAC 13-2.4-107.3	N	04-216	28 IR 1534	*AROC (29 IR 146)	675 IAC 14-4.2-81.2				*ERR (28 IR 970)
				<b>29 IR 500</b>	675 IAC 14-4.2-89.2	A	04-8	27 IR 2333	<b>28 IR 562</b>
675 IAC 13-2.4-107.5	N	04-216	28 IR 1534	*AROC (29 IR 146)	675 IAC 14-4.2-89.6				*ERR (28 IR 970)
				<b>29 IR 500</b>	675 IAC 14-4.2-89.8				*ERR (28 IR 970)
675 IAC 13-2.4-107.6	N	04-216	28 IR 1534	*AROC (29 IR 146)	675 IAC 14-4.2-107				*ERR (28 IR 970)
				<b>29 IR 500</b>	675 IAC 14-4.3	N	04-194	28 IR 268	<b>28 IR 3256</b>
675 IAC 13-2.4-118	A	04-216	28 IR 1534	*AROC (29 IR 146)	675 IAC 14-4.3-100	A	05-348	29 IR 2043	
				<b>29 IR 500</b>	675 IAC 14-4.3-136.5	N	04-273	28 IR 1850	
675 IAC 13-2.4-118.4	N	04-216	28 IR 1534	*AROC (29 IR 146)	675 IAC 14-4.3-155.5	N	04-273	28 IR 1850	<b>29 IR 806</b>
				<b>29 IR 500</b>	675 IAC 14-4.3-213	A	04-273	28 IR 1850	†† <b>29 IR 806</b>
675 IAC 13-2.4-121.5	N	04-216	28 IR 1534	*AROC (29 IR 146)	675 IAC 14-4.3-214	R	04-273	28 IR 1859	†† <b>29 IR 815</b>
				<b>29 IR 500</b>	675 IAC 14-4.3-214.5	N	04-273	28 IR 1850	†† <b>29 IR 807</b>
675 IAC 13-2.4-122	A	04-216	28 IR 1534	*AROC (29 IR 146)	675 IAC 14-4.3-215	A	04-273	28 IR 1850	†† <b>29 IR 807</b>
				<b>29 IR 500</b>	675 IAC 14-4.3-216	A	04-273	28 IR 1851	†† <b>29 IR 807</b>
675 IAC 13-2.4-122.5	N	04-216	28 IR 1535	*AROC (29 IR 146)	675 IAC 14-4.3-217	R	04-273	28 IR 1859	†† <b>29 IR 815</b>
				<b>29 IR 501</b>	675 IAC 14-4.3-219.6	N	04-273	28 IR 1851	
675 IAC 13-2.4-131		02-115		*ERR (28 IR 1695)	675 IAC 14-4.3-220.3	N	04-273	28 IR 1851	†† <b>29 IR 807</b>
675 IAC 13-2.4-132	A	04-216	28 IR 1535	*AROC (29 IR 146)	675 IAC 14-4.3-220.6	N	04-273	28 IR 1851	†† <b>29 IR 807</b>
				<b>29 IR 501</b>	675 IAC 14-4.3-220.7	N	04-273	28 IR 1851	†† <b>29 IR 808</b>
675 IAC 13-2.4-132.3	N	04-216	28 IR 1535	*AROC (29 IR 146)	675 IAC 14-4.3-220.8	N	04-273	28 IR 1852	†† <b>29 IR 808</b>
				<b>29 IR 501</b>	675 IAC 14-4.3-226.2	N	04-273	28 IR 1852	†† <b>29 IR 808</b>
675 IAC 13-2.4-132.5	N	04-216	28 IR 1535	*AROC (29 IR 146)	675 IAC 14-4.3-227.1	N	04-273	28 IR 1852	†† <b>29 IR 808</b>
				<b>29 IR 501</b>	675 IAC 14-4.3-227.5	N	04-273	28 IR 1852	†† <b>29 IR 808</b>
675 IAC 13-2.4-133.5	N	04-216	28 IR 1535	*AROC (29 IR 146)	675 IAC 14-4.3-227.6	N	04-273	28 IR 1852	†† <b>29 IR 808</b>
				<b>29 IR 501</b>	675 IAC 14-4.3-228	A	04-273	28 IR 1852	†† <b>29 IR 808</b>

# Rules Affected by Volumes 28 and 29

675 IAC 14-4.3-229.5	N	04-273	28 IR 1852	††29 IR 809	675 IAC 21-3-2	A	05-50	29 IR 2334	
675 IAC 14-4.3-231	A	04-273	28 IR 1853	††29 IR 809	675 IAC 21-4-1	A	05-50	29 IR 2339	
675 IAC 14-4.3-233	A	04-273	28 IR 1853	††29 IR 809	675 IAC 21-4-2	A	05-50	29 IR 2339	
675 IAC 14-4.3-233.5	N	04-273	28 IR 1853	††29 IR 809	675 IAC 21-5-1	A	05-50	29 IR 2341	
675 IAC 14-4.3-234	A	04-273	28 IR 1853	††29 IR 810	675 IAC 21-5-3	A	05-50	29 IR 2341	
675 IAC 14-4.3-235	A	04-273	28 IR 1854	††29 IR 810	675 IAC 21-8-1	A	05-50	29 IR 2342	
675 IAC 14-4.3-239.5	N	04-273	28 IR 1854	††29 IR 810	675 IAC 21-8-2	A	05-50	29 IR 2342	
675 IAC 14-4.3-241	A	04-273	28 IR 1854	††29 IR 810	675 IAC 21-9	N	05-50	29 IR 2344	
675 IAC 14-4.3-241.5	N	04-273	28 IR 1854	††29 IR 810	675 IAC 21-10	N	05-50	29 IR 2344	
675 IAC 14-4.3-242	A	04-273	28 IR 1854	††29 IR 810	675 IAC 21-11	N	05-50	29 IR 2345	
675 IAC 14-4.3-244.5	N	04-273	28 IR 1854	††29 IR 810	675 IAC 22-2.2-3	RA	04-19	27 IR 2339	28 IR 324
675 IAC 14-4.3-245	R	04-273	28 IR 1859	††29 IR 815		R	05-104	29 IR 1316	
675 IAC 14-4.3-247	A	04-273	28 IR 1855	††29 IR 811	675 IAC 22-2.2-4	RA	04-19	27 IR 2339	28 IR 324
675 IAC 14-4.3-247.5	N	04-273	28 IR 1855	††29 IR 811		R	05-104	29 IR 1316	
675 IAC 14-4.3-248.5	N	04-273	28 IR 1855	††29 IR 811	675 IAC 22-2.2-5	RA	04-19	27 IR 2339	28 IR 324
675 IAC 14-4.3-249.5	N	04-273	28 IR 1855	††29 IR 811		R	05-104	29 IR 1316	
675 IAC 14-4.3-251	R	04-273	28 IR 1859	††29 IR 815	675 IAC 22-2.2-6	RA	04-19	27 IR 2339	28 IR 324
675 IAC 14-4.3-252	R	04-273	28 IR 1859	††29 IR 815		R	05-104	29 IR 1316	
675 IAC 14-4.3-253	R	04-273	28 IR 1859	††29 IR 815	675 IAC 22-2.2-7	RA	04-19	27 IR 2339	28 IR 324
675 IAC 14-4.3-254.5	N	04-273	28 IR 1855	††29 IR 811		R	05-104	29 IR 1316	
675 IAC 14-4.3-254.7	N	04-273	28 IR 1855	††29 IR 811	675 IAC 22-2.2-8	RA	04-19	27 IR 2339	28 IR 324
675 IAC 15-1-1	R	04-227	28 IR 1053	29 IR 29		R	05-104	29 IR 1316	
675 IAC 15-1-2	R	04-227	28 IR 1053	29 IR 29	675 IAC 22-2.2-9	RA	04-19	27 IR 2339	28 IR 324
675 IAC 15-1-3	R	04-227	28 IR 1053	29 IR 29		R	05-104	29 IR 1316	
675 IAC 15-1-5	R	04-227	28 IR 1053	29 IR 29	675 IAC 22-2.2-10	RA	04-19	27 IR 2339	28 IR 324
675 IAC 15-1-6	R	04-227	28 IR 1054	29 IR 29		R	05-104	29 IR 1316	
675 IAC 15-1-7	R	04-227	28 IR 1054	29 IR 29	675 IAC 22-2.2-11	RA	04-19	27 IR 2339	28 IR 324
675 IAC 15-1-8.1	R	04-227	28 IR 1054	29 IR 29	675 IAC 22-2.2-12	RA	04-19	27 IR 2339	28 IR 324
675 IAC 15-1-10	R	04-227	28 IR 1054	29 IR 29		R	05-104	29 IR 1316	
675 IAC 15-1-11	R	04-227	28 IR 1054	29 IR 29	675 IAC 22-2.2-13	RA	04-19	27 IR 2339	28 IR 324
675 IAC 15-1-12	R	04-227	28 IR 1054	29 IR 29		R	05-104	29 IR 1316	
675 IAC 15-1-13	R	04-227	28 IR 1054	29 IR 29	675 IAC 22-2.2-15	RA	04-19	27 IR 2340	28 IR 324
675 IAC 15-1-14	R	04-227	28 IR 1054	29 IR 29		R	05-104	29 IR 1316	
675 IAC 15-1-16	R	04-227	28 IR 1054	29 IR 29	675 IAC 22-2.2-16	RA	04-19	27 IR 2340	28 IR 324
675 IAC 15-1-17	R	04-227	28 IR 1054	29 IR 29		R	05-104	29 IR 1316	
675 IAC 15-1-19	R	04-227	28 IR 1054	29 IR 29	675 IAC 22-2.2-17	RA	04-19	27 IR 2340	28 IR 324
675 IAC 15-1-20	R	04-227	28 IR 1054	29 IR 29		R	05-104	29 IR 1316	
675 IAC 15-1-21	R	04-227	28 IR 1054	29 IR 29	675 IAC 22-2.2-18	RA	04-19	27 IR 2340	28 IR 324
675 IAC 15-1-22	R	04-227	28 IR 1054	29 IR 29		R	05-104	29 IR 1316	
675 IAC 15-1.1	N	04-227	28 IR 1037	29 IR 13	675 IAC 22-2.2-21	RA	04-19	27 IR 2340	28 IR 324
675 IAC 15-1.2	N	04-227	28 IR 1039	29 IR 15		R	05-104	29 IR 1316	
675 IAC 15-1.3	N	04-227	28 IR 1046	29 IR 21	675 IAC 22-2.2-22	RA	04-19	27 IR 2340	28 IR 324
675 IAC 15-1.4	N	04-227	28 IR 1048	29 IR 23	675 IAC 22-2.2-23	RA	04-19	27 IR 2340	28 IR 324
675 IAC 15-1.5	N	04-227	28 IR 1049	29 IR 25		R	05-104	29 IR 1316	
675 IAC 15-1.6	N	04-227	28 IR 1051	29 IR 26	675 IAC 22-2.2-24	RA	04-19	27 IR 2340	28 IR 324
675 IAC 15-1.7	N	04-227	28 IR 1052	29 IR 28		R	05-104	29 IR 1316	
675 IAC 16-1.3	RA	05-3	28 IR 3052		675 IAC 22-2.2-25	RA	04-19	27 IR 2340	28 IR 324
	RA	05-217		29 IR 896		R	05-104	29 IR 1316	
675 IAC 16-2	RA	05-3	28 IR 3052		675 IAC 22-2.2-26	N	04-196	28 IR 1029	*CPH (28 IR 1498)
	RA	05-217		29 IR 896					*AROC (28 IR 2461)
675 IAC 17-1.6	R	04-273	28 IR 1859	29 IR 815					*ARR (29 IR 31)
675 IAC 17-1.7	N	04-273	28 IR 1855	29 IR 811					29 IR 487
675 IAC 18-1.4-3		02-116		*ERR (28 IR 1696)	675 IAC 22-2.2-49.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 18-1.4-10.5	N	04-217	28 IR 1309	*AROC (29 IR 146)					28 IR 2374
				29 IR 11	675 IAC 22-2.2-107.1	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 18-1.4-11.5	N	04-217	28 IR 1309	*AROC (29 IR 146)	675 IAC 22-2.2-134.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
				29 IR 11					28 IR 2374
675 IAC 18-1.4-12		02-116		*ERR (28 IR 1696)	675 IAC 22-2.2-183	RA	04-19	27 IR 2340	28 IR 324
675 IAC 18-1.4-27		02-116		*ERR (28 IR 1696)		R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 18-1.4-32.3	N	04-217	28 IR 1309	*AROC (29 IR 146)					28 IR 2374
				29 IR 11	675 IAC 22-2.2-221.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 18-1.4-32.5	N	04-217	28 IR 1309	*AROC (29 IR 146)					28 IR 2374
				29 IR 11	675 IAC 22-2.2-240.1	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 18-1.4-49.5	N	04-217	28 IR 1309	*AROC (29 IR 146)	675 IAC 22-2.2-241.1	R	04-56	27 IR 2864	*CPH (28 IR 982)
				29 IR 11	675 IAC 22-2.2-243.1	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 19-3	R	05-58	29 IR 2042		675 IAC 22-2.2-245.2	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 19-4	N	05-58	29 IR 2014						28 IR 2374
675 IAC 21-1-10	A	05-50	29 IR 2333		675 IAC 22-2.2-245.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 21-3-1	A	05-50	29 IR 2334						28 IR 2374

## Rules Affected by Volumes 28 and 29

675 IAC 22-2.2-365.2	R	04-56	27 IR 2864	*CPH (28 IR 982) <b>28 IR 2374</b>	675 IAC 25-1-7.4	N	04-218	28 IR 1310	*AROC (29 IR 147) <b>29 IR 12</b>
675 IAC 22-2.2-365.5	R	04-56	27 IR 2864	*CPH (28 IR 982) <b>28 IR 2374</b>	675 IAC 25-1-7.6	N	04-218	28 IR 1310	*AROC (29 IR 147) <b>29 IR 12</b>
675 IAC 22-2.2-368.1	R	04-56	27 IR 2864	*CPH (28 IR 982)	675 IAC 25-1-9.1	N	04-218	28 IR 1310	*AROC (29 IR 147) <b>29 IR 12</b>
675 IAC 22-2.2-369.5	R	04-56	27 IR 2864	*CPH (28 IR 982) <b>28 IR 2374</b>	675 IAC 25-1-9.3	N	04-218	28 IR 1310	*AROC (29 IR 147) <b>29 IR 12</b>
675 IAC 22-2.2-378.5	R	04-56	27 IR 2864	*CPH (28 IR 982) <b>28 IR 2374</b>	675 IAC 25-1-9.5	N	04-218	28 IR 1310	*AROC (29 IR 147) <b>29 IR 12</b>
675 IAC 22-2.2-412.5	R	04-56	27 IR 2864	*CPH (28 IR 982) <b>28 IR 2374</b>	675 IAC 25-1-9.7	N	04-218	28 IR 1310\	*AROC (29 IR 147) <b>29 IR 12</b>
675 IAC 22-2.2-437.5	R	04-56	27 IR 2864	*CPH (28 IR 982) <b>28 IR 2374</b>	675 IAC 25-1-9.9	N	04-218	28 IR 1310	*AROC (29 IR 147) <b>29 IR 12</b>
675 IAC 22-2.2-437.7	R	04-56	27 IR 2864	*CPH (28 IR 982) <b>28 IR 2374</b>	675 IAC 26	N	04-196	28 IR 1031	*CPH (28 IR 1498) *AROC (28 IR 2461) *ARR (29 IR 31) <b>29 IR 489</b>
675 IAC 22-2.2-443.5	R	04-56	27 IR 2864	*CPH (28 IR 982) <b>28 IR 2374</b>					
675 IAC 22-2.2-511.1	R	04-56	27 IR 2864	*CPH (28 IR 982)	675 IAC 27	N	04-275	28 IR 1538	*AROC (29 IR 145) <b>29 IR 504</b>
675 IAC 22-2.2-515.1	R	04-56	27 IR 2864	*CPH (28 IR 982)					
675 IAC 22-2.2-540	R	04-56	27 IR 2864	*CPH (28 IR 982) <b>28 IR 2374</b>	675 IAC 28	N	05-104	29 IR 1274	
675 IAC 22-2.3-29.5	N	04-56	27 IR 2860	*CPH (28 IR 982) <b>28 IR 2369</b>	TITLE 685 REGULATED AMUSEMENT DEVICE SAFETY BOARD				
675 IAC 22-2.3-35.5	N	04-56	27 IR 2860	*CPH (28 IR 982) <b>28 IR 2370</b>	685 IAC 1	RA	04-124	27 IR 3343	<b>28 IR 1072</b>
675 IAC 22-2.3-36	A	04-56	27 IR 2860	*CPH (28 IR 982) <b>28 IR 2370</b>	TITLE 710 SECURITIES DIVISION				
675 IAC 22-2.3-36.3	N	04-56	27 IR 2861	*CPH (28 IR 982) <b>28 IR 2370</b>	710 IAC 1-14-6	A	05-46	28 IR 3008	*CPH (28 IR 3322) <b>29 IR 1923</b>
675 IAC 22-2.3-36.4	N	04-56	27 IR 2861	*CPH (28 IR 982) <b>28 IR 2371</b>	710 IAC 1-22	N	05-81	28 IR 3009	*CPH (28 IR 3322) <b>29 IR 1924</b>
675 IAC 22-2.3-36.6	N	04-56	27 IR 2863	*CPH (28 IR 982) <b>28 IR 2372</b>	TITLE 760 DEPARTMENT OF INSURANCE				
675 IAC 22-2.3-36.8	N	04-56	27 IR 2863	*CPH (28 IR 982) <b>28 IR 2373</b>	760 IAC 1-6.2-1	A	05-133	29 IR 1363	
675 IAC 22-2.3-140.5	N	04-56	27 IR 2863	*CPH (28 IR 982) <b>28 IR 2373</b>	760 IAC 1-6.2-1.5	N	05-133	29 IR 1363	
675 IAC 22-2.3-147.5	N	04-56	27 IR 2863	*CPH (28 IR 982) <b>28 IR 2373</b>	760 IAC 1-6.2-2	A	05-133	29 IR 1364	
675 IAC 22-2.3-147.6	N	04-56	27 IR 2863	*CPH (28 IR 982) <b>28 IR 2373</b>	760 IAC 1-6.2-3	A	05-133	29 IR 1364	
675 IAC 22-2.3-148	A	04-56	27 IR 2864	*CPH (28 IR 982) <b>28 IR 2373</b>	760 IAC 1-6.2-4	A	05-133	29 IR 1364	
675 IAC 22-2.3-148.5	N	04-56	27 IR 2864	*CPH (28 IR 982) <b>28 IR 2373</b>	760 IAC 1-6.2-5	A	05-133	29 IR 1364	
675 IAC 22-2.3-227.1	N	05-127	29 IR 1360	*CPH (28 IR 982) <b>28 IR 2374</b>	760 IAC 1-6.2-6	A	05-133	29 IR 1365	
675 IAC 22-2.3-228.1	N	05-127	29 IR 1360	*CPH (28 IR 982) <b>28 IR 2374</b>	760 IAC 1-6.2-7	A	05-133	29 IR 1365	
675 IAC 22-2.3-232.1	N	05-127	29 IR 1360	*CPH (28 IR 982) <b>28 IR 2374</b>	760 IAC 1-6.2-8	A	05-133	29 IR 1365	
675 IAC 22-2.3-232.2	N	05-127	29 IR 1361	*CPH (28 IR 982) <b>28 IR 2374</b>	760 IAC 1-6.2-9	A	05-133	29 IR 1365	
675 IAC 22-2.3-232.3	N	05-127	29 IR 1361	*CPH (28 IR 982) <b>28 IR 2374</b>	760 IAC 1-6.2-10	A	05-133	29 IR 1365	
675 IAC 22-2.3-232.4	N	05-127	29 IR 1361	*CPH (28 IR 982) <b>28 IR 2374</b>	760 IAC 1-6.2-11	N	05-133	29 IR 1366	
675 IAC 22-2.3-232.5	N	05-127	29 IR 1361	*CPH (28 IR 982) <b>28 IR 2374</b>	760 IAC 1-6.2-12	N	05-133	29 IR 1367	
675 IAC 22-2.3-232.6	N	05-127	29 IR 1361	*CPH (28 IR 982) <b>28 IR 2374</b>	760 IAC 1-6.2-13	N	05-133	29 IR 1367	
675 IAC 22-2.3-233.1	N	05-127	29 IR 1361	*CPH (28 IR 982) <b>28 IR 2374</b>	760 IAC 1-6.2-14	N	05-133	29 IR 1367	
675 IAC 22-2.3-233.2	N	05-127	29 IR 1362	*CPH (28 IR 982) <b>28 IR 2374</b>	760 IAC 1-21-2	A	04-140	28 IR 1311	<b>28 IR 2375</b>
675 IAC 22-2.3-237.1	N	05-127	29 IR 1362	*CPH (28 IR 982) <b>28 IR 2374</b>	760 IAC 1-21-3	A	04-140	28 IR 1311	<b>28 IR 2375</b>
675 IAC 22-2.3-237.2	N	05-127	29 IR 1362	*CPH (28 IR 982) <b>28 IR 2374</b>	760 IAC 1-21-4	A	04-140	28 IR 1311	<b>28 IR 2375</b>
675 IAC 22-2.3-237.3	N	05-127	29 IR 1362	*CPH (28 IR 982) <b>28 IR 2374</b>	760 IAC 1-21-5	A	04-140	28 IR 1311	<b>28 IR 2375</b>
675 IAC 22-2.3-237.4	N	05-127	29 IR 1362	*CPH (28 IR 982) <b>28 IR 2374</b>	760 IAC 1-21-8	A	04-140	28 IR 1312	<b>28 IR 2376</b>
675 IAC 22-2.3-237.5	N	04-56	27 IR 2864	*CPH (28 IR 982) <b>28 IR 2374</b>	760 IAC 1-21-10	N	04-140	28 IR 1313	<b>28 IR 2376</b>
675 IAC 22-2.3-298.5	N	04-56	27 IR 2864	*CPH (28 IR 982) <b>28 IR 2374</b>	760 IAC 1-21-11	N	04-140	28 IR 1313	<b>28 IR 2376</b>
675 IAC 22-2.3-304.5	N	04-56	27 IR 2864	*CPH (28 IR 982) <b>28 IR 2374</b>	760 IAC 1-38.1-2	A	05-265	29 IR 2346	
675 IAC 25-1-3		02-118		*ERR (28 IR 1696)	760 IAC 1-38.1-2.5	N	05-265	29 IR 2347	
675 IAC 25-1-7.2	N	04-218	28 IR 1310	*AROC (29 IR 147) <b>29 IR 12</b>	760 IAC 1-38.1-3	A	05-265	29 IR 2347	
					760 IAC 1-38.1-4	R	05-265	29 IR 2354	
					760 IAC 1-38.1-4.3	N	05-265	29 IR 2347	
					760 IAC 1-38.1-4.7	N	05-265	29 IR 2347	
					760 IAC 1-38.1-5	A	05-265	29 IR 2347	
					760 IAC 1-38.1-5.2	N	05-265	29 IR 2347	
					760 IAC 1-38.1-5.6	N	05-265	29 IR 2347	
					760 IAC 1-38.1-5.8	N	05-265	29 IR 2348	
					760 IAC 1-38.1-7	A	05-265	29 IR 2348	
					760 IAC 1-38.1-7.5	N	05-265	29 IR 2349	
					760 IAC 1-38.1-8	A	05-265	29 IR 2349	
					760 IAC 1-38.1-9	A	05-265	29 IR 2349	
					760 IAC 1-38.1-10	R	05-265	29 IR 2354	



# Rules Affected by Volumes 28 and 29

760 IAC 1-38.1-11	A	05-265	29 IR 2349		760 IAC 2-16-1	A	03-303	27 IR 3320	<b>28 IR 576</b>
760 IAC 1-38.1-12	A	05-265	29 IR 2350		760 IAC 2-16.1	N	03-303	27 IR 3320	<b>28 IR 576</b>
760 IAC 1-38.1-13	A	05-265	29 IR 2350		760 IAC 2-17-1	A	03-303	27 IR 3323	<b>28 IR 580</b>
760 IAC 1-38.1-14	A	05-265	29 IR 2351		760 IAC 2-18-1	A	03-303	27 IR 3325	<b>28 IR 582</b>
760 IAC 1-38.1-15	A	05-265	29 IR 2351		760 IAC 2-19-2	A	03-303	27 IR 3325	<b>28 IR 582</b>
760 IAC 1-38.1-15.5	N	05-265	29 IR 2352		760 IAC 2-19.5	N	03-303	27 IR 3325	<b>28 IR 582</b>
760 IAC 1-38.1-16	A	05-265	29 IR 2352		760 IAC 2-20-10	A	03-303	27 IR 3329	<b>28 IR 585</b>
760 IAC 1-38.1-17	A	05-265	29 IR 2352		760 IAC 2-20-31.1	A	03-303	27 IR 3329	<b>28 IR 586</b>
760 IAC 1-38.1-19	A	05-265	29 IR 2353		760 IAC 2-20-34	A	03-303	27 IR 3329	<b>28 IR 586</b>
760 IAC 1-38.1-20	A	05-265	29 IR 2353		760 IAC 2-20-35	A	03-303	27 IR 3332	<b>28 IR 589</b>
760 IAC 1-38.1-21.2	N	05-265	29 IR 2353		760 IAC 2-20-36.1	A	03-303	27 IR 3332	<b>28 IR 589</b>
760 IAC 1-38.1-21.6	N	05-265	29 IR 2353		760 IAC 2-20-36.2	A	03-303	27 IR 3333	<b>28 IR 590</b>
760 IAC 1-50-3	A	04-139	27 IR 4136	<b>28 IR 1482</b>	760 IAC 2-20-37.2	A	03-303	27 IR 3334	<b>28 IR 590</b>
760 IAC 1-50-4	A	04-139	27 IR 4136	<b>28 IR 1482</b>	760 IAC 2-20-37.3	N	03-303	27 IR 3334	<b>28 IR 590</b>
760 IAC 1-50-5	A	04-139	27 IR 4137	<b>28 IR 1483</b>	760 IAC 2-20-38.1	A	03-303	27 IR 3334	<b>28 IR 590</b>
760 IAC 1-50-6	RA	05-86		<b>29 IR 896</b>	760 IAC 2-20-42	A	03-303	27 IR 3335	<b>28 IR 591</b>
760 IAC 1-50-9	RA	05-86		<b>29 IR 896</b>	760 IAC 3-1-1	A	05-5	28 IR 2426	
760 IAC 1-50-10	RA	05-86		<b>29 IR 896</b>				28 IR 3013	<b>29 IR 517</b>
760 IAC 1-50-11	RA	05-86		<b>29 IR 896</b>	760 IAC 3-2-2.5	A	05-5	28 IR 2426	
760 IAC 1-60-1	RA	04-143	27 IR 3706	<b>28 IR 1072</b>				28 IR 3013	<b>29 IR 517</b>
760 IAC 1-60-2	RA	04-143	27 IR 3706	<b>28 IR 1072</b>	760 IAC 3-2-6.1	A	05-5	28 IR 2426	
760 IAC 1-60-4	RA	04-143	27 IR 3706	<b>28 IR 1072</b>				28 IR 3013	<b>29 IR 517</b>
760 IAC 1-60-5	A	05-266	29 IR 2354		760 IAC 3-2-6.2	A	05-5	28 IR 2426	
760 IAC 1-61	RA	05-86		<b>29 IR 896</b>				28 IR 3013	<b>29 IR 517</b>
760 IAC 1-64	RA	05-86		<b>29 IR 896</b>	760 IAC 3-2-7	A	05-5	28 IR 2426	
760 IAC 1-68-1	A	05-75	29 IR 129	<b>29 IR 2186</b>				28 IR 3014	<b>29 IR 517</b>
760 IAC 1-68-2	A	05-75	29 IR 130	<b>29 IR 2187</b>	760 IAC 3-4-1	A	05-5	28 IR 2427	
760 IAC 1-68-4	A	05-75	29 IR 132	<b>29 IR 2189</b>				28 IR 3014	<b>29 IR 518</b>
760 IAC 1-68-6	A	05-75	29 IR 133	<b>29 IR 2191</b>	760 IAC 3-5-1	A	05-5	28 IR 2427	
760 IAC 1-68-8	A	05-75	29 IR 134	<b>29 IR 2191</b>				28 IR 3014	<b>29 IR 518</b>
760 IAC 1-68-9	A	05-75	29 IR 134	<b>29 IR 2191</b>	760 IAC 3-6-1	A	05-5	28 IR 2428	
760 IAC 1-68-10	A	05-75	29 IR 134	<b>29 IR 2192</b>				28 IR 3016	<b>29 IR 519</b>
760 IAC 1-70	N	04-39	27 IR 2560		760 IAC 3-7-1	A	05-5	28 IR 2432	
			28 IR 314	<b>28 IR 1480</b>				28 IR 3019	<b>29 IR 523</b>
760 IAC 1-71	N	05-26	28 IR 2456	*AROC (28 IR 2814)	760 IAC 3-8-1	A	05-5	28 IR 2434	
			28 IR 3044	<b>29 IR 547</b>				28 IR 3021	<b>29 IR 525</b>
760 IAC 1-72	N	05-134	29 IR 649	<b>29 IR 2192</b>	760 IAC 3-9-1	A	05-5	28 IR 2437	
760 IAC 2-1-1	A	03-303	27 IR 3306	<b>28 IR 563</b>				28 IR 3024	<b>29 IR 528</b>
760 IAC 2-2-1.5	N	03-303	27 IR 3306	<b>28 IR 563</b>	760 IAC 3-9-2	A	05-5	28 IR 2437	
760 IAC 2-2-3.1	N	03-303	27 IR 3307	<b>28 IR 563</b>				28 IR 3024	<b>29 IR 528</b>
760 IAC 2-2-3.2	N	03-303	27 IR 3307	<b>28 IR 563</b>	760 IAC 3-11-1	A	05-5	28 IR 2439	
760 IAC 2-2-3.3	N	03-303	27 IR 3307	<b>28 IR 564</b>				28 IR 3026	<b>29 IR 530</b>
760 IAC 2-2-3.4	N	03-303	27 IR 3307	<b>28 IR 564</b>					*ERR (29 IR 548)
760 IAC 2-2-3.5	N	03-303	27 IR 3307	<b>28 IR 564</b>	760 IAC 3-12-1	A	05-5	28 IR 2444	
760 IAC 2-2-3.6	N	03-303	27 IR 3307	<b>28 IR 564</b>				28 IR 3031	<b>29 IR 534</b>
760 IAC 2-2-3.7	N	03-303	27 IR 3307	<b>28 IR 564</b>	760 IAC 3-14-1	A	05-5	28 IR 2445	
760 IAC 2-2-3.8	N	03-303	27 IR 3308	<b>28 IR 565</b>				28 IR 3032	<b>29 IR 535</b>
760 IAC 2-2-8	A	03-303	27 IR 3308	<b>28 IR 565</b>	760 IAC 3-15-1	A	05-5	28 IR 2453	
760 IAC 2-3-1	A	03-303	27 IR 3308	<b>28 IR 565</b>				28 IR 3040	<b>29 IR 544</b>
760 IAC 2-3-2	A	03-303	27 IR 3308	<b>28 IR 565</b>	760 IAC 3-18-1	A	05-5	28 IR 2455	
760 IAC 2-3-4	A	03-303	27 IR 3309	<b>28 IR 566</b>				28 IR 3043	<b>29 IR 546</b>
760 IAC 2-3-6	A	03-303	27 IR 3310	<b>28 IR 567</b>					*ERR (29 IR 548)
760 IAC 2-3-7	N	03-303	27 IR 3310	<b>28 IR 567</b>	TITLE 804 BOARD OF REGISTRATION FOR ARCHITECTS AND LANDSCAPE ARCHITECTS				
760 IAC 2-3-8	N	03-303	27 IR 3311	<b>28 IR 567</b>	804 IAC 1.1-1-1	A	04-156	28 IR 1054	<b>28 IR 2377</b>
760 IAC 2-4-1	A	03-303	27 IR 3311	<b>28 IR 568</b>	804 IAC 1.1-8	N	04-156	28 IR 1055	<b>28 IR 2378</b>
760 IAC 2-4-2	N	03-303	27 IR 3312	<b>28 IR 569</b>					
				*ERR (28 IR 609)	TITLE 808 STATE BOXING COMMISSION				
760 IAC 2-7-1	A	03-303	27 IR 3313	<b>28 IR 570</b>	808 IAC 1-3-6	A	03-226	27 IR 2563	<b>28 IR 198</b>
760 IAC 2-8-1	A	03-303	27 IR 3314	<b>28 IR 570</b>	808 IAC 1-5-1	A	03-226	27 IR 2563	<b>28 IR 198</b>
760 IAC 2-8-2	A	03-303	27 IR 3314	<b>28 IR 571</b>	808 IAC 1-5-2	A	03-226	27 IR 2563	<b>28 IR 198</b>
760 IAC 2-8-3	A	03-303	27 IR 3314	<b>28 IR 571</b>	808 IAC 2-1-5	A	03-226	27 IR 2564	<b>28 IR 198</b>
760 IAC 2-8-4	A	03-303	27 IR 3315	<b>28 IR 572</b>	808 IAC 2-1-12	A	03-226	27 IR 2564	<b>28 IR 199</b>
760 IAC 2-8-6	N	03-303	27 IR 3316	<b>28 IR 572</b>	808 IAC 2-7-14	A	03-226	27 IR 2564	<b>28 IR 199</b>
760 IAC 2-9-1	A	03-303	27 IR 3316	<b>28 IR 572</b>	808 IAC 2-8-7	R	03-226	27 IR 2566	<b>28 IR 200</b>
760 IAC 2-10-1	A	03-303	27 IR 3316	<b>28 IR 573</b>	808 IAC 2-9-5	A	03-226	27 IR 2564	<b>28 IR 199</b>
760 IAC 2-13-1	A	03-303	27 IR 3317	<b>28 IR 573</b>	808 IAC 2-12-0.5	N	03-227	27 IR 2566	*ARR (28 IR 215)
760 IAC 2-15-1	A	03-303	27 IR 3317	<b>28 IR 574</b>					<b>28 IR 201</b>
				*ERR (28 IR 609)					
760 IAC 2-15.5	N	03-303	27 IR 3319	<b>28 IR 575</b>					

## Rules Affected by Volumes 28 and 29

808 IAC 2-12-2	N	03-227	27 IR 2567	*ARR (28 IR 215) <b>28 IR 201</b>	828 IAC 1-2-1	A	05-226	29 IR 1373	
808 IAC 2-12-3	N	03-227	27 IR 2567	*ARR (28 IR 215) <b>28 IR 201</b>	828 IAC 1-2-2	A	05-226	29 IR 1374	
808 IAC 2-12-4	N	03-227	27 IR 2567	*ARR (28 IR 215) <b>28 IR 202</b>	828 IAC 1-2-3	A	05-226	29 IR 1374	
808 IAC 2-12-5	N	03-227	27 IR 2567	*ARR (28 IR 215) <b>28 IR 202</b>	828 IAC 1-2-6	A	05-226	29 IR 1375	
808 IAC 2-12-6	N	03-227	27 IR 2567	*ARR (28 IR 215) <b>28 IR 202</b>	828 IAC 1-2-7	R	05-226	29 IR 1377	
808 IAC 2-12-7	N	03-227	27 IR 2568	*ARR (28 IR 215) <b>28 IR 202</b>	828 IAC 1-2-8	R	05-226	29 IR 1377	
808 IAC 2-12-8	N	03-227	27 IR 2568	*ARR (28 IR 215)	828 IAC 1-2-9	R	05-226	29 IR 1377	
808 IAC 2-18-1	A	03-226	27 IR 2565	<b>28 IR 199</b>	828 IAC 1-2-12	R	05-226	29 IR 1377	
808 IAC 2-22-1	A	03-226	27 IR 2565	<b>28 IR 199</b>	828 IAC 1-2-14	R	05-226	29 IR 1377	
					828 IAC 1-3-1.1	A	05-226	29 IR 1375	
					828 IAC 1-3-1.5	A	05-226	29 IR 1376	
					828 IAC 1-3-2	A	05-226	29 IR 1377	
					828 IAC 1-5-6	N	04-189	28 IR 669	<b>28 IR 2383</b>
					828 IAC 5	N	04-233	28 IR 671	*AROC (28 IR 1073) <b>28 IR 2713</b>
TITLE 812 INDIANA AUCTIONEER COMMISSION					TITLE 830 INDIANA DIETITIANS CERTIFICATION BOARD				
812 IAC 1-1-2	A	05-37	29 IR 2044	*AROC (29 IR 2056)	830 IAC 1-1	RA	04-6	27 IR 2340	<b>28 IR 325</b>
812 IAC 1-1-3	A	05-37	29 IR 2044	*AROC (29 IR 2056)	830 IAC 1-2-6	RA	05-11	28 IR 2813	<b>28 IR 3662</b>
812 IAC 1-1-5	R	05-37	29 IR 2047	*AROC (29 IR 2056)	TITLE 839 SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, AND MENTAL HEALTH COUNSELOR BOARD				
812 IAC 1-1-6	R	05-37	29 IR 2047	*AROC (29 IR 2056)	839 IAC 1-6-1	A	05-223	29 IR 2048	
812 IAC 1-1-35	A	05-37	29 IR 2044	*AROC (29 IR 2056)	839 IAC 1-6-2	A	05-223	29 IR 2048	
812 IAC 1-1-36	R	05-37	29 IR 2047	*AROC (29 IR 2056)	839 IAC 1-6-3	A	05-223	29 IR 2050	
812 IAC 1-1-41	A	05-37	29 IR 2045	*AROC (29 IR 2056)	TITLE 840 INDIANA STATE BOARD OF HEALTH FACILITY ADMINISTRATORS				
812 IAC 1-1-42	A	05-37	29 IR 2045	*AROC (29 IR 2056)	840 IAC 1-1-6	A	05-270	29 IR 2051	
812 IAC 1-1-43	A	05-37	29 IR 2045	*AROC (29 IR 2056)	840 IAC 2-1	RA	05-12	28 IR 2459	<b>28 IR 3353</b>
812 IAC 3-1-1	A	05-37	29 IR 2045	*AROC (29 IR 2056)	TITLE 844 MEDICAL LICENSING BOARD OF INDIANA				
812 IAC 3-1-1.1	A	05-37	29 IR 2046	*AROC (29 IR 2056)	844 IAC 5-5	N	05-91	28 IR 3344	*ARR (29 IR 549)
812 IAC 3-1-6	A	05-37	29 IR 2046	*AROC (29 IR 2056)	844 IAC 6-1-2	A	03-262	27 IR 1284	<b>28 IR 209</b>
812 IAC 3-1-10	A	05-37	29 IR 2046	*AROC (29 IR 2056)	844 IAC 6-1-4	A	03-261	27 IR 1635	*CPH (27 IR 2300) <b>28 IR 203</b>
812 IAC 3-1-11	A	05-37	29 IR 2046	*AROC (29 IR 2056)	844 IAC 6-3-1	A	03-261	27 IR 1636	*CPH (27 IR 2300) <b>28 IR 203</b>
812 IAC 3-1-13	A	05-37	29 IR 2047	*AROC (29 IR 2056)	844 IAC 6-3-2	A	03-261	27 IR 1636	*CPH (27 IR 2300) <b>28 IR 204</b>
TITLE 816 BOARD OF BARBER EXAMINERS					844 IAC 6-3-4	A	03-261	27 IR 1637	*CPH (27 IR 2300) <b>28 IR 204</b>
816 IAC 1-2-11	A	05-146	29 IR 893		844 IAC 6-3-5	A	03-261	27 IR 1637	*CPH (27 IR 2300) <b>28 IR 205</b>
816 IAC 1-2-18	A	05-323	29 IR 1756		844 IAC 6-3-6	N	03-261	27 IR 1638	*CPH (27 IR 2300) <b>28 IR 205</b>
816 IAC 1-3-1	R	05-146	29 IR 895		844 IAC 6-4-3	A	03-261	27 IR 1638	*CPH (27 IR 2300) <b>28 IR 206</b>
816 IAC 1-3-4	A	05-146	29 IR 894		844 IAC 6-6-1	R	03-261	27 IR 1642	*CPH (27 IR 2300) <b>28 IR 209</b>
816 IAC 1-3-6	A	05-146	29 IR 894		844 IAC 6-6-2	R	03-261	27 IR 1642	*CPH (27 IR 2300) <b>28 IR 209</b>
816 IAC 1-4-1	A	05-146	29 IR 894		844 IAC 6-6-3	A	03-261	27 IR 1638	*CPH (27 IR 2300) <b>28 IR 206</b>
816 IAC 1-5	N	05-146	29 IR 895		844 IAC 6-6-4	A	03-261	27 IR 1639	*CPH (27 IR 2300) <b>28 IR 206</b>
TITLE 820 STATE BOARD OF COSMETOLOGY EXAMINERS					844 IAC 6-7-2	A	03-261	27 IR 1639	*CPH (27 IR 2300) <b>28 IR 207</b>
820 IAC 2-2-2	R	05-137	29 IR 656		844 IAC 10-4-1	A	03-329	27 IR 2568	<b>28 IR 211</b>
820 IAC 4-1-7	A	05-68	28 IR 3045	*AWR (28 IR 3584)	844 IAC 10-4-3	A	06-13	29 IR 2355	
820 IAC 4-1-9	A	05-68	28 IR 3045	*AWR (28 IR 3584)	844 IAC 12-5-4	A	04-17	28 IR 316	<b>28 IR 1693</b>
820 IAC 4-1-11	A	05-68	28 IR 3045	*AWR (28 IR 3584)	TITLE 845 BOARD OF PODIATRIC MEDICINE				
820 IAC 4-1-12	A	05-68	28 IR 3045	*AWR (28 IR 3584)	845 IAC 1-5-3	A	04-134	28 IR 317	<b>28 IR 2716</b>
820 IAC 4-3-1	A	04-254	28 IR 1059	<b>28 IR 2382</b>	TITLE 848 INDIANA STATE BOARD OF NURSING				
820 IAC 4-4-8	A	05-68	28 IR 3046	*AWR (28 IR 3584)	848 IAC 1-1-6	A	04-97	28 IR 674	<b>28 IR 2383</b>
820 IAC 4-4-8.1	N	05-68	28 IR 3046	*AWR (28 IR 3584)	848 IAC 1-1-7	A	04-97	28 IR 675	<b>28 IR 2384</b>
820 IAC 5-1-20	A	05-137	29 IR 654		848 IAC 1-1-2.1	A	04-65	27 IR 2865	<b>28 IR 593</b>
820 IAC 6-1-2	A	05-137	29 IR 654						
820 IAC 6-1-5	A	05-137	29 IR 655						
820 IAC 7	N	05-137	29 IR 655	<b>29 IR 2195</b>					
TITLE 828 STATE BOARD OF DENTISTRY									
828 IAC 0.5-2-3	A	04-233	28 IR 670	*AROC (28 IR 1073) <b>28 IR 2713</b>					
	A	05-226	29 IR 1371						
828 IAC 0.5-2-4	A	05-226	29 IR 1371						
828 IAC 1-1-1	A	05-226	29 IR 1371						
828 IAC 1-1-2	A	05-226	29 IR 1372						
828 IAC 1-1-3	A	05-226	29 IR 1372						
828 IAC 1-1-6	A	05-226	29 IR 1373						
828 IAC 1-1-7	A	05-226	29 IR 1373						
828 IAC 1-1-8	R	05-226	29 IR 1377						
828 IAC 1-1-12	R	05-226	29 IR 1377						
828 IAC 1-1-21	R	05-226	29 IR 1377						

