
Notice of Intent to Adopt a Rule

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #01-412

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

OVERVIEW: Amends 312 IAC 8 that governs public use of DNR properties to make several changes. Included is a definition of “public road” to conform to the definition of “public highway” in IC 9-25-2-4. New definitions would be added for “snowmobile”, “off-road vehicle”, and “vehicle”. The regulatory prohibition would be eliminated on the possession of firearms at public access sites maintained by the division of fish and wildlife. Quiet time at campsites would be extended one hour from 6:00 a.m. to 7:00 a.m. Pets would be required to be attended at all times. Vehicles could be left in DNR parking lots only while using a DNR property or adjacent public freshwater lake or navigable waterway. The receipt and pass requirements for horses would be eliminated, but the tag requirement would be retained. Questions concerning the proposed rule amendments may be directed to the following telephone number: (317) 233-3322 or e-mail address slucas@dnr.state.in.us. Statutory authority: IC 14-10-2-4; IC 14-11-2-1.

TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

LSA Document #01-413

Under IC 4-22-2-23, the Indiana State Board of Animal Health intends to adopt a rule concerning the following:

OVERVIEW: The rule will address the detection, control, and eradication of chronic wasting disease in animals, including limiting movement of animals, requiring registration of sites housing certain species of animals, measures to control contact with wild cervidae, identification of animals, record keeping, and chronic wasting disease surveillance in herds. Questions or comments on the subject may be directed by mail to the Indiana State Board of Animal Health, Attention: Legal Affairs, 805 Beachway Drive, Suite 50, Indianapolis, Indiana 46224 or by electronic mail to ghaynes@boah.state.in.us. Statutory authority: IC 15-2.1-3-19.

TITLE 370 STATE EGG BOARD

LSA Document #01-419

Under IC 4-22-2-23, the State Egg Board intends to adopt a rule concerning the following:

OVERVIEW: The rule will amend requirements for processing, transportation, and consumer container identification for shell eggs, including updating matters incorporated by refer-

ence. Adds a definition for “fresh eggs”. Addresses labeling requirements for pasteurized shell eggs. Adds a requirement for safe handling instructions for egg cartons. Makes other substantive and technical changes. Comments on the proposed rule may be sent to the State Egg Board, Poultry Building, Purdue University, West Lafayette, Indiana 47907 or by electronic mail to dsteen@purdue.edu. Statutory authority: IC 16-42-11.

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #01-420

Under IC 4-22-2-23, the Office of the Secretary of Family and Social Services intends to adopt a rule concerning the following:

OVERVIEW: Amends 405 IAC 1-12 to establish Medicaid reimbursement criteria for certain community residential facilities for the developmentally disabled (CRFs/DD) licensed as small extensive medical needs residence for adults. Sets a limit of 12 hours per resident day for staffing costs for a facility that is exclusively for adults with extensive medical needs. Statutory authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-32-2.

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #01-421

Under IC 4-22-2-23, the Office of the Secretary of Family and Social Services intends to adopt a rule concerning the following:

OVERVIEW: Amends 405 IAC 1-12 to establish Medicaid reimbursement criteria for certain community residential facilities for the developmentally disabled (CRFs/DD) licensed as small extensive behavioral needs residence for adults. Sets a limit of 12 hours per resident day for staffing costs for a facility that is exclusively for adults with extensive behavioral needs. Statutory authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-32-2.

TITLE 431 COMMUNITY RESIDENTIAL FACILITIES COUNCIL

LSA Document #01-422

Under IC 4-22-2-23, the Community Residential Facilities Council intends to adopt a rule concerning the following:

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OVERVIEW: Amends the definition of “community residential facility for persons with developmental disabilities” in 431 IAC 1.1-1-2 to add a new category for the following type of services: small extensive medical needs residence for adults. Statutory authority: IC 12-28-5-19.

