



# Indiana Register

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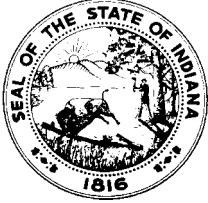
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October 12, 2004

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# INDIANA REGISTER

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

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

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

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

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## RETENTION SCHEDULE

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

- (1) 2004 Indiana Administrative Code (CD-ROM version).
- (2) Volumes 27 and 28 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 2003 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."

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**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.

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**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.

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**FILING AND PUBLISHING SCHEDULE**

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

**PUBLICATION SCHEDULE**

<b>Closing Dates:</b>	<b>Publication Dates:</b>	<b>Closing Dates:</b>	<b>Publication Dates:</b>
October 12, 2004	November 1, 2004	May 10, 2005	June 1, 2005
November 10, 2004	December 1, 2004	June 10, 2005	July 1, 2005
December 10, 2004	January 1, 2005	July 11, 2005	August 1, 2005
January 10, 2005	February 1, 2005	August 10, 2005	September 1, 2005
February 10, 2005	March 1, 2005	September 9, 2005	October 1, 2005
March 10, 2005	April 1, 2005	October 10, 2005	November 1, 2005
April 11, 2005	May 1, 2005	November 10, 2005	December 1, 2005

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

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

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

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

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

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

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

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

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

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

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

# State Agencies

AGENCY	TITLE NUMBER	ALPHABETICAL LIST AGENCY	TITLE NUMBER
Accountancy, Indiana Board of	872	†Industrial Board of Indiana	630
Accounts, State Board of	20	Information Technology Oversight Commission, State	28
Adjutant General	270	Insurance, Department of	760
Administration, Indiana Department of	25	Labor, Department of	610
†Administrative Building Council of Indiana	660	Land Surveyors, State Board of Registration for	865
†Aeronautics Commission of Indiana	110	Law Enforcement Training Board	250
†Aging and Community Services, Department on	450	Library and Historical Board, Indiana	590
Agricultural Development Corporation, Indiana	770	Library Certification Board	595
Agricultural Experiment Station	350	Local Government Finance, Department of	50
†Agriculture, Commissioner of	340	Lottery Commission, State	65
Agriculture, Commissioner of	375	Manufactured Home Installer Licensing Board	879
†Air Pollution Control Board	325.1	Medical and Nursing Distribution Loan Fund Board of Trustees, Indiana	580
Air Pollution Control Board	326	Medical Licensing Board of Indiana	844
†Air Pollution Control Board of the State of Indiana	325	Mental Health and Addiction, Division of	440
Alcohol and Tobacco Commission	905	Meridian Street Preservation Commission	925
Amusement Device Safety Board, Regulated	685	Motor Vehicles, Bureau of	140
Animal Health, Indiana State Board of	345	†Natural Resources, Department of	310
Architects and Landscape Architects, Board of Registration for	804	Natural Resources Commission	312
Athletic Trainers Board, Indiana	898	Nursing, Indiana State Board of	848
Attorney General for the State, Office of	10	Occupational Safety Standards Commission	620
Auctioneer Commission, Indiana	812	Optometric Legend Drug Prescription Advisory Committee, Indiana	857
Barber Examiners, Board of	816	Optometry Board, Indiana	852
Boiler and Pressure Vessel Rules Board	680	Parole Board	220
Boxing Commission, State	808	†Personnel Board, State	30
Budget Agency	85	Personnel Department, State	31
Chemist of the State of Indiana, State	355	Pesticide Review Board, Indiana	357
Children's Health Insurance Program, Office of the	407	Pharmacy, Indiana Board of	856
Chiropractic Examiners, Board of	846	Plumbing Commission, Indiana	860
Civil Rights Commission	910	Podiatric Medicine, Board of	845
†Clemency Commission, Indiana	230	Police Department, State	240
Commerce, Department of	55	Political Subdivision Risk Management Commission, Indiana	762
Community Residential Facilities Council	431	Port Commission, Indiana	130
Consumer Protection Division of the Office of the Attorney General	11	Private Detectives Licensing Board	862
Controlled Substances Advisory Committee	858	Professional Standards Board	515
Coroners Training Board	207	Proprietary Education, Indiana Commission on	570
Correction, Department of	210	Psychology Board, State	868
Cosmetology Examiners, State Board of	820	Public Access Counselor, Office of the	62
Creamery Examining Board	365	Public Employees' Retirement Fund, Board of Trustees of the	35
Criminal Justice Institute, Indiana	205	Public Records, Oversight Committee on	60
Deaf Board, Indiana School for the	514	Public Safety Training Institute	280
Dentistry, State Board of	828	Real Estate Commission, Indiana	876
Developmental Disabilities Residential Facilities Council	430	Reciprocity Commission of Indiana	145
Dietitians Certification Board, Indiana	830	Revenue, Department of State	45
Disability, Aging, and Rehabilitative Services, Division of	460	Safety Review, Board of	615
†Education, Commission on General	510	School Bus Committee, State	575
Education, Indiana State Board of	511	Secretary of State	75
Education Employment Relations Board, Indiana	560	Securities Division	710
Education Savings Authority, Indiana	540	Seed Commissioner, State	360
Egg Board, State	370	Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board	839
†Election Board, State	15	†Soil and Water Conservation Committee, State	311
Election Commission, Indiana	18	Soil Scientists, Indiana Board of Registration for	307
†Elevator Safety Board	670	†Solid Waste Management Board	320.1
Emergency Management Agency, State	290	Solid Waste Management Board	329
Emergency Medical Services Commission, Indiana	836	Speech-Language Pathology and Audiology Board	880
Employees' Appeals Commission, State	33	Standardbred Board of Regulations, Indiana	341
†Employment and Training Services, Department of	645	†Stream Pollution Control Board of the State of Indiana	330
Engineers, State Board of Registration for Professional	864	Student Assistance Commission, State	585
Enterprise Zone Board	58	Tax Review, Indiana Board of	52
Environmental Adjudication, Office of	315	†Teacher Training and Licensing, Commission on	530
Environmental Health Specialists, Board of	896	Teachers' Retirement Fund, Board of Trustees of the Indiana State	550
†Environmental Management Board, Indiana	320	Television and Radio Service Examiners, Board of	884
Ethics Commission, State	40	†Textbook Adoptions, Commission on	520
Fair Commission, State	80	Toxicology, State Department of	260
Family and Children, Division of	470	†Traffic Safety, Office of	150
Family and Social Services, Office of the Secretary of	405	†Transportation, Department of	100
Financial Institutions, Department of	750	Transportation, Indiana Department of	105
Fire Marshal, State	650	Transportation Finance Authority, Indiana	135
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
†Horse Racing Commission, Indiana	70	Worker's Compensation Board of Indiana	631
Horse Racing Commission, Indiana	71	Workforce Development, Department of	646
Hospital Council	414		
Housing Finance Authority, Indiana	930		
Human Service Programs, Interdepartmental Board for the Coordination of	490		

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

# State Agencies

## NUMERICAL LIST

TITLE NUMBER	TITLE NUMBER
<b>GENERAL GOVERNMENT</b>	
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	State Information Technology Oversight Commission
†30	State Personnel Board
31	State Personnel Department
33	State Employees' Appeals Commission
35	Board of Trustees of the Public Employees' Retirement Fund
40	State Ethics Commission
45	Department of State Revenue
50	Department of Local Government Finance
52	Indiana Board of Tax Review
55	Department of Commerce
58	Enterprise Zone Board
60	Oversight Committee on Public Records
62	Office of the Public Access Counselor
65	State Lottery Commission
68	Indiana Gaming Commission
†70	Indiana Horse Racing Commission
71	Indiana Horse Racing Commission
75	Secretary of State
80	State Fair Commission
85	Budget Agency
<b>TRANSPORTATION AND PUBLIC UTILITIES</b>	
†100	Department of Transportation
105	Indiana Department of Transportation
†110	Aeronautics Commission of Indiana
†120	Department of Highways
130	Indiana Port Commission
135	Indiana Transportation Finance Authority
140	Bureau of Motor Vehicles
145	Reciprocity Commission of Indiana
†150	Office of Traffic Safety
†160	Department of Vehicle Inspection
170	Indiana Utility Regulatory Commission
<b>CORRECTIONS, POLICE, AND MILITARY</b>	
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	Public Safety Training Institute
290	State Emergency Management Agency
<b>NATURAL RESOURCES, ENVIRONMENT, AND AGRICULTURE</b>	
305	Indiana Board of Licensure for Professional Geologists
307	Indiana Board of Registration for Soil Scientists
†310	Department of Natural Resources
†311	State Soil and Water Conservation Committee
312	Natural Resources Commission
315	Office of Environmental Adjudication
†320	Indiana Environmental Management Board
†320.1	Solid Waste Management Board
323	Indiana Hazardous Waste Facility Site Approval Authority
†325	Air Pollution Control Board of the State of Indiana
†325.1	Air Pollution Control Board
326	Air Pollution Control Board
327	Water Pollution Control Board
328	Underground Storage Tank Financial Assurance Board
329	Solid Waste Management Board
†330	Stream Pollution Control Board of the State of Indiana
†330.1	Water Pollution Control Board
†340	Commissioner of Agriculture
341	Indiana Standardbred Board of Regulations
345	Indiana State Board of Animal Health
350	Agricultural Experiment Station
355	State Chemist of the State of Indiana
357	Indiana Pesticide Review Board
360	State Seed Commissioner
365	Creamery Examining Board
370	State Egg Board
375	Commissioner of Agriculture
<b>HUMAN SERVICES</b>	
405	Office of the Secretary of Family and Social Services
407	Office of the Children's Health Insurance Program
410	Indiana State Department of Health
412	Indiana Health Facilities Council
414	Hospital Council
415	Commission on Forensic Sciences
430	Developmental Disabilities Residential Facilities Council
431	Community Residential Facilities Council
440	Division of Mental Health and Addiction
†450	Department on Aging and Community Services
460	Division of Disability, Aging, and Rehabilitative Services
470	Division of Family and Children
480	Violent Crime Compensation Division
490	Interdepartmental Board for the Coordination of Human Service Programs
<b>EDUCATION AND LIBRARIES</b>	
†510	Commission on General Education
511	Indiana State Board of Education
514	Indiana School for the Deaf Board
515	Professional Standards Board
†520	Commission on Textbook Adoptions
†530	Commission on Teacher Training and Licensing
540	Indiana Education Savings Authority
550	Board of Trustees of the Indiana State Teachers' Retirement Fund
560	Indiana Education Employment Relations Board
570	Indiana Commission on Proprietary Education
†572	Indiana Commission on Vocational and Technical Education
575	State School Bus Committee
580	Indiana Medical and Nursing Distribution Loan Fund Board of Trustees
585	State Student Assistance Commission
590	Indiana Library and Historical Board
595	Library Certification Board
<b>LABOR AND INDUSTRIAL SAFETY</b>	
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
<b>BUSINESS, FINANCE, AND INSURANCE</b>	
710	Securities Division
750	Department of Financial Institutions
760	Department of Insurance
762	Indiana Political Subdivision Risk Management Commission
770	Indiana Agricultural Development Corporation
<b>OCCUPATIONS AND PROFESSIONS</b>	
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
<b>MISCELLANEOUS</b>	
905	Alcohol and Tobacco Commission
910	Civil Rights Commission
915	Veterans' Affairs Commission
920	Indiana War Memorials Commission
925	Meridian Street Preservation Commission
930	Indiana Housing Finance Authority

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

# Final Rules

## TITLE 68 INDIANA GAMING COMMISSION

LSA Document #04-102(F)

### DIGEST

Amends 68 IAC 2-6-49, 68 IAC 2-7-12, 68 IAC 5-3-2, 68 IAC 5-3-7, 68 IAC 8-1-11, 68 IAC 8-2-29, 68 IAC 9-4-8, 68 IAC 11-1-8, 68 IAC 12-1-15, 68 IAC 15-1-8, 68 IAC 16-1-16, 68 IAC 17-1-5, 68 IAC 17-2-6, and 68 IAC 18-1-6 to correct a mistake in an internal cross reference. Amends 68 IAC 10-1-5 to require that riverboat licensees may not have or display maximum live gaming jackpots. Amends 68 IAC 11-3-1 to provide that the bill validator report shall be generated after the completion of the soft count rather than before the commencement of the soft count. Amends 68 IAC 14-4-8 to provide that the riverboat licensee shall receive written approval from the commission for all chip destruction and that the riverboat licensee shall coordinate the movement and shipment of chips to be destroyed with commission agents. Amends 68 IAC 14-5-6 to provide that the riverboat licensee shall receive written approval from the commission for all token destruction and that the riverboat licensee shall coordinate the movement and shipment of tokens to be destroyed with commission agents. Amends 68 IAC 15-9-4 to provide that riverboat licensees shall allow the redemption of chips and tokens by employees at one cage located on the riverboat and one location in the pavilion. Amends 68 IAC 15-10-4.1 to require that cage variances be reported on a form approved by the commission, to require that the accounting director or designee must investigate all unresolved variances, and the results of the investigation must be documented on the paperwork provided by the cage department. Adds 68 IAC 15-13-2.5 to require that manually paid jackpots that exceed a value of \$1,199 may not be paid from a pouch or similar method. Amends 68 IAC 18-1-2 to redefine the time frame within which patrons can expect to receive responses to complaints they have made and to change the requirement that patrons must file a copy of their complaints with the riverboat licensee at the same time they file the complaint with the gaming commission. Effective 30 days after filing with the secretary of state.

<b>68 IAC 2-6-49</b>	<b>68 IAC 14-4-8</b>
<b>68 IAC 2-7-12</b>	<b>68 IAC 14-5-6</b>
<b>68 IAC 5-3-2</b>	<b>68 IAC 15-1-8</b>
<b>68 IAC 5-3-7</b>	<b>68 IAC 15-9-4</b>
<b>68 IAC 8-1-11</b>	<b>68 IAC 15-10-4.1</b>
<b>68 IAC 8-2-29</b>	<b>68 IAC 15-13-2.5</b>
<b>68 IAC 9-4-8</b>	<b>68 IAC 16-1-16</b>
<b>68 IAC 10-1-5</b>	<b>68 IAC 17-1-5</b>
<b>68 IAC 11-1-8</b>	<b>68 IAC 17-2-6</b>
<b>68 IAC 11-3-1</b>	<b>68 IAC 18-1-2</b>
<b>68 IAC 12-1-15</b>	<b>68 IAC 18-1-6</b>

SECTION 1. 68 IAC 2-6-49 IS AMENDED TO READ AS FOLLOWS:

## 68 IAC 2-6-49 Reports by the executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33; IC 5-14-1.5-6.1

Sec. 49. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to this rule to the commission at the next meeting held under ~~68 IAC 2-1-5~~ **68 IAC 1-2-5** or an executive session held under IC 5-14-1.5-6.1. (*Indiana Gaming Commission; 68 IAC 2-6-49; filed Jan 17, 1996, 11:00 a.m.: 19 IR 1311; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Sep 30, 2004, 11:05 a.m.: 28 IR 526*)

SECTION 2. 68 IAC 2-7-12 IS AMENDED TO READ AS FOLLOWS:

## 68 IAC 2-7-12 Reports by the executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33; IC 5-14-1.5-6.1

Sec. 12. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to associated equipment at the next meeting held under ~~68 IAC 2-1-5~~ **68 IAC 1-2-5** or an executive session held under IC 5-14-1.5-6.1. The commission may direct the executive director to take additional or different action. (*Indiana Gaming Commission; 68 IAC 2-7-12; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2656; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Sep 30, 2004, 11:05 a.m.: 28 IR 526*)

SECTION 3. 68 IAC 5-3-2 IS AMENDED TO READ AS FOLLOWS:

## 68 IAC 5-3-2 Commission approval required; approval process

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33-4-21

Sec. 2. (a) A riverboat licensee, riverboat license applicant, or affiliate thereof may not enter into any debt transaction without receiving the approval of the commission.

(b) A riverboat licensee, riverboat license applicant, or affiliate thereof shall submit, in writing, a request for approval of a debt transaction. The procedure shall be as follows:

(1) The request for approval must be submitted at least ten (10) days before a scheduled meeting of the commission. The executive director shall place the request for approval of a debt transaction on the agenda of the commission meeting to be held under ~~68 IAC 2-1-5~~ **68 IAC 1-2-5**.

(2) A representative of the riverboat licensee, riverboat license applicant, or affiliate thereof shall be present at the commission meeting to answer any questions posed by the commission or the executive director.

(3) The approval of the debt transaction will be discussed, and a decision issued by the commission, at the next business meeting of the commission held under ~~68 IAC 2-1-5~~ **68 IAC 1-2-5**.

(c) The request for approval of a debt transaction shall contain, at a minimum, the following information:

- (1) The names and addresses of all parties to the debt transaction.
- (2) The amount of the funds involved.
- (3) The type of debt transaction.
- (4) The source of the monies obtained by the riverboat licensee, riverboat license applicant, or affiliate thereof.
- (5) All sources of collateral.
- (6) The purpose of the debt transaction.
- (7) The terms of the debt transaction.
- (8) All filings that must be submitted to any regulatory agency in association with the debt transaction.
- (9) An executive summary of the debt transaction.
- (10) A legal opinion that the debt transaction does not violate IC 4-33-4-21.
- (11) Any other information deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

*(Indiana Gaming Commission; 68 IAC 5-3-2; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3300; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Sep 30, 2004, 11:05 a.m.: 28 IR 526)*

SECTION 4. 68 IAC 5-3-7 IS AMENDED TO READ AS FOLLOWS:

**68 IAC 5-3-7 Reports by the executive director**

**Authority:** IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
**Affected:** IC 4-33

Sec. 7. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to debt transactions at the next meeting held under ~~68 IAC 2-1-5~~ **68 IAC 1-2-5**. The commission may direct the executive director to take additional or different action. *(Indiana Gaming Commission; 68 IAC 5-3-7; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3301; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Sep 30, 2004, 11:05 a.m.: 28 IR 527)*

SECTION 5. 68 IAC 8-1-11 IS AMENDED TO READ AS FOLLOWS:

**68 IAC 8-1-11 Reports by the executive director**

**Authority:** IC 4-33-4-1; IC 4-33-4-2; IC 4-33-9-2  
**Affected:** IC 4-33-4; IC 4-33-5; IC 4-33-6; IC 4-33-9; IC 5-14-1.5-6.1

Sec. 11. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to excursions and excursion schedules at the next meeting held under ~~68 IAC 2-1-5~~ **68 IAC 1-2-5** or an executive session held under IC 5-14-1.5-6.1(b). The commission may direct the executive director to take additional or different action. *(Indiana Gaming Commission; 68 IAC 8-1-11; filed Jul 18, 1996, 9:05 a.m.: 19 IR 3294; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Sep 30, 2004, 11:05 a.m.: 28 IR 527)*

SECTION 6. 68 IAC 8-2-29 IS AMENDED TO READ AS FOLLOWS:

**68 IAC 8-2-29 Reports by the executive director**

**Authority:** IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
**Affected:** IC 4-33; IC 5-14-1.5-6.1

Sec. 29. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to an emergency response plan at the next meeting held under ~~68 IAC 2-1-5~~ **68 IAC 1-2-5** or an executive session held under IC 5-14-1.5-6.1. The commission may direct the executive director to take additional or different action. *(Indiana Gaming Commission; 68 IAC 8-2-29; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2663; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Sep 30, 2004, 11:05 a.m.: 28 IR 527)*

SECTION 7. 68 IAC 9-4-8 IS AMENDED TO READ AS FOLLOWS:

**68 IAC 9-4-8 Reports by the executive director**

**Authority:** IC 4-33-4-1; IC 4-33-4-2  
**Affected:** IC 4-33; IC 5-14-1.5-6.1

Sec. 8. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to an emergency response plan at the next meeting held under ~~68 IAC 2-1-5~~ **68 IAC 1-2-5** or an executive session held under IC 5-14-1.5-6.1. The commission may direct the executive director to take additional or different action. *(Indiana Gaming Commission; 68 IAC 9-4-8; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2673; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Sep 30, 2004, 11:05 a.m.: 28 IR 527)*

SECTION 8. 68 IAC 10-1-5 IS AMENDED TO READ AS FOLLOWS:

**68 IAC 10-1-5 Table limits**

**Authority:** IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
**Affected:** IC 4-33

Sec. 5. (a) The rules of the game submitted by the riverboat licensee or riverboat license applicant will require an indication of the table limits that will be established by the riverboat licensee for each table.

(b) A riverboat licensee may amend the minimum and maximum wager at any table, so long as the new maximum wager is not above the house maximum wager for that game. The minimum and maximum wagers of a table shall be amended by taking the following actions:

- (1) Posting a sign at the gaming table advising patrons of the new minimum and maximum wagers in effect for that table.
- (2) Advising patrons at the table of the change.

(c) A riverboat licensee may raise the house limit for individual patrons by following procedures for lifting such limits that

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have been submitted with the rules of the game and approved in accordance with this rule.

**(d) A riverboat licensee may only limit live gaming maximum jackpots by limiting wager amount.** (*Indiana Gaming Commission; 68 IAC 10-1-5; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2256; errata filed Jun 20, 1996, 1:15 p.m.: 19 IR 3114; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Sep 30, 2004, 11:05 a.m.: 28 IR 527*)

SECTION 9. 68 IAC 11-1-8 IS AMENDED TO READ AS FOLLOWS:

### **68 IAC 11-1-8 Reports by the executive director**

**Authority:** IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

**Affected:** IC 4-33

Sec. 8. The executive director shall report any action he or she has taken or contemplates taking under this article with respect to internal control procedures to the commission at the next meeting held under ~~68 IAC 2-1-5~~: **68 IAC 1-2-5**. The commission may direct the executive director to take additional or different action. (*Indiana Gaming Commission; 68 IAC 11-1-8; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2263; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Sep 30, 2004, 11:05 a.m.: 28 IR 528*)

SECTION 10. 68 IAC 11-3-1 IS AMENDED TO READ AS FOLLOWS:

### **68 IAC 11-3-1 General provisions**

**Authority:** IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

**Affected:** IC 4-33

Sec. 1. (a) The following definitions apply throughout this rule:

(1) "Bill validator report" means a report completed by the soft count team that documents the value of the currency collected from the bill validator drop boxes. The report shall be completed on a form prescribed or approved by the commission and shall include the currency count by denomination and the total amount of currency removed from the bill validator drop boxes.

(2) "Bill validator verification report" means a report generated ~~before~~ **after** the ~~commencement~~ **completion** of the soft count that documents the amount and denomination of the currency that was deposited into a bill validator of an electronic gaming device. The report shall be completed on a form prescribed or approved by the commission and shall include, at a minimum, the following information:

(A) The electronic gaming device from which the bill validator drop box was removed.

(B) The total dollar value of all the currency contained in the bill validator drop box.

(C) The number and denomination of each bill contained in the bill validator drop box.

(3) "Currency collection team" means a team of the riverboat licensee's employees that consists of at least three (3)

occupational licensees, at least one (1) of whom is a security officer. The currency collection team shall be responsible for collecting the drop boxes at least one (1) time per day and placing empty drop boxes on the live gaming devices and in each bill validator.

(4) "Drop box" means the live gaming device drop boxes or bill validator drop boxes.

(5) "Drop box storage cart" means the cart, equipped with a secured compartment, utilized to transport drop boxes during the currency collection process.

(6) "Drop box verification report" means a report generated before the commencement of the soft count that documents the activity that took place at each live gaming device for the gaming day. The report shall be completed on a form prescribed or approved by the commission and shall include, at a minimum, the following information:

(A) The opening dollar amount of each live gaming device inventory.

(B) The identifying number and dollar amount of each live gaming device fill slip.

(C) The total dollar amount of table fill slips.

(D) The identifying number and dollar amount of each live gaming device credit slip.

(E) The total dollar amount of live gaming device credit slips.

(F) The closing dollar amount of each live gaming device inventory.

(G) The identifying number and dollar amount of each counter check.

(H) The total dollar amount of counter checks.

(I) The identifying number and dollar amount of each front money withdrawal.

(J) The total dollar amount of front money withdrawals.

(7) "Master gaming report" means a report completed by the soft count team that documents the value of the currency collected from the drop boxes of the live gaming devices. The report shall be completed on a form prescribed or approved by the commission and shall include, at a minimum, the following information:

(A) The total amount of the opening live gaming device inventories.

(B) The total amount of the table fill slips.

(C) The total amount of the table credit slips.

(D) The total amount of closing table game inventories.

(E) The total amount of counter checks.

(F) The total amount of front money withdrawals.

(G) The total amount of currency, tokens, and chips removed from live gaming device drop boxes.

(H) The total win or loss.

(8) "Recorder" means the member of the soft count team responsible for ensuring that the paperwork reconciles. The recorder shall not be responsible for completing the table count slips.

(9) "Soft count team" means a team of the riverboat licensee's employees that consists of at least:



- (A) one (1) employee of the soft count department;
- (B) one (1) soft count supervisor; and
- (C) one (1) employee of the accounting department.

The soft count team shall be responsible for counting and bundling the currency collected from the live gaming devices and bill validators.

(b) Members of the currency collection team and soft count team shall wear clothing that is not conducive to the concealment of currency. Members of the currency collection team and soft count team shall not wear hats.

(c) The currency collection team and the soft count team shall be rotated on a routine basis to ensure the integrity of the currency collection process and the soft count. Members of the currency collection team can be members of the soft count team.

(d) On the last day of each month, the riverboat licensee shall drop each bill validator and complete a reconciliation of that month's soft drop. (*Indiana Gaming Commission; 68 IAC 11-3-1; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3322; filed Jan 30, 1998, 11:00 a.m.: 21 IR 2060; filed May 29, 1998, 5:10 p.m.: 21 IR 3697; filed Jun 19, 2000, 10:34 a.m.: 23 IR 2699; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Sep 30, 2004, 11:05 a.m.: 28 IR 528*)

SECTION 11. 68 IAC 12-1-15 IS AMENDED TO READ AS FOLLOWS:

**68 IAC 12-1-15 Reports by the executive director**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
 Affected: IC 4-33; IC 5-14-1.5-6.1

Sec. 15. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to this rule to the commission at the next meeting held under ~~68 IAC 2-1-5~~ **68 IAC 1-2-5** or an executive session held under IC 5-14-1.5-6.1. (*Indiana Gaming Commission; 68 IAC 12-1-15; filed Feb 13, 1996, 5:30 p.m.: 19 IR 1563; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Sep 30, 2004, 11:05 a.m.: 28 IR 529*)

SECTION 12. 68 IAC 14-4-8 IS AMENDED TO READ AS FOLLOWS:

**68 IAC 14-4-8 Destruction of chips**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
 Affected: IC 4-33

Sec. 8. (a) **The riverboat licensee must have written authorization from the executive director or his or her designee to destroy value or nonvalue chips.** The riverboat licensee or riverboat license applicant shall notify the executive director, in writing, at least ten (10) days before value or nonvalue chips are destroyed. The riverboat licensee or riverboat license applicant shall notify the executive director of the following information:

- (1) The date and time that the chips will be destroyed.
- (2) The location at which the chips will be destroyed.
- (3) The denomination, number, and amount of value chips that will be destroyed.
- (4) The description and number of nonvalue chips that will be destroyed.
- (5) A detailed explanation of the method of destruction.

~~(b) Unless otherwise approved by the executive director, at least two (2) people, one (1) of whom is an agent of the commission, shall be present when the chips are destroyed.~~

~~(c) (b) After destruction of the value chips,~~ the denomination, number, and amount of value chips destroyed shall be entered in the chip inventory ledger in accordance with 68 IAC 15-4.

~~(c) (c) After destruction of the nonvalue chips,~~ the description and number of nonvalue chips destroyed shall be entered in the chip inventory ledger in accordance with 68 IAC 15-4.

~~(d) Unless the executive director notifies (d) The riverboat licensee or riverboat license applicant within five (5) days of the receipt of the letter set forth in subsection (a); the method of destruction will be deemed shall coordinate the movement and shipment of chips to be destroyed with commission agents on a form approved by the commission.~~ (*Indiana Gaming Commission; 68 IAC 14-4-8; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2273; errata filed May 7, 1997, 4:00 p.m.: 20 IR 2413; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Sep 30, 2004, 11:05 a.m.: 28 IR 529*)

SECTION 13. 68 IAC 14-5-6 IS AMENDED TO READ AS FOLLOWS:

**68 IAC 14-5-6 Destruction of tokens**

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
 Affected: IC 4-33

Sec. 6. (a) **The riverboat licensee must have written authorization from the executive director or his or her designee to destroy any tokens.** The riverboat licensee or riverboat license applicant shall notify the executive director, in writing, at least ten (10) days before tokens are destroyed. The riverboat licensee or riverboat license applicant shall notify the executive director of the following information:

- (1) The date and time that the tokens will be destroyed.
- (2) The location at which the tokens will be destroyed.
- (3) The denomination, number, and amount of tokens that will be destroyed.
- (4) The description and number of tokens that will be destroyed.**
- ~~(5) A detailed explanation of the method of destruction.~~

~~(b) Unless otherwise approved by the executive director, at~~

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least two (2) people, one (1) of whom is an agent of the commission; shall be present when the tokens are destroyed:

(e) (b) **After destruction of the tokens**, the denomination, number, and amount of tokens destroyed shall be entered in the token inventory ledger in accordance with 68 IAC 15-4.

(d) Unless the executive director notifies (c) The riverboat licensee or riverboat license applicant ~~within five (5) days of the receipt of the letter set forth in subsection (a); the method of destruction will be deemed shall coordinate the movement and shipment of tokens to be destroyed with commission agents on a form approved by the commission.~~ (Indiana Gaming Commission; 68 IAC 14-5-6; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2275; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Sep 30, 2004, 11:05 a.m.: 28 IR 529)

SECTION 14. 68 IAC 15-1-8 IS AMENDED TO READ AS FOLLOWS:

### 68 IAC 15-1-8 Reports by the executive director

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33; IC 5-14-1.5-6.1

Sec. 8. The executive director shall report any action he or she has taken or contemplates taking under this article to the commission at the next meeting held under ~~68 IAC 2-1-5~~ **68 IAC 1-2-5** or an executive session held under IC 5-14-1.5-6.1. The commission may direct the executive director to take additional or different action. (Indiana Gaming Commission; 68 IAC 15-1-8; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3044; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Sep 30, 2004, 11:05 a.m.: 28 IR 530)

SECTION 15. 68 IAC 15-9-4 IS AMENDED TO READ AS FOLLOWS:

### 68 IAC 15-9-4 Chips and tokens redeemed by nongaming occupational licensees

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33

Sec. 4. (a) The riverboat licensee shall establish and submit policies and procedures for the redemption of chips and tokens received by nongaming occupational licensees as tips and gratuities or as payment for food and beverages. The riverboat licensee shall allow the redemption of chips and tokens by occupational licensees at only one (1) cage ~~on only one (1) level of location on the riverboat and one (1) cage location in the pavilion.~~

(b) A nongaming occupational license redemption log will be maintained to document the redemption of all chips and tokens by nongaming employees. This log shall include, at a minimum, the following:

- (1) Nongaming occupational licensee name.
- (2) Nongaming occupational licensee number.

- (3) Title of the occupational licensee.
- (4) Date and time.
- (5) Dollar amount of chips redeemed.
- (6) Dollar amount of tokens redeemed.
- (7) Total dollar amount of chips and tokens redeemed.
- (8) Any other information deemed necessary by the executive director or the commission to ensure compliance with the Act and this title.

(Indiana Gaming Commission; 68 IAC 15-9-4; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3336; filed Mar 21, 1997, 10:00 a.m.: 20 IR 2098; filed Jul 10, 2000, 4:48 p.m.: 23 IR 3070; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Sep 30, 2004, 11:05 a.m.: 28 IR 530)

SECTION 16. 68 IAC 15-10-4.1 IS AMENDED TO READ AS FOLLOWS:

### 68 IAC 15-10-4.1 Cage variances

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
Affected: IC 4-33

Sec. 4.1. (a) All cage inventories must be accurately reported at the conclusion of each shift on the inventory form utilized by the riverboat licensee. All overages and shortages must be recorded at the conclusion of the shift during which the variance was discovered.

(b) All cage variances of five hundred dollars (\$500) or two percent (2%), whichever is less, must be reported **on a form approved by the commission** to the following within one (1) business day after the discovery of the variance:

- (1) The security department.
- (2) The surveillance department.
- (3) A commission agent.

(c) All variances of five thousand dollars (\$5,000) or more or a variance of any amount that is of a nature that indicates criminal activity must be reported **on a form approved by the commission** to the following immediately:

- (1) The security department.
- (2) The surveillance department.
- (3) A commission agent.

These variances must be reported to the commission audit staff at the beginning of the next business day.

(d) All variances of five hundred dollars (\$500) or two percent (2%), whichever is less, or any variance that is of a nature that indicates criminal activity must be investigated by the riverboat licensee. The variance and the results of the investigation must be reported to the head of the accounting department or the equivalent. **All unresolved variances must be investigated by the accounting director or designee. The results of the investigation shall be reported on the document provided to him or her by the cage department.** Any surveillance tapes or records relating to the variance must be preserved and retained by the riverboat licensee until the

regional audit administrator for the commission advises the tapes or records, or both, may be recycled. The results of any investigation into these variances must be reported to a commission agent. If the variance that was investigated exceeded five thousand dollars (\$5,000), the results of the investigation must also be reported to the commission audit staff.

(e) The riverboat licensee's internal auditor must review, on a quarterly basis, cage variances to ensure that the variances are appropriately and thoroughly investigated and reported. The results of the internal auditor's review must be reflected on the quarterly internal audit report filed in accordance with 68 IAC 15-8. (*Indiana Gaming Commission; 68 IAC 15-10-4.1; filed Jun 19, 2000, 10:34 a.m.: 23 IR 2702; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Sep 30, 2004, 11:05 a.m.: 28 IR 530*)

SECTION 17. 68 IAC 15-13-2.5 IS ADDED TO READ AS FOLLOWS:

**68 IAC 15-13-2.5 Pouch pay jackpots**

**Authority:** IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
**Affected:** IC 4-33

**Sec. 2.5. (a) In accordance with 68 IAC 15-1-3, a riverboat licensee or riverboat license applicant must submit policies and procedures covering pouch pay jackpot winnings.**

**(b) No jackpot in excess of one thousand one hundred ninety-nine dollars and ninety-nine cents (\$1,199.99) may be paid as a pouch pay jackpot.** (*Indiana Gaming Commission; 68 IAC 15-13-2.5; filed Sep 30, 2004, 11:05 a.m.: 28 IR 531*)

SECTION 18. 68 IAC 16-1-16 IS AMENDED TO READ AS FOLLOWS:

**68 IAC 16-1-16 Reports by the executive director**

**Authority:** IC 4-33-4-1; IC 4-33-4-2; IC 4-33-9-2  
**Affected:** IC 4-33-4; IC 4-33-5; IC 4-33-6; IC 4-33-9; IC 5-14-1.5-6.1

Sec. 16. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to excursions and excursion schedules at the next meeting held under ~~68 IAC 2-1-5~~ **68 IAC 1-2-5** or an executive session held under IC 5-14-1.5-6.1. The commission may direct the executive director to take additional or different action. (*Indiana Gaming Commission; 68 IAC 16-1-16; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3316; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Sep 30, 2004, 11:05 a.m.: 28 IR 531*)

SECTION 19. 68 IAC 17-1-5 IS AMENDED TO READ AS FOLLOWS:

**68 IAC 17-1-5 Reports by the executive director**

**Authority:** IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
**Affected:** IC 4-33

Sec. 5. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to the transportation of electronic gaming devices to the commission at the next meeting held under ~~68 IAC 2-1-5~~ **68 IAC 1-2-5**. The commission may direct the executive director to take additional or different action. (*Indiana Gaming Commission; 68 IAC 17-1-5; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2277; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Sep 30, 2004, 11:05 a.m.: 28 IR 531*)

SECTION 20. 68 IAC 17-2-6 IS AMENDED TO READ AS FOLLOWS:

**68 IAC 17-2-6 Reports by the executive director**

**Authority:** IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
**Affected:** IC 4-33

Sec. 6. The executive director shall report any action he or she has taken or contemplates taking under this rule with respect to the movement of live gaming devices to the commission at the next meeting held under ~~68 IAC 2-1-5~~ **68 IAC 1-2-5**. The commission may direct the executive director to take additional or different action. (*Indiana Gaming Commission; 68 IAC 17-2-6; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3048; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Sep 30, 2004, 11:05 a.m.: 28 IR 531*)

SECTION 21. 68 IAC 18-1-2 IS AMENDED TO READ AS FOLLOWS:

**68 IAC 18-1-2 Patron dispute process**

**Authority:** IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
**Affected:** IC 4-33

Sec. 2. (a) The riverboat licensee shall attempt to resolve all patron disputes with the patron.

(b) If the riverboat licensee and the patron cannot resolve the dispute, the riverboat licensee must advise the patron of the patron's right to file a complaint with the commission. The complaint may be:

- (1) received by the commission agent; or
- (2) sent to the commission office in Indianapolis, Indiana.

The riverboat licensee shall provide a patron with a complaint form upon request.

(c) The complaint shall contain, at a minimum, the following information:

- (1) The name, address, and telephone number of the patron.
- (2) A summary of the nature of the patron complaint, including the date and time on which the incident leading to the dispute occurred.
- (3) A list of the names, if known, of any occupational licensees that were involved in or a witness to the incident that led to the patron dispute.
- (4) The name, address, and telephone number, if known, of any witnesses to the incident that led to the patron dispute.

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(5) A summary of the riverboat licensee's attempt to resolve the patron dispute.

(6) Any other information deemed necessary by the executive director or the commission.

The patron shall submit the complaint within five (5) business days of the incident that led to the patron dispute. ~~The patron shall provide a copy of the complaint to the riverboat licensee at the same time the patron submits the complaint to the commission.~~

(d) The riverboat licensee shall respond to **the commission regarding** a patron complaint within ~~two (2) business days of receiving a copy of the complaint: the time period prescribed by the commission.~~ (*Indiana Gaming Commission; 68 IAC 18-1-2; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3318; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Sep 30, 2004, 11:05 a.m.: 28 IR 531*)

SECTION 22. 68 IAC 18-1-6 IS AMENDED TO READ AS FOLLOWS:

### **68 IAC 18-1-6 Reports by the executive director**

**Authority:** IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

**Affected:** IC 4-33; IC 5-14-1.5-6.1

Sec. 6. The executive director shall report any action he or she has taken or contemplates taking under this rule to the commission at the next meeting held under ~~68 IAC 2-1-5~~ **68 IAC 1-2-5** or an executive session held under IC 5-14-1.5-6.1(b). The commission may direct the executive director to take additional or different action. (*Indiana Gaming Commission; 68 IAC 18-1-6; filed Jul 18, 1996, 8:55 a.m.: 19 IR 3318; readopted filed Nov 25, 2002, 10:11 a.m.: 26 IR 1261; filed Sep 30, 2004, 11:05 a.m.: 28 IR 532*)

*LSA Document #04-102(F)*

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## TITLE 68 INDIANA GAMING COMMISSION

LSA Document #04-103(F)

### DIGEST

Amends 68 IAC 1-5-1 to require a riverboat licensee to notify a commission agent and the executive director when the riverboat licensee becomes aware that criminal activity is taking

place on riverboat property. Amends 68 IAC 2-3-5 to require an applicant to hold a valid merchant marine document only when required by the United States Coast Guard. Amends 68 IAC 2-3-6 to eliminate the provision requiring the signature of the executive director on identification badges. Amends 68 IAC 2-3-9 to require occupational licensees to provide truthful information to commission agents and staff during an investigation. Effective 30 days after filing with the secretary of state.

**68 IAC 1-5-1**

**68 IAC 2-3-5**

**68 IAC 2-3-6**

**68 IAC 2-3-9**

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

### **68 IAC 1-5-1 Obligation to report certain events**

**Authority:** IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

**Affected:** IC 4-33

Sec. 1. Any riverboat or supplier licensee shall provide a written notice to the executive director at such time as it becomes aware of the following:

(1) Any violation or apparent violation of any rule of the commission by any of the following:

(A) The riverboat or supplier licensee.

(B) Any substantial owner, key person, or employee of the riverboat or supplier licensee.

(C) Any person acting, or authorized to act, on behalf of or in furtherance of the interests of the riverboat or supplier licensee or any affiliate of the licensee.

(2) Any change in status of any owner's license, supplier's license, or the equivalent issued to it or an affiliate by any other governmental entity.

(3) Any civil litigation filed against the riverboat or supplier licensee.

(4) Any criminal, civil, or administrative action, threatened action, or investigation initiated by any governmental entity against the riverboat or supplier licensee.

(5) Any claims made by any governmental entity concerning any tax liability of a licensee or any key person or substantial owner of the licensee.

(6) Any civil, criminal, administrative, or tax action initiated by or against an employee of the riverboat licensee if the action relates to the gaming activity conducted by the riverboat licensee.

(7) Any civil, criminal, administrative, or tax action initiated against a key person, substantial owner, or an affiliate of a riverboat or supplier licensee, if such action relates to a gaming operation under the jurisdiction of any governmental entity.

(8) Any bankruptcy, receivership, or debt adjustment initiated by or against the riverboat or supplier licensee or any affiliate thereof or the licensee's substantial owners.

(9) Any Title 31 compliance review conducted by the Internal Revenue Service. The riverboat or supplier licensee must provide a copy of any compliance review report or the equivalent within ten (10) days of the receipt of the report by the licensee.

(10) Any action, event, or nonevent, with respect to which the executive director has instructed the licensee to provide notice so that the executive director can ensure that the licensee continues to maintain suitability for licensure.

**(11) Any apparent criminal activity taking place on riverboat property. This information must also be submitted to a commission agent.**

*(Indiana Gaming Commission; 68 IAC 1-5-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2649; filed Apr 19, 1996, 3:00 p.m.: 19 IR 2247; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Sep 30, 2004, 11:00 a.m.: 28 IR 532)*

SECTION 2. 68 IAC 2-3-5 IS AMENDED TO READ AS FOLLOWS:

**68 IAC 2-3-5 Licensing procedures**

**Authority:** IC 4-33-4-1; IC 4-33-4-2

**Affected:** IC 4-33-8-3

Sec. 5. (a) An applicant for an occupational license shall be subject to the following procedures prior to licensing:

- (1) Application.
- (2) Issuance of a temporary identification badge. The temporary identification badge shall serve as the temporary occupational license until the permanent occupational license has been issued or denied.
- (3) Investigation of the applicant.
- (4) If an applicant for an occupational license, Level 1, 2, or 3 has been convicted of a felony under Indiana law, the laws of any other state, or the laws of the United States, the application is automatically denied in accordance with IC 4-33-8-3(2). The executive director shall issue the applicant a notice of denial by certified mail, or the commission agent who receives the completed application may personally deliver a notice of denial to the applicant.
- (5) Action by the commission.
- (6) Issuance of a permanent identification badge. The permanent identification badge shall serve as the permanent occupational license.
- (7) Different or additional licensing procedures the commission requires of the applicant to ensure the applicant is in compliance with the Act and this title.

(b) Procedures for a temporary occupational license shall be as follows:

- (1) An applicant for an occupational license must submit a completed application that has been stamped and signed by the riverboat licensee, the riverboat license applicant, or its authorized agent to the commission agent at the commission's dock site office during times designated by the commission agents.
- (2) Once the commission agent has received the completed occupational license application and appropriate fee, the commission agent shall obtain the applicant's fingerprints and photograph. If the application or a criminal record check completed by a commission agent, or both, does not reveal

that the applicant has been convicted of a felony under Indiana law, the laws of any other state, or the laws of the United States, the commission agent shall issue the applicant a temporary identification badge.

- (3) An applicant who receives a temporary identification badge may work on a riverboat until a permanent license is issued or the temporary identification badge is revoked.
- (4) The temporary identification badge shall be a card of a color designated by the executive director and that meets the specifications set forth in section 6 of this rule. The color of the temporary identification badge shall be different from the color of the permanent identification badge.
- (5) Temporary identification badges shall be worn by all occupational licensees during work hours. Temporary identification badges shall be clearly displayed.
- (6) A fee of ten dollars (\$10) shall be paid to the commission for any necessary replacement of temporary identification badge. The fee shall be assessed each time an occupational licensee obtains a replacement temporary identification badge.
- (7) A temporary identification badge shall not be transferred. If the applicant resigns or his or her employment is terminated, the applicant shall return the temporary badge to the commission.
- (8) Requirements for the revocation of a temporary identification badge shall include the following:
  - (A) The executive director, upon written notice to the applicant and the riverboat licensee, may revoke an applicant's temporary badge if the executive director determines that the background investigation reveals that an applicant is not suitable for licensure.
  - (B) The executive director, or the executive director's designee, upon written notice to the applicant and the riverboat licensee, may revoke an applicant's temporary occupational license if the executive director or the executive director's designee determines that the applicant has violated the Act or this title, or committed a criminal offense in the performance of the applicant's duties for the riverboat licensee.
  - (C) If an applicant's temporary identification badge is revoked, the applicant shall not be permitted to work for any riverboat gambling operation at duties that are to be performed on a riverboat.
  - (D) If an applicant's temporary identification badge is revoked, the application shall be forwarded to the commission for action unless the applicant withdraws the application prior to commission action.
- (9) An applicant must comply with all requests for information, documents, or other materials relating to the applicant and his or her application during the investigation conducted by the commission.

(c) The applicant shall meet the following standards, qualifications, or criteria to be issued an occupational license of any level:

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- (1) The applicant must possess the qualifications set forth in IC 4-33-8-3.
- (2) The applicant must demonstrate a level of skill, experience, or knowledge necessary to perform the job that the applicant will perform.
- (3) An applicant whose knowledge, experience, and skill are derived solely from the completion of an occupational training school that is not in compliance with 68 IAC 2-5 shall not be considered to have the requisite skill, experience, or knowledge necessary to conduct gambling games. An applicant who has completed an occupational training school that is not in compliance with 68 IAC 2-5 may be hired if the riverboat licensee will provide the appropriate training.
- (4) The applicant must not have been convicted of any offense involving violation of a gaming law in any jurisdiction.
- (5) The applicant's name must not appear on the exclusion list of any jurisdiction.
- (6) The applicant must never have had a gaming license suspended or revoked in any jurisdiction.
- (7) An applicant who will serve alcoholic beverages must hold the appropriate permits from the alcoholic beverage commission.
- (8) An applicant whose duties will be to operate or navigate the riverboat must hold the appropriate licenses or merchant marine documents, or both, from the United States Coast Guard.
- (9) An applicant who will work on a riverboat that is docked on the waters of Lake Michigan must hold a valid merchant marine document ~~from~~ **only when required by** the United States Coast Guard.
- (10) An applicant whose duties will be to operate or navigate the riverboat must not have violated any criminal statute involving drugs or alcohol, or both, in any jurisdiction.
- (11) An applicant must not be currently abusing drugs or alcohol, or both.
- (12) An applicant must be twenty-one (21) years of age.
- (13) An applicant must be in substantial compliance with all state and federal tax laws.
- (14) An applicant must be of good moral character and reputation.
- (15) An applicant must meet any other standard that the commission deems necessary to ensure compliance with the Act and this title after publication of the standard.

(d) The commission may place restrictions or conditions on a temporary occupational license. The applicant must comply with these restrictions or conditions before the commission issues an occupational license. These restrictions or conditions may include, but are not limited to, the following:

- (1) That the applicant demonstrates a level of skill, experience, or knowledge necessary to perform the job that the applicant will perform.
- (2) That the applicant who will serve alcoholic beverages holds the appropriate permits from the alcoholic beverage commission.

- (3) That the applicant who will operate or navigate the riverboat holds the appropriate license or merchant marine documents, or both, from the United States Coast Guard.

The occupational licensee must continue to meet all conditions or restrictions for licensure after the issuance of the permanent occupational license. If an occupational licensee fails to adhere to these conditions or restrictions or fails to maintain suitability for licensure, the commission may initiate a disciplinary action under 68 IAC 13.

(e) Action of the commission shall be as follows:

- (1) After the background investigation has been completed, if the commission finds that the applicant is suitable to receive an occupational license, the commission shall direct the executive director to issue the applicant an occupational license upon the payment of the applicant's occupational license fee. The permanent identification badge shall serve to represent the permanent occupational license. If the applicant's occupational license fee is not received by the commission within ten (10) business days after the date of the mailing of the notification of the applicant's suitability for licensing to the applicant and the riverboat licensee, the executive director shall revoke the applicant's temporary identification badge and notify the commission that the temporary identification badge has been revoked.

(2) If the commission determines that the applicant is not suitable to receive an occupational license, it shall:

- (A) direct the executive director to issue the applicant a notice of denial by personal delivery or certified mail;
- (B) immediately revoke the temporary license; and
- (C) notify the appropriate riverboat licensee of the revocation of the temporary license.

(f) Requirements for a permanent identification badge shall be as follows:

- (1) Upon a finding of suitability for licensure, the commission shall issue an occupational license in the form of a permanent identification badge.

(2) The permanent identification badge shall remain the property of the commission at all times. The occupational license may be:

- (A) revoked;
- (B) suspended;
- (C) canceled; or
- (D) restricted;

by the commission in accordance with 68 IAC 13. The commission may refuse to renew the license when it is reviewed under section 8 of this rule.

(3) Neither the occupational license number nor the permanent identification badge shall be transferred to another person. If the occupational licensee resigns or the occupational licensee's employment is terminated, the occupational licensee shall return the permanent identification badge to the commission.

(4) The permanent identification badge shall be a card of a

color designated by the executive director and that meets the specifications set forth in section 6 of this rule. The color of the permanent identification badge shall be different from the color of the temporary identification badge.

(5) The permanent identification badge shall be worn by all occupational licensees during work hours. Permanent identification badges shall be clearly displayed.

(6) A fee of ten dollars (\$10) shall be paid to the commission for any necessary replacement of a permanent identification badge. The fee shall be assessed each time an occupational licensee obtains a replacement permanent identification badge.

*(Indiana Gaming Commission; 68 IAC 2-3-5; filed Nov 10, 1994, 11:00 a.m.: 18 IR 497; filed Jan 30, 1998, 11:00 a.m.: 21 IR 2056; filed May 29, 1998, 5:12 p.m.: 21 IR 3704; errata filed Aug 12, 1998, 3:58 p.m.: 22 IR 125; filed Dec 29, 1998, 10:46 a.m.: 22 IR 1418; errata filed Jan 11, 1999: 3:54 p.m.: 22 IR 1525; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1061; filed Sep 30, 2004, 11:00 a.m.: 28 IR 533)*

SECTION 3. 68 IAC 2-3-6 IS AMENDED TO READ AS FOLLOWS:

**68 IAC 2-3-6 Identification badge**

**Authority:** IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3  
**Affected:** IC 4-33-8

Sec. 6. The identification badge shall be a card of the appropriate color ~~which that~~ meets the following requirements:

- (1) The front side of the identification badge shall:
  - (A) be a card bearing the name and logo of the riverboat gambling operation;
  - (B) display the applicant's photograph;
  - (C) display the applicant's first name and job title;
  - (D) display the occupational license number assigned by the commission;
  - (E) display the level of the occupational license; **and**
  - ~~(F) display the signature of the executive director; and~~
  - ~~(G) (F) display the date the identification badge and occupational license were issued and the date that the identification badge and occupational license will expire.~~
- (2) The back side of the identification badge shall:
  - (A) display the applicant's first name and last name;
  - (B) display the applicant's signature;
  - (C) display the applicant's date of birth;
  - (D) have a magnetic stripe on the bottom of the card that shall be capable of:
    - (i) revealing the applicant's security clearance levels;
    - (ii) tracking the applicant's employment attendance; and
    - (iii) tracking the applicant's ingress and egress on the riverboat through the employee entrances; and
  - (E) display any other information deemed necessary by the commission to identify the occupational licensee, the riverboat of employment, the appropriate level of occupa-

tional license, and any conditions or restrictions that have been placed on the occupational license.

(3) Identification badges shall be constructed so that the badges can be easily affixed to the occupational licensee's clothing.

(4) The temporary and permanent badges shall remain the property of the commission at all times. The temporary and permanent badges may be:

- (A) revoked;
- (B) suspended;
- (C) canceled; or
- (D) restricted;

by the commission in accordance with 68 IAC 13. The commission may refuse to renew the license when it is reviewed under section 8 of this rule.

(5) The temporary and permanent badges shall not be transferred. If the applicant resigns or his or her employment is terminated, the applicant shall return the temporary or permanent badge to the commission.

*(Indiana Gaming Commission; 68 IAC 2-3-6; filed Nov 10, 1994, 11:00 a.m.: 18 IR 499; filed Jun 1, 1998, 2:48 p.m.: 21 IR 3706; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Sep 30, 2004, 11:00 a.m.: 28 IR 535)*

SECTION 4. 68 IAC 2-3-9 IS AMENDED TO READ AS FOLLOWS:

**68 IAC 2-3-9 Duty to maintain suitability; duty to disclose**

**Authority:** IC 4-33-4-1; IC 4-33-4-2  
**Affected:** IC 4-33

Sec. 9. (a) All occupational licensees have a continuing duty to maintain suitability for licensure. An occupational license does not create a property right, but is a revocable privilege granted by the state contingent upon continuing suitability for licensure.

(b) Riverboat licensees shall notify the commission that an occupational licensee is in violation of the requirements of this rule or IC 4-33 if the riverboat licensee is aware of the violation.

(c) Occupational licensees shall notify the commission of any changes in the information submitted in the application or any information ~~which that~~ could render the licensee ineligible to hold an occupational license.

**(d) Occupational licensees shall cooperate with and provide truthful information to commission agents and staff during any investigation regarding criminal activity or regulatory violations, or both.**

~~(e)~~ (e) Occupational licensees must notify the commission that a riverboat licensee, a supplier licensee, or an occupational licensee has violated the Act or this title as soon as the occupational licensee becomes aware of the violation. If an occupa-

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tional licensee fails to notify the commission of a violation of the Act or this title by a riverboat licensee, a supplier licensee, or an occupational licensee, the commission may initiate a disciplinary action. (*Indiana Gaming Commission; 68 IAC 2-3-9; filed Nov 10, 1994, 11:00 a.m.: 18 IR 500; filed Aug 20, 1997, 7:11 a.m.: 21 IR 11; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Sep 30, 2004, 11:00 a.m.: 28 IR 535*)

LSA Document #04-103(F)

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### TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #03-311(F)

#### DIGEST

Amends 312 IAC 9 concerning ice fishing shelters; general requirements for deer hunting; hunting deer by firearms; hunting deer by bow and arrows; commercial processing of deer; beavers; foxes, coyotes, and skunks; minks, muskrats, and long-tailed weasels; opossums and raccoons; taking squirrels to protect property; squirrels; Hungarian partridges; wild turkeys; endangered species of birds; collection and possession of amphibians; reptile captive breeding license; special purpose turtle possession permit; endangered species of fish; sport fishing methods for ice fishing; largemouth bass; trout; special purpose salvage permit; aquaculture permit; and wild animal possession permit. Effective 30 days after filing with the secretary of state.