## Rules Affected by Volumes 28 and 29

848 IAC 1-2-1	A	04-65	27 IR 2866	<b>28 IR 594</b>
848 IAC 1-2-5	A	04-65	27 IR 2866	<b>28 IR 594</b>
848 IAC 1-2-6	A	04-65	27 IR 2867	<b>28 IR 595</b>
848 IAC 1-2-7	A	04-65	27 IR 2868	<b>28 IR 596</b>
848 IAC 1-2-8	A	04-65	27 IR 2868	<b>28 IR 596</b>
848 IAC 1-2-8.5	N	04-65	27 IR 2868	<b>28 IR 596</b>
848 IAC 1-2-9	A	04-65	27 IR 2869	<b>28 IR 597</b>
848 IAC 1-2-10	A	04-65	27 IR 2869	<b>28 IR 597</b>
848 IAC 1-2-12	A	04-65	27 IR 2870	<b>28 IR 598</b>
848 IAC 1-2-13	A	04-65	27 IR 2870	<b>28 IR 598</b>
848 IAC 1-2-14	A	04-65	27 IR 2870	<b>28 IR 599</b>
848 IAC 1-2-16	A	04-65	27 IR 2871	<b>28 IR 599</b>
848 IAC 1-2-17	A	04-65	27 IR 2872	<b>28 IR 600</b>
848 IAC 1-2-18	A	04-65	27 IR 2872	<b>28 IR 600</b>
848 IAC 1-2-19	A	04-65	27 IR 2873	<b>28 IR 601</b>
848 IAC 1-2-20	A	04-65	27 IR 2873	<b>28 IR 601</b>
848 IAC 1-2-21	A	04-65	27 IR 2873	<b>28 IR 602</b>
848 IAC 1-2-22	A	04-65	27 IR 2874	<b>28 IR 602</b>
848 IAC 1-2-23	A	04-65	27 IR 2874	<b>28 IR 602</b>
848 IAC 1-2-24	A	04-65	27 IR 2874	<b>28 IR 603</b>
848 IAC 6	R	04-97	28 IR 675	<b>28 IR 2385</b>
848 IAC 7	N	05-2	29 IR 135	<b>29 IR 1927</b>

### TITLE 852 INDIANA OPTOMETRY BOARD

852 IAC 1-12-1	A	05-184	29 IR 657
852 IAC 1-16-1	A	05-325	29 IR 1757
852 IAC 1-16-2	A	05-325	29 IR 1757
852 IAC 1-16-3	A	05-325	29 IR 1757
852 IAC 1-16-6	A	05-325	29 IR 1758
852 IAC 1-16-7	N	05-325	29 IR 1758
852 IAC 1-16-8	N	05-325	29 IR 1758

### TITLE 856 INDIANA BOARD OF PHARMACY

856 IAC 1-30-2	A	04-173	28 IR 317	<b>28 IR 2385</b>
856 IAC 1-30-3	A	04-173	28 IR 318	<b>28 IR 2385</b>
856 IAC 1-30-4.1	N	04-173	28 IR 318	<b>28 IR 2385</b>
856 IAC 1-30-4.2	N	04-173	28 IR 318	<b>28 IR 2386</b>
856 IAC 1-30-4.3	N	04-173	28 IR 318	<b>28 IR 2386</b>
856 IAC 1-30-4.4	N	04-173	28 IR 318	<b>28 IR 2386</b>
856 IAC 1-30-4.5	N	04-173	28 IR 318	<b>28 IR 2386</b>
856 IAC 1-30-4.6	N	04-173	28 IR 318	<b>28 IR 2386</b>
856 IAC 1-30-6	A	04-173	28 IR 319	<b>28 IR 2386</b>
856 IAC 1-30-7	A	04-173	28 IR 319	<b>28 IR 2386</b>
856 IAC 1-30-8	A	04-173	28 IR 319	<b>28 IR 2387</b>
856 IAC 1-30-9	A	04-173	28 IR 320	<b>28 IR 2388</b>
856 IAC 1-30-14	A	04-173	28 IR 320	<b>28 IR 2388</b>
856 IAC 1-30-17	A	04-173	28 IR 321	<b>28 IR 2389</b>
856 IAC 1-30-18	A	04-173	28 IR 321	<b>28 IR 2389</b>
856 IAC 1-33-1	A	03-326	27 IR 2073	<b>27 IR 3073</b>
856 IAC 1-37	N	05-42	28 IR 3047	<b>29 IR 815</b>
856 IAC 1-38	N	05-138	29 IR 659	
856 IAC 1-39	N	05-139	29 IR 139	
856 IAC 1-40	N	05-140	29 IR 142	<b>29 IR 1930</b>
856 IAC 3-1-2	N	05-102	28 IR 3346	*ARR (29 IR 820) <b>29 IR 2195</b>
856 IAC 3-1-3	N	05-102	28 IR 3346	*ARR (29 IR 820) <b>29 IR 2196</b>
856 IAC 3-2-1	R	05-102	28 IR 3348	*ARR (29 IR 820) <b>29 IR 2198</b>
856 IAC 3-2-3	A	05-102	28 IR 3346	*ARR (29 IR 820) <b>29 IR 2196</b>
856 IAC 3-2-7	R	05-102	28 IR 3348	*ARR (29 IR 820) <b>29 IR 2198</b>
856 IAC 3-2-8	R	05-102	28 IR 3348	*ARR (29 IR 820) <b>29 IR 2198</b>
856 IAC 3-3	N	05-102	28 IR 3346	*ARR (29 IR 820) <b>29 IR 2196</b>
856 IAC 3-4	N	05-102	28 IR 3347	*ARR (29 IR 820) <b>29 IR 2196</b>

856 IAC 3-5	N	05-102	28 IR 3347	*ARR (29 IR 820) <b>29 IR 2197</b>
856 IAC 3-6	N	05-102	28 IR 3347	*ARR (29 IR 820) <b>29 IR 2197</b>
856 IAC 3-7	N	05-102	28 IR 3348	*ARR (29 IR 820) <b>29 IR 2197</b>

### TITLE 857 INDIANA OPTOMETRIC LEGEND DRUG PRESCRIPTION ADVISORY COMMITTEE

857 IAC 1-2-3	A	05-43	28 IR 3048	<b>29 IR 816</b>
857 IAC 1-3-2	A	05-43	28 IR 3049	<b>29 IR 817</b>
857 IAC 1-3-3	A	05-43	28 IR 3049	<b>29 IR 817</b>

### TITLE 864 STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

864 IAC 1.1-2-4	A	03-301	27 IR 2569	<b>28 IR 603</b>
864 IAC 1.1-4.1-7	A	05-222	29 IR 1378	*AWR (29 IR 2205)
	A	05-295	29 IR 2356	
864 IAC 1.1-4.1-8	A	05-222	29 IR 1378	*AWR (29 IR 2205)
	A	05-295	29 IR 2357	
864 IAC 1.1-4.1-9	A	03-301		†† <b>28 IR 603</b>
	A	05-222	29 IR 1379	*AWR (29 IR 2205)
	A	05-295	29 IR 2358	
864 IAC 1.1-12-1	A	03-301	27 IR 2569	<b>28 IR 604</b>
864 IAC 1.1-12-2	N	03-301	27 IR 2570	<b>28 IR 604</b>

### TITLE 865 STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

865 IAC 1-1-1	A	05-82	29 IR 660	*CPH (29 IR 1244) *AROC (29 IR 1383)
865 IAC 1-1-2	A	05-82	29 IR 661	*CPH (29 IR 1244) *AROC (29 IR 1383)
865 IAC 1-2-1	A	05-82	29 IR 661	*CPH (29 IR 1244) *AROC (29 IR 1383)
865 IAC 1-2-2	A	05-82	29 IR 663	*CPH (29 IR 1244) *AROC (29 IR 1383)
865 IAC 1-3-2	A	05-82	29 IR 663	*CPH (29 IR 1244) *AROC (29 IR 1383)
865 IAC 1-4-3	A	05-82	29 IR 663	*CPH (29 IR 1244) *AROC (29 IR 1383)
865 IAC 1-4-6	A	05-82	29 IR 664	*CPH (29 IR 1244) *AROC (29 IR 1383)
865 IAC 1-4-7	A	05-82	29 IR 664	*CPH (29 IR 1244) *AROC (29 IR 1383)
865 IAC 1-4-8	A	05-82	29 IR 664	*CPH (29 IR 1244) *AROC (29 IR 1383)
865 IAC 1-4-9	R	05-82	29 IR 687	*CPH (29 IR 1244) *AROC (29 IR 1383)
865 IAC 1-5-1	A	05-82	29 IR 665	*CPH (29 IR 1244) *AROC (29 IR 1383)
865 IAC 1-5-2	A	05-82	29 IR 665	*CPH (29 IR 1244) *AROC (29 IR 1383)
865 IAC 1-7-1	A	05-82	29 IR 665	*CPH (29 IR 1244) *AROC (29 IR 1383)
865 IAC 1-7-2	A	05-82	29 IR 666	*CPH (29 IR 1244) *AROC (29 IR 1383)
865 IAC 1-7-3	A	05-82	29 IR 666	*CPH (29 IR 1244) *AROC (29 IR 1383)
865 IAC 1-7-4	N	05-82	29 IR 667	*CPH (29 IR 1244) *AROC (29 IR 1383)
865 IAC 1-8-1	A	05-82	29 IR 667	*CPH (29 IR 1244) *AROC (29 IR 1383)
865 IAC 1-9-1	A	05-82	29 IR 668	*CPH (29 IR 1244) *AROC (29 IR 1383)
865 IAC 1-10-11	R	05-82	29 IR 687	*CPH (29 IR 1244) *AROC (29 IR 1383)
865 IAC 1-10-12	A	05-82	29 IR 668	*CPH (29 IR 1244) *AROC (29 IR 1383)
865 IAC 1-10-25	N	05-82	29 IR 668	*CPH (29 IR 1244) *AROC (29 IR 1383)

## Rules Affected by Volumes 28 and 29

865 IAC 1-11-1	A	03-300	27 IR 2570	<b>28 IR 605</b>	865 IAC 1-13-19	A	05-82	29 IR 686	*CPH (29 IR 1244)
	A	04-175	28 IR 1059	<b>28 IR 2390</b>					*AROC (29 IR 1383)
865 IAC 1-12-2	A	05-82	29 IR 668	*CPH (29 IR 1244)	865 IAC 1-14-2	A	05-82	29 IR 686	*CPH (29 IR 1244)
				*AROC (29 IR 1383)					*AROC (29 IR 1383)
865 IAC 1-12-3	A	05-82	29 IR 669	*CPH (29 IR 1244)	865 IAC 1-14-13	A	05-82	29 IR 686	*CPH (29 IR 1244)
				*AROC (29 IR 1383)					*AROC (29 IR 1383)
865 IAC 1-12-4	A	05-82	29 IR 670	*CPH (29 IR 1244)	865 IAC 1-14-14	A	05-82	29 IR 687	*CPH (29 IR 1244)
				*AROC (29 IR 1383)					*AROC (29 IR 1383)
865 IAC 1-12-5	A	05-82	29 IR 670	*CPH (29 IR 1244)	865 IAC 1-14-15	A	05-82	29 IR 687	*CPH (29 IR 1244)
				*AROC (29 IR 1383)					*AROC (29 IR 1383)
865 IAC 1-12-7	A	05-82	29 IR 671	*CPH (29 IR 1244)	865 IAC 1-14-16	A	05-82	29 IR 687	*CPH (29 IR 1244)
				*AROC (29 IR 1383)					*AROC (29 IR 1383)
865 IAC 1-12-8	R	05-82	29 IR 687	*CPH (29 IR 1244)	TITLE 872 INDIANA BOARD OF ACCOUNTANCY				
				*AROC (29 IR 1383)	872 IAC 1-1-6.1	A	04-41	27 IR 2574	<b>28 IR 212</b>
865 IAC 1-12-9	A	05-82	29 IR 672	*CPH (29 IR 1244)		A	04-171	27 IR 4138	<b>28 IR 1182</b>
				*AROC (29 IR 1383)	872 IAC 1-2-1	A	04-290	28 IR 3349	<b>29 IR 1214</b>
865 IAC 1-12-10	A	05-82	29 IR 672	*CPH (29 IR 1244)	872 IAC 1-3-3.3	A	04-98	27 IR 3336	<b>28 IR 605</b>
				*AROC (29 IR 1383)	872 IAC 1-3-16	A	04-5	27 IR 2335	<b>28 IR 211</b>
865 IAC 1-12-12	A	05-82	29 IR 672	*CPH (29 IR 1244)	872 IAC 1-6	N	03-270	27 IR 2571	*AROC (29 IR 1383)
				*AROC (29 IR 1383)					<b>28 IR 966</b>
865 IAC 1-12-13	A	05-82	29 IR 674	*CPH (29 IR 1244)	TITLE 876 INDIANA REAL ESTATE COMMISSION				
				*AROC (29 IR 1383)	876 IAC 1-1-23	A	05-47	28 IR 2807	*CPH (28 IR 3609)
865 IAC 1-12-14	A	05-82	29 IR 675	*CPH (29 IR 1244)					<b>29 IR 1931</b>
				*AROC (29 IR 1383)	876 IAC 1-4-2	A	05-101	28 IR 3658	<b>29 IR 1932</b>
865 IAC 1-12-15	R	05-82	29 IR 687	*CPH (29 IR 1244)	876 IAC 2-18	N	03-256	27 IR 2575	<b>28 IR 213</b>
				*AROC (29 IR 1383)	876 IAC 3-2-7	A	03-255	27 IR 2574	<b>28 IR 212</b>
865 IAC 1-12-16	R	05-82	29 IR 687	*CPH (29 IR 1244)	876 IAC 3-6-2	A	04-225	28 IR 1547	<b>28 IR 2717</b>
				*AROC (29 IR 1383)	876 IAC 3-6-3	A	04-225	28 IR 1548	<b>28 IR 2717</b>
865 IAC 1-12-17	R	05-82	29 IR 687	*CPH (29 IR 1244)	876 IAC 4-1-6	A	05-49	28 IR 2808	*CPH (28 IR 3609)
				*AROC (29 IR 1383)					*ARR (29 IR 1940)
865 IAC 1-12-18	A	05-82	29 IR 676	*CPH (29 IR 1244)					<b>29 IR 2198</b>
				*AROC (29 IR 1383)	876 IAC 4-2-1	A	05-49	28 IR 2809	*ERR (29 IR 2203)
865 IAC 1-12-19	R	05-82	29 IR 687	*CPH (29 IR 1244)					*CPH (28 IR 3609)
				*AROC (29 IR 1383)					*ARR (29 IR 1940)
865 IAC 1-12-20	A	05-82	29 IR 677	*CPH (29 IR 1244)					<b>29 IR 2198</b>
				*AROC (29 IR 1383)	876 IAC 4-3	N	05-49	28 IR 2809	*ERR (29 IR 2203)
865 IAC 1-12-21	A	05-82	29 IR 677	*CPH (29 IR 1244)					*CPH (28 IR 3609)
				*AROC (29 IR 1383)					*ARR (29 IR 1940)
865 IAC 1-12-22	A	05-82	29 IR 678	*CPH (29 IR 1244)					<b>29 IR 2199</b>
				*AROC (29 IR 1383)	TITLE 878 HOME INSPECTORS LICENSING BOARD				
865 IAC 1-12-23	A	05-82	29 IR 679	*CPH (29 IR 1244)	878 IAC	N	04-191	28 IR 1060	*CPH (28 IR 1197)
				*AROC (29 IR 1383)					*AROC (28 IR 1560)
865 IAC 1-12-24	A	05-82	29 IR 679	*CPH (29 IR 1244)					<b>28 IR 2718</b>
				*AROC (29 IR 1383)	TITLE 879 MANUFACTURED HOME INSTALLER LICENSING BOARD				
865 IAC 1-12-25	A	05-82	29 IR 680	*CPH (29 IR 1244)	879 IAC	N	04-272	28 IR 1549	<b>28 IR 2981</b>
				*AROC (29 IR 1383)					
865 IAC 1-12-26	R	05-82	29 IR 687	*CPH (29 IR 1244)	TITLE 880 SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD				
				*AROC (29 IR 1383)	880 IAC 1-1-1	A	05-224	29 IR 2359	
865 IAC 1-12-27	A	05-82	29 IR 681	*CPH (29 IR 1244)	880 IAC 1-1-1.5	N	05-224	29 IR 2359	
				*AROC (29 IR 1383)	880 IAC 1-1-2	A	05-224	29 IR 2359	
865 IAC 1-12-28	A	05-82	29 IR 681	*CPH (29 IR 1244)	880 IAC 1-1-2.5	N	05-224	29 IR 2360	
				*AROC (29 IR 1383)	880 IAC 1-1-3.1	A	05-224	29 IR 2361	
865 IAC 1-12-29	A	05-82	29 IR 682	*CPH (29 IR 1244)	880 IAC 1-1-5	A	05-224	29 IR 2362	
				*AROC (29 IR 1383)	880 IAC 1-1-6	A	05-224	29 IR 2362	
865 IAC 1-12-30	N	05-82	29 IR 682	*CPH (29 IR 1244)	880 IAC 1-2.1-1	A	05-224	29 IR 2363	
				*AROC (29 IR 1383)	880 IAC 1-2.1-2	A	05-224	29 IR 2363	
865 IAC 1-13-2	A	05-82	29 IR 684	*CPH (29 IR 1244)	880 IAC 1-2.1-3	A	05-224	29 IR 2363	
				*AROC (29 IR 1383)	880 IAC 1-2.1-3.1	N	05-224	29 IR 2364	
865 IAC 1-13-5	A	05-82	29 IR 684	*CPH (29 IR 1244)	880 IAC 1-2.1-4	A	05-224	29 IR 2364	
				*AROC (29 IR 1383)	880 IAC 1-2.1-4.1	N	05-224	29 IR 2365	
865 IAC 1-13-7	A	05-82	29 IR 685	*CPH (29 IR 1244)	880 IAC 1-2.1-6	A	05-224	29 IR 2365	
				*AROC (29 IR 1383)	880 IAC 1-2.1-7	A	05-224	29 IR 2365	
865 IAC 1-13-8	A	05-82	29 IR 685	*CPH (29 IR 1244)	880 IAC 1-2.1-8	A	05-224	29 IR 2366	
				*AROC (29 IR 1383)	880 IAC 1-2.1-9	A	05-224	29 IR 2366	
865 IAC 1-13-10	A	05-82	29 IR 685	*CPH (29 IR 1244)					
				*AROC (29 IR 1383)					
865 IAC 1-13-11	A	05-82	29 IR 686	*CPH (29 IR 1244)					
				*AROC (29 IR 1383)					

## Rules Affected by Volumes 28 and 29

880 IAC 1-2.1-10	A	05-224	29 IR 2368		N	04-266	*ETR (28 IR 614)
880 IAC 1-3.1-1	A	05-224	29 IR 2368		N	04-280	*ETR (28 IR 972)
880 IAC 1-3.1-3	A	05-224	29 IR 2368		N	04-281	*ETR (28 IR 973)
TITLE 888 INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS					N	04-282	*ETR (28 IR 974)
888 IAC 1.1-5-3	N	05-185	29 IR 688	<b>29 IR 2201</b>	N	04-301	*ETR (28 IR 1186)
888 IAC 1.1-6-1	A	04-74	27 IR 2875	<b>28 IR 606</b>	N	04-302	*ETR (28 IR 1187)
	A	04-137	27 IR 3704	<b>28 IR 607</b>	N	04-303	*ETR (28 IR 1188)
888 IAC 1.1-8-3	A	04-295	28 IR 1859	<b>28 IR 3581</b>	N	04-304	*ETR (28 IR 1189)
TITLE 898 INDIANA ATHLETIC TRAINERS BOARD					N	04-305	*ETR (28 IR 1191)
898 IAC 1-1-2.4	RA	05-13	28 IR 2460	<b>29 IR 144</b>	N	04-306	*ETR (28 IR 1192)
898 IAC 1-1-4.5	RA	05-13	28 IR 2460	<b>29 IR 144</b>	N	04-326	*ETR (28 IR 1488)
898 IAC 1-1-10	RA	05-13	28 IR 2460	<b>29 IR 144</b>	N	04-327	*ETR (28 IR 1489)
TITLE 905 ALCOHOL AND TOBACCO COMMISSION					N	04-328	*ETR (28 IR 1491)
905 IAC 1-5.2-9.2	A	04-111	27 IR 3337	*AROC (28 IR 1561)	N	04-331	*ETR (28 IR 1495)
905 IAC 1-15.2-3	A	04-110	27 IR 3337	*AWR (28 IR 1486)	N	04-332	*ETR (28 IR 1496)
905 IAC 1-26-3	N	04-112	27 IR 3338	*AROC (28 IR 1562)	N	05-6	*ETR (28 IR 1698)
905 IAC 1-42	RA	05-180		<b>29 IR 1382</b>	N	05-7	*ETR (28 IR 1701)
905 IAC 1-43	RA	04-14	27 IR 2579	*CPH (27 IR 3096)	N	05-8	*ETR (28 IR 1702)
				<b>28 IR 1316</b>	N	05-9	*ETR (28 IR 1704)
905 IAC 1-44	RA	04-109	27 IR 3343	<b>28 IR 1316</b>	N	05-10	*ETR (28 IR 1704)
905 IAC 1-45-2	A	03-319	27 IR 2576	*CPH (27 IR 3096)	N	05-16	*ETR (28 IR 1708)
				*AROC (28 IR 1317)	N	05-17	*ETR (28 IR 1709)
				<b>28 IR 1484</b>	N	05-29	*ETR (28 IR 2143)
905 IAC 1-45-3	A	03-319	27 IR 2576	*CPH (27 IR 3096)	N	05-30	*ETR (28 IR 2144)
				*AROC (28 IR 1317)	N	05-31	*ETR (28 IR 2145)
				<b>28 IR 1484</b>	N	05-33	*ETR (28 IR 2150)
905 IAC 1-46	N	03-279	27 IR 1291	*ARR (27 IR 4024)	N	05-34	*ETR (28 IR 2152)
				*AROC (27 IR 4141)	N	05-61	*ETR (28 IR 2395)
				<b>28 IR 969</b>	N	05-62	*ETR (28 IR 2397)
905 IAC 1-48	N	04-115	27 IR 3339	*AROC (28 IR 1562)	N	05-63	*ETR (28 IR 2398)
TITLE 910 CIVIL RIGHTS COMMISSION					N	05-64	*ETR (28 IR 2399)
910 IAC 3	RA	05-153		<b>29 IR 897</b>	N	05-65	*ETR (28 IR 2401)
NONCODE RULES					N	05-96	*ETR (28 IR 2740)
Boiler and Pressure Vessel Rules Board					N	05-97	*ETR (28 IR 2742)
	R	04-37		*ETR (29 IR 1578)	N	05-98	*ETR (28 IR 2743)
	A	06-6		*ETR (29 IR 1578)	N	05-158	*ETR (28 IR 3311)
Family and Social Services, Office of the Secretary of					N	05-160	*ETR (28 IR 3315)
	A	04-246		*ETR (28 IR 230)	N	05-169	*ETR (28 IR 3316)
	A	05-283		*ETR (29 IR 573)	N	05-170	*ETR (28 IR 3318)
	N	05-337		*ETR (29 IR 1224)	N	05-186	*ETR (28 IR 3589)
	N	05-361		*ETR (29 IR 1577)	N	05-187	*ETR (28 IR 3590)
	N	05-362		*ETR (29 IR 1578)	N	05-204	*ETR (28 IR 3590)
	N	06-50		*ETR (29 IR 2228)	N	05-205	*ETR (28 IR 3592)
Gaming Commission, Indiana					N	05-206	*ETR (28 IR 3594)
	N	05-84		*ETR (28 IR 2744)	N	05-207	*ETR (28 IR 3595)
	N	05-202		*ETR (28 IR 3599)	N	05-208	*ETR (28 IR 3596)
Health, Indiana State Department of					N	05-238	*ETR (29 IR 33)
	N	05-326		*ETR (29 IR 1235)	N	05-239	*ETR (29 IR 34)
	N	05-327		*ETR (29 IR 1238)	N	05-240	*ETR (29 IR 34)
	N	06-20		*ETR (29 IR 1959)	N	05-241	*ETR (29 IR 37)
	N	06-73		*ETR (29 IR 2237)	N	05-242	*ETR (29 IR 38)
	N	06-74		*ETR (29 IR 2240)	N	05-243	*ETR (29 IR 40)
Lottery Commission, State					N	05-278	*ETR (29 IR 557)
	N	04-238		*ETR (28 IR 217)	N	05-279	*ETR (29 IR 558)
	N	04-239		*ETR (28 IR 218)	N	05-280	*ETR (29 IR 559)
	N	04-240		*ETR (28 IR 219)	N	05-281	*ETR (29 IR 561)
	N	04-242		*ETR (28 IR 223)	N	05-282	*ETR (29 IR 562)
	N	04-243		*ETR (28 IR 224)	N	05-292	*ETR (29 IR 563)
	N	04-244		*ETR (28 IR 226)	N	05-298	*ETR (29 IR 565)
	R	04-249		*ETR (28 IR 227)	N	05-299	*ETR (29 IR 566)
	N	04-250		*ETR (28 IR 227)	N	05-301	*ETR (29 IR 568)
	N	04-251		*ETR (28 IR 228)	N	05-302	*ETR (29 IR 569)
	N	04-265		*ETR (28 IR 613)	N	05-303	*ETR (29 IR 569)
					N	05-304	*ETR (29 IR 570)
					N	05-305	*ETR (29 IR 571)
					N	05-306	*ETR (29 IR 822)
					N	05-309	*ETR (29 IR 823)
					N	05-310	*ETR (29 IR 824)
					N	05-333	*ETR (29 IR 1218)

## Rules Affected by Volumes 28 and 29

N	05-334	*ETR (29 IR 1219)	N	06-25	*ETR (29 IR 1958)
N	05-335	*ETR (29 IR 1220)	N	06-51	*ETR (29 IR 2228)
N	05-336	*ETR (29 IR 1221)	Personnel Department, State		
N	05-342	*ETR (29 IR 1222)	N	05-289	*ETR (29 IR 550)
N	05-343	*ETR (29 IR 1223)	Revenue, Department of State		
N	05-353	*ETR (29 IR 1563)	N	05-188	*ETR (28 IR 3585)
N	05-354	*ETR (29 IR 1565)	N	05-273	*ETR (29 IR 551)
N	05-355	*ETR (29 IR 1566)	Tax Review, Indiana Board of		
N	05-356	*ETR (29 IR 1568)	N	04-261	*ETR (28 IR 612)
N	05-357	*ETR (29 IR 1570)	N	04-330	*ETR (28 IR 1487)
N	05-358	*ETR (29 IR 1570)	N	05-54	*ETR (28 IR 2394)
N	05-364	*ETR (29 IR 1571)	N	05-172	*ETR (28 IR 3310)
N	06-2	*ETR (29 IR 1574)	N	05-277	*ETR (29 IR 555)
N	06-3	*ETR (29 IR 1575)	*Key:		
N	06-15	*ETR (29 IR 1942)			
N	06-16	*ETR (29 IR 1943)	A:	Amended Text	
N	06-21	*ETR (29 IR 1946)	AGA:	Attorney General's Action	
N	06-22	*ETR (29 IR 1946)	AROC:	Administrative Rules Oversight Committee Notice	
N	06-26	*ETR (29 IR 1947)	ARR:	Agency Recalls Rule	
N	06-27	*ETR (29 IR 1948)	AWR:	Agency Withdrew Rule	
N	06-28	*ETR (29 IR 1950)	CPH:	Change in Public Hearing	
N	06-61	*ETR (29 IR 1952)	DAG:	Disapproved by Attorney General	
N	06-62	*ETR (29 IR 1953)	DG:	Disapproved by Governor	
N	06-52	*ETR (29 IR 2206)	ER:	Emergency Rule	
N	06-53	*ETR (29 IR 2206)	ERR:	Errata	
Natural Resources Commission			ETR:	Emergency Temporary Rule	
			ETS:	Emergency Temporary Standard	
R	03-341	*ETR (28 IR 615)	GRAT:	Governor Requires Additional Time	
R	04-153	*ETR (28 IR 230)	N:	New Text	
R	04-183	*ETR (28 IR 230)	NRA:	Notice of Rule Adoption	
N	04-205	*ERR (28 IR 214)	OAC:	Objection to Errata	
R	04-245	*ETR (28 IR 230)	ON:	Other Notices of Administrative Action	
		*ERR (28 IR 214)	R:	Repealed Text	
R	04-247	*ETR (28 IR 230)	RA:	Readopted Rule	
R	04-257	*ETR (28 IR 615)	SAC:	Solicitation of Advance Comment	
N	04-258	*ETR (28 IR 615)	SPE:	Statutory Period for Promulgation Expired	
N	04-259	*ETR (28 IR 615)	SPE-SE:	Statutory Period for Promulgation Expired; Signed After	
N	04-260	*ETR (28 IR 616)		Expiration	
N	04-262	*ETR (28 IR 616)	††:	Renumbered or Added in Final Rule	
N	04-264	*ETR (28 IR 616)			
N	04-285	*ETR (28 IR 981)			
N	04-307	*ETR (28 IR 1192)			
N	04-308	*ETR (28 IR 1194)			
N	04-314	*ETR (28 IR 1194)			
N	04-315	*ETR (28 IR 1195)			
N	05-44	*ETR (28 IR 2402)			
N	05-52	*ETR (28 IR 2402)			
N	05-53	*ETR (28 IR 2403)			
N	05-56	*ETR (28 IR 2403)			
N	05-59	*ETR (28 IR 2405)			
N	05-131	*ETR (28 IR 2994)			
N	05-132	*ETR (28 IR 2994)			
N	05-135	*ETR (28 IR 2994)			
N	05-148	*ETR (28 IR 2994)			
N	05-173	*ETR (28 IR 3319)			
N	05-176	*ETR (28 IR 3601)			
N	05-203	*ETR (28 IR 3604)			
N	05-210	*ETR (28 IR 3605)			
N	05-211	*ETR (28 IR 3606)			
N	05-212	*ETR (28 IR 3608)			
		*ERR (28 IR 3582)			
N	05-227	*ETR (29 IR 50)			
N	05-307	*ETR (29 IR 830)			
R	05-307	*ETR (29 IR 1958)			
N	05-308	*ETR (29 IR 830)			
N	05-317	*ETR (29 IR 831)			
R	05-317	*ETR (29 IR 1958)			
N	05-363	*ETR (29 IR 1577)			
N	06-17	*ETR (29 IR 1956)			
N	06-23	*ETR (29 IR 1957)			

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

\*The index is cumulative for all proposed and final rulemaking actions published after September 1, 2004. Final rules published before that date have been incorporated into the 2005 edition of the Indiana Administrative Code. Indiana Register citations in roman type are to the volume and page on which the proposed version of the rule appears. Entries in **bold type** indicate the page on which a final rule filed with the Secretary of State appears.