TITLE 431 COMMUNITY RESIDENTIAL FACILITIES COUNCIL

LSA Document #01-423

Under IC 4-22-2-23, the Community Residential Facilities Council intends to adopt a rule concerning the following:

OVERVIEW: Amends the definition of “community residential facility for persons with developmental disabilities” in 431 IAC 1.1-1-2 to add a new category for the following type of services: small extensive behavioral needs residence for adults. Statutory authority: IC 12-28-5-19.

TITLE 511 INDIANA STATE BOARD OF EDUCATION

LSA Document #01-433

Under IC 4-22-2-23, the Indiana State Board of Education intends to adopt a rule concerning the following:

OVERVIEW: Amends 511 IAC 7 to conform to federal requirements for special education. Statutory authority: IC 20-1-6-4.

TITLE 540 INDIANA EDUCATION SAVINGS AUTHORITY

LSA Document #01-428

Under IC 4-22-2-23, the Indiana Education Savings Authority intends to adopt a rule concerning the following:

OVERVIEW: Adds 540 IAC 1-1-7.5, 540 IAC 1-1-10.5, 540 IAC 1-1-11.6, and 540 IAC 1-1-16.5 to define certain words and phrases used in the rules of the Indiana education savings authority. Adds 540 IAC 1-8-3.5 concerning the manner in which a contributor, other than the account owner, may make a contribution to the account of the account owner. Adds 540 IAC 1-9-2.5 concerning the reasons for which an account may be administratively canceled by the program administrator as directed by the board. Adds 540 IAC 1-9-2.6 concerning the delay of program benefits due to the interruption of academic period attendance by the beneficiary and notification to delay

program benefits submitted to the authority by the account owner. Adds 540 IAC 1-9-2.7 concerning the cancellation notice and procedure required by the authority when administratively canceling an account. Adds 540 IAC 1-10-4 permitting a rollover of an account as directed by the account owner. Amends 540 IAC 1-1-3, 540 IAC 1-1-4, 540 IAC 1-1-6, 540 IAC 1-1-7, 540 IAC 1-1-9, 540 IAC 1-1-11.5, 540 IAC 1-1-12, 540 IAC 1-1-13, 540 IAC 1-1-14, 540 IAC 1-1-16, 540 IAC 1-5-1, 540 IAC 1-6-1, 540 IAC 1-8-1, and 540 IAC 1-8-2 to simplify and clarify the language of those rules. Amends 540 IAC 1-7-1 to remove the administrative fee charge when a new account is opened. Amends 540 IAC 1-7-2 concerning the manner in which the administrator fee charge is computed and allocated to participants. Amends 540 IAC 1-8-4 to permit the board of the authority to establish a methodology or formula for establishing the maximum account balance. Amends 540 IAC 1-9-1 to remove the administrative fee charge for cancellation of an account. Amends 540 IAC 1-9-3 concerning refunds due to cancellation by an account owner and to permit an account owner to direct refunds due to the beneficiary. Amends 540 IAC 1-10-1 limiting benefit payments to be made only once a month and subject to a minimum distribution amount. Amends 540 IAC 1-12-2 authorizing an account owner or beneficiary to direct the investment of account contributions and earnings. Repeals 540 IAC 1-3-2, 540 IAC 1-5-2, 540 IAC 1-6-2, 540 IAC 1-7-3, 540 IAC 1-8-5, 540 IAC 1-8-6, 540 IAC 1-8-7, 540 IAC 1-9-2, 540 IAC 1-20-1.5, 540 IAC 1-20-1.6, and 540 IAC 1-20-3. Public comments are invited. Comments by the public should be sent to: Indiana Education Savings Authority, One North Capitol, Suite 444, Indianapolis, Indiana 46204. Statutory authority: IC 21-9-4-7.

TITLE 631 WORKER'S COMPENSATION BOARD OF INDIANA

LSA Document #01-424

Under IC 4-22-2-23, the Worker's Compensation Board of Indiana intends to adopt a rule concerning the following:

OVERVIEW: Adds 631 IAC 1-1-1 concerning location and hours of board office. Adds 631 IAC 1-1-24 concerning schedule of attorney fees. Public comments are invited. Statutory authority: IC 22-3-1-3.

TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #01-430

Under IC 4-22-2-23, the Fire Prevention and Building Safety Commission intends to adopt a rule concerning the following:

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OVERVIEW: 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. Public comments are invited and may be directed to the Department of Fire and Building Services, Attention: Technical Services, 402 West Washington Street, Room W246, Indianapolis, Indiana 46204 or by e-mail at eblakey@sema.state.in.us. Statutory authority: IC 22-13-2-2; IC 22-13-2-8; IC 22-13-2-9; IC 22-13-2-13.

TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

LSA Document #01-431

Under IC 4-22-2-23, the Medical Licensing Board of Indiana intends to adopt a rule concerning the following:

OVERVIEW: Amends 844 IAC 6-1-4 concerning accreditation of educational programs. Public comments are invited. Statutory authority: IC 25-27-1-5.

TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

LSA Document #01-432

Under IC 4-22-2-23, the Medical Licensing Board of Indiana intends to adopt a rule concerning the following:

OVERVIEW: Amends 844 IAC 6-3-5 concerning temporary permits. Public comments are invited. Statutory authority: IC 25-27-1-5.

TITLE 846 BOARD OF CHIROPRACTIC EXAMINERS

LSA Document #01-414

Under IC 4-22-2-23, the Board of Chiropractic Examiners intends to adopt a rule concerning the following:

OVERVIEW: Amends 846 IAC 1-4-7 concerning fees related to the licensure of chiropractors. Effective 30 days after filing with the secretary of state. Public comments are invited. Statutory authority: IC 25-1-8-2; IC 25-10-1-1.5.

TITLE 856 INDIANA BOARD OF PHARMACY

LSA Document #01-434

Under IC 4-22-2-23, the Indiana Board of Pharmacy intends to adopt a rule concerning the following:

OVERVIEW: Amends 856 IAC 1-27-1 concerning fees related to the practice of pharmacy. Public comments are invited. Statutory authority: IC 25-26-13-4; IC 25-1-8-2.

TITLE 860 INDIANA PLUMBING COMMISSION

LSA Document #01-425

Under IC 4-22-2-23, the Indiana Plumbing Commission intends to adopt a rule concerning the following:

OVERVIEW: To revise the fees charged and collected by the Indiana plumbing commission. Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing Agency, Attention: Staff Counsel, 302 West Washington Street, Room E034, Indianapolis, Indiana 46204-2700. Statutory authority: IC 25-28.5-1-8.

TITLE 865 STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

LSA Document #01-426

Under IC 4-22-2-23, the State Board of Registration for Land Surveyors intends to adopt a rule concerning the following:

OVERVIEW: To revise the fees charged and collected by the board, to allow licensees to submit continuing course material for credit within six months after taking the course, to establish distance learning continuing education requirements and procedures for land surveyors, and to establish the requirements and procedures for distance learning continuing education providers. Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing Agency, Attention: Staff Counsel, 302 West Washington Street, Room E034, Indianapolis, Indiana 46204-2700. Statutory authority: IC 25-21.5-2-14; IC 25-21.5-8-7.

**TITLE 876 INDIANA REAL ESTATE
COMMISSION**

LSA Document #01-427

Under IC 4-22-2-23, the Indiana Real Estate Commission intends to adopt a rule concerning the following:

OVERVIEW: Revise the seller's residential real estate sales disclosure form. Allow continuing education courses once approved through continuing education sponsors to be used by other sponsors without further approval. Establish the requirements and procedures for the listing and selling principal broker to release earnest monies when one or more parties to a contract intends not to perform. Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing Agency, Attention: Staff Counsel, 302 West Washington Street, Room E034, Indianapolis, Indiana 46204-2700. Statutory authority: IC 24-4.6-2-7; IC 25-34.1-2-5; IC 25-34.1-2-5.1; IC 25-34.1-9-21.