<b>312 IAC 9-1-9.5</b>	<b>312 IAC 9-5-6</b>
<b>312 IAC 9-1-11.5</b>	<b>312 IAC 9-5-7</b>
<b>312 IAC 9-3-2</b>	<b>312 IAC 9-5-9</b>
<b>312 IAC 9-3-3</b>	<b>312 IAC 9-5-11</b>
<b>312 IAC 9-3-4</b>	<b>312 IAC 9-6-9</b>
<b>312 IAC 9-3-10</b>	<b>312 IAC 9-7-2</b>
<b>312 IAC 9-3-11</b>	<b>312 IAC 9-7-6</b>
<b>312 IAC 9-3-12</b>	<b>312 IAC 9-7-13</b>
<b>312 IAC 9-3-13</b>	<b>312 IAC 9-10-9</b>
<b>312 IAC 9-3-14</b>	<b>312 IAC 9-10-9.5</b>
<b>312 IAC 9-3-15</b>	<b>312 IAC 9-10-10</b>
<b>312 IAC 9-3-17</b>	<b>312 IAC 9-10-13.5</b>
<b>312 IAC 9-4-7</b>	<b>312 IAC 9-10-17</b>
<b>312 IAC 9-4-11</b>	<b>312 IAC 9-11-1</b>
<b>312 IAC 9-4-14</b>	<b>312 IAC 9-11-2</b>
<b>312 IAC 9-5-4</b>	<b>312 IAC 9-11-14</b>

SECTION 1. 312 IAC 9-1-9.5 IS ADDED TO READ AS FOLLOWS:

#### **312 IAC 9-1-9.5 “Ice fishing shelter” defined**

Authority: IC 14-22-2-6

Affected: IC 14-22

**Sec. 9.5. “Ice fishing shelter” means an ice fishing house, shanty, or fully enclosed structure.** (*Natural Resources Commission; 312 IAC 9-1-9.5; filed Sep 23, 2004, 3:00 p.m.: 28 IR 536*)

SECTION 2. 312 IAC 9-1-11.5 IS ADDED TO READ AS FOLLOWS:

#### **312 IAC 9-1-11.5 “Portable ice fishing shelter” defined**

Authority: IC 14-22-2-6

Affected: IC 14-22

**Sec. 11.5. “Portable ice fishing shelter” means a temporary structure that is each of the following:**

(1) Collapsible.

(2) Constructed of natural or synthetic type material.

(3) Easily carried or hauled to and from the ice by an individual.

(*Natural Resources Commission; 312 IAC 9-1-11.5; filed Sep 23, 2004, 3:00 p.m.: 28 IR 536*)

SECTION 3. 312 IAC 9-3-2, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

#### **312 IAC 9-3-2 General requirements for deer; exemptions; tagging; tree blinds; maximum taking of antlered deer in a calendar year**

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-11-11

Sec. 2. (a) This section and sections 3 through 10 of this rule govern the hunting, transportation, and disposal of deer.

(b) Species of deer other than white-tailed deer (*Odocoileus virginianus*) are exempted from this section and sections 3 through 9 of this rule. A person who claims the exemption provided under this subsection must prove the deer is other than a white-tailed deer.

(c) The licenses identified by sections 3 through 8 of this rule are nonexclusive. An individual may apply for one (1) or more of these licenses.

(d) Before September 1, 2007, a person must not take more than one (1) antlered deer during the seasons for an annual deer license.

(e) The use or aid of a food product that is transported and placed for consumption, salt, mineral blocks, prepared solid or liquid intended for ingestion (herein called bait), snares, dogs,



or other domesticated animals to take deer is prohibited. A person must not hunt by the aid of bait or on or over a baited area. An area is considered baited for ten (10) days after the removal of the bait or the baited soil. Hunting an orchard or another area, which may be attractive to deer as the result of normal agricultural activity, is not prohibited. The use of manufactured scents and lures or similar chemical or natural attractants is not prohibited.

(f) Except as provided under IC 14-22-11-1 and IC 14-22-11-11, a person must not hunt deer unless the person possesses a completed and signed license bearing the person's name. The license must be accompanied by a temporary transportation tag bearing the license number and the year of issuance. A person must not hunt with a deer license or tag issued to another person.

(g) The temporary transportation tag described in subsection (f) must, immediately upon taking a deer, be notched as to the sex of the deer and the month and day of the kill. A tag **which that** is notched other than three (3) times is void. A person must not tag a deer other than with a tag issued to the person who took the deer. A deer leg must be tagged before leaving the field. A deer **which that** is in the field is not required to be tagged if the person who kills the deer maintains immediate custody of, and constant visual contact with, the deer carcass.

(h) A person who takes a deer must **deliver cause delivery of** the deer carcass to an official checking station for registration on the occurrence of the earlier of one (1) of the following:

- (1) Within ~~twenty-four (24)~~ **forty-eight (48)** hours of taking of the deer.
- (2) Before the deer is removed from this state.

**The person who delivers the deer carcass to an official checking station for registration must provide accurate information for the check station logs.**

(i) After the checking station operator records the permanent seal number on the log and collects the upper portion of the license, where applicable, along with the temporary transportation tag, the hunter is provided with that seal. The seal must be affixed by the hunter and sealed to prevent its removal (without cutting the seal or the body part to which it is affixed), before processing of the deer begins, by affixing the seal:

- (1) between a tendon and bone;
- (2) through a section of skin or flesh; or
- (3) around a branched antler.

(j) The checking station operator must accurately and legibly complete all forms provided by the department and must make those forms available to department personnel upon request.

(k) An individual authorized to act under this subsection must attach a ~~paper~~ **paper that** to a deer carcass **which a paper that** states the name and address of the individual and the date and sex of the deer taken. The requirements of subsections (f) through (g) also

apply except to the extent those subsections identify the physical characteristics of a tag. The individuals authorized to act under this subsection are as follows:

- (1) A lifetime license holder.
- (2) A youth license holder.
- (3) For a deer taken on a landowner's land, each of the following:
  - (A) The resident landowner.
  - (B) The spouse of the resident landowner.
  - (C) A child of the resident landowner who is living with the landowner.
- (4) For a deer taken on farmland leased from another person, each of the following:
  - (A) The resident lessee who farms the land.
  - (B) The spouse of the resident lessee.
  - (C) A child of the resident lessee who is living with the lessee.
- (5) An Indiana serviceman or servicewoman who is hunting under IC 14-22-11-11.

(l) A person must not erect, place, or hunt from a permanent tree blind on state-owned lands. A tree blind placed on state-owned or state-leased lands, U.S. Forest Service lands, the Muscatatuck National Wildlife Refuge, or the Big Oaks National Wildlife Refuge must be portable and may be left overnight only between September 1 and January 10. A fastener used in conjunction with a tree blind and a tree or pole climber **which that** penetrates a tree more than one-half (1/2) inch is prohibited. Each portable tree blind must be legibly marked with the name, address, and telephone number of the owner of the tree blind.

(m) The head of a deer must remain attached to the carcass until the tag is attached and locked at the deer checking station.

(n) The use of infrared sensors to locate or take deer is prohibited. It is unlawful to hunt or to retrieve deer with the aid of an infrared detector.

(o) Notwithstanding subsection (e), dogs may be used only while on a leash to track or trail wounded deer.

(p) Notwithstanding subsection (e), donkeys, mules, and horses may be used for transportation to and from a hunt but may not be used while hunting.

**(q) The possession of an electronic deer call is prohibited. A person must not hunt deer with the aid of an electronic deer call.** (*Natural Resources Commission; 312 IAC 9-3-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2702; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1528; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 536*)

SECTION 4. 312 IAC 9-3-3, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

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### 312 IAC 9-3-3 Hunting deer by firearms

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-12-1; IC 35-47-2

Sec. 3. (a) This section is supplemental to section 2 of this rule and governs the activities of an individual who is either:

- (1) issued a license to hunt deer by firearms under IC 14-22-12-1(12), IC 14-22-12-1(13), IC 14-22-12-1(15), or IC 14-22-12-1(16); or
- (2) hunting by the use of firearms under IC 14-22-11-1.

(b) The season for hunting deer with firearms is as follows:

- (1) The firearms season using shotgun, shotgun with rifled barrel, handgun, muzzle loading gun, or muzzle loading handgun is from the first Saturday after November 11 and continuing for an additional fifteen (15) days.
- (2) The seasonal limit for hunting deer under this subsection is one (1) antlered deer.

(c) In addition to the season established under subsection (b), the season for using a muzzle loading gun or muzzle loading handgun only extends from the first Saturday after the firearms season established under subsection (b) and continues for fifteen (15) additional days. The seasonal limit for hunting deer under this extended season is one (1) deer of either sex.

(d) A person must not hunt deer except from one-half (½) hour before sunrise to one-half (½) hour after sunset.

(e) A person must not hunt deer unless that person wears hunter orange.

(f) **Bow and arrows must not be possessed by** A person **must not possess bow and arrows** while hunting under this section.

(g) The following requirements apply to the use of firearms under this section:

- (1) A shotgun must have a gauge 10, 12, 16, 20, or .410 bore loaded with a single projectile. A shotgun may be possessed in the field outside lawful shooting hours only if there are no shells in the chamber or magazine.
- (2) A handgun must:
  - (A) conform to the requirements of IC 35-47-2;
  - (B) have a barrel at least four (4) inches long; and
  - (C) fire a bullet of .243 inch diameter or larger.

All 38 special ammunition is prohibited. The handgun cartridge case, without bullet, must be at least one and sixteen-hundredths (1.16) inches long. A handgun must not be concealed. Full metal jacketed bullets are unlawful. A handgun may be possessed in the field outside lawful shooting hours only if there are no shells in the chamber or magazine. All 25/20, 32/20, 30 carbine, and 38 special ammunition is prohibited.

(3) A muzzle loading gun must be .44 caliber or larger, loaded with a ~~single ball-shaped or elongated bullet of at least .44 caliber.~~ **.357 inch or larger.** A muzzle loading handgun

must be single shot, .50 caliber or larger, loaded with bullets at least .44 caliber and have a barrel at least twelve (12) inches long. The length of a muzzle loading handgun barrel is determined by measuring from the base of the breech plug, excluding tangs and other projections, to the end of the barrel, including the muzzle crown. A muzzle loading firearm must be loaded from the muzzle. A muzzle loading firearm may be possessed in the field outside lawful shooting hours only if:

(A) for percussion firearms, the cap or primer is removed from the nipple or primer adapter; or

(B) for flintlock firearms, the pan is not primed.

(4) Over-and-under combination rifle-shotguns are prohibited.

*(Natural Resources Commission; 312 IAC 9-3-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2703; filed Nov 13, 1997, 12:09 p.m.: 21 IR 1272; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1530; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 538)*

SECTION 5. 312 IAC 9-3-4, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 9-3-4 Hunting deer by bow and arrows

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-12-1

Sec. 4. (a) This section is supplemental to section 2 of this rule and governs the activities of an individual who is either:

- (1) issued a license to hunt deer with bow and arrows under IC 14-22-12-1(14) or IC 14-22-12-1(17) and is supplemental to section 2 of this rule; or
- (2) hunting by the use of bow and arrows under IC 14-22-11-1.

(b) The season for hunting deer with bow and arrows during the early bow season is from October 1 through the firearms season (set forth in section 3(b) of this rule) and during the late bow season from the first Saturday after the firearms season through the first Sunday in January.

(c) The urban deer season is from September 15 through the firearms season (set forth in section 3(b) of this rule) and during the late bow season from the first Saturday after the firearms season through the first Sunday in January.

(d) The seasonal limit for hunting under this section is one (1) deer of either sex. **After August 31, 2007**, a person must not take an antlered deer by means of a crossbow.

(e) A person must not hunt deer under this section except from one-half (½) hour before sunrise to one-half (½) hour after sunset.

(f) A person must not hunt deer under this section unless that person wears hunter orange. However, this subsection does not apply before the commencement of the firearms season set forth

in section 3(b) of this rule and after the muzzle loading gun season set forth in section 3(c) of this rule.

(g) A person must not hunt under this section unless that person possesses only one (1) bow. A **firearm must not be possessed by the person must not possess a firearm while hunting under this section.**

(h) The following requirements apply to the use of archery equipment under this section:

- (1) No person shall use a long bow or compound bow of less than thirty-five (35) pounds pull.
- (2) Arrows must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.
- (3) Poisoned or explosive arrows are unlawful.
- (4) Bows drawn, held, or released other than by hand or hand-held releases are unlawful.
- (5) A long bow or compound bow may be possessed in the field before and after lawful shooting hours only if the nock of the arrow is not placed on the bow string.
- (6) No portion of the bow's riser (handle) or any track, trough, channel, arrow rest, or other device that attaches to the bow's riser shall contact, support, or guide the arrow from a point rearward of the bow's brace height.

(i) Notwithstanding subsection (h), a person may use a crossbow to take antlerless deer during the late bow season from the first Saturday after the firearms season through the first Sunday in January if the following restrictions are met:

- (1) No person shall use a crossbow of less than one hundred twenty-five (125) pounds pull.
- (2) No person shall use a crossbow that does not have a mechanical safety.
- (3) A crossbow may be possessed in the field before and after lawful shooting hours only if the nock of the arrow is not placed on the bow string.

(j) As used in this rule, "crossbow" means a device for propelling an arrow by means of traverse limbs mounted on a stock and a string and having a working safety. The crossbow may be drawn, held, and released by a mechanical device. (*Natural Resources Commission; 312 IAC 9-3-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2703; filed Nov 5, 1997, 3:25 p.m.: 21 IR 930; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1530; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 538*)

SECTION 6. 312 IAC 9-3-10, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-3-10 Commercial processing of deer**

Authority: IC 14-22-2-6  
Affected: IC 14-22

Sec. 10. (a) A person who receives deer for processing and charges a fee must maintain accurate daily records of the following:

- (1) The dates deer are received and disposed of.
- (2) The name and address of the owner of the deer.
- (3) The state or province from which the deer was taken.
- (4) The official tag and seal number or certificate of ownership number.

(b) These records shall be retained by the person or persons responsible for preparation or maintenance for at least eighteen (18) months following that preparation **and must register with the department annually.**

(c) A law enforcement officer may enter premises used for deer preparation at all reasonable hours to inspect those premises and the daily records required under subsection (a). (*Natural Resources Commission; 312 IAC 9-3-10; filed May 12, 1997, 10:00 a.m.: 20 IR 2706; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 539*)

SECTION 7. 312 IAC 9-3-11, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-3-11 Beavers**

Authority: IC 14-22-2-6  
Affected: IC 14-22

Sec. 11. (a) The season for taking beavers is from 8 a.m. on November 15 until noon on March 15 of the following year.

(b) ~~It is unlawful to~~ **A person must not** possess a beaver except from November 15 until ~~March 22~~ **April 4** of the following year. (*Natural Resources Commission; 312 IAC 9-3-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2706; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 539*)

SECTION 8. 312 IAC 9-3-12, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-3-12 Foxes, coyotes, and skunks**

Authority: IC 14-22-2-6  
Affected: IC 14-22

Sec. 12. (a) ~~Except as provided in subsection (c);~~ The season for hunting red foxes **and** gray foxes ~~and coyotes~~ is from noon on October 15 until noon on February 28 of the following year.

(b) ~~Except as provided in subsection (c);~~ The season for trapping red foxes, gray foxes, ~~coyotes;~~ and skunks is from 8 a.m. on October 15 until noon on January 31 of the following year.

(c) ~~Except as provided in subsection (d),~~ **the season for hunting and trapping coyotes is from noon on October 15 until noon on March 15 of the following year. A coyote must not be possessed from April 5 through October 14 except to provide for its prompt disposal.**

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~~(c) It is lawful for:~~

~~(1) (d) A person who possesses land, or (2) another person designated in writing by that person, to may take coyotes on that land at any time.~~

~~(d) It is unlawful to (e) A person must not possess a red fox or gray fox except from October 15 until March 7 20 of the following year.~~

~~(e) It is unlawful to (f) A person must not possess a skunk except from October 15 until February 7 20 of the following year. (Natural Resources Commission; 312 IAC 9-3-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2706; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 539)~~

SECTION 9. 312 IAC 9-3-13, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 9-3-13 Minks, muskrats, and long-tailed weasels

Authority: IC 14-22-2-6  
Affected: IC 14-22

Sec. 13. (a) The season for trapping minks, muskrats, and long-tailed weasels is from 8 a.m. on November 15 until noon on January 31 of the following year.

(b) ~~It is unlawful to~~ **A person must not** possess a mink, muskrat, or long-tailed weasel except from November 15 until February 7 20 of the following year. (*Natural Resources Commission; 312 IAC 9-3-13; filed May 12, 1997, 10:00 a.m.: 20 IR 2706; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 540*)

SECTION 10. 312 IAC 9-3-14, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 9-3-14 Opossums and raccoons

Authority: IC 14-22-2-6  
Affected: IC 14-22

Sec. 14. (a) Except as provided in subsection (b), the seasons applicable to raccoons and opossums are as follows:

- (1) Hunting from noon on November 8 until noon on January 31 of the following year.
- (2) Trapping from 8 a.m. on November 15 until noon on January 31 of the following year.
- (3) Chasing from noon on February 15 until noon on October 14.

(b) A nonresident may hunt raccoons under subsection (a)(1) and may trap raccoons under subsection (a)(2) only to the extent that these raccoon seasons in the state of the nonresident are open to Indiana residents.

(c) ~~It is unlawful for an individual or hunting party to~~ **A person must not** possess a firearm, air rifle, or another device

capable of taking a raccoon or opossum while chasing a raccoon or opossum during the chasing season established under subsection (a)(3).

(d) ~~It is unlawful to~~ **A person must not** remove, attempt to remove, dislodge, or attempt to dislodge a raccoon from a tree hollow, hole, den, pocket, cavity, burrow, tile, or other place where the raccoon has secreted itself for security or protection or in which the raccoon maintains a nest or den.

(e) ~~It is unlawful to~~ **A person must not** possess an opossum or a raccoon except from November 8 through February 7 20 of the following year. (*Natural Resources Commission; 312 IAC 9-3-14; filed May 12, 1997, 10:00 a.m.: 20 IR 2707; filed May 28, 1998, 5:14 p.m.: 21 IR 3714; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 540*)

SECTION 11. 312 IAC 9-3-15, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 9-3-15 Taking beavers, minks, muskrats, long-tailed weasels, red foxes, gray foxes, opossums, skunks, raccoons, or squirrels to protect property

Authority: IC 14-22-2-6  
Affected: IC 14-22

Sec. 15. (a) Notwithstanding the requirements of this rule, a resident landowner or a tenant may, without a permit at any time, take a beaver, mink, muskrat, long-tailed weasel, red fox, gray fox, opossum, skunk, ~~or~~ raccoon, **fox squirrel, or gray squirrel** that is discovered while damaging property.

(b) ~~It is unlawful to take~~ **A person who takes** a mammal under subsection (a) ~~unless the landowner or tenant reports~~ **must report** the taking to the division director or to a conservation officer within seventy-two (72) hours of the taking. The mammal ~~shall~~ **must** be disposed of in a lawful manner. **A person must not release a mammal except in the county where the mammal was captured.** (*Natural Resources Commission; 312 IAC 9-3-15; filed May 12, 1997, 10:00 a.m.: 20 IR 2707; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 540*)

SECTION 12. 312 IAC 9-3-17, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 9-3-17 Squirrels

Authority: IC 14-22-2-6  
Affected: IC 14-22

Sec. 17. (a) The season for hunting and possessing gray squirrels and fox squirrels is as follows:

- (1) From August 15 through December 31 north of U.S. 40.
- (2) From August 15 through January 31 of the following year south of U.S. 40.

(b) The daily bag limit is five (5) squirrels.

(c) Unless hunting from a boat, it is ~~unlawful~~ **for a person to must not** hunt squirrels after the first Friday of November after November 3 through January 31 of the following year unless that person wears hunter orange.

(d) It is ~~unlawful to~~ **A person must not** shoot into or to otherwise disturb the leaf nest or den of a squirrel.

(e) It is ~~unlawful to~~ **A person must not** hunt or possess a flying squirrel **except as otherwise provided by this article.** *(Natural Resources Commission; 312 IAC 9-3-17; filed May 12, 1997, 10:00 a.m.: 20 IR 2707; filed Nov 13, 1997, 12:09 p.m.: 21 IR 1272; filed May 28, 1998, 5:14 p.m.: 21 IR 3714; errata filed Aug 25, 1998, 3:02 p.m.: 22 IR 125; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 540)*

SECTION 13. 312 IAC 9-4-11, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-4-11 Wild turkeys**

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-11-11

Sec. 11. (a) Except as provided in subsection ~~(b)~~; **(c)**, the **spring** season for hunting and possessing wild turkeys is from the first Wednesday after April 20 and continuing for an additional eighteen (18) consecutive days.

**(b) The fall season for hunting and possessing wild turkeys with bows and arrows is from October 1 to the end of the fall turkey season with firearms, which begins on the first Wednesday after October 14 and continues for an additional four (4) consecutive days except as provided in subsection (c).**

~~(b)~~ **(c)** The ~~season~~ **spring and fall seasons** for hunting and possessing wild turkeys on Camp Atterbury and the Big Oaks National Wildlife Refuge ~~will~~ **shall** be determined **by the director** on an annual basis. ~~by the director.~~

~~(c)~~ **(d)** The limit for taking and possessing is one (1):  
 (1) bearded **or male** wild turkey ~~or~~ **during the spring season; and**  
 (2) ~~male~~ wild turkey **of either sex during the fall season.**

~~(d)~~ **(e)** A person must not hunt wild turkeys except between one-half (½) hour before sunrise and sunset.

~~(e)~~ **(f)** A person must not take a wild turkey except with the use of one (1) of the following:  
 (1) A ~~10, 12, 16, or 20 gauge~~ **shotgun not smaller than 20 gauge and not larger than 10 gauge** loaded only with shot of **size** 4, 5, 6, 7, or 7½.

(2) A muzzle loading shotgun **not smaller than 20 gauge and not larger than 10 gauge** loaded only with shot of 4, 5, 6, 7, or 7½.

(3) Bow and arrows, **including crossbows as defined in 312 IAC 9-3-4(j), with the following restrictions:**

**(A) A person must not use a long bow or compound bow of less than thirty-five (35) pounds pull.**

**(B) Arrows must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.**

**(C) A person must not use a crossbow of less than one hundred twenty-five (125) pounds pull.**

**(D) A person must not use a crossbow unless it has a mechanical safety.**

**(E) A person must not use a poisoned or explosive arrow.**

**(F) No portion of a bow's riser (handle), or track, trough, channel, arrow rest, or other device that attaches to the bow's riser, shall contact, support, or guide the arrow from a point rearward of the bow's brace height.**

**(G) Before or after lawful shooting hours, a person must not possess a long bow, compound bow, or cross-bow in the field, if the nock of the arrow is placed on the bow string.**

~~(g)~~ **(g)** A person must not hunt wild turkeys in ~~the following~~ **countries:**

~~(1) Rush;~~

~~(2) Shelby;~~ **the fall season except in a county the director designates, on an annual basis, by emergency rule.**

~~(g)~~ **(h)** The use of a dog, another domesticated animal, a live decoy, a recorded call, an electronically powered or controlled decoy, or bait to take a wild turkey is prohibited. An area is considered baited for ten (10) days after the removal of the bait, but an area is not considered to be baited ~~which that~~ is attractive to wild turkeys resulting from:

- (1) normal agricultural practices; or
- (2) the use of a manufactured scent, a lure, or a chemical attractant.

~~(h)~~ **(i)** A person must not possess a handgun while hunting wild turkeys.

~~(i)~~ **(j)** Except as provided under IC 14-22-11-1 and IC 14-22-11-11, a person must not hunt wild turkeys unless ~~that person~~ **possesses possessing** a completed and signed license bearing the person's name. The license must be accompanied by a temporary transportation tag bearing the license number and the year of issuance. A person must not hunt with a wild turkey license or tag issued to another person.

~~(j)~~ **(k)** The temporary transportation tag described in subsection ~~(i)~~ **(j)** must, immediately after taking a wild turkey, be notched as to the month and day of the taking and attached to a

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leg of the turkey directly above the spur. A tag ~~which is void if notched more than twice. is void~~. The temporary transportation tag must be attached to a leg of the wild turkey directly above the spur. **A person who takes a turkey must cause delivery of the turkey must be transported** to an official turkey checking station within ~~twenty-four (24)~~ **forty-eight (48)** hours of taking for registration. After the checking station operator records the permanent seal number on the log, the ~~hunter~~ **person** is provided with that seal. The ~~hunter shall~~ **person must** immediately and firmly affix the seal to the leg of the turkey directly above the temporary transportation tag. The seal must remain affixed until processing of the turkey begins. The official turkey checking station operator shall accurately and legibly complete all forms provided by the department and make those forms available to department personnel on request.

(~~†~~) **(l)** Each of the following individuals must tag a turkey carcass immediately after taking with a paper that states the name and address of the individual and the date the turkey was taken:

- (1) A lifetime license holder.
- (2) A youth license holder.
- (3) For a wild turkey taken on a landowner's land, each of the following:
  - (A) The resident landowner.
  - (B) The spouse of the resident landowner.
  - (C) A child of the resident landowner who is living with the landowner.
- (4) For a wild turkey taken on land leased from another person, each of the following:
  - (A) The resident lessee who farms the land.
  - (B) The spouse of the resident lessee.
  - (C) A child of the resident lessee who is living with the lessee.
- (5) An Indiana serviceman or servicewoman hunting under IC 14-22-11-11.

(~~†~~) **(m)** The feathers and beard of a wild turkey must remain attached while the wild turkey is in transit from the site where taken. (*Natural Resources Commission; 312 IAC 9-4-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2710; filed May 28, 1998, 5:14 p.m.: 21 IR 3715; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1533; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 541*)

SECTION 14. 312 IAC 9-4-14, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### **312 IAC 9-4-14 Endangered and threatened species; birds**

Authority: IC 14-22-2-6; IC 14-22-34-17  
Affected: IC 14-22-34-12

Sec. 14. The following species of birds are threatened or endangered and are subject to the protections provided under IC 14-22-34-12:

- (1) American bittern (*Botaurus lentiginosus*).

- (2) Least bittern (*Ixobrychus exilis*).
- (3) Black-crowned night-heron (*Nycticorax nycticorax*).
- (4) Yellow-crowned night-heron (*Nyctanassa violacea*).
- (5) Trumpeter swan (*Sygnus buccinator*).
- (6) Osprey (*Pandion haliaetus*).
- (7) Bald eagle (*Haliaeetus leucocephalus*).
- (8) Northern harrier (*Circus cyaneus*).
- (9) Peregrine falcon (*Falco peregrinus*).
- (10) Black rail (*Laterallus jamaicensis*).
- (11) King rail (*Rallus elegans*).
- (12) Virginia rail (*Rallus limicola*).
- (13) ~~Sandhill crane (*Grus canadensis*)~~: **Common moorhen (*Gallinula chloropus*)**.
- (14) **Whooping crane (*Grus americana*)**.
- (~~14~~) **(15)** Piping plover (*Charadrius melodus*).
- (~~15~~) **(16)** Upland sandpiper (*Bartramia longicauda*).
- (~~16~~) **(17)** Least tern (*Sterna antillarum*).
- (~~17~~) **(18)** Black tern (*Chlidonias niger*).
- (~~18~~) **(19)** Barn owl (*Tyto alba*).
- (~~19~~) **(20)** Short-eared owl (*Asio flammeus*).
- (~~20~~) ~~Bewick's wren (*Thryomanes bewickii*)~~:
- (21) Sedge wren (*Cisothorus platensis*).
- (22) Marsh wren (*Cisothorus palustris*).
- (23) Loggerhead shrike (*Lanius ludovicianus*).
- (24) Golden-winged warbler (*Vermivora chrysoptera*).
- (25) Kirtland's warbler (*Dendroica kirtlandii*).
- (~~26~~) ~~Bachman's sparrow (*Aimophila aestivalis*)~~:
- (~~27~~) **(26)** Henslow's sparrow (*Ammodramus henslowii*).
- (~~28~~) **(27)** Yellow-headed blackbird (*Xanthocephalus xanthocephalus*).

(*Natural Resources Commission; 312 IAC 9-4-14; filed May 12, 1997, 10:00 a.m.: 20 IR 2712; filed May 28, 1998, 5:14 p.m.: 21 IR 3717; filed Dec 26, 2001, 2:40 p.m.: 25 IR 2535; filed May 16, 2002, 12:25 p.m.: 25 IR 3046; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 542*)

SECTION 15. 312 IAC 9-5-4, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### **312 IAC 9-5-4 Endangered and threatened species; reptiles and amphibians**

Authority: IC 14-22-2-6; IC 14-22-34-17  
Affected: IC 14-22-34-12

Sec. 4. The following species of reptiles and amphibians are threatened or endangered and are subject to the protections provided under IC 14-22-34-12:

- (1) Hellbender (*Cryptobranchus alleganiensis*): **alleganiensis**).
- (2) Northern red salamander (*Pseudotriton ruber*).
- (3) Four-toed salamander (*Hemidactylium scutatum*).
- (4) Green salamander (*Aneides aeneus*): **aeneus**).
- (5) Copperbelly water snake (*Nerodia erythrogaster*).
- (6) Butler's garter snake (*Thamnophis butleri*).
- (7) Kirtland's snake (*Clonophis kirtlandii*): **kirtlandii**).

- (8) Scarlet snake (*Cemophora coccinea*).
- (9) Smooth green snake (~~*Ophedrys*~~ ***Lioclorophis vernalis***).
- (10) Crowned snake (*Tantilla coronata*).
- (11) Cottonmouth (*Agkistrodon piscivorus*).
- (12) Massasauga (*Sistrurus catenatus*).
- (13) Timber rattlesnake (*Crotalus horridus*).
- (14) Eastern mud turtle (*Kinosternon subrubrum*).
- (15) Spotted turtle (*Clemmys guttata*).
- (16) Heiroglyphic turtle (*Pseudemys concinna*).
- (17) Alligator snapping turtle (*Macrochelys temmincki*).
- (18) Blanding's turtle (*Emydoidea ~~blandingii~~: **blandingii***).
- (19) Crawfish frog (*Rana areolata*).
- (20) Ornate box turtle (*Terrapene ornata*).

(*Natural Resources Commission; 312 IAC 9-5-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2713; filed May 16, 2002, 12:25 p.m.: 25 IR 3047; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 542*)

SECTION 16. 312 IAC 9-5-6, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-5-6 Collection and possession 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 14-22-11-1; IC 14-22-11-8; IC 14-22-12-1

Sec. 6. (a) A resident must not collect reptiles or amphibians from the wild unless the person **holds a valid:**

- (1) ~~holds a valid~~ hunting license, or is excepted from holding a valid hunting license, under IC 14-22-11-1; or
- (2) ~~holds a valid~~ fishing license, or is excepted from holding a fishing license, under IC 14-22-11-8.

(b) A nonresident must not collect reptiles or amphibians from the wild unless the person possesses a nonresident yearly license to hunt under IC 14-22-12-1(6).

(c) Except as provided in sections 2, ~~and 3~~, **and 11** of this rule, the possession limit is four (4) with respect to any species of reptile or amphibian ~~collected~~ **native to Indiana possessed** under this section. **A person must not, however, collect an eastern box turtle (*Terrapene carolina*) from the wild.**

(d) A person must not collect a reptile or amphibian ~~eggs~~ **egg** from the wild.

(e) Except for a reptile lawfully possessed and fitted with a passive integrated transponder under section 9(h) of this rule, a reptile or amphibian collected under this section must not be sold.

(f) The offspring of an amphibian taken under this section must not be sold.

(g) ~~The offspring of a reptile taken under this section may be sold by~~ A reptile captive breeder (who is in compliance with

section 9 of this rule) **may sell the offspring of a reptile, taken under this section**, to any person.

**(h) A reptile or amphibian taken from the wild must not be released back into the wild unless one (1) of the following conditions is met:**

- (1) **A person releases an animal without a permit issued under subdivision (2) where the animal as follows:**
  - (A) **Has not been held in an enclosure with another reptile or amphibian.**
  - (B) **Has not been in captivity for more than thirty (30) days.**
  - (C) **Is released at the point of capture.**

(2) **The division issues a permit to a person to release an animal, and the person releases the animal under the terms of the license.**

(*Natural Resources Commission; 312 IAC 9-5-6; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3672; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 543*)

SECTION 17. 312 IAC 9-5-7, AS READOPTED AT 27 IR 286, SECTION 1, 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 20-1-1-6; IC 20-1-1.6-2

Sec. 7. (a) This section governs the sale, transport for sale, or 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 college, university, or 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) Mudpuppy (*Necturus maculosus*).
- (3) Streamside salamander (*Ambystoma barbouri*).

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- (4) Jefferson’s salamander (*Ambystoma jeffersonianum*).  
 (5) Blue-spotted salamander (*Ambystoma laterale*).  
 (6) Spotted salamander (*Ambystoma maculatum*).  
 (7) Marbled salamander (*Ambystoma opacum*).  
 (8) Smallmouth salamander (*Ambystoma texanum*).  
 (9) Eastern tiger salamander (*Ambystoma tigrinum tigrinum*).  
 (10) Eastern newt (*Notophthalmus viridescens*).  
 (11) Green salamander (*Aneides aeneus*).  
 (12) Northern dusky salamander (*Desmognathus fuscus*).  
 (13) Two-lined salamander (*Eurycea cirrigera*).  
 (14) Longtailed salamander (*Eurycea longicauda*).  
 (15) Cave salamander (*Eurycea lucifuga*).  
 (16) Four-toed salamander (*Hemidactylium scutatum*).  
 (17) Redbacked salamander (*Plethodon cinereus*).  
 (18) Zigzag salamander (*Plethodon dorsalis*).  
 (19) Slimy salamander (*Plethodon glutinosus*).  
 (20) Ravine salamander (*Plethodon richmondi*).  
 (21) Red salamander (*Pseudotriton ruber*).  
 (22) Lesser siren (*Siren intermedia*).  
 (23) Eastern spadefoot toad (*Scaphiopus holbrooki*:  
**holbrookii**).  
 (24) American toad (*Bufo americanus*).  
 (25) Fowler’s toad (*Bufo fowleri*).  
 (26) Cricket frog (*Acris crepitans*).  
 (27) Cope’s gray tree frog (*Hyla chrysoscelis*).  
**(28) Green tree frog (*Hyla cinerea*).**  
~~(28)~~ **(29)** Eastern gray tree frog (*Hyla versicolor*).  
~~(29)~~ **(30)** Spring peeper (*Pseudacris crucifer*).  
~~(30)~~ **(31)** Striped chorus frog (*Pseudacris triseriata*).  
~~(31)~~ **(32)** Crawfish frog (*Rana areolata*).  
~~(32)~~ **(33)** Plains leopard frog (*Rana blairi*).  
~~(33)~~ **(34)** Bullfrog (*Rana catesbeiana*).  
~~(34)~~ **(35)** Green frog (*Rana clamitans*).  
~~(35)~~ **(36)** Northern leopard frog (*Rana pipiens*).  
~~(36)~~ **(37)** Pickerel frog (*Rana palustris*).  
~~(37)~~ **(38)** Southern leopard frog (*Rana utricularia*).  
~~(38)~~ **(39)** Wood frog (*Rana sylvatica*).  
~~(39)~~ **(40)** Common snapping turtle (*Chelydra serpentina*  
*serpentina*).  
~~(40)~~ **(41)** Smooth softshell turtle (*Apalone mutica*).  
~~(41)~~ **(42)** Spiny softshell turtle (*Apalone spinifera*).  
~~(42)~~ **(43)** Alligator snapping turtle (*Macroclemys temminckii*).  
~~(43)~~ **(44)** Eastern mud turtle (*Kinosternon subrubrum*).  
~~(44)~~ **(45)** Musk turtle (*Sternotherus odoratus*).  
~~(45)~~ **(46)** Midland painted turtle (*Chrysemys picta marginata*).  
~~(46)~~ **(47)** Western painted turtle (*Chrysemys picta bellii*).  
~~(47)~~ **(48)** Spotted turtle (*Clemmys guttata*).  
~~(48)~~ **(49)** Blanding’s turtle (*Emydoidea blandingii*).  
~~(49)~~ **(50)** Map turtle (*Graptemys geographica*).  
~~(50)~~ **(51)** False map turtle (*Graptemys pseudogeographica*).  
~~(51)~~ **(52)** Ouachita map turtle (*Graptemys ouachitensis*).  
~~(52)~~ **(53)** Heiroglyphic river cooter (*Pseudemys concinna*).  
~~(53)~~ **(54)** Eastern box turtle (*Terrapene carolina*).  
~~(54)~~ **(55)** Ornate box turtle (*Terrapene ornata*).  
~~(55)~~ **(56)** Red-eared slider (*Trachemys scripta elegans*).  
~~(56)~~ **(57)** Eastern fence lizard (*Sceloporus undulatus*).  
~~(57)~~ **(58)** Slender glass lizard (*Ophisaurus attenuatus*).  
~~(58)~~ **(59)** Six-lined racerunner (*Cnemidophorus sexlineatus*).  
~~(59)~~ **(60)** Five-lined skink (*Eumeces fasciatus*).  
~~(60)~~ **(61)** Broad-headed skink (*Eumeces laticeps*).  
~~(61)~~ **(62)** Ground skink (*Scincella lateralis*).  
~~(62)~~ **(63)** Worm snake (*Carphophis amoenus*).  
~~(63)~~ **(64)** Scarlet snake (*Cemophora coccinea*).  
~~(64)~~ **(65)** Racer (*Coluber constrictor*).  
~~(65)~~ **(66)** Kirtland’s snake (*Clonophis kirtlandii*).  
~~(66)~~ **(67)** Northern ringneck snake (*Diadophis punctatus*).  
~~(67)~~ **(68)** Black rat snake (*Elaphe obsoleta obsoleta*).  
~~(68)~~ **(69)** Gray rat snake (*Elaphe obsoleta spiloides*).  
~~(69)~~ **(70)** Western fox snake (*Elaphe vulpina vulpina*).  
~~(70)~~ **(71)** Mud snake (*Farancia abacura*).  
~~(71)~~ **(72)** Eastern hognose snake (*Heterodon platirhinos*).  
~~(72)~~ **(73)** Prairie king snake (*Lampropeltis calligaster*  
*calligaster*).  
~~(73)~~ **(74)** Black king snake (*Lampropeltis getula nigra*).  
~~(74)~~ **(75)** Eastern milk snake (*Lampropeltis triangulum*  
*triangulum*).  
~~(75)~~ **(76)** Red milk snake (*Lampropeltis triangulum sypila*).  
~~(76)~~ **(77)** Northern copperbelly (*Nerodia erythrogaster*).  
~~(77)~~ **(78)** Diamondback water snake (*Nerodia rhombifer*).  
~~(78)~~ **(79)** Northern banded water snake (*Nerodia sipedon*).  
~~(79)~~ **(80)** Rough green snake (*Opheodrys aestivus*).  
~~(80)~~ **(81)** Smooth green snake (*Opheodrys Lioclorophis*  
*vernalis*).  
~~(81)~~ **(82)** Bull snake (*Pituophis melanoleucus catenifer sayi*).  
~~(82)~~ **(83)** Queen snake (*Regina septemvittata*).  
~~(83)~~ **(84)** Brown snake (*Storeria dekayi*).  
~~(84)~~ **(85)** Redbellied snake (*Storeria occipitomaculata*).  
~~(85)~~ **(86)** Crowned snake (*Tantilla coronata*).  
~~(86)~~ **(87)** Butler’s garter snake (*Thamnophis butleri*).  
~~(87)~~ **(88)** Western ribbon snake (*Thamnophis proximus*).  
~~(88)~~ **(89)** Plains garter snake (*Thamnophis radix*).  
~~(89)~~ **(90)** Eastern ribbon snake (*Thamnophis sauritus*).  
~~(90)~~ **(91)** Common garter snake (*Thamnophis sirtalis*).  
~~(91)~~ **(92)** Western earth snake (*Virginia valeriae*).  
~~(92)~~ **(93)** Northern copperhead (*Agkistrodon contortrix*).  
~~(93)~~ **(94)** Cottonmouth moccasin (*Agkistrodon piscivorus*).  
~~(94)~~ **(95)** Timber rattlesnake (*Crotalus horridus*).  
~~(95)~~ **(96)** Eastern Massasauga (*Sistrurus catenatus*).
- (d) As used in this section, “sale” means:  
 (1) barter, purchase, trade, or offer to sell, barter, purchase,  
 or trade; or  
 (2) serving as part of a meal by a restaurant, a hotel, a  
 boarding house, or **the keeper of** an eating house; ~~keeper~~;  
 however, a hotel, a boarding house, or **the keeper of** an  
 eating house ~~keeper~~ 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 to move, carry, or ship a wild animal protected by law by any means and 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) Exempted from this section is 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 a sale made under a reptile captive breeding license governed by section 9 of this rule.

(i) Exempted from this section is the sale to and purchase of reptiles or amphibians by a public school accredited under IC 20-1-1-6(8) or nonpublic school accredited under IC 20-1-1-6(11) and IC 20-1-1.6-2. 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 the sale and purchase of a bullfrog (*Rana catesbeiana*) tadpole or 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, a tadpole is 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) 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*)

SECTION 18. 312 IAC 9-5-9, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-5-9 Reptile captive breeding license**

**Authority:** IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17  
**Affected:** IC 14-22

Sec. 9. (a) This section establishes the reptile captive breeding license and sets the requirements for a person who wishes to apply for and maintain the license.

(b) The application must be made on a department form.

(c) The annual fee for a license under this section is fifteen dollars (\$15).

(d) An application for a license under this section must be made within thirty (30) days of the effective date of this section for a reptile described in subsection (e) and possessed by the applicant before the effective date of this section. Any subsequent license application must be made within five (5) days after the applicant took possession of the first reptile described in subsection (e) and taken for captive breeding purposes.

(e) A reptile captive breeding license authorizes a person who holds the license to possess, breed, and sell the **reptiles snakes** listed in this section. In the following list, where both scientific names and common names are provided, common names are for public convenience but the scientific names control:

- (1) Black rat snake (*Elaphe obsoleta obsoleta*).
- (2) Western fox snake (*Elaphe vulpina*).
- (3) Eastern hognose snake (*Heterodon platirhinos*).
- (4) Prairie kingsnake (*Lampropeltis calligaster calligaster*).
- (5) Black kingsnake (*Lampropeltis getula nigra*).
- (6) Eastern milk snake (*Lampropeltis triangulum triangulum*).
- (7) Red milk snake (*Lampropeltis ~~tranguum~~ triangulum sypila*).
- (8) Bull snake (*Pituophis ~~melanoleucus~~ catenifer sayi*).
- (9) A **reptile snake** that is not on a state or federal endangered or threatened species list and with a color morphology that is:

- (A) albinistic (an animal lacking brown or black pigment);
  - (B) leucistic (a predominately white animal); or
  - (C) xanthic (a predominately yellow animal);
- if it was not collected from the wild.

(f) Captive breeding stock other than a reptile described in subsection (e)(9) must be identified with an individually unique passive integrated transponder. A transponder must be implanted in each specimen. The type of transponder shall be approved by the commission. The imbedded transponder’s code and other required information concerning the general health and condition of the animal must be provided on a departmental form, and verified by a supervising veterinarian, within fourteen (14) days after obtaining the animal.

(g) A reptile held under this section must be confined in a cage or other enclosure that makes escape of the animal unlikely. Each animal must be provided with ample space and

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kept in a sanitary and humane manner. Animals and cages must be made available for inspection upon request by a conservation officer.

(h) Each animal possessed under this section must be lawfully acquired. No more than four (4) animals of each species described in subsection (e) may be collected annually from the wild. A receipted invoice, bill of lading, or other satisfactory evidence of lawful acquisition for animals not taken from the wild shall be presented to a conservation officer upon request. A person licensed under this section who collects an animal from the wild must document, on a departmental form, when and where the animal was collected. The animal must be fitted with a passive integrated transponder within fourteen (14) days of taking possession.

(i) A person licensed under this section must not possess an animal larger than the maximum sale length described in this subsection unless the animal is fitted with a transponder as part of the breeding stock of the person. Captive-bred offspring may only be sold before an individual attains the following total length:

- (1) Fifteen (15) inches for an eastern hognose snake.
- (2) Eighteen (18) inches for a black rat snake, western fox snake, black king snake, prairie king snake, eastern milk snake, or red milk snake.
- (3) Twenty-eight (28) inches for a bull snake.

(j) A person licensed under this section must maintain accurate records on a calendar year basis on the number and disposition of breeding stock and captive breed young. The records shall include the species and number of animals captured, received, or sold and the birth dates of captive born animals. In addition, the records shall include the complete name and complete address of the person from whom an animal was purchased or to whom an animal was sold. The records shall be maintained at the place of business of the license holder for at least two (2) years after the end of the license year. **Upon request by a conservation officer, the license holder must make the records must be made available for inspection. upon request by a conservation officer.**

(k) A person licensed under this section must not release to the wild a captive breeder or the offspring of a captive breeder. (*Natural Resources Commission; 312 IAC 9-5-9; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3675; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 545*)

SECTION 19. 312 IAC 9-5-11 IS ADDED TO READ AS FOLLOWS:

### **312 IAC 9-5-11 Special purpose turtle possession permit**

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17  
Affected: IC 4-21.5; IC 14-22

**Sec. 11. (a) This section establishes the requirements for a special purpose turtle possession permit.**

**(b) Only an Indiana resident can qualify for a permit under this section. An application must be made on a departmental form. Exempted from this section is any species of turtle that is possessed lawfully under section 2, 3, or 6 of this rule and any endangered species of native turtle that is possessed lawfully under 312 IAC 9-11.**

**(c) An application must be made within ten (10) days after taking possession of a native turtle that was not taken from the wild or for the possession of an eastern box turtle that was lawfully acquired by the person before January 1, 2005. A person does not violate section 6 of this rule if the person obtains a permit under this section for an eastern box turtle. An application must show the turtle was lawfully acquired. A receipted invoice, bill of lading, or other evidence approved by the director must accompany the application. To permit a turtle from outside Indiana, the turtle must have been taken lawfully and must be accompanied by a certificate of veterinary inspection from the state of origin.**

**(d) If supported by appropriate documentation, an unlimited number of native turtles that were legally obtained but not taken from the wild may be possessed under this permit.**

**(e) A conservation officer shall inspect each cage or enclosure before a permit can be issued. A turtle must be quarantined for at least thirty (30) days and display no signs of illness before being placed with other turtles. A turtle must be confined in a cage or other enclosure that makes escape of the animal unlikely and prevents the entrance of free-roaming turtles. The cage or enclosure must provide the turtle with ample space for exercise and to avoid overcrowding. Each turtle shall be handled, housed, and transported in a sanitary and humane manner. Mature male and female turtles of the same species must be caged separately. Upon request by a conservation officer, an applicant must make any cage or enclosure available for inspection.**

**(f) A turtle possessed under this section must not be bred, sold, traded, bartered, or released into the wild. A turtle possessed under this section may be given only to an individual who possesses a permit under this section.**

**(g) A native turtle with a straight-line carapace length of four (4) inches or greater held under this permit must be permanently marked with a unique passive integrated transponder (pit tag) implanted under the skin. Only pit tags that can be read by an AVID Reader may be implanted.**

(h) A permit holder must not commercially advertise adoption services. A turtle possessed under this section must not be publicly displayed except under an educational permit issued under 312 IAC 9-10-9.5.

(i) A copy of the records must be kept on the premises of the permit holder for at least two (2) years after the turtle was obtained, and a copy must be provided to a conservation officer upon request. The records shall include the following:

- (1) The taxa, number, carapace length, and weight of each turtle obtained.
- (2) The complete name, address, and telephone number of the person from whom a turtle was obtained.
- (3) The date obtained.
- (4) The unique passive integrated transponder code of each implanted turtle.

(j) A conservation officer may enter the premises of the permit holder at all reasonable hours to inspect those premises and any records relative to the permit. The conservation officer shall immediately notify the permit holder if the inspection reveals a turtle is being kept under unsanitary or inhumane conditions. A conservation officer may make a second inspection after ten (10) days, and the permit may be suspended or revoked under IC 4-21.5, and the turtles may be confiscated, if the permit holder fails to comply with the permit.

(k) A permit expires on December 31 of the year the permit was issued. The permit holder must provide an annual report to the division by February 15 of each year with the following information for each turtle possessed under this permit:

- (1) The taxa and number of each native turtle obtained.
- (2) The complete name, address, and telephone number of the person from whom a turtle was obtained.
- (3) The date obtained.
- (4) The unique passive integrated transponder code of each implanted turtle.

(l) A permit may be suspended, denied, or revoked under IC 4-21.5 if the permit holder fails to comply with any of the following:

- (1) A permit issued under this section.
- (2) This article.
- (3) Another applicable state, local, or federal law.

*(Natural Resources Commission; 312 IAC 9-5-11; filed Sep 23, 2004, 3:00 p.m.: 28 IR 546)*

SECTION 20. 312 IAC 9-6-9, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-6-9 Endangered and threatened species of fish**

Authority: IC 14-22-2-6; IC 14-22-34-17  
 Affected: IC 14-22-34-12

Sec. 9. The following species of fish are threatened or endangered and are subject to the protections provided under IC 14-22-34-12:

- (1) Lake sturgeon (*Acipenser fulvescens*).
- (2) Cavefishes (*Amblyopsidae* species).
- (3) Redside dace (*Clinostomus elongatus*).
- ~~(4) Bluebreast darter (*Etheostoma camurum*):~~
- ~~(5) Spotted darter (*Etheostoma maculatum*):~~
- ~~(6) Spottail darter (*Etheostoma squamiceps*):~~
- ~~(7) Tippecanoe darter (*Etheostoma tippecanoe*):~~
- ~~(8) (4) Variegated darter (*Etheostoma varium*):~~
- ~~(9) (5) Gilt darter (*Percina evides*):~~
- ~~(10) Harlequin darter (*Etheostoma histrio*):~~
- ~~(11) (6) Greater redhorse (*Moxostoma valenciennesi*):~~
- (7) Bantam sunfish (*Lepomis symmetricus*).**
- (8) Pallid shiner (*Hybopsis amnis*).**
- (9) Channel darter (*Percina copelandi*).**
- (10) Northern brook lamprey (*Ichthyomyzon fossor*).**

*(Natural Resources Commission; 312 IAC 9-6-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2716; filed May 16, 2002, 12:25 p.m.: 25 IR 3048; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 547)*

SECTION 21. 312 IAC 9-7-2, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-7-2 Sport fishing methods, except on the Ohio River**

Authority: IC 14-22-2-6  
 Affected: IC 14-22

Sec. 2. (a) Except as provided under section 13 of this rule with respect to the Ohio River, this section governs the lawful methods for fishing under this rule.

(b) An individual may take fish with the aid of illumination of a spotlight, searchlight, or artificial light.

(c) An individual may take fish with not more than three (3) poles, hand lines, or tip-ups at a time. Except as provided in subsection (g), affixed to each line shall be no more than **two** (2) hooks or two (2) artificial baits or harnesses for use with live bait.

(d) A person must not take fish from waters containing state-owned fish, waters of this state, or boundary waters by means of a hook dragged or jerked through the water with the intent to snag fish on contact.

(e) A person must not take trout or salmon from a waterway unless the fish is hooked in the mouth.

(f) A person must not fish with more than ten (10) limb lines or drop lines at a time. Each line shall have not more than one (1) hook affixed and must bear a legible tag with the name and address of the user. Each line shall be attended at least once

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every twenty-four (24) hours. A limb line or drop line shall not be used within three hundred (300) yards of a dam ~~which that~~ wholly or partly crosses a waterway.

(g) A person must not ice fish **on waters of this state**, except as **provided** as follows:

(1) A tip-up must be constantly in sight of the user and must have affixed a legible tag bearing the name and address of the user.

(2) An ice fishing enclosure that is placed on the waters of this state between sunset and sunrise shelter must visibly bear the name and address of the owner visibly in three (3) inch block letters on at least one (1) exterior vertical side. At least one (1) red reflector, or a three (3) inch by three (3) inch reflective material strip, must be mounted on each exterior side of an ice fishing enclosure: **the outside of the door.**

(3) A portable ice fishing shelter that is left unattended must visibly bear the name and address of the owner in three (3) inch block letters on an exterior wall.

(4) An ice fishing shelter or portable shelter that is on the waters between sunset and sunrise must have, on each side of the structure or shelter, at least one (1) red reflector or a three (3) inch by three (3) inch reflective material strip.

~~(5)~~ (5) An ice fishing enclosure shelter or portable shelter must be removed from the waters of this state before ice-out.

~~(4)~~ If an ice fishing enclosure is used after (6) Except from January 1 through February 15, of a calendar year, the an ice fishing enclosure shelter or portable shelter must be removed daily.

~~(5)~~ As used in this subsection, "ice fishing enclosure" means an ice shanty or ice fishing tent.

(h) A person must not take fish with more than one (1) trot line, set line, or throw line. A line must have no more than fifty (50) hooks affixed. A trot line must be anchored to the bottom or set not less than three (3) feet below the surface of the water. A legible tag with the name and address of the user must be affixed to each trot line. Each trot line must be attended at least once every twenty-four (24) hours. It is unlawful to take fish from Lake Michigan with a trot line, set line, or throw line.

(i) A person must not take fish from a lake with free-float lines or to fish from a waterway with more than five (5) free-float lines. Not more than one (1) hook shall be affixed to each line. A float shall bear the name and address of the user and must not be constructed of glass. Each free-float line must be in constant attendance by the person fishing.

(j) A person must not possess a fish spear, gig, gaff, pitchfork, bowfishing equipment, crossbow, grab hook, spear gun, club, snag hook, or underwater spear in, on, or adjacent to **any of the following**:

(1) The Galena River (LaPorte County).

(2) Trail Creek (LaPorte County).

(3) The East Branch of the Little Calumet River (LaPorte and Porter Counties).

(4) Salt Creek (Porter County).

(5) The West Branch of the Little Calumet River (Lake and Porter Counties).

(6) Burns Ditch (Porter and Lake Counties).

(7) Deep River downstream from the dam at Camp 133 (Lake County). ~~or~~

(8) The tributaries of these waterways.

(k) A person must not fish the waterways described in subsection (j) or from the St. Joseph River and its tributary streams from the Twin Branch dam downstream to the Michigan state line (St. Joseph County) with more than one (1) single hook per line or one (1) artificial bait or harness for use with live bait. Single hooks, including those on artificial baits, shall not exceed one-half (1/2) inch from point to shank. Double and treble hooks on artificial baits shall not exceed three-eighths (3/8) inch from point to shank.

(l) A person must not take smelt from other than Lake Michigan and Oliver Lake in LaGrange County by the use of dip nets, seines, or nets except from March 1 through May 30 with either of the following:

(1) One (1) dip net not to exceed twelve (12) feet in diameter.

(2) One (1) seine or net not to exceed twelve (12) feet long and six (6) feet deep and having a stretch mesh larger than one and one-half (1 1/2) inches.

Each seine or net shall have affixed a legible tag with the name and address of the user.

(m) An individual may, by means of a fish spear, gig, speargun, or underwater spear, take only any sucker, carp, gar, bowfin, buffalo, or shad and only from the following waterways:

(1) West Fork of the White River from its junction with the East Fork upstream to the dam below the Harding Street generating plant of the Indianapolis Power and Light Company in Marion County.