**ACCOUNTANCY, INDIANA BOARD OF**

**GENERAL PROVISIONS**

Code of Professional Conduct

Rules of professional conduct; applicability  
872 IAC 1-2-1 28 IR 3348  
**29 IR 1214**

Permits to Practice; Continuing Education

College courses as CPE  
872 IAC 1-3-3.3 27 IR 3336  
**28 IR 605**

Prorated continuing education requirements  
for holders of certificates granted during a  
reporting period  
872 IAC 1-3-16 27 IR 2335  
**28 IR 211**

Quality Review

872 IAC 1-6 27 IR 2571  
**28 IR 966**

Requirements for Certification, Licensure, and  
Registration

Educational requirements  
872 IAC 1-1-6.1 27 IR 2574  
**28 IR 212**  
27 IR 4138  
**28 IR 1182**

**ADMINISTRATION, INDIANA DEPARTMENT OF**

**EXECUTIVE BRANCH LOBBYISTS**

25 IAC 6 28 IR 3328  
**29 IR 1202**

**MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

Certification Standards

Application for certification as an MBE or a  
WBE  
25 IAC 5-3-2 28 IR 2761  
**29 IR 450**

Control determinations

25 IAC 5-3-5 28 IR 2762  
**29 IR 451**

Other factors considered for certification

25 IAC 5-3-6 28 IR 2764  
**29 IR 453**

MBE and WBE Participation in Procurement  
and Contracting; Subcontractors

Monitoring MBE and WBE participation as  
subcontractors  
25 IAC 5-6-2 28 IR 2766  
**29 IR 455**

Procedures Governing Denial of Application for  
Certification or Revocation of Certification as  
an MBE or a WBE

Review of determinations by the department  
regarding certification as an MBE or a  
WBE  
25 IAC 5-4-2 28 IR 2766  
**29 IR 455**

Revocation of an enterprise's certification as  
an MBE or a WBE

25 IAC 5-4-1 28 IR 2765  
**29 IR 454**

**PUBLIC WORKS DIVISION**

Acceptance of Project and Final Payment

Final project review; final billing  
25 IAC 2-10-1 29 IR 1591

Application of Designers

Certification in field of architecture; staff  
requirements  
25 IAC 2-18-2 29 IR 1595

Certification in fields of professional engineering; certification in related nonlicensed  
fields  
25 IAC 2-18-3 29 IR 1595

Certification of other nonlicensed fields  
25 IAC 2-18-4 29 IR 1596

Prequalification renewal; prequalification  
booklet submission  
25 IAC 2-18-1 29 IR 1595

Application of Foreign (Out-of-State) Corporations

Supplemental documentation for out-of-state  
corporations  
25 IAC 2-17-7 29 IR 1595

Approval of Partial Payments

Nonpayment of subcontractors; documenta-  
tion of nonpayment; procedure  
25 IAC 2-9-3 29 IR 1591

Approved Contractors List and Contractors  
Qualifications

Application for prequalification approval as  
precondition to bidding  
25 IAC 2-4-2 29 IR 1589

List of prequalified contractors

25 IAC 2-4-1 29 IR 1589

Subcontractors' prequalification as precondition  
to starting work  
25 IAC 2-4-3 29 IR 1589

Approved Designer List and Selection of Designer

Designer's duty to assure a bid within budget  
25 IAC 2-3-6 29 IR 1588

Fee proposals for design work; selection  
procedure for alternate contract designer  
25 IAC 2-3-4 29 IR 1588

List of prequalified designers

25 IAC 2-3-1 29 IR 1588

Selection procedure for contract designers;  
qualifications; limitations on subcontractors  
25 IAC 2-3-3 29 IR 1588

Certification Board; Authority

Certification; construction of article 2  
25 IAC 2-12-1 29 IR 1591

Certification Board; Organization

Certification board meetings  
25 IAC 2-13-4 29 IR 1592

Chairperson

25 IAC 2-13-3 29 IR 1592

Files; space allocation

25 IAC 2-13-1 29 IR 1592

Quorum; majority

25 IAC 2-13-5 29 IR 1592

Certification Board; Purposes

Certification board approval; certification of  
qualification  
25 IAC 2-14-2 29 IR 1593

Prequalification denial; eligibility for projects  
under \$150,000  
25 IAC 2-14-3 29 IR 1593

Purposes of the certification board; contrac-  
tor's prequalification approval  
25 IAC 2-14-1 29 IR 1592

Definitions

Definitions  
25 IAC 2-2-1 29 IR 1587

General Prequalification Procedures and Re-  
quirements

Effect of failure to meet qualifications  
25 IAC 2-16-5 29 IR 1594

Fees

25 IAC 2-16-9 29 IR 1594

Limited prequalification; term

25 IAC 2-16-2 29 IR 1593

Prequalification application

25 IAC 2-16-4 29 IR 1594

Prequalification expiration period; 60 day  
certificate extension  
25 IAC 2-16-3 29 IR 1593

Prequalification suspension; denial, revoca-  
tion; sanctions; grounds  
25 IAC 2-16-7 29 IR 1594

Inspection of Construction

Construction inspection duties; designer's  
rights to approve design changes and inter-  
pretation  
25 IAC 2-8-1 29 IR 1591

Prequalification and Bidding

Certificate of qualification required for pro-  
ject bids over \$150,000  
25 IAC 2-15-1 29 IR 1593

Subcontractor's prequalification

25 IAC 2-15-4 29 IR 1593

Receipt and Acceptance of Bids

Bid preparation and submittal requirements  
25 IAC 2-6-2 29 IR 1590

Bidder's prequalification review by executive  
secretary; bid acceptance conditions  
25 IAC 2-6-3 29 IR 1590

Contract bid award criteria; rejection or  
waiver of nonconforming bids  
25 IAC 2-6-5 29 IR 1590

Scope of Activities

New construction requisitions; public works  
division's duties  
25 IAC 2-1-1 29 IR 1586

Public works division duties; building reha-  
bilitation, alteration, repair; preventive  
maintenance program  
25 IAC 2-1-2 29 IR 1586

Solicitation of Bids

Projects between \$75,000 and \$150,000;  
criteria for bidding  
25 IAC 2-5-2 29 IR 1589

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Projects less than \$75,000; criteria for bid exemption 25 IAC 2-5-1	29 IR 1589	Initial and refresher training courses; qualifications for approval 326 IAC 18-2-6	26 IR 2096 <b>28 IR 111</b>	Reporting requirements 326 IAC 14-8-5	26 IR 2069 <b>28 IR 84</b>
Projects over \$150,000; criteria for bidding; wage determination 25 IAC 2-5-3	29 IR 1590	Initial training course requirements 326 IAC 18-2-3	26 IR 2089 <b>28 IR 104</b>	Test methods and procedures 326 IAC 14-8-3	26 IR 2068 <b>28 IR 83</b>
STATE PROCUREMENT			27 IR 3136 <b>28 IR 2030</b>	Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene Applicability; incorporation by reference of federal standards 326 IAC 14-7-1	26 IR 2068 <b>28 IR 83</b>
General Provisions		EMISSION LIMITATIONS FOR SPECIFIC TYPE OF OPERATIONS		Emission Standard for Mercury Applicability; incorporation by reference of federal standards 326 IAC 14-5-1	26 IR 2068 <b>28 IR 82</b>
Competitive sealed proposals; clarification 25 IAC 1.1-1-6=7	29 IR 1971	Coke Oven Batteries		General Provisions	
Competitive sealed proposals; public inspection 25 IAC 1.1-1-6	29 IR 1971	Compliance determination 326 IAC 11-3-4	26 IR 2060 <b>28 IR 74</b>	Applicability 326 IAC 14-1-1	26 IR 2066 <b>28 IR 81</b>
Qualifications and duties of bidders, offerors, and prospective contractors; determination of nonresponsible bidder 25 IAC 1.1-1-14	29 IR 1972	Municipal Waste Combustors		Definitions 326 IAC 14-1-2	26 IR 2067 <b>28 IR 81</b>
Types of contracts; prohibited contracts 25 IAC 1.1-1-16	29 IR 1972	Applicability 326 IAC 11-7-1	26 IR 2061 <b>28 IR 75</b>	GENERAL PROVISIONS	
<b>AIR POLLUTION CONTROL BOARD</b>		EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS		Ambient Air Quality Standards	
<b>ASBESTOS MANAGEMENT</b>		Emission Limitations for Benzene from Furnace Coke Oven By-Product Plants		Ambient air quality standards 326 IAC 1-3-4	27 IR 3121 <b>28 IR 1471</b> 29 IR 633 <b>29 IR 2179</b>
Asbestos Management Personnel; Licensing		Equipment leaks 326 IAC 14-9-5	26 IR 2070 <b>28 IR 84</b>		
Applicability 326 IAC 18-1-1	27 IR 3128 <b>28 IR 2022</b>	Record keeping and reporting requirements 326 IAC 14-9-9	26 IR 2071 <b>28 IR 86</b>	Definitions	
Asbestos license; application 326 IAC 18-1-5	26 IR 2086 <b>28 IR 101</b> 27 IR 3132 <b>28 IR 2026</b>	Test methods and procedures 326 IAC 14-9-8	26 IR 2071 <b>28 IR 85</b>	"Hazardous air pollutant" or "HAP" defined 326 IAC 1-2-33.5	28 IR 3005 <b>29 IR 795</b> 29 IR 2288
Asbestos license; qualifications 326 IAC 18-1-4	27 IR 3131 <b>28 IR 2025</b>	Emission Standards for Asbestos; Demolition and Renovation Operations		"Nonphotochemically reactive hydrocarbons" or "negligibly photochemically reactive compounds" defined 326 IAC 1-2-48	28 IR 3005 <b>29 IR 796</b>
Asbestos license; revocation; denial 326 IAC 18-1-7	26 IR 2087 <b>28 IR 102</b>	Applicability 326 IAC 14-10-1	26 IR 2072 <b>28 IR 87</b>	"Particulate matter" defined 326 IAC 1-2-52	27 IR 3120 <b>28 IR 1471</b>
Definitions 326 IAC 18-1-2	26 IR 2084 <b>28 IR 99</b> 27 IR 3128 <b>28 IR 2022</b>	Definitions 326 IAC 14-10-2	26 IR 2074 <b>28 IR 88</b>	"PM <sub>2.5</sub> " defined 326 IAC 1-2-52.2	27 IR 3120 <b>28 IR 1471</b>
General provisions 326 IAC 18-1-3	27 IR 3130 <b>28 IR 2024</b>	Notification requirements 326 IAC 14-10-3	26 IR 2076 <b>28 IR 91</b>	"PM <sub>10</sub> " defined 326 IAC 1-2-52.4	27 IR 3121 <b>28 IR 1471</b>
License fee; application fee 326 IAC 18-1-9	27 IR 3134 <b>28 IR 2028</b>	Procedures for asbestos emission control 326 IAC 14-10-4	26 IR 2078 <b>28 IR 93</b>	"Reconstruction" defined 326 IAC 1-2-65	26 IR 1997 <b>28 IR 18</b>
License requirements for contractors performing asbestos projects 326 IAC 18-1-8	26 IR 2088 <b>28 IR 103</b>	Emission Standard for Beryllium		"Total suspended particulate" or "TSP" defined 326 IAC 1-2-82.5	27 IR 3121 <b>28 IR 1471</b>
Renewal of asbestos license 326 IAC 18-1-6	27 IR 3133 <b>28 IR 2027</b>	Applicability; incorporation by reference of federal standards 326 IAC 14-3-1	26 IR 2067 <b>28 IR 82</b>	"Volatile organic compound" or "VOC" defined 326 IAC 1-2-90	26 IR 1998 <b>28 IR 18</b> 28 IR 3006 <b>29 IR 796</b>
Asbestos Training Courses; Requirements for Approval		Emission Standard for Beryllium Rocket Motor			
Definitions 326 IAC 18-2-2	26 IR 2088 <b>28 IR 103</b> 27 IR 3134 <b>28 IR 2028</b>	Firing			
Initial and refresher training courses; application for approval 326 IAC 18-2-7	26 IR 2097 <b>28 IR 112</b>	Applicability; incorporation by reference of federal standards 326 IAC 14-4-1	26 IR 2067 <b>28 IR 82</b>		
		Emission Standard for Equipment Leaks (Fugitive Emission Sources)			
		Applicability 326 IAC 14-8-1	26 IR 2068 <b>28 IR 83</b>		
		Record keeping requirements 326 IAC 14-8-4	26 IR 2069 <b>28 IR 84</b>		



CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Nonattainment/attainment/unclassifiable Area Designations for Sulfur Dioxide; Total Suspended Particulates, Carbon Monoxide; Ozone; and Nitrogen Dioxides Designations	27 IR 3606	Industrial, Commercial, and Institutional Boilers and Process Heaters	29 IR 2284	Stationary Reciprocating Internal Combustion Engines	28 IR 997
326 IAC 1-4-1	<b>28 IR 1182</b>	326 IAC 20-95		326 IAC 20-82	<b>28 IR 2966</b>
	29 IR 2287	Integrated Iron and Steel Manufacturing	28 IR 1817	Surface Coating of Automobiles and Light-Duty Trucks	28 IR 998
Provisions Applicable Throughout Title 326		326 IAC 20-93	<b>28 IR 3551</b>	326 IAC 20-85	<b>28 IR 2967</b>
Credible evidence	28 IR 248	Iron and Steel Foundries	28 IR 1817	Surface Coating of Large Appliances	27 IR 2322
326 IAC 1-1-6	<b>28 IR 2046</b>	326 IAC 20-92	<b>28 IR 3550</b>	326 IAC 20-63	<b>28 IR 121</b>
References to the Code of Federal Regulations	26 IR 1997	Lime Manufacturing Plants	28 IR 1816	Surface Coating of Metal Cans	28 IR 999
326 IAC 1-1-3	<b>28 IR 17</b>	326 IAC 20-91	<b>28 IR 3550</b>	326 IAC 20-86	<b>28 IR 2967</b>
	28 IR 1815	Mercury Cell Chlor-Alkali Plants	28 IR 1817	Surface Coating of Metal Coil	27 IR 2322
	<b>29 IR 795</b>	326 IAC 20-94	<b>28 IR 3551</b>	326 IAC 20-64	<b>28 IR 121</b>
	29 IR 632	Miscellaneous Coating Manufacturing	28 IR 999	Surface Coating of Metal Furniture	27 IR 3170
References to the Compilation of Air Pollution Emission Factors AP-42 and Supplements	26 IR 1997	326 IAC 20-88	<b>28 IR 2968</b>	326 IAC 20-78	<b>28 IR 2045</b>
326 IAC 1-1-3.5	<b>28 IR 17</b>	Miscellaneous Organic Chemical Manufacturing	28 IR 998	Surface Coating of Miscellaneous Metal Parts and Products	29 IR 2279
	28 IR 1815	326 IAC 20-84	<b>28 IR 2967</b>	326 IAC 20-80	29 IR 2280
	<b>29 IR 795</b>	Municipal Solid Waste Landfills	27 IR 2323	326 IAC 20-81	27 IR 2280
HAZARDOUS AIR POLLUTANTS		326 IAC 20-67	<b>28 IR 122</b>	Surface Coating of Wood Building Products	27 IR 3170
Amino and Phenolic Resins	27 IR 1619	Organic Liquid Distribution (Non-Gasoline)	28 IR 998	326 IAC 20-79	<b>28 IR 2045</b>
326 IAC 20-58	<b>28 IR 119</b>	326 IAC 20-83	<b>28 IR 2967</b>		
Asphalt Processing and Asphalt Roofing	27 IR 3168	Paper and Other Web Coating	27 IR 2322	LEAD-BASED PAINT PROGRAM	
326 IAC 20-71	<b>28 IR 2043</b>	326 IAC 20-65	<b>28 IR 121</b>	Definitions	
Brick and Structural Clay Products	27 IR 3169	Pharmaceutical Production	27 IR 1618	"Hazardous waste" defined	26 IR 2099
326 IAC 20-72	<b>28 IR 2043</b>	326 IAC 20-57	<b>28 IR 119</b>	326 IAC 23-1-31	<b>28 IR 114</b>
Clay Ceramics Manufacturing	27 IR 3169	Polyether Polyols Production	27 IR 1619	LEAD RULES	
326 IAC 20-73	<b>28 IR 2044</b>	326 IAC 20-59	<b>28 IR 119</b>	Lead Emissions Limitations	
Coke Ovens: Pushing, Quenching, and Battery Stacks	27 IR 3169	Polyvinyl Chloride and Copolymers Production	27 IR 2323	Compliance	26 IR 2083
326 IAC 20-74	<b>28 IR 2044</b>	326 IAC 20-69	<b>28 IR 122</b>	326 IAC 15-1-4	<b>28 IR 98</b>
Emissions from Reinforced Plastics Composites		Printing, Coating, and Dyeing of Fabrics and Other Textiles	27 IR 3170	Source-specific provisions	26 IR 2080
Fabricating Emission Units	27 IR 3123	326 IAC 20-77	<b>28 IR 2045</b>	326 IAC 15-1-2	<b>28 IR 95</b>
Applicability	<b>28 IR 2017</b>	Refractory Products Manufacturing	27 IR 1619	MOBILE SOURCE RULES	
326 IAC 20-25-1		326 IAC 20-62	<b>28 IR 120</b>	Transportation Conformity to Federal and State Implementation Plan	
Definitions	27 IR 3124	Reinforced Plastic Composites Production	27 IR 3126	Applicability; incorporation by reference of federal standards	28 IR 3007
326 IAC 20-25-2	<b>28 IR 2018</b>	326 IAC 20-56	<b>28 IR 2020</b>	326 IAC 19-2-1	<b>29 IR 797</b>
Engine Test Cells/Stands	27 IR 3169	Secondary Aluminum	27 IR 1620	MONITORING REQUIREMENTS	
326 IAC 20-75	<b>28 IR 2044</b>	326 IAC 20-70	<b>28 IR 120</b>	Compliance Assurance Monitoring Requirements	29 IR 1254
Flexible Polyurethane Foam Fabrication Operations	27 IR 2323	Semiconductor Manufacturing	27 IR 1619	326 IAC 3-8	
326 IAC 20-66	<b>28 IR 122</b>	326 IAC 20-61	<b>28 IR 120</b>	Continuous Monitoring of Emissions	
Friction Material Manufacturing Facilities	27 IR 2323	Site Remediation	28 IR 999	Minimum performance and operating specifications	26 IR 2017
326 IAC 20-68	<b>28 IR 122</b>	326 IAC 20-87	<b>28 IR 2967</b>	326 IAC 3-5-2	<b>28 IR 32</b>
Hydrochloric Acid Production	27 IR 3169	Solvent Extraction for Vegetable Oil Production	27 IR 1619	Monitor system certification	26 IR 2019
326 IAC 20-76	<b>28 IR 2044</b>	326 IAC 20-60	<b>28 IR 119</b>	326 IAC 3-5-3	<b>28 IR 33</b>
Hydrochloric Acid Steel Pickling and Regeneration Plants	29 IR 635	Stationary Combustion Turbines	28 IR 1816	Quality assurance requirements	26 IR 2020
326 IAC 20-29		326 IAC 20-90	<b>28 IR 3550</b>	326 IAC 3-5-5	<b>28 IR 34</b>
				Standard operating procedures	26 IR 2019
				326 IAC 3-5-4	<b>28 IR 34</b>

# Index

Fuel Sampling and Analysis Procedures		Definitions		PERMIT REVIEW RULES	
Coal sampling and analysis methods		326 IAC 10-4-2		Construction of New Sources	
326 IAC 3-7-2	26 IR 2024			Exemption	
	<b>28 IR 38</b>	Individual opt-ins		326 IAC 2-5.1-1	
Fuel oil sampling; analysis methods		326 IAC 10-4-13		27 IR 3144	
326 IAC 3-7-4	26 IR 2025			<b>28 IR 791</b>	
	<b>28 IR 39</b>	NO <sub>x</sub> allowance allocations		Registrations	
General Provisions		326 IAC 10-4-9		326 IAC 2-5.1-2	
Conversion factors				27 IR 3145	
326 IAC 3-4-3	26 IR 2016			<b>28 IR 791</b>	
	<b>28 IR 31</b>	NO <sub>x</sub> allowance banking		Emission Reporting	
Definitions		326 IAC 10-4-14		Applicability	
326 IAC 3-4-1	26 IR 2016			326 IAC 2-6-1	
	<b>28 IR 30</b>	Retired unit exemption		29 IR 1255	
Source Sampling Procedures		326 IAC 10-4-3		Compliance schedule	
Applicability; test procedures				326 IAC 2-6-3	
326 IAC 3-6-1	26 IR 2022			29 IR 1256	
	<b>28 IR 36</b>	Nitrogen Oxides Control in Clark and Floyd Counties		Requirements	
Emission testing		Compliance procedures		326 IAC 2-6-4	
326 IAC 3-6-3	26 IR 2022	326 IAC 10-1-5		29 IR 1257	
	<b>28 IR 37</b>	26 IR 2059		Federally Enforceable State Operating Permit Program	
Specific testing procedures; particulate matter; sulfur dioxide; nitrogen oxides; volatile organic compounds		<b>28 IR 73</b>		Permit application	
326 IAC 3-6-5	26 IR 2023	Definitions		326 IAC 2-8-3	
	<b>28 IR 37</b>	326 IAC 10-1-2		26 IR 2008	
MOTOR VEHICLE EMISSION AND FUEL STANDARDS				<b>28 IR 22</b>	
Motor Vehicle Inspection and Maintenance Requirements		Emissions limits		Minor Source Operating Permit Program	
Definitions		326 IAC 10-1-4		Applicability	
326 IAC 13-1.1-1	26 IR 2062	26 IR 2057		326 IAC 2-6.1-2	
	<b>28 IR 76</b>	<b>28 IR 71</b>		27 IR 3149	
Facility and testing requirements		Emissions monitoring		<b>28 IR 795</b>	
326 IAC 13-1.1-14	26 IR 2065	326 IAC 10-1-6		Application requirements	
	<b>28 IR 80</b>	<b>28 IR 74</b>		326 IAC 2-6.1-4	
Facility quality assurance program		OPACITY REGULATIONS		27 IR 3149	
326 IAC 13-1.1-16	26 IR 2066	Opacity Limitations		<b>28 IR 796</b>	
	<b>28 IR 80</b>	Compliance determination		27 IR 3149	
Testing procedures and standards		326 IAC 5-1-4		<b>28 IR 795</b>	
326 IAC 13-1.1-8	26 IR 2063	Opacity limitations		Operating permit content	
	<b>28 IR 77</b>	326 IAC 5-1-2		326 IAC 2-6.1-5	
Test reports; repair forms		26 IR 2025		27 IR 3150	
326 IAC 13-1.1-13	26 IR 2064	<b>28 IR 40</b>		<b>28 IR 796</b>	
	<b>28 IR 79</b>	Violations		Operating permit renewal	
Waivers and compliance through diagnostic inspection		326 IAC 5-1-5		326 IAC 2-6.1-7	
326 IAC 13-1.1-10	26 IR 2063	26 IR 2026		27 IR 3154	
	<b>28 IR 78</b>	<b>28 IR 41</b>		<b>28 IR 801</b>	
NITROGEN OXIDE RULES		PARTICULATE MATTER LIMITATIONS		Permit revisions	
Nitrogen Oxide Reduction Program for Internal Combustion Engines (ICE)		EXCEPT LAKE COUNTY		326 IAC 2-6.1-6	
326 IAC 10-5	28 IR 2803	326 IAC 6.5		27 IR 3151	
	<b>29 IR 1899</b>	28 IR 1714		<b>28 IR 797</b>	
Nitrogen Oxide Reduction Program for Specific Source Categories		<b>28 IR 3454</b>		Part 70 Permit Program	
Emissions limits		St. Joseph County		Permit issuance, renewal, and revisions	
326 IAC 10-3-3	28 IR 2781	Saint Mary's		326 IAC 2-7-8	
	<b>29 IR 1876</b>	326 IAC 6.5-7-13		26 IR 2006	
Nitrogen Oxides Budget Trading Program		<b>29 IR 476</b>		<b>28 IR 20</b>	
Applicability		PARTICULATE MATTER LIMITATIONS FOR LAKE COUNTY		Permit review by the U.S. EPA	
326 IAC 10-4-1	28 IR 2782	326 IAC 6.8		326 IAC 2-7-18	
	<b>29 IR 1877</b>	28 IR 1766		26 IR 2007	
Compliance supplement pool		<b>28 IR 3503</b>		<b>28 IR 21</b>	
326 IAC 10-4-15	28 IR 2801	Lake County: PM <sub>10</sub> Emission Requirements		Requirement for a permit	
	<b>29 IR 1897</b>	ASF-Keystone, Inc.-Hammond		326 IAC 2-7-3	
		326 IAC 6.8-2-4		26 IR 2006	
		28 IR 3004		<b>28 IR 20</b>	
		<b>29 IR 794</b>		Prevention of Significant Deterioration (PSD)	
		PARTICULATE RULES		Requirements	
		County Specific Particulate Matter Limitations		Ambient air ceilings	
		Marion County		326 IAC 2-2-16	
		326 IAC 6-1-12		26 IR 1999	
		28 IR 242		<b>28 IR 20</b>	
		<b>28 IR 2037</b>		Area	

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Compliance schedule 326 IAC 2-5.5-2	27 IR 3146 <b>28 IR 793</b>	Woodworking operations 326 IAC 2-9-4	27 IR 3157 <b>28 IR 803</b>	Shipbuilding or Ship Repair Operations in Clark, Floyd, Lake, and Porter Counties Compliance requirements 326 IAC 8-12-5	26 IR 2052 <b>28 IR 67</b>
Public notice 326 IAC 2-5.5-5	27 IR 3147 <b>28 IR 794</b>	STATE ENVIRONMENTAL POLICY General Conformity Applicability; incorporation by reference of federal standards 326 IAC 16-3-1	26 IR 2084 <b>28 IR 98</b>	Definitions 326 IAC 8-12-3	26 IR 2050 <b>28 IR 64</b>
Registration content 326 IAC 2-5.5-4	27 IR 3147 <b>28 IR 793</b>	STRATOSPHERIC OZONE PROTECTION General Provisions Incorporation of federal regulations 326 IAC 22-1-1	26 IR 2098 <b>28 IR 113</b>	Record keeping, notification, and reporting requirements 326 IAC 8-12-7	26 IR 2054 <b>28 IR 68</b>
Source modification 326 IAC 2-5.5-6	27 IR 3147 <b>28 IR 794</b>	Sulfur Dioxide Rules Compliance Reporting requirements; methods to deter- mine compliance 326 IAC 7-2-1	26 IR 2028 <b>28 IR 42</b>	Test methods and procedures 326 IAC 8-12-6	26 IR 2053 <b>28 IR 68</b>
Source Specific Operating Agreement Program Abrasive cleaning operations 326 IAC 2-9-5	27 IR 3158 <b>28 IR 805</b>	Emission Limitations and Requirements by County Dearborn County sulfur dioxide emission limitations 326 IAC 7-4-13	28 IR 632 <b>28 IR 2953</b>	Sinter Plants Test procedures 326 IAC 8-13-5	26 IR 2054 <b>28 IR 69</b>
Automobile refinishing operations 326 IAC 2-9-11	27 IR 3164 <b>28 IR 810</b>	Vigo County sulfur dioxide emission limita- tions 326 IAC 7-4-3	27 IR 2319 <b>28 IR 117</b>	Specific VOC Reduction Requirements for Lake, Porter, Clark, and Floyd Counties Test methods and procedures 326 IAC 8-7-7	26 IR 2036 <b>28 IR 51</b>
Coal mines and coal preparation plants 326 IAC 2-9-10	26 IR 2013 <b>28 IR 27</b>	Warrick County sulfur dioxide emission limitations 326 IAC 7-4-10	26 IR 2029 <b>28 IR 43</b>	Volatile Organic Liquid Storage Vessels Definitions 326 IAC 8-9-3	26 IR 2037 <b>28 IR 51</b>
Crushed stone processing plants 326 IAC 2-9-8	26 IR 2010 <b>28 IR 25</b>	Lake County Sulfur Dioxide Emission Limita- tions 326 IAC 7-4.1	28 IR 633 <b>28 IR 2954</b>	Exemptions 326 IAC 8-9-2	26 IR 2036 <b>28 IR 51</b>
Degreasing operations 326 IAC 2-9-12	27 IR 3165 <b>28 IR 811</b>	Sulfur Dioxide Emission Limitations Applicability 326 IAC 7-1.1-1	28 IR 632 <b>28 IR 2953</b>	Record keeping and reporting requirements 326 IAC 8-9-6	26 IR 2042 <b>28 IR 56</b>
External combustion sources 326 IAC 2-9-13	26 IR 2014 <b>28 IR 28</b>	Sulfur dioxide emission limitations 326 IAC 7-1.1-2	28 IR 632 <b>28 IR 2953</b>	Standards 326 IAC 8-9-4	26 IR 2038 <b>28 IR 52</b>
General provisions 326 IAC 2-9-1	27 IR 3155 <b>28 IR 801</b>	VOLATILE ORGANIC COMPOUND RULES Automobile Refinishing Test procedures 326 IAC 8-10-7	26 IR 2044 <b>28 IR 58</b>	Testing and procedures 326 IAC 8-9-5	26 IR 2040 <b>28 IR 54</b>
Grain elevators 326 IAC 2-9-6	27 IR 3159 <b>28 IR 805</b>	General Provisions New facilities; general reduction requirements 326 IAC 8-1-6	29 IR 1259	Wood Furniture Coatings Compliance procedures and monitoring re- quirements 326 IAC 8-11-6	26 IR 2046 <b>28 IR 60</b>
Industrial or commercial surface coating operations not subject to 326 IAC 8-2; graphic arts operation not subject to 326 IAC 8-5-5	27 IR 3156 <b>28 IR 802</b>	Testing procedures 326 IAC 8-1-4	26 IR 2030 <b>28 IR 44</b>	Definitions 326 IAC 8-11-2	26 IR 2044 <b>28 IR 59</b>
Internal combustion sources 326 IAC 2-9-14	27 IR 3167 <b>28 IR 814</b>	Petroleum Sources Gasoline dispensing facilities 326 IAC 8-4-6	26 IR 2032 <b>28 IR 47</b>	Test procedures 326 IAC 8-11-7	26 IR 2050 <b>28 IR 64</b>
Ready-mix concrete batch plants 326 IAC 2-9-9	26 IR 2011 <b>28 IR 26</b>	Leaks from transports and vapor collection systems; records 326 IAC 8-4-9	26 IR 2035 <b>28 IR 49</b>	<b>ALCOHOL AND TOBACCO COMMISSION</b> <b>GENERAL PROVISIONS</b> Minors Loitering 905 IAC 1-15.2-3	
Sand and gravel plants 326 IAC 2-9-7	26 IR 2009 <b>28 IR 23</b>			Permit Renewal; Letter of Extension Revocation of letter of extension 905 IAC 1-26-3	27 IR 3337 27 IR 3338
Surface coating or graphic arts operations 326 IAC 2-9-3	27 IR 3156 <b>28 IR 802</b>			Tobacco Retail Sales Certificates 905 IAC 1-46	27 IR 1291 <b>28 IR 969</b>
				Tracking Beer Kegs Identification markers 905 IAC 1-45-2	27 IR 2576 <b>28 IR 1484</b>

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Receipt for the keg 905 IAC 1-45-3	27 IR 2576 <b>28 IR 1484</b>	Sheep; applicability; importation restrictions 345 IAC 1-3-17	29 IR 852	SCRAPIE Definitions 345 IAC 5-2	28 IR 3633 <b>29 IR 1537</b>
Trade Practices; Permissible Activity Between Primary Sources of Supply, Wholesalers, and Retailers		Premises Identification 345 IAC 1-2.5	28 IR 1818 <b>28 IR 3554</b>	General Provisions 345 IAC 5-3	28 IR 3641 <b>29 IR 1545</b>
Samples; consumer product sampling 905 IAC 1-5.2-9.2	27 IR 3337	Rabies Immunizations Animal rabies control program 345 IAC 1-5-3	28 IR 3652 <b>29 IR 1556</b>	Identification and Record Keeping 345 IAC 5-4	28 IR 3642 <b>29 IR 1546</b>
Withdrawal of Consent to Transfer Permit 905 IAC 1-48	27 IR 3339	EQUINE Contagious Equine Metritis (CEM) 345 IAC 6-2	28 IR 1000 <b>28 IR 2353</b>	Moving Animals 345 IAC 5-5	28 IR 3644 <b>29 IR 1548</b>
<b>ANIMAL HEALTH, INDIANA STATE BOARD OF</b>		LIVESTOCK DEALERS, MARKETING, EXHIBITIONS, AND SLAUGHTER LIVESTOCK Exhibition of Domestic Animals and Poultry Pseudorabies tests for swine 345 IAC 7-5-15.1	27 IR 2797 <b>28 IR 559</b>	Scrapie Affected Animals and Herds 345 IAC 5-6	28 IR 3645 <b>29 IR 1549</b>
<b>DAIRY PRODUCTS</b>		Tuberculosis control in cattle and bison 345 IAC 7-5-12	27 IR 4135 <b>28 IR 2687</b>	Scrapie Flock Certification Program 345 IAC 5-7	28 IR 3646 <b>29 IR 1550</b>
Drug Residues and Other Adulterants Drug residues 345 IAC 8-4-1	28 IR 1830 <b>28 IR 3566</b>	Vaccinations and tests required for dogs and cats 345 IAC 7-5-22	27 IR 2798 <b>28 IR 559</b>	TUBERCULOSIS CONTROL 345 IAC 2.5	27 IR 4121 <b>28 IR 2672</b>
Production, Handling, Processing, Packaging, and Distribution of Milk and Milk Products Abnormalities of milk 345 IAC 8-2-1.6	28 IR 1824 <b>28 IR 3560</b>	Exhibitions 345 IAC 7-4.5	28 IR 1820 <b>28 IR 3556</b>	Tuberculosis Control in Bovine and Bison Moving cattle and bison into the state 345 IAC 2.5-3-2	29 IR 849
Bulk milk collection; pickup tankers; samples 345 IAC 8-2-4	28 IR 1826 <b>28 IR 3562</b>	MEAT AND MEAT PRODUCTS INSPECTION Cooperation with Federal Programs Federal-state programs 345 IAC 9-20-2	28 IR 3649 <b>29 IR 1554</b>	ARCHITECTS AND LANDSCAPE ARCHITECTS, BOARD OF REGISTRATION FOR REGISTRATION; CODE OF CONDUCT FOR ARCHITECTS Continuing Education Continuing education 804 IAC 1.1-8	28 IR 1055 <b>28 IR 2378</b>
Definitions 345 IAC 8-2-1.1	28 IR 1821 <b>28 IR 3557</b>	Incorporation by Reference Incorporation by reference 345 IAC 9-2.1-1	28 IR 3648 <b>29 IR 1552</b>	General Provisions Definitions and abbreviations 804 IAC 1.1-1-1	28 IR 1054 <b>28 IR 2377</b>
General requirements; permits 345 IAC 8-2-1.9	28 IR 1825 <b>28 IR 3561</b>	Inspection of Rabbits and Rabbit Products 345 IAC 9-21.5	28 IR 3650 <b>29 IR 1554</b>	ATTORNEY GENERAL FOR THE STATE, OFFICE OF RELEASE OF SOCIAL SECURITY NUMBERS BY STATE AGENCIES 10 IAC 5	29 IR 1248
"Milk products" defined 345 IAC 8-2-1.5	28 IR 1823 <b>28 IR 3560</b>	Officials Marks, Devices, and Certificates Inspected and passed products; official marks 345 IAC 9-12-2	28 IR 3649 <b>29 IR 1553</b>	ATTORNEY GENERAL'S OPINIONS (See Cumulative Table of Executive Orders and Attorney General's Opinions at 29 IR 2434)	
"Pasteurization", "pasteurized", "ultra pasteurization", and "aseptic processing" defined 345 IAC 8-2-1.7	28 IR 1824 <b>28 IR 3560</b>	POULTRY National Poultry Improvement Plan National Poultry Improvement Plan; adoption by reference 345 IAC 4-4-1	27 IR 4118 <b>28 IR 1473</b>	AUCTIONEER COMMISSION, INDIANA CONTINUING EDUCATION Continuing Education Requirements; General Approved auctioneer continuing education sponsor; certificate requirements 812 IAC 3-1-6	29 IR 2046
Standards for Milk and Milk Products and Grade A Standards Components of Grade A dairy products 345 IAC 8-3-12	28 IR 1829 <b>28 IR 3565</b>	POULTRY AND POULTRY PRODUCTS INSPECTION Administration; Application of Inspection and Other Requirements Delivery and acceptance of poultry for slaughter 345 IAC 10-2-5	27 IR 4119 <b>28 IR 1473</b>	Continuing education requirements 812 IAC 3-1-1	29 IR 2045
Grade A milk production and storage 345 IAC 8-3-2	28 IR 1829 <b>28 IR 3565</b>	Incorporation by Reference Incorporation by reference; poultry products inspection 345 IAC 10-2.1-1	27 IR 4119 <b>28 IR 1474</b>	Core subjects as elective credits 812 IAC 3-1-1.1	29 IR 2046
Incorporation by reference; standards 345 IAC 8-3-1	28 IR 1828 <b>28 IR 3564</b>	Renewal applications 812 IAC 3-1-10	28 IR 3650 <b>29 IR 1554</b>	Failure to meet continuing education provisions 812 IAC 3-1-11	29 IR 2046
DOMESTIC ANIMAL DISEASE CONTROL; GENERAL PROVISIONS		Reinstatement of inactive license; requirements 812 IAC 3-1-13	29 IR 2047	Reinstatement of inactive license; requirements 812 IAC 3-1-13	29 IR 2047
Acquisition and Disposition of Animals and Objects 345 IAC 1-7	29 IR 847			Renewal applications 812 IAC 3-1-10	29 IR 2046
Importation of Domestic Animals Animals for immediate slaughter 345 IAC 1-3-10	27 IR 4121 <b>28 IR 2672</b>				
Cattle and bison 345 IAC 1-3-7	27 IR 4120 <b>28 IR 2671</b>				
Chronic wasting disease; carcasses 345 IAC 1-3-31	28 IR 1833 <b>28 IR 3569</b>				
Goats; prohibitions 345 IAC 1-3-19	29 IR 852				



## CITATIONS TO FINAL RULES ARE IN BOLD TYPE

Pipes and fittings 355 IAC 2-3-8	28 IR 1841 <b>28 IR 3573</b>	Discipline and guidance 465 IAC 2-9-57	29 IR 2008	FEES Fees Applicable to Licensure; Verification; Duplicate Licenses 820 IAC 7	29 IR 655 <b>29 IR 2195</b>
Prohibited materials 355 IAC 2-3-4	28 IR 1840 <b>28 IR 3572</b>	Mechanical restraints 465 IAC 2-9-59	29 IR 2009	TANNING FACILITIES Sanitation and Safety License application required 820 IAC 5-1-20	29 IR 654
Security 355 IAC 2-3-6	28 IR 1841 <b>28 IR 3573</b>	Children's Homes and Child Caring Institutions Defined as Emergency Shelter Care Group Homes	29 IR 2008	<b>DEAF BOARD, INDIANA SCHOOL FOR THE</b> 514 IAC	27 IR 1634 <b>28 IR 197</b>
Storage and Handling of Dry Bulk Fertilizers Storage and handling 355 IAC 2-6-1.5	28 IR 1846 <b>28 IR 3578</b>	Discipline and guidance 465 IAC 2-13-57	29 IR 2013	<b>DENTISTRY, STATE BOARD OF</b> GENERAL PROVISIONS Fees Dental fees 828 IAC 0.5-2-3	28 IR 670 <b>28 IR 2713</b> 29 IR 1370
Storage Facility Location Registry Facility registry 355 IAC 2-9-1	28 IR 1846 <b>28 IR 3578</b>	Children's Homes and Child Caring Institutions Defined as Group Homes Discipline and guidance 465 IAC 2-12-57	29 IR 2012	Dental hygiene fees 828 IAC 0.5-2-4	29 IR 1371
PESTICIDE USE AND APPLICATION Licensed Applicators (for Hire) and Registered Technicians; Qualifications, Training, and Supervision Definitions 355 IAC 4-5-1	28 IR 1835 <b>29 IR 7</b>	Emergency Shelter Care Children's Homes and Child Caring Institutions Confinement rooms 465 IAC 2-10-58	29 IR 2011	INSTRUCTOR'S LICENSES General Requirements 828 IAC 5	28 IR 671 <b>28 IR 2713</b>
Record keeping and supervision requirements for licensed applicators for hire 355 IAC 4-5-2	28 IR 1836 <b>29 IR 7</b>	Discipline and guidance 465 IAC 2-10-57	29 IR 2010	LICENSURE OF DENTISTS AND DENTAL HYGIENISTS Continuing Education for Renewal of License Continuing education course requirement 828 IAC 1-5-6	28 IR 669 <b>28 IR 2382</b>
Requirements for Category 7b applicator license for hire 355 IAC 4-5-3	28 IR 1836 <b>29 IR 8</b>	Mechanical restraints 465 IAC 2-10-59	29 IR 2012	Dental Hygienists; Licensure by Examination Application forms 828 IAC 1-2-2	29 IR 1374
Site Awareness and Direct Supervision of Noncertified Applicators Pesticide use by noncertified persons 355 IAC 4-2-2	28 IR 1834 <b>29 IR 6</b>	"Variance" defined 465 IAC 2-10-31	29 IR 2010	Examinations required for licensure 828 IAC 1-2-3	29 IR 1374
Technician registration requirements 355 IAC 4-2-8	28 IR 1834 <b>29 IR 6</b>	"Waiver" defined 465 IAC 2-10-32	29 IR 2010	National board examination; dental and den- tal hygiene law examination 828 IAC 1-2-6	29 IR 1375
Training Requirements for Licensed Applica- tors and Registered Technicians; Category 3b Definitions 355 IAC 4-6-1	28 IR 1837 <b>29 IR 8</b>	<b>CORONERS TRAINING BOARD</b> CONTINUING EDUCATION 207 IAC 2	28 IR 624	Qualifications of applicants; accredited and approved dental hygiene schools 828 IAC 1-2-1	29 IR 1373
Requirements for Category 3b applicator license for hire 355 IAC 4-6-3	28 IR 1837 <b>29 IR 8</b>	<b>COSMETOLOGY EXAMINERS, STATE</b> <b>BOARD OF</b> CONTINUING EDUCATION Approved Cosmetology Educators Application for approval as cosmetology educator 820 IAC 6-1-2	29 IR 654	Dentists and Dental Hygienists; Licensure by Endorsement Dental licensure by endorsement; credentials 828 IAC 1-3-1.1	29 IR 1375
<b>CHILDREN'S HEALTH INSURANCE PRO-</b> <b>GRAM, OFFICE OF THE</b> APPLICANTS AND MEMBERS; ELIGIBILITY AND ENROLLMENT; APPEAL PROCE- DURES Eligibility Requirements Agreement to pay cost sharing 407 IAC 2-2-3	28 IR 3656 <b>29 IR 1213</b>	Renewal of cosmetology educator approval 820 IAC 6-1-5	29 IR 655	Licensure to practice dental hygiene by en- dorsement; credentials 828 IAC 1-3-1.5	29 IR 1376
Premiums Responsibility for premium payment 407 IAC 2-3-1	28 IR 3657 <b>29 IR 1213</b>	<b>COSMETOLOGY SCHOOLS</b> Curriculum Content of final practical demonstration examination 820 IAC 4-4-8.1	28 IR 3046	"Practice of dentistry" defined 828 IAC 1-3-2	29 IR 1377
<b>CHILD SERVICES, DEPARTMENT OF</b> <b>CHILD WELFARE SERVICES</b> Children's Homes and Child Caring Institutions Confinement rooms 465 IAC 2-9-58	29 IR 2008	School examinations 820 IAC 4-4-8	28 IR 3045	Dentists; Licensure by Examination Application forms 828 IAC 1-1-2	29 IR 1372
		General Requirements Completion of application by cosmetology school; cosmetology student required to attend cosmetology school after graduation prohibited 820 IAC 4-1-12	28 IR 3045	Clinical examination 828 IAC 1-1-7	29 IR 1373
		Graduation defined 820 IAC 4-1-11	28 IR 3045	Examinations required by licensure 828 IAC 1-1-3	29 IR 1372
		Record retention 820 IAC 4-1-9	28 IR 3045	National board examination; dental and den- tal hygiene law examinations 828 IAC 1-1-6	29 IR 1373
		Records 820 IAC 4-1-7	28 IR 3045	Qualifications of applicants; approved dental schools 828 IAC 1-1-1	29 IR 1371
		Instructors License 820 IAC 4-3-1	28 IR 1059 <b>28 IR 2382</b>		

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

**DISABILITY, AGING, AND REHABILITATIVE SERVICES, DIVISION OF AGING**

Caretaker Support Program  
460 IAC 1-10 27 IR 3303  
**28 IR 910**

Personal Services Attendant for Individuals in Need of Self-Directed In-Home Care  
Attendant care service provider registration requirement; preclusion  
460 IAC 1-8-3 28 IR 1007  
**28 IR 2690**

Method of payment to a fiscal agent  
460 IAC 1-8-12 28 IR 1008  
**28 IR 2691**

Method of payment to a personal services attendant  
460 IAC 1-8-11 28 IR 1007  
**28 IR 2691**

Record keeping requirements  
460 IAC 1-8-13 28 IR 1008  
**28 IR 2691**

Posting of Notices  
460 IAC 1-11 28 IR 1004  
**28 IR 2687**

Processing of Applications  
460 IAC 1-3-4 28 IR 1002

**DIVISION OF REHABILITATION SERVICES**  
Board of Interpreter Standards  
460 IAC 2-2.1 27 IR 3701  
**28 IR 2368**

**HOME AND COMMUNITY BASED SERVICES**  
460 IAC 1.1 27 IR 2799  
**28 IR 912**

460 IAC 1.2 29 IR 1991

**RATES FOR ADULT DAY SERVICES PROVIDED BY COMMUNITY MENTAL RETARDATION AND OTHER DEVELOPMENTAL DISABILITIES CENTERS**  
Unit of Service Reimbursement Rates  
Annual review of adult day service reimbursement rates  
460 IAC 3.5-2-3 28 IR 1303

**EDUCATION, DEPARTMENT OF**  
512 IAC 29 IR 2332

**EDUCATION, INDIANA STATE BOARD OF ACHIEVEMENT TESTS**

Indiana Statewide Testing for Educational Progress (ISTEP) Program  
Alternate assessment based on alternate achievement standards in lieu of ISTEP+  
511 IAC 5-2-4.5 28 IR 668  
**28 IR 2691**

**ADMINISTRATION; INFORMATION COLLECTION PROCESSING; SCHOOL FINANCE; GENERAL PROVISIONS**

Determining and Reporting Attendance and Membership for State Support  
Definitions  
511 IAC 1-3-1 27 IR 3305  
**28 IR 965**

**DRIVER EDUCATION; GRADUATION REQUIREMENTS; NONSTANDARD PROGRAMS; HIGH ABILITY STUDENTS; POSTSECONDARY ENROLLMENT**

Graduation Requirements  
Academic honors diploma; additional course requirements  
511 IAC 6-7-6.5 27 IR 2552  
**28 IR 959**

Graduation Requirements for Students Who Begin High School in the 2005-2006 School Year or a Subsequent School Year  
511 IAC 6-7.1 28 IR 1303  
**29 IR 801**

Students who enter high school in the 2007-2008 school year and subsequent school years; Core 40 diploma expected  
511 IAC 6-7.1-4.5 28 IR 1849

**SCHOOL ACCREDITATION**

Approved High School Courses  
Business, marketing, and information technology; technology education  
511 IAC 6.1-5.1-9 27 IR 2557  
**28 IR 964**  
28 IR 2199  
**29 IR 1557**

Fine arts courses  
511 IAC 6.1-5.1-8 27 IR 2556  
**28 IR 963**

Language arts courses  
511 IAC 6.1-5.1-2 27 IR 2553  
**28 IR 960**

Mathematics  
511 IAC 6.1-5.1-5 27 IR 2555  
**28 IR 962**

Multidisciplinary courses  
511 IAC 6.1-5.1-1 28 IR 2198  
**29 IR 1556**

Other acceptable courses  
511 IAC 6.1-5.1-11 28 IR 2202  
**29 IR 1560**

Science courses  
511 IAC 6.1-5.1-6 27 IR 2555  
**28 IR 962**

Social studies courses  
511 IAC 6.1-5.1-3 27 IR 2553  
**28 IR 960**

Career-technical courses  
511 IAC 6.1-5.1-10.1 27 IR 2550  
**28 IR 957**  
28 IR 2200  
**29 IR 1558**

World language courses  
511 IAC 6.1-5.1-4 27 IR 2554  
**28 IR 961**

**ENGINEERS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL**

**ADMINISTRATION; GENERAL REQUIREMENTS**

Examinations  
Examination attempts for certification as an EI  
864 IAC 1.1-4.1-9 **28 IR 603**  
29 IR 1379  
29 IR 2357

Examination attempts for registration as a professional engineer  
864 IAC 1.1-4.1-7 29 IR 1378  
29 IR 2356

Terminated applications; reapplication for admission, qualifications  
864 IAC 1.1-4.1-8 29 IR 1378  
29 IR 2357

**Fees**

Fee for examination administration  
864 IAC 1.1-12-2 27 IR 2570  
**28 IR 604**

Fees charged by board  
864 IAC 1.1-12-1 27 IR 2569  
**28 IR 604**

Limited Liability Company Practice  
864 IAC 1.1-14 26 IR 3739  
**27 IR 875**

**Qualifications for Examination**

Engineering intern; education and work experience  
864 IAC 1.1-2-4 27 IR 2569  
**28 IR 603**

**ENVIRONMENTAL ADJUDICATION, OFFICE OF**

**ADJUDICATORY PROCEEDINGS BEFORE ENVIRONMENTAL LAW JUDGES**

**General Provisions**

Definitions  
315 IAC 1-2-1 28 IR 990  
28 IR 2772  
**29 IR 469**

**Rules of Practice**

Conduct of hearing; separation of witnesses  
315 IAC 1-3-10 28 IR 995  
28 IR 2778  
**29 IR 475**

Conduct of prehearing conference  
315 IAC 1-3-9 28 IR 995  
28 IR 2778  
**29 IR 474**

Continuances of prehearing conference, status conference, stay hearing, and hearing  
315 IAC 1-3-12 28 IR 996  
28 IR 2778  
**29 IR 475**

Defaults and dismissals  
315 IAC 1-3-7 28 IR 994  
28 IR 2777  
**29 IR 473**

Filing and service of pleadings and documents  
315 IAC 1-3-3 28 IR 992  
28 IR 2775  
**29 IR 471**

Form of pleadings and documents  
315 IAC 1-3-4 28 IR 993  
28 IR 2776  
**29 IR 472**

Informal settlement; alternative dispute resolution  
315 IAC 1-3-8 28 IR 994  
28 IR 2777  
**29 IR 474**

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Initiation of a proceeding for administrative review 315 IAC 1-3-2	28 IR 991 28 IR 2774 <b>29 IR 470</b>	"Caregiver" defined 470 IAC 3-1.1-4	27 IR 2838	Safety 470 IAC 3-1.1-48	27 IR 2852
Petition for judicial review 315 IAC 1-3-14	28 IR 996 28 IR 2779 <b>29 IR 475</b>	Child abuse and neglect 470 IAC 3-1.1-35	27 IR 2846	Sanitation 470 IAC 3-1.1-47	27 IR 2852
Powers and duties of the director, presiding environmental law judge, and office of environmental adjudication 315 IAC 1-3-1	28 IR 991 28 IR 2773 <b>29 IR 469</b>	"Child care" defined 470 IAC 3-1.1-6	27 IR 2838	School age child care services 470 IAC 3-1.1-50	27 IR 2853
Representatives and attorneys; eligibility to practice 315 IAC 1-3-15	28 IR 996 28 IR 2779 <b>29 IR 476</b>	Child care home capacity 470 IAC 3-1.1-24	27 IR 2841	Staff orientation, training, and development 470 IAC 3-1.1-33.5	27 IR 2845
Request for extension of time for filing pleading, document, or motion 315 IAC 1-3-5	28 IR 994 28 IR 2776 <b>29 IR 473</b>	"Child care provider" defined 470 IAC 3-1.1-8	27 IR 2839	Staff requirements 470 IAC 3-1.1-33	27 IR 2845
Stay 315 IAC 1-3-2.1	28 IR 992 28 IR 2775 <b>29 IR 471</b>	Child to staff ratio 470 IAC 3-1.1-36.5	27 IR 2846	"Student assistant" defined 470 IAC 3-1.1-20	27 IR 2840
<b>ETHICS COMMISSION, STATE</b>		"Class I child care home" defined 470 IAC 3-1.1-7.2	27 IR 2838	Supervision 470 IAC 3-1.1-36.6	27 IR 2846
<b>STATE OFFICERS AND EMPLOYEES</b>		"Design professional" defined 470 IAC 3-1.1-7.4	27 IR 2839	"Supervision" defined 470 IAC 3-1.1-20.1	27 IR 2840
Indiana Code of Ethics for the Conduct of State Business		Discipline policy 470 IAC 3-1.1-41	27 IR 2848	Swimming 470 IAC 3-1.1-39	27 IR 2848
Acceptable gifts, favors, services, entertainment, food, drink, and honoraria 40 IAC 2-1-6	28 IR 987 28 IR 2160 <b>28 IR 3452</b>	Extended hours 470 IAC 3-1.1-51	27 IR 2853	Transportation and activities away from the child care home 470 IAC 3-1.1-40	27 IR 2848
Appearances; activities; expenses 40 IAC 2-1-7	28 IR 988 28 IR 2161 <b>28 IR 3453</b>	Fire prevention 470 IAC 3-1.1-46	27 IR 2851	"Volunteer caregiver" defined 470 IAC 3-1.1-22.5	27 IR 2840
Ethics education 40 IAC 2-1-5.5	28 IR 987 28 IR 2160 <b>28 IR 3452</b>	General environment 470 IAC 3-1.1-45	27 IR 2850	<b>Class II Child Care Homes</b>	
<b>EXECUTIVE ORDERS</b>		Health 470 IAC 3-1.1-44	27 IR 2849	Application for Class II child care home license 470 IAC 3-1.3-3	27 IR 2855
(See Cumulative Table of Executive Orders and Attorney General's Opinions at 29 IR 2434)		Inappropriate discipline 470 IAC 3-1.1-41.2	27 IR 2848	Class II child care home capacity 470 IAC 3-1.3-6	27 IR 2856
<b>FAMILY RESOURCES, DIVISION OF</b>		"Infant" defined 470 IAC 3-1.1-10	27 IR 2839	"Class II child care home" defined 470 IAC 3-1.3-2	27 IR 2855
<b>CHILD WELFARE SERVICES</b>		Initial licensure 470 IAC 3-1.1-28	27 IR 2841	Class II child care home services 470 IAC 3-1.3-1	27 IR 2855
Child care development fund voucher program; provider eligibility 470 IAC 3-18	27 IR 1627 <b>28 IR 950</b>	"Licensee" defined 470 IAC 3-1.1-12	27 IR 2839	Fire prevention and safety 470 IAC 3-1.3-7	27 IR 2856
Child Care Homes		License provisions 470 IAC 3-1.1-29.5	27 IR 2842	Personnel requirements 470 IAC 3-1.3-4	27 IR 2856
Activities for healthy development 470 IAC 3-1.1-38	27 IR 2847	Medical requirements 470 IAC 3-1.1-34	27 IR 2845	Staff orientation, training, and development 470 IAC 3-1.3-5	27 IR 2856
Annual inspection 470 IAC 3-1.1-28.5	27 IR 2842	Medication 470 IAC 3-1.1-44.5	27 IR 2850	Emergency or temporary closure of child care centers and child care homes 470 IAC 3-4.8	27 IR 1626 <b>28 IR 196</b>
"Applicant" defined 470 IAC 3-1.1-1	27 IR 2837	Minimum standards 470 IAC 3-1.1-0.5	27 IR 2837	<b>Infant and Toddler Services</b>	
"Assistant caregiver" defined 470 IAC 3-1.1-2	27 IR 2838	Nutrition 470 IAC 3-1.1-42	27 IR 2849	Activities for healthy development 470 IAC 3-1.2-4	27 IR 2854
		Outdoor environment 470 IAC 3-1.1-38.5	27 IR 2847	Cribs 470 IAC 3-1.2-3.2	27 IR 2853
		Pets 470 IAC 3-1.1-45.5	27 IR 2850	Diaper changing and toilet training 470 IAC 3-1.2-6	27 IR 2854
		Positive discipline 470 IAC 3-1.1-41.1	27 IR 2848	Feeding 470 IAC 3-1.2-7	27 IR 2855
		"Probationary license" defined 470 IAC 3-1.1-12.5	27 IR 2839	"Full-sized crib" defined 470 IAC 3-1.2-2	27 IR 2853
		"Protected outdoor play area" defined 470 IAC 3-1.1-13	27 IR 2839	Naps 470 IAC 3-1.2-5	27 IR 2854
		"Provisional license" defined 470 IAC 3-1.1-14	27 IR 2840	"Portacrib" defined 470 IAC 3-1.2-3	27 IR 2853
		Record requirements 470 IAC 3-1.1-32.1	27 IR 2843	Sanitizing 470 IAC 3-1.2-8	27 IR 2855
		"Relatives" defined 470 IAC 3-1.1-15	27 IR 2840	<b>FIRST STEPS EARLY INTERVENTION SYSTEM</b>	
		Relicensure 470 IAC 3-1.1-29	27 IR 2842	Definitions	
		Requirements for admission to the home 470 IAC 3-1.1-37	27 IR 2846	"Division" defined 470 IAC 3.1-1-10	29 IR 104 <b>29 IR 2181</b>
		"Residential structure" defined 470 IAC 3-1.1-16	27 IR 2840		



CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

“LPCC” defined 470 IAC 3.1-1-18 <b>29 IR 2181</b>	Benefits; program appropriations LSA Document #04-246(E) 405 IAC 6-5-6 <b>28 IR 230</b> <b>27 IR 3212</b> <b>28 IR 182</b>	Rate-Setting Criteria for Nursing Facilities Additional reimbursement for closing or converting nursing facilities 405 IAC 1-14.6-25 29 IR 1741 Allowable costs; calculation of allowable owner or related party compensation; wages; salaries; fees 405 IAC 1-14.6-18 29 IR 1739 Definitions 405 IAC 1-14.6-2 29 IR 1731 Limitation to Medicaid rate increases for nursing facilities 405 IAC 1-14.6-23 28 IR 3655 29 IR 1269 Inflation adjustment; minimum occupancy level; case mix indices 405 IAC 1-14.6-7 29 IR 1735 New provider; initial financial report to of- fice; criteria for establishing initial interim rates 405 IAC 1-14.6-5 29 IR 1734 Nursing facility quality assessment 405 IAC 1-14.6-24 29 IR 1740 Rate components; rate limitations; profit add- on 405 IAC 1-14.6-9 29 IR 1737 Reimbursement for Services Performed by Physicians, Limited License Practitioners, and Nonphysician Practitioners Reimbursement methodology 405 IAC 1-11.5-2 29 IR 637 <b>29 IR 1901</b>
“Primary referral sources” defined 470 IAC 3.1-1-25 <b>29 IR 2181</b>	Prescription drug coverage LSA Document #04-246(E) 405 IAC 6-5-1 <b>28 IR 230</b> <b>27 IR 3211</b> <b>28 IR 181</b>	Reimbursement for Services Performed by Physicians, Limited License Practitioners, and Nonphysician Practitioners Reimbursement methodology 405 IAC 1-11.5-2 29 IR 637 <b>29 IR 1901</b>
“Qualified personnel” defined 470 IAC 3.1-1-26 <b>29 IR 2181</b>	Definitions “Complete application” defined LSA Document #04-246(E) 405 IAC 6-2-5 <b>28 IR 230</b> <b>27 IR 3210</b> <b>28 IR 179</b>	MEDICAID RECIPIENTS; ELIGIBILITY Eligibility Requirements Based on Need; Aged, Blind, and Disabled Program Spend-down eligibility 405 IAC 2-3-10 27 IR 1210 <b>28 IR 178</b> 28 IR 2196 <b>28 IR 3579</b>
Early Intervention Services Individualized services 470 IAC 3.1-4-2 <b>29 IR 106</b> <b>29 IR 2182</b>	Discontinuance of the Indiana Prescription Drug Program Point of Service Drug Card LSA Document #06-50(E) 405 IAC 6-10 <b>29 IR 2228</b> 29 IR 854	Eligibility Requirements Other than Need Disability determination 405 IAC 2-2-3 28 IR 1847 <b>29 IR 9</b>
Eligibility Developmental delay 470 IAC 3.1-7-1 <b>29 IR 106</b> <b>29 IR 2183</b>	Eligibility Requirements Income LSA Document #04-246(E) 405 IAC 6-4-2 <b>28 IR 230</b> <b>27 IR 3210</b> <b>28 IR 180</b>	Medicaid for Employees with Disabilities Employment requirements; continuing eligi- bility when employment ends 405 IAC 2-9-5 28 IR 1848 <b>29 IR 10</b>
High probability of development delay 470 IAC 3.1-7-2 <b>29 IR 107</b> <b>29 IR 2183</b>	Ineligibility LSA Document #04-246(E) 405 IAC 6-4-3 <b>28 IR 230</b> <b>27 IR 3210</b> <b>28 IR 180</b>	MEDICAID SERVICES Evaluation and Management Services Limitations 405 IAC 5-9-1 28 IR 261 <b>28 IR 2132</b>
Financial Administration Cost participation plan 470 IAC 3.1-12-7 <b>29 IR 108</b> <b>29 IR 2185</b>	INDIANA PRESCRIPTION DRUG PROGRAM MEDICARE WRAPAROUND BENEFIT LSA Document #06-50(E) 405 IAC 8 <b>29 IR 2228</b> 29 IR 856	General Provisions Global fee billing; codes 405 IAC 5-1-5 28 IR 260 <b>28 IR 2131</b>
Funding sources 470 IAC 3.1-12-2 <b>29 IR 108</b> <b>29 IR 2185</b>	MEDICAID PROVIDERS AND SERVICES General Provisions Overpayments made to providers; recovery 405 IAC 1-1-5 <b>28 IR 258</b> <b>28 IR 2129</b>	Provider Enrollment Enrollment of a nursing facility; conditions for reimbursement for certified beds 405 IAC 5-4-4 29 IR 1990
Impartial Procedures for Resolving Individual Child Complaints; Due Process Hearings Status of a child during proceedings 470 IAC 3.1-15-10 29 IR 109 <b>29 IR 2186</b>	Providing services to members enrolled under the Medicaid spend-down provision 405 IAC 1-1-3.1 <b>28 IR 2196</b> <b>28 IR 3579</b>	Medical Supplies and Equipment Braces and orthopedic shoes 405 IAC 5-19-10 28 IR 262 <b>28 IR 2134</b>
Local Administration Local planning and coordinating council 470 IAC 3.1-3-1 29 IR 105 <b>29 IR 2181</b>	Managed Care Provider Reimbursement Dis- pute Resolution 405 IAC 1-1.6 27 IR 3699 <b>28 IR 816</b>	
Transition Division responsibilities 470 IAC 3.1-11-2 29 IR 107 <b>29 IR 2184</b>	Provider Records Medical records; contents and retention 405 IAC 1-5-1 28 IR 655 <b>28 IR 2134</b>	
Service coordinator responsibilities 470 IAC 3.1-11-4 29 IR 107 <b>29 IR 2184</b>	Provider Reimbursement Appeal Procedures Appeal requests 405 IAC 1-1.5-2 28 IR 259 <b>28 IR 2131</b>	
<b>FAMILY AND SOCIAL SERVICES, OFFICE OF THE SECRETARY OF</b> LSA Document #05-337(E) <b>29 IR 1224</b> LSA Document #05-361(E) <b>29 IR 1577</b> LSA Document #05-362(E) <b>29 IR 1578</b>	Scope 405 IAC 1-1.5-1 27 IR 3699 <b>28 IR 815</b>	
<b>INDIANA PRESCRIPTION DRUG PROGRAM</b> Application and Enrollment; General Require- ments Date of availability LSA Document #04-246(E) <b>28 IR 230</b> 405 IAC 6-3-3 27 IR 3210 <b>28 IR 180</b>	Rate-Setting Criteria for HIV Nursing Facilities Limitation on Medicaid rate increases for HIV nursing facilities 405 IAC 1-14.5-27 28 IR 3655 29 IR 1269	
Benefits Benefit defined by family income level LSA Document #04-246(E) <b>28 IR 230</b> 405 IAC 6-5-2 27 IR 3211 <b>28 IR 181</b>	Rate-Setting Criteria for Nonstate-Owned Intermediate Care Facilities for the Mentally Retarded and Community Residential Facili- ties for the Developmentally Disabled Limitation to Medicaid rate increases for nonstate-owned intermediate care facilities for the mentally retarded and community residential facilities for the developmen- tally disabled 405 IAC 1-12-27 28 IR 3654	
Benefit duration LSA Document #04-246(E) <b>28 IR 230</b> 405 IAC 6-5-4 27 IR 3212 <b>28 IR 181</b>		
Benefit period LSA Document #04-246(E) <b>28 IR 230</b> 405 IAC 6-5-3 27 IR 3211 <b>28 IR 181</b>		

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Medical supplies		Assembly of LCV		Permit required	
405 IAC 5-19-1	28 IR 261	135 IAC 2-7-13	29 IR 610	135 IAC 2-8-1	29 IR 612
	<b>28 IR 2133</b>		29 IR 1716		29 IR 1719
Nursing and Therapy Services		Classification for toll collection purposes		Permits	
Physical therapy services		135 IAC 2-7-5	29 IR 608	135 IAC 2-8-5	29 IR 613
405 IAC 5-22-8	29 IR 638		29 IR 1715		29 IR 1719
	<b>29 IR 1902</b>	Coupling devices		Weight limits	
Out-of-State Services		135 IAC 2-7-12	29 IR 609	135 IAC 2-8-3	29 IR 612
Out-of-state services; general			29 IR 1716		29 IR 1719
405 IAC 5-5-1	29 IR 640	Definitions; length and axle limits		Operation of Vehicles on the Toll Road	
	<b>29 IR 1904</b>	135 IAC 2-7-2	29 IR 608	Entering traffic lanes	
Pharmacy Services			29 IR 1714	135 IAC 2-2-3	29 IR 601
Reimbursement for legend drugs		Driver permits			29 IR 1683
LSA Document #05-283(E)	<b>29 IR 573</b>	135 IAC 2-7-21	29 IR 611	Speed regulations	
405 IAC 5-24-4	28 IR 3653		29 IR 1718	135 IAC 2-2-1	29 IR 600
	<b>29 IR 1212</b>	Driver requirements			29 IR 1682
Reimbursement for nonlegend drugs		135 IAC 2-7-20	29 IR 611	Stops at toll collection facilities	
LSA Document #05-283(E)	<b>29 IR 573</b>		29 IR 1717	135 IAC 2-2-12	29 IR 601
405 IAC 5-24-5	28 IR 3653	Emergency equipment			29 IR 1683
	<b>29 IR 1212</b>	135 IAC 2-7-7	29 IR 609	Traffic control signals	
Podiatric Services			29 IR 1715	135 IAC 2-2-10	29 IR 601
Prior authorization		Equipment identification			29 IR 1683
405 IAC 5-26-5	28 IR 262	135 IAC 2-7-19	29 IR 611	U-turns prohibited	
	<b>28 IR 2134</b>		29 IR 1717	135 IAC 2-2-5	29 IR 601
Prior Authorization		Insurance coverage			29 IR 1683
Services requiring prior authorization		135 IAC 2-7-23	29 IR 612	Penalties; Severability; Savings	
405 IAC 5-3-13	28 IR 260		29 IR 1718	Severability provision	
	<b>28 IR 2132</b>	Lights and reflectors		135 IAC 2-10-2	29 IR 613
	29 IR 639	135 IAC 2-7-11	29 IR 609		29 IR 1720
	<b>29 IR 1903</b>		29 IR 1716	Vehicle Classification and Related Toll Rules	
<b>FINANCE AUTHORITY, INDIANA</b>		Minimum distances between LCV and other vehicles		Classification of vehicles and related toll rules	
<b>GENERAL PROVISIONS</b>		135 IAC 2-7-17	29 IR 610	135 IAC 2-5-1	29 IR 603
Definitions			29 IR 1716		29 IR 1685
Definitions		Passing		Loss of toll ticket; excessive time on toll road	
135 IAC 2-1-1	29 IR 598	135 IAC 2-7-18	29 IR 610	135 IAC 2-5-3	29 IR 607
	29 IR 1680		29 IR 1717		29 IR 1714
Dimension and Weight Limitations; Special		Permit required		Payment of tolls	
Hauling Permits		135 IAC 2-7-1	29 IR 608	135 IAC 2-5-2.1	29 IR 603
Allowable dimensions without toll attendant			29 IR 1714		29 IR 1685
authorization		Police inspection		Toll-free travel	
135 IAC 2-4-1	29 IR 602	135 IAC 2-7-14	29 IR 609	135 IAC 2-5-5	29 IR 607
	29 IR 1684		29 IR 1716		29 IR 1714
Dimensions requiring toll attendant authori- zation		Safety and performance requirements		<b>FIRE PREVENTION AND BUILDING SAFETY</b>	
135 IAC 2-4-2	29 IR 602	135 IAC 2-7-6	29 IR 609	<b>COMMISSION</b>	
	29 IR 1684		29 IR 1715	ADMINISTRATION	
Special hauling permits		Speed limits		Building Regulations of State Agencies and	
135 IAC 2-4-4	29 IR 603	135 IAC 2-7-16	29 IR 610	Political Subdivisions	
	29 IR 1685		29 IR 1716	Local inspection programs	
Limitation of Use of the Toll Road		Structural strength		675 IAC 12-10-9	29 IR 1353
Hitchhiking and loitering prohibited		135 IAC 2-7-8	29 IR 609	Ordinance approval procedure	
135 IAC 2-3-2	29 IR 602		29 IR 1715	675 IAC 12-10-8	29 IR 1353
	29 IR 1684	Temporary suspension of LCV permits		Conversion of Existing Buildings	
Pedestrians and certain vehicles prohibited		135 IAC 2-7-22	29 IR 612	Application	
135 IAC 2-3-1	29 IR 602		29 IR 1718	675 IAC 12-13-2	29 IR 1358
	29 IR 1684	Weight limits		Inspection	
Longer Combination Vehicle Operations		135 IAC 2-7-3	29 IR 608	675 IAC 12-13-4	29 IR 1359
Applicability of other rules and regulations			29 IR 1714	Permitted conversions	
135 IAC 2-7-24	29 IR 612	Michigan Train Operations		675 IAC 12-13-3	29 IR 1358
	29 IR 1719	Emergency equipment		Design Releases	
Assembly areas		135 IAC 2-8-7	29 IR 613	Addenda or revised design releases	
135 IAC 2-7-15	29 IR 610		29 IR 1719	675 IAC 12-6-18	29 IR 1338
	29 IR 1716	Lights and reflectors		Alternative materials, methods, and design	
		135 IAC 2-8-11	29 IR 613	675 IAC 12-6-11	29 IR 1335
			29 IR 1720	Application for construction design release	
				675 IAC 12-6-6	29 IR 1331

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Compliance with rules		General Provisions		Amusement and entertainment permits	
675 IAC 12-6-21	29 IR 1339	Definitions		675 IAC 12-9-3	29 IR 1351
Consideration of applications for design releases		675 IAC 12-1.1-4	29 IR 1317	Certificate of compliance; wholesale fireworks	
675 IAC 12-6-12	29 IR 1336	Organization of the rules of the commission		675 IAC 12-9-7	29 IR 1353
Copy of the design release; posting; maintenance of plans and specifications		675 IAC 12-1.1-5	29 IR 1318	Definitions	
675 IAC 12-6-19	29 IR 1339	Purpose		675 IAC 12-9-2	29 IR 1350
Definitions		675 IAC 12-1.1-2	29 IR 1317	Fireworks stand retail sales permits	
675 IAC 12-6-2	29 IR 1327	Statutory authority		675 IAC 12-9-6	29 IR 1352
Design professionals		675 IAC 12-1.1-3	29 IR 1317	Permits for supervised public display of fireworks	
675 IAC 12-6-9	29 IR 1334	Title; availability		675 IAC 12-9-5	29 IR 1352
Design release; requirement		675 IAC 12-1.1-1	29 IR 1317	Purpose	
675 IAC 12-6-3	29 IR 1328	Indiana Building Rehabilitation Standard		675 IAC 12-9-1	29 IR 1350
Design release revocations		Application and scope		Regulated explosives magazine permits	
675 IAC 12-6-23	29 IR 1340	675 IAC 12-8-3	29 IR 1342	675 IAC 12-9-4	29 IR 1352
Exemptions from design release requirement		Automatic alarms		Statewide Fire and Building Safety Education Fund	
675 IAC 12-6-4	29 IR 1328	675 IAC 12-8-13	29 IR 1347	Application for financial assistance	
Expiration of design releases		Automatic fire-extinguishing systems		675 IAC 12-11-4	29 IR 1355
675 IAC 12-6-20	29 IR 1339	675 IAC 12-8-7	29 IR 1344	Definitions	
Fees		Communications		675 IAC 12-11-1	29 IR 1354
675 IAC 12-6-8	29 IR 1333	675 IAC 12-8-14	29 IR 1347	Eligibility for assistance	
Foundation releases		Corridor walls/partitions		675 IAC 12-11-3	29 IR 1355
675 IAC 12-6-14	29 IR 1336	675 IAC 12-8-10	29 IR 1346	Local building or fire department education plan	
Master plan design release		Dead ends		675 IAC 12-11-6	29 IR 1355
675 IAC 12-6-16	29 IR 1338	675 IAC 12-8-17	29 IR 1348	Purpose	
Partial design releases		Definitions		675 IAC 12-11-2	29 IR 1354
675 IAC 12-6-15	29 IR 1337	675 IAC 12-8-1	29 IR 1342	Records	
Plans and specifications		Egress lighting		675 IAC 12-11-9	29 IR 1356
675 IAC 12-6-7	29 IR 1332	675 IAC 12-8-20	29 IR 1349	Reports	
Predesign conferences		Elevator control		675 IAC 12-11-8	29 IR 1356
675 IAC 12-6-10	29 IR 1335	675 IAC 12-8-19	29 IR 1349	Revocation of financial assistance	
Development and Application of Rules		Fire area		675 IAC 12-11-5	29 IR 1355
Application of changes in rules of commission to particular construction projects		675 IAC 12-8-8	29 IR 1345	Underground Storage Tank Certification Program	
675 IAC 12-4-7	29 IR 1322	Fire safety tabulation		Application for certification	
Occupancy of existing buildings		675 IAC 12-8-5	29 IR 1344	675 IAC 12-12-3	29 IR 1357
675 IAC 12-4-11	29 IR 1323	Heating, ventilating, and air-conditioning (HVAC) systems		Authority; definitions	
Rule adoption process		675 IAC 12-8-12	29 IR 1347	675 IAC 12-12-1	29 IR 1356
675 IAC 12-4-5	29 IR 1322	Height and area		Display of certificate	
Statutory authority		675 IAC 12-8-6	29 IR 1344	675 IAC 12-12-7	29 IR 1358
675 IAC 12-4-4	29 IR 1322	Implementation		Issuance of certificate	
Fee Schedules		675 IAC 12-8-4	29 IR 1343	675 IAC 12-12-4	29 IR 1357
Amusement and entertainment permit and inspection fees		Maximum travel distance		Orders; sanctions; appeals	
675 IAC 12-3-8	29 IR 1319	675 IAC 12-8-18	29 IR 1349	675 IAC 12-12-5	29 IR 1357
Boiler and pressure vessel inspection, permitting, and licensing fees		Mixed uses		Performance bond	
675 IAC 12-3-13	29 IR 1320	675 IAC 12-8-21	29 IR 1350	675 IAC 12-12-6	29 IR 1358
Construction inspection fees		Smoke control		Purpose	
675 IAC 12-3-6	29 IR 1319	675 IAC 12-8-15	29 IR 1348	675 IAC 12-12-2	29 IR 1356
Inspection fee for existing buildings		Space division		Variances	
675 IAC 12-3-11	29 IR 1320	675 IAC 12-8-9	29 IR 1345	Application	
Regulated lifting device permitting and certification fees		Vertical openings		675 IAC 12-5-5	29 IR 1325
675 IAC 12-3-14	29 IR 1321	675 IAC 12-8-11	29 IR 1346	Application process	
Regulated lifting device professional licensing fees		Local Plan Review		675 IAC 12-5-4	29 IR 1325
675 IAC 12-3-15	29 IR 1322	Certification; application		Consideration of applications	
Schedule of fees for site built construction		675 IAC 12-7-2	29 IR 1340	675 IAC 12-5-6	29 IR 1326
675 IAC 12-3-2	29 IR 1318	Certification; sanctions		Definitions	
Firefighting and Emergency Equipment Revolving Loan Fund		675 IAC 12-7-3	29 IR 1341	675 IAC 12-5-2	29 IR 1324
Definitions		Competency testing; written examinations		Sanctions imposed on previously issued variances	
675 IAC 12-14-1	29 IR 1359	675 IAC 12-7-4	29 IR 1341	675 IAC 12-5-9	29 IR 1327
		Local plan review; procedures; seals			
		675 IAC 12-7-5	29 IR 1342		
		Purpose and scope			
		675 IAC 12-7-1	29 IR 1340		
		State Fire Marshal; Permits			
		Administrative adjudication			
		675 IAC 12-9-9	29 IR 1353		

## CITATIONS TO FINAL RULES ARE IN BOLD TYPE

### BUILDING CODES

2003 Indiana Building Code	
Section 307.2; definitions	
675 IAC 13-2.4-10	28 IR 1529 <b>29 IR 496</b>
Section 310.1; residential Group R	
675 IAC 13-2.4-19	28 IR 1529 <b>29 IR 496</b>
Section R310.2; definitions	
675 IAC 13-2.4-20	28 IR 1530 <b>29 IR 496</b>
Section 311.3; low-hazard storage	
675 IAC 13-2.4-22	28 IR 1530 <b>29 IR 496</b>
Section 402.6; types of construction	
675 IAC 13-2.4-24.3	28 IR 1530 <b>29 IR 496</b>
Section 412.2.6; fire suppression	
675 IAC 13-2.4-32.5	28 IR 1530 <b>29 IR 497</b>
Section 506.1; general	
675 IAC 13-2.4-40.5	28 IR 1530 <b>29 IR 497</b>
Section 506.2; frontage increase	
675 IAC 13-2.4-40.6	28 IR 1531 <b>29 IR 497</b>
Section 506.3; automatic sprinkler system increase	
675 IAC 13-2.4-41.5	28 IR 1531 <b>29 IR 497</b>
Section 507.7; Group E buildings	
675 IAC 13-2.4-42.7	28 IR 1531 <b>29 IR 497</b>
Section 702.1; definitions	
675 IAC 13-2.4-43.6	28 IR 1531 <b>29 IR 497</b>
Section 902; definitions	
675 IAC 13-2.4-55	28 IR 1533 <b>29 IR 499</b>
Section 903.2.1.3; Group A-3	
675 IAC 13-2.4-55.5	28 IR 1533 <b>29 IR 499</b>
Section 903.3.1.1; NFPA 13 sprinkler system	
675 IAC 13-2.4-56.5	28 IR 1533 <b>29 IR 499</b>
Section 1003.3.3; stairways	
675 IAC 13-2.4-105.6	28 IR 1533 <b>29 IR 500</b>
Section 1004.3.2.1; construction	
675 IAC 13-2.4-107.3	28 IR 1534 <b>29 IR 500</b>
Section 1005.3.2; vertical exit enclosures	
675 IAC 13-2.4-107.5	28 IR 1534 <b>29 IR 500</b>
Section 1005.3.5.1; separation	
675 IAC 13-2.4-107.6	28 IR 1534 <b>29 IR 500</b>
Section 1605.4; special seismic load combination	
675 IAC 13-2.4-121.5	28 IR 1534 <b>29 IR 500</b>
Section 1607.4; concentrated loads	
675 IAC 13-2.4-122.5	28 IR 1535 <b>29 IR 501</b>

Section 1616.2.3; Seismic Use Group III	
675 IAC 13-2.4-132	28 IR 1535 <b>29 IR 501</b>
Section 1617.4.1.1; calculation of seismic response coefficient	
675 IAC 13-2.4-132.3	28 IR 1535 <b>29 IR 501</b>
Section 1621.1; component importance factor	
675 IAC 13-2.4-133.5	28 IR 1535 <b>29 IR 501</b>
Section 1621.2.1; architectural component forces and displacements	
675 IAC 13-2.4-134.5	28 IR 1535 <b>29 IR 501</b>
Section 1621.3.12.1; mechanical equipment	
675 IAC 13-2.4-143	28 IR 1535 <b>29 IR 501</b>
Section 2109.5.5.2; additional provisions	
675 IAC 13-2.4-201.5	28 IR 1536 <b>29 IR 502</b>
Section 2110.1.1; limitations	
675 IAC 13-2.4-201.7	28 IR 1536 <b>29 IR 502</b>
Section 2304.11.9; underfloor ventilation (crawl space)	
675 IAC 13-2.4-213.3	28 IR 1536 <b>29 IR 502</b>
Section 2306.1; allowable stress design	
675 IAC 13-2.4-213.5	28 IR 1536 <b>29 IR 502</b>
Section 2308.2.1; basic wind speed greater than 100 mph (3-second gust)	
675 IAC 13-2.4-214.2	28 IR 1537 <b>29 IR 503</b>
Section 3104.5; fire barriers between pedestrian walkways and buildings	
675 IAC 13-2.4-228.5	28 IR 1538 <b>29 IR 504</b>
Table 601; fire resistance rating for building elements (hours)	
675 IAC 13-2.4-43.2	28 IR 1531 <b>29 IR 497</b>
Table 719.1(2); rated fire-resistive periods for various walls and partitions	
675 IAC 13-2.4-47	28 IR 1531 <b>29 IR 497</b>
Table 1003.2.2.2; maximum floor area allowances per occupant	
675 IAC 13-2.4-96.5	28 IR 1533
Table 1505.1; minimum roof covering classification for types of construction	
675 IAC 13-2.4-118	28 IR 1534 <b>29 IR 500</b>
Table 1507.2; asphalt shingle application	
675 IAC 13-2.4-118.4	28 IR 1534 <b>29 IR 500</b>
Table 1607.1; minimum uniformly distributed live loads and minimum concentrated live loads	
675 IAC 13-2.4-122	28 IR 1534 <b>29 IR 500</b>
Table 1617.6; design coefficients and factors for basic seismic-force resisting systems	
675 IAC 13-2.4-132.5	28 IR 1535 <b>29 IR 501</b>