(2) East Fork of the White River from its junction with the West Fork upstream to the dam at the south edge of the city of Columbus in Bartholomew County.

(3) White River from its junction with the West Fork of the White River and East Fork of the White River to its junction with the Wabash River in Gibson, Knox, and Pike Counties.

(4) Wabash River from its junction with the Ohio River upstream to State Road 13 at the south edge of the city of Wabash in Wabash County.

(5) Tippecanoe River upstream from its junction with the Wabash River to one-half (1/2) mile below its junction with Big Creek in Carroll County. (It is unlawful to possess a fish spear or fish gig in, on, or adjacent to the Tippecanoe River from one-half (1/2) mile below its junction with Big Creek in Carroll County upstream to the Oakdale Dam ~~which that~~ forms Lake Freeman.)

- (6) Maumee River from the Ohio state line upstream to the Anthony Boulevard Bridge in the city of Fort Wayne.
- (7) Kankakee River from the Illinois state line upstream to State Road 55 bridge south of the city of Shelby in Lake County.
- (8) St. Joseph River in St. Joseph and Elkhart counties.

(n) An individual may use a pitchfork or bow and arrow on a waterway only

(+) to take any sucker, carp, gar, bowfin, buffalo, or shad between

(-) sunrise and sunset.

(o) In addition to any other lawful method, an individual may take a sucker, carp, gar, bowfin, buffalo, or shad **by**:

- (1) **by** bow and arrows from Lake Michigan; or
- (2) **by** spear, gig, spear gun, underwater spear, pitchfork, or bow and arrows from another lake.

(p) An individual may take a sucker, carp, gar, or bowfin with not more than one (1) snare only between sunrise and sunset. (*Natural Resources Commission; 312 IAC 9-7-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2716; filed May 28, 1998, 5:14 p.m.: 21 IR 3719; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1537; errata filed Feb 26, 2002, 6:00 p.m.: 25 IR 2254; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 547*)

SECTION 22. 312 IAC 9-7-6, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-7-6 Black bass**

**Authority:** IC 14-22-2-6

**Affected:** IC 14-22

Sec. 6. (a) Except as otherwise provided in this section, the aggregate daily bag limit is five (5) black bass.

(b) The aggregate daily bag limit is three (3) for black bass taken from Lake Michigan. A person must not possess more than three (3) black bass while fishing in or on Lake Michigan.

(c) Except as otherwise provided in this section, the minimum size limit for black bass taken from a waterway is twelve (12) inches but is fourteen (14) inches for black bass taken from lakes (including Lake Michigan).

(d) No minimum length limit for largemouth bass applies for the lakes listed in this subsection as follows:

- (1) Brownstown Pit in Jackson County.
- (2) Burdette Park Lakes in Vanderburgh County.
- (3) Chandler Town Lake in Warrick County.
- (4) Cypress Lake in Jackson County.
- (5) Deming Park Lakes in Vigo County.
- (6) Garvin Park Lake in Vanderburgh County.
- (7) Glen Miller Pond in Wayne County.

- (8) Hayswood Lake in Harrison County.
- (9) Henry County Memorial Park Lake in Henry County.
- (10) Hovey Lake in Posey County.
- (11) Krannert Lake in Marion County.
- (12) Lake Sullivan in Marion County.
- (13) Ruster Lake in Marion County.
- (14) Schnebelt Pond in Dearborn County.

(e) A person must not take or possess a largemouth bass unless the largemouth bass is less than twelve (12) inches long or more than fifteen (15) inches long from the following designated waters:

- (1) Buffalo Trace Lake in Harrison County.
- (2) Celina Lake in Perry County.
- (3) Delaney Park Lake in Washington County.
- (4) Indian Lake in Perry County.
- (5) Saddle Lake in Perry County.
- (6) Scales Lake in Warrick County.
- (7) Shakamak State Park Lakes in Clay County, Greene County, and Sullivan County.
- (8) Tipsaw Lake in Perry County.
- (9) Ferdinand State Forest Lake in Dubois County.
- (10) Montgomery City Park Lake in Daviess County.**

(f) The daily bag limit is one (1) largemouth bass from Turtle Creek Reservoir in Sullivan County. A person must not take or possess a largemouth bass from Turtle Creek Reservoir unless the largemouth bass is at least twenty (20) inches long.

(g) A person must not take or possess a largemouth bass from Patoka Lake (Orange, Crawford, and Dubois counties) or Dogwood Lake (Daviess County) unless the largemouth bass is at least fifteen (15) inches long.

(h) A person must not take or possess a largemouth bass from Harden Lake (Parke County) unless the largemouth bass is at least sixteen (16) inches long.

(i) The daily bag limit is two (2) largemouth bass, and a person must not take or possess a largemouth bass unless the largemouth bass is at least eighteen (18) inches long, from the following designated waters:

- (1) Tri-County State Fish and Wildlife Area.
- (2) Robinson Lake in Whitley County and Kosciusko County.
- (3) Ball Lake in Steuben County.
- (4) Gibson Lake in Gibson County.
- (5) Loon Pit at Blue Grass Fish and Wildlife Area in Warrick County.**
- (6) Bluegrass Pit at Blue Grass Fish and Wildlife Area in Warrick County.**

(j) A person must not take or possess a largemouth bass from Dove Hollow Lake at Glendale State Fish and Wildlife Area.

(k) If this section prohibits a person from taking or possessing a black bass from a specified lake or waterway, a person must

not possess a bass of the prohibited class on or adjacent to the lake or waterway. (*Natural Resources Commission; 312 IAC 9-7-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2718; filed May 28, 1998, 5:14 p.m.: 21 IR 3721; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1539; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 549*)

SECTION 23. 312 IAC 9-7-13, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 9-7-13 Trout and salmon

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 13. (a) A person must not possess a brook trout, rainbow trout, or brown trout unless the trout is as follows:

(1) Except as provided in subsection (d), at least seven (7) inches long.

(2) Taken from the last Saturday of April after 5 a.m., local time, through December 31, if taken from other than a lake.

**A person must not fish for trout during the closed season.**

(b) Except as otherwise provided in this section, the daily bag limit is five (5) trout.

(c) Except as provided in subsection ~~(d)~~, (e), the daily bag limit ~~for is three (3) lake trout. is three (3)~~.

(d) A person must not possess a brown trout from Oliver Lake, Olin Lake, or Martin Lake (LaGrange County) **or the East Fork of Whitewater River downstream of Brookville Reservoir (Franklin County)** unless the trout is at least eighteen (18) inches long. The daily bag limit is five (5) trout of which no more than one (1) shall be brown trout.

(e) A person must not possess a trout or salmon taken from Lake Michigan or its tributaries unless the fish is at least fourteen (14) inches long. The daily bag limit is five (5) for any combination of trout and salmon taken under this subsection, of which no more than two (2) shall be lake trout. Exempted from this subsection, however, are trout taken from the St. Joseph River in St. Joseph and Elkhart counties and its tributaries upstream from the Twin Branch Dam.

(f) A person must not possess more than a single day's bag limit identified in subsection ~~(d)~~ (e) while fishing on Lake Michigan.

(g) The areas closed to trout and salmon fishing under this section are in addition to areas closed to all fishing under 312 IAC 9-6-6. (*Natural Resources Commission; 312 IAC 9-7-13; filed May 12, 1997, 10:00 a.m.: 20 IR 2720; filed May 28, 1998, 5:14 p.m.: 21 IR 3722; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1540; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 550*)

SECTION 24. 312 IAC 9-10-9, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 9-10-9 Wild animal rehabilitation permit

Authority: IC 14-22-2-6; IC 14-22-11-12

Affected: IC 4-21.5; IC 14-22

Sec. 9. (a) **This section governs a permit to possess a wild animal which is a mammal or bird protected by law, may be possessed for rehabilitation purposes only in accordance with a The permit as issued is required for a mammal, bird, reptile, or amphibian and is available only to an individual who is a resident of Indiana. A white-tailed deer must not be possessed under this section for more than one hundred eighty (180) days unless a conservation officer inspects the animal and determines an extended period may be reasonably expected to result in its rehabilitation.**

(b) An application for a permit under this section shall be completed on a departmental form and must establish the following:

(1) The applicant has rehabilitation experience and a knowledge of wildlife rehabilitation techniques. The required experience and knowledge may be met by one (1) of the following:

(A) A bachelor of science degree in a wildlife related field.

(B) At least one (1) year of experience with a:

(i) veterinarian;

(ii) zoo;

(iii) university animal clinic;

(iv) county animal shelter; or

(v) licensed rehabilitation clinic.

(C) Possession for at least two (2) years of another permit under this section.

(D) Other knowledge and background, including the completion of rehabilitation workshops and seminars, if found by the division director to qualify the applicant.

(2) The name and address of a veterinarian willing to assist the applicant with the rehabilitation of wild animals. The veterinarian shall sign the application and attest to having experience in the care and rehabilitation of wild mammals and birds. **If the applicant is a veterinarian, the signature of another veterinarian is not required.**

(3) A listing of the wildlife rehabilitation reference books in possession of the applicant.

(4) The names, addresses, and telephone numbers of any other individuals who will assist the applicant. **Assistants must possess sufficient experience and adequate facilities to tend the species in their care and be authorized in writing by the permit holder to provide care for that species of animal in their own facility.**

(5) The species that will be accepted for rehabilitation.

(6) A description of the rehabilitation facilities, equipment, and supplies. The description shall include the following:

(A) Cages.

(B) Intensive care units.

(C) Aviaries.

(D) Falconry equipment.

- (E) Medical diagnostic equipment.
  - (F) Medical supplies.
  - (G) Food sources.
  - (H) Other items to be utilized in the rehabilitation process.
- A cage description shall provide its internal dimensions and shall specify the materials used for flooring, walls, and perches. The applicant shall list what species will be housed in the various enclosures and the purpose for each enclosure, for example, convalescing, training, or quarantine.

(c) An amended application ~~shall~~ **must** be filed with the division if there is a material change to the information provided in the original application. ~~If additional persons will assist the permit holder, The amended application shall~~ **must** include ~~their names, addresses, and telephone numbers.~~ **the name, address, and telephone number of any additional person who would assist the permit holder.**

(d) The permit holder must file an application by January 15 of each year in order to renew the permit. The annual report required under subsection (i) must accompany the renewal application. The signature of a veterinarian is not required for a renewal application.

(e) The issuance of a permit under this section does not relieve an individual from any requirement for a federal permit. If the terms of a federal permit and the permit issued under this section differ, the more restrictive terms prevail.

(f) A wild animal possessed pursuant to a permit issued under this section must not be displayed or placed in physical contact with the public, except according to the terms of ~~a an educational permit issued under this subsection.~~ **A permit may be issued by the division director if:**

- ~~(1) the purpose for displaying the animal is primarily educational; and~~
- ~~(2) the animal is not displayed:~~
  - ~~(A) as part of or to promote a commercial venture; or~~
  - ~~(B) in a manner which might cause a member of the public to confuse display of the animal with a commercial venture because of proximity in time or place between the animal's display and the commercial venture.~~

**section 9.5 of this rule.**

(g) A permit holder must maintain facilities for the retention of a wild animal possessed under this section in a sanitary condition and to conform with any other conditions specified by the permit.

- (h) A permit holder must maintain current records for each wild animal to include the following:
- (1) The species and condition of the animal.
  - (2) The name, address, and telephone number of the donor or other source of the animal.
  - (3) The date of receipt by the permit holder.
  - (4) The treatment provided to the animal while in captivity.

- (5) The method and date of disposition of the wild animal.
- (i) The permit holder shall provide an annual report to the division by January 15 of each year. The report shall list the following:
- (1) The species and condition of each animal.
  - (2) The date the animal was received.
  - (3) The name and address of the donor or other source.
  - (4) The **method, location, and** date of disposition of the animal.

(j) As soon as a ~~mammal or bird~~ **wild animal** is capable of fending for itself, the animal shall be released into the wild as directed by a conservation officer. If a ~~mammal or bird~~ **wild animal** is not capable of fending for itself, a conservation officer ~~should~~ **must** be contacted for ~~further instructions as to the concerning its disposition.~~ ~~of the animal.~~

(k) A permit holder ~~shall~~ **must** not commercially advertise rehabilitation services or solicit ~~mammals or birds~~ for rehabilitation **a wild animal that is subject to this section.**

**(l) A permit may be suspended, denied, or revoked under IC 4-21.5 if the permit holder fails to comply with any of the following:**

- (1) A permit issued under this section.**
- (2) This article or IC 14-22.**
- (3) Another applicable state, local, or federal law.**  
*(Natural Resources Commission; 312 IAC 9-10-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2730; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 550)*

**SECTION 25. 312 IAC 9-10-9.5 IS ADDED TO READ AS FOLLOWS:**

**312 IAC 9-10-9.5 Special purpose educational permit**  
 Authority: IC 14-22-2-6; IC 14-22-11-12  
 Affected: IC 4-21.5; IC 14-22

**Sec. 9.5. (a) This section governs a special purpose educational permit. The permit is required for a person who conducts an educational display or lecture using a live wild animal that is a mammal, bird, reptile, or amphibian protected under this article. Exempted from this section are reptiles and amphibians lawfully collected and possessed under 312 IAC 9-5-6. The permit is available only to a person who is at least one (1) of the following:**

- (1) A licensed rehabilitator.**
- (2) A licensed falconer.**
- (3) A wild animal possession permit holder.**
- (4) A special purpose turtle possession permit holder.**
- (5) An educational institution.**
- (6) A nonprofit organization.**
- (7) An individual who is employed or sponsored by an educational institution or a nonprofit organization.**

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(b) Exempted from this section is any zoo, carnival, animal dealer, pet shop, circus, or nature center licensed under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(c) An application must be made on a departmental form. An applicant must show that a wild animal was lawfully acquired with proper documentation. If the animal was obtained under a rehabilitation permit, the animal must be permanently injured and nonreleasable. Documentation must be in the form of a copy of a valid license, permit, receipt, or rehabilitation report showing the lawful acquisition of the wild animal.

(d) An animal possessed under this permit must be handled, housed, and transported in a sanitary and humane manner. A person must not possess a wild animal in a condition that is any of the following:

- (1) Unsafe.
- (2) Unsanitary.
- (3) Constitutes maltreatment or neglect of the animal.
- (4) Allows the escape of the animal.

(e) An application must include an outline of the educational program that includes an explanation of the legal acquisition of the wild animal. A permit shall not be issued unless the proposed educational program meets the following criteria:

- (1) Promotes the survival and role of wild animals in their natural habitat.
- (2) Promotes an understanding of the ecological needs of wild populations of the species.
- (3) Does not promote or encourage opposition to the scientific management of wildlife, including the regulated taking of wild animals in a manner consistent with state or federal law.

(f) If a wild animal is obtained under a rehabilitation permit, the animal must not be displayed as part of or to promote a commercial venture or in a manner that might cause a member of the public to reasonably confuse the display with a commercial venture. A person must not use an animal obtained under a rehabilitation permit for commercial or for-profit purposes. A person must not use an animal obtained under a rehabilitation permit to draw attendance to or promote a commercial undertaking or activity, such as a convention, sports show, or similar activity.

(g) An animal must not be placed in physical contact with the public unless the animal is a species of reptile that is neither venomous nor endangered.

(h) A migratory bird must not be used unless the U.S. Fish and Wildlife Services also issues a special purpose possession permit. If the terms of the federal permit and the permit under this section differ, the more restrictive terms govern.

(i) A permit holder must not maintain or display a wild animal in a manner that does any of the following:

- (1) Poses a hazard to public safety.
- (2) Poses a hazard to property of a person other than the permit holder.
- (3) Harms the health of the wild animal.
- (4) Violates this article or the permit under which the animal is possessed.

(j) The permit issued under this section must be carried on the permit holder and displayed when conducting any authorized activities.

(k) The permit holder must file an application by February 1 of each year in order to renew the permit. The annual report shall accompany the renewal application. The report must contain the following:

- (1) Numbers and species of wild animals used.
- (2) Location of each program.
- (3) Date of each program.
- (4) Name of the group to whom the program was given.

(l) A copy of the records relative to this permit must be kept on the premises of the permit holder for at least two (2) years after the expiration date of the permit. Upon request by a conservation officer, the permit holder must provide these records.

(m) A license may be suspended, denied, or revoked under IC 4-21.5 if the permit holder does any of the following:

- (1) Fails to comply with a provision of a permit issued under this section.
- (2) Possessed the wild animal in a manner that constitutes maltreatment or neglect of the animal.
- (3) Violates any applicable state, local, or federal law.

*(Natural Resources Commission; 312 IAC 9-10-9.5; filed Sep 23, 2004, 3:00 p.m.: 28 IR 551)*

SECTION 26. 312 IAC 9-10-10, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 9-10-10 Hunting permit for persons with disabilities

Authority: IC 14-11-2-1; IC 14-22-2-6  
Affected: IC 14-22

Sec. 10. (a) The department may issue a permit under this section to a ~~handicapped individual~~ **person with a disability** to take wildlife, if the ~~handicap~~ **disability** would otherwise make the taking of wildlife by the individual difficult or impossible. The permit applies from August 15 through the last day of the wild turkey hunting season established under 312 IAC 9-4-11.

(b) A permit application under this section shall be made as follows:



(1) The initial application shall be made on a departmental form and delivered to the division by July 1 for the current year hunting season. The application form may be obtained from the division beginning on May 1 of each year.

(2) The initial application must be accompanied by a statement of disability completed by a physician.

(3) ~~The division shall review each completed application. is reviewed by the division.~~ The director may issue a permit under this section by August 1 of each year. If an application is not recommended for approval, the applicant ~~will~~ **shall** be notified by mail.

(4) Except as otherwise provided in this subdivision, no renewal application is required for a ~~handicap~~ **person with disabilities hunting** permit. An applicant with a temporary ~~handicap~~ **disability** may be required by the division to submit, on an annual basis, additional documentation from a physician and a renewal application.

(c) A person issued a permit under this section may hunt wild animals from a stationary motor driven conveyance subject to the following restrictions:

(1) The permit holder must abide by all other hunting laws.

(2) The permit holder must possess a valid hunting license and the permit issued under this section.

(3) The permit holder must obtain in advance the permission of the manager of public property (local, state, or federal) to gain vehicular access to lands or roads that are otherwise closed to vehicular traffic.

(4) The permit holder may display a windshield identification placard supplied by the division of fish and wildlife while hunting from a vehicle. The placard must be displayed in such a way as to be visible from at least fifty (50) feet.

(d) An individual may be designated to assist a person issued a permit under this section in the retrieval of wild game harvested by the permit holder.

(e) The director may waive other provisions of 312 IAC 9-3 for an individual permit holder. The use of a crossbow may be specially authorized during archery season for hunting deer. (*Natural Resources Commission; 312 IAC 9-10-10; filed May 12, 1997, 10:00 a.m.: 20 IR 2731; filed May 28, 1998, 5:14 p.m.: 21 IR 3729; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 552*)

SECTION 27. 312 IAC 9-10-13.5 IS ADDED TO READ AS FOLLOWS:

**312 IAC 9-10-13.5 Special purpose salvage permit**

Authority: IC 14-11-2-1; IC 14-22-2-6

Affected: IC 4-21.5; IC 14-22

**Sec. 13.5. (a) This section governs a special purpose salvage permit. The permit is available only to a person who is at least one (1) of the following:**

(1) A licensed rehabilitator.

(2) A nature center, nonprofit organization, or educational institution.

(3) An individual employed or sponsored by an educational institution.

(b) An application must be made on a departmental form and include the purpose for salvaging a wild animal. Approval may be given to use an animal for food, science, education, or a similar purpose.

(c) A special purpose salvage permit may be issued to salvage a wild animal, which is a mammal, reptile, amphibian, or bird, found dead. The applicant must not have participated in the death of the animal.

(d) An animal must not be salvaged for any other reasons than for the purpose stated on the permit or used as part of or to promote a commercial venture.

(e) The permit holder must tag each animal, and the tag must remain attached to the specimen until disposed of under this section. A tag shall have the following information:

(1) Date and county in which the specimen was salvaged.

(2) Name of the person who salvaged the specimen.

(f) The permit holder must carry and display a copy of the permit while conducting activities and salvage only within a county approved by the permit. The permit holder must obtain permission from the landowner or from a public land property manager before salvaging an animal on public land.

(g) Within six (6) months after acquisition or by the end of the calendar year, whichever is earlier, the permit holder must deposit any animal salvaged at a location approved on the permit. Any unused animal must be delivered to a conservation officer.

(h) A permit is also required from the U.S. Fish and Wildlife Service to salvage a migratory bird, their parts, nests, or eggs. If the terms of the federal permit and a permit issued under this section differ, the more restrictive terms govern.

(i) The permit holder must file an application by February 1 of each year in order to renew a permit. By February 1 of the year following expiration of a permit, the permit holder must provide the division with a listing of each animal salvaged and the date and location where salvaged. A copy of the records of animals salvaged must be kept on the premises of the permit holder for at least two (2) years after the specimen is obtained. Upon the request of a conservation officer, a copy these records must be provided.

(j) The validity of this permit is conditioned upon observance of federal, state, and local laws.

**(k) A license may be suspended, denied, or revoked under IC 4-21.5 if the permit holder fails to comply with this article, IC 14-22, or a permit issued under this section.** (*Natural Resources Commission; 312 IAC 9-10-13.5; filed Sep 23, 2004, 3:00 p.m.: 28 IR 553*)

SECTION 28. 312 IAC 9-10-17, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### **312 IAC 9-10-17 Aquaculture permit**

**Authority:** IC 14-22-2-6

**Affected:** IC 14-22-27

Sec. 17. (a) A person must not import, raise, sell, or transport fish into or within Indiana without an aquaculture permit issued under this section, except as provided in:

- (1) sections 14 through 15 of this rule; or
- (2) subsection (b).

(b) A permit is not required under this section by a person who possesses fish, other than those listed in 312 IAC 9-6-7, and who is engaged in either of the following:

- (1) The production, importation, or sale of live fish exclusively for use in the aquarium pet trade.
- (2) The importation of live fish exclusively for confinement and exhibition in a zoo or another public display.

(c) An application for an aquaculture permit shall be prepared on a department form. The director may attach any appropriate conditions to a permit. The permit expires on December 31 of the year of issuance.

(d) In addition to the requirements of subsection (c), an aquaculture permit to import, produce, raise, sell, or transport triploid grass carp is based on the following conditions:

- (1) No stocking of triploid grass carp may take place in public waters except as provided in IC 14-22-27.
- (2) The ~~permit holder~~ **seller** must deliver and stock the fish.
- (3) A copy of each bill of sale and triploidy certification must be conveyed to each buyer and must be retained by the permit holder for two (2) years.
- (4) A purchaser of triploid grass carp must retain the bill of sale and the triploidy certification for at least two (2) years.
- (5) A permit holder must submit a quarterly report on a departmental form not later than the fifteenth day of the month following the end of a quarter, regardless of whether fish have been stocked during the time period.
- (6) Fish holding facilities, stocking reports, stocking trucks, other documents required under this subsection, and live fish may be inspected at any reasonable time by the division or a conservation officer. Not more than six (6) fish from a lot or truck load may be removed by the department for verification of the chromosome number.
- (7) As used in this subsection and subsection (e), "triploid grass carp" means grass carp certified to be triploid by the U.S. Fish and Wildlife Service.

(e) In addition to the requirements of subsection (c), an aquaculture permit to import, produce, raise, sell, or transport diploid grass carp is based on the following conditions:

- (1) No stocking of diploid grass carp may take place in any public or private waters except as provided in this subsection and IC 14-22-27.
- (2) A live diploid grass carp may be possessed only for the purpose of producing triploid grass carp or producing diploid grass carp capable of producing triploid grass carp.
- (3) A diploid grass carp may be sold only to a person who holds a valid aquaculture permit.
- (4) All diploid grass carp must be held in a closed aquaculture system.
- (5) A permit holder who imports, produces, raises, sells, or transports diploid grass carp must submit an annual report to the division on a department form.
- (6) A permit holder who imports, produces, raises, sells, or transports diploid grass carp must be capable of accurately determining the number of sets of chromosomes of the fish in the possession of the permit holder under certification procedures of the U.S. Fish and Wildlife Service.

(*Natural Resources Commission; 312 IAC 9-10-17; filed May 12, 1997, 10:00 a.m.: 20 IR 2736; filed May 28, 1998, 5:14 p.m.: 21 IR 3730; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1541; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 554*)

SECTION 29. 312 IAC 9-11-1, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### **312 IAC 9-11-1 Applicability**

**Authority:** IC 14-11-4-5; IC 14-11-4-9; IC 14-22-26

**Affected:** IC 14-11-4; IC 14-22-26-2

Sec. 1. (a) Except as provided in IC 14-22-26-2 or as exempted under subsections (d) and (e), a person must have a permit issued by the department under this **section rule** to possess a wild animal if the wild animal is either of the following:

- (1) Referenced in this rule.
- (2) Listed in this article as an endangered species or a threatened species.

(b) A separate permit is required for each individual wild animal and applies only to the location stated in the permit.

(c) A permit issued under this rule expires one (1) year from the date of issuance. If a timely and sufficient application is made for a permit renewal under section 3 of this rule, however, the permit does not expire until the department has entered a final determination with respect to the renewal application.

(d) A wild animal that is possessed under any of the following licenses is exempted from this rule:

- (1) A game breeder license issued under 312 IAC 9-10-4.
- (2) A scientific collector permit issued under 312 IAC 9-10-6.

(3) A mammal or bird rehabilitation permit issued under 312 IAC 9-10-9.

(e) This rule does not apply to the lawful taking or possessing of a wild animal as follows:

- (1) During a season established under this article.
- (2) During the first six (6) months from the date of birth, if the animal is the offspring of a wild animal lawfully possessed under this rule.
- (3) **The mammal is possessed by zoos, carnivals, menageries, animal dealers, pet shops, circuses, or nature centers a zoo, carnival, animal dealer, pet shop, circus, or nature center** licensed under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
- (4) During the interstate shipment of animals through the state of Indiana.
- (5) As authorized by a permit issued by the U.S. Department of the Interior.

(f) A person who possesses a wild animal is responsible for complying with all applicable requirements of this rule, including those which govern permit renewals and permit site relocations.

(g) A person who possesses a wild animal for which a permit is required under this rule, but who does not possess a permit, is subject to the standards, requirements, and sanctions of this rule. (*Natural Resources Commission; 312 IAC 9-11-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2737; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 554*)

SECTION 30. 312 IAC 9-11-2, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-11-2 First permit to possess a wild animal**

Authority: IC 14-22-26  
Affected: IC 14-11-4; IC 14-22

Sec. 2. (a) This section governs the first permit under this rule to possess a particular wild animal.

(b) A person who ~~possesses~~ **wishes to possess** a wild animal, described as Class I or Class II under section 5 of this rule, must ~~apply to the department for~~ **obtain** a permit under this rule ~~within five (5) days after acquiring~~ **before the person takes possession of** the animal.

(c) A person who wishes to possess a wild animal, described as Class III, must satisfy IC 14-11-4 and ~~receive~~ **obtain** a permit under this rule before the person takes possession of the animal. In addition to any procedural requirements, a notice under this subsection must also describe the following:

- (1) The species of the wild animal.
- (2) Where the animal will be possessed.
- (3) The type of enclosure ~~which that~~ would be used.

(d) A permit application must include a written verification from a licensed veterinarian that the animal appears to be free of disease, appropriately immunized, and in good health.

(e) An application must present a plan for the quick and safe recapture of the wild animal if the animal escapes or, if recapture is impracticable, for the destruction of the animal. After notification by the department of an intention to issue a permit, but before the permit is issued, the applicant must obtain the equipment needed to carry out the recapture and destruction plan. The nature and extent of the recapture plan and the equipment needed are dependent on the danger the escaped animal poses to persons, domestic animals, livestock, and other wildlife in the vicinity of the escape.

(f) A permit to ~~possess holder who possesses~~ a Class III wild animal ~~shall require the permit holder to~~ **must** notify the department immediately after the discovery of any escape of the animal.

(g) A permit application must be completed on a department form and accompanied by a fee in the amount of ten dollars (\$10).

(h) A conservation officer ~~will~~ **shall** inspect the cages or enclosures after the application is received.

(i) An application must show the wild animal was lawfully acquired. A receipted invoice, bill of lading, or other evidence approved by the director shall accompany the application to establish compliance with this subsection. (*Natural Resources Commission; 312 IAC 9-11-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2738; filed Feb 7, 2000, 3:31 p.m.: 23 IR 1366; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 555*)

SECTION 31. 312 IAC 9-11-14, AS READOPTED AT 27 IR 286, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-11-14 Maintaining a wild animal possessed under this rule**

Authority: IC 14-22-26  
Affected: IC 14-22

Sec. 14. (a) A person must not maintain a wild animal in a manner that does any of the following:

- (1) Poses a hazard to public safety.
- (2) Poses a hazard to property of a person other than the ~~permittee.~~ **permit holder.**
- (3) Harms the health of the wild animal.
- (4) Violates this article or the license under which the animal is possessed.

(b) A person must not possess a wild animal in a condition that is any of the following:

- (1) Unsafe.

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- (2) Unsanitary.
- (3) Constitutes maltreatment or neglect of the animal.
- (4) Allows the escape of the animal.

(c) A person must not use a wild animal in any of the following manners:

- (1) For a commercial purpose unless the person is issued a commercial license by the United States Department of Agriculture or the wild animal is an alligator snapping turtle (*Macrolemys temmincki*) lawfully acquired by the applicant prior to January 1, 1998.
- (2) For a sporting purpose.
- (3) As a public display.

(d) **If A special purpose educational permit must be obtained under 312 IAC 9-10-9.5 before a person uses a Class I, Class II, or Class III wild animal is used for an educational purpose unless the wild animal must be confined in a cage that prevents contact with the public: is an alligator snapping turtle (*Macrolemys temmincki*) lawfully acquired by the applicant before January 1, 1998.**

(e) A wild animal must be provided with fresh drinking water in clean containers on a daily basis.

(f) A swimming pool or wading pool ~~which that~~ is provided for the use of a wild animal must be cleaned as needed to maintain good water quality.

(g) Surface water must be adequately drained from a cage or enclosure where a wild animal is possessed.

(h) A wild animal must be provided with food that is each of the following:

- (1) Unspoiled.
- (2) Uncontaminated.
- (3) Appropriate to the dietary needs of the animal.

(i) Fecal wastes and food wastes must be removed daily from cages and stored or disposed to prevent noxious odors and insect pests. Hard floors shall be scrubbed and disinfected weekly. Large pens and paddocks with dirt floors shall be raked at least once every three (3) days and the waste removed. (*Natural Resources Commission; 312 IAC 9-11-14; filed May 12, 1997, 10:00 a.m.: 20 IR 2743; filed May 19, 2003, 9:11 a.m.: 26 IR 3324; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 555*)

SECTION 32. 312 IAC 9-4-7 IS REPEALED.

*LSA Document #03-311(F)*

*Notice of Intent Published: January 1, 2004; 27 IR 1198*

*Proposed Rule Published: March 1, 2004; 27 IR 1946*

*Hearing Held: March 25, 2004*

*Approved by Attorney General: September 8, 2004*

*Approved by Governor: September 21, 2004*

*Filed with Secretary of State: September 23, 2004, 3:00 p.m.  
IC 4-22-7-5(c) notice from Secretary of State regarding  
documents incorporated by reference: 9 CFR Part 1 through 9  
CFR Part 4.*

## TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #04-23(F)

### DIGEST

Amends 312 IAC 16-5-14 to clarify that an owner or operator must obtain written authorization from the division of oil and gas, department of natural resources, before acting upon a permit change. Amends 312 IAC 17-3, governing geophysical survey operations, to provide that a geophysical survey operation is considered a well for oil and gas purposes for purposes of issuing an emergency permit, to exclude open or cased hole geophysical logs from regulation as a geophysical survey operation, to eliminate the requirement that an operator notify each owner of an occupied dwelling that is located within one mile of a geophysical survey operation, to establish minimum distances from structures for the conduct of a geophysical survey operation with separate standards for those activities that do or do not use an explosive energy source, to clarify that the department of natural resources, division of oil and gas, performs a permit revocation or transfer, and to modify bonding and shothole plugging requirements. Makes other clerical and technical changes. Effective 30 days after filing with the secretary of state.

**312 IAC 16-5-14**

**312 IAC 17-3-1**

**312 IAC 17-3-2**

**312 IAC 17-3-3**

**312 IAC 17-3-4**

**312 IAC 17-3-6**

**312 IAC 17-3-8**

**312 IAC 17-3-9**

SECTION 1. 312 IAC 16-5-14 IS AMENDED TO READ AS FOLLOWS:

### **312 IAC 16-5-14 Operating requirements for a Class II well**

**Authority:** IC 14-37-3

**Affected:** IC 14-37

Sec. 14. Operating requirements for a Class II well are as follows:

(1) A Class II well must be completed, equipped, operated, and maintained so the Class II well will do the following:

(A) Not cause the pollution of, endanger, or threaten any underground source of drinking water.

(B) Not damage a source of oil or gas.

(C) Confine injected fluids to the approved interval or intervals.

(2) The injection of a permitted fluid must be through tubing separated from the innermost casing with a corrosion inhibit-

ing annular fluid. The tubing shall be installed with a packer. The packer ~~shall~~ **must** be set inside cemented casing within two hundred (200) feet above the permitted injection zone.

(3) Before operating an injection well, mechanical integrity must be demonstrated for the well under section 15 of this rule, **and the owner or operator must obtain a written authorization to inject from the division.**

(4) The division must be notified in advance of a permit change that may require the alteration of an approved condition. ~~A permit change cannot be effected by~~ The owner or operator **must not implement a permit change** until the change is approved by the division.

(5) Injection piping, valves, and facilities must be used that meet or exceed design standards for the maximum allowable injection pressure and that safely maintain equipment without leakage.

(6) The division director may require additional testing or special equipment if appropriate to the protection of an underground source of drinking water.

*(Natural Resources Commission; 312 IAC 16-5-14; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2342; filed Oct 1, 1999, 1:12 p.m.: 23 IR 294; filed Sep 16, 2004, 9:15 a.m.: 28 IR 556)*

SECTION 2. 312 IAC 17-3-1 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 17-3-1 General provisions and application of definitions**

**Authority:** IC 14-37-3  
**Affected:** IC 14-37-4-13

Sec. 1. (a) This rule governs the conduct of geophysical survey operations.

(b) **Except as provided in IC 14-37-4-13(a) for issuance by the department of an emergency permit to address an imminent and substantial danger to the health of persons,** a hole drilled during a geophysical survey is not a well for oil and gas purposes.

(c) In addition to the definitions included in section 2 of this rule, and the exception in subsection (b), the definitions included in 312 IAC 17-1 apply throughout this rule. *(Natural Resources Commission; 312 IAC 17-3-1; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2352; filed Sep 16, 2004, 9:15 a.m.: 28 IR 557)*

SECTION 3. 312 IAC 17-3-2 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 17-3-2 Definitions**

**Authority:** IC 14-37-3  
**Affected:** IC 14-37

Sec. 2. The following definitions apply throughout this rule:

- (1) "Geophysical survey" means the **surface-based** use of:
  - (A) electric;
  - (B) gravity;
  - (C) magnetic;
  - (D) seismic; or
  - (E) thermal;

techniques in the exploration for oil and gas. **The term does not apply to open or cased hole geophysical logs.**

(2) "Seismic shooting" **surveying** means a geophysical survey method that involves the **firing use** of explosives or **other means** to produce seismic waves.

(3) "Shothole" means a borehole into which an explosive charge or other energy source is placed for generating seismic waves.

(4) "Shotpoint" means the location of a shothole.

*(Natural Resources Commission; 312 IAC 17-3-2; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2352; filed Sep 16, 2004, 9:15 a.m.: 28 IR 557)*

SECTION 4. 312 IAC 17-3-3 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 17-3-3 Applications**

**Authority:** IC 14-37-3  
**Affected:** IC 14-37

Sec. 3. (a) This section establishes the general application requirements for geophysical survey operations.

(b) An application to conduct a geophysical survey shall be made on a departmental form.

(c) A bond as set forth in section 6 of this rule must accompany the permit application.

(d) ~~A person who wishes to conduct seismic shooting must provide proof of service of the notification required in subsection (e) and must deliver the proof to the division before a permit can be issued:~~

(e) ~~An applicant must serve written notification, describing the nature and approximate time period of the seismic shooting activity, personally or by certified mail, to an occupant of each inhabited dwelling located within one (1) mile of each shotpoint:~~

(f) ~~The notification required under subsection (e) shall specify that a person may, within fifteen (15) days of receipt of the notification, submit written comments or request an informal hearing under 312 IAC 16-2-3. The notification shall include the address to which comments or the hearing request must be forwarded and where additional information may be obtained:~~

(d) **A seismic surveying operation must not generate a peak particle velocity of more than one (1) inch per second at the point of contact with a pipeline, telephone line, railroad track, main paved road, electric power line, domestic water well, underground cistern, building, or oil or gas related well. The applicant must obtain written**

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permission from the owners of private property and the units of government that own or have jurisdiction over public property on which seismic geophysical surveying operations are conducted and must provide a copy of the written permission to the division upon request. (*Natural Resources Commission; 312 IAC 17-3-3; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2352; filed Sep 16, 2004, 9:15 a.m.: 28 IR 557*)

SECTION 5. 312 IAC 17-3-4 IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 17-3-4 Permit issuance, expiration, revocation, denial, and review

Authority: IC 14-37-3

Affected: IC 4-21.5; IC 14-37

Sec. 4. (a) A person must not conduct a geophysical survey without a permit issued by the department.

~~(b)~~ No permit shall be issued for a geophysical survey until eighteen (18) days after the service of the notification required under section 3 of this rule. Upon issuance of the permit, IC 4-21.5 and 312 IAC 3 apply.

~~(c)~~ (b) The original or a copy of the permit must be available for inspection by a commission representative at each location where geophysical survey activities are conducted.

~~(d)~~ (c) A permit for a geophysical survey expires one (1) year from the date of issuance.

**(d) The division shall condition or deny a permit application as needed to conform a geophysical survey operation to IC 14-37 and this rule.**

(e) The ~~commission~~ **division** may revoke ~~deny, or transfer~~ a geophysical survey permit under 312 IAC 16-3-9.

**(f) An affected person may, under IC 4-21.5 and 312 IAC 3-1, seek administrative review of an order issued under IC 14-37 or this rule.** (*Natural Resources Commission; 312 IAC 17-3-4; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2353; filed Sep 16, 2004, 9:15 a.m.: 28 IR 558*)

SECTION 6. 312 IAC 17-3-6 IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 17-3-6 Bond type

Authority: IC 14-37-3

Affected: IC 14-37

Sec. 6. (a) A person who applies for a geophysical survey permit must execute and file with the department

~~(1)~~ a surety bond, **a certified or cashier's check, or a certificate of deposit** in the principal amount of: **five thousand dollars (\$5,000);**

~~(2)~~ a certified or cashier's check in the amount of five

thousand dollars (\$5,000); or

~~(3)~~ a certificate of deposit in the principal amount of

**(1) Five thousand dollars (\$5,000) for a permit using a seismic surveying method.**

**(2) One hundred dollars (\$100) for a permit not described in subdivision (1).**

~~(b) No~~ **To qualify under subsection (a), a surety bond shall** ~~must~~ be approved ~~unless~~ issued by a company holding an applicable certificate of authority from the department of insurance, state of Indiana. A surety bond shall be executed by the operator as principal and by the surety (or for either of them by an attorney-in-fact with certified power of attorney attached).

(c) A certificate of deposit must be assigned in writing to the state and the assignment noted upon the books of the bank issuing the certificate. (*Natural Resources Commission; 312 IAC 17-3-6; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2353; filed Sep 16, 2004, 9:15 a.m.: 28 IR 558*)

SECTION 7. 312 IAC 17-3-8 IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 17-3-8 Shothole plugging; surface reclamation

Authority: IC 14-37-3

Affected: IC 14-37

Sec. 8. (a) An **owner or** operator must plug any hole drilled during a geophysical survey in a manner that prevents the pollution of any underground source of drinking water.

~~(b) The method and materials used to plug a shothole must be approved in advance by the division.~~

~~(c)~~ (b) Within thirty (30) days after a ~~seismic shooting operation; completion of operations,~~ an **owner or** operator must satisfy each of the following:

(1) Plug any shothole as required by subsection ~~(b)~~: (a).

(2) Clear the vicinity ~~of the shooting operation~~ of any refuse **and equipment related to the operation.**

(3) Restore the surface as nearly as practicable to its conditions before the operation.

(*Natural Resources Commission; 312 IAC 17-3-8; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2353; filed Sep 16, 2004, 9:15 a.m.: 28 IR 558*)

SECTION 8. 312 IAC 17-3-9 IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 17-3-9 Reports

Authority: IC 14-37-3

Affected: IC 4-21.5; IC 5-14-3; IC 14-37-1

Sec. 9. (a) Immediately upon the completion of a geophysical survey, an **owner or** operator must file with the division

~~(1)~~ a geophysical **survey surveying completion** final report ~~or on a form approved by the division.~~

(2) a geophysical operations progress report:

(b) A report filed under subsection (a) is provided pursuant to under IC 14-37-7-1(a)(4). The report is confidential for one (1) year from the date of filing.

(c) An **owner or** operator may request that, beyond the period described in subsection (b), any portion of the report be maintained by the division as a trade secret. A request under this subsection applies for a period of five (5) years from filing and may be extended by the operator for the same period upon a written request filed within sixty (60) days of the expiration of the original five (5) year period.

(d) If a person files a request under IC 5-14-3 for information claimed as a trade secret under subsection (c), the division shall make a reasonable attempt to contact the **owner or** operator to determine if consent to disclosure can be obtained.

(e) If consent to disclose cannot be obtained under subsection (d), the division shall inform the person making the request. That person may obtain administrative review under IC 4-21.5 and 312 IAC 3 of the claimed status of the document as a trade secret. The **owner or** operator shall be named as a respondent in a request for administrative review. (*Natural Resources Commission; 312 IAC 17-3-9; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2354; filed Sep 16, 2004, 9:15 a.m.: 28 IR 558*)

*LSA Document #04-23(F)  
 Notice of Intent Published: March 1, 2004; 27 IR 1938  
 Proposed Rule Published: May 1, 2004; 27 IR 2531  
 Hearing Held: May 24, 2004  
 Approved by Attorney General: August 30, 2004  
 Approved by Governor: September 14, 2004  
 Filed with Secretary of State: September 16, 2004, 9:15 a.m.  
 IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher*

**TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH**

LSA Document #04-16(F)  
 DIGEST

Amends 345 IAC 7-5-15.1 to remove the requirement to test swine for pseudorabies prior to exhibition. Amends 345 IAC 7-5-22 to remove various testing and vaccination requirements for dogs and cats to be exhibited. Effective 30 days after filing with the secretary of state.

**345 IAC 7-5-15.1**  
**345 IAC 7-5-22**

SECTION 1. 345 IAC 7-5-15.1 IS AMENDED TO READ AS FOLLOWS:

**345 IAC 7-5-15.1 Pseudorabies tests for swine**

Authority: IC 15-2.1-3-19  
 Affected: IC 15-2.1-15-14

Sec. 15.1. (a) Before A person may exhibit moving swine into the state each swine to be exhibited must test negative for Pseudorabies using an official Pseudorabies serological test approved by the state veterinarian.

(b) The test required in subsection (a) must occur within ninety (90) days if the swine are coming from within the state; or thirty (30) days if the swine are coming from out of state; prior to the opening date of for exhibition

(c) The following are exempt from the requirements of subsections (a) and (b):

(1) Swine that originate from outside the state from an area that the United States Department of Agriculture has designated as Stage IV or Stage V under the national Pseudorabies eradication program; if the animal has been in the state for ninety (90) days or less.

(2) Swine that originate from a herd that is located in an area that the United States Department of Agriculture has designated as Stage III under the national Pseudorabies eradication program and the swine originate from a herd that meets the requirements for a qualified Pseudorabies-negative herd or qualified-negative gene-altered virus-vaccinated herd; utilizing monthly testing; under the Program Standards defined in 345 IAC 3-5-1.

(3) Swine exempted by the state veterinarian.

(4) Suckling pigs accompanying a dam that has met the testing requirements of subsections (a) and (b).

(d) Retest requirements for breeding swine established must meet the applicable requirements in 345 IAC 1-3-13 apply to swine transported into the state that are sold at exhibition. **345 IAC 1-3.** (*Indiana State Board of Animal Health; 345 IAC 7-5-15.1; filed Oct 11, 1996, 2:00 p.m.: 20 IR 751, eff Jan 1, 1997; filed Dec 10, 1997, 11:00 a.m.: 21 IR 1327; errata filed Dec 10, 1997, 3:50 p.m.: 21 IR 1350; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2393; filed Sep 1, 2000, 2:03 p.m.: 24 IR 13; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1539; filed Sep 21, 2004, 8:36 a.m.: 28 IR 559*)

SECTION 2. 345 IAC 7-5-22 IS AMENDED TO READ AS FOLLOWS:

**345 IAC 7-5-22 Vaccinations and tests required for dogs and cats**

Authority: IC 15-2.1-3-19  
 Affected: IC 15-2.1-6; IC 15-2.1-15-14

Sec. 22. (a) Before a dog or cat may be exhibited in the state; a

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licensed and accredited veterinarian must administer the following vaccinations to the animal within the three hundred sixty-five (365) days immediately preceding the date of exhibition:

- (1) Each dog must be vaccinated for distemper, hepatitis, leptospirosis, bordetella (kennel cough), and parvovirus.
- (2) Each cat must be vaccinated for feline panleukopenia, feline rhinotracheitis, and calicivirus.
- (3) The board recommends that each exhibitor consult with his or her veterinarian about vaccination for feline leukemia and feline immunodeficiency virus (FIV) prior to exhibition.

(b) (a) Dogs and cats three (3) months of age or older must meet the following requirements for exhibition:

(1) Animals that originate in the state must have a current vaccination for rabies as defined in 345 IAC 1-5 at the time they are exhibited.

(c) Before a cat may be exhibited in (2) Animals that originate from outside the state a licensed and accredited veterinarian must test meet the cat for feline leukemia virus (FeLV) within the one hundred eighty (180) days immediately preceding the date of exhibition. Cats that test positive for feline leukemia may not be exhibited. applicable requirements in 345 IAC 1-3.

(d) (b) A person exhibiting a dog or cat must have with the animal a certificate or other statement from the veterinarian performing the vaccinations and tests required by this section certifying that the vaccinations and tests have been completed and the date each was completed. The statement must be signed by the veterinarian. (*Indiana State Board of Animal Health; Reg 77-2, Title VII, Sec 3; filed Jul 21, 1978, 2:30 p.m.: 1 IR 569; filed Feb 15, 1985, 9:05 a.m.: 8 IR 793; filed Dec 2, 1994, 3:50 p.m.: 18 IR 861; filed Mar 23, 2000, 4:24 p.m.: 23 IR 1914; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1539; filed Sep 21, 2004, 8:36 a.m.: 28 IR 559*)

LSA Document #04-16(F)

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### TITLE 646 DEPARTMENT OF WORKFORCE DEVELOPMENT

LSA Document #03-317(F)

#### DIGEST

Adds 646 IAC 3-1-12 concerning the wage reporting require-

ments pertaining to professional employer organizations. Adds 646 IAC 3-1-13 concerning the respective liabilities of a professional employer organization and its client company for unemployment insurance contributions. Adds 646 IAC 3-4-11 concerning the definition of a professional employer organization with respect to qualifying as an employer. Amends 646 IAC 3-5-1 concerning corporate officers and directors. Effective 30 days after filing with the secretary of state.

646 IAC 3-1-12

646 IAC 3-1-13

646 IAC 3-4-11

646 IAC 3-5-1

SECTION 1. 646 IAC 3-1-12 IS ADDED TO READ AS FOLLOWS:

#### 646 IAC 3-1-12 Initial and wage reporting requirements for professional employer organizations; separate location accounts; notice of termination

Authority: IC 22-4-18-1

Affected: IC 22-4-10-6

Sec. 12. (a) Each professional employer organization, under 646 IAC 3-4-11, that enters into a written agreement to provide services to a business entity during any calendar quarter shall submit to the department no later than the due date for the quarterly unemployment contribution report relating to that quarter, a report identifying the following:

- (1) The name of the business entity to which services are provided.
- (2) The location of the business entity's operations.
- (3) The unemployment insurance account number of the business entity (if any).
- (4) The effective date of the written agreement to provide services.

(b) For each separate client, the professional employer organization must obtain a location code to identify the employees related to that business entity's place of operation.

(c) The professional employer organization must include the respective client location codes with every quarterly wage or contribution report, or both, submitted to the department.

(d) A professional employer organization shall provide the department with written notification via registered mail of the termination of a written agreement to provide services to a business entity within ten (10) business days of such termination. (*Department of Workforce Development; 646 IAC 3-1-12; filed Sep 13, 2004, 9:30 a.m.: 28 IR 560*)

SECTION 2. 646 IAC 3-1-13 IS ADDED TO READ AS FOLLOWS:



**646 IAC 3-1-13 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**

Authority: IC 22-4-18-1  
 Affected: IC 22-4-32-21

Sec. 13. (a) For the duration of the agreement between a professional employer organization and a client business entity under 646 IAC 3-4-11, the professional employer organization, as the employer of the employees whom it engages to perform services for the client, is responsible for the payment of all unemployment contributions related to said employees for which it is liable under IC 22-4, this article, or any other state or federal laws or regulations relating to unemployment insurance that are applicable to employers on behalf of the client.

(b) Upon termination of the agreement between a professional employer organization and a client business entity under 646 IAC 3-4-11 and proper written notice to the department, the professional employer organization must promptly pay its outstanding liability, including contributions, interest, and penalties, that have accrued on payroll amounts paid by the professional employer organization to employees that it formerly engaged to perform services for the client business entity, up to the date of the termination of said agreement. The professional employer organization will remain responsible for contributions, interest, and penalties that may accrue after the date of the termination if it does not promptly pay its outstanding liability and properly notify the department in writing of such termination.

(c) The department shall maintain the employer account of the client business entity for a period of five (5) full calendar years after the beginning of the agreement with the professional employer organization. If the agreement between the professional employer organization and the client business entity terminates prior to the end of the five (5) year period, the client shall resume responsibility for all subsequent liability as the employer of its employees as of the date of the termination. The client business entity will revert to its previous employer account number and merit rate. If the agreement between the professional employer organization and the client business entity terminates after the five (5) year period has passed, the client business entity will assume a new employer account number and new employer merit rate. *(Department of Workforce Development; 646 IAC 3-1-13; filed Sep 13, 2004, 9:30 a.m.: 28 IR 561)*

SECTION 3. 646 IAC 3-4-11 IS ADDED TO READ AS FOLLOWS:

**646 IAC 3-4-11 “Professional employer organization” defined**

Authority: IC 22-4-18-1  
 Affected: IC 22-4-7-1

Sec. 11. “Professional employer organization” means any entity that contracts to provide the nontemporary, ongoing employee workforce of a client under a written agreement and that under contract and in fact:

- (1) has a right to hire and terminate the employees who perform services for the client;
- (2) sets the rate of pay of the employees, whether or not through negotiations;
- (3) has the obligation to and pays the employees from its own accounts;
- (4) has a general right of direction and control over the employees, including corporate officers, which right may be shared with the client to the degree necessary to allow the client to:
  - (A) conduct its business;
  - (B) meet any fiduciary responsibility; or
  - (C) comply with any applicable statutory or regulatory requirements;
- (5) with respect to all employees to whom it pays wages under an agreement with a client business entity:
  - (A) assumes responsibility for the unemployment insurance coverage;
  - (B) files all required reports;
  - (C) pays all required contributions or reimbursements for which it is liable; and
  - (D) otherwise complies with IC 22-4, this article, or any other state or federal laws or regulations relating to unemployment insurance that are applicable to employers on behalf of the client; and
- (6) provides written notice of the agreement between the professional employer organization and the client to the employees.

*(Department of Workforce Development; 646 IAC 3-4-11; filed Sep 13, 2004, 9:30 a.m.: 28 IR 561)*

SECTION 4. 646 IAC 3-5-1 IS AMENDED TO READ AS FOLLOWS:

**646 IAC 3-5-1 Corporate officers and directors**

Authority: IC 22-4-18-1  
 Affected: IC 22-4-8-1

Sec. 1. (a) An officer of a corporation who receives remuneration for his or her services as a corporate officer from a corporation is in employment during the entire term of his or her office, and such remuneration shall be considered as wages.

(b) A director of a corporation, as such, is not considered in employment, and fees paid for attendance at meetings of such board of directors shall not be deemed wages.

(c) A member of a board of directors is in employment,

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however, if he or she performs services for remuneration for the corporation other than those required by attendance at, and participation in, the meetings of the board of directors.

(d) **The remuneration considered wages in subsection (a) shall be deemed wages paid by a professional employer organization, and the corporate officer of a client business entity shall be deemed the employee of the professional employer organization, in the event the services performed as a corporate officer are subject to a written agreement between the professional employer organization and the client business entity as provided in 646 IAC 3-4-11.** (Department of Workforce Development; Reg 301; filed Dec 13, 1945, 10:40 a.m.: Rules and Regs. 1947, p. 880; filed Mar 31, 1948, 9:55 a.m.: Rules and Regs. 1949, p. 36; filed Jul 22, 1953, 11:00 a.m.: Rules and Regs. 1954, p. 38; filed Jul 13, 1972, 11:00 a.m.: Rules and Regs. 1973, p. 159; filed Apr 30, 1992, 5:00 p.m.: 15 IR 1916; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; filed Sep 13, 2004, 9:30 a.m.: 28 IR 561) *NOTE: Transferred from the Indiana Unemployment Insurance Board (640 IAC 1-4-1) to the Department of Workforce Development (646 IAC 3-5-1) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

LSA Document #03-317(F)

Notice of Intent Published: January 1, 2004; 27 IR 1198

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### TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #04-8(F)

#### DIGEST

Amends 675 IAC 14-4.2-30 and 675 IAC 14-4.2-89.2 concerning the Indiana Residential Code. Effective 30 days after filing with the secretary of state.

#### 675 IAC 14-4.2-30

#### 675 IAC 14-4.2-89.2

SECTION 1. 675 IAC 14-4.2-30 IS AMENDED TO READ AS FOLLOWS:

#### 675 IAC 14-4.2-30 Section R316.2; guard opening limitations

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 30. ~~Add in the first sentence of Change SECTION R316.2 decks<sup>2</sup> between to read as follows: Guard opening limitations. Required guards on open sides of stairways, raised floor areas, balconies, decks, and ~~and~~ porches shall have intermediate rails or ornamental closures which do not allow passage of a sphere 4 inches (102 mm) or more in diameter.~~

**EXCEPTIONS: 1. The triangular openings formed by the riser, tread, and bottom rail of a guard at the open side of a stairway are permitted to be of such a size that will not allow the passage of a sphere 6 inches (152 mm) or more in diameter.**

**2. Openings for required guards on the sides of stairways shall not allow the passage of a sphere 4C inches (111 mm) or more in diameter.**

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-30; filed May 23, 2001, 4:02 p.m.: 24 IR 3042; filed Sep 30, 2004, 10:00 a.m.: 28 IR 562)

SECTION 2. 675 IAC 14-4.2-89.2, AS ADDED AT 27 IR 2269, SECTION 39, IS AMENDED TO READ AS FOLLOWS:

#### 675 IAC 14-4.2-89.2 Table R703.4; weather-resistant siding attachment and minimum thickness

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 89.2. Change TABLE R703.4 as follows:

1. In the column titled "Sheathing paper required", change "~~NO~~" to "~~YES~~" at all three (3) places for Horizontal Aluminum; change the "~~No~~" to "~~Yes~~" for Vinyl Siding and change (13) to (m) for Brick Veneer, Concrete Masonry veneer.