Table 1904.4.1; maximum chloride ion content for corrosion protection of reinforcement	
675 IAC 13-2.4-180.5	28 IR 1536 <b>29 IR 502</b>
Table 2304.6.1; minimum thickness of wall sheathing	
675 IAC 13-2.4-210.3	28 IR 1536 <b>29 IR 502</b>
Table 2304.9.1; fastening schedule	
675 IAC 13-2.4-210.5	28 IR 1536 <b>29 IR 502</b>
Table 2306.4.1; allowable shear (pounds per foot) for wood structural panel shear walls with framing for Douglas-fir-larch, or southern pine for wind or seismic loading	
675 IAC 13-2.4-213.7	28 IR 1536 <b>29 IR 503</b>
Table 2308.8(1); floor joist spans for common lumber species	
675 IAC 13-2.4-214.4	28 IR 1537 <b>29 IR 503</b>
Table 2308.9.5; header and girder spans for exterior walls (maximum header span for Douglas fir-larch, hem-fir, southern pine, and spruce-pine-fir and required jack studs)	
675 IAC 13-2.4-214.6	28 IR 1537 <b>29 IR 503</b>
Table 2308.9.6; header and girder spans for exterior walls (maximum header span for Douglas fir-larch, hem-fir, southern pine, and spruce-pine-fir and required jack studs)	
675 IAC 13-2.4-214.7	28 IR 1537 <b>29 IR 503</b>
<b>ELECTRICAL CODES</b>	
Indiana Electrical Code, 2005 Edition	
675 IAC 17-1.7	28 IR 1855 <b>29 IR 811</b>
<b>ENERGY CONSERVATION CODE</b>	
Indiana Energy Conservation Code, 2006 Edition	
675 IAC 19-4	29 IR 2014
<b>FIRE PREVENTION CODES</b>	
Indiana Fire Code, 1998 Edition	
675 IAC 22-2.2-26	28 IR 1029 <b>29 IR 487</b>
Indiana Fire Code, 2003 Edition	
Section 308.3.6; Group A occupancies	
675 IAC 22-2.3-29.5	27 IR 2860 <b>28 IR 2369</b>
Section 315.2.1; ceiling clearance	
675 IAC 22-2.3-35.5	27 IR 2860 <b>28 IR 2370</b>
Section 316; outdoor carnivals and fairs	
675 IAC 22-2.3-36	27 IR 2860 <b>28 IR 2370</b>
Section 317; haunted houses and similar temporary installations	
675 IAC 22-2.3-36.3	27 IR 2860 <b>28 IR 2370</b>
Section 318; fire safety in race track stables	
675 IAC 22-2.3-36.4	27 IR 2861 <b>28 IR 2371</b>
Section 403.3; fire watch	
675 IAC 22-2.3-36.6	27 IR 2863 <b>28 IR 2372</b>

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Section 403.4; overcrowding 675 IAC 22-2.3-36.8	27 IR 2863 <b>28 IR 2373</b>	Section 403.11; plastic piping, joints, and fittings 675 IAC 25-1-7.6	28 IR 1310 <b>29 IR 12</b>	Section 607.5.4; corridors/smoke barriers 675 IAC 18-1.4-32.3	28 IR 1309 <b>29 IR 11</b>
Section 1003.3.1.3.4; access-controlled egress doors 675 IAC 22-2.3-140.5	27 IR 2863 <b>28 IR 2373</b>	Section 503.5.3; masonry chimneys 675 IAC 25-1-9.1	28 IR 1310 <b>29 IR 12</b>	Section 607.5.5.1; penetrations of shaft enclosures 675 IAC 18-1.4-32.5	28 IR 1309 <b>29 IR 11</b>
Section 1005.3.2.2 675 IAC 22-2.3-147.5	27 IR 2863 <b>28 IR 2373</b>	Section 503.6.9.1; Category I appliances 675 IAC 25-1-9.5	28 IR 1310 <b>29 IR 12</b>	Section 1403.2; flammable gases and liquids 675 IAC 18-1.4-49.5	28 IR 1309 <b>29 IR 11</b>
Section 147.6; fire escapes 675 IAC 22-2.3-147.6	27 IR 2863 <b>28 IR 2373</b>	Section 503.7.5; roof penetrations 675 IAC 25-1-9.7	28 IR 1310 <b>29 IR 12</b>	NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARDS 675 IAC 28	29 IR 1274
Section 1008.10; seat stability 675 IAC 22-2.3-148	27 IR 2864 <b>28 IR 2374</b>	Section 504.2.9; chimney and vent locations 675 IAC 25-1-9.9	28 IR 1310 <b>29 IR 12</b>	ONE AND TWO FAMILY DWELLING CODE Indiana Residential Code 675 IAC 14-4.3	28 IR 268 <b>28 IR 3304</b>
Section 1008.10.1; chairs and benches 675 IAC 22-2.3-148.5	27 IR 2864 <b>28 IR 2374</b>	Table 308.2 675 IAC 25-1-7.2	28 IR 1309 <b>29 IR 12</b>	Section E3305.6; illumination 675 IAC 14-4.3-212	28 IR 1850
Section 2401.1; scope 675 IAC 22-2.3-227.1	29 IR 1360	Table/Figure 503.6.6 675 IAC 25-1-9.3	28 IR 1310 <b>29 IR 12</b>	675 IAC 14-4.3-213	<b>29 IR 806</b>
Section 2401.3; place of assembly 675 IAC 22-2.3-228.1	29 IR 1360	INDIANA VISITABILITY RULE FOR ONE AND TWO FAMILY DWELLINGS AND TOWNHOUSES 675 IAC 27	28 IR 1538 <b>29 IR 504</b>	Section E3307.1; grounded conductors 675 IAC 14-4.3-213.5	28 IR 1850
Section 2402.1; definitions 675 IAC 22-2.3-232.1	29 IR 1360	INDUSTRIALIZED BUILDING SYSTEMS Administrative Rules for Industrialized Building Systems and Mobile Structures 675 IAC 15-1.2	<b>29 IR 15</b>	675 IAC 14-4.3-214.5	<b>29 IR 806</b>
Section 2403.1; access 675 IAC 22-2.3-232.2	29 IR 1361	Certification of Industrialized Building Systems and Mobile Structures without Indiana Certification 675 IAC 15-1.4	28 IR 1047 <b>29 IR 23</b>	Section E3401; general 675 IAC 14-4.3-214	28 IR 1850
Section 2403.2; location 675 IAC 22-2.3-232.3	29 IR 1361	In-Plant Inspection Enforcement and Indiana Seal of Acceptance Affixed for Industrialized Building System and Mobile Structures 675 IAC 15-1.3	28 IR 1046 <b>29 IR 21</b>	675 IAC 14-4.3-215	<b>29 IR 807</b>
Section 2403.3; location of structures in excess of 15,000 square feet 675 IAC 22-2.3-232.4	29 IR 1361	Sanctions Regarding Design Release, Seals of Acceptance and Third Party Inspection Agencies 675 IAC 15-1.7	28 IR 1052 <b>29 IR 28</b>	Section E3501.6.2; service disconnect location 675 IAC 14-4.3-215	28 IR 1851
Section 2403.4; connecting corridors 675 IAC 22-2.3-232.5	29 IR 1361	Schedule of Fees for Industrialized Building Systems and Mobile Structures 675 IAC 15-1.6	28 IR 1051 <b>29 IR 26</b>	675 IAC 14-4.3-216	<b>29 IR 807</b>
Section 2403.5; fire break 675 IAC 22-2.3-232.6	29 IR 1361	Third Party Inspection Agency Authorization 675 IAC 15-1.5	28 IR 1049 <b>29 IR 25</b>	Section E3508.1; grounding electrode system 675 IAC 14-4.3-219.3	28 IR 1851
Section 2406.3; certification 675 IAC 22-2.3-233.1	29 IR 1361	Title; Purpose; Applicability; Definitions 675 IAC 15-1.1	28 IR 1037 <b>29 IR 13</b>	675 IAC 14-4.3-220.3	<b>29 IR 807</b>
Section 2406.6; open or exposed flame 675 IAC 22-2.3-233.2	29 IR 1362	MECHANICAL CODE Indiana Mechanical Code, 2003 Edition Section 304.3; elevation of ignition source 675 IAC 18-1.4-10.5	28 IR 1309 <b>29 IR 11</b>	Section E3509.7; bonding other metal piping 675 IAC 14-4.3-219.5	28 IR 1851
Section 2411.5; cooking tents 675 IAC 22-2.3-237.1	29 IR 1362	Section 310; explosion venting 675 IAC 18-1.4-11.5	28 IR 1309 <b>29 IR 11</b>	675 IAC 14-4.3-220.6	<b>29 IR 807</b>
Section 2411.6; outdoor cooking tents 675 IAC 22-2.3-237.2	29 IR 1362			Section E3509.8; factory-built fireplace bonding 675 IAC 14-4.3-219.6	28 IR 1851
Section 2412.2.1; containers 500 gallons or less 675 IAC 22-2.3-237.3	29 IR 1362			Section E3510.1; installation 675 IAC 14-4.3-219.7	28 IR 1851
Section 2412.2.2; containers more than 500 gallons 675 IAC 22-2.3-237.4	29 IR 1362			675 IAC 14-4.3-220.7	<b>29 IR 807</b>
Section 2416.1; crowd managers 675 IAC 22-2.3-237.5	27 IR 2864 <b>28 IR 2374</b>			Section E3510.2; enclosures for grounding electrode conductors 675 IAC 14-4.3-219.8	28 IR 1852
Section 3404.3.2.3; number of storage cabinets 675 IAC 22-2.3-298.5	27 IR 2864 <b>28 IR 2374</b>			675 IAC 14-4.3-220.8	<b>29 IR 808</b>
Section 3405.3.7.5.3; spill control and secondary containment 675 IAC 22-2.3-304.5	27 IR 2864 <b>28 IR 2374</b>			Section E3603.1; branch circuits for heating 675 IAC 14-4.3-225.2	28 IR 1852
FUEL GAS CODE Indiana Fuel Gas Code, 2003 Edition Figure 308.2(3) 675 IAC 25-1-7.4	28 IR 1310 <b>29 IR 12</b>			675 IAC 14-4.3-226.2	<b>29 IR 808</b>
				Section E3702.4; in unfinished basements 675 IAC 14-4.3-226.5	28 IR 1852
				675 IAC 14-4.3-227.5	<b>29 IR 808</b>
				Section E3703.3; grounding 675 IAC 14-4.3-226.6	28 IR 1852
				675 IAC 14-4.3-227.6	<b>29 IR 808</b>
				Section E3703.4; protection from damage 675 IAC 14-4.3-227	28 IR 1852
				675 IAC 14-4.3-228	<b>29 IR 808</b>
				Section E3801.4.1; wall counter space 675 IAC 14-4.3-228.5	28 IR 1852
				675 IAC 14-4.3-229.5	<b>29 IR 809</b>
				Section E3801.6; bathroom 675 IAC 14-4.3-230	28 IR 1853
				675 IAC 14-4.3-231	<b>29 IR 809</b>

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Section E3801.11; HVAC outlet		REGULATED EXPLOSIVES; USE AND		Definitions for National Incident Management System-First Responder certifications	
675 IAC 14-4.3-232	28 IR 1853	LICENSURE		655 IAC 1-2.1-111	28 IR 2419
675 IAC 14-4.3-233	<b>29 IR 809</b>	675 IAC 26	28 IR 1031		<b>29 IR 481</b>
Section E3802.7; bar sink receptacles		<b>29 IR 489</b>		Driver/Operator-Aerial	
675 IAC 14-4.3-232.5	28 IR 1853	SAFETY CODES FOR ELEVATORS, ESCALATORS, MANLIFTS, AND HOISTS		655 IAC 1-2.1-6.1	28 IR 1013
675 IAC 14-4.3-233.5	<b>29 IR 809</b>	Administration			<b>28 IR 2697</b>
Section E3802.8; boathouse receptacles		Definitions		Driver/Operator-Aircraft Crash and Rescue	
675 IAC 14-4.3-233	28 IR 1853	675 IAC 21-1-10	29 IR 2333	655 IAC 1-2.1-6.3	28 IR 1014
675 IAC 14-4.3-234	<b>29 IR 809</b>	Automated People Mover			<b>28 IR 2697</b>
Section E3802.11; bedroom outlets		675 IAC 21-10	29 IR 2344	Driver/Operator-Mobile Water Supply	
675 IAC 14-4.3-234	28 IR 1853	Elevator Safety Code		655 IAC 1-2.1-6.4	28 IR 1014
675 IAC 14-4.3-235	<b>29 IR 810</b>	Adoption by reference			<b>28 IR 2698</b>
Section E3805.12.2.1; conductor fill		675 IAC 21-3-1	29 IR 2334	Driver/Operator-Pumper	
675 IAC 14-4.3-238.5	28 IR 1854	Amendments to adopted code		655 IAC 1-2.1-6	28 IR 1013
675 IAC 14-4.3-239.5	<b>29 IR 810</b>	675 IAC 21-3-2	29 IR 2334		<b>28 IR 2697</b>
Section E3806.8.2.1; nails and screws		Existing Elevators and Escalators		Driver/Operator-Wildland Fire Apparatus	
675 IAC 14-4.3-240	28 IR 1854	675 IAC 21-9	29 IR 2344	655 IAC 1-2.1-6.2	28 IR 1013
675 IAC 14-4.3-241	<b>29 IR 810</b>	Manlifts			<b>28 IR 2697</b>
Section E3807.2; damp or wet locations		Adoption by reference		Firefighter I	
675 IAC 14-4.3-240.5	28 IR 1854	675 IAC 21-5-1	29 IR 2341	655 IAC 1-2.1-4	28 IR 1012
675 IAC 14-4.3-241.5	<b>29 IR 810</b>	Amendments to adopted standard			<b>28 IR 2696</b>
Section E3807.7; cables		675 IAC 21-5-3	29 IR 2341	Firefighter II	
675 IAC 14-4.3-241	28 IR 1854	Qualification of Elevator Inspectors		655 IAC 1-2.1-5	28 IR 1012
675 IAC 14-4.3-242	<b>29 IR 810</b>	675 IAC 21-11	29 IR 2344		<b>28 IR 2696</b>
Section E3808.8.3; nonmetallic sheathed cable		Personnel Hoists		Firefighter-Wildland Fire Suppression I	
675 IAC 14-4.3-243.5	28 IR 1854	Adoption by reference		655 IAC 1-2.1-23	28 IR 1018
675 IAC 14-4.3-244.5	<b>29 IR 810</b>	675 IAC 21-4-1	29 IR 2339		<b>28 IR 2702</b>
Section E3902.10; exterior wet locations		Amendments to adopted standard		Firefighter-Wildland Fire Suppression II	
675 IAC 14-4.3-246	28 IR 1855	675 IAC 21-4-2	29 IR 2339	655 IAC 1-2.1-23.1	28 IR 1018
675 IAC 14-4.3-247	<b>29 IR 811</b>	Platform and Stairway Chair Lifts			<b>28 IR 2702</b>
Section E3902.11; bathtub and shower space		Adoption by reference		Fire Inspector I	
675 IAC 14-4.3-246.5	28 IR 1855	675 IAC 21-8-1	29 IR 2342	655 IAC 1-2.1-12	28 IR 1017
675 IAC 14-4.3-247.5	<b>29 IR 811</b>	Amendments to adopted code			<b>28 IR 2701</b>
Section E3903.10; bathtub and shower areas		675 IAC 21-8-2	29 IR 2342	Fire Inspector II	
675 IAC 14-4.3-247.5	28 IR 1855	<b>FIREFIGHTING PERSONNEL STANDARDS AND EDUCATION, BOARD OF</b>		655 IAC 1-2.1-13	28 IR 1017
675 IAC 14-4.3-248.5	<b>29 IR 811</b>	<b>PERSONNEL STANDARDS AND EDUCATION</b>			<b>28 IR 2701</b>
Section E4103.1.3; GFCI protection		General Administrative Rule		Fire Inspector III	
675 IAC 14-4.3-248.5	28 IR 1855	Certifications under this rule; requirements		655 IAC 1-2.1-14	28 IR 1017
675 IAC 14-4.3-249.5	<b>29 IR 811</b>	655 IAC 1-1-5.1	28 IR 1009		<b>28 IR 2701</b>
Section E4107.2; ground-fault circuit-interrupters required			<b>28 IR 2693</b>	Fire Investigator I	
675 IAC 14-4.3-253.5	28 IR 1855		28 IR 2415	655 IAC 1-2.1-15	28 IR 1017
675 IAC 14-4.3-254.5	<b>29 IR 811</b>		<b>29 IR 477</b>		<b>28 IR 2701</b>
Section E4107.4; receptacle locations		Mandatory Training Requirements		Fire Officer I	
675 IAC 14-4.3-253.7	28 IR 1855	General requirements for firefighter mandatory training		655 IAC 1-2.1-8	28 IR 1016
675 IAC 14-4.3-254.7	<b>29 IR 811</b>	655 IAC 1-4-2	28 IR 1028		<b>28 IR 2700</b>
Section G2411.1; gas pipe bonding			<b>28 IR 2712</b>	Fire Officer II	
675 IAC 14-4.3-155.5	28 IR 1850	Training for Voluntary Certification Program (1996)		655 IAC 1-2.1-9	28 IR 1016
	<b>29 IR 806</b>	Basic Firefighter requirements			<b>28 IR 2700</b>
Section R316.2; guard opening limitations		655 IAC 1-2.1-3	28 IR 1012	Fire Officer III	
675 IAC 14-4.2-30	27 IR 2333		<b>28 IR 2696</b>	655 IAC 1-2.1-10	28 IR 1016
	<b>28 IR 562</b>	Confined Space Rescuer-Awareness			<b>28 IR 2700</b>
Section R602.10.5; continuous structural panel sheathing		655 IAC 1-2.1-75.3	28 IR 1020	Fire Officer IV	
675 IAC 14-4.3-100	29 IR 2043		<b>28 IR 2704</b>	655 IAC 1-2.1-11	28 IR 1017
Section R1004.1; general		Confined Space Rescuer-Operations			<b>28 IR 2701</b>
675 IAC 14-4.3-136.5	28 IR 1850	655 IAC 1-2.1-100	28 IR 1023	Fire Officer-Strategy and Tactics	
Table E3701.4; allowable applications for wiring methods			<b>28 IR 2707</b>	655 IAC 1-2.1-7.1	28 IR 1014
675 IAC 14-4.3-226.1	28 IR 1852	Confined Space Rescuer-Technician			<b>28 IR 2698</b>
675 IAC 14-4.3-227.1	<b>29 IR 808</b>	655 IAC 1-2.1-101	28 IR 1024	Hazardous Materials First Responder-Awareness	
Table R703.4; weather-resistant siding attachment and minimum thickness			<b>28 IR 2708</b>	655 IAC 1-2.1-24	28 IR 1019
675 IAC 14-4.2-89.2	27 IR 2333				<b>28 IR 2703</b>
	<b>28 IR 562</b>			Hazardous Materials First Responder-Operations	
				655 IAC 1-2.1-24.1	28 IR 1019
					<b>28 IR 2703</b>

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Hazardous Materials-Incident Command 655 IAC 1-2.1-24.3 <b>28 IR 2703</b>	Vehicle and Machinery Rescuer-Awareness 655 IAC 1-2.1-75.2 <b>28 IR 2704</b>	CONDUCT OF GAMING Rules of Game; General Provisions Table limits 68 IAC 10-1-5 27 IR 3110 <b>28 IR 527</b>
Hazardous Materials-Technician 655 IAC 1-2.1-24.2 <b>28 IR 2703</b>	Vehicle and Machinery Rescuer-Operations 655 IAC 1-2.1-98 <b>28 IR 2706</b>	CREDIT General Provisions Reports by the executive director 68 IAC 16-1-16 27 IR 3113 <b>28 IR 531</b>
Instructor II/III 655 IAC 1-2.1-20 <b>28 IR 2702</b>	Vehicle and Machinery Rescuer-Technician 655 IAC 1-2.1-99 <b>28 IR 2707</b>	DISPUTE PROCEDURES Patron Dispute Procedures Patron dispute process 68 IAC 18-1-2 27 IR 3114 <b>28 IR 531</b>
National Incident Management System-First Responder-Awareness 655 IAC 1-2.1-112 <b>29 IR 485</b>	Wilderness Rescuer-Awareness 655 IAC 1-2.1-108 <b>28 IR 2711</b>	Reports by the executive director 68 IAC 18-1-6 27 IR 3114 <b>28 IR 532</b>
National Incident Management System-First Responder-Command 655 IAC 1-2.1-115 <b>29 IR 486</b>	Wilderness Rescuer-Operations 655 IAC 1-2.1-109 <b>28 IR 2711</b>	ETHICS Restriction on Gaming Reports by the executive director 68 IAC 9-4-8 27 IR 3110 <b>28 IR 527</b>
National Incident Management System-First Responder-Operations 655 IAC 1-2.1-113 <b>28 IR 2423</b> <b>29 IR 485</b>	Wilderness Rescuer-Technician 655 IAC 1-2.1-110 <b>28 IR 2711</b>	GAMING EQUIPMENT Chip Specifications Destruction of chips 68 IAC 14-4-8 27 IR 3112 <b>28 IR 529</b>
National Incident Management System-First Responder-Technician 655 IAC 1-2.1-114 <b>28 IR 2424</b> <b>29 IR 485</b>	<b>GAMING COMMISSION, INDIANA</b> LSA Document #05-84(E) <b>28 IR 2744</b> LSA Document #05-202(E) <b>28 IR 3599</b>	Token Specifications Destruction of tokens 68 IAC 14-5-6 27 IR 3112 <b>28 IR 529</b>
Rope Rescuer Awareness 655 IAC 1-2.1-75 <b>28 IR 1020</b> <b>28 IR 2703</b>	ACCOUNTING RECORDS AND PROCESSES Admission Tax Admissions 68 IAC 15-6-2 28 IR 238 <b>28 IR 2015</b>	GENERAL PROVISIONS Transfer of Ownership Obligation to report certain events 68 IAC 1-5-1 27 IR 3115 <b>28 IR 532</b>
Rope Rescuer Operations 655 IAC 1-2.1-96 <b>28 IR 1022</b> <b>28 IR 2706</b>	Computation of tax 68 IAC 15-6-5 28 IR 239 <b>28 IR 2016</b>	INTERNAL CONTROL PROCEDURES General Provisions Reports by the executive director 68 IAC 11-1-8 27 IR 3110 <b>28 IR 528</b>
Rope Rescuer-Technician 655 IAC 1-2.1-97 <b>28 IR 1022</b> <b>28 IR 2706</b>	Ticketing 68 IAC 15-6-3 28 IR 239 <b>28 IR 2016</b>	Soft Count Procedure General Provisions 68 IAC 11-3-1 27 IR 3110 <b>28 IR 528</b>
Safety Officer 655 IAC 1-2.1-22 <b>28 IR 1018</b> <b>28 IR 2702</b>	Cash Reserve Requirements and Distributions Cash reserve requirements 68 IAC 15-3-3 28 IR 237 <b>28 IR 2014</b>	LICENSES AND APPROVAL OF ASSOCIATED EQUIPMENT Associated Equipment Reports by the executive director 68 IAC 2-7-12 27 IR 3109 <b>28 IR 526</b>
Structural Collapse Rescuer-Awareness 655 IAC 1-2.1-75.4 <b>28 IR 1021</b> <b>28 IR 2705</b>	General Provisions Reports by the executive director 68 IAC 15-1-8 27 IR 3112 <b>28 IR 530</b>	Electronic Gaming Device Rules Reports by the executive director 68 IAC 2-6-49 27 IR 3109 <b>28 IR 526</b>
Structural Collapse Rescuer-Operations 655 IAC 1-2.1-102 <b>28 IR 1024</b> <b>28 IR 2708</b>	Main Bank Responsibilities Cage variances 68 IAC 15-10-4.1 27 IR 3113 <b>28 IR 530</b>	Occupational Licenses Duty to maintain suitability; duty to disclose 68 IAC 2-3-9 27 IR 3118 <b>28 IR 535</b>
Structural Collapse Rescuer-Technician 655 IAC 1-2.1-103 <b>28 IR 1025</b> <b>28 IR 2709</b>	Manually Paid Jackpots Pouch pay jackpots 68 IAC 15-13-2.5 27 IR 3113 <b>28 IR 531</b>	Identification badge 68 IAC 2-3-6 27 IR 3117 <b>28 IR 535</b>
Swift Water Rescuer-Awareness 655 IAC 1-2.1-76.1 <b>28 IR 1022</b> <b>28 IR 2706</b>	Tips and Gratuities; Chips and Tokens Redeemed by Nongaming Occupational Licensees Chips and tokens redeemed by nongaming occupational licensees 68 IAC 15-9-4 27 IR 3112 <b>28 IR 530</b>	Licensing procedures 68 IAC 2-3-5 27 IR 3115 <b>28 IR 533</b>
Swift Water Rescuer-Operations 655 IAC 1-2.1-106 <b>28 IR 1026</b> <b>28 IR 2710</b>	Wagering Tax Calculation of taxes 68 IAC 15-5-2 28 IR 237 <b>28 IR 2014</b>	
Swift Water Rescuer-Technician 655 IAC 1-2.1-107 <b>28 IR 1027</b> <b>28 IR 2710</b>	Transfer of ownership 68 IAC 15-5-1.5 28 IR 3627 <b>29 IR 1876</b>	
Trench Rescuer-Awareness 655 IAC 1-2.1-75.5 <b>28 IR 1021</b> <b>28 IR 2705</b>		
Trench Rescuer-Operations 655 IAC 1-2.1-104 <b>28 IR 1025</b> <b>28 IR 2709</b>		
Trench Rescuer-Technician 655 IAC 1-2.1-105 <b>28 IR 1026</b> <b>28 IR 2710</b>		

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

**MOVEMENT OF GAMING EQUIPMENT**

Electronic Gaming Device Movements  
Reports by the executive director  
68 IAC 17-1-5 27 IR 3114  
**28 IR 531**

Live Gaming Device Movements  
Reports by the executive director  
68 IAC 17-2-6 27 IR 3114  
**28 IR 531**

**PUBLIC SAFETY AND EXCURSIONS**

Excursions, Routes, and Public Safety  
Reports by the executive director  
68 IAC 8-1-11 27 IR 3110  
**28 IR 527**

Medical Services; Emergency Response  
Reports by the executive director  
68 IAC 8-2-29 27 IR 3110  
**28 IR 527**

**SECURITY AND SURVEILLANCE**

General Provisions for Surveillance System  
Applicability; definitions  
68 IAC 12-1-1 29 IR 1632  
Audio coverage required  
68 IAC 12-1-6.5 29 IR 1639  
Emergency procedures  
68 IAC 12-1-10 29 IR 1641  
Equipment specifications  
68 IAC 12-1-3 29 IR 1634  
Logs  
68 IAC 12-1-8 29 IR 1639  
Maintenance and malfunctions  
68 IAC 12-1-9 29 IR 1640  
Purpose  
68 IAC 12-1-0.5 29 IR 1632  
Reports by the executive director  
68 IAC 12-1-15 27 IR 3111  
**28 IR 529**  
29 IR 1642

Required surveillance  
68 IAC 12-1-4 29 IR 1636  
Requirements for continuous monitoring  
68 IAC 12-1-6 29 IR 1638  
Responsibilities of the surveillance department; internal controls  
68 IAC 12-1-1.5 29 IR 1633  
Retention of surveillance recordings  
68 IAC 12-1-7 29 IR 1639  
Surveillance department staffing  
68 IAC 12-1-1.7 29 IR 1633  
Surveillance of employees  
68 IAC 12-1-12 29 IR 1641  
Surveillance plan  
68 IAC 12-1-11 29 IR 1641  
Surveillance room specifications  
68 IAC 12-1-2 29 IR 1633  
Surveillance system capabilities  
68 IAC 12-1-5.5 29 IR 1637  
Surveillance system required coverage  
68 IAC 12-1-5 29 IR 1636  
Violation of rule  
68 IAC 12-1-13 29 IR 1642  
Waiver of requirements  
68 IAC 12-1-14 29 IR 1642

**TRANSFER OF OWNERSHIP**

Debt Acquisition  
Commission approval required; approval process  
68 IAC 5-3-2 27 IR 3109  
**28 IR 526**

Reports by the executive director  
68 IAC 5-3-7 27 IR 3109  
**28 IR 527**

**GEOLOGISTS, INDIANA BOARD OF LICENSURE FOR PROFESSIONAL PROFESSIONAL GEOLOGISTS**

Code of Ethics  
305 IAC 1-5 27 IR 217  
**28 IR 13**

Definitions  
“Professional geological work” defined  
305 IAC 1-2-6 27 IR 216  
**28 IR 12**

Issuance, Renewal, and Denial of Geologist Licensure  
Issuance of a renewal certificate  
305 IAC 1-3-4 27 IR 216  
**28 IR 12**

Special Provisions  
Publication of roster; responsibility of a licensed professional geologist to maintain a current address with the Indiana geological survey  
305 IAC 1-4-2 27 IR 217  
**28 IR 13**

Seal and responsibilities of licensed professional geologist for documents  
305 IAC 1-4-1 27 IR 216  
**28 IR 12**

**HEALTH, INDIANA STATE DEPARTMENT OF**

LSA Document #05-326(E) **29 IR 1235**  
LSA Document #05-327(E) **29 IR 1238**  
LSA Document #06-20(E) **29 IR 1959**  
LSA Document #06-73(E) **29 IR 2237**  
LSA Document #06-74(E) **29 IR 2241**

**ABORTION CLINICS**

410 IAC 26 29 IR 84  
Definitions  
Applicability  
410 IAC 26-1-1 29 IR 2324  
“ASA Class I patient” defined  
410 IAC 26-1-3.5 29 IR 2324  
“Biologics” defined  
410 IAC 26-1-4.6 29 IR 2324  
“Burn” defined  
410 IAC 26-1-4.8 29 IR 2324  
“Elopement” defined  
410 IAC 26-1-9.5 29 IR 2325  
“Hypoglycemia” defined  
410 IAC 26-1-12.5 29 IR 2325  
“Immediately postoperative” defined  
410 IAC 26-1-12.6 29 IR 2325  
“Informed consent” defined  
410 IAC 26-1-12.7 29 IR 2325  
“Intended use” defined  
410 IAC 26-1-12.8 29 IR 2325

“Kernicterus” defined  
410 IAC 26-1-12.9 29 IR 2325

“Low-risk pregnancy” defined  
410 IAC 26-1-13.5 29 IR 2325

“Serious disability” defined  
410 IAC 26-1-17.5 29 IR 2326

“Surgery or other invasive procedure” defined  
410 IAC 26-1-17.8 29 IR 2326

“Toxic substance” defined  
410 IAC 26-1-19 29 IR 2326

Quality Assessment and Improvement  
Reporting serious adverse events  
410 IAC 26-6-2 29 IR 2326

**BIRTHING CENTERS**

410 IAC 27 29 IR 66  
**29 IR 1904**

Definitions  
Applicability

410 IAC 27-1-1 29 IR 2328  
“ASA Class I patient” defined

410 IAC 27-1-1.5 29 IR 2328  
“Biologics” defined

410 IAC 27-1-2.5 29 IR 2328  
“Burn” defined

410 IAC 27-1-3.5 29 IR 2328  
“Elopement” defined

410 IAC 27-1-9.5 29 IR 2328  
“Hyperbilirubinemia” defined

410 IAC 27-1-13.4 29 IR 2328  
“Hypoglycemia” defined

410 IAC 27-1-13.5 29 IR 2328  
“Immediately postoperative” defined

410 IAC 27-1-13.6 29 IR 2328  
“Informed consent” defined

410 IAC 27-1-13.7 29 IR 2329  
“Intended use” defined

410 IAC 27-1-13.8 29 IR 2329  
“Kernicterus” defined

410 IAC 27-1-13.9 29 IR 2329  
“Low-risk pregnancy” defined

410 IAC 27-1-15.5 29 IR 2329  
“Neonates” defined

410 IAC 27-1-16.5 29 IR 2329  
“Serious disability” defined

410 IAC 27-1-21.5 29 IR 2329  
“Surgery or other invasive procedure” defined

410 IAC 27-1-23 29 IR 2329  
“Toxic substance” defined

410 IAC 27-1-24 29 IR 2330  
Quality Assessment and Improvement

Reporting serious adverse events  
410 IAC 27-6-2 29 IR 2330

**COMMUNICABLE DISEASE CONTROL**

Disease Reporting and Control  
Laboratories; reporting requirements  
410 IAC 1-2.3-48 29 IR 2293

Reporting requirements for physicians and hospital administrators  
410 IAC 1-2.3-47 29 IR 2290

Electronic Reporting of Emergency Department Visit Abstract Data by Hospitals  
410 IAC 1-2.4 28 IR 2806  
**29 IR 797**

Universal Precautions  
“Bloodborne pathogens” defined  
410 IAC 1-4-1.1 29 IR 1750



CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

“HBV” and “HCV” defined 410 IAC 1-4-4.3	29 IR 1750	“ASA Class I patient” defined 410 IAC 15-1.1-2.5	29 IR 1743	Applicability 410 IAC 6-12-0.5	27 IR 3212 <b>28 IR 818</b>
Precautions generally 410 IAC 1-4-8	29 IR 1750	“Biologics” defined 410 IAC 15-1.1-3.3	29 IR 1743	Application for construction permit 410 IAC 6-12-8	27 IR 3213 <b>28 IR 819</b>
FOOD AND DRUGS		“Burn” defined 410 IAC 15-1.1-3.7	29 IR 1743	“Commissioner” defined 410 IAC 6-12-3	27 IR 3213 <b>28 IR 818</b>
Food Establishment: Schedule of Civil Penalties for Violations		“Elopement” defined 410 IAC 15-1.1-8.5	29 IR 1743	“Community wastewater disposal facility” defined	27 IR 3213 <b>28 IR 818</b>
Schedule of civil penalties 410 IAC 7-23-1	27 IR 3301 <b>28 IR 908</b>	“Hyperbilirubinemia” defined 410 IAC 15-1.1-13.1	29 IR 1743	410 IAC 6-12-3.1	27 IR 3213 <b>28 IR 818</b>
Sanitary Standards for the Operation of Retail Food Establishments		“Hypoglycemia” defined 410 IAC 15-1.1-13.2	29 IR 1743	Construction permit revocations and modifi- cations	27 IR 3215 <b>28 IR 820</b>
410 IAC 7-24	27 IR 3216 <b>28 IR 822</b>	“Immediately postoperative” defined 410 IAC 15-1.1-13.3	29 IR 1743	410 IAC 6-12-13	27 IR 3215 <b>28 IR 820</b>
HEALTH FACILITIES; LICENSING AND OP- ERATIONAL STANDARDS		“Informed consent” defined 410 IAC 15-1.1-13.4	29 IR 1743	Denial of an application for construction permit	27 IR 3215 <b>28 IR 821</b>
Comprehensive Care Facilities		“Intended use” defined 410 IAC 15-1.1-13.5	29 IR 1744	410 IAC 6-12-14	27 IR 3215 <b>28 IR 821</b>
Dining assistants		“Kernicterus” defined 410 IAC 15-1.1-13.6	29 IR 1744	“Department” defined 410 IAC 6-12-3.2	27 IR 3213 <b>28 IR 818</b>
410 IAC 16.2-3.1-53	27 IR 2545 <b>28 IR 192</b>	“Low-risk pregnancy” defined 410 IAC 15-1.1-14.2	29 IR 1744	Fees 410 IAC 6-12-17	27 IR 3216 <b>28 IR 821</b>
Licenses		“Neonates” defined 410 IAC 15-1.1-15.5	29 IR 1744	Official’s signature; effective date 410 IAC 6-12-10	27 IR 3214 <b>28 IR 820</b>
410 IAC 16.2-3.1-2	27 IR 2536 <b>28 IR 182</b>	“Serious disability” defined 410 IAC 15-1.1-20	29 IR 1744	Permit conditions 410 IAC 6-12-11	27 IR 3215 <b>28 IR 820</b>
Personnel		“Spinal manipulative therapy” defined 410 IAC 15-1.1-21	29 IR 1744	Permit requirement 410 IAC 6-12-7	27 IR 3213 <b>28 IR 818</b>
410 IAC 16.2-3.1-14	27 IR 2542 <b>28 IR 189</b>	“Surgery or other invasive procedure” defined 410 IAC 15-1.1-22	29 IR 1744	“Person” defined 410 IAC 6-12-4	27 IR 3213 <b>28 IR 818</b>
Definitions		“Toxic substance” defined 410 IAC 15-1.1-23	29 IR 1745	Right of entry 410 IAC 6-12-9	27 IR 3214 <b>28 IR 820</b>
“Dining assistant” defined 410 IAC 16.2-1.1-19.3	27 IR 2542 <b>28 IR 189</b>	Governing Board Responsibilities Reporting serious adverse events” defined 410 IAC 15-1.4-2.2	29 IR 1745	Standards for issuance 410 IAC 6-12-12	27 IR 3215 <b>28 IR 820</b>
Resident Care Facilities		Governing Body Reporting serious adverse events 410 IAC 15-2.4-3	29 IR 2322	WOMEN, INFANTS, AND CHILDREN PRO- GRAM RULES, PENALTIES, AND SANC- TIONS FOR WIC VENDORS	410 IAC 3.6
Dining assistants		RADIOGRAPHY, NUCLEAR MEDICINE, AND RADIATION THERAPY LICENSING	29 IR 2301		29 IR 870
410 IAC 16.2-5-13	27 IR 2548 <b>28 IR 194</b>	REPORTING			
Licenses		Birth Problems Registry			
410 IAC 16.2-5-1.1	27 IR 2539 <b>28 IR 185</b>	Persons required to report 410 IAC 21-3-7	29 IR 1748		
Personnel		Reportable birth problems 410 IAC 21-3-9	28 IR 656 <b>28 IR 2355</b>		
410 IAC 16.2-5-1.4	27 IR 2547 <b>28 IR 193</b>	Reporting requirements 410 IAC 21-3-8	28 IR 656 <b>28 IR 2355</b>		
HOME HEALTH AGENCIES		REPORTING, MONITORING, AND PREVEN- TIVE PROCEDURES FOR LEAD POISON- ING	410 IAC 29		
Home Health Administration and Management		REPORTING OF COMPLICATIONS FROM SURGICAL TREATMENT OF MORBID OBESITY	410 IAC 28		
Home health agency administration and management		SANITARY ENGINEERING			
410 IAC 17-12-1	29 IR 2315	Plan Review, Construction Permits, and Fees for Services			
Home Health Patient Care		“Absorption field” defined 410 IAC 6-12-1	27 IR 3212 <b>28 IR 818</b>		
Medical plan of care 410 IAC 17-13-1	29 IR 2318				
Nurse directed plan of care 410 IAC 17-13-2	29 IR 2319				
Service plan 410 IAC 17-13-3	29 IR 2319				
Patient rights 410 IAC 17-12-3	29 IR 2317				
Home Health Licensure					
Licensure 410 IAC 17-10-1	29 IR 2313				
Incorporation by Reference					
Incorporation by reference 410 IAC 17-16-1	29 IR 2320				
HOSPITAL LICENSURE RULES					
Definitions					
Applicability 410 IAC 15-1.1-1	29 IR 1742				

## CITATIONS TO FINAL RULES ARE IN BOLD TYPE

### HEALTH FACILITY ADMINISTRATORS, INDIANA STATE BOARD OF GENERAL PROVISIONS

Definitions; Licensure; Examinations  
Examination  
840 IAC 1-1-6 29 IR 2051

### HOME INSPECTORS LICENSING BOARD

878 IAC 28 IR 1060  
28 IR 2718

### HORSE RACING COMMISSION, INDIANA ASSOCIATIONS

Operations  
Escort of practicing veterinarians  
71 IAC 4-4-11 29 IR 2210  
“In Today” program  
71 IAC 4-4-10 29 IR 2210

### DEFINITIONS

Definitions  
“Account wagering” defined  
71 IAC 1-1-1.5 29 IR 829  
“Pari-mutuel voucher” or “voucher” defined  
71 IAC 1-1-75.5 29 IR 829

### FLAT RACING; ASSOCIATIONS

Operations  
Escort of practicing veterinarians  
71 IAC 4.5-4-11 29 IR 2210  
“In Today” program  
71 IAC 4.5-4-10 29 IR 2210

### FLAT RACING; DEFINITIONS

Definitions  
“Account wagering” defined  
71 IAC 1.5-1-1.5 29 IR 829  
“Pari-mutuel voucher” or “voucher” defined  
71 IAC 1.5-1-71.5 29 IR 829

### FLAT RACING; HUMAN AND EQUINE HEALTH

Ban on Possession of Drugs  
Prohibited practices  
71 IAC 8.5-5-2 29 IR 2226

Equine Health; Medication Rules  
Furosemide as a permitted foreign substance  
71 IAC 8.5-1-5 29 IR 2223

Medication  
71 IAC 8.5-1-1 29 IR 2223

Excess Levels of Sodium, Bicarbonate, or pH  
71 IAC 8.5-13 28 IR 3599

Human Substance Abuse Testing  
Applicant and licensee subject to testing  
71 IAC 8.5-10-2 29 IR 2227

Postmortem; Disposal of a Dead Horse  
Postmortem; disposal of a dead horse  
71 IAC 8.5-7-1 29 IR 2227

Report of horse death  
71 IAC 8.5-7-2 29 IR 2227

Practicing Veterinarians  
Contact with entered horses  
71 IAC 8.5-4-12 29 IR 2225

Predrawn injectables  
71 IAC 8.5-4-10 29 IR 2225

Records of treatment  
71 IAC 8.5-4-5 29 IR 2224

Storage of supplies and drugs  
71 IAC 8.5-4-7 29 IR 2225

Testing of confiscated drug, substance, or  
medication  
71 IAC 8.5-4-11 29 IR 2225

Veterinarian vehicles  
71 IAC 8.5-4-9 29 IR 2225

Veterinary helpers  
71 IAC 8.5-4-13 29 IR 2225

### FLAT RACING; LICENSEES

General Provisions  
Conflict of interest  
71 IAC 5.5-1-21 29 IR 2213

Owners  
Licensing requirements for owners  
71 IAC 5.5-2-1 29 IR 2213

Trainers  
“In Today” responsibilities  
71 IAC 5.5-3-3.1 29 IR 2215

Other responsibilities  
71 IAC 5.5-3-3 29 IR 2214

### FLAT RACING; RULES OF THE RACE

Entries and Nominations  
Reporting to track  
71 IAC 7.5-1-16 29 IR 2217

Running of the Race  
Jockey requirements  
71 IAC 7.5-6-3 28 IR 2154

### HUMAN AND EQUINE HEALTH

Ban on Possession of Drugs  
Prohibited practices  
71 IAC 8-6-2 29 IR 2220

Equine Health; Medication Rules  
Furosemide as a permitted foreign substance  
71 IAC 8-1-5 29 IR 2218

Medication  
71 IAC 8-1-1 29 IR 2217

Human Substance Abuse Testing  
Applicant and licensee subject to testing  
71 IAC 8-10-2 29 IR 2222

Postmortem; Disposal of a Dead Horse  
Postmortem; disposal of a dead horse  
71 IAC 8-8-1 29 IR 2221

Report of horse death  
71 IAC 8-8-2 29 IR 2222

Practicing Veterinarians  
Contact with entered horses  
71 IAC 8-5-12 29 IR 2220

Predrawn injectables  
71 IAC 8-5-10 29 IR 2220

Records of treatment  
71 IAC 8-5-5 29 IR 2219

Storage of supplies and drugs  
71 IAC 8-5-8 29 IR 2219

Testing of confiscated drug, substance, or  
medication  
71 IAC 8-5-11 29 IR 2220

Veterinarian vehicles  
71 IAC 8-5-9 29 IR 2219

Veterinary helpers  
71 IAC 8-5-13 29 IR 2220

Veterinarian’s List  
Veterinarian’s list  
71 IAC 8-9-1 29 IR 2222

### LICENSEES

General Provisions  
Conflict of interest  
71 IAC 5-1-21 29 IR 2211

Owners  
Licensing requirements for owners  
71 IAC 5-2-1 29 IR 2211

Trainers  
Eligibility  
71 IAC 5-3-1 28 IR 2746

“In Today” responsibilities  
71 IAC 5-3-3.1 29 IR 2213

Other responsibilities  
71 IAC 5-3-3 29 IR 2212

### OFFICIALS

Judges  
Judge’s list  
71 IAC 3-2-9 28 IR 2745  
29 IR 2745

Paddock Judge  
General authority  
71 IAC 3-4-1 28 IR 2746

Program Director  
General authority  
71 IAC 3-11-1 28 IR 2746

Racing Secretary  
Cancellation of a race  
71 IAC 3-3-11 28 IR 2746

### PARI-MUTUEL WAGERING

General Provisions  
Prior approval required for betting pools  
71 IAC 9-1-14 29 IR 830

### RULES OF THE RACE

Driving Rules and Violations  
Driving rules  
71 IAC 7-3-7 28 IR 2749

Equipment presentation  
71 IAC 7-3-36 28 IR 2751

Horse also suspended  
71 IAC 7-3-29 28 IR 2750

Time for lapped on breaks  
71 IAC 7-3-18 28 IR 2750

Whip restriction  
71 IAC 7-3-13 28 IR 2750

Entries and Scratches  
Declaration to start and drawing horses  
71 IAC 7-1-29 28 IR 2748

Violations and Fines  
Disorderly conduct; all licensees  
71 IAC 7-5-1 28 IR 2751

Improper language  
71 IAC 7-5-2 28 IR 2751

### SATELLITE FACILITY AND SIMULCASTING

Operations  
Allocation of riverboat gambling admissions  
tax revenue  
71 IAC 12-2-15 29 IR 2208

### THOROUGHbred DEVELOPMENT PRO- GRAM

Awards  
Out-of-state breeder’s awards  
71 IAC 13.5-3-3 28 IR 2751

### TYPES OF RACES

Claiming Races  
Claiming procedure  
71 IAC 6-1-3 28 IR 2747  
29 IR 2215

Excusing claimed horse  
71 IAC 6-1-4 28 IR 2748  
29 IR 2217

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

**HOSPITAL COUNCIL**

**LICENSE FEES**

License Fees for Hospitals, Ambulatory Outpatient Surgical Centers, Abortion Clinics, and Birthing Centers  
 Abortion clinic license fees  
     414 IAC 1-1-3                     29 IR 103  
 Birthing center license fees  
     414 IAC 1-1-4                     29 IR 103

**INFORMATION TECHNOLOGY OVERSIGHT COMMISSION, STATE**

28 IAC                                     28 IR 986

**INSPECTOR GENERAL, OFFICE OF THE**

42 IAC                                     28 IR 3615  
   **29 IR 1205**

**INSURANCE, DEPARTMENT OF GENERAL PROVISIONS**

Bail Agents and Recovery Agents  
 Acceptance of collateral for bail bond; collateral receipt required  
     760 IAC 1-6.2-9                     29 IR 1365  
 Approval of instructor  
     760 IAC 1-6.2-12                   29 IR 1367  
 Authority  
     760 IAC 1-6.2-1                   29 IR 1363  
 Certificate of completion  
     760 IAC 1-6.2-14                   29 IR 1367  
 Contract between principal and surety; terms and conditions  
     760 IAC 1-6.2-10                   29 IR 1365  
 Definitions  
     760 IAC 1-6.2-1.5                   29 IR 1363  
 Education hour  
     760 IAC 1-6.2-13                   29 IR 1367  
 Gifts to public officials or prisoners prohibited; gifts to relatives permitted  
     760 IAC 1-6.2-7                   29 IR 1365  
 Manner of conducting business; capacity in which bail agent act  
     760 IAC 1-6.2-6                   29 IR 1365  
 Power of attorney  
     760 IAC 1-6.2-4                   29 IR 1364  
 Prelicensing and continuing education classes  
     760 IAC 1-6.2-11                   29 IR 1366  
 Receipts for receiving and returning collateral  
     760 IAC 1-6.2-5                   29 IR 1364  
 Records must be kept; information required  
     760 IAC 1-6.2-8                   29 IR 1365  
 Solicitation on bail agent's behalf by unlicensed person  
     760 IAC 1-6.2-3                   29 IR 1364  
 Soliciting business; actions considered  
     760 IAC 1-6.2-2                   29 IR 1364  
 Continuing Education  
 Application requirements  
     760 IAC 1-50-4                   27 IR 4136  
   **28 IR 1482**  
 Continuing education credit hour defined  
     760 IAC 1-50-3                   27 IR 4136  
   **28 IR 1482**

Requirements for self-study continuing education courses  
     760 IAC 1-50-5                   27 IR 4137  
   **28 IR 1483**

Copies of Medical Records  
     760 IAC 1-71                   28 IR 2456  
   28 IR 3044  
   **29 IR 547**

Group Coordination of Benefits  
 Allowable expense  
     760 IAC 1-38.1-20                   29 IR 2353  
 "Allowable expenses" defined  
     760 IAC 1-38.1-2                   29 IR 2346  
 "Birthday" defined  
     760 IAC 1-38.1-2.5                   29 IR 2347  
 "Claim" defined  
     760 IAC 1-38.1-3                   29 IR 2347  
 "Closed panel plan" defined  
     760 IAC 1-38.1-4.3                   29 IR 2347  
 "Consolidated Omnibus Budget Reconciliation Act of 1985" or "COBRA" defined  
     760 IAC 1-38.1-4.7                   29 IR 2347  
 "Coordination of benefits" or "COB" defined  
     760 IAC 1-38.1-5                   29 IR 2347  
 "Custodial parent" defined  
     760 IAC 1-38.1-5.2                   29 IR 2347  
 Excess and other nonconforming provisions  
     760 IAC 1-38.1-19                   29 IR 2353  
 Failure to agree  
     760 IAC 1-38.1-21.6                   29 IR 2353  
 "Group-type contract" defined  
     760 IAC 1-38.1-5.6                   29 IR 2347  
 "High-deductible health plan" defined  
     760 IAC 1-38.1-5.8                   29 IR 2348  
 Model coordination of benefits provision; prohibited coordination; benefit design  
     760 IAC 1-38.1-11                   29 IR 2349  
 Notice to covered persons  
     760 IAC 1-38.1-21.2                   29 IR 2353  
 Order of benefits for active/inactive employee  
     760 IAC 1-38.1-15                   29 IR 2351  
 Order of benefits for dependent child/parents not separated or divorced  
     760 IAC 1-38.1-13                   29 IR 2350  
 Order of benefits for dependent child/separated or divorced parents  
     760 IAC 1-38.1-14                   29 IR 2351  
 Order of benefits for longer/shorter length of coverage  
     760 IAC 1-38.1-16                   29 IR 2352  
 Order of benefits; general and nondependent/dependent  
     760 IAC 1-38.1-12                   29 IR 2350  
 Order of benefits under COBRA or continuation coverage  
     760 IAC 1-38.1-15.5                   29 IR 2352  
 "Plan" defined  
     760 IAC 1-38.1-7                   29 IR 2348  
 "Policyholder" defined  
     760 IAC 1-38.1-7.5                   29 IR 2349  
 "Primary plan" defined  
     760 IAC 1-38.1-8                   29 IR 2349  
 "Secondary plan" defined  
     760 IAC 1-38.1-9                   29 IR 2349

Secondary plan procedures; total allowable expenses  
     760 IAC 1-38.1-17                   29 IR 2352  
 Health Maintenance Organization Plan for Continuation of Benefits in the Event of Receivership  
     760 IAC 1-70                   27 IR 2560  
   28 IR 314  
   **28 IR 1480**  
 Medical Malpractice Insurance  
 Definitions  
     760 IAC 1-21-2                   28 IR 1311  
   **28 IR 2374**  
 Establishment of financial responsibility by ancillary provider or physician  
     760 IAC 1-21-3                   28 IR 1311  
   **28 IR 2375**  
 Filings by health facilities  
     760 IAC 1-21-11                   28 IR 1313  
   **28 IR 2376**  
 Financial responsibility of hospital  
     760 IAC 1-21-5                   28 IR 1311  
   **28 IR 2375**  
 Payment into patient's compensation fund; annual surcharge  
     760 IAC 1-21-8                   28 IR 1312  
   **28 IR 2376**  
 Retention of deposit during liability  
     760 IAC 1-21-4                   28 IR 1311  
   **28 IR 2375**  
 Scope of coverage  
     760 IAC 1-21-10                   28 IR 1313  
   **28 IR 2376**  
 Multiple Employer Welfare Arrangements  
 Certificate of registration  
     760 IAC 1-68-2                   29 IR 130  
   **29 IR 2187**  
 Coverage requirements  
     760 IAC 1-68-4                   29 IR 132  
   **29 IR 2189**  
 Definitions  
     760 IAC 1-68-1                   29 IR 129  
   **29 IR 2186**  
 Filings by multiple employer welfare arrangement  
     760 IAC 1-68-9                   29 IR 134  
   **29 IR 2191**  
 Financial condition  
     760 IAC 1-68-10                   29 IR 134  
   **29 IR 2192**  
 Premium rates  
     760 IAC 1-68-6                   29 IR 133  
   **29 IR 2191**  
 Third party administrator  
     760 IAC 1-68-8                   29 IR 134  
   **29 IR 2191**  
 Physician Specialty Classes  
 Part-time and retired physicians  
     760 IAC 1-60-5                   29 IR 2354  
 Senior Protections in Annuity Transactions  
     760 IAC 1-72                   29 IR 649  
   **29 IR 2192**  
**LONG TERM CARE INSURANCE COVERAGE**  
 Application Forms and Replacement Coverage  
 Any other health insurance policies  
     760 IAC 2-8-2                   27 IR 3314  
   **28 IR 571**

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Direct response solicitations 760 IAC 2-8-4	27 IR 3315 <b>28 IR 572</b>	Minimum benefit standards and required policy and certificate provisions for inte- grated policies 760 IAC 2-20-36.1	27 IR 3332 <b>28 IR 589</b>	Unintentional lapse 760 IAC 2-3-8	27 IR 3311 <b>28 IR 567</b>
Life insurance policies 760 IAC 2-8-6	27 IR 3315 <b>28 IR 572</b>	Minimum benefit standards and required policy and certificate provisions for long term care facility policies 760 IAC 2-20-36.2	27 IR 3333 <b>28 IR 590</b>	Purchase or Replacement Appropriateness of recommended purchase 760 IAC 2-16-1	27 IR 3320 <b>28 IR 576</b>
Notice regarding replacement of accident and sickness or long term care insurance 760 IAC 2-8-3	27 IR 3314 <b>28 IR 571</b>	Reporting of insurance producer data 760 IAC 2-20-37.2	27 IR 3334 <b>28 IR 590</b>	Reporting Requirements Reporting 760 IAC 2-9-1	27 IR 3316 <b>28 IR 572</b>
Questions 760 IAC 2-8-1	27 IR 3314 <b>28 IR 570</b>	Reporting of sales data 760 IAC 2-20-37.3	27 IR 3334 <b>28 IR 590</b>	Required Disclosure Provisions Renewability provisions 760 IAC 2-4-1	27 IR 3311 <b>28 IR 568</b>
Definitions “Activities of daily living” defined 760 IAC 2-2-1.5	27 IR 3306 <b>28 IR 563</b>	“Residential care facility” defined 760 IAC 2-20-31.1	27 IR 3329 <b>28 IR 586</b>	Required disclosure of rating practices to consumers 760 IAC 2-4-2	27 IR 3312 <b>28 IR 569</b>
“Bathing” defined 760 IAC 2-2-3.1	27 IR 3307 <b>28 IR 563</b>	Standards for marketing 760 IAC 2-20-34	27 IR 3329 <b>28 IR 586</b>	Shopper’s Guide Delivery 760 IAC 2-18-1	27 IR 3325 <b>28 IR 582</b>
“Cognitive impairment” defined 760 IAC 2-2-3.2	27 IR 3307 <b>28 IR 563</b>	Inflation Protection Offer General provisions 760 IAC 2-7-1	27 IR 3313 <b>28 IR 570</b>	Standard Forms 760 IAC 2-19.5	27 IR 3325 <b>28 IR 582</b>
“Continence” defined 760 IAC 2-2-3.3	27 IR 3307 <b>28 IR 564</b>	Licensing Licensing 760 IAC 2-10-1	27 IR 3316 <b>28 IR 573</b>	Suitability 760 IAC 2-15.5	27 IR 3319 <b>28 IR 575</b>
“Department of insurance” defined 760 IAC 2-2-3.4	27 IR 3307 <b>28 IR 564</b>	Loss Ratio Relevant factors 760 IAC 2-13-1	27 IR 3317 <b>28 IR 573</b>	MEDICARE SUPPLEMENT INSURANCE MINIMUM STANDARDS Benefit Standards Benefit standards for policies or certificates issued or delivered after December 31, 1991 760 IAC 3-6-1	28 IR 2428 28 IR 3016 <b>29 IR 519</b>
“Dressing” defined 760 IAC 2-2-3.5	27 IR 3307 <b>28 IR 564</b>	Marketing Standards 760 IAC 2-15-1	27 IR 3317 <b>28 IR 574</b>	Definitions “Bankruptcy” defined 760 IAC 3-2-2.5	28 IR 2426 28 IR 3013 <b>29 IR 517</b>
“Eating” defined 760 IAC 2-2-3.6	27 IR 3307 <b>28 IR 564</b>	Nonforfeiture Benefit Requirement 760 IAC 2-16.1	27 IR 3320 <b>28 IR 576</b>	“Medicare Advantage” defined 760 IAC 3-2-6.1	28 IR 2426 28 IR 3013 <b>29 IR 517</b>
“Federally tax-qualified long term care insur- ance contract” defined 760 IAC 2-2-3.7	27 IR 3307 <b>28 IR 564</b>	Outline of Coverage Standard 760 IAC 2-17-1	27 IR 3323 <b>28 IR 580</b>	“Medicare Advantage plan” defined 760 IAC 3-2-6.2	28 IR 2426 28 IR 3013 <b>29 IR 517</b>
“Hands-on assistance” defined 760 IAC 2-2-3.8	27 IR 3308 <b>28 IR 565</b>	Penalties Other sanctions 760 IAC 2-19-2	27 IR 3325 <b>28 IR 582</b>	“Medicare supplement policy” defined 760 IAC 3-2-7	28 IR 2426 28 IR 3014 <b>29 IR 517</b>
“Skilled nursing care”, intermediate care”, “personal care”, “home care”, and “other services” defined 760 IAC 2-2-8	27 IR 3308 <b>28 IR 565</b>	Policy Practices and Provisions Electronic enrollment 760 IAC 2-3-7	27 IR 3310 <b>28 IR 567</b>	Filing and Approval of Policies and Certificates and Premium Rates Filing and approval of policies and certi- ficates and premium rates 760 IAC 3-12-1	28 IR 2444 28 IR 3031 <b>29 IR 534</b>
General Provisions Applicability and scope 760 IAC 2-1-1	27 IR 3306 <b>28 IR 563</b>	Exclusions 760 IAC 2-3-2	27 IR 3308 <b>28 IR 565</b>	General Provisions Applicability and scope 760 IAC 3-1-1	28 IR 2426 28 IR 3013 <b>29 IR 517</b>
Indiana Long Term Care Program Auditing and correcting deficiencies in issuer record keeping 760 IAC 2-20-42	27 IR 3335 <b>28 IR 591</b>	Group long term care policies 760 IAC 2-3-4	27 IR 3309 <b>28 IR 566</b>		
“Case management agency” defined 760 IAC 2-20-10	27 IR 3329 <b>28 IR 585</b>	Individual long term care policies 760 IAC 2-3-1	27 IR 3308 <b>28 IR 565</b>		
Determining asset protection 760 IAC 2-20-38.1	27 IR 3334 <b>28 IR 590</b>	Premiums 760 IAC 2-3-6	27 IR 3310 <b>28 IR 567</b>		
Minimum benefit standards for qualifying policies, certificates, and riders 760 IAC 2-20-35	27 IR 3332 <b>28 IR 588</b>				

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Loss Ratio Standards and Refund or Credit of Premium		Comity Registration		Measurements for retracement surveys, original surveys, and route surveys	
Loss ratio standards and refund or credit of premium		Comity registration standards		865 IAC 1-12-7	29 IR 671
760 IAC 3-11-1	28 IR 2439	865 IAC 1-5-1	29 IR 665	Measurements for route surveys	
	28 IR 3026	Land surveyor applicant		865 IAC 1-12-22	29 IR 678
	<b>29 IR 530</b>	865 IAC 1-5-2	29 IR 665	Original and retracement survey monumentation	
Medicare Select Policies and Certificates		Continuing Education		865 IAC 1-12-18	29 IR 676
Medicare select policies and certificates		Audits of continuing education compliance		Original survey preliminary research	
760 IAC 3-8-1	28 IR 2434	865 IAC 1-13-19	29 IR 686	865 IAC 1-12-14	29 IR 675
	28 IR 3021	College courses as continuing education		Preliminary research and investigation on retracement surveys	
	<b>29 IR 525</b>	865 IAC 1-13-11	29 IR 686	865 IAC 1-12-9	29 IR 672
Minimum Benefit Standards		Continuing education credit not given		Property surveys affected	
Minimum benefit standards for policies or certificates issued for delivery before January 1, 1992		865 IAC 1-13-8	29 IR 685	865 IAC 1-12-5	29 IR 670
760 IAC 3-5-1	28 IR 2427	Continuing education requirements		Publication of retracement and original survey work	
	28 IR 3014	865 IAC 1-13-2	29 IR 684	865 IAC 1-12-12	29 IR 672
	<b>29 IR 518</b>	Courses from approved and unapproved providers		Publication of route survey results	
Open Enrollment		865 IAC 1-13-5	29 IR 684	865 IAC 1-12-23	29 IR 679
Guaranteed issue for eligible persons		Elective topics		Retracement and original survey plats	
760 IAC 3-9-2	28 IR 2437	865 IAC 1-13-7	29 IR 685	865 IAC 1-12-13	29 IR 674
	28 IR 3024	Hours used in later renewal cycles		Route survey preliminary research	
	<b>29 IR 528</b>	865 IAC 1-13-10	29 IR 685	865 IAC 1-12-20	29 IR 677
Open enrollment		Continuing Education Providers		Route survey fieldwork	
760 IAC 3-9-1	28 IR 2437	Auditing courses by the board		865 IAC 1-12-21	29 IR 677
	28 IR 3024	865 IAC 1-14-16	29 IR 687	Route survey monumentation	
	<b>29 IR 528</b>	Certifications of completion		865 IAC 1-12-24	29 IR 679
Policy Provisions		865 IAC 1-14-13	29 IR 686	Route survey plats	
Policy provisions		Continuing education course providers		865 IAC 1-12-25	29 IR 680
760 IAC 3-4-1	28 IR 2427	865 IAC 1-14-2	29 IR 686	Section corner perpetuation	
	28 IR 3014	Courses not completed		865 IAC 1-12-30	29 IR 682
	<b>29 IR 518</b>	865 IAC 1-14-14	29 IR 687	Surveyor location reports; certificate	
Recommended Purchase and Excessive Insurance		Reporting attendance to the board		865 IAC 1-12-29	29 IR 682
Appropriateness of recommended purchase and excessive insurance; reporting of multiple policies		865 IAC 1-14-15	29 IR 687	Surveyor location reports; purpose; scope	
760 IAC 3-18-1	28 IR 2455	Examinations		865 IAC 1-12-27	29 IR 681
	28 IR 3043	Content of land surveying examinations; scheduling of examinations		Surveyor location reports; requirements	
	<b>29 IR 546</b>	865 IAC 1-4-3	29 IR 663	865 IAC 1-12-28	29 IR 681
Required Disclosure Provisions		Examination attempts for certification as a land-surveyor-in-training		Surveyor responsibility	
Required disclosure provisions		865 IAC 1-4-8	29 IR 664	865 IAC 1-12-3	29 IR 669
760 IAC 3-14-1	28 IR 2445	Examination attempts for registration as a land surveyor		Qualifications for Examination	
	28 IR 3032	865 IAC 1-4-6	29 IR 664	Land surveyors; education and work experience	
	<b>29 IR 535</b>	Terminated applications; reapplication for admission; qualifications		865 IAC 1-2-1	29 IR 661
Requirements for Application Forms and Replacement Coverage		865 IAC 1-4-7	29 IR 664	Land-surveyors-in-training; education and work experience	
Application forms and replacement coverage		Fees		865 IAC 1-2-2	29 IR 663
760 IAC 3-15-1	28 IR 2453	Fees charged by board		Registrant's Seal	
	28 IR 3040	865 IAC 1-11-1	27 IR 2570	Application of seal; signature	
	<b>29 IR 544</b>		<b>28 IR 605</b>	865 IAC 1-7-2	29 IR 666
Standard Medicare Supplement Benefit Plans		General Provisions		Design and contents of seal	
Standard Medicare supplement benefit plans		Definitions; abbreviations		865 IAC 1-7-1	29 IR 665
760 IAC 3-7-1	28 IR 2432	865 IAC 1-1-1	29 IR 660	Use of electronic or digital signatures	
	28 IR 3019	Meetings of board		865 IAC 1-7-4	29 IR 667
	<b>29 IR 523</b>	865 IAC 1-1-2	29 IR 661	Use of seal and signature; acceptance of full responsibility	
LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR GENERAL PROVISIONS		Land Surveying; Competent Practice		865 IAC 1-7-3	29 IR 666
Applications		Definitions; abbreviations		Renewal	
Land-surveyor-in-training; application		865 IAC 1-12-2	29 IR 668	Renewal	
865 IAC 1-3-2	29 IR 663	Field work for retracement and original surveys		865 IAC 1-8-1	29 IR 667
		865 IAC 1-12-10	29 IR 672	Roster	
		Land surveyor duty to accumulate, preserve, and share data		Publication and contents of rosters	
		865 IAC 1-12-4	29 IR 670	865 IAC 1-9-1	29 IR 668
				Rules of Professional Conduct	
				Disclosure of conflict of interest	
				865 IAC 1-10-12	29 IR 668

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Revocation or suspension of license in another jurisdiction; effect 865 IAC 1-10-25	29 IR 668	INVESTMENT DEDUCTION 50 IAC 22	29 IR 579 29 IR 2257	PULL-TAB GAMES General Provisions Disputes 65 IAC 6-2-6	28 IR 2154
<b>LOCAL GOVERNMENT FINANCE, DEPARTMENT OF</b>		REMUNERATION FOR INITIAL TRAINING AND CONTINUING EDUCATION SESSIONS 50 IAC 20	27 IR 3603 <b>28 IR 1458</b>	Specific Pull-Tab Games Pull-tab game 020 LSA Document #04-250(E)	<b>28 IR 227</b>
ANNUAL ADJUSTMENTS 50 IAC 21	27 IR 4050 <b>28 IR 1452</b>	<b>LOTTERY COMMISSION, STATE</b> DRAW GAMES 50/50 Raffle		Pull-tab game 021 LSA Document #04-251(E)	<b>28 IR 228</b>
Agricultural Property Agricultural property 50 IAC 21-6-1	28 IR 3625	65 IAC 5-16	<b>28 IR 2142</b>	Pull-tab game 022 LSA Document #04-265(E)	<b>28 IR 613</b>
Analysis Application of factor 50 IAC 21-5-2	28 IR 3624	Determination of winning number 65 IAC 5-16-6	<b>29 IR 49</b>	Pull-tab game 023 LSA Document #04-266(E)	<b>28 IR 614</b>
Definitions "Commissioner" defined 50 IAC 21-2-1.5	28 IR 3622	Odds of winning 65 IAC 5-16-8	<b>29 IR 49</b>	Pull-tab game 024 LSA Document #04-306(E)	<b>28 IR 1192</b>
"Contract" defined 50 IAC 21-2-2	28 IR 3622	Payment of prize 65 IAC 5-16-7	<b>29 IR 49</b>	Pull-tab game 025 LSA Document #04-305(E)	<b>28 IR 1191</b>
"Department" defined 50 IAC 21-2-2.5	28 IR 3622	Prize amount and determination of winner 65 IAC 5-16-5	<b>29 IR 49</b>	Pull-tab game 026 LSA Document #04-331(E)	<b>28 IR 1495</b>
"IAAO standard" defined 50 IAC 21-2-3	28 IR 3622	Procedure for playing 65 IAC 5-16-4	<b>29 IR 49</b>	Pull-tab game 027 LSA Document #04-332(E)	<b>28 IR 1496</b>
Mandatory Analysis Mandatory analysis 50 IAC 21-8-1	28 IR 3625	Big Haul Raffle 65 IAC 5-19	<b>28 IR 3313</b>	Pull-tab game 028 LSA Document #05-16(E)	<b>28 IR 1708</b>
Mandatory Application of Factor Provision of information to the department of local government finance 50 IAC 21-10-1	28 IR 3626	General Provisions Disputes 65 IAC 5-2-6	<b>28 IR 2153</b> <b>29 IR 828</b>	Pull-tab game 029 LSA Document #05-17(E)	<b>28 IR 1709</b>
Purpose and Applicability Characteristics 50 IAC 21-1-3	28 IR 3622	Hoosier Lottery Powerball Allocation of prize pool 65 IAC 5-12-9	<b>29 IR 44</b>	LSA Document #05-34(E)	<b>28 IR 2152</b>
Ratio Studies and Sales Verification Valuation date and time adjustment 50 IAC 21-3-3	28 IR 3622	Amount of prize pools 65 IAC 5-12-6	<b>29 IR 43</b>	Pull-tab game 031 LSA Document #05-29(E)	<b>28 IR 2143</b>
Reassessment Reassessment 50 IAC 21-11-1	28 IR 3626	Definitions 65 IAC 5-12-2	<b>29 IR 41</b>	Pull-tab game 033 LSA Document #05-62(E)	<b>28 IR 2397</b>
Review of Neighborhood Delineations and Land Values Review of land values 50 IAC 21-4-2	28 IR 3624	Election to receive lump sum, cash payment 65 IAC 5-12-11.5	<b>29 IR 46</b>	Pull-tab game 038 LSA Document #05-186(E)	<b>28 IR 3589</b>
Review of neighborhood delineations 50 IAC 21-4-1	28 IR 3623	Odds of winning 65 IAC 5-12-12	<b>29 IR 46</b>	Pull-tab game 039 LSA Document #05-187(E)	<b>28 IR 3590</b>
Time Time 50 IAC 21-7-1	28 IR 3625	Payment of prizes 65 IAC 5-12-11	<b>29 IR 45</b>	Pull-tab game 040 LSA Document #05-239(E)	<b>29 IR 34</b>
Transfer of Data to the Department of Local Government Finance Transfer of data 50 IAC 21-9-1	28 IR 3625	Payment options 65 IAC 5-12-5	<b>29 IR 43</b>	Pull-tab game 045 LSA Document #05-281(E)	<b>29 IR 561</b>
<b>ASSESSMENT OF TANGIBLE PERSONAL PROPERTY</b>		Power Play promotion 65 IAC 5-12-12.5	<b>29 IR 47</b>	Pull-tab game 056 LSA Document #05-238(E)	<b>29 IR 33</b>
Valuation of Depreciable Tangible Personal Property Fully depreciated, retired, or nominally valued property; computer equipment; report and valuation 50 IAC 4.2-4-3	29 IR 836	Prize amounts 65 IAC 5-12-10	<b>29 IR 45</b>	Pull-tab game 057 LSA Document #05-282(E)	<b>29 IR 562</b>
<b>COMPUTER STANDARDS FOR A UNIFORM AND COMMON PROPERTY TAX MANAGEMENT SYSTEM</b>		Procedure for playing 65 IAC 5-12-4	<b>29 IR 42</b>	Pull-tab game 059 LSA Document #05-302(E)	<b>29 IR 569</b>
50 IAC 23	29 IR 1599	Ticket price 65 IAC 5-12-3	<b>29 IR 42</b>	Pull-tab game 060 LSA Document #05-303(E)	<b>29 IR 569</b>
		Hoosier Lottery TV Bingo 65 IAC 5-17	<b>28 IR 2731</b>	Pull-tab game 063 LSA Document #05-301(E)	<b>29 IR 568</b>
		Hoosier Lotto Payment options 65 IAC 5-10-4	<b>29 IR 1563</b>	Pull-tab game 064 LSA Document #05-304(E)	<b>29 IR 570</b>
		Indy Racing Experience 2-Seater Raffle 65 IAC 5-18	<b>28 IR 2738</b>	Pull-tab game 065 LSA Document #05-343(E)	<b>29 IR 1223</b>
		Prize 65 IAC 5-18-5	<b>28 IR 2993</b>	Pull-tab game 066 LSA Document #05-342(E)	<b>29 IR 1222</b>
		Payment of Prizes Claiming prizes from the commission 65 IAC 5-3-2	<b>29 IR 2208</b>	Pull-tab game 067 LSA Document #05-357(E)	<b>29 IR 1570</b>
				Pull-tab game 068 LSA Document #05-358(E)	<b>29 IR 1570</b>
				Pull-tab game 069 LSA Document #06-21(E)	<b>29 IR 1946</b>
				Pull-tab game 070 LSA Document #06-22(E)	<b>29 IR 1946</b>
				Pull-tab game 071 LSA Document #06-52(E)	<b>29 IR 2206</b>

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Pull-tab game 072		Scratch-Off Game 743		Scratch-Off Game 786	
LSA Document #06-53(E)	<b>29 IR 2206</b>	65 IAC 4-353	<b>28 IR 1492</b>	LSA Document #05-335(E)	<b>29 IR 1220</b>
SCRATCH-OFF GAMES		Scratch-Off Game 744		Scratch-Off Game 788	
General Provisions		LSA Document #05-7(E)	<b>28 IR 1701</b>	LSA Document #05-333(E)	<b>29 IR 1218</b>
Disputes		Scratch-Off Game 745		Scratch-Off Game 789	
65 IAC 4-2-6	<b>28 IR 2153</b>	LSA Document #05-8(E)	<b>28 IR 1702</b>	LSA Document #05-356(E)	<b>29 IR 1568</b>
	<b>29 IR 828</b>	Scratch-Off Game 746		Scratch-Off Game 790	
Instant Game 756		LSA Document #05-9(E)	<b>28 IR 1704</b>	LSA Document #05-353(E)	<b>29 IR 1563</b>
LSA Document #05-98(E)	<b>28 IR 2743</b>	Scratch-Off Game 747		Scratch-Off Game 791	
Instant Game 758		LSA Document #05-6(E)	<b>28 IR 1698</b>	LSA Document #05-354(E)	<b>29 IR 1565</b>
LSA Document #05-97(E)	<b>28 IR 2742</b>	LSA Document #05-10(E)	<b>28 IR 1704</b>	Scratch-Off Game 792	
Instant Game 762		Scratch-Off Game 748		LSA Document #05-355(E)	<b>29 IR 1566</b>
LSA Document #05-170(E)	<b>28 IR 3318</b>	LSA Document #05-30(E)	<b>28 IR 2144</b>	Scratch-Off Game 793	
Instant Game 763		Scratch-Off Game 749		LSA Document #06-2(E)	<b>29 IR 1574</b>
LSA Document #05-208(E)	<b>28 IR 3596</b>	LSA Document #05-31(E)	<b>28 IR 2145</b>	Scratch-Off Game 794	
Instant Game 767		Scratch-Off Game 750		LSA Document #06-3(E)	<b>29 IR 1575</b>
LSA Document #05-206(E)	<b>28 IR 3594</b>	LSA Document #05-61(E)	<b>28 IR 2395</b>	Scratch-Off Game 795	
Instant Game 768		Scratch-Off Game 752		LSA Document #06-15(E)	<b>29 IR 1942</b>
LSA Document #05-207(E)	<b>28 IR 3595</b>	LSA Document #05-65(E)	<b>28 IR 2401</b>	Scratch-Off Game 796	
Instant Game 771		Scratch-Off Game 753		LSA Document #06-16(E)	<b>29 IR 1943</b>
LSA Document #05-243(E)	<b>29 IR 40</b>	LSA Document #05-158(E)	<b>28 IR 3311</b>	Scratch-Off Game 797	
Instant Game 773		Scratch-Off Game 754		LSA Document #06-27(E)	<b>29 IR 1948</b>
LSA Document #05-241(E)	<b>29 IR 37</b>	LSA Document #05-63(E)	<b>28 IR 2398</b>	Scratch-Off Game 798	
Payment of Prizes		Scratch-Off Game 755		LSA Document #06-28(E)	<b>29 IR 1950</b>
Claiming prizes from the commission		65 IAC 4-355	<b>28 IR 2147</b>	Scratch-Off Game 799	
65 IAC 4-3-2	<b>29 IR 2207</b>	Scratch-Off Game 757		LSA Document #06-26(E)	<b>29 IR 1947</b>
Scratch-Off Game 723		LSA Document #05-96(E)	<b>28 IR 2740</b>	Scratch-Off Game 800	
LSA Document #04-238(E)	<b>28 IR 217</b>	Scratch-Off Game 759		LSA Document #06-62(E)	<b>29 IR 1953</b>
Scratch-Off Game 724		LSA Document #05-205(E)	<b>28 IR 3592</b>	Scratch-Off Game 814	
LSA Document #04-239(E)	<b>28 IR 218</b>	Scratch-Off Game 760		65 IAC 4-454	<b>29 IR 826</b>
Scratch-Off Game 725		LSA Document #05-169(E)	<b>28 IR 3316</b>	Scratch-Off Game 815	
LSA Document #04-240(E)	<b>28 IR 219</b>	Scratch-Off Game 761		LSA Document #05-298(E)	<b>29 IR 565</b>
Scratch-Off Game 726		LSA Document #05-64(E)	<b>28 IR 2399</b>	Scratch-Off Game 816	
65 IAC 4-348	<b>28 IR 221</b>	Scratch-Off Game 764		LSA Document #05-364(E)	<b>29 IR 1571</b>
Scratch-Off Game 727		LSA Document #05-33(E)	<b>28 IR 2150</b>	Scratch-Off Game 818	
LSA Document #04-242(E)	<b>28 IR 223</b>	Scratch-Off Game 765		LSA Document #06-61(E)	<b>29 IR 1952</b>
Scratch-Off Game 728		65 IAC 4-356	<b>28 IR 2734</b>	THE COMMISSION	
LSA Document #04-243(E)	<b>28 IR 224</b>	Scratch-Off Game 766		Ethics	
Scratch-Off Game 729		LSA Document #05-160(E)	<b>28 IR 3315</b>	Contractor ethics restrictions	
65 IAC 4-350	<b>28 IR 229</b>	Scratch-Off Game 770		65 IAC 1-4-5.5	<b>28 IR 217</b>
Scratch-Off Game 730		LSA Document #05-204(E)	<b>28 IR 3590</b>	MANUFACTURED HOME INSTALLER LI-	
LSA Document #04-244(E)	<b>28 IR 226</b>	Scratch-Off Game 772		CENSING BOARD	
Scratch-Off Game 731		LSA Document #05-242(E)	<b>29 IR 38</b>	879 IAC	<b>28 IR 1548</b>
LSA Document #04-280(E)	<b>28 IR 972</b>	Scratch-Off Game 774			<b>28 IR 2981</b>
Scratch-Off Game 732		LSA Document #05-240(E)	<b>29 IR 34</b>	MEDICAL LICENSING BOARD OF INDIANA	
LSA Document #04-281(E)	<b>28 IR 973</b>	Scratch-Off Game 775		HYPNOTIST COMMITTEE	
Scratch-Off Game 733		LSA Document #05-278(E)	<b>29 IR 557</b>	Standards of Competent Practice of Hypnotism	
LSA Document #04-282(E)	<b>28 IR 974</b>	Scratch-Off Game 776		Professional practice	
Scratch-Off Game 734		LSA Document #05-279(E)	<b>29 IR 558</b>	844 IAC 12-5-4	<b>28 IR 316</b>
65 IAC 4-349	<b>28 IR 975</b>	Scratch-Off Game 777			<b>28 IR 1693</b>
Scratch-Off Game 735		LSA Document #05-280(E)	<b>29 IR 559</b>	OCCUPATIONAL THERAPISTS AND OCCU-	
65 IAC 4-352	<b>28 IR 978</b>	Scratch-Off Game 778		PATIONAL THERAPY ASSISTANTS	
Scratch-Off Game 736		LSA Document #05-292(E)	<b>29 IR 563</b>	Certification	
LSA Document #04-301(E)	<b>28 IR 1186</b>	Scratch-Off Game 779		Mandatory registration; renewal	
Scratch-Off Game 737		LSA Document #05-306(E)	<b>29 IR 822</b>	844 IAC 10-4-1	<b>27 IR 2568</b>
LSA Document #04-302(E)	<b>28 IR 1187</b>	Scratch-Off Game 780			<b>28 IR 211</b>
Scratch-Off Game 738		LSA Document #05-309(E)	<b>29 IR 823</b>	Reinstatement of delinquent certificate	
LSA Document #04-303(E)	<b>28 IR 1188</b>	Scratch-Off Game 781		844 IAC 10-4-3	<b>29 IR 2355</b>
Scratch-Off Game 739		LSA Document #05-299(E)	<b>29 IR 566</b>	PHYSICAL THERAPISTS AND PHYSICAL	
LSA Document #04-304(E)	<b>28 IR 1189</b>	Scratch-Off Game 782		THERAPISTS' ASSISTANTS	
Scratch-Off Game 740		LSA Document #05-305(E)	<b>29 IR 571</b>	Admission to Practice	
LSA Document #04-326(E)	<b>28 IR 1488</b>	Scratch-Off Game 783		Applications for licensure as a physical thera-	
Scratch-Off Game 741		LSA Document #05-310(E)	<b>29 IR 824</b>	pist or certification as a physical therapist's	
Scratch-Off Game 741		Scratch-Off Game 784		assistant	
LSA Document #04-327(E)	<b>28 IR 1489</b>	LSA Document #05-334(E)	<b>29 IR 1219</b>	844 IAC 6-3-4	<b>27 IR 1637</b>
Scratch-Off Game 742		Scratch-Off Game 785			<b>28 IR 204</b>
LSA Document #04-328(E)	<b>28 IR 1491</b>	LSA Document #05-336(E)	<b>29 IR 1221</b>		