2. Change footnote m to read as follows: For masonry veneer, a weather-resistant sheathing paper is not required over water-repellent sheathing materials applied according to manufacturer's instructions and a ~~three-fourths~~ ¾ inch (~~nineteen~~ (19 millimeter) air space is provided. When the ~~three-fourths~~ ¾ inch (~~nineteen~~ (19 millimeter) space is filled with mortar, a weather-resistant sheathing paper is required over the sheathing.

3. In the column titled "Sheathing paper required", add a footnote designation "s" at all three (3) places for Horizontal Aluminum and for Vinyl Siding.

~~4. Add a new footnote "s" to read as follows: For horizontal aluminum and vinyl siding, a weather-resistant sheathing paper is not Unless required over water-repellent sheathing materials applied according to by the siding manufacturer's instruction: installation instructions.~~

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.2-89.2; filed Feb 23, 2004, 8:34 a.m.: 27 IR 2269; filed Sep 30, 2004, 10:00 a.m.: 28 IR 562)

LSA Document #04-8(F)

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 documents incorporated by reference: None received by  
 Publisher*

**TITLE 760 DEPARTMENT OF INSURANCE**

LSA Document #03-303(F)

**DIGEST**

Amends 760 IAC 2-1 through 760 IAC 2-20 to implement updates to the National Association of Insurance Commissioners' model regulation, to conform to the Health Insurance Portability and Accountability Act of 1996, to conform to IC 27-1-15.6 and IC 27-1-15.7, and to achieve reciprocity with other states on the licensing of insurance producers. Effective 30 days after filing with the secretary of state.

<b>760 IAC 2-1-1</b>	<b>760 IAC 2-8-4</b>
<b>760 IAC 2-2-1.5</b>	<b>760 IAC 2-8-6</b>
<b>760 IAC 2-2-3.1</b>	<b>760 IAC 2-9-1</b>
<b>760 IAC 2-2-3.2</b>	<b>760 IAC 2-10-1</b>
<b>760 IAC 2-2-3.3</b>	<b>760 IAC 2-13-1</b>
<b>760 IAC 2-2-3.4</b>	<b>760 IAC 2-15-1</b>
<b>760 IAC 2-2-3.5</b>	<b>760 IAC 2-15.5</b>
<b>760 IAC 2-2-3.6</b>	<b>760 IAC 2-16-1</b>
<b>760 IAC 2-2-3.7</b>	<b>760 IAC 2-16.1</b>
<b>760 IAC 2-2-3.8</b>	<b>760 IAC 2-17-1</b>
<b>760 IAC 2-2-8</b>	<b>760 IAC 2-18-1</b>
<b>760 IAC 2-3-1</b>	<b>760 IAC 2-19-2</b>
<b>760 IAC 2-3-2</b>	<b>760 IAC 2-19.5</b>
<b>760 IAC 2-3-4</b>	<b>760 IAC 2-20-10</b>
<b>760 IAC 2-3-6</b>	<b>760 IAC 2-20-31.1</b>
<b>760 IAC 2-3-7</b>	<b>760 IAC 2-20-34</b>
<b>760 IAC 2-3-8</b>	<b>760 IAC 2-20-35</b>
<b>760 IAC 2-4-1</b>	<b>760 IAC 2-20-36.1</b>
<b>760 IAC 2-4-2</b>	<b>760 IAC 2-20-36.2</b>
<b>760 IAC 2-7-1</b>	<b>760 IAC 2-20-37.2</b>
<b>760 IAC 2-8-1</b>	<b>760 IAC 2-20-37.3</b>
<b>760 IAC 2-8-2</b>	<b>760 IAC 2-20-38.1</b>
<b>760 IAC 2-8-3</b>	<b>760 IAC 2-20-42</b>

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

**760 IAC 2-1-1 Applicability and scope**

Authority: IC 27-8-12-7  
 Affected: IC 27-8-12

Sec. 1. Except as otherwise specifically provided, this article

applies to the following:

- (1) All long term care insurance policies, certificates, or subscriber agreements delivered or issued for delivery in Indiana on or after the effective date hereof by insurers.
- (2) Fraternal benefit societies.
- (3) Nonprofit health, hospital, and medical service corporations.
- (4) Prepaid health plans.
- (5) Health maintenance organizations and all similar organizations.

**Certain provisions of this article apply only to federally tax-qualified long term care insurance contracts.** (*Department of Insurance; 760 IAC 2-1-1; filed Oct 30, 1992, 12:00 p.m.: 16 IR 856; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 563*)

SECTION 2. 760 IAC 2-2-1.5 IS ADDED TO READ AS FOLLOWS:

**760 IAC 2-2-1.5 "Activities of daily living" defined**

Authority: IC 27-8-12-7  
 Affected: IC 27-8-12

**Sec. 1.5. "Activities of daily living" means, at a minimum, the following:**

- (1) Bathing.
- (2) Continence.
- (3) Dressing.
- (4) Eating.
- (5) Toileting.
- (6) Transferring.

(*Department of Insurance; 760 IAC 2-2-1.5; filed Oct 7, 2004, 1:00 p.m.: 28 IR 563*)

SECTION 3. 760 IAC 2-2-3.1 IS ADDED TO READ AS FOLLOWS:

**760 IAC 2-2-3.1 "Bathing" defined**

Authority: IC 27-8-12-7  
 Affected: IC 27-8-12

**Sec. 3.1. "Bathing" means washing oneself by sponge bath or in either a tub or shower, including the task of getting into or out of the tub or shower.** (*Department of Insurance; 760 IAC 2-2-3.1; filed Oct 7, 2004, 1:00 p.m.: 28 IR 563*)

SECTION 4. 760 IAC 2-2-3.2 IS ADDED TO READ AS FOLLOWS:

**760 IAC 2-2-3.2 "Cognitive impairment" defined**

Authority: IC 27-8-12-7  
 Affected: IC 27-8-12

**Sec. 3.2. "Cognitive impairment" means a deficiency in:**

- (1) a person's short term or long term memory;
- (2) orientation as to person, place, and time;
- (3) deductive or abstract reasoning; or

**(4) judgment;**  
as it relates to safety awareness. (*Department of Insurance; 760 IAC 2-2-3.2; filed Oct 7, 2004, 1:00 p.m.: 28 IR 563*)

SECTION 5. 760 IAC 2-2-3.3 IS ADDED TO READ AS FOLLOWS:

**760 IAC 2-2-3.3 “Contenance” defined**

Authority: IC 27-8-12-7  
Affected: IC 27-8-12

**Sec. 3.3. “Contenance” means the ability to maintain control of bowel and bladder functions or, when unable to maintain control of bowel or bladder function, the ability to perform associated personal hygiene, including caring for catheter or colostomy bag.** (*Department of Insurance; 760 IAC 2-2-3.3; filed Oct 7, 2004, 1:00 p.m.: 28 IR 564*)

SECTION 6. 760 IAC 2-2-3.4 IS ADDED TO READ AS FOLLOWS:

**760 IAC 2-2-3.4 “Department” defined**

Authority: IC 27-8-12-7  
Affected: IC 27-8-12

**Sec. 3.4. “Department” means the department of insurance.** (*Department of Insurance; 760 IAC 2-2-3.4; filed Oct 7, 2004, 1:00 p.m.: 28 IR 564*)

SECTION 7. 760 IAC 2-2-3.5 IS ADDED TO READ AS FOLLOWS:

**760 IAC 2-2-3.5 “Dressing” defined**

Authority: IC 27-8-12-7  
Affected: IC 27-8-12

**Sec. 3.5. “Dressing” means putting on and taking off all items of clothing and any necessary braces, fasteners, or artificial limbs.** (*Department of Insurance; 760 IAC 2-2-3.5; filed Oct 7, 2004, 1:00 p.m.: 28 IR 564*)

SECTION 8. 760 IAC 2-2-3.6 IS ADDED TO READ AS FOLLOWS:

**760 IAC 2-2-3.6 “Eating” defined**

Authority: IC 27-8-12-7  
Affected: IC 27-8-12

**Sec. 3.6. “Eating” means feeding oneself by getting food into the body:**

- (1) from a receptacle, such as a plate or cup;**
- (2) by a feeding tube; or**
- (3) intravenously.**

(*Department of Insurance; 760 IAC 2-2-3.6; filed Oct 7, 2004, 1:00 p.m.: 28 IR 564*)

SECTION 9. 760 IAC 2-2-3.7 IS ADDED TO READ AS FOLLOWS:

**760 IAC 2-2-3.7 “Federally tax-qualified long term care insurance contract” defined**

Authority: IC 27-8-12-7  
Affected: IC 27-8-12

**Sec. 3.7. (a) “Federally tax-qualified long term care insurance contract” means an individual or group insurance contract that meets the requirements of Section 7702B(b) of the Internal Revenue Code of 1986, as amended, as follows:**

**(1) The only insurance protection provided under the contract is coverage of qualified long term care services. A contract shall not fail to satisfy this requirement by reason of payments being made on a per diem or other periodic basis without regard to the expenses incurred during the period to which the payments relate.**

**(2) The contract does not pay or reimburse expenses incurred for services or items to the extent that the expenses are reimbursable under Title XVIII of the Social Security Act, as amended, or would be so reimbursable but for the application of a deductible or coinsurance amount. The requirements of this section do not apply to expenses that are reimbursable under Title XVIII of the Social Security Act only as a secondary payor. A contract shall not fail to satisfy the requirements of this section by reason of payments being made on a per diem or other periodic basis without regard to the expenses incurred during the period to which the payments relate.**

**(3) The contract is guaranteed renewable, within the meaning of Section 7702B(b)(1)(C) of the Internal Revenue Code of 1986, as amended.**

**(4) The contract does not provide for a cash surrender value or other money that can be paid, assigned, pledged as collateral for a loan, or borrowed except as provided in subdivision (5).**

**(5) All refunds of premiums, and all policyholder dividends or similar amounts, under the contract are to be applied as a reduction in future premiums or to increase future benefits, except that a refund on the event of the death of the insured or a complete surrender or cancellation of the contract cannot exceed the aggregate premiums paid under the contract.**

**(6) The contract meets the consumer protection provisions set forth in Section 7702B(g) of the Internal Revenue Code of 1986, as amended.**

**(b) The term also means the portion of a life insurance contract that provides long term care insurance coverage by rider or as part of the contract and that satisfies the requirements of Section 7702B(b) and 7702B(e) of the Internal Revenue Code of 1986, as amended.**

**(c) For purposes of this article, “similar policy forms” means all of the long term care insurance policies and certificates issued by an insurer in the same long term care benefit classification as the policy form being considered.**

**Long term care benefit classifications are as follows:**

- (1) Institutional long term care benefits only.**
- (2) Noninstitutional long term care benefits only.**
- (3) Comprehensive long term care benefits.**

*(Department of Insurance; 760 IAC 2-2-3.7; filed Oct 7, 2004, 1:00 p.m.: 28 IR 564)*

SECTION 10. 760 IAC 2-2-3.8 IS ADDED TO READ AS FOLLOWS:

**760 IAC 2-2-3.8 “Hands-on assistance” defined**

Authority: IC 27-8-12-7  
Affected: IC 27-8-12

Sec. 3.8. “Hands-on assistance” means physical assistance (minimal, moderate, or maximal) without which the individual would not be able to perform the activities of daily living. *(Department of Insurance; 760 IAC 2-2-3.8; filed Oct 7, 2004, 1:00 p.m.: 28 IR 565)*

SECTION 11. 760 IAC 2-2-8 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 2-2-8 “Skilled nursing care”, “intermediate care”, “personal care”, “home care”, and “other services” defined**

Authority: IC 27-8-12-7  
Affected: IC 27-8-12

Sec. 8. “Skilled nursing care”, “intermediate care”, “personal care”, “home care”, and “other services” shall be defined in relation to the level of skill required, the nature of the care, and the setting in which care must be delivered. *(Department of Insurance; 760 IAC 2-2-8; filed Oct 30, 1992, 12:00 p.m.: 16 IR 857; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 565)*

SECTION 12. 760 IAC 2-3-1 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 2-3-1 Individual long term care policies**

Authority: IC 27-8-12-7  
Affected: IC 27-8-12

Sec. 1. (a) The terms “guaranteed renewable” and “noncancelable” shall be used in an individual long term care insurance policy only with further explanatory language in accordance with the disclosure requirements of 760 IAC 2-4.

(b) A long term care insurance policy issued to an individual shall not contain renewal provisions other than “guaranteed renewable” or “noncancellable”.

- (c) The term “guaranteed renewable” may be used only when:
- (1) the insured has the right to continue the long term care insurance in force by the timely payment of premiums;
  - (2) ~~when~~ the insurer has no unilateral right to make any change in any provision of the policy or rider while the

insurance is in force; and

(3) the insurer cannot decline to renew, except that rates may be revised by the insurer on a class basis.

(d) The term “noncancellable” may be used only when:

- (1) the insured has the right to continue the long term care insurance in force by the timely payment of premiums; and
- (2) the insurer has no right to unilaterally make any change in any provision of the insurance or in the premium rate.

**(e) The term “level premium” may only be used when the insurer does not have the right to change the premium.**

**(f) In addition to the other requirements of this section, a federally tax-qualified long term care insurance contract shall be guaranteed renewable, within the meaning of Section 7702B(b)(1)(C) of the Internal Revenue Code of 1986, as amended.** *(Department of Insurance; 760 IAC 2-3-1; filed Oct 30, 1992, 12:00 p.m.: 16 IR 857; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 565)*

SECTION 13. 760 IAC 2-3-2 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 2-3-2 Exclusions**

Authority: IC 27-8-12-7  
Affected: IC 27-8-12

Sec. 2. A policy, certificate, or subscriber agreement may not be delivered or issued for delivery in Indiana as long term care insurance if the policy, certificate, or subscriber agreement limits or excludes coverage by type of illness, treatment, medical condition, or accident, except as follows:

- (1) Preexisting conditions or diseases.
- (2) Mental or nervous disorders; however, this shall not permit exclusion or limitation of benefits on the basis of Alzheimer’s disease or related degenerative and dementing illnesses.
- (3) Alcoholism and drug addiction.
- (4) Illness, treatment, or medical condition arising out of:
  - (A) war or act of war (whether declared or undeclared);
  - (B) participation in a felony, riot, or insurrection;
  - (C) service in the armed forces or units auxiliary thereto;
  - (D) suicide (sane or insane), attempted suicide, or intentionally self-inflicted injury; or
  - (E) aviation (this exclusion applies only to nonfare paying passengers).
- (5) Treatment provided in a government facility unless otherwise required by law as follows:
  - (A) Services for which benefits are available under any of the following:
    - (i) Medicare or other governmental program (except Medicaid).
    - (ii) Any state or federal workers’ compensation.
    - (iii) Employer’s liability or occupational disease law.

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(iv) Any motor vehicle no-fault law.

(B) Services provided by a member of the covered person's immediate family.

(C) Services for which no charge is normally made in the absence of insurance.

**(6) Expenses for services or items available or paid under another long term care insurance or health insurance policy.**

**(7) In the case of a federally tax-qualified long term care insurance contract, expenses for services or items to the extent that the expenses are reimbursable under Title XVIII of the Social Security Act or would be reimbursable but for the application of a deductible or coinsurance amount.**

This section is not intended to prohibit exclusions and limitations by type of provider or territorial limitations. (*Department of Insurance; 760 IAC 2-3-2; filed Oct 30, 1992, 12:00 p.m.: 16 IR 858; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 565*)

SECTION 14. 760 IAC 2-3-4 IS AMENDED TO READ AS FOLLOWS:

### **760 IAC 2-3-4 Group long term care policies**

**Authority:** IC 27-8-12-7

**Affected:** IC 27-8-12

Sec. 4. (a) Group long term care insurance policies, certificates, or subscriber agreements issued in Indiana on or after the effective date of this article shall provide covered individuals with a basis for continuation or conversion of coverage.

(b) As used in this article, "a "basis for continuation of coverage" means a policy provision **which that** maintains coverage under the existing group policy when such coverage would otherwise terminate and **which that** is subject only to the continued timely payment of premium. Group policies **which that** contain incentives to use certain providers **and/or or** facilities, **or both**, and group policies **which that** provide a restricted list of providers **and/or or** facilities, **or both**, shall provide continuation of benefits **which that** are substantially equivalent to the benefits of the existing group policy. The commissioner shall make a determination as to the substantial equivalency of benefits. The commissioner shall consider the differences between managed care and nonmanaged care plans, including, but not limited to, the following:

- (1) Provider system arrangements.
- (2) Service availability.
- (3) Benefit levels.
- (4) Administrative complexity.

(c) As used in this article, "a "basis for conversion of coverage" means a policy provision **which that** requires that an individual:

- (1) whose coverage under the group policy would otherwise terminate or has been terminated for any reason, **including**

**discontinuance of the group policy in its entirety or with respect to an insured class;** and

(2) who has been continuously insured under the group policy (and any group policy **which that** it replaced) for at least six (6) months immediately prior to termination;

shall be entitled to the issuance of a converted policy by the insurer under whose group policy he or she is covered, without evidence of insurability.

(d) As used in this article, "converted policy" means an individual policy of long term care insurance providing benefits identical to or benefits determined by the commissioner to be substantially equivalent to or in excess of those provided under the group policy from which conversion is made. Where the group policy from which conversion is made restricts provision of benefits and services to, or contains incentives to use certain providers **and/or or** facilities, **or both**, the commissioner, in making a determination as to the substantial equivalency of benefits, shall take into consideration the differences between managed care and nonmanaged care plans, including, but not limited to, the following:

- (1) Provider system arrangements.
- (2) Service availability.
- (3) Benefit levels.
- (4) Administrative complexity.

(e) In order to maintain uninterrupted coverage, written application for the converted policy must be made and the first premium due, if any, must be paid as directed by the insurer not later than thirty-one (31) days after:

- (1) termination of coverage under the group policy; or ~~thirty-one (31) days after~~
- (2) the date notification of conversion rights is mailed to the certificate holder;

whichever is later. The converted policy shall be issued effective on the day following the termination of coverage under the group policy and shall be renewable annually.

(f) If the group policy from which conversion is made:

- (1) did not replace previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy from which conversion is made; or
- (2) replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy replaced.

(g) Continuation of coverage or issuance of a converted policy shall be mandatory, except where:

- (1) termination of the individual's group coverage resulted from the individual's failure to make any required payment of premium or contribution when due; or
- (2) the terminating coverage is replaced not later than thirty-one (31) days after termination, by group coverage effective on the day following the termination of coverage:

(A) providing benefits identical to those provided by the terminating coverage or providing benefits ~~which that~~ the commissioner determines to be substantially equivalent to or in excess of the benefits provided by the terminating coverage;

(B) the premium is calculated in a manner consistent with the requirements of subsection (f); and

(C) the new policy provides coverage to all individuals previously covered under the replaced policy.

(h) Notwithstanding any other provision of this rule, a converted policy issued to an individual may provide for a reduction of benefits payable to an individual only if:

(1) at the time of conversion, the individual is covered by another long term care insurance policy ~~which that~~ provides benefits on the basis of incurred expenses;

(2) the benefits provided by the other long term care policy together with the full benefits provided by the converted policy would result in payment of more than one hundred percent (100%) of the incurred expenses; and

(3) the reduction in benefits may only be included in the converted policy if the converted policy also provides for a premium decrease or refund ~~which that~~ reflects the reduction in benefits payable.

(i) The converted policy may provide that the benefits payable under the converted policy, together with the benefits payable under the group policy from which conversion is made, shall not exceed those that would have been payable had the individual's coverage under the group policy remained in force and effect.

(j) Notwithstanding any other provision of this rule, any insured individual whose eligibility for group long term care coverage is based upon his or her relationship to another person shall be entitled to continuation of coverage under the group policy upon termination of the qualifying relationship. (*Department of Insurance; 760 IAC 2-3-4; filed Oct 30, 1992, 12:00 p.m.: 16 IR 858; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 566*)

SECTION 15. 760 IAC 2-3-6 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 2-3-6 Premiums**

Authority: IC 27-8-12-7

Affected: IC 27-8-12

Sec. 6. The premiums charged to an insured for long term care insurance shall not increase due to either:

(1) the increasing age of the insured at ~~ages beyond~~ sixty-five (65) **years of age or beyond**; or

(2) the duration the insured has been covered under the policy.

~~This limitation shall not be required of life insurance policies or riders containing accelerated long term care benefits. (Depart-~~

*ment of Insurance; 760 IAC 2-3-6; filed Dec 31, 1992, 9:00 a.m.: 16 IR 1391; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 567*)

SECTION 16. 760 IAC 2-3-7 IS ADDED TO READ AS FOLLOWS:

**760 IAC 2-3-7 Electronic enrollment**

Authority: IC 27-8-12-7

Affected: IC 27-8-12

**Sec. 7. (a) In the case of a group long term care policy, any requirement that a signature of an insured be obtained by an insurance producer or insurer shall be deemed satisfied if the following conditions are met:**

**(1) The consent is obtained by telephonic or electronic enrollment by the group policyholder or insurer. A verification of enrollment information shall be provided to the enrollee.**

**(2) The telephonic or electronic enrollment provides necessary and reasonable safeguards to assure:**

**(A) the accuracy, retention, and prompt retrieval of records; and**

**(B) that the confidentiality of individually identifiable information is maintained.**

**(b) The insurer shall make available, upon request of the commissioner, records that will demonstrate the insurer's ability to confirm enrollment and coverage amounts.** (*Department of Insurance; 760 IAC 2-3-7; filed Oct 7, 2004, 1:00 p.m.: 28 IR 567*)

SECTION 17. 760 IAC 2-3-8 IS ADDED TO READ AS FOLLOWS:

**760 IAC 2-3-8 Unintentional lapse**

Authority: IC 27-8-12-7

Affected: IC 27-8-12

**Sec. 8. Each insurer offering long term care insurance shall, as a protection against unintentional lapse, comply with the following:**

**(1) No individual long term care policy or certificate shall be issued until the insurer has received from the applicant either a written designation of at least one (1) person, in addition to the applicant, who is to receive notice of lapse or termination of the policy or certificate for nonpayment of premium, or a written waiver dated and signed by the applicant electing not to designate additional persons to receive notice. The applicant has the right to designate at least one (1) person who is to receive the notice of termination in addition to the insured. Designation shall not constitute acceptance of any liability on the third party for services provided to the insured. The insurer shall notify the insured of the right to change this written designation no less often than once every two (2) years.**

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(2) The form used for the written designation must provide space clearly designated for listing at least one (1) person. The designation shall include each person's full name and home address.

(3) In the case of an applicant who elects not to designate an additional person, the waiver shall state: "Protection against unintended lapse. I understand that I have the right to designate at least one (1) person other than myself to receive notice of lapse or termination of this long term care insurance policy for nonpayment of premium. I understand that notice will not be given until thirty (30) days after a premium is due and unpaid. I elect NOT to designate a person to receive this notice."

(4) When the policyholder or certificate holder pays premium for a long term care insurance policy or certificate through a payroll or pension deduction plan, the requirements of this section need not be met until sixty (60) days after the policyholder or certificate holder is no longer on such a payment plan. The application or enrollment form for such policies or certificates shall clearly indicate the payment plan selected by the applicant.

(5) No individual long term care policy or certificate shall lapse or be terminated for nonpayment of premium unless the insurer, at least thirty (30) days before the effective date of the lapse or termination, has given notice to the insured and to those persons designated to receive notice under this section at the address provided by the insured for purposes of receiving notice of lapse or termination. Notice shall be given by first class United States mail, postage prepaid, and notice may not be given until thirty (30) days after a premium is due and unpaid. Notice shall be deemed to have been given as of five (5) days after the date of mailing.

(6) A long term care insurance policy or certificate shall include a provision that provides for reinstatement of coverage, in the event of lapse if the insurer is provided proof that the policyholder or certificate holder was cognitively impaired or had a loss of functional capacity before the grace period contained in the policy expired. This option shall be available to the insured if requested within five (5) months after termination and shall allow for the collection of past due premiums, where appropriate. The standard of proof of cognitive impairment or loss of functional capacity shall not be more stringent than the benefit eligibility criteria on cognitive impairment or the loss of functional capacity contained in the policy or certificate.

*(Department of Insurance; 760 IAC 2-3-8; filed Oct 7, 2004, 1:00 p.m.: 28 IR 567)*

SECTION 18. 760 IAC 2-4-1 IS AMENDED TO READ AS FOLLOWS:

### 760 IAC 2-4-1 Renewability provisions

Authority: IC 27-8-12-7

Affected: IC 27-8-12-10.6

Sec. 1. (a) Individual long term care insurance policies shall contain a renewability provision. The provision shall:

(1) be appropriately captioned; ~~shall~~

(2) appear on the first page of the policy; and ~~shall~~

(3) clearly state the duration ~~where limited~~; of:

(A) renewability, ~~and the duration of where limited~~;

(B) the term of coverage for which the policy is issued; and ~~the duration of~~

(C) the term of coverage for which the policy may be renewed.

This section shall not apply to policies ~~which that~~ do not contain a renewability provision, and under which the policies' right to nonrenew is reserved solely to the policyholder. A long term care insurance policy or certificate, other than one where the insurer does not have the right to change the premium, shall include a statement that the premium rate may change.

(b) All riders or endorsements added to an individual long term care insurance policy after the date of issue or at reinstatement or renewal ~~which that~~ reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the individual insured, except for riders or endorsements by which the insurer effectuates a request made in writing by the insured under an individual long term care insurance policy. After the date of policy issue, any rider or endorsement ~~which that~~ increases benefits or coverage ~~which that~~ also increases the premium during the policy term must be accepted ~~to~~ in writing signed by the insured ~~except if unless~~ the increased benefits or coverage are required by law. If a separate additional premium is charged for benefits provided in connection with riders or endorsements, the premium charge shall be set forth in the policy, rider, or endorsement.

(c) A long term care insurance policy or certificate ~~which that~~ provides for the payment of benefits based on standards described as "usual and customary", "reasonable and customary", or words of similar import shall include a definition of such terms and an explanation of such terms in its accompanying outline of coverage.

(d) If a long term care insurance policy, certificate, or subscriber agreement contains any limitations with respect to preexisting conditions, the limitations shall appear as a separate paragraph of the policy, certificate, or subscriber agreement and shall be labeled as "Preexisting Condition Limitations".

(e) A long term care insurance policy, certificate, or subscriber agreement containing any limitations or conditions for eligibility other than those prohibited in IC 27-8-12-10.6 shall set forth a description of such limitations or conditions, including any required number of days of confinement, in a separate paragraph of the policy, certificate, or subscriber agreement and shall label such paragraph "Limitations or Conditions on Eligibility for Benefits".



(f) Life insurance policies ~~which~~ **that** provide an accelerated benefit for long term care are required to include a disclosure statement **at the time**:

- (1) ~~at the time~~ of application for the policy or rider; and
- (2) ~~at the time~~ the accelerated benefit payment request is submitted;

that receipt of these accelerated benefits may be taxable, and that assistance should be sought from a personal tax advisor. The disclosure statement shall be prominently displayed on the first page of the policy or rider and any other related documents.

(g) **Activities of daily living and cognitive impairment shall be:**

- (1) **used to measure an insured's need for long term care;**
- (2) **described in the policy or certificate in a separate paragraph; and**
- (3) **labeled "Eligibility for the Payment of Benefits".**

Any additional benefit triggers shall also be explained in this paragraph. If these triggers differ for different benefits, explanation of the trigger shall accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this, too, shall be specified.

(h) A federally tax-qualified long term care insurance contract shall include a disclosure statement in the policy and in the outline of coverage as contained in 760 IAC 2-17-1(e)(3) that the policy is intended to be a federally tax-qualified long term care insurance contract under Section 7702B(b) of the Internal Revenue Code of 1986, as amended.

(i) A nonfederally tax-qualified long term care insurance contract shall include a disclosure statement in the policy and in the outline of coverage as contained in 760 IAC 2-17-1(e)(3) that the policy is not intended to be a federally tax-qualified long term care insurance contract. (*Department of Insurance; 760 IAC 2-4-1; filed Oct 30, 1992, 12:00 p.m.: 16 IR 860; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 568*)

SECTION 19. 760 IAC 2-4-2 IS ADDED TO READ AS FOLLOWS:

**760 IAC 2-4-2 Required disclosure of rating practices to consumers**

Authority: IC 27-8-12-7  
Affected: IC 27-8-12-10.6

Sec. 2. (a) Except as provided in subsection (b), this section applies to any long term care policy or certificate issued in this state on or after January 1, 2005.

(b) For certificates issued on or after January 2, 2005, under a group long term care insurance policy that was in force on July 1, 2005, this section shall apply on the policy anniversary following July 1, 2006.

(c) **Other than policies for which no applicable premium rate or rate schedule increases can be made, insurers shall provide the following information to the applicant at the time of application or enrollment unless the method of application does not allow for delivery at that time, in which case, an insurer shall provide the following information to the applicant no later than the time of delivery of the policy or certificate:**

- (1) **A statement that the policy may be subject to rate increases in the future.**
- (2) **An explanation of potential future premium rate revisions and the policyholder's or certificate holder's option in the event of a premium rate revision.**
- (3) **The premium rate or rate schedules applicable to the applicant that will be in effect until a request is made for an increase.**
- (4) **A general explanation for applying premium rate or rate schedule adjustments that shall include the following:**
  - (A) **A description of when premium rate or rate schedule adjustments will be effective.**
  - (B) **The right to a revised premium rate or rate schedule if the premium rate or rate schedule is changed.**
- (5) **Information regarding each premium rate increase on this policy form or similar policy forms over the past ten (10) years for this state or any other state that, at a minimum, identifies the policy forms for which premium rates have been increased, the calendar years when the form was available for purchase, and the amount or percent of each increase. The percentage may be expressed as a percentage of the premium rate prior to the increase and may also be expressed as a minimum and maximum percentage if the rate increase is variable by rating characteristics and as follows:**
  - (A) **The insurer may, in a fair manner, provide additional explanatory information related to the rate increases.**
  - (B) **An insurer shall have the right to exclude from the disclosure premium rate increases that only apply to blocks of business acquired from other nonaffiliated insurers or the long term care policies acquired from other nonaffiliated insurers when those increases occurred prior to the acquisition.**
  - (C) **If an acquiring insurer files for a rate increase on a long term care policy form acquired from nonaffiliated insurers or a block of policy forms acquired from nonaffiliated insurers on or before the later of the effective date of this section or the end of a twenty-four (24) month period following the acquisition of the block or policies, the acquiring insurer may exclude that rate increase from the disclosure. However, the nonaffiliated selling company shall include the disclosure of that rate increase in accordance with this section.**
  - (D) **If the acquiring insurer files for a subsequent rate increase, even within the twenty-four (24) month period, on the same policy form acquired from**

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**nonaffiliated insurers or block of policy forms acquired from nonaffiliated insurers, the acquiring insurer shall make all disclosures required by this section including disclosure of the earlier rate increases.**

**(d) An applicant shall sign an acknowledgement at the time of application, unless the method of application does not allow for signature at that time, that the insurer made the disclosure required under subsection (c). If due to the method of application the applicant cannot sign an acknowledgement at the time of application, the applicant shall sign no later than at the time of delivery of the policy or certificate.**

**(e) An insurer shall use the forms in 760 IAC 2-19.5-1 and 760 IAC 2-19.5-2 to comply with the requirements of this section.**

**(f) An insurer shall provide notice of an upcoming premium rate schedule increase to all policyholders or certificate holders, if applicable, at least forty-five (45) days prior to the implementation of the premium rate schedule increase by the insurer. The notice shall include the information required by subsection (c) when the rate increase is implemented.** (*Department of Insurance; 760 IAC 2-4-2; filed Oct 7, 2004, 1:00 p.m.: 28 IR 569; errata filed Oct 12, 2004, 3:20 p.m.: 28 IR 609*)

SECTION 20. 760 IAC 2-7-1 IS AMENDED TO READ AS FOLLOWS:

### **760 IAC 2-7-1 General provisions**

Authority: IC 27-8-12-7  
Affected: IC 27-8-12

Sec. 1. (a) **No insurer may offer a long term care insurance policy unless the insurer also offers to the policyholder in addition to any other inflation protection the option to purchase a policy that provides for benefit levels to increase with benefit maximums or reasonable durations that are meaningful to account for reasonably anticipated increases in the costs of long term care services covered by the policy.** Insurers must offer to each policyholder, at the time of purchase, the option to purchase a policy with an inflation protection feature ~~An inflation protection feature shall provide at least~~ **no less favorable than** one (1) of the following:

- (1) Increase benefit levels annually to be compounded annually at a rate not less than five percent (5%).
- (2) Guarantee the insured individual the right to periodically increase benefit levels without providing evidence of insurability or health status so long as the option for the previous period has not been declined. The amount of the additional benefit shall be more than the difference between the existing policy benefit and that benefit compounded annually at a rate of at least five percent (5%) for the period beginning with the purchase of the existing benefit and extending until the year in which the offer is made.

(3) Cover a specified percentage of actual or reasonable charges and ~~do~~ **does** not include a maximum specified indemnity amount or limit.

(b) Inflation protection benefit increases under a policy ~~which~~ **that** contains such benefits shall continue without regard to an insured's age, claim status or claim history, or the length of time the person has been insured under the policy.

(c) An offer of inflation protection ~~which that~~ provides for automatic benefit increases shall include an offer of a premium ~~which that~~ the insurer expects to remain constant. Such offer shall disclose in a conspicuous manner that the premium may change in the future unless the premium is guaranteed to remain constant.

(d) Inflation protection as provided in subsection (a) shall be included in a long term care insurance policy unless an insurer obtains a rejection of inflation protection signed by the policyholder. The rejection shall be considered a part of the application and shall state: "I have reviewed the outline of coverage and the graphs that compare the benefits and premiums of this policy with and without inflation protection and I reject inflation protection.

\_\_\_\_\_  
(Signature of Applicant(s))".

(*Department of Insurance; 760 IAC 2-7-1; filed Oct 30, 1992, 12:00 p.m.: 16 IR 862; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 570*)

SECTION 21. 760 IAC 2-8-1 IS AMENDED TO READ AS FOLLOWS:

### **760 IAC 2-8-1 Questions**

Authority: IC 27-8-12-7  
Affected: IC 27-8-5-16; IC 27-8-12

Sec. 1. Application forms shall include the following questions designed to elicit information as to whether, as of the date of the application, the applicant has another long term care insurance policy, certificate, or subscriber agreement in force or whether a long term care policy, certificate, or subscriber agreement is intended to replace any other accident and sickness or long term care policy, certificate, or subscriber agreement presently in force:

- (1) Do you have another long term care insurance policy or certificate in force (including health care service contract or health maintenance organization contract)?
- (2) Did you have another long term care insurance policy or certificate in force during the last twelve (12) months? If so:
  - (A) with which company; and
  - (B) if that policy lapsed, when did it lapse?
- (3) Are you covered by Medicaid?
- (4) Do you intend to replace any of your medical or health insurance coverage with this policy [certificate]?

A supplementary application or other form to be signed by the applicant and ~~agent, insurance producer,~~ except where the coverage is sold without an ~~agent, insurance producer,~~ containing

such questions may be used. With regard to a replacement policy issued to a group defined by IC 27-8-5-16(1), the questions in this section may be modified only to the extent necessary to elicit information about health or long term care insurance policies other than the group policy being replaced; provided, however, that the certificate holder has been notified of the replacement. (Department of Insurance; 760 IAC 2-8-1; filed Oct 30, 1992, 12:00 p.m.: 16 IR 862; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 570)

SECTION 22. 760 IAC 2-8-2 IS AMENDED TO READ AS FOLLOWS:

760 IAC 2-8-2 Any other health insurance policies

Authority: IC 27-8-12-7
Affected: IC 27-8-12

Sec. 2. (a) Agents Insurance producers shall list the following:

- (1) Any other health insurance policies they have sold to the applicant.
(b) Agents shall list (2) Policies sold which are still in force.
(c) Agents shall list (3) Policies sold in the past five (5) years which that are no longer in force.

(Department of Insurance; 760 IAC 2-8-2; filed Oct 30, 1992, 12:00 p.m.: 16 IR 863; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 571)

SECTION 23. 760 IAC 2-8-3 IS AMENDED TO READ AS FOLLOWS:

760 IAC 2-8-3 Notice regarding replacement of accident and sickness or long term care insurance

Authority: IC 27-8-12-7
Affected: IC 27-8-12

Sec. 3. Upon determining that a sale will involve replacement, an insurer, other than an insurer using direct response solicitation methods, or its agent, insurance producer, shall furnish the applicant, prior to issuance or delivery of the long term care insurance policy, a notice regarding replacement of accident and sickness or long term care coverage. One (1) copy of such notice shall be retained by the applicant, and an additional copy signed by the applicant shall be retained by the insurer. The required notice shall be provided in the following manner:

NOTICE TO APPLICANT REGARDING
REPLACEMENT OF ACCIDENT AND SICKNESS
OR LONG TERM CARE INSURANCE
[Insurance company's name and address]
SAVE THIS NOTICE! IT MAY BE IMPORTANT
TO YOU IN THE FUTURE.

According to [your application] [information you have furnished], you intend to lapse or otherwise terminate existing accident and sickness or long term care insurance and replace it with a long term care insurance policy to be issued by [company name]. Your new policy provides thirty (30) days

within which you may decide, without cost, whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which that may affect the insurance protection available to you under the new policy. You should review this new coverage carefully, comparing it with all accident and sickness or long term care insurance coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this long term care coverage is a wise decision.

STATEMENT TO APPLICANT BY AGENT INSURANCE PRODUCER [BROKER OR OTHER REPRESENTATIVE]: (Use additional sheets, as necessary.)

I have reviewed your current medical or health insurance coverage. I believe the replacement of insurance involved in this transaction materially improves your position. My conclusion has taken into account the following considerations, which I call to your attention:

- 1. Health conditions, which you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present coverage.
2. State law provides that your replacement policy or certificate may not contain new preexisting conditions or probationary periods. The insurer will waive any time periods applicable to preexisting conditions or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.
3. If you are replacing existing long term care insurance coverage, you may wish to secure the advice of your present insurer or its agent insurance producer regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.
4. If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, reread it carefully to be certain that all information has been properly recorded.

(Signature of Agent, Insurance producer, Broker, or Other Representative)

[Typed Name and Address of Agent Insurance producer or Broker]

The above "Notice to Applicant" was delivered to me on:

(Date)

(Applicant's Signature)

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(Department of Insurance; 760 IAC 2-8-3; filed Oct 30, 1992, 12:00 p.m.: 16 IR 863; errata filed Jan 19, 1993, 10:00 a.m.: 16 IR 1514; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 571)

SECTION 24. 760 IAC 2-8-4 IS AMENDED TO READ AS FOLLOWS:

### 760 IAC 2-8-4 Direct response solicitations

Authority: IC 27-8-12-7

Affected: IC 27-8-12

Sec. 4. Insurers using direct response solicitation methods shall deliver a notice regarding replacement of accident and sickness or long term care coverage to the applicant upon issuance of the policy, certificate, or subscriber agreement. The required notice shall be provided in the following manner:

NOTICE TO APPLICANT REGARDING  
REPLACEMENT OF ACCIDENT AND SICKNESS  
OR LONG TERM CARE INSURANCE  
[Insurance company's name and address]  
SAVE THIS NOTICE! IT MAY BE IMPORTANT  
TO YOU IN THE FUTURE.

According to [your application] [information you have furnished], you intend to lapse or otherwise terminate existing accident and sickness or long term care insurance and replace it with the long term care insurance [policy] [certificate] [subscriber agreement] delivered herewith issued by [company name]. Your new [policy] [certificate] [subscriber agreement] provides thirty (30) days within which you may decide, without cost, whether you desire to keep the [policy] [certificate] [subscriber agreement]. For your own information and protection, you should be aware of and seriously consider certain factors ~~which that~~ may affect the insurance protection available to you under the new [policy] [certificate] [subscriber agreement].

You should review this new coverage carefully, comparing it with all accident and sickness or long term care insurance coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this long term care coverage is a wise decision.

1. Health conditions, which you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present policy.
2. State law provides that your replacement policy or certificate may not contain new preexisting conditions or probationary periods. Your insurer will waive any time periods applicable to preexisting conditions or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.
3. If you are replacing existing long term care insurance coverage, you may wish to secure the advice of your present insurer or its **agent insurance producer** regarding the proposed replacement of your present policy. This is not only

your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

4. [To be included only if the application is attached to the policy.] If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, read the copy of the application attached to your new policy and be sure that all questions are answered fully and correctly. Omissions or misstatements in the application could cause an otherwise valid claim to be denied. Carefully check the application and write to [company name and address] within thirty (30) days if any information is not correct and complete, or if any past medical history has been left out of the application.

(Company Name)

(Department of Insurance; 760 IAC 2-8-4; filed Oct 30, 1992, 12:00 p.m.: 16 IR 864; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 572)

SECTION 25. 760 IAC 2-8-6 IS ADDED TO READ AS FOLLOWS:

### 760 IAC 2-8-6 Life insurance policies

Authority: IC 27-8-12-7

Affected: IC 27-8-12

**Sec. 6. Life insurance policies that accelerate benefits for long term care shall comply with this rule if the policy being replaced is a long term care insurance policy. If the policy being replaced is a life insurance policy, the insurer shall comply with the replacement requirements of 760 IAC 1-16.1. If a life insurance policy that accelerates benefits for long term care is replaced by another such policy, the replacing insurer shall comply with both the long term care and the life insurance replacement requirements.** (Department of Insurance; 760 IAC 2-8-6; filed Oct 7, 2004, 1:00 p.m.: 28 IR 572)

SECTION 26. 760 IAC 2-9-1 IS AMENDED TO READ AS FOLLOWS:

### 760 IAC 2-9-1 Reporting

Authority: IC 27-8-12-7

Affected: IC 27-8-12

Sec. 1. (a) Every insurer shall maintain records for each **agent insurance producer** of that **agent's insurance producer's** amount of replacement sales as a percent of the **agent's insurance producer's** total annual sales and the amount of lapses of long term care insurance policies sold by the **agent insurance producer** as a percent of the **agent's insurance producer's** total annual sales.

(b) Each insurer shall report annually by June 30 the ten percent (10%) of its **agents insurance producers** with the greatest percentages of lapses and replacements as measured by subsection (a).

(c) Reported replacement and lapse rates do not alone constitute a violation of insurance laws or necessarily imply wrongdoing. The reports are for the purpose of reviewing more closely **agent insurance producer** activities regarding the sale of long term care insurance.

(d) Every insurer shall report annually by June 30 the number of **the following**:

(1) Lapsed policies as a percent of its total annual sales and as a percent of its total number of policies in force as of the end of the preceding calendar year.

(~~e~~) Every insurer shall report annually by June 30 the number of (2) Replacement policies sold as a percent of its total annual sales and as a percent of its total number of policies in force as of the preceding calendar year.

(3) **Claims denied for each class of business as a percentage of claims.**

(~~f~~) (e) For purposes of this rule:

(1) **“claim” means a request for payment of benefits under a policy in force regardless of whether the benefit claimed is covered under the policy and any terms or conditions of the policy have been met;**

(2) **“denied” means the insurer refuses to pay a claim for any reason other than for claims not paid for failure to meet the waiting period or because of an applicable preexisting condition;**

(3) **“policy” means only long term care insurance; and**

(4) **“report” means on a statewide basis.**

(f) **Reports required under this section shall be filed with the commissioner.** (*Department of Insurance; 760 IAC 2-9-1; filed Oct 30, 1992, 12:00 p.m.: 16 IR 865; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 572*)

SECTION 27. 760 IAC 2-10-1 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 2-10-1 Licensing**

Authority: IC 27-8-12-7

Affected: IC 27-1-15.5-3; IC 27-1-15.7-2

Sec. 1. (a) No ~~agent~~ **is authorized to market, sell, solicit, insurer shall allow any long term care product to be marketed, sold, or solicited, or otherwise allow the contact of any person for the purpose of marketing long term care insurance until unless the insurance producer doing so has met all of the following criteria:**

(1) **The agent insurance producer has successfully passed eight (8) hours of approved continuing education courses in long term care and long term care insurance. An agent insurance producer who completes the eight (8) hours of continuing education required by this subsection during the first two (2) years of a four (4) year license shall also comply with subsection (b) during the second two (2) years of the license.**

(2) **The insurance producer has successfully completed five (5) hours of approved continuing education in long term care or long term care insurance every two (2) years for a total of ten (10) hours in every four (4) year license renewal period.**

(3) **Has completed and passed the continuing education courses set out in this rule prior to accepting applications from the insurance producer or paying the insurance producer commission for the sale of long term care coverage.**

(~~b~~) ~~An agent shall successfully complete five (5) hours of approved continuing education in long term care or long term care insurance every two (2) years for a total of ten (10) hours in every four (4) year license renewal period.~~

(~~e~~) (~~b~~) Continuing education courses completed pursuant to subsections (a) and (b) under this section may be used to satisfy the continuing education requirements set forth in ~~IC 27-1-15.5-7.1; IC 27-1-15.7-2.~~

(~~d~~) Each insurer shall require an agent to provide documentation certifying that the agent has satisfied the requirements of this rule prior to accepting applications from the agent or paying the agent commission for the sale of long term care coverage. (*Department of Insurance; 760 IAC 2-10-1; filed Oct. 30, 1992, 12:00 p.m.: 16 IR 865; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 2, 2001, 4:50 p.m.: 25 IR 382; filed Oct 7, 2004, 1:00 p.m.: 28 IR 573*)

SECTION 28. 760 IAC 2-13-1 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 2-13-1 Relevant factors**

Authority: IC 27-8-12-7

Affected: IC 27-1-12-7; IC 27-8-12-14.5; IC 27-8-12-14.6

Sec. 1. (a) Benefits under individual long term care insurance policies shall be deemed reasonable in relation to premiums provided the expected loss ratio is at least sixty percent (60%), calculated in a manner ~~which that~~ provides for adequate reserving of the long term care insurance risk. In evaluating the expected loss ratio, due consideration shall be given to all relevant factors, including the following:

- (1) Statistical credibility of incurred claims experience and earned premiums.
- (2) The period for which rates are computed to provide coverage.
- (3) Experienced and projected trends.
- (4) Concentration of experience within early policy duration.
- (5) Expected claim fluctuation.
- (6) Experience refunds, adjustments, or dividends.
- (7) Renewability features.
- (8) All appropriate expense factors.
- (9) Interest.
- (10) Experimental nature of the coverage.

- (11) Policy reserves.
- (12) Mix of business by risk classification.
- (13) Product features, such as long elimination periods, high deductibles, and high maximum limits.

**(b) This section does not apply to life insurance policies that accelerate benefits for long term care. A life insurance policy that funds long term care benefits entirely by accelerating the death benefit is considered to provide reasonable benefits in relation to premium paid, if the policy complies with all of the following provisions:**

- (1) The interest credited internally to determine cash value accumulations, including long term care, if any, is guaranteed to be no less than the minimum guaranteed interest rate for cash value accumulations without long term care set forth in the policy.**
- (2) The portion of the policy that provides life insurance benefits meets the nonforfeiture requirements of IC 27-1-12-7.**
- (3) The policy meets the disclosure requirements of IC 27-8-12-14.5 and IC 27-8-12-14.6.**
- (4) Any policy illustrations meet the applicable requirements of 760 IAC 1-62.**
- (5) An actuarial memorandum is filed with the commissioner that includes the following:**
  - (A) A description of the basis on which the long term care rates were determined.**
  - (B) A description of the basis for the reserves.**
  - (C) A summary of the following:**
    - (i) Type of policy.**
    - (ii) Benefits.**
    - (iii) Renewability.**
    - (iv) General marketing method.**
    - (v) Limits on ages of issuance.**
  - (D) A description and a table of each actuarial assumption used. For expenses, an insurer must include percent of premium dollars per policy and dollars per unit of benefits, if any.**
  - (E) A description and a table of the anticipated policy reserves and additional reserves to be held in each future year for active lives.**
  - (F) The estimated average annual premium per policy and the average issue age.**
  - (G) A statement as to whether underwriting is performed at the time of application. The statement shall indicate whether underwriting is used, and, if used, the statement shall include a description of the type or types of underwriting used, such as medical underwriting or functional assessment underwriting. Concerning a group policy, the statement shall indicate whether the enrollee or any dependent will be underwritten and when underwriting occurs.**
  - (H) A description of the effect of the long term care policy provision on the required premiums, nonforfeiture values, and reserves on the underlying**

**life insurance policy, both for active lives and those in long term care claim status.**

*(Department of Insurance; 760 IAC 2-13-1; filed Oct 30, 1992, 12:00 p.m.: 16 IR 866; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 573)*

SECTION 29. 760 IAC 2-15-1 IS AMENDED TO READ AS FOLLOWS:

### **760 IAC 2-15-1 Standards**

Authority: IC 27-8-12-7

Affected: IC 27-4-1-4; IC 27-8-12

Sec. 1. (a) Every insurer, health care service plan, or other entity marketing long term care insurance coverage in this state, directly or through its producers, shall do the following:

(1) Establish marketing procedures to assure that any comparison of policies by its ~~agents or other insurance~~ producers will be fair and accurate.

(2) Establish marketing procedures to assure excessive insurance is not sold or issued.

(3) Display prominently by type, stamp, or other appropriate means, on the first page of the outline of coverage and policy, certificate, or subscriber agreement the following: "Notice to buyer: This [policy] [certificate] [subscriber agreement] may not cover all of the costs associated with long term care incurred by the buyer during the period of coverage. The buyer is advised to review carefully all [policy] [certificate] [subscriber agreement] limitations."

(4) Inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for long term care insurance already has accident and sickness or long term care insurance and the types and amounts of any such insurance.

(5) Every insurer or entity marketing long term care insurance shall establish auditable procedures for verifying compliance with this subsection.

(6) Every insurer shall, at solicitation, provide written notice to the prospective policyholder or certificate holder about the existence and availability of the following programs:

(A) The Senior Health Insurance Information Program administered by the department along with the name, address, and telephone number of the program.

(B) The Indiana Long Term Care Insurance Program along with the name, address, and telephone number of the program.

(7) For long term care health insurance policies and certificates, use the terms "noncancellable" or "guaranteed renewable" only when the policy or certificate conforms to 760 IAC 2-3-1.

(8) Provide an explanation of contingent benefit upon lapse provided for in 760 IAC 2-16.1-1(d).

(9) Provide copies of the disclosure forms required by 760 IAC 2-4-2(e).

(b) In addition to the practices prohibited in IC 27-4-1-4, the following acts and practices are prohibited:

(1) Twisting. Knowingly making any misleading representation or incomplete or fraudulent comparison of any insurance policies, coverage, or insurers for the purpose of inducing, or tending to induce, any person to:

- (A) lapse;
- (B) forfeit;
- (C) surrender;
- (D) terminate;
- (E) retain;
- (F) pledge;
- (G) assign;
- (H) borrow on; or
- (I) convert;

any insurance policy or coverage or to take out a policy of insurance with another insurer.

(2) High pressure tactics. Employing any method of marketing having the effect of or tending to induce the purchase of insurance through:

- (A) force;
- (B) fright;
- (C) threat, whether explicit or implied; or
- (D) undue pressure;

to purchase or recommend the purchase of insurance.

(3) Cold lead advertising. Making use directly or indirectly of any method of marketing ~~which~~ **that** fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance ~~agent~~ **producer** or insurance company.

**(4) Misrepresentation. Misrepresenting a material fact in selling or offering to sell a long term care insurance policy.**

(c) With respect to the obligations set forth in this subsection, the primary responsibility of an association, when endorsing or selling long term care insurance, shall be to educate its members concerning long term care issues in general so that its members can make informed decisions. Associations shall provide objective information regarding long term care insurance policies or certificates endorsed or sold by such associations to ensure that members of such associations receive a balanced and complete explanation of the features in the policies or certificates that are being endorsed or sold.

(d) The insurer shall file with the department the following material:

- (1) The policy and certificate.
- (2) A corresponding outline of coverage.
- (3) Premium rates
- (4) All advertisements requested by the department.

(e) The association shall disclose the following in any long term care insurance solicitation:

**(1) The specific nature and amount of the compensation arrangements, including all fees, commissions, administrative fees, and other forms of financial support that the association receives from endorsement or sale of the policy or certificate to its members.**

**(2) A brief description of the process under which the policies and the insurer issuing the policies were selected.**

(f) If the association and the insurer have interlocking directorates or trustee arrangements, the association shall disclose that fact to its members. The board of directors of associations selling or endorsing long term care insurance policies or certificates shall review and approve the insurance policies as well as the compensation arrangements made with the insurer. The association shall also do the following:

**(1) At the time of the association's decision to endorse, engage the services of a person with expertise in long term care insurance not affiliated with the insurer to conduct an examination of the policies, including its benefits, features, and rates and update the examination thereafter in the event of material change.**

**(2) Actively monitor the marketing efforts of the insurer and its insurance producers.**

**(3) Review and approve all marketing materials or other insurance communications used to promote sales or sent to members regarding the policies or certificates.**

**Subdivisions (1) through (3) shall not apply to federally tax-qualified long term care insurance contracts.**

(g) No group long term care insurance policy or certificate may be issued to an association unless the insurer files with the department the information required in this section.

(h) The insurer shall not issue a long term care policy or certificate to an association or continue to market such a policy or certificate unless the insurer certifies annually that the association has complied with the requirements set forth in this section.

(i) Failure to comply with the filing and certification requirements of this section constitutes an unfair trade practice in violation of IC 27-4-1-4. (*Department of Insurance; 760 IAC 2-15-1; filed Oct 30, 1992, 12:00 p.m.: 16 IR 867; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 574; errata filed Oct 12, 2004, 3:20 p.m.: 28 IR 609*)

SECTION 30. 760 IAC 2-15.5 IS ADDED TO READ AS FOLLOWS:

**Rule 15.5. Suitability**

**760 IAC 2-15.5-1 Suitability**

Authority: IC 27-8-12-7  
Affected: IC 27-8-12

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Sec. 1. (a) This section shall not apply to life insurance policies that accelerate benefits for long term care.

(b) Every insurer, health care service plan, or other entity marketing long term care insurance (the “issuer”) shall do the following:

- (1) Develop and use suitability standards to determine whether the purchase or replacement of long term care insurance is appropriate for the needs of the applicant.
- (2) Train its insurance producers in the use of its suitability standards.
- (3) Maintain a copy of its suitability standards and make them available for inspection upon request by the commissioner.

(c) To determine whether the applicant meets the standards developed by the issuer, the insurance producer and issuer shall develop procedures that take the following into consideration:

- (1) The ability to pay for the proposed coverage and other pertinent financial information related to the purchase of the coverage.
- (2) The applicant’s goals or needs with respect to long term care and the advantages and disadvantages of insurance to meet these goals or needs.
- (3) The values, benefits, and costs of the applicant’s existing insurance, if any, when compared to the values, benefits, and costs of the recommended purchase or replacement.

(d) The issuer and, where an insurance producer is involved, the insurance producer shall make reasonable efforts to obtain the information set out in subsection (c). The efforts shall include presentation to the applicant, at or prior to application, of the “Long Term Care Insurance Personal Worksheet”. The personal worksheet used by the issuer shall contain, at a minimum, the information in the format contained in 760 IAC 2-19.5, in not less than 12-point type. The issuer may request the applicant to provide additional information to comply with its suitability standards. A copy of the issuer’s personal worksheet shall be filed with the commissioner.

(e) A completed personal worksheet shall be returned to the issuer prior to the issuer’s consideration of the applicant for coverage, except the personal worksheet need not be returned for sales of employer group long term care insurance to employees and their spouses.

(f) The sale or dissemination outside the company or agency by the issuer or insurance producer of information obtained through the personal worksheet is prohibited.

(g) The issuer shall use the suitability standards it has developed under this section in determining whether issuing long term care insurance coverage to an applicant is appropriate.

(h) Producers shall use the suitability standards developed by the issuer in marketing long term care insurance.

(i) At the same time as the personal worksheet is provided to the applicant, the disclosure form entitled “Things You Should Know Before You Buy Long Term Care Insurance” shall be provided. The form shall be in the format contained in 760 IAC 2-19.5-3 in not less than 12-point type.

(j) If the issuer determines that the applicant does not meet its financial suitability standards or if the applicant has declined to provide the information, the issuer may reject the application. However, if the applicant has declined to provide financial information, the issuer may use some other method to verify the applicant’s intent. Either the applicant’s returned letter or a record of the alternative method of verification shall be made part of the applicant’s file.

(k) The issuer shall report annually to the commissioner the total number of the following:

- (1) Applications received from residents of this state.
- (2) Those who declined to provide information on the personal worksheet.
- (3) Applicants who did not meet the suitability standards.
- (4) Those who chose to confirm after receiving a suitability letter.

*(Department of Insurance; 760 IAC 2-15.5-1; filed Oct 7, 2004, 1:00 p.m.: 28 IR 575)*

SECTION 31. 760 IAC 2-16-1 IS AMENDED TO READ AS FOLLOWS:

### 760 IAC 2-16-1 Appropriateness of recommended purchase

Authority: IC 27-8-12-7  
Affected: IC 27-8-12

Sec. 1. In recommending the purchase or replacement of any long term care insurance policy, certificate, or subscriber agreement, an **agent insurance producer** shall make reasonable efforts to determine the appropriateness of a recommended purchase or replacement. *(Department of Insurance; 760 IAC 2-16-1; filed Oct 30, 1992, 12:00 p.m.: 16 IR 867; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 576)*

SECTION 32. 760 IAC 2-16.1 IS ADDED TO READ AS FOLLOWS:

### Rule 16.1. Nonforfeiture Benefit Requirement

#### 760 IAC 2-16.1-1 Nonforfeiture

Authority: IC 27-8-12-7; IC 27-8-12-14  
Affected: IC 27-8-12

Sec. 1. (a) This section does not apply to life insurance



policies or riders containing accelerated long term care benefits.

(b) A long term care insurance policy may not be delivered or issued for delivery in Indiana unless the policyholder or certificate holder has been offered the option of purchasing a policy or certificate including a nonforfeiture benefit. A policy or certificate offered with nonforfeiture benefits shall have coverage elements, eligibility, benefit triggers, and benefit length that are the same as coverage to be issued without nonforfeiture benefits. The nonforfeiture benefit included in the offer shall be the benefit described in subsection (e). The offer shall be in writing if the nonforfeiture benefit is not otherwise described in the outline of coverage or other materials given to the prospective policyholder.

(c) If the offer is rejected, the insurer shall provide the contingent benefit upon lapse described in this section.

(d) After rejection of the offer, for individual and group policies without nonforfeiture benefits issued after the effective date of this section, the insurer shall provide a contingent benefit upon lapse. In the event a group policyholder elects to make the nonforfeiture benefit an option to the certificate holder, a certificate shall provide either the nonforfeiture benefit or the contingent benefit upon lapse. The contingent benefit on lapse shall be triggered every time an insurer increases the premium rates to a level that results in a cumulative increase of the annual premium equal to or exceeding the percentage of the insured's initial annual premium set forth in the following table based on the insured's issue age, and the policy or certificate lapses within one hundred twenty (120) days of the due date of the premium so increased. Unless otherwise required, policyholders shall be notified at least thirty (30) days prior to the due date of the premium reflecting the rate increase.

**Triggers for a Substantial Premium Increase**

Issue Age	Percent Increase Over Initial Premium
29 and under	200%
30-34	190%
35-39	170%
40-44	150%
45-49	130%
50-54	110%
55-59	90%
60	70%
61	66%
62	62%
63	58%
64	54%
65	50%
66	48%

67	46%
68	44%
69	42%
70	40%
71	38%
72	36%
73	34%
74	32%
75	30%
76	28%
77	26%
78	24%
79	22%
80	20%
81	19%
82	18%
83	17%
84	16%
85	15%
86	14%
87	13%
88	12%
89	11%
90 and over	10%

On or before the effective date of a substantial premium increase, the insurer shall do the following:

- (1) Offer to reduce policy benefits provided by the current coverage without the requirement of additional underwriting so that required premium payments are not increased.
- (2) Offer to convert the coverage to a paid-up status with a shortened benefit period in accordance with the terms of subsection (e). This option may be elected at any time during the one hundred twenty (120) day period referenced in subdivision (3).
- (3) Notify the policyholder or certificate holder that a default or lapse at any time during the one hundred twenty (120) day period referenced in this subdivision shall be deemed to be the election of the offer to convert in subsection (b).

(e) Benefits continued as nonforfeiture benefits, including contingent benefits upon lapse, are as follows:

- (1) For purposes of this subsection, "attained age rating" means a schedule of premiums starting from the issue date that increases at least one percent (1%) per year prior to fifty (50) years of age, and at least three percent (3%) per year beyond fifty (50) years of age.
- (2) For purposes of this subsection, the nonforfeiture benefit shall be of a shortened benefit period providing paid-up long term care insurance coverage after lapse. The same benefits (amounts and frequency in effect at the

time of lapse but not increased thereafter) will be payable for a qualifying claim, but the lifetime maximum dollars or days of benefits shall be determined as specified in subdivision (3).

(3) The standard nonforfeiture credit will be equal to one hundred percent (100%) of the sum of all premiums paid, including the premiums paid prior to any changes in benefits. The insurer may offer additional shortened benefit period options, as long as the benefits for each duration equal or exceed the standard nonforfeiture credit for that duration. However, the minimum nonforfeiture credit shall be not less than thirty (30) times the daily nursing home benefit at the time of lapse. In either event, the calculation of the nonforfeiture credit is subject to the limitation of subsection (f).

(4) The nonforfeiture benefit shall begin not later than the end of the third year following the policy or certificate issue date. The contingent benefit upon lapse shall be effective during the first three (3) years as well as thereafter. For a policy or certificate with attained age rating, the nonforfeiture benefit shall begin on the earlier of the end of:

(A) the tenth year following the policy or certificate issue date; or

(B) the second year following the date the policy or certificate is no longer subject to attained age rating.

(5) Nonforfeiture credits may be used for all care and services qualifying for benefits under the terms of the policy or certificate, up to the limits specified in the policy or certificate.

(f) All benefits paid by the insurer while the policy or certificate is in premium paying status and in the paid-up status will not exceed the maximum benefits that would be payable if the policy or certificate had remained in premium paying status.

(g) There shall be no difference in the minimum nonforfeiture benefits as required under this section for group and individual policies.

(h) The requirements set forth in this section shall become effective twelve (12) months after adoption of this rule and shall apply as follows:

(1) Except as provided in subdivision (2), this section applies to any long term care policy issued in this state on or after the effective date of this section.

(2) For certificates issued on or after the effective date of this section, under a group long term care insurance policy, which policy was in force at the time this section became effective, this section shall not apply.

(i) Premiums charged for a policy or certificate containing nonforfeiture benefits or a contingent benefit on lapse shall be subject to the loss ratio requirements of 760 IAC 2-13 treating the policy as a whole.

(j) To determine whether contingent nonforfeiture upon lapse provisions are triggered under subsection (d), a replacing insurer that purchased or otherwise assumed a block or blocks of long term care insurance policies from another insurer shall calculate the percentage increase based on the initial annual premium paid by the insured when the policy was first purchased from the original insurer.

(k) A nonforfeiture benefit for federally tax-qualified long term care insurance contracts that are level premium contracts shall be offered that meets the following requirements:

(1) The nonforfeiture provision shall be appropriately captioned.

(2) The nonforfeiture provision shall provide a benefit available in the event of a default in the payment of any premiums and shall state that the amount of the benefit may be adjusted subsequent to being initially granted only as necessary to reflect changes in claims, persistency, and interest as reflected in changes in rates for premium paying contracts approved by the commissioner for the same contract form.

(3) The nonforfeiture provision shall provide at least one (1) of the following:

(A) Reduced paid-up insurance.

(B) Extended term insurance.

(C) Shortened benefit period.

(D) Other similar offerings approved by the commissioner.

*(Department of Insurance; 760 IAC 2-16.1-1; filed Oct 7, 2004, 1:00 p.m.: 28 IR 576)*

### 760 IAC 2-16.1-2 Standards for benefit triggers

Authority: IC 27-8-12-7; IC 27-8-12-14

Affected: IC 27-8-12

Sec. 2. (a) A long term care insurance policy shall condition the payment of benefits on a determination of the insured's ability to perform activities of daily living and on cognitive impairment. Eligibility for the payment of benefits shall not be more restrictive than requiring either a deficiency in the ability to perform not more than three (3) of the activities of daily living or the presence of cognitive impairment.

(b) Insurers may use additional activities of daily living to trigger covered benefits as long as they are defined in the policy.

(c) An insurer may use additional provisions for the determination of when benefits are payable under a policy or certificate; however, the provisions shall not restrict, and are not in lieu of, the requirements contained in subsections (a) and (b).

(d) For purposes of this section, the determination of a deficiency shall not be more restrictive than the following:

- (1) The hands-on assistance of another person to perform the prescribed activities of daily living.
- (2) If the deficiency is due to the presence of a cognitive impairment, supervision, or verbal cuing by another person in order to protect the insured or others.

(e) Assessments of activities of daily living and cognitive impairment shall be performed by licensed or certified professionals, such as physicians, nurses, or social workers.

(f) Long term care insurance policies shall include a clear description of the process for appealing and resolving benefit determinations.

(g) This section shall be effective July 1, 2005, and shall apply as follows:

- (1) Except as provided in subdivision (2), this section applies to a long term care policy issued in this state on or after the effective date of this section.
- (2) For certificates issued on or after the effective date of this section, under a group long term care insurance policy that was in force at the time this section became effective, this rule shall not apply.

*(Department of Insurance; 760 IAC 2-16.1-2; filed Oct 7, 2004, 1:00 p.m.: 28 IR 578)*

**760 IAC 2-16.1-3 Standards for benefit triggers for federally tax-qualified long term care insurance contracts**

Authority: IC 27-8-12-7; IC 27-8-12-14  
 Affected: IC 27-8-12

Sec. 3. (a) For purposes of this section the following definitions apply:

(1) "Federally tax-qualified long term care services" means services that meet the requirements of Section 7702(c)(1) of the Internal Revenue Code of 1986, as amended, as necessary:

- (A) diagnostic;
- (B) preventive;
- (C) therapeutic;
- (D) curative;
- (E) treatment;
- (F) mitigation;
- (G) rehabilitative; and
- (H) maintenance or personal care;

services that are required by a chronically ill individual and are provided under a plan of care prescribed by a licensed health care practitioner.

(2) "Chronically ill individual" has the meaning set forth in Section 7702B(c)(2) of the Internal Revenue Code of 1986, as amended. Under this provision, the term means any individual who has been certified by a licensed health care practitioner as:

- (A) being unable to perform (without substantial assistance from another individual) at least two (2) activities of daily living for a period of at least ninety (90) days due to a loss of functional capacity; or
- (B) requiring substantial supervision to protect the individual from threats to health and safety due to severe cognitive impairment.

The term shall not include an individual otherwise meeting these requirements unless within the preceding twelve (12) month period a licensed health care practitioner has certified that the individual meets these requirements.

(3) "Licensed health care practitioner" means one (1) of the following:

- (A) A physician, as defined in Section 1861(r)(1) of the Social Security Act.
- (B) A registered professional nurse.
- (C) A licensed social worker.
- (D) An individual who meets requirements prescribed by the Secretary of the Treasury.

(4) "Maintenance or personal care services" means any care the primary purpose of which is the provision of needed assistance with any of the disabilities as a result of which the individual is a chronically ill individual (including the protection from threats to health and safety due to severe cognitive impairment).

(b) A federally tax-qualified long term care insurance contract shall pay only for federally tax-qualified long term care services received by a chronically ill individual provided under a plan of care prescribed by a licensed health care practitioner.

(c) A federally tax-qualified long term care insurance contract shall condition the payment of benefits on a determination of the insured's inability to perform activities of daily living for an expected period of at least ninety (90) days due to a loss of functional capacity or to severe cognitive impairment.

(d) Certifications regarding activities of daily living and cognitive impairment required under subsection (c) shall be performed by the following licensed or certified professionals:

- (1) Physicians.
- (2) Registered professional nurses.
- (3) Licensed social workers.
- (4) Other individuals who meet requirements prescribed by the Secretary of the Treasury.

(e) Certifications required under subsection (c) may be performed by a licensed health care professional at the direction of the carrier as is reasonably necessary with respect to a specific claim, except that when a licensed health care practitioner has certified that an insured is unable to perform activities of daily living for an expected

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period of at least ninety (90) days due to a loss of functional capacity and the insured is in claim status, the certification may not be rescinded, and additional certifications may not be performed until after the expiration of the ninety (90) day period.

(f) **Federally tax-qualified long term care insurance contracts shall include a clear description of the process for appealing and resolving disputes with respect to benefit determinations.** (*Department of Insurance; 760 IAC 2-16.1-3; filed Oct 7, 2004, 1:00 p.m.: 28 IR 579*)

SECTION 33. 760 IAC 2-17-1 IS AMENDED TO READ AS FOLLOWS:

### 760 IAC 2-17-1 Standard

Authority: IC 27-8-12-7; IC 27-8-12-14

Affected: IC 27-8-12

Sec. 1. (a) The outline of coverage shall be a free-standing document, using no smaller than ~~ten (10)~~ **point 12-point** type.

(b) The outline of coverage shall contain no material of an advertising nature.

(c) Text **which that** is capitalized or underscored in the standard format outline of coverage may be emphasized by other means **which that** provide prominence equivalent to such capitalization or underscoring.

(d) Use of the text and sequence of text of the standard format outline of coverage is mandatory, unless otherwise specifically indicated.

(e) The format for the outline of coverage shall be as follows:

[COMPANY NAME]  
[ADDRESS – CITY AND STATE]  
[TELEPHONE NUMBER]  
LONG TERM CARE INSURANCE  
OUTLINE OF COVERAGE

[Policy Number or Group Master Policy and Certificate Number]

[Except for policies, certificates, or subscriber agreements **which that** are guaranteed issue, the following caution statement, or language substantially similar, must appear in the outline of coverage.]

Caution: The issuance of this long term care insurance [policy] [certificate] [subscriber agreement] is based upon your responses to the questions on your application. A copy of your [application] [enrollment form] [is enclosed] [was retained by you when you applied]. If your answers are incorrect or untrue, the company has the right to deny benefits or rescind your policy. The best time to clear up any questions is now, before a claim arises! If, for any reason, any of your answers are incorrect, contact the company at this address: [insert address]

1. This policy is [an individual policy of insurance] ([a group

policy] **which that** was issued in the [indicate jurisdiction in which group policy was issued]).

2. **PURPOSE OF OUTLINE OF COVERAGE.** This outline of coverage provides a very brief description of the important features of the policy. You should compare this outline of coverage to outlines of coverage for other policies available to you. This is not an insurance contract, but only a summary of coverage. Only the individual or group policy contains governing contractual provisions. This means that the policy or group policy sets forth in detail the rights and obligations of both you and the insurance company. Therefore, if you purchase this coverage, or any other coverage, it is important that you **READ YOUR POLICY (OR CERTIFICATE) CAREFULLY!**

3. **FEDERAL TAX CONSEQUENCES.** This [policy] [certificate] is intended to be a federally tax-qualified long term care insurance contract under Section 7702B(b) of the Internal Revenue Code of 1986 as amended.

**OR**

**Federal Tax Implications of this [policy] [certificate].** This [policy] [certificate] is not intended to be a federally tax-qualified long term care insurance contract under Section 7702B(b) of the Internal Revenue Code of 1986 as amended. **Benefits received under the [policy] [certificate] may be taxable as income.**

4. **TERMS UNDER WHICH THE POLICY OR CERTIFICATE MAY BE CONTINUED IN FORCE OR DISCONTINUED.**

(a) [For long term care health insurance policies or certificates describe one of the following permissible policy renewability provisions:

(1) **Policies and certificates that are guaranteed renewable shall contain the following statement:] RENEWABILITY: THIS POLICY [CERTIFICATE] IS GUARANTEED RENEWABLE.** This means you have the right, subject to the terms of your policy, [certificate] to continue this policy as long as you pay your premiums on time. [Company name] cannot change any of the terms of your policy on its own, except that, in the future, IT MAY INCREASE THE PREMIUM YOU PAY.

(2) **[Policies and certificates that are noncancellable shall contain the following statement:] RENEWABILITY: THIS POLICY [CERTIFICATE] IS NONCANCELLABLE.** This means that you have the right, subject to the terms of your policy, to continue this policy as long as you pay your premiums on time. [Company Name] cannot change any of the terms of your policy on its own and cannot change the premium you currently pay. However, if your policy contains an inflation protection feature where you choose to increase your benefits, [Company Name] may increase your premium at that time for those additional benefits.

(b) [For group coverage, specifically describe continua-

tion/conversion provisions applicable to the certificate and group policy.]

(c) [Describe waiver of premium provisions or state that there are no such provisions.]

**5. TERMS UNDER WHICH THE COMPANY MAY CHANGE PREMIUMS.**

[In boldface type larger than the maximum type required to be used for the other provisions of the outline of coverage, state whether or not the company has a right to change the premium and, if a right exists, describe clearly and concisely each circumstance under which the premium may change.]

~~3~~ **6. TERMS UNDER WHICH THE POLICY OR CERTIFICATE MAY BE RETURNED AND PREMIUM REFUNDED.**

(a) [Provide a brief description of the right to return – “free look” provision of the policy.]

(b) [Include a statement that the policy either does or does not contain provisions providing for a refund or partial refund of premium upon the death of an insured or surrender of the policy or certificate. If the policy contains such provisions, include a description of them.]

~~4~~ **7. THIS IS NOT MEDICARE SUPPLEMENT COVERAGE.** If you are eligible for Medicare, review the Medicare Supplement Buyer’s Guide available from the insurance company.

(a) [For ~~agents~~ **insurance producers**] Neither [insert company name] nor its ~~agents~~ **insurance producers** represent Medicare, the federal government, or any state government.

(b) [For direct response] [insert company name] is not representing Medicare, the federal government, or any state government.

~~5~~ **8. LONG TERM CARE COVERAGE.** Policies of this category are designed to provide coverage for one (1) or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services, provided in a setting other than an acute care unit of a hospital, such as in a nursing home, in the community, or in the home. This policy provides coverage in the form of a fixed dollar indemnity benefit for covered long term care expenses, subject to policy [limitations] [waiting periods] and [coinsurance] requirements. [Modify this paragraph if the policy is not an indemnity policy.]

~~6~~ **9. BENEFITS PROVIDED BY THIS POLICY.**

(a) [Covered services, related deductible(s), waiting periods, elimination periods, and benefit maximums.]

(b) [Institutional benefits, by skill level.]

(c) [Noninstitutional benefits, by skill level.]

**(d) Eligibility for payment of benefits. [Activities of daily living and cognitive impairment shall be used to measure an insured’s need for long term care and must be defined and described as part of the outline of coverage.]**

[Any benefit screens must be explained in this section. If

these screens differ for different benefits, explanation of the screen should accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this too must be specified. If activities of daily living (ADLs) are used to measure an insured’s need for long term care, then these qualifying criteria or screens must be explained.]

~~7~~ **10. LIMITATIONS AND EXCLUSIONS.**

[Describe:

(a) Preexisting conditions.

(b) Noneligible facilities/provider.

(c) Noneligible levels of care, e.g., unlicensed providers, care or treatment provided by a family member, etc.

(d) Exclusions/exceptions.

(e) Limitations.]

[This section should provide a brief specific description of any policy provisions ~~which~~ **that** limit, exclude, restrict, reduce, delay, or, in any other manner, operate to qualify payment of the benefits described in ~~(6)~~ **(9)** above.]

**THIS POLICY MAY NOT COVER ALL THE EXPENSES ASSOCIATED WITH YOUR LONG TERM CARE NEEDS.**

~~8~~ **11. RELATIONSHIP OF COST OF CARE AND BENEFITS.** Because the costs of long term care services will likely increase over time, you should consider whether and how the benefits of this plan may be adjusted. [As applicable, indicate the following:

(a) That the benefit level will not increase over time.

(b) Any automatic benefit adjustment provisions.

(c) Whether the insured will be guaranteed the option to buy additional benefits and the basis upon which benefits will be increased over time if not by a specified amount or percentage.

(d) If there is such a guarantee, include whether additional underwriting or health screening will be required, the frequency and amounts of the upgrade options, and any significant restrictions or limitations.

(e) And finally, describe whether there will be any additional premium charge imposed and how that is to be calculated.]

~~9~~ **12. TERMS UNDER WHICH THE POLICY (OR CERTIFICATE) MAY BE CONTINUED IN FORCE OR DISCONTINUED.**

[(a) Describe the policy renewability provisions.

(b) For group coverage, specifically describe continuation/conversion provisions applicable to the certificate and group policy.

(c) Describe waiver of premium provisions or state that there are ~~not~~ **no** such provisions.

(d) State whether or not the company has a right to change premium and, if such a right exists, describe clearly and concisely each circumstance under which premium may change.]

~~10~~ **13. ALZHEIMER’S DISEASE AND OTHER ORGANIC BRAIN DISORDERS.**

[State that the policy provides coverage for insureds clinically diagnosed as having Alzheimer’s disease or related degenerative and dementing illnesses. Specifically describe each benefit screen or other policy provision **which that** provides preconditions to the availability of policy benefits for such an insured.]

**14. PREMIUM.**

- [(a) State the total annual premium for the policy. (b) If the premium varies with an applicant’s choice among benefit options, indicate the portion of annual premium **which that** corresponds to each benefit option.]

**15. ADDITIONAL FEATURES.**

- [(a) Indicate if medical underwriting is used. (b) Describe other important features.]

**16. CONTACT THE STATE SENIOR HEALTH INSURANCE INFORMATION PROGRAM IF YOU HAVE GENERAL QUESTIONS REGARDING LONG TERM CARE INSURANCE. CONTACT THE INSURANCE COMPANY IF YOU HAVE SPECIFIC QUESTIONS REGARDING YOUR LONG TERM CARE INSURANCE POLICY OR CERTIFICATE.**

*(Department of Insurance; 760 IAC 2-17-1; filed Oct 30, 1992, 12:00 p.m.: 16 IR 868; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 580)*

SECTION 34. 760 IAC 2-18-1 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 2-18-1 Delivery**

Authority: IC 27-8-12-7  
Affected: IC 27-8-12-14.5

Sec. 1. (a) A long term care insurance shopper’s guide in a format developed by the National Association of Insurance Commissioners, or a guide developed or approved by the commissioner, shall be provided to all prospective applicants of a long term care insurance policy or certificate. Delivery shall be as follows:

- (1) ~~In the case of agent~~ **For insurance producer** solicitations, an ~~agent insurance producer~~ must deliver the shopper’s guide prior to the presentation of an application or enrollment form.
- (2) ~~In the case of~~ **For** direct response solicitations, the shopper’s guide must be presented in conjunction with any application or enrollment form.

(b) Life insurance policies or riders containing accelerated long term care benefits are not required to furnish the guide referenced in subsection (a), but shall furnish the policy summary required under IC 27-8-12-14.5. *(Department of Insurance; 760 IAC 2-18-1; filed Oct 30, 1992, 12:00 p.m.: 16 IR 869; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 582)*

SECTION 35. 760 IAC 2-19-2 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 2-19-2 Other sanctions**

Authority: IC 27-8-12-7  
Affected: IC 27-8-12

Sec. 2. In addition to any other sanction provided under the laws or rules of this state, the commissioner may impose a penalty against the insurance ~~agent~~ **producer** who has violated the laws or rules. The penalty shall be the greater of **the following:**

- (1) Three (3) times the amount of the commissions paid for each policy involved in the violation. ~~or~~
- (2) Two thousand five hundred dollars (\$2,500).

*(Department of Insurance; 760 IAC 2-19-2; filed Oct 30, 1992, 12:00 p.m.: 16 IR 870; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 582)*

SECTION 36. 760 IAC 2-19.5 IS ADDED TO READ AS FOLLOWS:

**Rule 19.5. Standard Forms**

**760 IAC 2-19.5-1 Long term care insurance personal worksheet**

Authority: IC 27-8-12-7  
Affected: IC 27-8-12

**Sec. 1. The long term care insurance personal worksheet is as follows:**

**Long Term Care Insurance  
Personal Worksheet**

**People buy long term care insurance for many reasons. Some don’t want to use their own assets to pay for long term care. Some buy insurance to make sure they can choose the type of care they get. Others don’t want their family to have to pay for care or don’t want to go on Medicaid. But long term care insurance may be expensive and may not be right for everyone.**

**By state law, the insurance company must fill out part of the information on this worksheet and ask you to fill out the rest to help you and the company decide if you should buy this policy.**

**Premium Information**

**Policy Form Numbers \_\_\_\_\_  
The premium for the coverage you are considering will be [\$ \_\_\_\_\_ per month, or \$ \_\_\_\_\_ per year,] [a one-time single premium of \$ \_\_\_\_\_.]**

**Type of Policy (noncancellable/guaranteed renewable):**

\_\_\_\_\_

**The Company’s Right to Increase Premiums:**

\_\_\_\_\_

**[The company cannot raise your rates on this policy.] [The company has a right to increase premiums on this policy**

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form in the future, provided it raises rates for all policies in the same class in this state.] [Insurers shall use appropriate bracketed statement. Rate guarantees shall not be shown on this form.]

**Rate Increase History**

The company has sold long term care insurance since [year] and has sold this policy since [year]. [The company has never raised its rates for any long term care policy it has sold in this state or any other state.] [The company has not raised its rates for this policy form or similar policy forms in this state or any other state in the last 10 years.] [The company has raised its premium rates on this policy form or similar policy forms in the last 10 years. Following is a summary of the rate increases.]

**Questions Related to Your Income**

How will you pay each year's premium?

- From my Income
- From my Savings/Investments
- My Family will Pay

[Have you considered whether you could afford to keep this policy if the premiums went up, for example, by 20%?]

What is your annual income? (check one)

- Under \$10,000
- [\$10-20,000]
- [\$20-30,000]
- [\$30-50,000]
- Over \$50,000

How do you expect your income to change over the next 10 years? (check one)

- No change
- Increase
- Decrease

If you will be paying premiums with money received only from your own income, a rule of thumb is that you may not be able to afford this policy if the premiums will be more than 7% of your income.

Will you buy inflation protection? (check one) Yes No

If not, have you considered how you will pay for the difference between future costs and your daily benefit amount?

- From my Income
- From my Savings/Investments
- My Family will Pay

The national average annual cost of care in [insert year] was [insert \$ amount], but this figure varies across the country. In ten years the national average annual cost would be about [insert \$ amount] if costs increase 5% annually.

What elimination period are you considering? Number of

days \_\_\_\_\_ Approximate cost \$ \_\_\_\_\_ for that period of care.

How are you planning to pay for your care during the elimination period? (check one)

- From my Income
- From my Savings/Investments
- My Family will Pay

**Questions Related to Your Savings and Investments**

Not counting your home, about how much are all of your assets (your savings and investments) worth? (check one)

- Under \$20,000
- \$20,000-\$30,000
- \$30,000-\$50,000
- Over \$50,000

How do you expect your assets to change over the next ten years? (check one)

- Stay about the same
- Increase
- Decrease

If you are buying this policy to protect your assets and your assets are less than \$30,000, you may wish to consider other options for financing your long term care.

**Disclosure Statement**

The answers to the questions above describe my financial situation.

Or

I choose not to complete this information.

(Check one.)

I acknowledge that the carrier and/or its insurance producer (below) has reviewed this form with me including the premium, premium rate increase history, and potential for premium increases in the future. [For direct mail situations, use the following: I acknowledge that I have reviewed this form including the premium, premium rate increase history, and potential for premium increases in the future.] I understand the above disclosures. I understand that the rates for this policy may increase in the future. (This box must be checked).

Signed: \_\_\_\_\_  
(Applicant)

\_\_\_\_\_  
(Date)

[I explained to the applicant the importance of completing this information.

Signed: \_\_\_\_\_  
(Insurance Producer)

\_\_\_\_\_  
(Date)

Agent's Printed Name: \_\_\_\_\_]

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[In order for us to process your application, please return this signed statement to [name of company], along with your application.]

[My agent has advised me that this policy does not seem to be suitable for me. However, I still want the company to consider my application.

Signed: \_\_\_\_\_]

(Applicant)

\_\_\_\_\_  
(Date)

The company may contact you to verify your answers.  
(Department of Insurance; 760 IAC 2-19.5-1; filed Oct 7, 2004, 1:00 p.m.: 28 IR 582)

### 760 IAC 2-19.5-2 Potential rate increase disclosure form

Authority: IC 27-8-12-7

Affected: IC 27-8-12

Sec. 2. The form required by 760 IAC 2-4-2(e) is as follows:

#### Instructions:

This form provides information to the applicant regarding premium rate schedules, rate schedule adjustments, potential rate revisions, and policyholder options in the event of a rate increase.

Insurers shall provide all of the following information to the applicant:

Long Term Care Insurance

Potential Rate Increase Disclosure Form

1. [Premium Rate] [Premium Rate Schedules]: [Premium rate] [Premium rate schedules] that [is][are] applicable to you and that will be in effect until a request is made and [approved] for an increase [is][are] [on the application][(\$ \_\_\_\_\_)]

2. The [premium] [premium rate schedule] for this policy [will be shown on the schedule page of] [will be attached to] your policy.

#### 3. Rate Schedule Adjustments:

The company will provide a description of when premium rate or rate schedule adjustments will be effective (for example, next anniversary date, next billing date, etc.) (fill in the blank): \_\_\_\_\_.

#### 4. Potential Rate Revisions:

This policy is Guaranteed Renewable. This means that the rates for this product may be increased in the future. Your rates can NOT be increased due to your increasing age or declining health, but your rates may go up based on the experience of all policyholders with a policy similar to yours.

If you receive a premium rate or premium rate schedule increase in the future, you will be notified of the new premium amount and you will be able to exercise at least one (1) of the following options:

§ Pay the increased premium and continue your policy in force as is.

§ Reduce your policy benefits to a level such that your premiums will not increase. (Subject to state law minimum standards.)

§ Exercise your nonforfeiture option if purchased. (This option is available for purchase for an additional premium.)

§ Exercise your contingent nonforfeiture rights\*. (This option may be available if you do not purchase a separate nonforfeiture option.)

#### Turn the Page

##### \* Contingent Nonforfeiture

If the premium rate for your policy goes up in the future and you did not buy a nonforfeiture option, you may be eligible for contingent nonforfeiture. Here is how to tell if you are eligible:

You will keep some long term care insurance coverage, if:

- Your premium after the increase exceeds your original premium by the percentage shown (or more) in the following table; and
- You lapse (not pay more premiums) within one hundred twenty (120) days of the increase.

The amount of coverage (for example, new lifetime maximum benefit amount) you will keep will equal the total amount of premiums you have paid since your policy was first issued. If you have already received benefits under the policy, so that the remaining maximum benefit amount is less than the total amount of premiums you have paid, the amount of coverage will be that remaining amount.

Except for this reduced lifetime maximum benefit amount, all other policy benefits will remain at the levels attained at the time of the lapse and will not increase thereafter.

Should you choose this Contingent Nonforfeiture option, your policy, with this reduced maximum benefit amount, will be considered "paid-up" with no further premiums due.

#### Example:

- You bought the policy at age sixty-five (65) and paid the one thousand dollars (\$1,000) annual premium for ten (10) years, so you have paid a total of ten thousand dollars (\$10,000) in premium.
- In the eleventh year, you receive a rate increase of fifty percent (50%), or five hundred (\$500) for a new annual premium of one thousand five hundred (\$1,500), and you decide to lapse the policy (not pay any more premiums).
- Your "paid-up" policy benefits are ten thousand dollars (\$10,000) (provided you have a least ten thousand dollars (\$10,000) of benefits remaining under your policy.)

#### Turn the Page

##### Contingent Nonforfeiture

Cumulative Premium Increase over Initial Premium  
That qualifies for Contingent Nonforfeiture



(Percentage increase is cumulative from date of original issue. It does NOT represent a one-time increase.)

Issue Age	Percent Increase Over Initial Premium
29 and under	200%
30-34	190%
35-39	170%
40-44	150%
45-49	130%
50-54	110%
55-59	90%
60	70%
61	66%
62	62%
63	58%
64	54%
65	50%
66	48%
67	46%
68	44%
69	42%
70	40%
71	38%
72	36%
73	34%
74	32%
75	30%
76	28%
77	26%
78	24%
79	22%
80	20%
81	19%
82	18%
83	17%
84	16%
85	15%
86	14%
87	13%
88	12%
89	11%
90 and over	10%

*(Department of Insurance; 760 IAC 2-19.5-2; filed Oct 7, 2004, 1:00 p.m.: 28 IR 584)*

**760 IAC 2-19.5-3 Disclosure form**

Authority: IC 27-8-12-7  
 Affected: IC 27-8-12

**Sec. 3. The form required by 760 IAC 2-15.5-1(i) is as follows:**

**Things You Should Know Before You Buy Long Term Care Insurance**

- A long term care insurance policy may pay most of the costs for your care in a nursing home. Many policies also pay for care at home or other community settings. Since

policies can vary in coverage, you should read this policy and make sure you understand what it covers before you buy it.

- [You should not buy this insurance policy unless you can afford to pay the premiums every year.] [Remember that the company can increase premiums in the future.]

**Drafting Note:** For single premium policies, delete this bullet; for noncancellable policies, delete the second sentence only.

- The personal worksheet includes questions designed to help you and the company determine whether this policy is suitable for your needs.

**Medicare**

- Medicare does not pay for most long term care.

**Medicaid**

- Medicaid will generally pay for long term care if you have very little income and few assets. You probably should not buy this policy if you are now eligible for Medicaid.

- Many people become eligible for Medicaid after they have used up their own financial resources by paying for long term care services.

- When Medicaid pays your spouse’s nursing home bills, you are allowed to keep your house and furniture, a living allowance, and some of your joint assets.

- Your choice of long term care services may be limited if you are receiving Medicaid. To learn more about Medicaid, contact your local or state Medicaid agency.

**Shopper’s Guide**

- Make sure the insurance company or agent gives you a copy of a book called the National Association of Insurance Commissioners’ “Shopper’s Guide to Long Term Care Insurance”. Read it carefully. If you have decided to apply for long term care insurance, you have the right to return the policy within thirty (30) days and get back any premium you have paid if you are dissatisfied for any reason or choose not to purchase the policy.

**Counseling**

- Free counseling and additional information about long term care insurance are available through your state’s insurance counseling program. Contact your state insurance department or department on aging for more information about the senior health insurance counseling program in your state.

*(Department of Insurance, 760 IAC 2-19.5-3; filed Oct 7, 2004, 1:00 p.m.: 28 IR 585)*

SECTION 37. 760 IAC 2-20-10 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 2-20-10 “Case management agency” defined**

Authority: IC 27-8-12-7.1  
 Affected: IC 12-15-2; IC 12-15-39.6

Sec. 10. As used in this rule, “case management agency” means an agency or other entity approved by DDARS and

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**OMPP** as meeting DDARS case management standards contained in the DDARS community and home care services provider manual. (*Department of Insurance; 760 IAC 2-20-10; filed Nov 20, 1992, 9:00 a.m.: 16 IR 1146; filed Feb 9, 1999, 5:02 p.m.: 22 IR 1989; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 585*)

SECTION 38. 760 IAC 2-20-31.1 IS AMENDED TO READ AS FOLLOWS:

### **760 IAC 2-20-31.1 “Residential care facility” defined**

**Authority:** IC 27-8-12-7.1

**Affected:** IC 12-10-12; IC 12-15-2; IC 16-28

Sec. 31.1. As used in this rule, “residential care facility”, also referred to as assisted living facility and alternate care facility, means a facility licensed under ~~IC 16-28~~ and ~~410 IAC 16.2-5~~ **which that:**

- (1) provides twenty-four (24) hour a day care and services sufficient to support needs resulting from **an** inability to perform activities of daily living or cognitive impairment;
- (2) has a trained and ready to respond employee on duty in the facility at all times to provide care;
- (3) provides three (3) meals a day and accommodates special dietary needs;
- (4) has written contractual arrangements or otherwise ensures that residents receive the medical care services of a physician or nurse in case of emergency; and
- (5) has appropriate methods and procedures for the handling and administration of prescribed medications and treatments.

**A requirement that a residential care facility be licensed under IC 16-28 and 410 IAC 16.2-5 is optional for the issuer.** (*Department of Insurance; 760 IAC 2-20-31.1; filed Jun 15, 1994, 10:00 a.m.: 17 IR 2646; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 586*)

SECTION 39. 760 IAC 2-20-34 IS AMENDED TO READ AS FOLLOWS:

### **760 IAC 2-20-34 Standards for marketing**

**Authority:** IC 27-8-12-7.1

**Affected:** IC 12-15-2; IC 12-15-39.6; IC 27-1-15.5-7.1; IC 27-1-15.5-7.3

Sec. 34. No long term care insurance policy, ~~or~~ certificate, or rider may be advertised, solicited, or issued for delivery in this state as a qualified long term care insurance policy, ~~or~~ certificate, or rider **which that** does not meet the requirements of this article and has not been approved by the commissioner of the department of insurance as a qualified long term care insurance policy, ~~or~~ certificate, or rider. Each issuer seeking to qualify a long term care policy, ~~or~~ certificate, or rider for participation in the Indiana long term care program must do the following:

- (1) Use applications to be signed by the applicant **which that** indicate, as described as follows, that he or she:
  - (A) Received from the issuer the current edition of a

booklet developed by OMPP titled “What you should know about long term care: The most commonly asked questions about the Indiana Long Term Care Program”.

- (B) Received a description of the issuer’s qualified long term care policy or certificate benefit option meeting the requirements of sections 36.1(2) and 36.2(2) of this rule.
- (C) Agrees to the release of information by the issuer to the state as may be needed to evaluate the Indiana long term care program and document a claim for Medicaid asset protection in the following format:

#### “CONSENT AND AUTHORIZATION TO RELEASE INFORMATION

I hereby agree to the release of all records and information pertaining to this long term care policy or certificate by the [insert issuer name] to the State of Indiana for the purposes of documenting a claim for Asset Protection under the State Medicaid program, evaluating the Indiana Long Term Care Program and meeting Medicaid or Department of Insurance audit requirements.

I understand that the information contained in these records will be used for no purpose other than those stated above and will be kept strictly confidential by the State of Indiana.

\_\_\_\_\_  
(Signature of Applicant(s))

\_\_\_\_\_  
Date”.

- (D) Received a graphic comparison showing the differences in premiums and benefits, over at least a twenty (20) year period, between a policy or certificate that increases benefits over the policy or certificate period and a policy or certificate that does not increase benefits.

**(E) Agrees that, at the time of application, he or she is a resident of the state of Indiana.**

- (2) Obtain a signed statement from all applicants for a qualifying long term care facility policy or certificate indicating that they have been offered a qualifying integrated policy or certificate and declined this option. This statement shall be considered part of the application and shall state the following:

“I have been offered a policy or certificate qualifying under the Indiana Long Term Care Program **which that** provides coverage for both nursing home and home and community care services, and I decline the offer to apply for this coverage.

I understand that in the event I later want to purchase qualifying home and community care benefits through a qualifying rider, I may be required to furnish evidence of insurability and the insurer will have the right to refuse my request.

I also understand that the cost of purchasing home and community care benefits at a later date will be more expensive, since the premium for these benefits will be based upon my age at the time of such purchase.

Date \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

(3) Provide to the applicant, **on the application**, the option of having the application date of the policy being issued as the effective date. Where the policy is issued to a group and the group designates a day other than the application date as the effective date, any applicant for a certificate of coverage in an amount that meets or exceeds the state-set dollar amount at the time of application will be issued a certificate with coverage equal to the greater of the following:

- (A) The certificate value applied for. ~~or~~
- (B) The state-set dollar amount in force on the certificate's effective date.

In the event the value increases as a result of this provision, the premium may be adjusted accordingly. An election to choose the lesser value in a certificate shall be supported by a statement signed by the applicant that clearly discloses the certificate will earn dollar-for-dollar asset protection.

(4) Provide to the policyholder or certificate holder upon delivery of a qualified long term care insurance policy or certificate a complete description of the asset protection options under the Indiana long term care program and a description of Medicaid in a format prescribed by OMPP.

~~(5) Report to the commissioner of the department of insurance all sales involving replacement of existing policies and certificates by qualified policies or certificates within thirty (30) days of the issue date of the newly issued qualified policy or certificate. The report shall include the following:~~

- ~~(A) The name and address of the insured;~~
- ~~(B) The name of the company whose policy or certificate is being replaced;~~
- ~~(C) The name of the agent replacing the coverage;~~

~~This report shall also include a comparison of the coverage issued with that being replaced, including a comparison of premiums and an explanation of how the replacement was beneficial to the insured. The replacing issuer shall not cancel, nonrenew, or rescind a replacement policy or certificate for any reason other than nonpayment of premium, material misrepresentation, or fraud.~~

**(5) Obtain a signed statement from all applicants for a qualified long term care facility policy or certificate that earns dollar-for-dollar asset protection indicating that they are aware the policy or certificate will earn dollar-for-dollar asset protection, and not total asset protection, and that this is their intention.**

(6) Provide written evidence to the department of insurance that procedures are in place to assure that no **agent insurance producer** or telemarketer will be authorized to market, sell, solicit, or otherwise contact any person for the purpose of marketing a qualified long term care insurance policy or certificate unless the **agent insurance producer** or telemarketer has completed fifteen (15) hours of ~~continuing education~~ training on long term care insurance, consisting of eight (8) hours in general long term care and seven (7) hours

on the Indiana long term care program specifically.

(7) Include a statement on the outline of coverage, the policy or certificate application, and the front page of the policy or certificate in ~~bold~~ **boldface** type and in a separate box as follows:

THIS POLICY [CERTIFICATE] QUALIFIES UNDER THE INDIANA LONG TERM CARE INSURANCE PROGRAM FOR MEDICAID ASSET PROTECTION. THIS POLICY [CERTIFICATE] MAY PROVIDE BENEFITS IN EXCESS OF THE ASSET PROTECTION PROVIDED IN THE INDIANA LONG TERM CARE PROGRAM.

(8) For all long term care facility policies or certificates, include a statement on the outline of coverage and the front page of the policy or certificate in ~~bold~~ **boldface** type and prominently displayed ~~which that~~ states: LONG TERM CARE FACILITY POLICY [CERTIFICATE].

(9) Include a statement on the qualified rider in ~~bold~~ **boldface** type and in a separate box as follows:

THIS RIDER QUALIFIES UNDER THE INDIANA LONG TERM CARE PROGRAM FOR MEDICAID ASSET PROTECTION WHEN ATTACHED TO A LONG TERM CARE POLICY ~~WHICH THAT~~ ALSO QUALIFIES FOR MEDICAID ASSET PROTECTION. THIS RIDER MAY PROVIDE BENEFITS IN EXCESS OF THE ASSET PROTECTION PROVIDED IN THE INDIANA LONG TERM CARE PROGRAM.

(10) Long term care insurance policies or certificates sold after April 1, 1993, that are not qualified under the Indiana long term care program must include a statement on the outline of coverage, the policy or certificate application, and the front page of the policy or certificate in ~~bold~~ **boldface** type and in a separate box as follows:

THIS POLICY [CERTIFICATE] DOES NOT QUALIFY FOR MEDICAID ASSET PROTECTION UNDER THE INDIANA LONG TERM CARE PROGRAM. HOWEVER, THIS POLICY [CERTIFICATE] IS AN APPROVED LONG TERM CARE INSURANCE POLICY [CERTIFICATE] UNDER STATE INSURANCE REGULATIONS. FOR INFORMATION ABOUT POLICIES AND CERTIFICATES QUALIFYING UNDER THE INDIANA LONG TERM CARE PROGRAM, CALL THE SENIOR HEALTH INSURANCE INFORMATION PROGRAM OF THE DEPARTMENT OF INSURANCE AT 1-800-452-4800.

(11) Provide that no qualified long term care policy or certificate form shall be sold, transferred, or otherwise ceded to another issuer without first having obtained approval from

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the commissioner. This provision does not apply to **the following**:

(A) Any reinsurance agreement or transaction in which the ceding issuer continues to remain directly liable for its insurance obligations or risks under the contracts of insurance subject to the reinsurance agreement. ~~and~~

(B) The ceding issuer remains responsible for complying with all requirements of sections ~~37~~ **37.1** through 42 of this rule.

(12) Except as provided in clause (A), an issuer shall continue to make available for purchase any qualified policy form or certificate form issued that has been approved by the commissioner. The following describe the process and result of discontinuing the availability of a qualified policy form or certificate form:

(A) An issuer may discontinue the availability of a qualified policy form or certificate form if the issuer provides the commissioner, in writing, its decision at least thirty (30) days prior to discontinuing the availability of the form of the qualified policy or certificate. The following shall be considered a discontinuance of the availability of a qualified policy form or certificate form:

(i) The sale or other transfer of a qualified policy form or certificate form to another issuer.

(ii) Failure to actively offer for sale a qualified policy form or certificate form in the previous twelve (12) months.

(iii) A change in the rating structure or methodology unless the issuer complies with the following requirements:

(AA) The issuer provides an actuarial memorandum, in a form and manner prescribed by the commissioner, describing the manner in which the revised rating methodology and resultant rates differ from the existing rating methodology and resultant rates.

(BB) The issuer does not subsequently put into effect a change of rates or rating factors that would cause the percentage differential between the discontinued and subsequent rates as described in the actuarial memorandum to change. The commissioner may approve a change to the differential ~~which that~~ is in the public interest.

(B) An issuer that discontinues the availability of a qualified policy form or certificate form under clause (A) shall not file for approval of a new long term care policy form or certificate form for a period of five (5) years after the issuer provides notice to the commissioner of the discontinuance. The period of discontinuance may be reduced if the commissioner determines that a shorter period is appropriate. This clause does not apply if one (1) of the following are met:

(i) An issuer discontinues a qualified policy form or certificate form due to requirements from amendment to this article or IC 27-8-12.

(ii) All existing policyholders and certificate holders of a

discontinued qualified policy form or certificate form who are not receiving benefits are notified by the issuer of the availability of the new benefits and provisions of the new qualified policy form by the time of their next renewal date and are offered the opportunity by the issuer to acquire the new benefits ~~and/or or~~ provisions, **or both**, by either:

(AA) adding a qualified rider to the original qualified policy, in which case a separate premium, if any, will be calculated for the qualified rider based on the policyholder's original issue age; or

(BB) replacing the existing qualified policy with the new qualified policy form with the premium calculation for the new qualified policy based on the policyholder's original issue age.

This item does not prohibit an issuer ~~for from~~ underwriting in accordance with the issuer's established underwriting standards based on an application for the new qualified policy form or qualified rider.

(iii) The issuer pools the insureds of the existing qualified policy with the issuer's most current largest selling qualified policy for purposes of requesting future rate changes. In the event an issuer does not have another qualified policy in which to pool insureds of their existing qualified policy, the issuer shall pool insureds of the existing qualified policy with their most current largest selling nonqualified policy or with another of their nonqualified policies as determined by the commissioner for purposes of requesting future rate changes.

(C) An issuer who discontinues selling qualified policies or any insurer who assumes a qualified policy from another insurer **shall pool insureds of the existing qualified policies with one (1) of their nonqualified policies as determined by the commissioner for purposes of requesting future rate changes. In addition the insurer must continue to comply with the reporting requirements and maintaining auditing information requirements set forth in this article.**

(13) Provide assurances to the department ~~of insurance~~ that in the event a change is made to a qualified policy or certificate that is eligible for favorable tax status that may affect its favorable tax status, the issuer shall disclose this fact to the policyholder or certificate holder prior to the change being made, and, at a minimum, the issuer shall advise the policyholder or certificate holder that they should consult a tax advisor.

*(Department of Insurance; 760 IAC 2-20-34; filed Nov 20, 1992, 9:00 a.m.: 16 IR 1149; filed Jun 15, 1994, 10:00 a.m.: 17 IR 2646; errata filed Sep 28, 1994, 3:30 p.m.: 18 IR 268; filed Jul 28, 1997, 1:50 p.m.: 20 IR 3370; filed Feb 9, 1999, 5:02 p.m.: 22 IR 1990; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 586)*

SECTION 40. 760 IAC 2-20-35 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 2-20-35 Minimum benefit standards for qualifying policies, certificates, and riders**

**Authority:** IC 27-8-12-7.1  
**Affected:** IC 12-10-12; IC 12-15-2

Sec. 35. No long term care insurance policy, certificate, or rider may be advertised, solicited, or issued for delivery in this state as a qualified long term care insurance policy, certificate, or rider **which that** does not meet the minimum benefit standards in this section and **which that** has not been approved by the commissioner of the department of insurance as a qualified long term care insurance policy, certificate, or rider. These minimum standards do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards. These standards are in addition to all other requirements of this article. In order to qualify for participation in the Indiana long term care program, a long term care insurance policy, certificate, or rider shall meet the following:

- (1) Provide that maximum benefits be available in dollars and not in days of care.
- (2) Include a provision of inflation protection **which that** satisfies at least one (1) of the following criteria:
  - (A) The policy or certificate covers at least seventy-five percent (75%) of the average daily private pay rate.
  - (B) The policy or certificate provides for automatic increases in the per diem dollar level in accordance with either the consumer price index or at five percent (5%) each year over the previous year for each year that the contract is in force.
  - (C) For policyholders or certificate holders seventy-five (75) years of age or greater at time of purchase, the policy or certificate provides for automatic increases in the per diem dollar level at five percent (5%) each year that the contract is in force.**

(3) Provide that the unused maximum benefit amount of the policy, certificate, or rider increase proportionately with the inflation protection requirements of subdivision (2).

*(Department of Insurance; 760 IAC 2-20-35; filed Nov 20, 1992, 9:00 a.m.: 16 IR 1151; filed Jun 15, 1994, 10:00 a.m.: 17 IR 2649; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 589)*

SECTION 41. 760 IAC 2-20-36.1 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 2-20-36.1 Minimum benefit standards and required policy and certificate provisions for integrated policies**

**Authority:** IC 27-8-12-7.1  
**Affected:** IC 12-15-2; IC 12-15-39.6

Sec. 36.1. No long term care insurance policy or certificate may be advertised, solicited, or issued for delivery in this state as a qualified integrated policy or certificate **which that** does not meet the minimum benefit standards and required policy and

certificate provisions in this section and **which that** has not been approved by the commissioner of the department of insurance as a qualified long term care insurance policy or certificate. These minimum standards do not preclude the inclusion of other provisions or benefits **which that** are not inconsistent with these standards. These standards are in addition to all other requirements of this article. In order to qualify for participation in the Indiana long term care program, an integrated policy or certificate must meet the following:

- (1) Contain a maximum benefit amount equivalent to at least three hundred sixty-five (365) times the minimum daily nursing facility benefit defined in subdivision (3)(A).
- (2) Offer a maximum benefit amount option equivalent to three hundred sixty-five (365) times the minimum daily nursing facility benefit defined in subdivision (3)(A). Issuers may offer other benefit amount options in addition to this minimum benefit amount option.
- (3) At a minimum, upon the initial effective date, provide the following:
  - (A) A daily nursing facility benefit of at least seventy-five percent (75%) of the average daily private pay rate in nursing facilities rounded to the next highest five dollar (\$5) or ten dollar (\$10) increment. No policy or certificate shall pay benefits in excess of the actual charges.
  - (B) A daily home and community based benefit of at least fifty percent (50%) of the daily nursing facility benefit contained in the policy or certificate. No policy or certificate shall pay benefits in excess of the actual charges.
  - (C) The daily home and community based benefit shall not exceed the daily nursing facility benefit.
- (4) If issued on an expense incurred basis, provide benefits **which that** are equal to at least seventy-five percent (75%) of the per diem cost incurred by the insured.
- (5) Include a provision that policy or certificate benefits can be used to purchase nursing facility care or home and community-based care. Home and community-based care shall include, at a minimum, but not be limited to, the following:
  - (A) Home health nursing.
  - (B) Home health aide services.
  - (C) Attendant care.
  - (D) Respite care.
  - (E) Adult day care services.
- (6) All home and community-based services shall include case management services delivered by a case management agency. The issuer may establish a limit on case management benefits. This limit shall not be less than thirteen (13) times the daily nursing home benefit per year. Case management benefits shall not count toward the policy's or certificate's maximum benefit.
- (7) Issuers may include benefits for residential care facilities, as defined in section 31.1 of this rule, in an integrated policy or certificate. These policies must:
  - (A) provide a daily residential care facility benefit of at least ~~fifty~~ **seventy-five** percent (~~50%~~) (**75%**) and no more

than the daily nursing facility benefit contained in the policy or certificate;

(B) if issued on an expense incurred basis, provide a daily residential care facility benefit ~~which that~~ does not exceed **fifty seventy-five percent (50%) (75%)** of the per diem cost incurred by the insured; and

(C) include a provision that policy or certificate benefits can be used to purchase care in a nursing facility or residential care facility.