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Licensure by endorsement 844 IAC 6-3-1	27 IR 1636 <b>28 IR 203</b>	Fire and Life Safety Standards for Facilities Located in Apartment Buildings for Persons with a Psychiatric Disorder or an Addiction Adoption by reference 440 IAC 7.5-8-3	28 IR 666 <b>28 IR 2365</b>	Requirements specific to a supervised group living facility 440 IAC 7.5-4-8	28 IR 665 <b>28 IR 2364</b>
Licensure by examination 844 IAC 6-3-2	27 IR 1636 <b>28 IR 204</b>	Application 440 IAC 7.5-8-2	28 IR 666 <b>28 IR 2365</b>	Transitional Residential Facilities for Individuals with a Psychiatric Disorder or an Addiction Transitional residential facility 440 IAC 7.5-5-1	28 IR 665 <b>28 IR 2364</b>
Social Security numbers 844 IAC 6-3-6	27 IR 1638 <b>28 IR 205</b>	Scope 440 IAC 7.5-8-1	28 IR 666 <b>28 IR 2365</b>	<b>MOTOR VEHICLES, BUREAU OF DRIVER'S LICENSE DIVISION</b> Identity Documents Required 140 IAC 7-4	29 IR 63 <b>29 IR 1534</b>
Temporary permits 844 IAC 6-3-5	27 IR 1637 <b>28 IR 205</b>	Fire and Life Safety Standards for One and Two Family Dwellings for Persons with a Psychi- atric Disorder or an Addiction Adoption by reference 440 IAC 7.5-9-3	28 IR 667 <b>28 IR 2366</b>	<b>NATURAL RESOURCES COMMISSION</b> <b>ADJUDICATORY PROCEEDINGS</b> Procedural Rules Defaults, dismissals, and uncontested orders 312 IAC 3-1-9	28 IR 3003
General Provisions Accreditation of educational programs 844 IAC 6-1-4	27 IR 1635 <b>28 IR 203</b>	Application 440 IAC 7.5-9-2	28 IR 666 <b>28 IR 2366</b>	Filing and service of pleadings and docu- ments 312 IAC 3-1-7	28 IR 1203 <b>28 IR 2660</b>
Definitions 844 IAC 6-1-2	27 IR 1284 <b>28 IR 209</b>	Scope 440 IAC 7.5-9-1	28 IR 666 <b>28 IR 2365</b>	<b>ENTOMOLOGY AND PLANT PATHOLOGY</b> Control of Pests or Pathogens LSA Document #04-264(E)	<b>28 IR 616</b>
Registration of Licensed Physical Therapists and Physical Therapists' Assistants Reinstatement of delinquent license 844 IAC 6-4-3	27 IR 1638 <b>28 IR 206</b>	Fire and Life Safety Standards for Secure or Locked Sub-Acute Facilities for Persons with a Psychiatric Disorder or an Addiction That Meets the Fire Prevention and Building Safety Commission Requirements for an I-3 Occupancy 440 IAC 7.5-11	28 IR 667 <b>28 IR 2367</b>	LSA Document #04-307(E)	<b>28 IR 1192</b>
Reinstatement of Suspended License Duties of suspended licensees, certificate holders 844 IAC 6-6-3	27 IR 1638 <b>28 IR 206</b>	Requirements for All Residential Living Facili- ties in This Article General overview 440 IAC 7.5-2-1	28 IR 660 <b>28 IR 2359</b>	LSA Document #05-56(E)	<b>28 IR 2403</b>
Protection of patients' interest 844 IAC 6-6-4	27 IR 1639 <b>28 IR 206</b>	Physical requirements 440 IAC 7.5-2-12	28 IR 661 <b>28 IR 2360</b>	LSA Document #05-307(E)	<b>29 IR 830</b>
Standards of Professional Conduct Standards of professional conduct and com- petent practice 844 IAC 6-7-2	27 IR 1639 <b>28 IR 206</b>	Resident health and treatment 440 IAC 7.5-2-8	28 IR 661 <b>28 IR 2359</b>	LSA Document #05-317(E)	<b>29 IR 831</b>
<b>STANDARDS OF PROFESSIONAL CONDUCT AND COMPETENT PRACTICE OF MEDI- CINE</b> Pain Management 844 IAC 5-5	28 IR 3344	Safety requirements 440 IAC 7.5-2-13	28 IR 662 <b>28 IR 2361</b>	Control of the emerald ash borer LSA Document #06-23(E)	<b>29 IR 1957</b>
<b>MENTAL HEALTH AND ADDICTION, DIVI- SION OF</b> <b>RESIDENTIAL LIVING FACILITIES FOR INDIV- IDUALS WITH PSYCHIATRIC DISOR- DERS OR ADDICTIONS</b> Definitions Definitions 440 IAC 7.5-1-1	28 IR 657 <b>28 IR 2356</b>	Requirements Specific for Managed Care Pro- viders and Community Mental Health Centers Allowable expenses 440 IAC 7.5-3-7	28 IR 664 <b>28 IR 2363</b>	LSA Document #06-51(E)	<b>29 IR 2228</b>
Fire and Life Safety Standards for Congregate Residences for Persons with a Psychiatric Disorder or an Addiction Adoption by reference 440 IAC 7.5-10-3	28 IR 667 <b>28 IR 2367</b>	Calculation of resident living allowance 440 IAC 7.5-3-4	28 IR 664 <b>28 IR 2363</b>	312 IAC 18-3-18	28 IR 1201 <b>28 IR 2942</b>
Application 440 IAC 7.5-10-2	28 IR 667 <b>28 IR 2366</b>	Resident living allowance 440 IAC 7.5-3-3	28 IR 663 <b>28 IR 2362</b>	Control of larger pine shoot beetles LSA Document #04-258(E)	<b>28 IR 615</b>
Scope 440 IAC 7.5-10-1	28 IR 667 <b>28 IR 2366</b>	Sub-Acute and Supervised Group Living Facili- ties Certification procedure 440 IAC 7.5-4-4	28 IR 663 <b>28 IR 2363</b>	LSA Document #05-148(E)	<b>28 IR 2994</b>
		Requirements specific to a sub-acute facility 440 IAC 7.5-4-7	28 IR 664 <b>28 IR 2364</b>	312 IAC 18-3-12	28 IR 1203 <b>28 IR 2951</b>
					29 IR 614 29 2263
				Control of the giant African land snail LSA Document #05-212(E)	<b>28 IR 3608</b>
				312 IAC 18-3-19	28 IR 1521 <b>28 IR 2942</b>
				<b>FISH AND WILDLIFE</b> LSA Document #04-315(E)	<b>28 IR 1195</b>
				LSA Document #05-173(E)	<b>28 IR 3319</b>
				LSA Document #05-176(E)	<b>28 IR 3601</b>
				LSA Document #05-203(E)	<b>28 IR 3604</b>
				LSA Document #05-308(E)	<b>29 IR 830</b>
				<b>Birds</b> Endangered and threatened species; birds 312 IAC 9-4-14	27 IR 1952 <b>28 IR 542</b>
				<b>Geese</b> LSA Document #04-308(E)	<b>28 IR 1194</b>
				LSA Document #05-363(E)	<b>29 IR 1577</b>
				Migratory birds and waterfowl LSA Document #05-132(E)	<b>28 IR 2994</b>
				312 IAC 9-4-2	29 IR 622
				Mute swans 312 IAC 9-4-5.5	29 IR 622



CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Ruffed grouse 312 IAC 9-4-10	27 IR 1951	Minks, muskrats, and long-tailed weasels 312 IAC 9-3-13	27 IR 1950 <b>28 IR 540</b>	Field trial permits 312 IAC 9-10-7	29 IR 2274
Wild turkeys LSA Document #05-52(E)	<b>28 IR 2402</b>	Opossums and raccoons 312 IAC 9-3-14	27 IR 1950 <b>28 IR 540</b>	Fur buyers' licenses 312 IAC 9-10-12	29 IR 628
LSA Document #05-210(E)	<b>28 IR 3605</b>	Possession and sale of bobcats, river otters, and badgers 312 IAC 9-3-18.4	29 IR 621	Hunting permit for persons with disabilities 312 IAC 9-10-10	27 IR 1962 <b>28 IR 552</b>
312 IAC 9-4-11	27 IR 1951 <b>28 IR 541</b> 28 IR 1524 <b>28 IR 2946</b> 29 IR 623	River otters 312 IAC 9-3-18.2	29 IR 621	Nuisance wild animal control permit LSA Document #05-132(E)	<b>28 IR 2994</b>
Definitions		Squirrels 312 IAC 9-3-17	27 IR 1950 <b>28 IR 540</b>	312 IAC 9-10-11	29 IR 626
"Ice fishing shelter" defined 312 IAC 9-1-9.5	27 IR 1946 <b>28 IR 536</b>	Taking beavers, minks, muskrats, long-tailed weasels, red foxes, gray foxes, opossums, skunks, raccoons, or squirrels to protect property 312 IAC 9-3-15	27 IR 1950 <b>28 IR 540</b>	Special purpose educational permit 312 IAC 9-10-9.5	27 IR 1961 <b>28 IR 551</b>
"Portable ice fishing shelter" defined 312 IAC 9-1-11.5	27 IR 1946 <b>28 IR 536</b>	Reptiles and Amphibians Collection and possession of reptiles and amphibians native to Indiana 312 IAC 9-5-6	27 IR 1953 <b>28 IR 543</b>	Special purpose salvage permit 312 IAC 9-10-13.5	27 IR 1963 <b>28 IR 553</b>
Mammals		Endangered and threatened species; reptiles and amphibians 312 IAC 9-5-4	27 IR 1953 <b>28 IR 542</b> 28 IR 1525 <b>28 IR 2947</b>	Taxidermist licenses 312 IAC 9-10-5	29 IR 626
LSA Document #05-211(E)	<b>28 IR 3606</b>	Reptile captive breeding license 312 IAC 9-5-9	27 IR 1955 <b>28 IR 545</b> 28 IR 1528 <b>28 IR 2950</b>	Wild animal rehabilitation permit 312 IAC 9-10-9	27 IR 1960 <b>28 IR 550</b>
LSA Document #05-227(E)	<b>29 IR 50</b>	Sale and transport for sale of reptiles and amphibians native to Indiana 312 IAC 9-5-7	27 IR 1953 <b>28 IR 543</b> 28 IR 1526 <b>28 IR 2948</b> 29 IR 2272	Sport Fishing LSA Document #05-135(E)	<b>28 IR 2994</b>
Badgers 312 IAC 9-3-18.3	29 IR 621	Special purpose turtle possession permit 312 IAC 9-5-11	27 IR 1956 <b>28 IR 546</b> 29 IR 624	Black bass 312 IAC 9-7-6	27 IR 1959 <b>28 IR 549</b>
Beavers 312 IAC 9-3-11	27 IR 1949 <b>28 IR 539</b>	Restrictions and Standards Applicable to Wild Animals Fishing, hunting, and trapping without a license by owners and lessees of farmland 312 IAC 9-2-14	29 IR 618	Sport fishing methods, except on the Ohio River 312 IAC 9-7-2	27 IR 1957 <b>28 IR 547</b>
Bobcats 312 IAC 9-3-18.1	29 IR 621	Possession of endangered species of mam- mals, nonmigratory birds, reptiles, amphib- ians, fish, and crayfish 312 IAC 9-2-15	28 IR 1522	Trout and salmon 312 IAC 9-7-13	27 IR 1960 <b>28 IR 550</b>
Commercial processing of deer 312 IAC 9-3-10	27 IR 1949 <b>28 IR 539</b>	Sale of endangered species 312 IAC 9-2-14	28 IR 1522	Sport Fishing, Commercial Fishing; Defini- tions, Restrictions, and Standards Endangered and threatened species of fish 312 IAC 9-6-9	27 IR 1957 <b>28 IR 547</b>
Endangered and threatened species of mam- mals 312 IAC 9-3-19	29 IR 622	Taking, chasing, and possessing wild animals 312 IAC 9-2-1	29 IR 618	Wild Animal Possession Permits Applicability 312 IAC 9-11-1	27 IR 1964 <b>28 IR 554</b>
Exotic mammals 312 IAC 9-3-18.5	29 IR 1727	Special Licenses; Permits and Standards Aquaculture permit 312 IAC 9-10-17	27 IR 1964 <b>28 IR 554</b>	Confining, enclosing, and housing for partic- ular wild animals 312 IAC 9-11-13	29 IR 628
Foxes, coyotes, and skunks 312 IAC 9-3-12	27 IR 1949 <b>28 IR 539</b> 29 IR 621	Exotic mammal possession permit 312 IAC 9-10-21	29 IR 1728	First permit to possess a wild animal 312 IAC 9-11-2	27 IR 1965 <b>28 IR 555</b>
General requirements for deer; exemptions; tagging; tree blinds; maximum taking of antlered deer in a calendar year LSA Document #04-259(E)	<b>28 IR 615</b>			Maintaining a wild animal possessed under this rule 312 IAC 9-11-14	27 IR 1965 <b>28 IR 555</b>
LSA Document #04-260(E)	<b>28 IR 616</b>			FLOOD PLAIN MANAGEMENT Flood Plain Delineations and Management Local approval of activities within a floodway 312 IAC 10-3-6	29 IR 2274
LSA Document #05-211(E)	<b>28 IR 3606</b>			Floodway Licensing Flood easements 312 IAC 10-4-4	29 IR 2274
312 IAC 9-3-2	27 IR 1946 <b>28 IR 536</b> 29 IR 619 29 IR 1726			GREAT LAKES BASIN WATER MANAGE- MENT 312 IAC 6.2	27 IR 3119 <b>28 IR 1459</b>
Hunting deer by bow and arrows LSA Document #04-285(E)	<b>28 IR 981</b>				
312 IAC 9-3-4	27 IR 1948 <b>28 IR 538</b> 28 IR 1523 <b>28 IR 2945</b>				
Hunting deer by bow and arrows by authority of an extra deer license 312 IAC 9-3-5	28 IR 1523 <b>28 IR 2945</b>				
Hunting deer by firearms 312 IAC 9-3-3	27 IR 1947 <b>28 IR 537</b> 29 IR 620				
Hunting deer during special youth season 312 IAC 9-3-2.5	29 IR 1250				

## CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

### LAKE CONSTRUCTION ACTIVITIES

Definitions	
“Area of special concern” defined	
312 IAC 11-2-2	28 IR 2767
	<b>29 IR 464</b>
“Boatwell” defined	
312 IAC 11-2-4	29 IR 2275
“Bulkhead seawall” defined	
312 IAC 11-2-5	28 IR 1521
	<b>28 IR 2660</b>
“Developed area” defined	
312 IAC 11-2-7	28 IR 2767
	<b>29 IR 464</b>
“Glacial stone” defined	
312 IAC 11-2-11	28 IR 2768
	<b>29 IR 464</b>
	29 IR 2275
“Group pier” defined	
312 IAC 11-2-11.5	27 IR 4095
	<b>28 IR 1681</b>
“Manmade channel” defined	
312 IAC 11-2-11.8	28 IR 2768
	<b>29 IR 464</b>
“Natural shoreline” defined	
312 IAC 11-2-14.5	28 IR 2768
	<b>29 IR 464</b>
	29 IR 2275
“Riprap” defined	
312 IAC 11-2-20	28 IR 2768
	<b>29 IR 465</b>
“Seawall” defined	
312 IAC 11-2-21	29 IR 2275
“Significant wetland” defined	
312 IAC 11-2-24	28 IR 2768
	<b>29 IR 465</b>
	29 IR 2275
“Toe protection” defined	
312 IAC 11-2-25.2	28 IR 2768
	<b>29 IR 465</b>
“Underwater beach” defined	
312 IAC 11-2-27	29 IR 2275
“Upland side of a manmade channel” defined	
312 IAC 11-2-27.5	28 IR 2769
	<b>29 IR 465</b>
Innovative Practices and Nonconforming Uses	
Lawful nonconforming uses	
312 IAC 11-5-2	29 IR 1251
Licenses to enhance the public trust or to help control erosion	
312 IAC 11-5-3	28 IR 2771
	<b>29 IR 468</b>
Licensing of Particular Types of Structures	
Boatwell excavations or constructions	
312 IAC 11-4-5	29 IR 2278
Boatwell fills	
312 IAC 11-4-6	29 IR 2278
New seawalls	
312 IAC 11-4-2	28 IR 2769
	<b>29 IR 466</b>
	29 IR 2276
Seawall refacing	
312 IAC 11-4-3	28 IR 2770
	<b>29 IR 467</b>
	29 IR 2276

Underwater beaches	
312 IAC 11-4-4	28 IR 2771
	<b>29 IR 467</b>
	29 IR 2277
Temporary Structures and Permanent Structures	
General licenses for qualified temporary structures; dry hydrants; glacial stone refaces	
312 IAC 11-3-1	27 IR 4095
	<b>28 IR 1681</b>
Written licenses for structures that do not qualify for a general license	
312 IAC 11-3-3	28 IR 2769
	<b>29 IR 465</b>

### LAW ENFORCEMENT

Other Standards and Practices	
Insurance board	
312 IAC 4-6-6	28 IR 625
OFF-ROAD VEHICLES AND SNOWMOBILES	
312 IAC 6.5	27 IR 2767
	<b>28 IR 15</b>

### OIL AND GAS

Definitions	
“Active underground mine” defined	
312 IAC 16-1-2.5	29 IR 1730
Definitions	
312 IAC 16-1-1	29 IR 1730
“Inactive underground mine” defined	
312 IAC 16-1-28.3	29 IR 1730
“Intermediate string of casing” defined	
312 IAC 16-1-31.2	29 IR 1730
“Mine floor” defined	
312 IAC 16-1-32.5	29 IR 1730
“Mine plan” defined	
312 IAC 16-1-32.6	29 IR 1730
“Permit boundary” defined	
312 IAC 16-1-39.6	29 IR 1730
“Pillar” defined	
312 IAC 16-1-39.8	29 IR 1730
“Workable limits” defined	
312 IAC 16-1-52	29 IR 1731

Performance Standards and Enforcement	
Identification of commercially mineable coal resources	
312 IAC 16-5-5	29 IR 1723
Plugging and abandoning wells	
312 IAC 16-5-19	28 IR 2410
	<b>29 IR 458</b>

Protection of coal resources	
312 IAC 16-5-4	29 IR 1722

Permits	
Permit applications	
312 IAC 16-3-2	27 IR 4097
	<b>28 IR 1682</b>

Permit transfer	
312 IAC 16-3-8	27 IR 4099
	<b>28 IR 1684</b>

### OTHER PETROLEUM REGULATION

Geophysical Surveying	
Applications	
312 IAC 17-3-3	27 IR 2532
	<b>28 IR 557</b>
Bond type	
312 IAC 17-3-6	27 IR 2533
	<b>28 IR 558</b>

Definitions	
312 IAC 17-3-2	27 IR 2532
	<b>28 IR 557</b>
General provisions and application of definitions	
312 IAC 17-3-1	27 IR 2532
	<b>28 IR 557</b>
Permit issuance, expiration, revocation, denial, transfer, and review	
312 IAC 17-3-4	27 IR 2533
	<b>28 IR 558</b>
Reports	
312 IAC 17-3-9	27 IR 2534
	<b>28 IR 558</b>
Shothole plugging; surface reclamation	
312 IAC 17-3-8	27 IR 2534
	<b>28 IR 558</b>

### PROCEDURES AND DELEGATIONS

Organized Activities and Tournaments on Designated Public Waters; Administration	
License application	
312 IAC 2-4-6	28 IR 626
	<b>28 IR 2348</b>
Limitations on fishing tournaments at lakes administered by the division of state parks and reservoirs	
312 IAC 2-4-12	27 IR 3604
	<b>28 IR 1460</b>
Limitations on organized boating activities at Sylvan Lake, Noble County	
312 IAC 2-4-14	28 IR 626
	<b>28 IR 2348</b>

### PUBLIC USE OF NATURAL AND RECREATIONAL AREAS

LSA Document #04-262(E)	<b>28 IR 616</b>
LSA Document #06-17(E)	<b>29 IR 1956</b>
Administration and Definitions	
Definitions	
312 IAC 8-1-4	28 IR 2412
	<b>29 IR 461</b>
	29 IR 2269

### General Restrictions on the Use of DNR Properties

Firearms, hunting, and trapping	
312 IAC 8-2-3	28 IR 2413
	<b>29 IR 461</b>
	29 IR 2270
Swimming, snorkeling, scuba diving, and tow kite flying	
312 IAC 8-2-9	29 IR 2272
Vehicles, trails, watercraft, and aircraft	
312 IAC 8-2-8	28 IR 2414
	<b>29 IR 463</b>
	29 IR 1975

### WATERCRAFT OPERATIONS ON PUBLIC WATERS OF INDIANA

Lake Michigan; Restrictions	
LaPorte County waters of Lake Michigan and Trail Creek; watercraft restrictions	
LSA Document #05-44(E)	<b>28 IR 2402</b>
Specified Lakes and Reservoirs with State or Federal Funding; Restrictions	
Mississinewa Lake; special watercraft zones	
LSA Document #05-131(E)	<b>28 IR 2994</b>

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Specified Navigable Waterways Other Than Lake Michigan; Restrictions LSA Document #04-262(E) <b>28 IR 616</b>	Main and auxiliary engines 312 IAC 5-14-4 <b>28 IR 1462</b>	Curriculum; all programs 848 IAC 1-2-16 <b>28 IR 599</b>
Tippecanoe River in White County and Carroll County; watercraft speed restrictions LSA Document #05-53(E) <b>28 IR 2403</b>	Main engine gauges 312 IAC 5-14-15 <b>28 IR 1465</b>	Curriculum; licensed practical nurse program 848 IAC 1-2-18 <b>28 IR 600</b>
Specified Public Freshwater Lakes; Restrictions LSA Document #05-59(E) <b>28 IR 2405</b>	Personal flotation devices (life preservers or life jackets) 312 IAC 5-14-16 <b>28 IR 1465</b>	Curriculum; registered nurse programs 848 IAC 1-2-17 <b>28 IR 600</b>
Lake James Chain of Lakes; special watercraft zones 312 IAC 5-6-5 <b>28 IR 1680</b>	Pilot's license on waters of concurrent jurisdiction 312 IAC 5-14-22 <b>28 IR 1468</b>	Educational resources 848 IAC 1-2-20 <b>28 IR 601</b>
Lake Manitou; special watercraft zones 312 IAC 5-6-5.5 <b>28 IR 2944</b>	Portable battery operated light (flashlight) 312 IAC 5-14-20 <b>28 IR 1467</b>	Eligible institutions 848 IAC 1-2-7 <b>28 IR 596</b>
Specified Navigable Waterways Other Than Lake Michigan; Restrictions Ohio River embayments and tributaries; Bryant Creek and Turtle Creek in Switzerland County; watercraft speed zones 312 IAC 5-7-5 <b>29 IR 839</b>	Portable fuel tanks 312 IAC 5-14-8 <b>28 IR 1464</b>	Faculty 848 IAC 1-2-12 <b>28 IR 598</b>
Tippecanoe River in White County and Carroll County; watercraft speed restrictions LSA Document #06-25(E) <b>29 IR 1958</b>	Reciprocity for a Michigan certification 312 IAC 5-14-27 <b>28 IR 1470</b>	Faculty qualifications; licensed practical nurse programs 848 IAC 1-2-14 <b>28 IR 599</b>
Specified Waters Owned by Public Utilities; Restrictions Watercraft operation restrictions on Sullivan Lake in Sullivan County 312 IAC 5-9-5 <b>29 IR 1974</b>	Watercraft carrying more than six passengers for hire 312 IAC 5-14-25 <b>28 IR 1469</b>	Faculty qualifications; registered nurse programs 848 IAC 1-2-13 <b>28 IR 598</b>
Watercraft Carrying Passengers for Hire Bilge pumps and bailout devices 312 IAC 5-14-11 <b>28 IR 1464</b>	Watercraft carrying passengers for hire; application; delegation; exemptions; maintenance of equipment in a good and serviceable condition 312 IAC 5-14-1 <b>28 IR 1461</b>	Opening a program 848 IAC 1-2-1 <b>28 IR 594</b>
Certificate of inspection; issuance; posting; revocation 312 IAC 5-14-21 <b>28 IR 1467</b>	Watercraft carrying six or fewer passengers for hire on waters of concurrent jurisdiction 312 IAC 5-14-24 <b>28 IR 1468</b>	Organization and administration 848 IAC 1-2-10 <b>28 IR 597</b>
Cooking, heating, and lighting 312 IAC 5-14-19 <b>28 IR 1467</b>	WATER WELL DRILLERS Landowner Responsibility for Abandonment and Plugging of Wells Permanent abandonment of wells 312 IAC 13-10-2 <b>29 IR 2267</b>	Philosophy, mission, and objectives 848 IAC 1-2-9 <b>28 IR 597</b>
Diesel engines; ventilation 312 IAC 5-14-6.1 <b>28 IR 1463</b>	Other Wells and Structures Geothermal heat pump wells 312 IAC 13-8-1 <b>29 IR 2265</b>	Progression and graduation 848 IAC 1-2-21 <b>28 IR 601</b>
Electrical systems 312 IAC 5-14-9 <b>28 IR 1464</b>	Monitoring wells 312 IAC 13-8-3 <b>29 IR 2265</b>	Records 848 IAC 1-2-24 <b>28 IR 602</b>
Fire extinguishers 312 IAC 5-14-17 <b>28 IR 1465</b>	<b>NURSING, INDIANA STATE BOARD OF INDIANA STATE NURSES ASSISTANCE PROGRAM</b> 848 IAC 7 <b>29 IR 135</b>	Records and program catalog 848 IAC 1-2-22 <b>28 IR 602</b>
First aid equipment; emergency procedures 312 IAC 5-14-18 <b>28 IR 1466</b>	<b>REGISTERED NURSES AND PRACTICAL NURSES</b> Accreditation Accreditation status 848 IAC 1-2-5 <b>28 IR 594</b>	Reports to the board 848 IAC 1-2-23 <b>28 IR 602</b>
Fixed fuel tanks 312 IAC 5-14-7 <b>28 IR 1463</b>	Change of ownership 848 IAC 1-2-8 <b>28 IR 596</b>	Survey visits 848 IAC 1-2-6 <b>28 IR 595</b>
Gasoline engines; ventilation 312 IAC 5-14-5.1 <b>28 IR 1462</b>	Clinical experience; all programs 848 IAC 1-2-19 <b>28 IR 601</b>	Transfer of program to another controlling organization 848 IAC 1-2-8.5 <b>28 IR 596</b>
Inspections of watercraft carrying passengers for hire 312 IAC 5-14-2 <b>28 IR 1461</b>		Definitions; Administration Definitions 848 IAC 1-1-2.1 <b>28 IR 593</b>
		Licensure by endorsement 848 IAC 1-1-7 <b>28 IR 2384</b>
		Licensure by examination 848 IAC 1-1-6 <b>28 IR 2383</b>

## CITATIONS TO FINAL RULES ARE IN BOLD TYPE

### OPTOMETRIC LEGEND DRUG PRESCRIPTION ADVISORY COMMITTEE, INDIANA CERTIFICATION

Application and Renewal of the Indiana Optometric Legend Drug Certificate	
Original certification	
857 IAC 1-3-2	28 IR 3049
	<b>29 IR 817</b>
Renewal of the certificate	
857 IAC 1-3-3	28 IR 3049
	<b>29 IR 817</b>
Continuing Education	
Standards for approval; length of approval time	
857 IAC 1-2-3	28 IR 3048
	<b>29 IR 816</b>

### OPTOMETRY BOARD, INDIANA

#### GENERAL PROVISIONS

Continuing Education for Renewal of License	
Application for approval	
852 IAC 1-16-3	29 IR 1757
Continuing education programs deemed approved	
852 IAC 1-16-8	29 IR 1758
Continuing education requirements	
852 IAC 1-16-1	29 IR 1757
Continuing education sources	
852 IAC 1-16-6	29 IR 1758
Responsibilities of licensees	
852 IAC 1-16-2	29 IR 1757
Self-study	
852 IAC 1-16-7	29 IR 1758
Professional Conduct; Standards	
Duties of optometrist	
852 IAC 1-12-1	29 IR 657

### OPINIONS OF THE ATTORNEY GENERAL

(See Cumulative Table of Executive Orders and Attorney General's Opinions at 29 IR 2434)

### PERSONNEL DEPARTMENT, STATE

LSA Document #05-289(E)	<b>29 IR 550</b>
MERIT EMPLOYEES	
Hours and Leave	
Sick leave	
31 IAC 2-11-4	27 IR 4049
NON-MERIT EMPLOYEES	
Hours and Leaves	
Sick leave; definition; accrual	
31 IAC 1-9-4	27 IR 4049

### PESTICIDE REVIEW BOARD, INDIANA

DEFINITION; USE OF PESTICIDES	
Civil Penalty Assessment Schedule; Pesticide Registration	
Definitions	
357 IAC 1-6-1	28 IR 253
	<b>28 IR 1689</b>
Determining the violation number and count of violations to be assessed	
357 IAC 1-6-4	28 IR 256
	<b>28 IR 1692</b>
Imposition of civil penalties	
357 IAC 1-6-7	28 IR 257
	<b>28 IR 1693</b>

Notification of legal recourse	
357 IAC 1-6-6	28 IR 256
	<b>28 IR 1693</b>
Penalty money collected	
357 IAC 1-6-8	28 IR 257
	<b>28 IR 1693</b>
Potential penalty mitigation	
357 IAC 1-6-5	28 IR 256
	<b>28 IR 1692</b>
Schedule	
357 IAC 1-6-2	28 IR 254
	<b>28 IR 1690</b>
Civil Penalty Assessment Schedule; Pesticide Use and Applications	
Definitions	
357 IAC 1-7-1	28 IR 249
	<b>28 IR 1685</b>
Determining the violation number and count of violations to be assessed	
357 IAC 1-7-4	28 IR 251
	<b>28 IR 1687</b>
Imposition of civil penalties	
357 IAC 1-7-7	28 IR 252
	<b>28 IR 1688</b>
Notification of legal recourse	
357 IAC 1-7-6	28 IR 252
	<b>28 IR 1688</b>
Penalty money collected	
357 IAC 1-7-8	28 IR 252
	<b>28 IR 1689</b>
Potential penalty mitigation	
357 IAC 1-7-5	28 IR 252
	<b>28 IR 1688</b>
Schedule	
357 IAC 1-7-2	28 IR 250
	<b>28 IR 1686</b>
Pesticide Drift	
357 IAC 1-12	29 IR 853

### PHARMACY, INDIANA BOARD OF

#### PHARMACIES AND PHARMACISTS

Centralized Processing of Prescription Drug Orders	
856 IAC 1-37	28 IR 3047
	<b>29 IR 815</b>
Credit for Returned Expired Drugs	
856 IAC 1-38	29 IR 659
Electronic Prescribing	
856 IAC 1-40	29 IR 141
	<b>29 IR 1930</b>
Home Medical Equipment Service Providers	
856 IAC 1-39	29 IR 139
Sterile Pharmaceuticals; Preparation and Dispensing	
"Biological safety cabinet" defined	
856 IAC 1-30-2	28 IR 317
	<b>28 IR 2385</b>
"Class 100 environment" defined	
856 IAC 1-30-3	28 IR 318
	<b>28 IR 2385</b>
"Hazardous" defined	
856 IAC 1-30-4.1	28 IR 318
	<b>28 IR 2385</b>
Hazardous drugs	
856 IAC 1-30-17	28 IR 321
	<b>28 IR 2389</b>

"ISO" defined	
856 IAC 1-30-4.2	28 IR 318
	<b>28 IR 2386</b>
"NSF" defined	
856 IAC 1-30-4.3	28 IR 318
	<b>28 IR 2386</b>
"Parenteral" defined	
856 IAC 1-30-4.4	28 IR 318
	<b>28 IR 2386</b>
Personnel	
856 IAC 1-30-9	28 IR 320
	<b>28 IR 2388</b>
Physical requirements	
856 IAC 1-30-8	28 IR 319
	<b>28 IR 2387</b>
Policy and procedure manual	
856 IAC 1-30-7	28 IR 319
	<b>28 IR 2386</b>
"Positive patient outcome" defined	
856 IAC 1-30-4.5	28 IR 318
	<b>28 IR 2386</b>
"Product quality and characteristics" defined	
856 IAC 1-30-4.6	28 IR 318
	<b>28 IR 2386</b>
Quality assurance	
856 IAC 1-30-18	28 IR 321
	<b>28 IR 2389</b>
Records and reports	
856 IAC 1-30-14	28 IR 320
	<b>28 IR 2388</b>
"Sterile pharmaceutical" defined	
856 IAC 1-30-6	28 IR 319
	<b>28 IR 2386</b>

### WHOLESALE LEGEND DRUGS

Accreditation	
856 IAC 3-3	28 IR 3346
	<b>29 IR 2196</b>
Authentications	
856 IAC 3-7	28 IR 3348
	<b>29 IR 2197</b>
Definitions	
"Chain drug warehouse" defined	
856 IAC 3-1-2	28 IR 3346
	<b>29 IR 2195</b>
"Statement" defined	
856 IAC 3-1-3	28 IR 3346
	<b>29 IR 2196</b>
Drug Returns	
856 IAC 3-6	28 IR 3347
	<b>29 IR 2197</b>
Licensing and Operational Requirements	
Application forms; renewal forms	
856 IAC 3-2-3	28 IR 3346
	<b>29 IR 2196</b>
Normal Distribution Chain of Custody	
856 IAC 3-5	28 IR 3347
	<b>29 IR 2197</b>
Pedigrees	
856 IAC 3-4	28 IR 3347
	<b>29 IR 2196</b>

### PODIATRIC MEDICINE, BOARD OF

PODIATRISTS	
Admission to Practice	
Continuing Education	
Approval of continuing education programs	
845 IAC 1-5-3	28 IR 317
	<b>28 IR 2716</b>

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

**POLICE DEPARTMENT, STATE**

**PERSONNEL**

Civilian Employees' Personnel Rules  
Reappointment exceptions  
240 IAC 1-5-5 29 IR 839  
29 IR 1721  
**29 IR 2178**

Police Employees' Personnel Rules  
Applicant standards for appointment  
240 IAC 1-4-3 29 IR 838  
29 IR 1721  
**29 IR 2178**

Termination; mandatory retirement at 65 years of age  
240 IAC 1-4-24.1 29 IR 838  
29 IR 1721  
**29 IR 2178**

**PROFESSIONAL STANDARDS, ADVISORY BOARD OF THE DIVISION OF**

ACCOMPLISHED PRACTITIONER LICENSE  
515 IAC 12 27 IR 3703  
**28 IR 2135**

Accomplished Practitioner License  
Accomplished practitioner instructional license  
515 IAC 12-1-1 29 IR 1755

Accomplished practitioner license validity period  
515 IAC 12-1-3 29 IR 1755

Definitions  
515 IAC 12-1-0.5 29 IR 1755

General Provisions  
Definitions  
515 IAC 8-1-1 29 IR 1751

District level administrator; director of career and technical education; administrative license  
515 IAC 8-1-42 27 IR 2330  
**28 IR 1478**

Exceptional needs  
515 IAC 8-1-21 29 IR 1752

Reading specialist  
515 IAC 8-1-35 29 IR 1752

World language  
515 IAC 8-1-23 27 IR 2330  
**28 IR 1477**

**ISSUANCE AND REVOCATION OF VARIOUS LICENSES AND PERMITS**

General Provisions  
Certificates and licenses issued under prior rules; recognition  
515 IAC 9-1-2 29 IR 1754

Definitions  
515 IAC 9-1-1 29 IR 1753

Emergency permits for director of career and technical education  
515 IAC 9-1-22 27 IR 2331  
**28 IR 1479**

**TEACHER TRAINING AND LICENSING: REQUIREMENTS FOR EDUCATION BEGUN AFTER ACADEMIC YEAR 1977-78**

Teacher Proficiency Examination  
Minimum acceptable scores  
515 IAC 1-4-2 27 IR 2558  
**28 IR 1475**

Test requirements and exemptions  
515 IAC 1-4-1 27 IR 2558  
**28 IR 1475**

**WORKPLACE SPECIALIST LICENSES**  
515 IAC 10 28 IR 263

**PROPRIETARY EDUCATION, INDIANA COMMISSION ON GENERAL PROVISIONS**

Administration; Organizational Administration  
Qualifications for faculty  
570 IAC 1-9-5 29 IR 124

Career College Student Assurance Fund  
Claim criteria  
570 IAC 1-14-2 29 IR 127

Fund contributions  
570 IAC 1-14-3 29 IR 128

Investigation, hearing, and payment of allowed claims  
570 IAC 1-14-10 29 IR 128

Quarterly contributions  
570 IAC 1-14-4 29 IR 128

Rights of commission to proceed against institution  
570 IAC 1-14-11 29 IR 128

Definitions  
Definitions  
570 IAC 1-1-1 29 IR 111

Degree, Diploma, Certificate Authority; Additional Requirements  
Advanced degrees  
570 IAC 1-10.1-6 29 IR 125