*(Department of Insurance; 760 IAC 2-20-36.1; filed Jun 15, 1994, 10:00 a.m.: 17 IR 2651; errata filed Sep 28, 1994, 3:30 p.m.: 18 IR 268; filed Feb 9, 1999, 5:02 p.m.: 22 IR 1994; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 589)*

SECTION 42. 760 IAC 2-20-36.2 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 2-20-36.2 Minimum benefit standards and required policy and certificate provisions for long term care facility policies**

**Authority:** IC 27-8-12-7.1

**Affected:** IC 12-15-2; IC 12-15-39.6

Sec. 36.2. No long term care insurance policy or certificate may be advertised, solicited, or issued for delivery in this state as a qualified long term care facility policy or certificate ~~which that~~ does not meet the minimum benefit standards and required policy and certificate provisions in this section, and ~~which that~~ has not been approved by the commissioner of the department of insurance as a qualified long term care insurance policy or certificate. These minimum standards do not preclude the inclusion of other provisions or benefits ~~which that~~ are not inconsistent with these standards. These standards are in addition to all other requirements of this article. In order to qualify for participation in the Indiana long term care program, a long term care facility policy or certificate must meet the following:

(1) Contain a maximum benefit amount equivalent to at least three hundred sixty-five (365) times the minimum daily nursing facility benefit defined in subdivision (3).

(2) Offer a maximum benefit amount option equivalent to three hundred sixty-five (365) times the minimum daily nursing facility benefit defined in subdivision (3). Issuers may offer other benefit amount options in addition to this minimum benefit amount option.

(3) At a minimum, upon the initial effective date, provide a daily nursing facility benefit of at least seventy-five percent (75%) of the average daily private pay rate in nursing facilities rounded to the next highest five dollar (\$5) or ten dollar (\$10) increment. No policy or certificate shall pay benefits in excess of the actual charges.

(4) If issued on an expense incurred basis, provide daily nursing facility benefits ~~which that~~ are equal to at least seventy-five percent (75%) of the per diem cost incurred by the insured.

(5) Issuers may include benefits for residential care facilities, as defined in section 31.1 of this rule, in a long term care facility policy or certificate. Policies and certificates ~~which that~~ include residential care facility benefits must:

(A) provide a daily residential care facility benefit of at least **fifty seventy-five percent (50%) (75%)** and no more than the daily nursing facility benefit contained in the policy or certificate;

(B) if issued on an expense incurred basis, provide a daily residential care facility benefit ~~which that~~ does not exceed **fifty seventy-five percent (50%) (75%)** of the per diem cost incurred by the insured; and

(C) include a provision that policy or certificate benefits can be used to purchase care in a nursing facility or a residential care facility.

*(Department of Insurance; 760 IAC 2-20-36.2; filed Jun 15, 1994, 10:00 a.m.: 17 IR 2652; errata filed Sep 28, 1994, 3:30 p.m.: 18 IR 268; filed Feb 9, 1999, 5:02 p.m.: 22 IR 1995; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 590)*

SECTION 43. 760 IAC 2-20-37.2 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 2-20-37.2 Reporting of insurance producer data**

**Authority:** IC 27-8-12-7.1

**Affected:** IC 12-15-2; IC 12-15-39.6

Sec. 37.2. Issuers of qualified policies or certificates shall submit ~~agent~~ **insurance producer** sales data to OMPP two (2) times per year for purposes of creating and maintaining a directory of ~~agents~~ **insurance producers** for consumers. The format, time frame of reporting periods, and due date for data will be specified by OMPP. *(Department of Insurance; 760 IAC 2-20-37.2; filed Feb 9, 1999, 5:02 p.m.: 22 IR 1997; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 590)*

SECTION 44. 760 IAC 2-20-37.3 IS ADDED TO READ AS FOLLOWS:

**760 IAC 2-20-37.3 Reporting of sales data**

**Authority:** IC 27-8-12-7.1

**Affected:** IC 12-15-2; IC 12-15-39.6

**Sec. 37.3. Issuers of qualified policies or certificates shall submit Indiana sales data for qualified and nonqualified long term care insurance policies or certificates annually to OMPP. The format and time frame for reporting this data will be specified by OMPP.** *(Department of Insurance; 760 IAC 2-20-37.3; filed Oct 7, 2004, 1:00 p.m.: 28 IR 590)*

SECTION 45. 760 IAC 2-20-38.1 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 2-20-38.1 Determining asset protection**

**Authority:** IC 27-8-12-7.1

**Affected:** IC 12-15-2; IC 12-15-39.6

Sec. 38.1. (a) Total asset protection for an individually owned qualified policy or certificate is earned when:

- (1) the policy or certificate includes a maximum benefit equal to or greater than the state-set dollar amount in force on the original effective date of the policy or certificate;
- (2) the policy or certificate includes an inflation protection benefit of five percent (5%) compounded annually;**
- ~~(2) (3)~~ (3) the maximum benefit was not reduced by the request of the policyholder or certificate holder during the term of the policy or certificate; and
- ~~(3) (4)~~ (4) all of the qualified policy or certificate benefits have been exhausted.

(b) Total asset protection for a qualified policy or certificate that has had a reduction of coverage during the term of the policy or certificate is earned when:

- (1) the policy or certificate includes a maximum benefit equal to or greater than the state-set dollar amount in force on the original effective date of the policy or certificate;
- (2) the maximum benefit was reduced at the request of the policyholder or certificate holder during the term of the policy or certificate, and, at the time of the reduction, the new maximum benefit was equal to or greater than the state-set dollar amount in force during the calendar year in which the reduction took place disregarding any qualifying insurance benefits the policyholder or certificate holder may have already received from the policy or certificate being reduced; and
- (3) all of the qualified policy or certificate benefits have been exhausted.

(c) Total asset protection for a qualified policy, certificate, or rider that allows spouses to share the benefits is earned when the policy or certificate includes a maximum benefit equal to or greater than the state-set dollar amount in force on the original effective date of the policy or certificate, and either:

- (1) only one (1) spouse uses the policy or certificate benefits and exhausts all of the qualifying insurance benefits; or
- (2) both spouses use the policy or certificate benefits and the remaining maximum benefit at the time the first spouse has permanently stopped using benefits is equal to or greater than the state-set dollar amount in force during that calendar year disregarding any qualifying insurance benefits the second spouse may have already received, and the second spouse exhausts the remaining qualifying insurance benefits.

(d) Dollar-for-dollar asset protection is earned for all other situations ~~which that~~ differ from **subsections (a) ~~(b)~~, and through (c)**.

(e) A qualified long term care insurance policy or certificate owned by an Indiana resident ~~which that~~ was purchased as part of another state's Partnership for Long Term Care Program will earn dollar-for-dollar asset protection for the qualified insured if the other state's program is similar to the Indiana long term

care program and OMPP has a reciprocity agreement with the other state's Medicaid program.

(f) Benefits paid in excess of the actual charges do not earn asset protection.

(g) Benefits paid that are not based upon the insured event criteria do not earn asset protection.

(h) Home and community care benefits paid without case management do not earn asset protection. (*Department of Insurance; 760 IAC 2-20-38.1; filed Feb 9, 1999, 5:02 p.m.: 22 IR 1998; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 590*)

SECTION 46. 760 IAC 2-20-42 IS AMENDED TO READ AS FOLLOWS:

**760 IAC 2-20-42 Auditing and correcting deficiencies in issuer record keeping**

**Authority:** IC 27-8-12-7.1  
**Affected:** IC 12-15-2; IC 12-15-39.6

Sec. 42. (a) Within one (1) year of the first date that any policyholder or certificate holder of a particular issuer's policy or certificate has met the criteria for the insured event, and as often as the commissioner or OMPP deems necessary thereafter, OMPP as representative of the commissioner shall conduct a systems audit of that company's records. The issuer shall be responsible for advising OMPP and the department of insurance when this one (1) year period has begun. OMPP shall promptly inform each issuer of inaccuracies and other potential problems discovered in its systems audits and shall instruct the issuer of the methods necessary to correct any problems in the issuer's methods of operation. It is the responsibility of the issuer to make any necessary corrections.

(b) OMPP shall periodically reconcile a sample of individual applications to Medicaid of persons who have submitted documentation for qualification for asset protection with the reports submitted by issuers. OMPP shall have the final decision concerning sample sizes and other auditing methods. OMPP shall promptly advise issuers of any problems discovered and shall instruct the issuer of the methods necessary to correct any problems in the issuer's method of operation. OMPP shall also notify the issuer of any obligations described in this subsection to hold clients harmless.

(c) The assistant secretary of OMPP or other authorized individual may enter into voluntary arrangements with issuers of qualified long term care insurance policies and certificates under which the assistant secretary would issue binding determinations as to whether or not services qualify for asset protection. Policyholders or certificate holders may submit requests for information and advice through their issuer or case management agency. When the following procedures are

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followed in all material respects, the written determinations of the assistant secretary of OMPP or other authorized individual concerning whether services qualify for asset protection shall be binding upon OMPP in all subsequent actions, and OMPP shall not make any assertion contradicting these determinations in any action arising in this subsection:

(1) All requests for determinations as to whether or not services qualify for asset protection shall be submitted to the assistant secretary of OMPP or other authorized individual in writing. These requests may include, but are not limited to, requests for determinations in the following areas:

- (A) Whether the insured event has occurred and has been adequately documented.
- (B) Whether a care plan is required.
- (C) Whether a revision of a care plan is required.
- (D) Whether a service or services are in accord with the care plan.
- (E) Whether a service is of such a nature as to qualify for asset protection.
- (F) Whether the applicable amount is the amount paid by the issuer or the amount charged for the service.

(2) The assistant secretary of OMPP or other authorized individual may require issuers and case management agencies submitting requests for determination to provide all records and other information necessary for making a determination. The records and other information may include, but are not limited to, the following:

- (A) Assessments.
- (B) Care plans.
- (C) Invoices for services rendered.

The party providing the records and other information shall be responsible for their accuracy. If any records or other information are [*sic., is*] later determined to be materially inaccurate, the determination based on the inaccurate information shall be void and not be binding on OMPP or any other person or entity in subsequent actions. In the case of a policyholder or certificate holder for whom a determination has been invalidated because information provided was determined to be inaccurate, the provisions of subsections (f) and (g) will apply in the same manner as for any other policyholder or certificate holder.

(3) The assistant secretary of OMPP or other authorized individual shall render his or her determination on each request in writing. Each determination of the assistant secretary of OMPP or other authorized individual shall state the reason for his or her determination, including the following:

- (A) Relevant facts.
- (B) Documentation of facts.
- (C) Statutes.
- (D) Regulations.
- (E) Policies.

(4) A copy of all determinations of the assistant secretary of OMPP or other authorized individual shall be kept on file at OMPP, together with the related records and information. The original of the determination shall be sent to the issuer or

the case management agency that originally requested it. The recipient of the original determination shall be responsible for notifying the policyholder or certificate holder or the policyholder's or certificate holder's authorized ~~agent.~~ **insurance producer.**

(d) When an audit or other review by OMPP reveals deficiencies in the record keeping procedures of an issuer, OMPP will notify the issuer of the deficiencies and establish a reasonable deadline for correction. If an issuer fails to correct deficiencies discovered by OMPP within a reasonable period of time, OMPP will notify the department ~~of insurance~~ of the deficiencies.

(e) The commissioner of the department, ~~of insurance~~, upon consultation with OMPP, shall reserve the right to remove qualification status of long term care insurance policies and certificates when deemed necessary. Failure to comply with ~~any of the provisions of~~ this article can be grounds for the removal of qualification status. If the department of insurance removes qualification status from a long term care insurance policy or certificate, a policyholder or certificate holder who purchased his or her policy or certificate while the policy or certificate was qualified will retain his or her right to asset protection. A policyholder or certificate holder who purchases his or her policy or certificate after the removal of qualification status will have no right to asset protection. Any issuer who has their qualification status removed must continue to comply with the reporting requirements and maintaining auditing information requirements set forth in this article.

(f) If an issuer prepares a service summary ~~which that~~ is used in a Medicaid application for a policyholder or certificate holder and the client is found eligible for Medicaid, and the policyholder or certificate holder after receiving Medicaid services is found to be ineligible for Medicaid solely by reason of errors in the issuer's service summary or documentation of services, OMPP may require the issuer to pay for services counting towards asset protection required by the policyholder or certificate holder until the issuer has paid an amount equal to the amount of the issuer's errors, after which the policyholder or certificate holder, if otherwise eligible, could qualify for Medicaid coverage.

(g) If OMPP determines that an issuer's records pertaining to a policyholder or certificate holder who has received Medicaid benefits are in such condition that OMPP cannot determine whether the policyholder or certificate holder qualifies for asset protection, OMPP may require the issuer to pay for services counting towards asset protection required by the policyholder or certificate holder until the issuer has paid an amount equal to the amount of the issuer's error, after which the policyholder or certificate holder, if otherwise eligible, could qualify for Medicaid coverage.

(h) OMPP shall serve as the representative of the commis-



sioner for all audits and examinations that may be required to determine compliance with this article.

(i) Compliance with subsections (f) and (g) is a requirement for a policy or certificate to retain qualification. (*Department of Insurance; 760 IAC 2-20-42; filed Nov 20, 1992, 9:00 a.m.: 16 IR 1157; filed Feb 9, 1999, 5:02 p.m.: 22 IR 2000; readopted filed Sep 14, 2001, 12:22 p.m.: 25 IR 531; filed Oct 7, 2004, 1:00 p.m.: 28 IR 591*)

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**TITLE 848 INDIANA STATE BOARD OF NURSING**

LSA Document #04-65(F)

**DIGEST**

Amends 848 IAC 1-1-2.1 to revise the definitions applied throughout that article. Amends 848 IAC 1-2 to revise the accreditation requirements and procedures for nursing programs. Adds 848 IAC 1-2-8.5 to establish the requirements and procedures to transfer a nursing program to another controlling organization. Effective 30 days after filing with the secretary of state.

<b>848 IAC 1-1-2.1</b>	<b>848 IAC 1-2-14</b>
<b>848 IAC 1-2-1</b>	<b>848 IAC 1-2-16</b>
<b>848 IAC 1-2-5</b>	<b>848 IAC 1-2-17</b>
<b>848 IAC 1-2-6</b>	<b>848 IAC 1-2-18</b>
<b>848 IAC 1-2-7</b>	<b>848 IAC 1-2-19</b>
<b>848 IAC 1-2-8</b>	<b>848 IAC 1-2-20</b>
<b>848 IAC 1-2-8.5</b>	<b>848 IAC 1-2-21</b>
<b>848 IAC 1-2-9</b>	<b>848 IAC 1-2-22</b>
<b>848 IAC 1-2-10</b>	<b>848 IAC 1-2-23</b>
<b>848 IAC 1-2-12</b>	<b>848 IAC 1-2-24</b>
<b>848 IAC 1-2-13</b>	

SECTION 1. 848 IAC 1-1-2.1 IS AMENDED TO READ AS FOLLOWS:

**848 IAC 1-1-2.1 Definitions**

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

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

Sec. 2.1. The following definitions apply throughout this article:

- (1) "Approved" or "accredited", terms used interchangeably, means those programs that have met requirements of the board. The term also includes approval granted by voluntary, regional, and other state agencies.
- (2) "Associate degree program" means ~~a~~ **an educational** program leading to an associate degree in nursing, conducted by an educational unit in nursing, within the structure of a college or university.
- (3) "Audit" means attending a class or course without receiving credit.
- (4) "Baccalaureate degree program" means ~~a~~ **an educational** program leading to a baccalaureate degree in nursing conducted by an educational unit in nursing within the structure of a senior college or university.
- (5) "Board" means the Indiana state board of nursing.
- (6) "Clinical ~~laboratory~~ experience" means the learning experiences provided in facilities appropriate to the curriculum objectives.
- (7) "Clinical preceptor" means an individual employed by the cooperating agency who also has the responsibility to supervise ~~a one~~ **(1)** student ~~at a time~~ in the clinical facility.
- (8) "Controlling organization" means the agency ~~which that~~ assumes the responsibility for overall administration of the program.
- (9) "Cooperating agency" means an institution ~~which that~~ cooperates with the nursing program to provide facilities for the clinical ~~laboratory~~ experiences of students.
- (10) "Curriculum" means the whole body of courses offered in the nursing program.
- (11) "Deeming authority" means a recognized accrediting organization that has been approved to conduct accreditation surveys and issue accreditation decisions of acute care hospitals by the Center for Medicare and Medicaid Services (CMS).**
- ~~(11)~~ **(12)** "Diploma program" means ~~a~~ **an educational** program leading to a diploma in **registered** nursing. ~~conducted by a school under the control of a hospital.~~
- ~~(12)~~ **(13)** "Director" means the registered nurse who is delegated responsibility for the implementation and administration of the nursing program regardless of the official title in any specific institution.
- ~~(13)~~ **(14)** "Enroll" means ~~attending to matriculate and attend~~ a class or course for the purpose of receiving credit.
- ~~(14)~~ **(15)** "Faculty" means individuals employed to administer and to teach in the educational program.
- ~~(15)~~ "Failure rate" is ~~calculated on the number of first time candidates who fail to be licensed and is computed annually from April 1 through March 31.~~
- (16) "May" indicates discretionary use.
- (17) "Practical nursing program" means ~~a~~ **an educational** program leading to a diploma or certificate in practical nursing conducted by an educational institution or hospital.

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(18) "Primary state of residence" means the state of an individual's declared fixed permanent and principal home for legal purposes; domicile.

(19) "Program" means the curriculum and all the supporting activities organized independently, under an educational institution or hospital, to prepare students for nursing licensure and the practice of nursing.

(20) "Rate of successful completion" means the annual number of first time **U.S. educated and U.S. territory** candidates who successfully complete the National Council Licensure examination and is computed annually from ~~April~~ **January 1** through ~~March~~ **December 31**.

(21) "Rule" or "requirement" means a mandatory standard, which a program shall meet in order to be accredited.

(22) "Shall" indicates a mandatory rule, regulation, or requirement.

(23) "Should" indicates a recommendation.

(24) "Survey visit" means an on-site visit of a nursing program, including clinical facilities by a designated representative of the board for the purpose of evaluating the program of learning.

*(Indiana State Board of Nursing; 848 IAC 1-1-2.1; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4525; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Jun 23, 2003, 4:12 p.m.: 26 IR 3652, eff Jul 1, 2003 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #02-247 was filed Jun 23, 2003.]; filed Sep 13, 2004, 9:45 a.m.: 28 IR 593)*

SECTION 2. 848 IAC 1-2-1 IS AMENDED TO READ AS FOLLOWS:

### 848 IAC 1-2-1 Opening a program

Authority: IC 25-23-1-7

Affected: IC 25-23-1

Sec. 1. (a) A controlling organization wishing to open a state accredited nursing program shall submit a letter of intent to the board six (6) to ~~twelve (12)~~ months prior to ~~the anticipated opening date:~~ **admission of its first group of students, which shall include the following:**

(1) **Expansion plans of the existing programs within a fifty (50) mile radius.**

(2) **Nursing manpower studies documenting the need for the program.**

(b) The controlling organization shall submit **a completed application on forms provided by the board and shall request a personal appearance before the board. The application shall include** documented evidence of resources and needs necessary to start a program. This documentation shall include the following:

(1) Availability of qualified faculty.

(2) Budgeted faculty positions.

~~(3) Expansion plans of existing programs within a fifty (50) mile radius:~~

~~(4) Nursing manpower studies documenting the need for the program.~~

~~(5) (3) Availability of adequate clinical facilities for the program.~~

~~(6) (4) Availability of adequate academic facilities for the program.~~

~~(7) (5) Evidence of financial resources adequate for the planning, implementation, and continuation of the program.~~

(c) The board shall meet with representatives of the controlling organization for review of documented evidence of need.

(d) The board requires that a program in nursing in a state assisted college or university be authorized by the Indiana commission for higher education.

~~(e) The controlling organization shall submit a completed application on forms provided by the board and shall request a hearing with the board.~~

~~(f) (e) Prior to the hearing, board meeting,~~ the proposed program site shall be visited by a representative of the board ~~and by or~~ a survey visitor appointed by the board, ~~or both.~~ The visitors shall meet with administrative personnel of the controlling institution and shall examine the academic and clinical facilities in terms of appropriateness for the implementation of the proposed program in nursing.

~~(g) (f) After the hearing meeting~~ with the controlling organization, the board shall approve or disapprove the application **for initial accreditation** upon evidence:

(1) submitted in the application;

(2) presented at the ~~hearing, meeting;~~ and

(3) collected on the survey visit.

~~(h) (g) If the program is approved for initial accreditation,~~ the board shall stipulate the following:

(1) The maximum class size for the first year.

(2) The maximum number of classes to be admitted during the first year.

(3) Approved clinical facilities for the first year.

(4) The number and qualifications of nursing faculty.

(h) A second site visit shall be made by a representative of the board ~~and by or~~ a survey visitor appointed by the board, ~~or both,~~ at the end of the first year of the operation of the new program and again prior to granting full accreditation. *(Indiana State Board of Nursing; 848 IAC 1-2-1; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4526; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 594)*

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

### 848 IAC 1-2-5 Accreditation status

Authority: IC 25-23-1-7

Affected: IC 25-23

Sec. 5. (a) Initial accreditation shall be granted to a new program that meets the regulations for opening a nursing program until the first class graduates.

(b) Full accreditation shall be granted to a program following the initial accreditation, providing it meets the following regulations for Indiana accredited programs in nursing:

**(1) Criteria indicating a program's successful attainment of state standards shall include the rate of successful completion of the National Council Licensure Examination (NCLEX). If a program's annual rate of successful completion of the NCLEX is lower than one (1) standard deviation below the average national pass rate for first time U.S. educated and U.S. territory candidates for three (3) consecutive years, the program shall submit a report to the board outlining the following:**

**(A) Results of the faculty's review of factors that may have contributed to the low pass rate, including, but not limited to, the following:**

- (i) Curriculum content.**
- (ii) Curriculum design.**
- (iii) Outcome evaluation.**
- (iv) Admission policies.**
- (v) Progression policies.**
- (vi) Graduation policies and annual number of graduates for the period in question.**
- (vii) Factors of graduate performance documented by faculty to be outside the control of the program.**

**(B) The faculty's plan for correction with identified implementation dates and expected levels of achievement for any identified problems as result of evaluation.**

**(2) If the program's next annual rate of successful completion of the NCLEX is lower than one (1) standard deviation below the average national pass rate for first time U.S. educated and U.S. territory candidates, the board shall send a surveyor to review the program's ability to comply with this article. After review of the survey visit report and a meeting with the program representatives, the board shall determine the accreditation status.**

**(3) The accreditation status shall be communicated to the program in writing.**

(c) Conditional accreditation shall be granted to a program that fails to maintain the legal requirements for accreditation. Written notification from the board shall specify **requirements to be met in order to comply with accreditation standards** and a definite amount of time that will be given for the program to meet this article. ~~The major outcome criteria indicating a program's successful attainment of state standards is the first time candidate's successful completion of the National Council Licensure examination. If a school's annual rate of successful completion of the National Council Licensure examination is lower than the national total percentage passing for the second~~

~~consecutive year, the school shall submit a report to the board outlining the following:~~

~~(1) Results of the faculty's review of factors that may have contributed to the low pass rate, including, but not limited to, the following:~~

- ~~(A) Curriculum content.~~
- ~~(B) Curriculum design.~~
- ~~(C) Outcome evaluation.~~
- ~~(D) Admission.~~
- ~~(E) Progression.~~
- ~~(F) Graduation policies.~~

~~(2) The faculty's plan for correcting any problems identified.~~

~~(d) If the program's annual rate of successful completion of the National Council Licensure examination is lower than the national total percentage passing for the third consecutive year, the board shall send a surveyor to review the program's ability to comply with this article. After a hearing, the board shall determine the accreditation status and specify a correction plan if needed. At any point, the board may survey the program to determine whether the program shall be permitted to continue to admit students or continue to operate. The program shall have the burden of proving, with clear and convincing evidence, that the program is able to comply with IC 25-23 and this title.~~

~~(e) (d) The program shall be revisited by a representative of the board or a survey visitor appointed by board, or both, and be given an opportunity for a hearing before accreditation is withdrawn. Withdrawal of accreditation shall may occur if the program, which has been placed on conditional accreditation, fails to prove compliance with IC 23-25 and IC 25-23, this title. The program shall be given an opportunity for a hearing before accreditation is withdrawn, and the school shall be visited any additional requirements imposed by a representative of the board. The program shall assist students in transferring to accredited programs. A school program with accreditation that has been withdrawn may apply for reinstatement by following the procedure established in section 1 of this rule. (Indiana State Board of Nursing; 848 IAC 1-2-5; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4527; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 594)~~

SECTION 4. 848 IAC 1-2-6 IS AMENDED TO READ AS FOLLOWS:

**848 IAC 1-2-6 Survey visits**

Authority: IC 25-23-1-7  
Affected: IC 25-23-1-21

Sec. 6. (a) All **schools programs** with full accreditation status shall be visited at regular intervals as determined by the board. The survey **visitor or** visitors shall evaluate the program's ability to meet the requirements of this article and prepare a written report for review and action by the board. Visits shall be conducted under impartial and objective conditions.

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(b) The written report of the survey visit to the educational program is submitted to the director for review to permit comments for clarification by the director prior to board action.

(c) The final survey report accompanied by a written report of board action shall be sent to the administrative officer of the controlling agency. A copy shall be sent simultaneously to the director of the program.

(d) An institution used as a clinical ~~laboratory~~ **facility** for students may be visited by a representative or representatives of the board as part of the ~~school~~ **program** survey.

(e) In lieu of a regular cycle survey visit, the board may elect to accept the results of an accreditation survey visit by ~~the National League for Nursing a nationally recognized accrediting Commission or the Commission on Collegiate organization~~ **of nursing education, such as the accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation.** The program of nursing shall file:

(1) ~~the report of the visitors;~~

(2) ~~(1) the response by the program to the survey visitors; and~~

(3) ~~(2) the final report of including the action taken by the National League for Nursing nationally recognized accrediting Commission or the Commission on Collegiate organization of nursing education programs.~~

(Indiana State Board of Nursing; 848 IAC 1-2-6; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4528; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 595)

SECTION 5. 848 IAC 1-2-7 IS AMENDED TO READ AS FOLLOWS:

### 848 IAC 1-2-7 Eligible institutions

Authority: IC 25-23-1-7

Affected: IC 25-23-1-20

Sec. 7. (a) The program in nursing shall be incorporated or be a part of an incorporated institution.

(b) Educational institutions, colleges, or universities conducting a nursing program or with which a ~~school~~ **program** of nursing is affiliated shall be accredited by the **Higher Learning Commission of the North Central Association of Colleges and Secondary Schools** or the Indiana commission on proprietary education. Hospitals conducting a nursing program shall be accredited by ~~the Joint Commission on Accreditation of Healthcare Organizations; an organization that has been granted deeming authority.~~ Long term care facilities shall be licensed by the Indiana state department of health.

(c) The philosophy, ~~and purposes~~ **mission, and objectives** of the program in nursing shall be in accordance with this rule.

(d) There shall be assurance that the program can meet the

requirements for Indiana accredited programs in nursing. (Indiana State Board of Nursing; 848 IAC 1-2-7; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4528; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 596)

SECTION 6. 848 IAC 1-2-8 IS AMENDED TO READ AS FOLLOWS:

### 848 IAC 1-2-8 Change of ownership

Authority: IC 25-23-1-7

Affected: IC 25-23-1-7

Sec. 8. (a) The board shall be notified in writing of any changes in ownership ~~or control~~ of a ~~school~~ **program**.

(b) Information shall include the following:

(1) The official name of the ~~school~~ **program**.

(2) The organizational chart of the contracting agency.

(3) ~~The~~ names of administrative officials.

(c) The new controlling organization shall submit any change in curriculum to the board for approval ~~six (6) months~~ prior to implementation. (Indiana State Board of Nursing; 848 IAC 1-2-8; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4528; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 596)

SECTION 7. 848 IAC 1-2-8.5 IS ADDED TO READ AS FOLLOWS:

### 848 IAC 1-2-8.5 Transfer of program to another controlling organization

Authority: IC 25-23-1-7

Affected: IC 25-23-1-7

Sec. 8.5. (a) A controlling organization transferring a state accredited nursing program from its control to that of another controlling organization shall submit to the board, in writing, within sixty (60) days of the decision to transfer ~~the following~~:

(1) ~~The terms and conditions or contractual arrangements of the transfer.~~

(2) ~~The plan identifying the actions being taken to maintain the minimum legal standards for accreditation until completion of the transfer.~~

(3) ~~The plan for student notification and program completion requirements.~~

(4) ~~The plan to assist students to transfer to another accredited program if requested by a student.~~

(5) ~~The provisions for the record retention and accessibility of former students and graduates of the program and the plan for future custody of those records.~~

(b) ~~The controlling organization accepting the transfer of control shall submit documented evidence of resources necessary to support the program within sixty (60) days of the decision to accept the transferring program. This~~

documentation shall include the following:

- (1) Availability of qualified faculty.
- (2) Budgeted faculty positions and faculty-student ratio.
- (3) Availability of adequate clinical facilities for the program.
- (4) Availability of adequate academic facilities for the program.
- (5) Evidence of financial resources adequate for the implementation and continuation of the program.

(c) The board shall meet with representatives of both controlling organizations for review of documented evidence of agreements and resources.

(d) The board requires that a program in nursing in a state assisted college or university be authorized by the Indiana commission for higher education to transfer control from one (1) state assisted college or university to another state assisted college or university.

(e) Prior to board hearing and approval, the controlling organization accepting the program may be visited by a representative of the board or a survey visitor appointed by the board. The visitor shall meet with administrative personnel of the controlling organization accepting the program and shall examine the academic and clinical facilities in terms of appropriateness for the implementation of the program in nursing.

(f) After the hearing with the controlling organization accepting the transfer, the board shall approve or disapprove the transfer based upon evidence:

- (1) submitted in the notification of transfer;
- (2) presented at the hearing; and
- (3) collected on the survey.

(g) The new controlling organization shall submit any change in curriculum to the board for approval prior to implementation. (*Indiana State Board of Nursing; 848 IAC 1-2-8.5; filed Sep 13, 2004, 9:45 a.m.: 28 IR 596*)

SECTION 8. 848 IAC 1-2-9 IS AMENDED TO READ AS FOLLOWS:

**848 IAC 1-2-9 Philosophy, mission, and objectives**

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

Sec. 9. The philosophy, ~~purpose~~, **mission**, and ~~objective~~ **objectives** of the program in nursing shall be as follows:

- (1) Clearly defined in writing in the official records.
- (2) Consistent with the philosophy **and mission** of the controlling institution.
- (3) Formulated and accepted by the faculty.
- (4) Inclusive of program beliefs regarding education, nursing, and the learning process.

- (5) Descriptive of the practitioner to be prepared.
- (6) The basis for planning, implementing, and evaluating the total program. ~~and~~
- (7) Reviewed periodically and revised as necessary by the nursing faculty.

(*Indiana State Board of Nursing; 848 IAC 1-2-9; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4529; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 597*)

SECTION 9. 848 IAC 1-2-10 IS AMENDED TO READ AS FOLLOWS:

**848 IAC 1-2-10 Organization and administration**

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

Sec. 10. (a) Responsibility for developing and implementing the program in nursing shall be placed in the faculty of the nursing education unit.

(b) The institution shall have an effective plan of organization and administration appropriate to the purpose and implementation of the instructional program in nursing. There shall be an organizational chart of the:

- (1) institution indicating the place of the nursing program; and
- (2) nursing program.

(c) There shall be a controlling body that recognizes the program in nursing as an educational program and delegates authority to the chief administrative officer of the institution who, in turn, delegates authority to the ~~nurse administrator~~ **responsible for the program director**.

(d) When a program director resigns, it is the responsibility of the administration of the controlling organization to inform the board in writing **within thirty (30) days of notification of the following**:

- (1) ~~the~~ Intended resignation.
- (2) ~~the~~ Effective date. ~~and~~
- (3) ~~the~~ Plans for filling the position. **within thirty (30) days of the resignation.**

(e) The program in nursing shall be assured of stable, financial resources adequate for and effectively allocated to support its educational activities. There shall be a budget prepared in accordance with sound educational and financial practices. The financial statement shall give a clear picture of the status of the program. The ~~nurse administrator~~, **program director**, with documentation of faculty input, shall have the following responsibilities relating to the financial operation of the program in nursing:

- (1) Preparing the budget for one (1) year in advance of the fiscal period and recommending it to the proper authorities.
- (2) Controlling the use of the approved budget through an accurate system of records.

- (3) Reviewing financial reports routinely and making necessary revisions.
- (4) Consulting with proper authorities within the institution in regard to interpretation, preparation, and implementation of the budget.

*(Indiana State Board of Nursing; 848 IAC 1-2-10; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4529; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 597)*

SECTION 10. 848 IAC 1-2-12 IS AMENDED TO READ AS FOLLOWS:

### 848 IAC 1-2-12 Faculty

Authority: IC 25-23-1-7

Affected: IC 25-23-1-7

Sec. 12. (a) The program in nursing shall provide and maintain a qualified faculty. The general qualifications for all nurse faculty members shall include the following:

- (1) Graduation from an approved ~~school~~ **program** of nursing accepted by the board.
- (2) Current, unencumbered ~~licensure~~ **registered nurse licensed** in Indiana.

(b) The personnel policies for faculty members shall be defined in writing.

~~(e)~~ Faculty qualification data shall be filed on designated forms in the office of the board within thirty (30) days of the hiring date.

~~(d)~~ (c) Faculty, other than registered nurses, who teach nonclinical nursing courses, including, but not limited to:

- (1) issues and trends;
- (2) nutrition;
- (3) research;
- (4) management; and
- (5) statistics;

shall hold master's degrees in areas appropriate to the responsibilities inherent in the position.

~~(e)~~ (d) Clinical preceptorships may be used for the clinical ~~laboratory~~ experiences of students. When clinical preceptors are used, the following conditions shall be met:

- (1) Written agreements between ~~the~~ cooperating agency and nursing program shall delineate the functions and responsibilities of the parties involved.
- (2) Criteria for selecting clinical preceptors shall be developed and in writing.
- (3) The clinical preceptors shall have the following minimum qualifications:
  - (A) Current licensure as a registered nurse.
  - (B) Three (3) years of experience as a registered nurse.
- (4) Written clinical objectives shall be specific and shared with the clinical preceptor prior to the experience.
- (5) The designated faculty member shall:

(A) be responsible for the learning experience of each student; and ~~shall~~

(B) meet with each clinical preceptor and student for the purpose of monitoring and evaluating the learning experience.

(6) The designated faculty member shall be available by phone or in person when students are in the clinical area.

(7) A faculty member shall be responsible for coordinating the clinical ~~preceptorship~~ **preceptorships** of no more than ten (10) students.

*(Indiana State Board of Nursing; 848 IAC 1-2-12; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4530; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 598)*

SECTION 11. 848 IAC 1-2-13 IS AMENDED TO READ AS FOLLOWS:

### 848 IAC 1-2-13 Faculty qualifications; registered nurse programs

Authority: IC 25-23-1-7

Affected: IC 25-23-1-7

Sec. 13. (a) The director shall be a registered nurse with a minimum of a master's degree ~~preferably~~ in nursing **and be employed full-time, excluding vacations and holidays, during the enrollment period of the students.** A doctoral degree is recommended. The director shall have experience in the following:

- (1) The practice of nursing.
- (2) Nursing education.
- (3) Administration.

~~The director shall be employed full time, excluding vacations and holidays, during the enrollment period of the students.~~

(b) The nurse faculty member shall have experience in the practice of nursing and hold a master's degree. The majority of the faculty shall hold master's degrees with majors in nursing. The remainder of the faculty shall hold master's degrees in a field appropriate to their teaching or clinical responsibilities. The majority of the faculty shall be full-time employees of the institution. ~~Any faculty member hired in the year 2002 or beyond shall have a master's degree in nursing. The appointment~~ **reappointment** of a person who does not hold a master's degree **in nursing** shall be made only if that person, **enrolls within one (1) year of initial appointment, has a written plan of study for degree completion and has matriculated** in a college or university, ~~and within five (5) years of assuming the teaching position completes a master's degree.~~ Faculty members who have been appointed prior to the promulgation of this rule shall be expected to complete master's degrees within five (5) years. **Continuing reappointment of a person who does not hold a master's degree in nursing shall be contingent upon orderly progression toward degree completion.**  
*(Indiana State Board of Nursing; 848 IAC 1-2-13; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4530; readopted filed Nov 6, 2001, 4:18*

*p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 598)*

SECTION 12. 848 IAC 1-2-14 IS AMENDED TO READ AS FOLLOWS:

**848 IAC 1-2-14 Faculty qualifications; licensed practical nurse programs**

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

Sec. 14. (a) The director shall be a registered nurse with a minimum of a master's degree, preferably in nursing, **and shall be employed full-time, excluding vacations and holidays, during the enrollment period of the students. A program director appointed prior to the promulgation of this rule shall be considered, except** the director shall have experience in the following:

- (1) The practice of nursing.
- (2) ~~Practical~~ Nursing education.
- (3) Administration.

~~The director shall be employed full time, excluding vacations and holidays, during the enrollment period of the students.~~

(b) The nurse faculty member shall have experience in the practice of nursing and hold a baccalaureate degree. The majority of the faculty shall hold baccalaureate degrees with majors in nursing. The remainder of the faculty shall hold baccalaureate degrees in a field appropriate to their teaching or clinical responsibilities. The majority of the faculty shall be full-time employees of the institution. ~~Any faculty member hired in the year 2002 or beyond shall have a baccalaureate degree in nursing: (Indiana State Board of Nursing; 848 IAC 1-2-14; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4530; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 599)~~

SECTION 13. 848 IAC 1-2-16 IS AMENDED TO READ AS FOLLOWS:

**848 IAC 1-2-16 Curriculum; all programs**

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

Sec. 16. (a) The:

- (1) development;
- (2) implementation;
- (3) evaluation; and
- (4) revision;

of the curriculum shall be the responsibility of the nursing faculty and shall be based on the stated philosophy and objectives of the program.

(b) The program shall provide an opportunity for the student to learn:

- (1) facts;
- (2) principles;
- (3) concepts; and
- (4) skills;

which ensure that each graduate meets the minimal qualifications essential for safety to practice as a licensed nurse.

(c) There shall be concurrent didactic instruction and clinical ~~laboratory~~ experiences in the care of patients from all age groups except when students repeat courses for failing or withdrawal. Those students may repeat the failed course by itself without also repeating the concurrent course.

(d) The clinical ~~laboratory~~ experiences shall be determined by the philosophy, **mission**, and objectives of the program. ~~and shall be provided in cooperative agencies approved by the board.~~

(e) Classroom ~~laboratory and clinical~~ experiences shall be the responsibility of program faculty.

(f) Observational experiences shall be determined by the philosophy, **mission**, and objectives of the program. As used in this subsection, "observational experiences" means those experiences in which the student is in the role of observer. Observational experiences shall be:

- (1) planned for and guided by the faculty, but may not require direct supervision; **and**
- ~~(2) included in the clinical laboratory experiences; and~~
- ~~(3) (2) included in the program's annual report to the board. but do not require prior approval for implementation.~~

(g) There shall be an outline of the total curriculum showing the placement of courses according to:

- (1) year and semester or term;
- (2) the ratio of credits to hours; or
- (3) the total number of hours.

(h) The school year shall be divided into definite terms with dates set for the beginning and ending of each. The dates shall be communicated to the students at the beginning of the academic year.

(i) Board approval shall be granted prior to the initiation of any major curriculum change. If the change is minor, in that it does not substantially alter the curriculum, it shall be reported to the board in writing **in the program's annual report to the board.**

(j) A major change, which would require the board's approval prior to implementation, includes the following:

- (1) Major changes in philosophy, ~~purpose;~~ **mission**, or **objective: objectives.**
- (2) The number of credits required for successful completion of the program or the major in nursing.
- (3) The number and type of general education courses.
- (4) Relocation of the program or any of its components.
- ~~(5) Addition of clinical sites;~~
- ~~(6) (5) Change in required clinical laboratory hours.~~
- ~~(7) Increases or decreases in admission numbers by twenty-five percent (25%).~~

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- ~~(8)~~ (6) Admission times.
- ~~(9)~~ (7) Progression options.
- ~~(10)~~ (8) Additions of satellite locations.

~~(k)~~ A minor change, which would not require prior board approval but would be reported in the program's annual report, includes changes in the sequencing of courses or content with the current philosophy and number of credits.

~~(j)~~ (k) There shall be a systematic written plan for program evaluation that is ongoing according to the time frame specified by the faculty. The findings from the systematic evaluation shall be used for development, maintenance, and revision of the program components. The written plan shall include, but is not limited to, the following:

- (1) Philosophy, ~~purpose~~, **mission**, and ~~objective objectives~~ of the nursing education program.
- (2) Expected knowledge, skills, and abilities of the graduates.
- (3) Teaching and learning experiences.
- (4) Student evaluation of courses.
- (5) Instructor evaluation of students.
- (6) Pass rates on licensure examination.
- (7) Follow-up studies of graduates' evaluation of the program of learning.
- (8) Employment performance of graduates.

*(Indiana State Board of Nursing; 848 IAC 1-2-16; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4531; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 599)*

SECTION 14. 848 IAC 1-2-17 IS AMENDED TO READ AS FOLLOWS:

### 848 IAC 1-2-17 Curriculum; registered nurse programs

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

Sec. 17. (a) **The length of a full-time program shall be a minimum of two (2) academic years or its equivalent.**

(b) The curriculum shall provide instruction in the following areas:

- (1) Physical and biological sciences, including content drawn from the areas of:
  - (A) anatomy;
  - (B) physiology;
  - (C) chemistry;
  - (D) microbiology;
  - (E) pharmacology;
  - (F) physics; and
  - (G) nutrition;

that may be integrated, combined, or presented as separate courses.

(2) Social and behavioral sciences shall include content drawn from the areas of:

- (A) **interpersonal communications, English composition, or speech;**

(B) psychology; and  
(C) sociology;  
that may be integrated, combined, or presented as separate courses.

(3) The nursing content shall establish the following:

(A) Provide concurrent theory and clinical experience in the following areas:

- (i) Adult nursing.
- (ii) **Obstetric Maternity** nursing.
- (iii) Nursing of children.
- (iv) **Psychiatric Mental health** nursing.
- (v) **Geriatric Gerontological** nursing.
- (vi) For baccalaureate programs, community health nursing **and research.**

(B) Include:

- (i) history;
- (ii) trends;
- (iii) legal aspects; and
- (iv) ethical aspects;

of nursing that may be integrated, combined, or presented as separate courses.

(C) Include content about chemical substance abuse among professionals.

(D) Computer technology shall be integrated, combined, or presented as a separate course.

(E) ~~Universal Standard~~ precautions education shall be integrated, combined, or presented as a separate course.

~~(F) The length of a full-time program shall be a minimum of four (4) semesters or two (2) academic years.~~

*(Indiana State Board of Nursing; 848 IAC 1-2-17; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4532; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 600)*

SECTION 15. 848 IAC 1-2-18 IS AMENDED TO READ AS FOLLOWS:

### 848 IAC 1-2-18 Curriculum; licensed practical nurse program

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

Sec. 18. (a) The length of a full-time program shall be ~~two (2) semesters and one (1) summer session or four (4) quarters~~ **within a minimum of one (1) calendar year or its equivalent.**

(b) The curriculum shall provide instruction in the following areas:

- (1) Physical and biological sciences, including content drawn from the areas of:
  - (A) anatomy;
  - (B) physiology;
  - (C) nutrition; and
  - (D) pharmacology;

that may be integrated, combined, or presented as separate courses.

(2) Social and behavioral sciences, including content drawn



from the concepts of mental health that may be integrated, combined, or presented as separate courses.

- (3) The nursing content shall establish the following:
- (A) Provide concurrent theory and clinical experience in the following areas:
    - (i) Adult nursing.
    - (ii) ~~Obstetric Maternity~~ nursing.
    - (iii) Nursing of children.
    - (iv) ~~Geriatric Gerontological~~ nursing.
  - (B) Include:
    - (i) history;
    - (ii) trends;
    - (iii) legal aspects; and
    - (iv) ethical aspects;
- of nursing that may be integrated, combined, or presented as separate courses.
- (C) Include content about chemical substance abuse among professionals.
- (D) Computer technology shall be integrated, combined, or presented as a separate course.
- (E) ~~Universal Standard~~ precautions education shall be integrated, combined, or presented as a separate course.
- (Indiana State Board of Nursing; 848 IAC 1-2-18; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4532; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 600)*

SECTION 16. 848 IAC 1-2-19 IS AMENDED TO READ AS FOLLOWS:

**848 IAC 1-2-19 Clinical experience; all programs**  
 Authority: IC 25-23-1-7  
 Affected: IC 25-23-1-20

Sec. 19. (a) Clinical facilities used for learning experiences shall be approved by ~~the Joint Commission on Accreditation of Healthcare Organizations~~ **an organization that has been granted deeming authority** or appropriate licensing bodies. **Long term care facilities shall be licensed by the Indiana state department of health.**

(b) There shall be written agreements between the ~~school~~ **program** and any institution or agency, which is used for clinical ~~laboratory~~ experiences. Agreements shall state the responsibilities and privileges of both parties. ~~A copy of the written agreement shall be submitted to the board for approval six (6) months prior to the beginning of the experience.~~ Written agreements are not necessary for observational experiences.

~~(c) A request for approval of clinical facilities shall be submitted to the board for initial approval six (6) months prior to the use of that facility on forms provided by the board. A site visit may be made to any clinical facility not previously visited by a representative of the board, prior to approval of the facility. A site visit shall be made by a representative of the board prior to denial of the use of any clinical facility. The site visitor shall secure data concerning:~~

- ~~(1) the size of the facility;~~
  - ~~(2) the number of other nursing programs using the facility;~~
  - ~~and~~
  - ~~(3) the time of use and problems of overcrowding;~~
- as well as other aspects of the learning environment.

~~(d) School~~ (c) **Nursing program** faculty shall:

- (1) assign;
- (2) guide;
- (3) evaluate; and
- (4) supervise;

**the learning activities of students in their learning experiences: the clinical experience.**

~~(e) Clinical facilities no longer being utilized by the nursing program shall be indicated on forms provided by the board:~~

~~(f) (d)~~ The ratio of faculty to students shall be a maximum of 1:10 or any portion thereof in the clinical ~~laboratory or obser-~~ **vational** experience, exclusive of the nurse director or coordinator. *(Indiana State Board of Nursing; 848 IAC 1-2-19; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4532; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 601)*

SECTION 17. 848 IAC 1-2-20 IS AMENDED TO READ AS FOLLOWS:

**848 IAC 1-2-20 Educational resources**  
 Authority: IC 25-23-1-7  
 Affected: IC 25-23-1-20

Sec. 20. (a) Classrooms, laboratories, and conference rooms shall be provided to meet the needs of the students.

(b) The library shall be adequate in size and have current holdings to meet the educational needs of the students and faculty. There shall be a variety of current audiovisual and computer aids for individual and group instruction. The annual budget shall provide for accessions to the library.

(c) Furnishings, supplies, and office equipment shall be provided for the director, faculty, and clerical staff.

(d) Adequate office space shall be provided for the director, faculty, and clerical staff.

(e) There shall be adequate support services and secretarial personnel to meet the needs of the program.

**(f) There shall be adequate support for faculty development.**  
*(Indiana State Board of Nursing; 848 IAC 1-2-20; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4533; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 601)*

SECTION 18. 848 IAC 1-2-21 IS AMENDED TO READ AS FOLLOWS:

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### 848 IAC 1-2-21 Progression and graduation

Authority: IC 25-23-1-7

Affected: IC 25-23-1-7

Sec. 21. (a) There shall be written requirements for progression and graduation prepared by the faculty of each program. There shall be a written policy and procedure for academic probation and termination from the program. There shall be a code of conduct for students.

(b) The nursing program shall provide to enrolled students a student handbook that shall include all information specific to the nursing program.

(c) Candidates for the registered nurse licensing examination shall have successfully completed the educational program with an accumulative average grade of "C" or better, and a grade of "C" or better in each ~~nursing~~ course as identified in section 17 of this rule.

(d) Candidates for the practical nurse licensing examination shall have successfully completed the educational program with a grade of "C" or better in each course. (*Indiana State Board of Nursing; 848 IAC 1-2-21; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4533; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 602*)

SECTION 19. 848 IAC 1-2-22 IS AMENDED TO READ AS FOLLOWS:

### 848 IAC 1-2-22 Records and program catalog

Authority: IC 25-23-1-7

Affected: IC 25-23-1-7

Sec. 22. (a) There shall be a record system that provides for accurate recording of admission data and student academic records. Provisions shall be made for safe storage of records to prevent loss by destruction and unauthorized use.

(b) Individual student files, maintained by the program of nursing during the student's enrollment, shall include, at a minimum, the following:

- (1) Documents required for admission.
- (2) Results of performance evaluation relating to the student's progression or lack thereof.
- (3) Documentation of ~~universal standard~~ precautions training.

(c) The institution must maintain in readily accessible form, or cause to be maintained in readily accessible form, sufficient records to generate an official student transcript for a period of sixty (60) years after the date the student attended the institution.

(d) Information about the ~~school program~~ shall be published periodically, at least every two (2) years. The publication shall be dated and include the following:

(1) Philosophy, **mission**, and objectives of the ~~school~~ **nursing program**.

(2) A general description of the program.

(3) The curriculum plan.

(4) Brief course descriptions.

(5) Facilities and conditions provided for student learning and welfare.

(6) Faculty information.

(7) A statement of tuition, fees, and refund policies.

(8) A statement regarding nondiscriminatory ~~practices in~~ **policies for** student and faculty recruitment.

(9) A statement regarding student complaint and grievance procedures.

(10) Housing and residence facilities information.

(11) Admission, progression, and graduation ~~practices~~ **policies**.

(*Indiana State Board of Nursing; 848 IAC 1-2-22; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4533; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 602*)

SECTION 20. 848 IAC 1-2-23 IS AMENDED TO READ AS FOLLOWS:

### 848 IAC 1-2-23 Reports to the board

Authority: IC 25-23-1-7

Affected: IC 25-23-1-7

Sec. 23. (~~a~~) The director of the nursing program shall submit an annual report to the board on forms provided by the board. The report shall provide current data on the following:

(1) Administrative personnel, credit hours, and faculty to student ratios.

(2) Organizational, administrative, and physical changes.

(3) Any curriculum changes.

(4) Student statistics.

(5) A faculty list with **a**:

(A) ~~a~~ completed faculty qualification record for each new member;

(B) ~~a~~ supplemental qualification record for each faculty member pursuing a master's degree; and

(C) ~~a~~ list of faculty no longer employed by the institution since the last annual report.

(6) A clinical agency list and a list of those agencies no longer used since the last annual report.

(7) An organizational chart for the nursing program and for the parent institution.

(~~b~~) ~~A list of graduates applying for licensing examinations shall be submitted on forms provided by the board prior to requesting applications for distribution to students.~~ (*Indiana State Board of Nursing; 848 IAC 1-2-23; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4534; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 602*)

SECTION 21. 848 IAC 1-2-24 IS AMENDED TO READ AS FOLLOWS:

**848 IAC 1-2-24 Records**

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

Sec. 24. A copy of each annual report to the board, the ~~school~~ **program** catalog, and nursing student handbook shall be maintained in the permanent records of the institution. (*Indiana State Board of Nursing; 848 IAC 1-2-24; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4534; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 603*)

LSA Document #04-65(F)  
Notice of Intent Published: April 1, 2004; 27 IR 2303  
Proposed Rule Published: June 1, 2004; 27 IR 2865  
Hearing Held: July 15, 2004  
Approved by Attorney General: August 30, 2004  
Approved by Governor: September 8, 2004  
Filed with Secretary of State: September 13, 2004, 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 864 STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS**

LSA Document #03-301(F)  
DIGEST

Amends 864 IAC 1.1-2-4 to specify that a senior in an engineering curriculum in a college or university in Indiana may take the last engineering intern examination prior to graduation to facilitate the outsourcing of the administration of examinations for engineering interns. Amends 864 IAC 1.1-4.1-9 to bring the examination attempts for certification as engineering intern in conformity with the fees charged by the board. Amends 864 IAC 1.1-12-1 to revise the fee schedule for examination or reexamination to facilitate the outsourcing of the administration of examinations for professional engineers and engineering interns. Adds 864 IAC 1.1-12-2 to establish that the fees for administration and scoring of the fundamentals of engineering examination and principles and practice of engineering examination be paid directly to the examination services. Effective November 1, 2004.

**864 IAC 1.1-2-4**                      **864 IAC 1.1-12-1**  
**864 IAC 1.1-4.1-9**                **864 IAC 1.1-12-2**

SECTION 1. 864 IAC 1.1-2-4 IS AMENDED TO READ AS FOLLOWS:

**864 IAC 1.1-2-4 Engineering intern; education and work experience**

Authority: IC 25-31-1-7; IC 25-31-1-8  
Affected: IC 25-31-1-12

Sec. 4. (a) The education and experience requirements of section 2 of this rule for professional engineer applicants apply for engineering intern applicants except that **individuals with:**

- (1) ~~individuals with~~ a baccalaureate degree meeting the course requirements of section 2(c) of this rule shall only be required to obtain two (2) years of work experience;
- (2) ~~individuals with~~ a master of science degree in an engineering discipline following a baccalaureate ~~which that~~ is not in an approved engineering curriculum shall only be required to obtain one (1) year of work experience; and
- (3) ~~individuals with~~ the other degrees listed in section 2(b) of this rule shall not be required to obtain any work experience.

(b) An individual who is enrolled as a senior in an engineering curriculum in a college or university in Indiana ~~which that~~ has at least one (1) approved engineering curriculum may take the last EI examination offered ~~on the individual's campus~~ prior to the individual's scheduled graduation. This subsection does not apply to any individual enrolled in any other baccalaureate degree program. (*State Board of Registration for Professional Engineers; Rule 2, Sec 4; filed Feb 29, 1980, 3:40 p.m.: 3 IR 628; filed Oct 17, 1986, 2:20 p.m.: 10 IR 438; errata filed Mar 8, 1990, 5:00 p.m.: 13 IR 1189 voided by the attorney general filed Apr 18, 1990: 13 IR 1863; errata filed Dec 20, 1990, 5:00 p.m.: 14 IR 1071; filed Sep 24, 1992, 9:00 a.m.: 16 IR 726, eff Jan 1, 1993; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2105, eff Jul 4, 1995; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; filed Sep 23, 2002, 9:59 a.m.: 26 IR 380, eff Dec 1, 2002; filed Sep 16, 2004, 9:00 a.m.: 28 IR 603, eff Nov 1, 2004*)

SECTION 2. 864 IAC 1.1-4.1-9 IS AMENDED TO READ AS FOLLOWS:

**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) additional time provided that the applicant requests to be admitted to either of the next two (2) regularly scheduled examinations.

(c) 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) additional time provided the applicant:

- (1) complies with subsection (b);
- (2) pays the ~~fee fees~~ under ~~864 IAC 1.1-12-1(9); 864 IAC 1.1-12-1(1) and 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

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(5) otherwise qualifies for admission to the examination.

(d) Upon the exhaustion of the examination attempts allowed by this section, the application shall be deemed terminated.

(e) 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*)

SECTION 3. 864 IAC 1.1-12-1 IS AMENDED TO READ AS FOLLOWS:

### 864 IAC 1.1-12-1 Fees charged by board

Authority: IC 25-1-8-2; IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 1. The board shall charge and collect the following fees, which shall all be nonrefundable and nontransferable:

(1) **Except for an application for college seniors applying for the fundamental engineering examination under 864 IAC 1.1-2-4 and 864 IAC 1.1-3-3**, for review of an application for examination for certification as an engineering intern, one hundred dollars (\$100).

(2) For review of an application for examination for registration as a professional engineer, three hundred dollars (\$300).

~~(3) For the examination or reexamination of any applicant under the Act:~~

~~(A) fundamental of engineering examination, one hundred dollars (\$100); and~~

~~(B) principles and practice of engineering examination, one hundred fifty dollars (\$150).~~

~~(4) (3) For the processing and review of qualifications for registration as a professional engineer by comity, five hundred dollars (\$500).~~

~~(5) (4) For issuance of the original certificate to practice as a professional engineer following passage of the examination or approval for registration on the basis of comity, **when the certificate is dated between August 1 of an:**~~

~~(A) when the certificate is dated between August 1 of an odd-numbered year and July 31 of the following even-numbered year, inclusive, fifty dollars (\$50); and~~

~~(B) when the certificate is dated between August 1 of an even-numbered year and July 31 of the following odd-numbered year, inclusive, one hundred dollars (\$100).~~

~~(6) (5) For biennial renewal of the certificate to practice as a professional engineer, one hundred dollars (\$100) payable prior to July 31 of each even-numbered year.~~

~~(7) (6) For renewal of an expired certificate to practice as a professional engineer, fifty dollars (\$50), plus all unpaid renewal fees for the four (4) years of delinquency. A certificate may not be renewed after four (4) years of delinquency.~~

~~(8) (7) For a duplicate or replacement certificate to practice~~

as a professional engineer, ten dollars (\$10).

~~(9) For an applicant for engineering intern under 864 IAC 1.1-2-4(b) for review of the application, examination, and enrollment as an engineering intern, fifty dollars (\$50):~~

~~(10) (8) The fee shall be one hundred dollars (\$100) for the proctoring of examinations taken in this state for purposes of registration in other states. This fee shall be in addition to the examination fee.~~

(*State Board of Registration for Professional Engineers; Rule 12, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Oct 14, 1981, 1:30 p.m.: 4 IR 2459; filed Oct 17, 1986, 2:20 p.m.: 10 IR 442; errata, 10 IR 445; filed Sep 24, 1992, 9:00 a.m.: 16 IR 735; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2111; filed Jun 14, 1996, 3:00 p.m.: 19 IR 3109; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; filed Sep 23, 2002, 9:59 a.m.: 26 IR 380, eff Dec 1, 2002; filed Sep 16, 2004, 9:00 a.m.: 28 IR 604, eff Nov 1, 2004*)

SECTION 4. 864 IAC 1.1-12-2 IS ADDED TO READ AS FOLLOWS:

### 864 IAC 1.1-12-2 Fee for examination administration

Authority: IC 25-1-8-2; IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

**Sec. 2. The fees for both the fundamentals of engineering examination and principles and practice of engineering examination are the costs for examination administration and examination scoring, payable to the examination services.** (*State Board of Registration for Professional Engineers; 864 IAC 1.1-12-2; filed Sep 16, 2004, 9:00 a.m.: 28 IR 604, eff Nov 1, 2004*)

SECTION 5. **SECTIONS 1 through 4 of this document take effect November 1, 2004.**

*LSA Document #03-301(F)*

*Notice of Intent Published: December 1, 2003; 27 IR 907*

*Proposed Rule Published: May 1, 2004; 27 IR 2568*

*Hearing Held: June 17, 2004*

*Approved by Attorney General: September 1, 2004*

*Approved by Governor: September 14, 2004*

*Filed with Secretary of State: September 16, 2004, 9:00 a.m.*

*IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher*

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## TITLE 865 STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

LSA Document #03-300(F)

### DIGEST

Amends 865 IAC 1-11-1 to revise the fees schedule for the

examination and reexamination to facilitate the outsourcing of the administration of examinations for land surveyors-in-training and land surveyors. Effective November 1, 2004.

**865 IAC 1-11-1**

SECTION 1. 865 IAC 1-11-1 IS AMENDED TO READ AS FOLLOWS:

**865 IAC 1-11-1 Fees charged by board**

Authority: IC 25-1-8-2; IC 25-21.5-2-14  
Affected: IC 25-21.5

Sec. 1. The board shall charge and collect the following fees, which shall all be nonrefundable and nontransferable:

- (1) For review of an application for examination for registration as a land surveyor other than comity, a fee of ten dollars (\$10).
- (2) **The fee for the examination or reexamination of any applicant under the Act a fee in the amount of sixty dollars (\$60): is the payment of the applicant's cost of purchasing the examination, payable to the examination service.**
- (3) For the processing and review of qualifications for registration as a land surveyor by comity, a fee of seventy-five dollars (\$75).
- (4) For issuance of the original certificate to practice as a registered land surveyor following passage of the examination or approval for registration on the basis of comity when the certificate is dated between August 1 of an:
  - (A) odd-numbered year and July 31 of the following even-numbered year, inclusive, fifty dollars (\$50); or
  - (B) even-numbered year and July 31 of the following odd-numbered year, inclusive, one hundred dollars (\$100).
- (5) For biennial renewal of the certificate to practice as a registered land surveyor, a renewal fee of one hundred dollars (\$100) and a fee of two dollars (\$2) for each hour of continuing education required both payable no later than July 31 of each even-numbered year. No fee shall be required to renew a certificate in inactive status under 865 IAC 1-13-13.
- (6) For renewal of an expired certificate to practice as a registered land surveyor, ten dollars (\$10), plus all unpaid renewal fees for the four (4) years of delinquency. A certificate may not be renewed after four (4) years of delinquency.
- (7) For a duplicate or replacement certificate to practice as a registered land surveyor, twenty-five dollars (\$25).
- (8) For a replacement pocket card to practice as a registered land surveyor, ten dollars (\$10).
- (9) For ~~examination and~~ enrollment as a land-surveyor-in-training, a fee in the amount of twenty-five dollars (\$25).
- (10) The fee shall be seventy-five dollars (\$75) for the proctoring of examinations taken in this state for purposes of registration in other states. This fee shall be in addition to the examination fee.

*(State Board of Registration for Land Surveyors; Rule 12, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Oct 14, 1981, 1:30 p.m.: 4 IR 2459; filed Oct 17, 1986, 2:20 p.m.: 10 IR 442; errata, 10 IR 445; filed Oct 13, 1992, 5:00 p.m.: 16 IR 884;*

*filed Jun 14, 1996, 3:00 p.m.: 19 IR 3110; filed Nov 20, 2000, 3:01 p.m.: 24 IR 1025; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jul 17, 2002, 3:36 p.m.: 25 IR 4110; filed Sep 16, 2004, 9:00 a.m.: 28 IR 605, eff Nov 1, 2004) NOTE: 864 IAC 1.1-12-1 was renumbered by Legislative Services Agency as 865 IAC 1-11-1.*

SECTION 2. **SECTION 1 of this document takes effect November 1, 2004.**

*LSA Document #03-300(F)  
Notice of Intent Published: December 1, 2003; 27 IR 907  
Proposed Rule Published: May 1, 2004; 27 IR 2570  
Hearing Held: June 11, 2004  
Approved by Attorney General: September 1, 2004  
Approved by Governor: September 14, 2004  
Filed with Secretary of State: September 16, 2004, 9:00 a.m.  
IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher*

**TITLE 872 INDIANA BOARD OF ACCOUNTANCY**

LSA Document #04-98(F)  
DIGEST

Amends 872 IAC 1-3-3.3 to revise requirements for college courses to count for continuing professional education credit. Effective 30 days after filing with the secretary of state.

**872 IAC 1-3-3.3**

SECTION 1. 872 IAC 1-3-3.3 IS AMENDED TO READ AS FOLLOWS:

**872 IAC 1-3-3.3 College courses as CPE**

Authority: IC 25-2.1-2-15  
Affected: IC 25-2.1-4-5

Sec. 3.3. (a) Credit for graduate level courses will be limited to fifty percent (50%) of the total minimum requirement for the reporting period. Credit shall be given at the rate of fifteen (15) CPE hours for each semester credit hour. CPE credit granted for these hours will be given only for a grade of C or above. Grade D or F is not considered as satisfactory completion of a course by the board. **(a) College courses that meet the requirements of this rule may be counted for CPE credit as permitted by this section.**

(b) **All licensees will be given CPE credit granted to for graduate level courses.**

(c) Public accountants and accounting practitioners who do not hold a bachelor's degree with required hours in accounting, business administration, and economics and who ~~are taking~~

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**have taken** undergraduate courses in an accredited university or college in accounting, business administration, and economics **may receive CPE credit.**

**(d) CPE credit under this section** shall be given at the rate of fifteen (15) CPE hours for each semester credit hour. CPE credit granted for these hours will be given only for a grade of C or above. **A grade D or C- or F below** is not considered as satisfactory completion of **an undergraduate** a course by the board. **Total time under this subsection is limited to fifty percent (50%) of the total minimum requirement for the reporting period.** (*Indiana Board of Accountancy; 872 IAC 1-3-3.3; filed Jun 5, 1998, 3:58 p.m.: 21 IR 3936; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Oct 8, 2004, 11:05 a.m.: 28 IR 605*)

*LSA Document #04-98(F)*

*Notice of Intent Published: May 1, 2004; 27 IR 2524*

*Proposed Rule Published: July 1, 2004; 27 IR 3336*

*Hearing Held: August 20, 2004*

*Approved by Attorney General: September 23, 2004*

*Approved by Governor: October 6, 2004*

*Filed with Secretary of State: October 8, 2004, 11:05 a.m.*

*IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher*

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### TITLE 888 INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS

LSA Document #04-74(F)

#### DIGEST

Amends 888 IAC 1.1-6-1 concerning the deadline for applying to take the examination for licensure. Effective 30 days after filing with the secretary of state.

#### 888 IAC 1.1-6-1

SECTION 1. 888 IAC 1.1-6-1 IS AMENDED TO READ AS FOLLOWS:

#### 888 IAC 1.1-6-1 Application content; examination applicant; application deadline

**Authority:** IC 15-5-1.1-8

**Affected:** IC 15-5-1.1-11; IC 15-5-1.1-12

Sec. 1. (a) An applicant for license by examination shall submit the following information:

(1) Official transcripts or a letter from the dean, certified by the school or college, recording the degree earned in a school or college of veterinary medicine accredited under IC 15-5-1.1-11(a) or a notarized copy of the applicant's diploma.

(2) Official score report of the applicant's National Board

Examination (NBE) and the Clinical Competency Test (CCT) or the North American Veterinary Licensing Examination (NAVLE) approved under IC 15-5-1.1-12(b) if the applicant is not applying to take these examinations in Indiana.

(3) Two (2) unmounted, duplicate, passport-quality photographs taken not earlier than eight (8) weeks prior to the date of application, dated and signed across the back in the applicant's handwriting, "I certify that this is a true photograph of me."

(4) A statement from the appropriate agency in each state where the applicant has been licensed, verifying the date the applicant's license was originally issued and certifying whether or not disciplinary proceedings have ever been initiated or are presently pending against the applicant.

(5) The fee required by 888 IAC 1.1-3-2.

(b) An applicant who has not graduated from an accredited school of veterinary medicine and who submits satisfactory proof that he or she is participating in an Educational Commission for Foreign Veterinary Graduates (ECFVG) program of the American Veterinary Medical Association may take the NAVLE. The applicant is not eligible for licensure until he or she submits satisfactory proof that he or she holds an ECFVG certificate issued by the American Veterinary Medical Association.

(c) All applications for the NAVLE must be received by the board at least ~~seventy-five (75)~~ **ninety-five (95)** days prior to the administration of the NAVLE in which the applicant desires to participate. (*Indiana Board of Veterinary Medical Examiners; 888 IAC 1.1-6-1; filed Jan 22, 1991, 4:50 p.m.: 14 IR 1284; filed Dec 27, 1993, 9:00 a.m.: 17 IR 1004; filed Aug 7, 2000, 2:19 p.m.: 24 IR 24; readopted filed Jul 18, 2001, 10:20 a.m.: 24 IR 4238; filed Dec 20, 2002, 12:31 p.m.: 26 IR 1563; filed Sep 16, 2004, 9:20 a.m.: 28 IR 606*)

*LSA Document #04-74(F)*

*Notice of Intent Published: April 1, 2004; 27 IR 2304*

*Proposed Rule Published: June 1, 2004; 27 IR 2875*

*Hearing Held: June 30, 2004*

*Approved by Attorney General: September 1, 2004*

*Approved by Governor: September 14, 2004*

*Filed with Secretary of State: September 16, 2004, 9:20 a.m.*

*IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher*

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### TITLE 888 INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS

LSA Document #04-137(F)

#### DIGEST

Amends 888 IAC 1.1-6-1 concerning applicants who are

applying to take the North American Veterinary Licensing Examination (NAVLE). Effective 30 days after filing with the secretary of state.

**888 IAC 1.1-6-1**

SECTION 1. 888 IAC 1.1-6-1, AS AMENDED AT 28 IR 606, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**888 IAC 1.1-6-1 Application content; examination applicant; application deadline**

**Authority:** IC 15-5-1.1-8

**Affected:** IC 15-5-1.1-11; IC 15-5-1.1-12

Sec. 1. (a) An applicant for license by examination shall submit the following information:

(1) Official transcripts or a letter from the dean, certified by the school or college, recording the degree earned in a school or college of veterinary medicine accredited under IC 15-5-1.1-11(a) or a notarized copy of the applicant's diploma.

(2) Official score report of the applicant's National Board Examination (NBE) and the Clinical Competency Test (CCT) or the North American Veterinary Licensing Examination (NAVLE) approved under IC 15-5-1.1-12(b) if the applicant is not applying to take these examinations in Indiana.

(3) Two (2) unmounted, duplicate, passport-quality photographs taken not earlier than eight (8) weeks prior to the date of application, dated and signed across the back in the applicant's handwriting, "I certify that this is a true photograph of me."

(4) A statement from the appropriate agency in each state where the applicant has been licensed, verifying the date the applicant's license was originally issued and certifying whether or not disciplinary proceedings have ever been initiated or are presently pending against the applicant.

(5) The fee required by 888 IAC 1.1-3-2.

(b) An applicant who has not graduated from an accredited school of veterinary medicine and who submits satisfactory proof that he or she is ~~participating~~ **enrolled in an** the Educational Commission for Foreign Veterinary Graduates (ECFVG) program of the American Veterinary Medical Association **and has completed ECFVG Step 2 (English proficiency) may be approved to** take the NAVLE. The applicant is not eligible for licensure until he or she submits satisfactory proof that he or she holds an ECFVG certificate issued by the American Veterinary Medical Association.

(c) All applications for the NAVLE must be received by the board at least ninety-five (95) days prior to the administration of the NAVLE in which the applicant desires to participate. (*Indiana Board of Veterinary Medical Examiners; 888 IAC 1.1-6-1; filed Jan 22, 1991, 4:50 p.m.: 14 IR 1284; filed Dec 27, 1993, 9:00 a.m.: 17 IR 1004; filed Aug 7, 2000, 2:19 p.m.: 24 IR 24; readopted filed Jul 18, 2001, 10:20 a.m.: 24 IR 4238; filed Dec 20, 2002, 12:31 p.m.: 26 IR 1563; filed Sep 16, 2004,*

*9:20 a.m.: 28 IR 606; filed Oct 6, 2004, 5:15 p.m.: 28 IR 607)*

*LSA Document #04-137(F)*

*Notice of Intent Published: June 1, 2004; 27 IR 2764*

*Proposed Rule Published: August 1, 2004; 27 IR 3704*

*Hearing Held: August 25, 2004*

*Approved by Attorney General: September 29, 2004*

*Approved by Governor: October 5, 2004*

*Filed with Secretary of State: October 6, 2004, 5:15 p.m.*

*IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher*

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**TITLE 328 UNDERGROUND STORAGE TANK  
FINANCIAL ASSURANCE BOARD**

LSA Document #02-204(AC)

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in LSA Document #02-204(F), printed at 28 IR 123:

- (1) In 328 IAC 1-3-3(a)(3), on page 5 of the original document (28 IR 127), delete “of this section”.
- (2) In 328 IAC 1-4-1(c)(3)(D), on page 18 of the original document (28 IR 140), delete “is defined as” and insert “has the meaning”.
- (3) In 328 IAC 1-4-1(c)(4), on page 18 of the original document (28 IR 140), delete “of this rule”.
- (4) In 328 IAC 1-4-3(c), on page 19 of the original document (28 IR 141), after “section 1.5 and”, delete “section”.
- (5) In 328 IAC 1-4-4, on page 19 of the original document (28 IR 141), in the last sentence, delete “the term”.

*Filed with Secretary of State: October 7, 2004, 11:45 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.*

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**TITLE 329 SOLID WASTE MANAGEMENT  
BOARD**

LSA Document #01-161(AC)

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling error in LSA Document #01-161(F), printed at 28 IR 144:

- In 329 IAC 9-2-2(d), on page 8 of the original document (28 IR 151), delete “the” before the word “section” and insert “this”.

*Filed with Secretary of State: October 7, 2004, 11:55 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.*

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**TITLE 329 SOLID WASTE MANAGEMENT  
BOARD**

LSA Document #01-288(AC)

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in LSA Document #01-288(F), printed at 27 IR 3957:

- (1) In 329 IAC 10-8.2-1, on page 8 of the original document (27 IR 3961), delete “section” and insert “rule”.

(2) In 329 IAC 10-8.2-2, on page 8 of the original document (27 IR 3961), delete “dusts” and insert “dust”.

(3) In 329 IAC 10-9-2(b)(11), on page 12 of the original document (27 IR 3963), before “defined in”, insert “as”.

(4) In 329 IAC 10-9-2(b)(12), on page 12 of the original document (27 IR 3963), before “defined in”, insert “as”.

(5) In 329 IAC 10-9-4(c)(2)(B)(ii), on page 15 of the original document (27 IR 3964), delete “item (i)” and insert “clause (A)”.

(6) In 329 IAC 10-9-4(c)(2)(C), on page 15 of the original document (27 IR 3964), delete “item (ii)” and insert “clause (B)”.

(7) In 329 IAC 10-9-4(f), on page 15 of the original document (27 IR 3965), after “subsections”, delete “(c) through (d)” and insert “(d) through (e)”.

(8) In 329 IAC 10-9-4(i), on page 16 of the original document (27 IR 3965), after “subsections (a) through”, delete “(g)” and insert “(h)”.

(9) In 329 IAC 10-9-4(i), on page 16 of the original document (27 IR 3965), delete “of this section”.

(10) In 329 IAC 10-20-14.1(a)(6), on page 19 of the original document (27 IR 3967), delete the second occurrence of “subsection”.

(11) In 329 IAC 10-20-14.1(f)(2), on page 22 of the original document (27 IR 3968), delete “on”.

(12) In 329 IAC 10-20-14.1(f)(2)(A), on page 22 of the original document (27 IR 3968), before “areas that will have”, insert “on”.

(13) In 329 IAC 10-36-19(2)(C), on page 24 of the original document (27 IR 3970), delete the second occurrence of “that”.

(14) In 329 IAC 11-3-2(b), on page 27 of the original document (27 IR 3971), delete “which” and insert “that”.

(15) In 329 IAC 11-8-2.5(b)(2), on page 28 of the original document (27 IR 3971), before “defined in”, insert “as”.

(16) In 329 IAC 11-8-2.5(b)(11), on page 28 of the original document (27 IR 3972), before “defined in”, insert “as”.

(17) In 329 IAC 11-8-2.5(b)(12), on page 28 of the original document (27 IR 3972), before “defined in”, insert “as”.

(18) In 329 IAC 11-19-3(1), on page 34 of the original document (27 IR 3975), delete “management” and insert “quality”.

*Filed with Secretary of State: October 7, 2004, 11:50 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.*

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**TITLE 760 DEPARTMENT OF INSURANCE**

LSA Document #03-303(AC)

Under IC 4-22-2-38, corrects the following typographical,



clerical, or spelling errors in LSA Document #03-303(F), printed at 28 IR 563:

- (1) In 760 IAC 2-4-2(e), on page 13 of the original document (28 IR 570), delete “760 IAC 1-19.5-1” and insert “760 IAC 2-19.5-1”.
- (2) In 760 IAC 2-4-2(e), on page 13 of the original document (28 IR 570), delete “760 IAC 1-19.5-2” and insert “760 IAC 2-19.5-2”.
- (3) In 760 IAC 2-15-1(a)(8), on page 22 of the original document (28 IR 574), delete “760 IAC 2-16.1-2(d)” and insert “760 IAC 2-16.1-1(d)”.

*Filed with Secretary of State: October 12, 2004, 3:20 p.m.*

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

*NOTE: This change was incorporated into the printed version of LSA Document #03-303(F) and may be found at 28 IR 563, as corrected.*

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**TITLE 515 PROFESSIONAL STANDARDS BOARD**

LSA Document #03-320

Under IC 4-22-2-40, LSA Document #03-320, printed at 27 IR 2558, is recalled.

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**TITLE 515 PROFESSIONAL STANDARDS BOARD**

LSA Document #03-321

Under IC 4-22-2-40, LSA Document #03-321, printed at 27 IR 2330, is recalled.

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**TITLE 515 PROFESSIONAL STANDARDS BOARD**

LSA Document #03-322

Under IC 4-22-2-40, LSA Document #03-322, printed at 27 IR 2331, is recalled.

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**TITLE 312 NATURAL RESOURCES COMMISSION**

LSA Document #04-176

Under IC 4-22-2-41, LSA Document #04-176, printed at 27  
IR 3098, is withdrawn.

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## Emergency Rules

### TITLE 52 INDIANA BOARD OF TAX REVIEW

LSA Document #04-261(E)

#### DIGEST

Temporarily adds provisions establishing procedures to govern proceedings before the Indiana board of tax review with respect to appeals for the 2002 assessment year in Lake County. Authority: HEA 1535, P.L.235-2003; IC 4-22-2-37.1; IC 6-1.1-4-34. Effective September 23, 2004.

**SECTION 1.** The purpose of this document is to establish procedures to govern administrative proceedings before the board arising from appeals of assessments of real property in Lake County for the March 1, 2002, assessment date. The definitive procedures, procedural requirements, and evidentiary controls established by this document are deemed essential to assure that the administrative appeals before the board are conducted in the most uniform and objective manner possible.

**SECTION 2.** (a) The provisions of this document apply to and govern all proceedings before the board that arise from appeals of assessments:

- (1) of real property located in Lake County;
- (2) completed for the March 1, 2002, assessment date; and
- (3) performed by the department of local government finance or the department's authorized contractor pursuant to IC 6-1.1-4-32.

(b) The procedures set forth in 52 IAC 2 apply to petitions filed under IC 6-1.1-15 and do not reflect the unique process of IC 6-1.1-34 (governing appeals from the Lake county reassessment for 2002). However, many of the general rule provisions of 52 IAC 2 are applicable to matters heard under IC 6-1.1-34. Therefore, the definitions and rules found in 52 IAC 2 that are not inconsistent with this document apply to the appeals described in subsection (a). If there is a conflict, the definitions and rules of this document will control.

(c) The provisions of 52 IAC 2-6-6 do not apply to this document.

**SECTION 3.** The board shall conduct an impartial review of an appeal from a final assessment decision under IC 6-1.1-4-33(g) issued by the department.

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

- (1) "Appeal petition", as used in this document, means a petition for review of a final assessment decision issued by the department and filed with the board under IC 6-1.1-4-34 on form 139L or such other form as prescribed by the board.

(2) "Contractor" means a firm that entered into a contract with the department to assess property in the county and to conduct informal hearings concerning assessments of real property in the county under IC 6-1.1-4-32 and IC 6-1.1-4-33.

(3) "County" means Lake County, Indiana.

(4) "Department" means the department of local government finance established under IC 6-1.1-30-1.1.

(5) "Final assessment decision" means a final decision issued by the department that serves as notice of a changed reassessment that may be appealed under IC 6-1.1-4-34(c).

(6) "Final order" or "final determination", as used in this document, means any action of the board that is:

- (A) designated as final by the board;
- (B) the final step in the administrative process before resort may be made to the judiciary; or
- (C) subject to appeal to tax court under IC 6-1.1-4-34(m).

(7) "Informal hearing" means the process described in IC 6-1.1-4-33(b).

(8) "Notice of reassessment" means a written notice of the assessed value of real property delivered to the taxpayer by the department pursuant to IC 6-1.1-4-32(f).

(9) "Special master" means a qualified individual designated by the board under IC 6-1.1-4-34(e) to conduct evidentiary hearings and prepare reports in accordance with IC 6-1.1-4-34(g).

**SECTION 5.** (a) An appeal petition must be filed with the county assessor within thirty (30) days after the department gives notice of the final assessment decision.

(b) There is a rebuttable presumption that the final assessment decision is mailed on the date of the final assessment decision.

**SECTION 6.** In order to appeal to the board, the taxpayer must:

- (1) request and participate as required in the informal hearing process under IC 6-1.1-4-33 not later than forty-five (45) days after the date of the notice of reassessment;
- (2) receive a final assessment decision from the department; and
- (3) file an appeal petition with the county assessor not later than thirty (30) days after the notice of the final assessment decision is given to the taxpayer.

**SECTION 7.** The hearing shall be scheduled no earlier than thirty (30) days after receipt of the appeal petition unless otherwise agreed by the parties.

**SECTION 8.** (a) Hearings will be conducted by a special master or by a member of the board acting as a special master.

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

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

(d) The special master may rule on any nonfinal order without the approval of a majority of the board.

(e) In order for a tax representative to participate in the hearing, the tax representative must be certified by the department and follow the rules of 52 IAC 1.

SECTION 9. (a) Hearings held before a special master shall be held in the county or at such other location as the parties and the designated special master agree.

(b) Hearings held by a member of the board acting as a special master may be held in the central office.

SECTION 10. (a) Except as provided in subsection (d), a party participating in the hearing may introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at the informal hearing described in IC 6-1.1-4-33.

(b) No posthearing submissions will be allowed or accepted unless requested by the board.

(c) The parties shall make available to all other parties copies of any documentary evidence and the names and addresses of all witnesses intended to be presented at the hearing at least five (5) days before the hearing. At the commencement of the hearing, the parties shall make available to the presiding special master a copy of all documentary evidence provided to the other parties.

(d) Failure to comply with subsection (c) may serve as grounds to exclude the evidence.

SECTION 11. A hearing may be continued only upon a showing of extraordinary circumstances.

SECTION 12. (a) The board shall conduct a hearing within the time limits set forth in IC 6-1.1-15-4(f) unless the board extends the time under subsection (c).

(b) The board shall make a final determination within the time limits set forth in IC 6-1.1-15-4(h) unless the board extends the time under subsection (c).

(c) If, due to the volume of pending appeals, it becomes impracticable to either conduct a hearing or make a final

determination within the time frames established by IC 6-1.1-15-4, the board may extend the time frames as necessary.

SECTION 13. (a) The board shall examine each petition filed under SECTION 5 [of this document] to determine whether it meets the jurisdictional requirements of IC 6-1.1-4-34(c). The board may establish procedures for such examinations, and the procedures may include orders to submit additional information, telephone conferences to clarify information provided, or other proceedings involving the parties as necessary to determine the events surrounding the taxpayer's filing.

(b) If a petitioner fails to respond to an order requesting additional information, or if, after the board has completed its examination, it is determined that the petitioner did not meet the jurisdictional requirements set forth in IC 6-1.1-4-34(c), the board shall dismiss the petition.

SECTION 14. The board may establish procedures to govern the participation of a township assessor or county assessor who wishes to attend or participate in a hearing under IC 6-1.1-4-34(j).

SECTION 15. This document readopts and modifies the provisions of LSA Document #04-184(E).

*LSA Document #04-261(E)*  
*Filed with Secretary of State: September 23, 2004, 10:55 a.m.*

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**TITLE 65 STATE LOTTERY COMMISSION**

LSA Document #04-265(E)

DIGEST

Temporarily adds rules concerning pull-tab game number 022. Effective October 7, 2004.

SECTION 1. The name of this pull-tab game is "Pull-Tab Game Number 022, Cool Yule".

SECTION 2. Pull-tab tickets for pull-tab game number 022 shall sell for fifty cents (\$0.50) per ticket.

SECTION 3. Pull-tab game number 022 is a criss-cross game.

SECTION 4. A pull-tab ticket in pull-tab game number 022 shall contain fifteen (15) play symbols and play symbol captions arranged in a matrix of five (5) rows and three (3) columns. Each row shall be covered by a tab. The play symbols and play symbol captions in pull-tab game number 022 shall consist of the following possible play symbols:

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- (1) A picture of a reindeer  
**REINDEER**
- (2) A picture of a gift box  
**PRESENT**
- (3) A picture of an elf  
**ELF**
- (4) A picture of a bear  
**BEAR**
- (5) A picture of a snowman  
**SNOWMAN**
- (6) A picture of a Christmas tree  
**TREE**
- (7) A picture of a saxophone  
**SAX**
- (8) A picture of musical notes  
**MUSIC NOTES**
- (9) A picture of cookies and mug  
**COOKIES**

SECTION 5. A row, column, or diagonal on a pull-tab ticket in pull-tab game number 022 that contains two (2) identical play symbols of a "REINDEER" with one (1) play symbol of a "PRESENT" or "ELF" or "BEAR" or "SNOWMAN" or "TREE" is not a criss-cross winning combination unless all of the following are true:

- (1) The play symbols and play symbol captions in the line are consistent with those specified in SECTION 4 of this document.
- (2) The three (3) play symbols and play symbol captions in the line are bisected by a blue arrow.
- (3) The prize amount appears on the left side of the line in red ink on a yellow box.

SECTION 6. Subject to SECTION 5 of this document, the holder of a valid pull-tab ticket for pull-tab game number 022 containing a criss-cross winning combination is entitled to a prize amount and the approximate numbers of which are as follows:

Matching Play Symbol in Criss-Cross Winning Combination	Prize Amount	Approximate Number of Prizes
2 reindeer + 1 tree	\$0.50	72,940
2 reindeer + 1 snowman	\$1	28,134
2 reindeer + 1 bear	\$5	3,126
2 reindeer + 1 elf	\$10	2,084
2 reindeer + 1 present	\$120	1,042

SECTION 7. A total of approximately seven million (7,000,000) pull-tab tickets will be initially available for pull-tab game number 022. The odds of winning a prize in pull-tab game 022 are approximately 1 in 6.52. If additional pull-tab tickets are made available for this pull-tab game, the approximate number of each prize shall increase proportionally.

SECTION 8. The last day to claim prizes in pull-tab game

number 022 shall be sixty (60) days after the end of the game. Game end dates are available on the commission's Web site at [www.hoosierlottery.com](http://www.hoosierlottery.com) or may be obtained through the commission's toll-free customer service number or from any pull-tab ticket retailer.

*LSA Document #04-265(E)*

*Filed with Secretary of State: October 5, 2004, 12:00 p.m.*

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### TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-266(E)

#### DIGEST

Temporarily adds rules concerning pull-tab game number 023. Effective October 7, 2004.

SECTION 1. The name of this pull-tab game is "Pull-Tab Game Number 023, Ace in the Hole".

SECTION 2. Pull-tab tickets for pull-tab game number 023 shall sell for one dollar (\$1) per ticket.

SECTION 3. Pull-tab game number 023 is a criss-cross game.

SECTION 4. A pull-tab ticket in pull-tab game number 023 shall contain fifteen (15) play symbols and play symbol captions arranged in a matrix of five (5) rows and three (3) columns. Each row shall be covered by a tab. The play symbols and play symbol captions in pull-tab game number 023 shall consist of the following possible play symbols:

- (1) A picture of a playing card depicting the ace of spades  
**ACE IN THE HOLE**
- (2) A picture of a playing card depicting the king of spades  
**KING**
- (3) A picture of a playing card depicting the queen of hearts  
**QUEEN**
- (4) A picture of a playing card depicting the jack of clubs  
**JACK**
- (5) A picture of a playing card depicting the ten of diamonds  
**TEN**
- (6) A picture of a playing card depicting the nine of spades  
**NINE**
- (7) A picture of a playing card depicting the eight of hearts  
**EIGHT**
- (8) A picture of a playing card depicting the seven of clubs  
**SEVEN**

- (9) A picture of a card dealer  
DEALER
- (10) A stack of poker chips  
CHIPS
- (11) A picture of two (2) cards  
CARDS

SECTION 5. A row, column, or diagonal on a pull-tab ticket in pull-tab game number 023 that contains two (2) play symbols of "KING-KING", "QUEEN-QUEEN", "JACK-JACK", "TEN-TEN", "NINE-NINE", "EIGHT-EIGHT", or "SEVEN-SEVEN" with one (1) play symbol "ACE IN THE HOLE" is not a criss-cross winning combination unless all of the following are true:

- (1) The play symbols and play symbol captions in the line are consistent with those specified in SECTION 4 of this document.
- (2) The three (3) play symbols and play symbol captions in the line are bisected by a blue arrow.
- (3) The prize amount appears on the left side of the line in red ink on a yellow box.

SECTION 6. Subject to SECTION 5 of this document, the holder of a valid pull-tab ticket for pull-tab game number 023 containing a criss-cross winning combination is entitled to a prize amount and the approximate numbers of which are as follows:

Matching Play Symbol in Criss-Cross Winning Combination	Prize Amount	Approximate Number of Prizes
Seven – Ace in the hole – Seven	\$1	163,419
Eight – Ace in the hole – Eight	\$2	48,222
Nine – Ace in the hole – Nine	\$5	10,716
Ten – Ace in the hole – Ten	\$20	2,679
Jack – Ace in the hole – Jack	\$100	2,679
Queen – Ace in the hole – Queen	\$100	2,679
King – Ace in the hole – King	\$100	2,679

SECTION 7. A total of approximately one million eight hundred thousand (1,800,000) pull-tab tickets will be initially available for pull-tab game number 023. The odds of winning a prize in pull-tab game 023 are approximately 1 in 7.72. If additional pull-tab tickets are made available for this pull-tab game, the approximate number of each prize shall increase proportionally.

SECTION 8. The last day to claim prizes in pull-tab game number 023 shall be sixty (60) days after the end of the game. Game end dates are available on the commission's Web site at [www.hoosierlottery.com](http://www.hoosierlottery.com) or may be obtained through the commission's toll-free customer service number or from any pull-tab ticket retailer.

*LSA Document #04-266(E)  
Filed with Secretary of State: October 5, 2004, 12:00 p.m*

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #04-257(E)

DIGEST

With final adoption and approval in LSA Document #04-3(F) of new 312 IAC 6.5 to govern the registration of off-road vehicles and snowmobiles, LSA Document #03-341(E), which temporarily supplements standards pertaining to the registration of off-road vehicles and snowmobiles, is repealed. Effective September 30, 2004.

SECTION 1. LSA Document #03-341(E) IS REPEALED.

SECTION 2. SECTION 1 [of this document] is effective September 30, 2004.

*LSA Document #04-257(E)  
Filed with Secretary of State: September 15, 2004, 3:30 p.m.*

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #04-258(E)

DIGEST

Temporarily amends 312 IAC 18-3-12, which governs the control of larger pine shoot beetles, by adding Decatur County, Jennings County, Ripley County, Union County, and Vigo County to the quarantine area. Effective September 24, 2004.

SECTION 1. Decatur County, Jennings County, Ripley County, Union County, and Vigo County are declared to be generally infested with larger pine shoot beetles and made subject to quarantine under 312 IAC 18-3-12. The counties listed in this document are in addition to those counties quarantined at 312 IAC 18-3-12(b).

SECTION 2. SECTION 1 of this document expires September 23, 2005.

*LSA Document #04-258(E)  
Filed with Secretary of State: September 21, 2004, 2:30 p.m.*

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #04-259(E)

DIGEST

Temporarily amends 312 IAC 9-3-2 governing hunting of white-tailed deer and 312 IAC 9-3-10 governing commercial

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## Emergency Rules

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processing of deer. (On July 20, 2004, the Natural Resources Commission gave final adoption to all of these amendments in 312 IAC 9-3 to implement these concepts, but the language would likely not complete the review process prior to the hunting season. LSA Document #03-311(F)). Also, requires a person who receives deer for processing and charges a fee to register with the department annually. Effective September 27, 2004.

**SECTION 1. (a) A person who takes a deer must cause delivery of the deer carcass to an official checking station for registration. The person who delivers the deer carcass must provide accurate information for the check station logs on the occurrence of the earlier of one (1) of the following:**

- (1) Within forty-eight (48) hours after taking the deer.
- (2) Before the deer is removed from this state.

**(b) This SECTION is supplemental to 312 IAC 9-3-2. A person must not hunt deer with the aid of an electronic deer call. While hunting deer under this SECTION, the possession of an electronic deer call is prohibited.**

**(c) This SECTION is supplemental to 312 IAC 9-3-10. A person who receives deer for processing and charges a fee must register with the department annually.**

*LSA Document #04-259(E)*

*Filed with Secretary of State: September 23, 2004, 9:35 a.m.*

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### TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #04-260(E)

#### DIGEST

Temporarily amends 312 IAC 9-3-2 that provides general requirements for hunting white-tailed deer, including those pertaining to tagging, and, for a deer taken under the “automated point of sale licensing system”, which is authorized by IC 14-22-12-7.5, provides that 312 IAC 9-3-2(k) governs tagging of the carcass. Effective September 23, 2004.

**SECTION 1. (a) Subsection (b) of this document is supplemental to 312 IAC 9-3-2(k).**

**(b) A person who takes a deer, by authority of a license issued under IC 14-22-12-7.5, must tag the carcass as provided under 312 IAC 9-3-2(k).**

*LSA Document #04-260(E)*

*Filed with Secretary of State: September 23, 2004, 9:40 a.m.*

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### TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #04-262(E)

#### DIGEST

Temporarily amends 312 IAC 5-7, which governs special watercraft restrictions on navigable waters, by closing a portion of the East Fork, White River, in Lawrence County in order to facilitate repairs to Williams Dam and 312 IAC 8, which governs the public use of properties managed by the Department of Natural Resources, to close lands in proximity to Williams Dam. Effective September 24, 2004.

**SECTION 1. (a) A person must not operate a watercraft in a zone described as being on the East Fork of the White River, Lawrence County from the Spice Valley Ramp downstream to the Williams Dam Ramp.**

**(b) A person residing within the zone described in subsection (a) may move through the zone in a direct line between the person’s residence and the Spice Valley Ramp.**

**(c) Unless the department of natural resources gives prior approval, a person must not enter:**

- (1) the dam;
- (2) the catwalk; or
- (3) land owned by the department that is contiguous or within one hundred fifty (150) feet downstream from the dam.

*LSA Document #04-262(E)*

*Filed with Secretary of State: September 24, 2004, 11:25 a.m.*

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### TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #04-264(E)

#### DIGEST

Temporarily amends 312 IAC 18-3 under the article pertaining to entomology and plant pathology to regulate the emerald ash borer (*Agrilus planipennis*) as a pest or pathogen, to provide standards for quarantine in Jamestown Township in Steuben County and Clay Township and Van Buren Township in LaGrange County, which are infested with the species, and to add a definition of “eradication area”. Repeals LSA Document #04-152(E), printed at 27 IR 3089. Effective September 29, 2004.

**SECTION 1. (a) Emerald ash borer (*Coleoptera: Buprestidae: Agrilus planipennis*) is a pest or pathogen and is regulated under this document.**

**(b) These terms apply to this document and are in addition to definitions contained in 312 IAC 1 and 312 IAC 18-1:**



(1) "Certificate of inspection" means a document issued or authorized to be issued by the state entomologist or the U.S. Department of Agriculture to allow the movement of a regulated article to any destination. A certificate may be in any form approved by the state entomologist or the U.S. Department of Agriculture for this purpose, including a phytosanitary document or multiple use quarantine certificate.

(2) "Compliance agreement" means a written agreement between the department or the U.S. Department of Agriculture and another person that authorizes the movement of regulated articles under this SECTION and other stated conditions.

(3) "Eradication area" means the area including all plants infested by emerald ash borer and any other ash species within one-half (½) mile radius of an infested plant.

(4) "Infested area" means a site where the emerald ash borer is present or where circumstances make it reasonable to believe that the ash borer is present.

(5) "Inspector" means a division inspector or a person authorized by the U.S. Department of Agriculture authorized to enforce this SECTION.

(6) "Move" means to ship, offer for shipment, receive for transportation, transport, carry, or allow to move or to ship.

(c) The following counties include an infested area and are regulated under this document:

- (1) Jamestown Township, Steuben County;
- (2) Clay Township, LaGrange County; and
- (3) Van Buren Township, LaGrange County.

(d) The following items are regulated articles:

- (1) The emerald ash borer in any living stage of development.
- (2) Any ash tree (*Fraxinus* spp.), including nursery stock.
- (3) A limb, stump, branch, or debris of at least one (1) inch in diameter of an ash tree.
- (4) An ash log, slab, or untreated ash lumber with bark attached.
- (5) Composted and noncomposted ash chips and composted and noncomposted ash bark chips at least one (1) inch in diameter.
- (6) An article, product, or means of conveyance reasonably determined by the state entomologist to present the risk of spread of the emerald ash borer.
- (7) Cut firewood of any nonconiferous species originating from a regulated area.

(e) A person must not move a regulated article outside an infested area except under the following conditions:

- (1) An inspector issues a certificate of inspection following a thorough examination of the regulated article and any treatment method. The certificate must be properly supported by a determination by the inspector, or by a grower or shipper authorized to conduct an inspection

under a compliance agreement, that no life stage of emerald ash borer is present. A certificate may be conditioned upon the completion of treatments administered under methods approved by the state entomologist or by a United States federal officer authorized by the state entomologist.

(2) A certificate of inspection is attached to any regulated article or to a shipping document that adequately describes the regulated article. The certification must remain attached until the regulated article reaches its destination.

(f) A person must not move a regulated article originating outside an infested area, through a county regulated under subsection (c), without a certificate of inspection for the emerald ash borer, except under the following conditions:

- (1) From September 1 through April 30, or when the ambient air temperature is below forty (40) degrees F., if the person does not stop except to refuel or for traffic conditions.
- (2) From May 1 through August 31 when the temperature is forty (40) degrees F. or higher if the article is shipped in an enclosed vehicle or is completely enclosed by a covering adequate to prevent access by the emerald ash borer.
- (3) The point of origin of the regulated article is indicated on the bill of lading or shipping document.
- (4) The regulated article is moved within Indiana by approval of the state entomologist for scientific purposes.
- (5) The article is not combined or commingled with other articles so as to lose its individual identity.

(g) A regulated article originating outside a regulated area that is moved into a county regulated under subsection (c) and exposed to potential infestation by the emerald ash borer is considered to have originated from a regulated area. A person must not move the regulated article from the regulated area except under subsection (e).

(h) A person must not move a regulated article from an infested area through any nonregulated area to a regulated destination without a certificate of inspection for emerald ash borer, except under the following conditions:

- (1) From September 1 through April 30, or when the ambient air temperature is below forty (40) degrees F., if the person does not stop except to refuel or for traffic conditions.
- (2) From May 1 through August 31 when the temperature is forty (40) degrees F. or higher, if the article is shipped in an enclosed vehicle or completely enclosed by a covering adequate to prevent the escape of any emerald ash borer.
- (3) The county and state of origin and the final destination of the regulated article is indicated on the bill of lading or shipping document.

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## Emergency Rules

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(i) The bill of lading or shipping document accompanying any shipment of regulated articles in Indiana must indicate the county and state of origin of the regulated articles.

(j) A person who moves a regulated article in violation of this SECTION must move or destroy the article, at the person's or owner's expense, as directed by the state entomologist.

(k) The state entomologist may issue a special permit for the movement of the emerald ash borer into or within Indiana for research purposes. The permit may, by express language, exempt the permit holder from conditions of this document.

(l) Uncomposted ash chips and uncomposted ash bark chips no larger than one (1) inch in diameter are exempted from the requirements of this document.

(m) Any ash species within the eradication area will be removed and rendered incapable of supporting emerald ash borer life stages.

(n) Regulated articles from another infested state or any part of a state infested with emerald ash borer are prohibited entry into Indiana without an accompanying certificate of inspection or phytosanitary document issued by the U.S. Department of Agriculture or the plant health regulatory agencies of the originating state.

(o) Harvest for timber or other use of the wood of any non-ash forest species within the eradication area is prohibited until after all ash has been removed and the site is released by the state entomologist or his designee.

(p) It is a violation of this SECTION to move ash, in any form, out of the eradication area without a compliance agreement signed by the state entomologist or his designee.

SECTION 2. LSA Document #04-152(E) IS REPEALED.

SECTION 3. SECTION 1 of this document expires the earlier of September 29, 2005, or the effective date of LSA Document #04-177.

*LSA Document #04-264(E)*

*Filed with Secretary of State: September 29, 2004, 12:20 p.m.*

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

LSA Document #04-142

Under IC 12-8-3-4.4, LSA Document #04-142, printed at 27 IR 3698, was adopted by the Secretary of Family and Social Services Administration on October 6, 2004. This rule amends 405 IAC 1-1.5-1 to specify that disputes related to claims submitted to Medicaid managed care organizations by Medicaid providers who do not have a contract with the managed care organization are governed by 405 IAC 1-1.6. Adds 405 IAC 1-1.6 to set out the dispute resolution process for disputes related to claims submitted to Medicaid managed care organizations by Medicaid providers who do not have a contract with the managed care organization. The rule that was adopted is a different version than the proposed rule, which was published in the Indiana Register on August 1, 2004.

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## Change in Notice of Public Hearing

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### TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

LSA Document #04-144

The Indiana Utility Regulatory Commission gives notice that a second public hearing as a reconvening of the public hearing of September 22, 2004, for consideration of proposed rule LSA Document #04-144, printed at 27 IR 4056, has been set. The Notice of Public Hearing appears below:

#### *Notice of Public Hearing*

*Under IC 4-22-2-24, notice is hereby given that on **December 1, 2004** at 6:00 p.m., at the Century Center, Bendix Room, 120 South St. Joseph Street, South Bend, Indiana the Indiana Utility Regulatory Commission will reconvene the public hearing on proposed amendments to the customer service rights and responsibilities rules for utilities. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E306 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

William D. McCarty  
Commission Chairman  
Indiana Utility Regulatory Commission

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### TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

LSA Document #04-163

The Indiana Utility Regulatory Commission gives notice that the date of the public hearing for LSA Document #04-163, printed at 27 IR 4140, has been changed. The changed Notice of Public Hearing appears below:

#### *Notice of Public Hearing*

*Under IC 4-22-2-24, notice is hereby given that on **November 23, 2004** at 9:00 a.m., at the Indiana Government Center-South, 302 West Washington Street, Room E306, Indianapolis, Indiana, the Indiana Utility Regulatory Commission will hold a public hearing on the readoption of rules. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E306 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

William D. McCarty  
Commission Chairman  
Indiana Utility Regulatory Commission

### TITLE 327 WATER POLLUTION CONTROL BOARD

#04-13(WPCB)

The Water Pollution Control Board gives notice that the date of the public hearing for consideration of preliminary adoption of #04-13(WPCB), printed at 27 IR 4149, has been changed. The changed Notice of Public Hearing appears below:

#### *Notice of Public Hearing*

*Under IC 4-22-2-24, IC 13-14-8-1, IC 13-14-8-2, and IC 13-14-9, notice is hereby given that on **November 23, 2004** at 10:00 a.m., in the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Water Pollution Control Board will hold a public hearing on amendments to rules concerning drinking water standards, specifically concerning radionuclides, long term enhanced surface water treatment, arsenic, minor corrections to interim enhanced surface water treatment, disinfectants and disinfection byproducts, lead and copper, public notification, and analytical methods for public drinking water systems.*

*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 can be obtained from MaryAnn Stevens, Rules Section, Office of Water Quality, (317) 232-8635 or (800) 451-6027 (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  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015*

*or call (317) 233-0855. TDD: (317) 232-6565. Speech and hearing impaired callers also may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.*

*Copies of these rules are now on file at the Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Twelfth Floor West, Room 1255 and Legislative Services Agency, One North Capitol Avenue, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Tim Method  
Deputy Commissioner  
Indiana Department of Environmental Management

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## Notice of Intent to Adopt a Rule

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### TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

LSA Document #04-268

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

**OVERVIEW:** Adds 170 IAC 6-1.1 to create new rules governing distribution system improvement charges (“DSIC”) allowed for water utilities under IC 8-1-31. Effective 30 days after filing with the secretary of state. Questions concerning the proposed rule may be addressed to the following telephone number: (317) 232-0158. Statutory authority: IC 8-1-1-3(g); IC 8-1-31-17.

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### TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #04-263

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

**OVERVIEW:** Amends 312 IAC 3-1-7, which governs the filing and service of pleadings and documents with the natural resources commission under IC 4-21.5, to conform the rule section to IC 4-21.5 with respect to private carriers. Authorizes filing and service may be made by U.S. priority or express mail. Recognizes notice and service by publication. Makes other technical changes. Public questions and comments may be sent to the Division of Hearings, Natural Resources Commission, 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.

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### TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #04-270

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

**OVERVIEW:** Amends 312 IAC 18-3-12, which governs standards for the control of larger pine shoot beetles by adding Decatur County, Jennings County, Ripley County, Union County, and Vigo County to the quarantine area. Public questions and comments may be sent to the Division of Hearings, Natural Resources Commission, 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 14-24-3.

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### TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

LSA Document #04-271

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 add and amend rules governing tuberculosis control in animals including requirements to move animals into and within the state, testing standards and requirements, identification of animals and premises, record keeping requirements, classification of animals and herds, recognition of area tuberculosis designations, and procedures for suspect, exposed, and positive animals. The rule will make other substantive and technical changes in the law of tuberculosis control. Comments on the proposed rule may be sent to the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50, Indianapolis, IN 46224, or by electronic mail to [ghaynes@boah.state.in.us](mailto:ghaynes@boah.state.in.us). Statutory authority: IC 15-2.1-3-19.

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### TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

LSA Document #04-269

Under IC 4-22-2-23, the Division of Disability, Aging, and Rehabilitative Services intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 460 IAC 3.5-2 by adding a new section requiring providers to submit a closeout report to provide actual cost information that is not currently available, which will assist the division in its required annual review of adult day service reimbursement rates. Effective 30 days after filing with the secretary of state. Statutory authority: IC 12-8-8-4; IC 12-9-2-3.

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### TITLE 511 INDIANA STATE BOARD OF EDUCATION

LSA Document #04-276

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

**OVERVIEW:** Amends 511 IAC 6-7, effective with the graduating class of 2011, to make the Core 40 diploma the required high school curriculum. Statutory authority: IC 20-10.1-4; IC 20-10.1-4.5-2; IC 20-10.1-5.7-2.

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## Notice of Intent to Adopt a Rule

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### TITLE 511 INDIANA STATE BOARD OF EDUCATION

LSA Document #04-277

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

**OVERVIEW:** Amends 511 IAC 6-7, effective with the graduating class of 2009, to change the minimum high school graduation requirements; adopt new Core 40 diploma requirements; and adopt Core 40 with Academic Honors and Core 40 with Technical Honors diplomas to replace the current Academic Honors Diploma. Statutory authority: IC 20-10.1-4; IC 20-10.1-5.7-2.

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### TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #04-273

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

**OVERVIEW:** To adopt and amend the 2005 National Electrical Code (NFPA 70) to replace the current Indiana Electrical Code (675 IAC 17-1.6). The proposed rule will also include amendments to the Indiana Residential Code (675 IAC 14) to eliminate conflict between provisions of the Indiana Electrical Code and the Indiana Residential Code. Public comments are invited and may be directed to the Department of Fire and Building Services, Attention: Technical Services, Indiana Government Center-South, 402 West Washington Street, Room W246, Indianapolis, Indiana 46204 or by e-mail at [jweesner@sema.state.in.us](mailto:jweesner@sema.state.in.us). Statutory authority: IC 22-13-2-2; IC 22-13-2-13.

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### TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #04-274

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

**OVERVIEW:** To adopt a revised Indiana Mobile Structures Code to replace the current rules in 675 IAC 15-2. Public comments are invited and may be directed to the Department of Fire and Building Services, Attention: Technical Services, Indiana Government Center-South, 402 West Washington Street, Room W246, Indianapolis, Indiana 46204 or by e-mail at [jweesner@sema.state.in.us](mailto:jweesner@sema.state.in.us). Statutory authority: IC 22-12-6-6; IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2.

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### TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #04-275

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

**OVERVIEW:** To adopt a rule containing standards for visitability of Class 2 structures and Class 1 townhouses so that, if desired, accessibility features may be provided in these structures. Public comments are invited and may be directed to the Department of Fire and Building Services, Attention: Technical Services, Indiana Government Center-South, 402 West Washington Street, Room W246, Indianapolis, Indiana 46204 or by e-mail at [jweesner@sema.state.in.us](mailto:jweesner@sema.state.in.us). Statutory authority: IC 22-13-2-2; IC 22-13-2-13, P.L.112-2003, SECTION 2.

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### TITLE 879 MANUFACTURED HOME INSTALLER LICENSING BOARD

LSA Document #04-272

Under IC 4-22-2-23, the Manufactured Home Installer Licensing Board intends to adopt a rule concerning the following:

**OVERVIEW:** Adds Title 879 to establish definitions, educational and licensing requirements, license renewal requirements, fees, continuing education requirements, standards for the competent performance of home installers, and a code of ethics. Questions or comments may be directed by mail to the Manufactured Home Installer Licensing Board, Indiana Government Center-South, 302 West Washington Street, Room E034, Indianapolis, Indiana 46204, or by electronic mail at [dwidemon@pla.in.gov](mailto:dwidemon@pla.in.gov). Statutory authority: IC 25-1-8-2; IC 25-23.7-3-8; IC 25-23.7-6-5.

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**TITLE 45 DEPARTMENT OF STATE REVENUE**

**Proposed Rule**  
LSA Document #04-255

DIGEST

Adds 45 IAC 18-3-7.1 and 45 IAC 18-3-8.1 concerning charity gaming and use of proceeds. Repeals 45 IAC 18-3-7 and 45 IAC 18-3-8. Effective 30 days after filing with the secretary of state.

**45 IAC 18-3-7**                      **45 IAC 18-3-8**  
**45 IAC 18-3-7.1**                **45 IAC 18-3-8.1**

SECTION 1. 45 IAC 18-3-7.1 IS ADDED TO READ AS FOLLOWS:

**45 IAC 18-3-7.1 Use of proceeds**

Authority: IC 4-32-7-3  
Affected: IC 4-32-9-16

Sec. 7.1. (a) In accordance with IC 4-32-9-16, as a condition of receiving a charity gaming license or nonlicense letter issued on or after May 1, 2006, the following minimum percentage of charitable gaming gross receipts shall be used for those lawful religious, charitable, community, or educational purposes for which the organization is specifically chartered or organized, or those expenses relating to the acquisition, construction, maintenance, or repair of any interest in real property involved in the operation of the organization and used for lawful religious, charitable, community, or educational purposes:

- (1) Five percent (5%) for organizations with annual gross receipts less than one hundred fifty thousand dollars (\$150,000).
- (2) Eight percent (8%) for organizations with annual gross receipts between one hundred fifty thousand dollars (\$150,000) and five hundred thousand dollars (\$500,000).
- (3) Ten percent (10%) for organizations with annual gross receipts over five hundred thousand dollars (\$500,000).