Associate degrees  
570 IAC 1-10.1-4 29 IR 124

General Provisions  
Financial review of institution  
570 IAC 1-12-1 29 IR 125

Form for review  
570 IAC 1-12-2 29 IR 126

Institutions Not Subject to the Provisions; Reciprocity; National Accreditation  
Documentation by reciprocal or prior accreditation applicants  
570 IAC 1-2-4 29 IR 114

Nationally recognized accrediting agencies  
570 IAC 1-2-3 29 IR 114

Procedures; Definitions; Authorizations for Accreditation  
Accreditation statuses  
570 IAC 1-3-1 29 IR 114

Certificate of accreditation; form; seal  
570 IAC 1-3-2 29 IR 115

Renewal of accreditation; on-site evaluation  
570 IAC 1-3-3 29 IR 116

Record management  
Graduate and withdrawn student records  
570 IAC 1-11-4 29 IR 125

Receipt for records  
570 IAC 1-11-8 29 IR 125

Site Expansion  
Learning sites; in-state institutions  
570 IAC 1-13-1 29 IR 126

Learning sites; out-of-state institutions  
570 IAC 1-13-2 29 IR 126

Requirements for branch campuses  
570 IAC 1-13-3 29 IR 127

Rules applicable to branch campuses  
570 IAC 1-13-4 29 IR 127

Student Solicitation; Payment; Refunds  
Advertising Requirements  
570 IAC 1-8-3 29 IR 122

Approved advertising code  
570 IAC 1-8-7 29 IR 123

Programs consisting of 120 clock hours or less; refunds  
570 IAC 1-8-5.5 29 IR 123

Uniform refund policy  
570 IAC 1-8-4.5 29 IR 123

Uniform Procedures for Agent Certification  
Application procedure; temporary permit  
570 IAC 1-5-3 29 IR 120

Chief administrative officer as agent; permit exemption; on-campus personnel exemption  
570 IAC 1-5-2 29 IR 119

Lost or stolen identification card; penalties for misuse  
570 IAC 1-5-7 29 IR 121

Revocation of license  
570 IAC 1-5-5 29 IR 120

Termination of agent  
570 IAC 1-5-6 29 IR 120

Training verification  
570 IAC 1-5-4 29 IR 120

Uniform Procedures for Request of Accreditation; Establishment of Evaluation Team  
Evaluation notification; expenses  
570 IAC 1-4-3 29 IR 118

Initial accreditation; request; notice of status  
570 IAC 1-4-1 29 IR 116

Reevaluation  
570 IAC 1-4-4 29 IR 119

Team designation; on-site evaluation  
570 IAC 1-4-2 29 IR 117

Yearly Renewal of Surety Bonds; Procedure for Claim Against Surety Bonds  
Annual renewal of bond  
570 IAC 1-6-1 29 IR 121

Approved list of surety companies  
570 IAC 1-6-2 29 IR 121

Complaint by student; notice of claim  
570 IAC 1-6-3 29 IR 121

Payment of claim; procedures against surety  
570 IAC 1-6-4 29 IR 121

Refunds to students; disbursement; records  
570 IAC 1-6-6 29 IR 122

**REAL ESTATE COMMISSION, INDIANA**

**GENERAL PROVISIONS**

Definitions; Licensing; Miscellaneous Provisions  
Written offers to purchase; disposition of money received  
876 IAC 1-1-23 28 IR 2807  
**29 IR 1931**

Residential Real Estate Sales Disclosure  
Residential sales disclosure; form  
876 IAC 1-4-2 28 IR 3658  
**29 IR 1932**

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

REAL ESTATE APPRAISER LICENSURE AND CERTIFICATION		Continuing education		SOLID WASTE MANAGEMENT ACTIVITY REGISTRATION	
General Provisions		839 IAC 1-6-1	29 IR 2048	Solid Waste Facility Operator Testing Requirements	
Fee schedule		Continuing education requirements		Examination requirements for Category II certification	
876 IAC 3-2-7	27 IR 2574	839 IAC 1-6-3	29 IR 2050	329 IAC 12-8-4	27 IR 3696
	28 IR 212				28 IR 2127
Standards of Practice for Appraisers		SOLID WASTE MANAGEMENT BOARD		Examination requirements for Category III certification	
Deletions from the Uniform Standards of Professional Appraisal Practice		HAZARDOUS WASTE MANAGEMENT PERMIT PROGRAM AND RELATED HAZARDOUS WASTE MANAGEMENT		329 IAC 12-8-5	27 IR 3697
876 IAC 3-6-3	28 IR 1547	General Provisions			28 IR 2128
	28 IR 2717	Conversion of federal terms		Solid Waste Facility Operator Training Requirements	
Uniform Standards of Professional Appraisal Practice		329 IAC 3.1-1-9	29 IR 1261	Accredited training course requirements for recertification	
876 IAC 3-6-2	28 IR 1547	Fees		329 IAC 12-9-2	27 IR 3698
	28 IR 2717	329 IAC 3.1-1-14.1	29 IR 1262		28 IR 2128
REAL ESTATE CONTINUING EDUCATION		Incorporation by reference		UNDERGROUND STORAGE TANKS	
Course Requirements		329 IAC 3.1-1-7	27 IR 4110	Applicability; definitions	
Continuing education requirements			28 IR 2661	“Agency” defined	
876 IAC 4-2-1	28 IR 2809	Mailing address for notifications	29 IR 1261	329 IAC 9-1-4	26 IR 1209
	29 IR 2198	329 IAC 3.1-1-12.5	29 IR 1262		27 IR 3177
Distance Learning Continuing Education		Identification and Listing of Hazardous Waste			28 IR 145
876 IAC 4-3	28 IR 2809	Exceptions and additions; identification and listing of hazardous waste		Applicability	
	29 IR 2199	329 IAC 3.1-6-2	27 IR 4111	329 IAC 9-1-1	26 IR 1209
Sponsors of Courses; Approval Facilities			28 IR 2662		27 IR 3177
876 IAC 4-1-6	28 IR 2808	Indiana additions; listing of hazardous waste			28 IR 145
	29 IR 2198	329 IAC 3.1-6-3	27 IR 4111	“Change-in-service” defined	
REAL ESTATE COURSES AND LICENSING REQUIREMENTS FOR BROKERS AND SALESPERSONS			28 IR 2663	329 IAC 9-1-10.4	26 IR 1209
Fee Schedule		Waste excluded from regulation; General Motors Corporation, Fort Wayne Assembly Plant, Fort Wayne, Indiana	29 IR 1264		27 IR 3177
876 IAC 2-18	27 IR 2575	329 IAC 3.1-6-7	29 IR 843		28 IR 146
	28 IR 213	Waste excluded from regulation; Heritage Environmental Services, LLC and Nucor Steel Corporation, Crawfordsville, Indiana		“Chemical of concern” defined	
REVENUE, DEPARTMENT OF STATE		329 IAC 3.1-6-6	28 IR 2194	329 IAC 9-1-10.6	26 IR 1209
LSA Document #05-188(E)	28 IR 3585		28 IR 3552		27 IR 3178
LSA Document #05-273(E)	29 IR 551	Land Disposal Restrictions			28 IR 146
CHARITY GAMING		Exceptions and additions; land disposal restrictions		“Closure” defined	
45 IAC 20	28 IR 1500	329 IAC 3.1-12-2	27 IR 4113	329 IAC 9-1-10.8	26 IR 1210
Charity Gaming			28 IR 2665		27 IR 3178
Specific uses of proceeds		Rejection of Hazardous Waste			28 IR 146
45 IAC 18-3-8.1	28 IR 623	329 IAC 3.1-7.5	27 IR 4112	“Consumptive use” defined	
Use of proceeds			28 IR 2663	329 IAC 9-1-14	26 IR 1210
45 IAC 18-3-7.1	28 IR 623	Standards Applicable to Generators of Hazardous Waste			27 IR 3178
QUALITY ASSESSMENT ON HEALTH FACILITIES		Exceptions and additions; generator standards			28 IR 146
45 IAC 20	29 IR 1596	329 IAC 3.1-7-2	29 IR 1264	“Corrective action” defined	
UTILITY RECEIPTS TAX		State Administered Permit Program		329 IAC 9-1-14.5	26 IR 1210
45 IAC 1.3	27 IR 3101	Exceptions and additions; permit program			27 IR 3178
SECURITIES DIVISION		329 IAC 3.1-13-2	27 IR 4114		28 IR 146
GENERAL PROVISIONS			28 IR 2665	“Corrective action plan” defined	
Broker-Dealers		SOLID WASTE LAND DISPOSAL FACILITIES		329 IAC 9-1-14.7	26 IR 1210
Branch offices		Application Procedure for All Solid Waste Land Disposal Facilities			27 IR 3178
710 IAC 1-14-6	28 IR 3008	Research, development, and demonstration minor modification application			28 IR 146
	29 IR 1923	329 IAC 10-11-6.5	28 IR 1301	“Hazardous substance UST system” defined	
Loan Broker Regulations			28 IR 2670	329 IAC 9-1-25	26 IR 1210
710 IAC 1-22	28 IR 3009	Definitions			27 IR 3178
	29 IR 1924	“Minor modification of solid waste land disposal facilities” defined			28 IR 146
SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, AND MENTAL HEALTH COUNSELOR BOARD		329 IAC 10-2-112	28 IR 1301	“Hydraulic lift tank” defined	
GENERAL PROVISIONS			28 IR 2670	329 IAC 9-1-27	26 IR 1210
Continuing Education					27 IR 3178
Approval of continuing education program					28 IR 147
839 IAC 1-6-2	29 IR 2048				

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

"Petroleum UST system" defined 329 IAC 9-1-36		26 IR 1210 27 IR 3179 <b>28 IR 147</b>	Initial Response, Site Investigation, and Corrective Action Applicability for release response and corrective action 329 IAC 9-5-1		26 IR 1221 27 IR 3190 <b>28 IR 158</b>	Reporting and Record Keeping Electronic reporting and submittal 329 IAC 9-3-2		26 IR 1218 27 IR 3187 <b>28 IR 155</b>
"Piezometer" defined 329 IAC 9-1-36.5		27 IR 3179 <b>28 IR 177</b>	Corrective action plan 329 IAC 9-5-7		26 IR 1227 27 IR 3196 <b>28 IR 165</b>	Reporting and record keeping 329 IAC 9-3-1		26 IR 1216 27 IR 3184 <b>28 IR 152</b>
"Removal closure" defined 329 IAC 9-1-39.5		26 IR 1211 27 IR 3179 <b>28 IR 147</b>	Free product removal 329 IAC 9-5-4.2		26 IR 1224 27 IR 3192 <b>28 IR 160</b>	Upgrading of Existing UST Systems Upgrading of existing UST systems 329 IAC 9-2.1-1		26 IR 1215 27 IR 3183 <b>28 IR 151</b>
"SARA" defined 329 IAC 9-1-41.5		26 IR 1211 27 IR 3179 <b>28 IR 147</b>	Further site investigations for soil and ground water cleanup 329 IAC 9-5-6		26 IR 1226 27 IR 3196 <b>28 IR 164</b>	<b>USED OIL MANAGEMENT</b> Applicability Applicability 329 IAC 13-3-1		26 IR 1673 <b>27 IR 3978</b> 27 IR 4115 <b>28 IR 2666</b> 29 IR 1265
"Underground release" defined 329 IAC 9-1-47		26 IR 1211 27 IR 3179 <b>28 IR 147</b>	Initial abatement measures and site check 329 IAC 9-5-3.2		26 IR 1223 27 IR 3191 <b>28 IR 160</b>	Marketing used oil containing any quantifiable level of PCB 329 IAC 13-3-4		27 IR 4116 <b>28 IR 2668</b>
"Underground storage tank" defined 329 IAC 9-1-47.1		26 IR 1211 27 IR 3179 <b>28 IR 147</b>	Initial response 329 IAC 9-5-2		26 IR 1223 27 IR 3191 <b>28 IR 160</b>	Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery Rebuttable presumption for used oil 329 IAC 13-8-4		29 IR 1268
Closure Applicability 329 IAC 9-6-1		26 IR 1229 27 IR 3199 <b>28 IR 168</b>	Initial site characterization 329 IAC 9-5-5.1		26 IR 1224 27 IR 3193 <b>28 IR 161</b>	Used Oil Fuel Marketers Tracking 329 IAC 13-9-5		27 IR 4117 <b>28 IR 2669</b>
Applicability to previously closed UST systems 329 IAC 9-6-3		26 IR 1234 27 IR 3204 <b>28 IR 172</b>	Performance Standards New UST systems 329 IAC 9-2-1		26 IR 1211 27 IR 3179 <b>28 IR 147</b>	Used Oil Processors and Re-Refiners Rebuttable presumption for used oil 329 IAC 13-7-4		29 IR 1267
Closure procedure 329 IAC 9-6-2.5		26 IR 1230 27 IR 3200 <b>28 IR 168</b>	Notification requirements 329 IAC 9-2-2		26 IR 1214 27 IR 3182 <b>28 IR 150</b>	Used Oil Transporter and Transfer Facilities Rebuttable presumption for used oil 329 IAC 13-6-5		29 IR 1267
Closure records 329 IAC 9-6-4		26 IR 1234 27 IR 3204 <b>28 IR 173</b>	Release Detection General requirements for all UST systems 329 IAC 9-7-1		26 IR 1235 27 IR 3205 <b>28 IR 173</b>	<b>SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD</b> <b>GENERAL PROVISIONS</b> Definitions; Licensure; Ethics; Continuing Education Accepted colleges and universities 880 IAC 1-1-1.5		29 IR 2359
Temporary closure 329 IAC 9-6-5		26 IR 1235 27 IR 3205 <b>28 IR 173</b>	Methods of release detection for piping 329 IAC 9-7-5		27 IR 3209 <b>28 IR 177</b>	Application for license as an audiologist 880 IAC 1-1-2.5		29 IR 2360
General Operating Requirements Compatibility 329 IAC 9-3.1-3		26 IR 1219 27 IR 3188 <b>28 IR 156</b>	Methods of release detection for tanks 329 IAC 9-7-4		26 IR 1237 27 IR 3206 <b>28 IR 175</b>	Application for license as a speech-language pathologist 880 IAC 1-1-2		29 IR 2359
Operation and maintenance of corrosion protection 329 IAC 9-3.1-2		26 IR 1219 27 IR 3187 <b>28 IR 155</b>	Requirements for petroleum UST systems 329 IAC 9-7-2		26 IR 1236 27 IR 3206 <b>28 IR 174</b>	Clinical fellowship 880 IAC 1-1-3.1		29 IR 2361
Repairs and maintenance allowed 329 IAC 9-3.1-4		26 IR 1219 27 IR 3188 <b>28 IR 156</b>	Releases Release investigations and confirmation steps 329 IAC 9-4-3		26 IR 1220 27 IR 3189 <b>28 IR 157</b>	Definitions 880 IAC 1-1-1		29 IR 2359
Spill and overfill control 329 IAC 9-3.1-1		26 IR 1218 27 IR 3187 <b>28 IR 155</b>	Reporting and cleanup of spills and overfills 329 IAC 9-4-4		26 IR 1221 27 IR 3189 <b>28 IR 158</b>	Denial, suspension, and revocation of licenses; unprofessional conduct; conviction of crime; disciplinary action 880 IAC 1-1-6		29 IR 2362
						Fees 880 IAC 1-1-5		29 IR 2362
						Renewal of License; Continuing Education Renewal of license 880 IAC 1-3.1-1		29 IR 2368

## Index

Responsibilities		"Deductible amount" defined		Obligation of monies	
880 IAC 1-3.1-3	29 IR 2368	328 IAC 1-1-4	27 IR 2778	328 IAC 1-2-3	27 IR 2780
Support Personnel			<b>28 IR 124</b>		<b>28 IR 125</b>
Activities prohibited by the SLP support personnel		"Emergency measures" defined		Third Party Liability Claims	
880 IAC 1-2.1-7	29 IR 2365	328 IAC 1-1-5.1	27 IR 2778	Applications for payment of third party liability claims	
Application for registration			<b>28 IR 124</b>	328 IAC 1-6-1	27 IR 2796
880 IAC 1-2.1-4	29 IR 2364	"Off-site" defined			<b>28 IR 143</b>
Definitions		328 IAC 1-1-7.5	27 IR 2779	Fund payment procedures for third party liability	
880 IAC 1-2.1-1	29 IR 2363		<b>28 IR 124</b>	328 IAC 1-6-2	27 IR 2796
Educational requirements for SLP aide		"Reasonable" defined			<b>28 IR 143</b>
880 IAC 1-2.1-2	29 IR 2363	328 IAC 1-1-8.3	27 IR 2779		
Educational requirements for SLP assistant			<b>28 IR 124</b>		
880 IAC 1-2.1-3.1	29 IR 2364	"Site characterization" defined			
Educational requirements for SLP associate		328 IAC 1-1-8.5	27 IR 2779		
880 IAC 1-2.1-3	29 IR 2363		<b>28 IR 125</b>		
Renewal of registration		"Substantial compliance" defined			
880 IAC 1-2.1-6	29 IR 2365	328 IAC 1-1-9	27 IR 2779		
SLP aides previously registered under 880 IAC 1-2			<b>28 IR 125</b>		
880 IAC 1-2.1-10	29 IR 2368	"Third party liability" defined			
Social Security numbers		328 IAC 1-1-10	27 IR 2779		
880 IAC 1-2.1-4.1	29 IR 2365		<b>28 IR 125</b>		
Supervisors; responsibilities		Financial Assurance			
880 IAC 1-2.1-9	29 IR 2366	Termination of financial assurance			
Tasks that may be delegated to the SLP support personnel		328 IAC 1-7-2	27 IR 2797		
880 IAC 1-2.1-8	29 IR 2366		<b>28 IR 144</b>		
		Fund Coverage and Eligibility			
		Amount of coverage			
		328 IAC 1-3-4	27 IR 2783		
			<b>28 IR 129</b>		
		Cost effectiveness of corrective action			
		328 IAC 1-3-1.3	27 IR 2780		
			<b>28 IR 126</b>		
		Costs			
		328 IAC 1-3-5	27 IR 2784		
			<b>28 IR 129</b>		
		Eligibility requirements			
		328 IAC 1-3-3	27 IR 2781		
			<b>28 IR 127</b>		
		Fund access			
		328 IAC 1-3-1	27 IR 2780		
			<b>28 IR 126</b>		
		Fund disbursement			
		328 IAC 1-3-2	27 IR 2781		
			<b>28 IR 127</b>		
		Limitation of liability			
		328 IAC 1-3-6	27 IR 2791		
			<b>28 IR 137</b>		
		Preapproval of costs			
		328 IAC 1-3-1.6	27 IR 2781		
			<b>28 IR 127</b>		
		Prioritization of Claims			
		Discontinuation of prioritization			
		328 IAC 1-4-5	27 IR 2791		
			<b>28 IR 141</b>		
		General procedure for prioritization			
		328 IAC 1-4-1	27 IR 2791		
			<b>28 IR 137</b>		
		Monthly reimbursement			
		328 IAC 1-4-4	27 IR 2795		
			<b>28 IR 141</b>		
		Recategorization of releases			
		328 IAC 1-4-3	27 IR 2794		
			<b>28 IR 140</b>		
		Transition to the prioritization procedure			
		under this rule			
		328 IAC 1-4-1.5	27 IR 2794		
			<b>28 IR 140</b>		
		Scope and Fund Management			
		Applicability			
		328 IAC 1-2-1	27 IR 2779		
			<b>28 IR 125</b>		



CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Customer complaints to the commission 170 IAC 7-1.3-9	27 IR 4084	Great Lakes system dischargers establishment of water quality-based effluent limitations (WQBELs) 327 IAC 5-2-11.6	27 IR 3689 <b>28 IR 2120</b>	Other required information 327 IAC 8-2.1-6	28 IR 1248 <b>28 IR 3227</b>
Customer complaints to the utility 170 IAC 7-1.3-8	27 IR 4083	Great Lakes system dischargers total maxi- mum daily loads; wasteload allocations for point sources; load allocations for nonpoint sources; preliminary wasteload allocations 327 IAC 5-2-11.4	27 IR 3669 <b>28 IR 2102</b>	Required additional health information 327 IAC 8-2.1-4	28 IR 1247 <b>28 IR 3226</b>
Customer payments 170 IAC 7-1.3-10	27 IR 4085	Incorporation by reference 327 IAC 5-2-1.5	27 IR 3663 <b>28 IR 2097</b>	Special notice for nitrate exceedances above MCL by noncommunity water systems; granted permission by the commissioner under 327 IAC 8-2-4(b)	28 IR 1257 <b>28 IR 3235</b>
Definitions 170 IAC 7-1.3-2	27 IR 4080	Monitoring 327 IAC 5-2-13	27 IR 3694 <b>28 IR 2125</b>	Tier 1 public notice; form, manner, and fre- quency of notice 327 IAC 8-2.1-8	28 IR 1255 <b>28 IR 3233</b>
<b>WATER UTILITIES</b>		Public notice of comment period and public meetings for site-specific modification of water quality criteria and values; imple- mentation of antidegradation; alternate mixing zone demonstrations; variances 327 IAC 5-2-11.2	27 IR 3668 <b>28 IR 2101</b>	Tier 2 notice; form, manner, and frequency of notice 327 IAC 8-2.1-9	28 IR 1256 <b>28 IR 3234</b>
Distribution System Improvement Charges (DSIC) 170 IAC 6-1.1	28 IR 1518 <b>29 IR 456</b>	Reporting requirements 327 IAC 5-2-15	27 IR 3694 <b>28 IR 2126</b>	<b>Drinking Water Standards</b> Analytical and monitoring requirements; fecal coliform, total coliform, turbidity, disinfection 327 IAC 8-2-8.7	28 IR 1229 <b>28 IR 3207</b>
Water Customer Service Rights and Responsi- bilities 170 IAC 6-1.2	27 IR 4073	<b>Definitions</b> “Waters of the state of Indiana” or “waters of the state” defined 327 IAC 5-1.5-72	27 IR 3663 <b>28 IR 2097</b>	Analytical methods for inorganic chemical testing 327 IAC 8-2-4.2	28 IR 1217 <b>28 IR 3195</b>
<b>VETERINARY MEDICAL EXAMINERS, INDIANA BOARD OF PROFESSIONAL COMPETENCE</b>		<b>Special NPDES Programs</b> Concentrated animal feeding operations 327 IAC 5-4-3	29 IR 1982	Analytical methods for organic chemical testing other than volatile organic com- pounds and total trihalomethanes 327 IAC 8-2-5.2	28 IR 1222 <b>28 IR 3200</b>
Application for License as a Veterinarian Application content; examination applicant; application deadline 888 IAC 1.1-6-1	27 IR 2875 <b>28 IR 607</b> 27 IR 3704 <b>28 IR 607</b>	Streamlined Mercury Variance Requirements and Application Process 327 IAC 5-3.5	28 IR 650 <b>28 IR 2349</b>	Analytical methods for radioactivity 327 IAC 8-2-10.1	28 IR 1230 <b>28 IR 3209</b>
Application for Registration as a Veterinary Technician; Examination Examination scores 888 IAC 1.1-8-3	28 IR 1859 <b>28 IR 3581</b>	<b>NPDES GENERAL PERMIT RULE PROGRAM</b> Concentrated Animal Feeding Operations Nutrient management requirements 327 IAC 15-15-12	29 IR 1987	Analytical methods; lead and copper 327 IAC 8-2-45	28 IR 1240 <b>28 IR 3218</b>
Standards of Practice Reporting of substance abuse or psychiatric impairment 888 IAC 1.1-5-3	29 IR 688 <b>29 IR 2201</b>	Soil conservation practice plan 327 IAC 15-15-11	29 IR 1987	Best available technologies, small systems compliance technologies (SSCTs), and compliance technologies by system size category for radionuclides 327 IAC 8-2-10.3	28 IR 1237 <b>28 IR 3215</b>
<b>VICTIM SERVICES DIVISION</b>		<b>PUBLIC WATER SUPPLY</b> Approval of Public Water Supply Plans Construction requirements at noncommunity public water systems serving 250 or fewer individuals 327 IAC 8-4-2	28 IR 2191	Collection of samples for inorganic chemical testing 327 IAC 8-2-4.1	28 IR 1212 <b>28 IR 3190</b>
203 IAC	27 IR 2526 <b>28 IR 6</b>	Public water system plans; approval by board 327 IAC 8-4-1	28 IR 2190	Collection of samples for organic chemical testing other than volatile organic com- pounds and total trihalomethanes 327 IAC 8-2-5.1	28 IR 1220 <b>28 IR 3198</b>
<b>WATER POLLUTION CONTROL BOARD</b>		Consumer Confidence Reports Content of the reports 327 IAC 8-2.1-3	28 IR 1244 <b>28 IR 3223</b>	Collection of samples for volatile organic compound testing other than total trihalomethanes; community and nontransient noncommunity water systems 327 IAC 8-2-5.5	28 IR 1224 <b>28 IR 3203</b>
<b>GENERAL PROVISIONS</b>		Drinking water violations; other situations requiring public notice 327 IAC 8-2.1-16	28 IR 1257 <b>28 IR 3236</b>	<b>Definitions</b> 327 IAC 8-2-1	28 IR 1206 <b>28 IR 3184</b>
Provisions Applicable Throughout Title 327 References to Federal Act 327 IAC 1-1-1	27 IR 3608 <b>28 IR 2046</b>	Drinking water violations; standard health effects language for public notice 327 IAC 8-2.1-17	28 IR 1261 <b>28 IR 3240</b>		
References to the Code of Federal Regulations 327 IAC 1-1-2	27 IR 3608 <b>28 IR 2046</b>				
Severability 327 IAC 1-1-3	27 IR 3608 <b>28 IR 2046</b>				
<b>INDUSTRIAL WASTEWATER PRETREAT- MENT PROGRAMS AND NPDES</b>					
Basic NPDES Requirements Establishment of water quality-based effluent limitations for dischargers not discharging to waters within the Great Lakes system 327 IAC 5-2-11.1	27 IR 3664 <b>28 IR 2097</b>				
Great Lakes system dischargers determination of reasonable potential to exceed water quality standards 327 IAC 5-2-11.5	27 IR 3679 <b>28 IR 2112</b>				

Inorganic chemicals; maximum contaminant levels		Improvements of Public Water Supply Systems or Treatment Works Under Order of the DEM		Definitions	
327 IAC 8-2-4	28 IR 1210	Improvements required in public water system or treatment works		327 IAC 8-3.4-1	28 IR 2176
	<b>28 IR 3188</b>			Disinfection procedure requirements	
Maximum contaminant level goals; inorganic contaminants		327 IAC 8-6-1	28 IR 2191	327 IAC 8-3.4-24	28 IR 2186
327 IAC 8-2-34	28 IR 1239	Permitting Authority of Units for Water Main Extension Construction		Flow rate and pressure requirements	
	<b>28 IR 3218</b>	Definitions		327 IAC 8-3.4-12	28 IR 2182
Maximum contaminant level goals; radionuclides		327 IAC 8-3.1-1	28 IR 2169	Grouting requirements	
327 IAC 8-2-34.1	28 IR 1240	Permitting authority and responsibilities		327 IAC 8-3.4-23	28 IR 2185
	<b>28 IR 3218</b>	327 IAC 8-3.1-2	28 IR 2169	Hydropneumatic storage tanks	
Monitoring frequency for radioactivity; community water systems		Public Water Supply Construction Permits		327 IAC 8-3.4-14	28 IR 2183
327 IAC 8-2-10.2	28 IR 1233	Application for permits		Pitless adapter unit requirements	
	<b>28 IR 3212</b>	327 IAC 8-3-3	28 IR 2168	327 IAC 8-3.4-17	28 IR 2185
Radium-226, radium-228, gross alpha particle radioactivity, and uranium; maximum contaminant levels		Definitions		Postconstruction testing and reporting requirements	
327 IAC 8-2-9	28 IR 1230	327 IAC 8-3-1	28 IR 2165	327 IAC 8-3.4-25	28 IR 2187
	<b>28 IR 3209</b>	Incorporation by reference		Production well materials	
Reporting requirements; lead and copper		327 IAC 8-3-8	28 IR 2168	327 IAC 8-3.4-8	28 IR 2180
327 IAC 8-2-46	28 IR 1242	Permits for construction of public water systems; exemptions; experimental construction permits; emergency construction permits; after-the-fact permits		Required information regarding the location of a proposed production well	
	<b>28 IR 3220</b>	327 IAC 8-3-2	28 IR 2166	327 IAC 8-3.4-4	28 IR 2179
Reporting requirements; test results and failure to comply		Permits for construction of small transient and small nontransient noncommunity public water systems		Sanitary setback requirements for replacement wells at noncommunity public water systems	
327 IAC 8-2-13	28 IR 1239	327 IAC 8-3-2.1	28 IR 2167	327 IAC 8-3.4-9.1	28 IR 2182
	<b>28 IR 3217</b>	Proof of capacity		Separation of a production well from a potential or existing source of microbiological or chemical contamination or damage	
Requirement for filtration and disinfection		327 IAC 8-3-1.1	28 IR 2166	327 IAC 8-3.4-9	28 IR 2180
327 IAC 8-2-8.5	28 IR 1228	Public Water Supply Direct Additive and Indirect Additive Standards		Technical Standards for Water Mains	
	<b>28 IR 3206</b>	Community water system; fluoridation; phosphate additives		Certification	
Enhanced Filtration and Disinfection		327 IAC 8-1-1	28 IR 2163	327 IAC 8-3.2-4	28 IR 2171
Disinfection profiling and benchmarking for systems serving a population of at least 10,000 individuals		Definitions		Definitions	
327 IAC 8-2-6-2	28 IR 1269	327 IAC 8-1-3	28 IR 2164	327 IAC 8-3.2-1	28 IR 2170
	<b>28 IR 3248</b>	Drinking water direct additives and indirect additives; certification requirements		Disinfection	
Disinfection profiling and benchmarking for systems serving a population of fewer than 10,000 individuals beginning January 1, 2005		327 IAC 8-1-2	28 IR 2163	327 IAC 8-3.2-18	28 IR 2174
327 IAC 8-2-6-2.1	28 IR 1271	Incorporation by reference		Flow rate and pressure in the water main	
	<b>28 IR 3250</b>	327 IAC 8-1-4	28 IR 2165	327 IAC 8-3.2-11	28 IR 2173
Enhanced filtration		Public Water System Quantity Requirement Standards		Incorporation by reference	
327 IAC 8-2-6-3	28 IR 1273	Additional public water system quantity standards for agricultural labor camps		327 IAC 8-3.2-2	28 IR 2170
	<b>28 IR 3252</b>	327 IAC 8-3.3-6	28 IR 2176	Installation	
Enhanced filtration and disinfection reporting and record keeping requirements		Additional public water system quantity requirement standards for mobile home parks		327 IAC 8-3.2-17	28 IR 2173
327 IAC 8-2-6-5	28 IR 1274	327 IAC 8-3.3-5	28 IR 2176	Technical standard alternative demonstration	
	<b>28 IR 3253</b>	Additional public water system quantity requirement standards for school buildings and related facilities		327 IAC 8-3.2-20	28 IR 2175
Filtration sampling requirements		327 IAC 8-3.3-4	28 IR 2175	Water main materials	
327 IAC 8-2-6-4	28 IR 1274	Public Water System Wells		327 IAC 8-3.2-8	28 IR 2171
	<b>28 IR 3253</b>	Alternative to technical standards		WASTEWATER TREATMENT FACILITIES; ISSUANCE OF PERMITS; CONSTRUCTION AND PERMIT REQUIREMENTS	
General requirements; enhanced filtration and disinfection		327 IAC 8-3.4-27	28 IR 2188	State Permits for Construction	
327 IAC 8-2-6-1	28 IR 1268	Applicability		Conditions of approval	
	<b>28 IR 3247</b>	327 IAC 8-3.4-2	28 IR 2178	327 IAC 3-2-3.5	28 IR 2192
General Construction Permit for Water Mains		Backup provisions for production wells			<b>28 IR 3552</b>
Definitions		327 IAC 8-3.4-13	28 IR 2183	Nonsite-specific permit	
327 IAC 8-3.5-1	28 IR 2188	Casing and screen requirements		327 IAC 3-2-5.5	28 IR 2193
General construction permit conditions		327 IAC 8-3.4-16	28 IR 2184	Valid permit requirement	
327 IAC 8-3.5-5	28 IR 2189	Certification		327 IAC 3-2-1.5	28 IR 2192
Incorporation by reference		327 IAC 8-3.4-3	28 IR 2178		<b>28 IR 3551</b>
327 IAC 8-3.5-2	28 IR 2189			WATER QUALITY STANDARDS	
				Waste Treatment Control Facilities; Discharge into State Waters; Monthly Reports	
				Sampling frequency; methods of analysis	
				327 IAC 2-4-3	27 IR 3663
					<b>28 IR 2097</b>

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Water Quality Standards Applicable to All State Waters Except Waters of the State Within the Great Lakes System		<b>WORKFORCE DEVELOPMENT, DEPARTMENT OF EMPLOYMENT AND TRAINING SERVICES; POLICIES AND PROCEDURES</b>		Payment of benefits	
Calculation of criteria for toxic substances; general	27 IR 3617	Definitions		646 IAC 3-10-9	28 IR 3343
327 IAC 2-1-8.1	<b>28 IR 2055</b>	“Chief local elected official” defined	29 IR 643		29 IR 882
Definitions		646 IAC 2-1-4	29 IR 886	Contributions; Reports; Sickness and Accident Disability; Group Accounts	
327 IAC 2-1-9	27 IR 3622	“Employment and training office” or “employment and training center” defined	29 IR 645	Initial and wage reporting requirements for professional employer organizations; separate location accounts; notice of termination	
<b>28 IR 2060</b>		646 IAC 2-1-27	29 IR 887	646 IAC 3-1-12	27 IR 2857
Determination of acute aquatic criteria (AAC)	27 IR 3618	“Grant recipient” defined	29 IR 644		<b>28 IR 560</b>
327 IAC 2-1-8.2	<b>28 IR 2056</b>	646 IAC 2-1-13	29 IR 886	Responsibility of professional employer organization to pay unemployment contributions; resumption of liability by client business entity upon termination of agreement between professional employer organization and client	
Determination of chronic aquatic criteria (CAC)		“Labor exchange” defined	29 IR 644	646 IAC 3-1-13	27 IR 2858
327 IAC 2-1-8.3	27 IR 3620	646 IAC 2-1-19	29 IR 887		<b>28 IR 560</b>
<b>28 IR 2057</b>		“Nondepartmental employees” defined	29 IR 644	Qualifying as an Employee	
Development of site-specific aquatic life criteria using the recalculation procedure	27 IR 3627	646 IAC 2-1-20	29 IR 887	Corporate officers and directors	
327 IAC 2-1-13	<b>28 IR 2065</b>	“Regional workforce area” defined	29 IR 644	646 IAC 3-5-1	27 IR 2859
Exception to quality standards applicability	27 IR 3608	646 IAC 2-1-24	29 IR 887		<b>28 IR 561</b>
327 IAC 2-1-5	<b>28 IR 2047</b>	Employment and Training Programs		Qualifying as an Employer	
Incorporation by reference		Service provider selection	29 IR 646	“Professional employer organization” defined	
327 IAC 2-1-12	27 IR 3627	646 IAC 2-5-2	29 IR 889	646 IAC 3-4-11	27 IR 2858
<b>28 IR 2064</b>		Fiscal and Programmatic Accountability			<b>28 IR 561</b>
Methods of analysis		Oversight		Transfer of all or part of business; division of experience balance	
327 IAC 2-1-8	27 IR 3617	646 IAC 2-7-4	29 IR 647	646 IAC 3-4-12	29 IR 642
<b>28 IR 2055</b>			29 IR 890		29 IR 884
Minimum surface water quality standards	27 IR 3609	Programmatic incentives or remedies			
327 IAC 2-1-6	<b>28 IR 2047</b>	646 IAC 2-7-3	29 IR 647		
Site-specific modifications to criteria	27 IR 3621		29 IR 890		
327 IAC 2-1-8.9	<b>28 IR 2058</b>	Powers and Duties			
<b>28 IR 2058</b>		Responsibilities			
Water Quality Standards Applicable to All State Waters Within the Great Lakes System		646 IAC 2-2-2	29 IR 645		
Bioaccumulative chemicals of concern	27 IR 3637		29 IR 888		
327 IAC 2-1.5-6	<b>28 IR 2074</b>	Programmatic Grievance			
Definitions		Establishment of grievance procedures	29 IR 648		
327 IAC 2-1.5-2	27 IR 3631	646 IAC 2-9-1	29 IR 891		
<b>28 IR 2068</b>		Reports and Record Keeping			
Determination of Tier I aquatic life criteria	27 IR 3651	Reports and record keeping	29 IR 647		
327 IAC 2-1.5-11	<b>28 IR 2084</b>	646 IAC 2-6-1	29 IR 890		
Incorporation by reference		Uniform Identification of Employment and Training Offices			
327 IAC 2-1.5-20	27 IR 3662	Logo			
<b>28 IR 2096</b>		646 IAC 2-8-1	29 IR 648		
Methods of analysis	27 IR 3650		29 IR 891		
327 IAC 2-1.5-10	<b>28 IR 2084</b>	INDIANA EMPLOYMENT SECURITY ACT; ADMINISTRATION			
Minimum surface water quality criteria	27 IR 3638	Contributions; Reports; Sickness and Accident Disability; Group Accounts			
327 IAC 2-1.5-8	<b>28 IR 2074</b>	Successor employers; notice; transfer of experience account; liability for contributions			
Site-specific modifications to Tier I criteria and Tier II values	27 IR 3660	646 IAC 3-1-7	29 IR 641		
327 IAC 2-1.5-16	<b>28 IR 2093</b>		29 IR 883		
WETLAND ACTIVITY PERMITS		Employee Benefits; Payroll and Employment Records; Employer Responsibility; Employment Security Act			
327 IAC 17	28 IR 1288	Benefits due deceased claimants; payment to estate or heirs			
<b>28 IR 2968</b>		646 IAC 3-10-13	28 IR 3343		
			29 IR 882		

The **Indiana Register** is an official source of the text of proposed and final rules and notices of rulemaking activity. For keeping up to date on rules and participating in the rulemaking process, the **Indiana Register** is a necessary tool. If you would like further information, call the Legislative Services Agency at (317) 232-9557.

### ORDER FORM

☐ Change of address.

☐ Enclosed is my check for \$50 as payment in advance for the **CD-ROM version of the Indiana Register** (October 2005 through July 2006, **Volume 29**).

☐ Enclosed is my check for \$25.60 (\$25 plus \$0.60 postage) as payment in advance for the **2005 edition of the CD-ROM version of the Indiana Administrative Code**.



\_\_\_\_\_  
*name or firm*

\_\_\_\_\_  
*address*

\_\_\_\_\_  
*city*

\_\_\_\_\_  
*state*

\_\_\_\_\_  
*zip code*

(\_\_\_\_\_)\_\_\_\_\_  
*telephone*

Please make checks payable to:  
Legislative Services Agency

Mail to:

LEGISLATIVE SERVICES AGENCY  
ATTN: LIC  
200 West Washington Street, Suite 302  
Indianapolis, IN 46204-2789

**Indiana Register** subscriptions \$50  
**Indiana Administrative Code** orders are being accepted.

The **Indiana Administrative Code** and the **Indiana Register** are available on the Internet at:  
[http://www.in.gov/legislative/ic\\_iac](http://www.in.gov/legislative/ic_iac)

## Indiana Register

Indiana Register  
Legislative Services Agency  
200 West Washington Street, Suite 302  
Indianapolis, IN 46204-2789