Unless an organization has derived no gross receipts in the prior fiscal year, the gross receipts of the most recently completed fiscal year shall be used to determine the applicable percentage for the use of proceeds requirement. An organization with no prior charitable gaming activity shall be subject to a five percent (5%) minimum use of proceeds requirement.

(b) If an organization fails to meet the minimum use of proceeds requirement, its license shall be suspended or revoked and no further licensed or unlicensed events may be held.

(c) Except as provided in subsection (b), if an organization is within less than one (1) percentage point of the

minimum use of proceeds requirement for a given fiscal year, it may request a one-time approval to make up the deficiency (in dollars) in the following fiscal year. If such approval is granted, the deficiency will be added to the percentage requirement for the following year and the permit shall not be suspended.

(d) Failure to meet the required percentage in the year following such approval shall result in a one (1) year suspension. (*Department of State Revenue; 45 IAC 18-3-7.1*)

SECTION 2. 45 IAC 18-3-8.1 IS ADDED TO READ AS FOLLOWS:

**45 IAC 18-3-8.1 Specific uses of proceeds**

Authority: IC 4-32-7-3  
Affected: IC 4-32

Sec. 8.1. (a) All payments by a qualified organization as use of proceeds must be made by check written from the organization's charitable gaming account.

(b) Use of proceeds payments may be made for scholarship funds or the future acquisition, construction, remodeling, or improvement of real property or the acquisition of other equipment or vehicles to be used for religious, charitable, educational, or community purposes. An organization may obtain department approval to establish a special fund account or an irrevocable trust fund for special circumstances. Transfers to a special account or an irrevocable trust fund may be included as a use of proceeds if the payment is authorized by an organization's board of directors.

(c) No payments made to a special fund account shall be withdrawn for any purpose other than the specified purpose unless prior notification is made to the department.

(d) Expenditures of charitable gaming funds for social or recreational activities, or for events, activities, or programs that are open primarily to an organization's members and their families, shall not qualify as use of proceeds unless substantial benefit to the community is demonstrated.

(e) Expenditures of charitable gaming funds for salaries or honoraria to officers, directors, members, or employees of the qualified organization shall not qualify as use of proceeds.

(f) Payments made to or on behalf of indigent, sick, or deceased members or their immediate families shall be allowed as use of proceeds up to one percent (1%) of an organization's prior year gross receipts provided they are approved by the board of directors and the specific need is documented. Organizations may obtain prior department approval to exceed the one percent (1%) limit in special cases.

## Proposed Rules

(g) Payments made directly for the benefit of an individual member, a member of his or her family, or a person residing in his or her household shall not be allowed as a use of proceeds unless authorized by law.

(h) Use of proceeds payments by an organization shall not be made for any activity that is prohibited by federal, state, or local laws or for any activity that attempts to influence or finance directly or indirectly political parties or committees or the election or reelection of any person who is or has been a candidate for public office. This subsection does not apply to bona fide political organizations.

(i) Organizations shall provide details of use of proceeds with the annual financial report.

(j) The department may disallow a use of proceeds payment to be counted against the minimum percentage referred to in section 7.1 of this rule.

(k) If any payment claimed as use of proceeds is subsequently disallowed, an organization may be allowed additional time as specified by the department to meet minimum use of proceeds requirements. (*Department of State Revenue; 45 IAC 18-3-8.1*)

SECTION 3. THE FOLLOWING ARE REPEALED: 45 IAC 18-3-7; 45 IAC 18-3-8.

### Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on November 22, 2004 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Department of State Revenue will hold a public hearing on proposed rules to amend and clarify the rules concerning charity gaming conducted by qualified organizations. Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room N248 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Kenneth L. Miller  
Commissioner  
Department of State Revenue

## TITLE 207 CORONERS TRAINING BOARD

Proposed Rule  
LSA Document #04-231

### DIGEST

Adds 207 IAC 2 to establish continuing education require-

ments and procedures for deputy coroners. Effective 30 days after filing with the secretary of state.

### 207 IAC 2

SECTION 1. 207 IAC 2 IS ADDED TO READ AS FOLLOWS:

### ARTICLE 2. CONTINUING EDUCATION

#### Rule 1. Continuing Education Requirements for Certified Deputy Coroners

##### 207 IAC 2-1-1 Continuing education requirements

Authority: IC 4-23-6.5-7

Affected: IC 4-23-6.5

Sec. 1. (a) The continuing education requirements for certified deputy coroners, as defined in 207 IAC 1-1-3, shall consist of completion of a minimum of sixteen (16) hours of instruction in each two (2) year period in courses given or approved by the coroners training board.

(b) The two (2) year period shall begin on January 1 of each odd-numbered year and end on December 31 of each even-numbered year. (*Coroners Training Board; 207 IAC 2-1-1*)

##### 207 IAC 2-1-2 Reporting of continuing education hours

Authority: IC 4-23-6.5-7

Affected: IC 4-23-6.5

Sec. 2. All continuing education hours shall be reported to the coroners training board's director of training by March 1 of the year following the end of the two (2) year period. Continuing education hours may be reported as classes are taken for placement in the deputy coroner's training file. (*Coroners Training Board; 207 IAC 2-1-2*)

##### 207 IAC 2-1-3 Continuing education course requirements

Authority: IC 4-23-6.5-7

Affected: IC 4-23-6.5

Sec. 3. (a) To qualify for credit toward the continuing education minimum hour requirements of this rule, a continuing education course must meet the following standards:

(1) The course must:

(A) be formally organized;

(B) be primarily instructional in nature;

(C) directly contribute to professional competence in death investigations;

(D) be at least one (1) hour in length; and

(E) be taught by a coroners training board-approved qualified instructor.

(2) Any other standard required by the coroners training board.



(b) No continuing education course will qualify for credit toward the minimum hour requirements of this rule without coroners training board approval of the course's sponsor and instructor or instructors before the course is conducted. (*Coroners Training Board; 207 IAC 2-1-3*)

**207 IAC 2-1-4 Failure to meet continuing education requirements**

Authority: IC 4-23-6.5-7  
Affected: IC 4-23-6.5

Sec. 4. (a) Any deputy coroner who fails to meet the continuing education requirements set forth in this rule shall no longer be certified in the state of Indiana.

(b) Any deputy coroner who has their certification revoked by the coroners training board under this rule may be eligible for recertification upon successful completion of the following:

- (1) The minimum basic training course.
- (2) The externship.
- (3) The certification examination offered by the coroners training board.

(c) Any person seeking recertification under this rule shall be responsible for all costs of recertification.

(d) All applications for recertification under this rule must be approved by the coroners training board.

(e) A deputy coroner who does not meet the continuing education requirements within the two (2) year period set forth in this rule shall be permitted to satisfy those requirements within the subsequent two (2) year period under the following circumstances:

- (1) The deputy coroner must:
  - (A) apply in writing to the coroners training board for a continuance;
  - (B) appear in person before the coroners training board at a regularly scheduled meeting of the coroners training board for the purpose of appealing for the continuance; and
  - (C) be granted a continuance by the coroners training board for good cause shown.
- (2) Upon satisfactory completion of all continuing education requirements, the deputy coroner must apply to and receive approval from the coroners training board for recertification.

(*Coroners Training Board; 207 IAC 2-1-4*)

**207 IAC 2-1-5 Waiver of continuing education requirements due to hardship**

Authority: IC 4-23-6.5-7  
Affected: IC 4-23-6.5

Sec. 5. A deputy coroner who is unable to satisfy the continuing education requirements of this rule may be

granted a waiver by the coroners training board. The deputy coroner shall submit a written request for waiver to the coroners training board that certifies under the penalty of perjury that the deputy coroner was unable to satisfy the requirements of this rule due to a hardship resulting from either of the following:

- (1) Service in the armed forces of the United States for one (1) year of the two (2) year period.
- (2) An incapacitating illness or injury that prohibited the deputy coroner from part-time or full-time employment for at least twelve (12) months of the two (2) year period. (*Coroners Training Board; 207 IAC 2-1-5*)

**Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on November 22, 2004 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 10, Indianapolis, Indiana the Coroners Training Board will hold a public hearing on proposed rules to establish procedures and requirements for continuing education of deputy coroners. Copies of these rules are now on file at the Indiana Criminal Justice Institute, One North Capitol, Suite 1000 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Micah Cox  
Staff Attorney  
Coroners Training Board

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**TITLE 312 NATURAL RESOURCES COMMISSION**

**Proposed Rule**  
LSA Document #04-208

**DIGEST**

Amends 312 IAC 4-6-6, governing the insurance board for the department of natural resources division of law enforcement, to reflect the election of the chair according to the board's bylaws and to change the name of the insurance board to its official title. Effective 30 days after filing with the secretary of state.

**312 IAC 4-6-6**

SECTION 1. 312 IAC 4-6-6 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 4-6-6 Insurance board**

Authority: IC 14-9-8-3  
Affected: IC 5-10-8-6; IC 14-9-8

Sec. 6. (a) The insurance **committee board** is established to assist in the implementation of a common and unified plan of group insurance as set forth in IC 5-10-8-6. This **committee**

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## Proposed Rules

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**board** shall consist of no fewer than five (5) and no more than seven (7) conservation officers.

(b) The ~~division director shall appoint the chair chairman of the insurance committee:~~ **board is elected according to the board's bylaws.**

(c) The insurance ~~committee~~ **board** shall keep conservation officers informed of developments concerning insurance coverage and premiums. The ~~committee~~ **board** shall provide each conservation officer with a copy of the carrier's group health and dental plan. (*Natural Resources Commission; 312 IAC 4-6-6; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3939*)

### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on November 30, 2004 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 concerning the insurance board for the department of natural resources division of law enforcement to reflect the election of the chair according to the board's bylaws and to change the name of the insurance board to its official title. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Michael Kiley  
Chairman  
Natural Resources Commission

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## **TITLE 312 NATURAL RESOURCES COMMISSION**

### **Proposed Rule**

LSA Document #04-215

### **DIGEST**

Amends 312 IAC 2-4-6 and 312 IAC 2-4-14, which governs fishing tournaments and other organized boating activities, to reduce from 90 days to 60 days the minimum period an application must be filed with the department of natural resources before the activity is to occur and to establish a licensure requirement for fishing tournaments on Sylvan Lake, Noble County. Effective 30 days after filing with the secretary of state.

### **312 IAC 2-4-6**

### **312 IAC 2-4-14**

SECTION 1. 312 IAC 2-4-6 IS AMENDED TO READ AS FOLLOWS:

### **312 IAC 2-4-6 License application**

Authority: IC 14-10-2-4; IC 14-15-7-3

Affected: IC 14

Sec. 6. (a) An application for a license to conduct a fishing tournament or other organized activity must be completed on a department form at least ~~ninety (90)~~ **sixty (60)** days before the date of the proposed tournament.

(b) An applicant must be an individual who is at least eighteen (18) years of age and a resident of Indiana.

(c) The applicant shall attach a copy of the proposed standards and regulations governing the activity.

(d) The department shall condition any license to achieve at least one (1) of the following:

- (1) Prevention of unusual conditions or hazards.
- (2) Promotion of scientific fish, wildlife, or botanical resource management.
- (3) Assistance in the protection of users.

(e) To accomplish the purposes described in subsection (d), the department may do any of the following:

- (1) Designate the starting time or ending time for an activity.
- (2) Designate the time and location for the use of any public facilities.
- (3) Spread starting times among license holders if more than one (1) is approved for a particular waterway.
- (4) Restrict portions of the waterway from use by the participants.

(*Natural Resources Commission; 312 IAC 2-4-6; filed Aug 3, 2001, 10:54 a.m.: 24 IR 3931, eff Jan 1, 2002; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; filed May 27, 2003, 12:35 p.m.: 26 IR 3319, eff Oct 1, 2003*)

SECTION 2. 312 IAC 2-4-14 IS ADDED TO READ AS FOLLOWS:

### **312 IAC 2-4-14 Limitations on organized boating activities at Sylvan Lake, Noble County**

Authority: IC 14-10-2-4; IC 14-15-7-3

Affected: IC 14

**Sec. 14. (a) This section governs organized boating activities on Sylvan Lake, Noble County.**

**(b) On the waters of Sylvan Lake, the maximum number of watercraft that can lawfully participate in a fishing tournament is as follows:**

- (1) One (1) tournament each day, consisting of no more than sixty-five (65) watercraft, for the period of April 1 through April 30.**
- (2) One (1) tournament each day, consisting of no more than fifty (50) watercraft, for the period of May 1 through September 30.**

(c) For a tournament subject to subsection (b) that is scheduled to continue past midnight, the number of participating watercraft may be attributed to either day so as to facilitate the ability of an organized boating activity to use the lake. (Natural Resources Commission; 312 IAC 2-4-14)

### Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on December 15, 2004 at 6:30 p.m., at the Town Hall, 402 Kelly Street, Rome City, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments concerning fishing tournaments and other organized boating activities to reduce from 90 days to 60 days the minimum period an application must be filed with the department of natural resources before the activity is to occur and to establish a licensure requirement for fishing tournaments on Sylvan Lake, Noble County. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley  
Chairman  
Natural Resources Commission

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## TITLE 326 AIR POLLUTION CONTROL BOARD

**Proposed Rule**  
LSA Document #00-236

### DIGEST

Amends 326 IAC 7-1.1-1 concerning applicability. Amends 326 IAC 7-1.1-2 concerning sulfur dioxide limitations. Amends 326 IAC 7-2-1 concerning reporting requirements and methods to determine compliance. Adds 326 IAC 7-4.1 concerning Lake County sulfur dioxide emission limitations. Repeals 326 IAC 7-4-1.1. Effective 30 days after filing with the secretary of state.

### HISTORY

First Notice of Comment Period: November 1, 2000, Indiana Register (24 IR 554).

Second Notice of Comment Period and Notice of First Hearing: June 1, 2003, Indiana Register (26 IR 3151).

Date of First Hearing: October 6, 2004.

### 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 June 1, 2003, at 26 IR 3151. The Indiana Department of Environmental Management (IDEM) is

requesting comment on the entire proposed (preliminarily adopted) rule.

The proposed rule contains numerous changes from the draft rule that make the proposed rule so substantively different from the draft rule that public comment on the entire proposed rule is advisable. This notice requests the submission of comments on the entire proposed rule, including suggestions for specific amendments. 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:

#00-236 Lake County Sulfur Dioxide  
Christine Pedersen  
c/o Administrative Assistant  
Rule Development Section  
Office of Air Quality  
Indiana Department of Environmental Management  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the receptionist on duty at the 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 must be postmarked, hand delivered, or faxed by November 22, 2004.

### SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

IDEM requested public comment from June 1, 2003, through July 2, 2003, on IDEM's draft rule language. IDEM received comments from the following parties:

BP Whiting Business Unit (BPW)  
Carmeuse Lime Co. (CLC)  
DECA Environmental & Associates, Inc. (DEC)  
Dominion State Line Energy, LLC (DSL)  
ISG Indiana Harbor, Inc. (ISG)  
Ispat Inland Inc. (ISP)  
NIPSCO, A NiSource Company (NIP)  
Unilever HPC USA (UNI)  
U. S. Environmental Protection Agency (U.S. EPA)

Following is a summary of the comments received and IDEM's responses thereto:

*Comment:* We fully support IDEM efforts to have Lake County redesignated to attainment for sulfur dioxide. (DSL)

*Response:* IDEM appreciates support for this effort.

*Comment:* As the attainment modeling is not yet finished, many emission limits and emission scenarios in the rule cannot be considered final. U.S. EPA will review 326 IAC 7-4.1 in greater detail when the modeling and limits are finalized. (U.S. EPA)

*Response:* IDEM understands that U.S. EPA will complete a more detailed review when the rule and modeling are final.

*Comment:* Some proposed source-specific emission limits include group or bubble limits, in which one emission limit covers a group of emission sources, which may or may not be operating simultaneously. The variability of the emissions under these limits must be conservatively taken into account in the final attainment modeling. In addition, the rules must render such group or bubble limits enforceable with requirements such as continuous emission monitoring (CEM) or specific recordkeeping and reporting. Carmeuse Lime, Cokenergy, Inc.,

## Proposed Rules

Indiana Harbor Coke Company, and Safety Kleen Oil Recovery Company are some of the sources that appear to have proposed group limits that might need additional enforcement language. (U.S. EPA)

*Response:* IDEM has reviewed the sources with bubble limits and believes that the limits are enforceable based on existing compliance language in the rule and has added mechanisms to ensure compliance where needed.

*Comment:* Concerning the 25 ton per year or 10 lb per hour limit outlined in 7-1.1-1, since the county will become attainment for SO<sub>2</sub>, why is there a need for the 10 lb per hour limit when a 25 ton per year limit will suffice? (DEC)

*Response:* In the applicability section, the short term threshold limit of 10 pounds per hour ensures protection of the 3-hour and 24-hour SO<sub>2</sub> NAAQS. The 25 ton per year threshold limit provides protection of the annual SO<sub>2</sub> NAAQS.

*Comment:* In 326 IAC 7-1.1-1, as indicated in the Purpose of Notice section of the Indiana Register announcement of the rulemaking, this rulemaking includes a major revision to the format and style of the existing rules as it places company-specific requirements into separate sections for clarity and ease of future revision. To assist with this effort, we believe "326 IAC 7-1.1-1 Applicability", should be revised. As currently proposed, it contains language that goes beyond applicability and specifies compliance conditions. This is confusing and may have the unintended consequence of misleading affected parties by having compliance requirements outside of a compliance section of the rule. We therefore recommend the applicability section be limited to applicability only. All references to compliance requirements should be moved from this section and placed in another appropriately titled section of the rule. (NIP)

*Response:* The language in 326 IAC 7-1.1-1 identifies the requirements applicable to facilities with a potential to emit twenty-five (25) tons per year or ten (10) pounds per hour of sulfur dioxide. These numbers represent thresholds necessary for determining applicability. The language regarding the compliance test methods and compliance with certain other related requirements in other articles and rules is included in this section because they are applicable to these sources. Mentioning them in this section clarifies this applicability and allows those requirements to be referenced rather than repeated in full-text form in this rule.

*Comment:* Recent IDEM rulemakings have included revisions to specifically spell out British Thermal Units instead of using the term Btu or Btu's. Similarly, MMBtu has often been replaced with million British thermal units. We ask IDEM to consider taking this opportunity presented by this rule revision to apply consistency with other recent IDEM rule language in terminology used for these terms. Similarly, the use of the "#" symbol to refer to the fuel grade has the potential for confusion because it can be misunderstood to be pounds. We therefore request the use of the "#" symbol be replaced with the term "No." or "number". (NIP)

*Response:* The phrase "million British thermal units" is spelled out fully the first time it is used in each section followed by the abbreviated form in parentheses. Afterward, the abbreviated form is used throughout the section. Because of the number of instances where it is used, IDEM believes this is more efficient and remains easy to understand.

IDEM concurs that the use of the "#" symbol could be misunderstood and has replaced it with "No." or "Number" in the draft rule language.

*Comment:* The rulemaking should clarify that the averaging times for the sulfur dioxide emissions limitations are 30-day rolling averages for sources employing CEMS to demonstrate compliance. While 326 IAC 7-2-1(g) clearly authorizes the use of CEMS, the rule does not link the 30-day rolling average for emission rate compliance to the

sources that use CEMS. This can easily be corrected by developing additional language in 326 IAC 7-2-1 that clearly conveys that the 30-day rolling average for sulfur dioxide emissions limitations applies to CEMS users as well as to those that employ fuel sampling and analysis to demonstrate compliance. (DSL)

*Response:* The reporting requirements for CEMS in 326 IAC 3-5-7 specify that emissions be reported in units of the applicable standard, which includes the 30-day rolling average where appropriate. Because 326 IAC 7-2-1(g) refers to "continuous emission monitoring data collected and reported pursuant to 326 IAC 3-5", it is not necessary to add additional language in 326 IAC 7-2-1 regarding the reporting requirements.

*Comment:* The language in 326 IAC 7-4.1-1 must also allow alternate emission limits to be established in permits. The existing rule is structured such that "All fossil fuel-fired combustion sources and facilities subject to 326 IAC 7-1.1 located in Lake County shall burn natural gas only, unless an alternate sulfur dioxide emission limit is provided in the rule." However, newly permitted facilities firing fossil fuels other than natural gas are not allowed to do so unless an alternate limit is provided in this rule. This means that either the rule must be rewritten every time one of these types of facilities is permitted, or a variance to the rule must be granted in every situation. Ispat believes that this is not the intention of IDEM, and this section should be rewritten to allow alternate limits for new or modified facilities to be established in IDEM-issued permits as well. (ISP)

*Response:* In 326 IAC 7-4.1-1, the restriction to natural gas for new and existing units that are not listed in the rule is necessary for protection of the SO<sub>2</sub> NAAQS. Without this provision, sources could increase SO<sub>2</sub> emissions with the addition of units that fall under the SO<sub>2</sub> emission threshold required for permitting, and those additions cumulatively could result in a significant increase in SO<sub>2</sub> emissions that would cause violations of the NAAQS.

*Comment:* In 326 IAC 7-4.1-1, a limit is established for combustion units with a maximum capacity of less than twenty (20) MMBtu per hour actual heat input. We don't think the combustion unit should be limited if the limit of three-tenths (0.3) lb per MMBtu can be attained. Can you please explain the reason. (DEC)

*Response:* The emission limit of three-tenths (0.3) pound per MMBtu was calculated based on a capacity of twenty (20) MMBtu per hour. At higher capacities, even meeting the 0.3 pound per MMBtu limit will result in higher actual emissions that need to be reviewed by the department.

*Comment:* In 326 IAC 7-4.1, references to other applicable rule sections, subsections, subparagraphs, etc., have been specifically enumerated in recent IDEM rule language instead of being referenced as "this rule", "this subsection", "this subparagraph", etc. For clarity, we request that IDEM take this opportunity to specifically list the full regulatory citation for any such regulatory references throughout the proposed rule language. We believe this may prove to be beneficial when the general public begins to more closely examine regulations for Title V purposes. (NIP)

*Response:* The format of these references is determined by the Legislative Services Agency.

*Comment:* In 326 IAC 7-4.1, we request that throughout the rule IDEM rephrase the language related to limits to clarify, where applicable, that the limit is a maximum and not in any way intended to specifically constrain something to only one level. As one example, in 326 IAC 7-4.1-1, in the second sentence, the phrase "...may burn distillate oil with sulfur dioxide emissions limited to three-tenths (0.3) pounds per million British Thermal Unit (MMBtu)..." is used. This could be misconstrued by some less familiar with the regulatory intent to imply that only fuel oil with a sulfur content of 0.3 pounds per

MMBtu is allowed when in fact this is an upper bound. Again, we believe making this type of clarification throughout the proposed rule may prove to be beneficial for all concerned when the general public begins to more closely examine regulations for Title V purposes. (NIP)

*Response:* The phrase "limited to" means that it is a limit that cannot be exceeded. IDEM does not believe it will be confusing to the general public who understand that emissions that are lower than the limit are permissible. This is a common way of expressing limits in environmental rules, so the language has not been changed.

*Comment:* In 326 IAC 7-4.1, throughout the numerous sections of the proposed rule the term "Source Identification Number" is used without any explanation. We recommend that IDEM clarify what this number is so as not to confuse the general public who may believe this number is so as not to confuse the general public who may believe this number is a permit number instead of the number associated with the source in the SIP modeling which is only known by those more intimately involved in the SIP process. We also ask IDEM to consider whether inclusion of the Source Identification Number in the rule, and subsequently in the SIP, will present any future problems related to performing additional dispersion modeling runs if any source renumbering is found to be necessary to accommodate other sources or further identify existing sources listed in the rule. (NIP)

*Response:* The Source Identification Number is established by IDEM and remains with the source for as long as it exists. This number allows IDEM to track the history of the source over time through various changes including the renaming of a facility due to mergers or purchases by other companies. IDEM believes it is important to include the number in the rule for future identification. Inclusion of this number in the rule will not cause problems related to future dispersion modeling because the number will remain with the source.

*Comment:* In 326 IAC 7-4.1, it would be helpful if limits that are expressed in terms of pound per ton would be clarified to provide a description of the tons, such as tons of product produced or specific raw material used. We believe making this type of clarification throughout the proposed rule may prove to be beneficial for all concerned when the general public begins to more closely examine regulations for Title V purposes. (NIP)

*Response:* IDEM concurs and has clarified the limits that are expressed in pounds per ton.

*Comment:* In 326 IAC 7-4.1-2, why is the requirement for several facilities to submit a sampling protocol by December 31, 1988, still included in 326 IAC 7-4.1? (U.S. EPA)

*Response:* The language in 326 IAC 7-4.1-2 in the Second Notice of Comment Period was a carryover from the existing rule. IDEM agrees that the first sentence is no longer necessary and has revised the draft rule language to indicate that the companies mentioned must maintain their sampling and analysis protocol. If the company chooses to revise the protocol, it will need to be submitted to IDEM for approval.

*Comment:* In comparing the draft second notice with an older version of the Lake County SO<sub>2</sub> rules, we note that some emission points are no longer included in the rule (examples: (4) BP Products North America, Inc.'s No. 37 Pipe Still and NMP Extraction Unit; (20) Unilever's Dowtherm Boiler.) Have these sources been renamed or shut down? (U.S. EPA)

*Response:* Due to the length of time since many parts of this rule have been revised, there are a number of units that have been renamed, shut down, or removed from the SO<sub>2</sub> rule because they are now restricted to burning natural gas only. A complete list of these units with explanation will be provided to U.S. EPA for review for SIP approval.

*Comment:* Because Boiler 2 and Boiler 8 have been taken out of service, the language in 326 IAC 7-4.1-4(a) should be changed as follows:

(1) No. 1 Power Station Boilers 2, 3, 4, 5, 6, and 7:

<del>(A)</del> <b>(A) Boiler 2</b>	<b>0.033</b>	<b>7.92</b>
<del>(B)</del> <b>(A) Boilers 3 and 4</b>	0.033 each	17.49 total
<del>(C)</del> <b>(B) Boilers 5, 6, and 7</b>	0.033 each	26.24 total

~~(2)~~ **No. 1 Power Station Boiler 8** **0.033** **7.92**

(BPW)

*Response:* IDEM concurs and has made the suggested change.

*Comment:* In 326 IAC 7-4.1-4(a)(14), BP is proposing to change the 0.78 lbs/hour limit to 1.78 lbs/hour SO<sub>2</sub>. After reviewing incinerator operating data, it was realized that the "per ton feed material" limit correlates with the feed rate to the incinerator filter press and not the feed rate directly to the incinerator. Based on the maximum capacity of the feed rate to the filter press of 35.6 tons/hour, the limit should be 1.78 lbs/hour SO<sub>2</sub>. In addition, BP is proposing to only have a lbs/hour SO<sub>2</sub> limit for the wastewater sludge fluid bed incinerator and not a limit based on feed, due to the difficulty in monitoring and reporting this type of limit. The incinerator feed contains both organic and inorganic sulfur and not all of the sulfur in the feed is converted to SO<sub>2</sub> in the incinerator. It is not analytically possible to accurately measure the different types of sulfur in the feed or to calculate the various sulfur reactions that takes place in the incinerator. (BPW)

*Response:* IDEM concurs and has made the suggested change.

*Comment:* In 326 IAC 7-4.1-4(a)(16), per permit SSM 089-13846-00003, the SO<sub>2</sub> limit for the Beavon-Stretford Tail Gas Unit is based on total reduced sulfur calculated as SO<sub>2</sub>, and should be noted as such after the emission limitation "53.10". (BPW)

*Response:* IDEM concurs and has made the suggested change.

*Comment:* In 326 IAC 7-4.1-4(a)(19), the "F-1 Berry Lake Distillate Asphalt Heater" should be changed to "F-1 Asphalt Heater". (BPW)

*Response:* IDEM has revised the name of this unit as requested.

*Comment:* In 326 IAC 7-4.1-4(a)(21), "Distillate Desulfurization Units WB-301 and WB302" should be clarified by being referred to as "Distillate Desulfurization Unit Heaters WB-301 and WB302". (BPW)

*Response:* IDEM has revised the name of this unit as requested.

*Comment:* The record keeping requirement in 326 IAC 7-4.1-4(b) was for emission sources that were permitted to burn fuel oil. Pursuant to Consent Decree 2:96 CV 095 RL, as of June 1, 2003, none of these emission sources are allowed to burn fuel oil. The restriction to not burn fuel oil is also listed in all of the operating permits for these units. The language under 326 IAC 7-4.1-4(b)(1) should be deleted. The recordkeeping requirements for these emission sources should now be covered under 326 IAC 7-4.1-4(b)(2) which should be changed to read as follows:

~~(2)~~ **(1)** maintain daily records of fuel type, average sulfur content, and average fuel gravity for each facility specified in this subdivision with sulfur dioxide emission limitations less than **or equal to** four-hundredths (0.04) pounds per million Btu;" The addition of the "or equal to" will expand this condition to also include the Catalytic Refining Unit F-101 Feed Preheater and F-102a Stripper Reboiler, which has an emission limit of 0.04 lbs/MMBtu. (BPW)

*Response:* IDEM concurs and has made the suggested change.

*Comment:* The SO<sub>2</sub> emissions for the FCU 500 and FCU 600 are based on the calculated amount of coke burned and the calculated amount of sulfur in the coke. The Beavon-Stretford Tail Gas Unit has continuous emissions monitors for total reduced sulfur and hydrogen sulfide. The SO<sub>2</sub> emissions for the Beavon-Stretford are calculated based on the measured concentration of total reduced sulfur and hydrogen sulfide and the calculated stack gas flow rate. The Sodium Bisulfite Tail Gas Unit has a continuous emissions monitor for SO<sub>2</sub> and a stack gas flow meter. The SO<sub>2</sub> emissions are calculated based on the measured SO<sub>2</sub> concentration and the measured stack gas flow rate.

## Proposed Rules

Therefore, the language in 326 IAC 7-4.1-4(b)(3) should be changed to read as follows:

~~(2) maintain daily records of daily calculated coke burn and sulfur content of the oil feed coke for the FCU 500 and FCU 600, and of Claus Train sulfur production; average hydrogen sulfide to sulfur dioxide ratio; fuel gas burned at the incinerator; and total sulfur content of the Tail Gas Unit effluent; and total reduced sulfur concentration, hydrogen sulfide concentration and calculated stack gas flow rate for the Beavon-Stretford Tail Gas Unit and SO<sub>2</sub> concentration and stack gas flow rate for the Sodium Bisulfite Tail Gas Unit.~~

(BPW)

*Response:* IDEM concurs and has made the suggested change.

*Comment:* The requirement for reporting fuel type and usage was for emission units that were permitted to burn fuel oil. Pursuant to Consent Decree 2:96 CV 095 RL, as of June 1, 2003, none of these emission sources are allowed to burn fuel oil. The restriction to not burn fuel oil is also listed in all of the operating permits for these units. The sulfur dioxide emissions for FCU 500 and FCU 600 will be reported in lbs/hour, which is consistent with the other refinery units. Therefore, the language in 326 IAC 7-4.1-4(b)(4) should be changed to read as follows:

~~(3) submit a report to the department within thirty (30) days after the end of each calendar quarter containing the average daily sulfur dioxide emission rate in lbs/hour SO<sub>2</sub> for the facilities specified in subdivisions (1) through (2), except for the Beavon-Stretford Tail Gas Unit, which is to be reported as lbs/hour total reduced sulfur calculated as SO<sub>2</sub>. BP Products North America Inc. shall also submit to the department the total daily fuel usage for each fuel type for the No. 1 Power Station; the No. 3 Power Station; the F-2 Steiglitz Park Residual Heater; the No. 11 Pipe Still; and the No. 12 Pipe Still and the total daily calculated sulfur dioxide emissions from the FCU 500 and FCU 600 in the quarterly report required under this subdivision.~~

(BPW)

*Response:* IDEM concurs and has made the suggested change.

*Comment:* Carmeuse Lime requests that IDEM's responses to the comments submitted during the Second Comment Period, June 1 - July 2, 2003, specifically acknowledge that the meaning of the term "coal" as used in 326 IAC 7 includes petroleum coke. Alternatively, the proposed regulation should be amended to specifically define the term "coal" so as to include petroleum coke, as is the case with the definition of that term at 40 CFR Part 60.41b and 60.41c, as incorporated by reference into 326 IAC 12-1-1. As an additional alternative, the proposed regulation could be amended (a) to specifically confirm that the use of petroleum coke as a fuel is lawful and (b) to establish a generally applicable sulfur dioxide emissions limitation for those facilities that use petroleum coke as a fuel but do not have facility-specific sulfur dioxide emissions limitations established by the regulation. (CAR)

*Response:* IDEM does not agree that Carmeuse Lime is permitted to burn petroleum coke. Switching from one primary fuel to another is considered to be a change in the method of operation, which would trigger the need for an emissions test to determine major NSR applicability. In some situations, switching from one primary fuel to another can be considered exempt from major NSR if the emission unit undergoing the fuel switch was capable of accommodating the proposed new fuel prior to January 6, 1975 (326 IAC 2-3-1(s)). U.S. EPA guidance explains that to qualify for this exemption, the unit should have been designed with the intent of burning the fuel in question prior to January 6, 1975. In this case, although the lime kilns

were constructed prior to January 6, 1975, they could not have been designed with the intent to burn petroleum coke, because petroleum coke was not a recognized fuel prior to January 6, 1975. As a result, the proposed fuel switch does not qualify for this exemption from major NSR.

The requirements of 326 IAC 12-1-1, which incorporates New Source Performance Standards into the state rules, are only applicable to new sources. In addition, in accordance with 326 IAC 12-1-1, when provisions are in conflict, the more stringent provision applies. The definition which does not include petroleum coke is more stringent.

*Comment:* As listed in the rule, there are five (5) Utility Boilers on site, only four of those boilers are owned and operated by ISG Indiana Harbor Inc. (being Nos. 5, 6, 7, and 8). No. 9 Utility Boiler is owned and operated by Primary Energy, Inc., 801 East 86<sup>th</sup> Avenue, Merrillville, Indiana 46410. ISG requests that No. 9 Boiler be listed separately from the ISG facilities listed in 326 IAC 7-4.1-11. (ISG)

*Response:* Boiler No. 9 has been removed from the ISG Indiana Harbor section. It appears in the rule in 326 IAC 7-4.1-9 as Inside Energy, LLC, a subsidiary of Primary Energy.

*Comment:* The emission limits listed for Utility Boilers in section (1) appear to be those that were modeled to demonstrate attainment for the Annual (long term) air quality standard. ISG believes that the proper emission limits should be the input values that were modeled to demonstrate attainment with the short-term air quality standard. ISG requests that these values be changed to 0.896 lb/MMBtu and 1846 lb/hr respectively to reflect the short-term air quality standard modeled inputs. (ISG)

*Response:* IDEM concurs that the emission limits in the draft rule should be those for the 24-hour standard. In recent discussions between IDEM and ISG Indiana Harbor, the emission limits were determined to be 0.753 lbs/MMBtu and 1846.78 lbs/hr.

*Comment:* The lb/hr limits for the Blast Furnace Stoves in section (4) should read:

- A) No. 3 Blast Furnace Stove Stack - 127.89 lb/hr
- B) No. 4 Blast Furnace Stove Stack - 140.94 lb/hr

(ISG)

*Response:* IDEM concurs and has made the suggested change.

*Comment:* ISG will continue modeling work to resolve the input values needed to demonstrate attainment with the annual air quality standard based on new information such as slag pit SO<sub>2</sub> buoyancy and assessment of receptor locations. ISG does request that compliance of the annual emission limit be calculated based on annual fuel consumption. (ISG)

*Comment:* No. 3 Blast Furnace Slag Pits and No. 4 Blast Furnace Slag Pits listed in sections (7) and (8) respectively are fugitive area sources recognized for the model. ISG requests that IDEM remove these sections from the draft rule because there is no methodology available to demonstrate compliance with the specified emission limits. (ISG)

*Response:* IDEM has worked with ISG Indiana Harbor and U.S. EPA to resolve the earlier modeling problems including those at the slag pits. In the final modeling, no reductions from the slag pits were necessary to demonstrate protection of the air quality standard. Because no reductions were needed and because the slag pits are fugitive sources for which it would be difficult to demonstrate compliance with a limit, the slag pits have been removed from the rule.

*Comment:* In 326 IAC 7-4.1-12 (b)(3), Ispat Inland, Inc. is required to report "any violations of subdivision (7) and (8)." Is this correct, or is it a carryover from an older regulation that limited the number of the No. 2AC Boilers that could operate at one time? If the language is correct, then why are those subdivisions singled out? (U.S. EPA)

*Response:* This requirement was from a previous regulatory effort

and is no longer necessary. Therefore, it has been removed from the draft rule.

*Comment:* Emission limitations from non-point, non-measurable sources should be removed from the rule. In earlier discussions with IDEM, it was agreed that sources such as roof monitors and slag pits should be removed from the rule because compliance assurance is not reasonably possible. IDEM had removed most of these types of sources, but erroneously left two of them in the draft rule. The No. 5 Blast Furnace and the No. 6 Blast Furnace Casthouse Roof Monitors still remain in the draft rule, and must be removed. Even though these types of sources are removed from the rule, they still remain in the model and inventory. (ISP)

*Response:* IDEM concurs and has made the suggested change.

*Comment:* The development of the new dual-limitations in the amendments has exposed a capacity level error that may be historical in nature. The capacity of the three boilers, Boilers Nos. 211, 212, and 213, at the No. 2 AC Station are incorrectly rated at 2400 mmbtu/hour. The correct total capacity of these three boilers in their current configuration is 1200 mmbtu/hour. In addition, these boilers are modeled as a single source. Ispat would like to continue to retain the flexibility afforded by the existing SO<sub>2</sub> SIP limitations to run combinations of boilers at different loads. The proposed new limitation on each boiler of 56 lbs/hour restricts this flexibility. A combined limit still preserves the integrity of the compliance model and does not require any changes to be made other than to the limit as written in the rule. As a result, the emission limit at the No. 2 AC Station should be changed to 168 lb/hour, total. (ISP)

*Response:* IDEM concurs and has made the suggested change.

*Comment:* Ispat has been working together with U.S. Steel, Gary Works and ISG, Indiana Harbor Works to compile a comparison database of emission factors for emissions sources common to all three plants. The information in this database provided the three facilities with an opportunity to improve their existing emission factors and limits where more accurate information and testing was available. As a result of the comparison document, Ispat was able to more accurately characterize emissions from five of its sources. Please update the emissions limits in the rule to reflect the following:

- No. 5 Blast Furnace Casthouse - 0.03 lb/ton hot metal
- No. 6 Blast Furnace Casthouse - 0.03 lb/ton hot metal
- No. 2 BOF Charge Aisle and HMS Baghouse - 0.094 lb/ton hot metal
- No. 4 BOF Hot Metal Station North Baghouse - 0.094 lb/ton hot metal
- No. 4 BOF Hot Metal Station South Baghouse - 0.094 lb/ton hot metal

These changes have already been made to the current working SO<sub>2</sub> Redesignation model. Please update the limits in the rule accordingly. (ISP)

*Response:* Additional modeling has been conducted since this comment was submitted. The No. 5 and No. 6 Blast Furnace Casthouses have been removed from the rule because they represent fugitive emissions for which compliance cannot be demonstrated. The emission limits in the draft rule for the remaining units represent the most current modeling effort.

*Comment:* The proposed pounds per hour limitation for the Dominion State Line Energy, LLC facility is not based on the registered heat input capacities for the two coal-fired boilers at this facility. The 2003 Operation Permit issued by the Hammond Department of Environmental Management (HDEM) for the Unit 3 boiler at State Line Energy, LLC registers the heat input at 2130 million Btu per hour. The HDEM permit for Unit 4 registers that unit heat input at 3379 million Btu per hour. Since the proposed sulfur dioxide emission

limitation for each unit is based on the existing 1.2 pounds per million Btu limitation, the appropriate pounds per hour sulfur dioxide limits for State Line Energy, LLC should be 2556 for Unit 3 and 4054.8 for Unit 4. (DSL)

*Response:* IDEM concurs and has made the suggested change.

*Comment:* In 326 IAC 7-4.1-20(2), the statement, "...and sixty (60) pounds per hour for a total of six hundred ninety-five (695) hours per year at full capacity" should be deleted. The statement "oil usage shall not exceed six hundred thousand (600,000) gallons of No. 2 fuel oil per 365 consecutive day period" should be inserted instead.

Unilever's Part 70 Permit does not have a time restriction for burning oil. SO<sub>2</sub> emissions should be limited by restricting the amount of fuel oil usage, not by restricting time of operation. Unilever's boilers are very seldom operated at full capacity and hence a time of operation restriction would be inappropriate. For an example, you may wish to refer to Unilever's Part 70 permit paragraph D.2.1, which provides NOx emission control using fuel quantity restrictions. SO<sub>2</sub> emissions should be limited in the same manner. Since this rulemaking seeks to accurately utilize source specific SOx emissions limits to cap pollution, a fuel oil use limitation is the most logical approach since the emissions resulting from natural gas combustion are very minimal. (UNI)

*Response:* The draft rule has both long term (annual) and short term (hourly) limitations, but the comment suggests using only the long term limitation. The 0.5 lbs/MMBtu limit means that the sulfur content in oil should be less than 0.5 percent when the boiler only burns No. 2 oil. AP-42 states that the sulfur content in No. 2 oil is 0.2-1.0 percent. It means that to meet the short term limitation, the boiler should use the low sulfur oil or use a combination of No. 2 oil and natural gas. The annual emissions under the rule are 60 lb/hr \* 695 hr/yr = 41700 lbs/yr, while the emission of their suggested limit under the comments depends upon the sulfur content in the oil. When the sulfur content is 0.5 percent, the emission is: 600,000 gal oil/yr \* 7.05 lb/gal oil \* 2 lb SO<sub>2</sub>/lb S \* 0.5 / 100 = 42300 lbs/yr, which is slightly more than that of the rule limitation. Since limiting the hours does not seem reasonable, changing the hour limitation to oil usage is acceptable while keeping the short term limitation at 0.5 lbs/MMBtu.

*Comment:* In 326 IAC 7-4.1-20(3), "...eight and two hundred seventy-seven thousandths (8.277)..." should be replaced with "...ten and seventy-five thousandths (10.075)..." Unilever's Sulfonation Plant's maximum production rate is 6,500 pounds per hour and the SO<sub>2</sub> emission limit is 3.1 pounds per ton of material processed. A calculation to determine the hourly rate results in 10.075 lbs/hr, as stated in our Part 70 Permit. Refer to Unilever's Part 70 Permit paragraph D.7.2. (UNI)

*Response:* IDEM concurs and has made the requested change.

*Comment:* In 326 IAC 7-4.1-20(4), "...fifteen hundredths (0.15) pounds per million Btu and one and eighty-three hundredths (1.83) pounds per hour." should read "three hundredths (0.3) pounds per million Btu, and three and sixty-six hundredths (3.66) pounds per hour while combusting fuel oil. Unilever's American Hydrotherm Boiler No. 2 has a SO<sub>2</sub> limit of 0.3 pounds per million Btu. Refer to Unilever's Part 70 Permit paragraph D.1.4. Again, SOx reductions should be linked to the use of fuel oil. (UNI)

*Response:* IDEM concurs and has made the requested change.

*Comment:* On behalf of Walsh & Kelly, Inc., DECA Environmental & Associates, Inc. are requesting the Griffith plant be included into the new sulfur dioxide rules soon to be codified in 326 IAC 7-4.1. Since the emission limits are still being derived, Walsh & Kelly is requesting the opportunity to work with the modeling group to establish an hourly limit for the source. (DEC)

*Response:* Walsh & Kelly, Inc. has been added to the rule.

## Proposed Rules

### SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On October 6, 2004, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of a new rule, 326 IAC 7-4.1, amendments to 326 IAC 7-1.1-1, 326 IAC 7-1.1-2, and 326 IAC 7-2-1, and repeal of 326 IAC 7-4-1.1. Comments were made by the following parties:

Walsh & Kelly, Inc.

Following is a summary of the comments received and IDEM's responses thereto:

*Comment:* In 326 IAC 7-4.1-21(a), the draft language limits the source for SO<sub>2</sub> emissions to a fuel containing 0.048 pounds per MMBtu. This must have been a typographical error. There is no practical source of emissions information today nor was it found in the current permit that supports such a number. The conversion of sulfur content (0.45%) to pounds per MMBtu would equivocate to approximately 0.50, not 0.048, depending on degree API for density.

*Comment:* In 326 IAC 7-4.1-21(b), the SO<sub>2</sub> rule language should be consistent with the following language changes that have been requested for a permit modification: "the input of ~~No. 2 distillate re-refined waste~~ oil and ~~distillate re-refined waste~~ oil equivalents in the 120 MMBtu per hour burner for the aggregate dryer shall be limited to less than ~~655,348~~ **740,725** gallons per twelve (12) consecutive month period, rolled on a monthly basis, ~~and less than 130 gallons per hour,~~ based on maximum sulfur content of ~~0.50~~ **0.45** % for ~~No. 2 Fuel re-refined waste~~ oil, so that SO<sub>2</sub> emissions are limited to less than 25 tons per year, ~~and less than 10 pounds per hour, respectively.~~

Walsh & Kelly requests a sulfur content limit of 0.45% for waste oil and will forego the burdensome task of reporting waste oil and its equivalents based upon varying sulfur content. This will allow Walsh and Kelly to simply report waste oil and equivalents based upon one percentage and eliminate the need for hourly reporting as well. The potential to emit calculation translates to Walsh and Kelly being able to burn 740,725 gallons of waste oil and its equivalents per 12 month rolling calendar.

Walsh & Kelly requests the removal of No. 2 Distillate Fuel Oil as a backup fuel source from their permit and the rule.

An hourly usage limit of 130 gallons per hour was mistakenly included in the draft language. With the other requested changes, Walsh & Kelly would obtain the operational flexibility needed while still limiting SO<sub>2</sub> emissions to under 25 tons/year, therefore, the hourly usage limitation is no longer needed.

*Comment:* The provision in the draft rule, 326 IAC 7-4.1-21(c), should be deleted. Because there will be only one backup fuel, there is no need for such comparison language.

*Response:* IDEM has received the permit modification request containing these items and it is being reviewed by the permitting staff. If the permit modification request is approved, the corresponding changes in the proposed rule will be made prior to final adoption.

**326 IAC 7-1.1-1**

**326 IAC 7-4-1.1**

**326 IAC 7-1.1-2**

**326 IAC 7-4-1**

**326 IAC 7-2-1**

SECTION 1. 326 IAC 7-1.1-1 IS AMENDED TO READ AS FOLLOWS:

#### **326 IAC 7-1.1-1 Applicability**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12

**Affected:** IC 13-15; IC 13-17

Sec. 1. All facilities with a potential to emit twenty-five (25)

tons per year or ten (10) pounds per hour of sulfur dioxide shall comply with **the following:**

(1) The limitations in section 2 of this rule. ~~and~~

(2) The compliance test methods in 326 IAC 7-2. ~~The above facilities shall also comply with~~

(3) The sulfur dioxide emission limitations and other requirements ~~pursuant to under~~ 326 IAC 2, 326 IAC 7-4, **326 IAC 7-4.1**, and 326 IAC 12.

*(Air Pollution Control Board; 326 IAC 7-1.1-1; filed Aug 28, 1990, 4:50 p.m.: 14 IR 52; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2368; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1600)*

SECTION 2. 326 IAC 7-1.1-2 IS AMENDED TO READ AS FOLLOWS:

#### **326 IAC 7-1.1-2 Sulfur dioxide emission limitations**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12

**Affected:** IC 13-15; IC 13-17

Sec. 2. (a) Sulfur dioxide emissions from fuel combustion facilities shall be limited as follows, unless specified otherwise in 326 IAC 7-4, **326 IAC 7-4.1**, or in a construction permit issued ~~pursuant to under~~ 326 IAC 2:

(1) Six and zero-tenths (6.0) pounds per million **British thermal units** (Btu) for coal combustion.

(2) One and six-tenths (1.6) pounds per million Btu for residual oil combustion.

(3) Five-tenths (0.5) pound per million Btu for distillate oil combustion.

(b) For facilities combusting coal and oil simultaneously, the sulfur dioxide emission limitation shall be six and zero-tenths (6.0) pounds per million Btu. For facilities combusting oil and any fuel other than coal simultaneously, the sulfur dioxide emission limitation shall be the limitation specified in subsection (a)(2) or (a)(3), depending on the type of oil combusted. For the purposes of this subsection, simultaneous combustion of coal and oil shall include those periods of startup, shutdown, and flame stabilization required under normal facility operations. *(Air Pollution Control Board; 326 IAC 7-1.1-2; filed Aug 28, 1990, 4:50 p.m.: 14 IR 52; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2369; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1600)*

SECTION 3. 326 IAC 7-2-1, AS AMENDED AT 28 IR 42, SECTION 30, IS AMENDED TO READ AS FOLLOWS:

#### **326 IAC 7-2-1 Reporting requirements; methods to determine compliance**

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

**Affected:** IC 13-14-8; IC 13-15; IC 13-17

Sec. 1. (a) As used in this article, "weighing factor" means the daily quantity of coal bunkered or megawatt generation or other appropriate measure of the output of a combustion source.

(b) As used in this article, "rolling weighted average sulfur dioxide emission rate" means the summation of the average



sulfur dioxide emission rate times the daily weighing factor divided by the summation of the weighing factors.

(c) Owners or operators of sources or facilities subject to 326 IAC 7-1.1, ~~or 326 IAC 7-4~~, **or 326 IAC 7-4.1** shall submit to the commissioner the following reports based on fuel sampling and analysis data obtained in accordance with procedures specified under 326 IAC 3-7:

(1) Fuel combustion sources with total coal-fired heat input capacity greater than or equal to one thousand five hundred (1,500) million British thermal units (Btus) per hour shall submit quarterly reports of the thirty (30) day rolling weighted average sulfur dioxide emission rate in pounds per million Btus. Records of the daily average coal sulfur content, coal heat content, weighing factor, and daily average sulfur dioxide emission rate in pounds per million Btus shall be submitted to the department in the quarterly report and maintained by the source owner or operator for a period of at least two (2) years.

(2) Fuel combustion sources with total coal-fired heat input capacity greater than one hundred (100) and less than one thousand five hundred (1,500) million Btus per hour shall submit quarterly reports of the calendar month average coal sulfur content, coal heat content, and sulfur dioxide emission rate in pounds per million Btus and the total monthly coal consumption.

(3) All other fuel combustion sources shall submit reports of calendar month average sulfur content, heat content, fuel consumption, and sulfur dioxide emission rate in pounds per million Btus upon request.

(d) Compliance or noncompliance with the emission limitations contained in 326 IAC 7-1.1, ~~or 326 IAC 7-4~~, **or 326 IAC 7-4.1** may be determined by a stack test conducted in accordance with 326 IAC 3-6 utilizing procedures outlined in 40 CFR 60, Appendix A, Method 6\*, 6A\*, 6C\*, or 8\*.

(e) Fuel sampling and analysis data shall be collected pursuant to the procedures specified in 326 IAC 3-7-2 or 326 IAC 3-7-3 for coal combustion or 326 IAC 3-7-4 for oil combustion, and these data may be used to determine compliance or noncompliance with the emission limitations contained in 326 IAC 7-1.1, ~~or 326 IAC 7-4~~, **or 326 IAC 7-4.1**. Computation of calculated sulfur dioxide emission rates from fuel sampling and analysis data shall be based on the emission factors contained in U.S. EPA publication AP-42, unless other emission factors based on site-specific sulfur dioxide measurements are approved by the commissioner and the U.S. EPA. Fuel sampling and analysis data shall be collected as follows:

(1) For coal-fired fuel combustion sources with heat input capacity greater than or equal to one thousand five hundred (1,500) million Btus per hour, compliance or noncompliance shall be determined using a thirty (30) day rolling weighted average sulfur dioxide emission rate in pounds per million Btus unless a shorter averaging time or alternate averaging

methodology is specified for a source under this article.

(2) For all other combustion sources, compliance or noncompliance shall be determined using a calendar month average sulfur dioxide emission rate in pounds per million Btus unless a shorter averaging time or alternate averaging methodology is specified for a source under this article.

(f) A determination of noncompliance ~~pursuant to~~ **under** either the method specified in subsection (d) or (e) shall not be refuted by evidence of compliance ~~pursuant to~~ **under** the other method.

(g) Upon written notification of a facility owner or operator to the department, continuous emission monitoring data collected and reported ~~pursuant to~~ **under** 326 IAC 3-5 may be used as the means for determining compliance with the emission limitations in this article. Upon such notification, the other requirements of this rule shall not apply.

\*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 7-2-1; filed Aug 28, 1990, 4:50 p.m.: 14 IR 52; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2078; errata filed Feb 9, 1999, 4:06 p.m.: 22 IR 2006; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Nov 7, 2001, 3:00 p.m.: 25 IR 813; errata filed Dec 12, 2002, 3:30 p.m.: 26 IR 1565; filed Aug 26, 2004, 11:30 a.m.: 28 IR 42*)

SECTION 4. 326 IAC 7-4.1 IS ADDED TO READ AS FOLLOWS:

**Rule 4.1. Lake County Sulfur Dioxide Emission Limitations**

**326 IAC 7-4.1-1 Lake County sulfur dioxide emission limitations**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
**Affected:** IC 13-15; IC 13-17

**Sec. 1. All new and existing fossil fuel-fired combustion sources and facilities subject to 326 IAC 7-1.1 located in Lake County shall burn natural gas only unless an alternate sulfur dioxide emission limit is provided in this rule. A facility subject to 326 IAC 7-1.1, but not located at a source specifically listed in this rule, may burn distillate oil with sulfur dioxide emissions limited to three-tenths (0.3) pound per million British thermal units (MMBtu) if the fuel combustion unit has a maximum capacity of less than twenty (20) MMBtu per hour actual heat input. (*Air Pollution Control Board; 326 IAC 7-4.1-1*)**

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### 326 IAC 7-4.1-2 Sampling and analysis protocol

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
 Affected: IC 13-15; IC 13-17

Sec. 2. Cargill, Inc., BP Products North America Inc., Ispat Inland Inc., ISG Indiana Harbor Inc., Carmeuse Lime, and U.S. Steel-Gary Works shall maintain a sampling and analysis protocol. The protocol shall contain a description of planned procedures for:

- (1) sampling of sulfur-bearing fuels and materials;
- (2) analysis of the sulfur content; and
- (3) any planned direct measurement of sulfur dioxide emissions vented to the atmosphere.

The protocol shall specify the frequency of sampling, analysis, and measurement for each fuel and material and for each facility. The department shall incorporate the protocol into the source's operation permit per procedures specified in 326 IAC 2. The source may revise the protocol

as necessary to establish acceptable sampling, analysis, and measurement procedures and frequency, but the revised protocol must be submitted to the department for approval. The department may also require that a source conduct a stack test at any facility listed in this section within thirty (30) days of written notification by the department. (*Air Pollution Control Board; 326 IAC 7-4.1-2*)

### 326 IAC 7-4.1-3 BP Products North America Inc. sulfur dioxide emission limitations

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
 Affected: IC 13-15; IC 13-17

Sec. 3. (a) BP Products North America Inc., Source Identification Number 00003, shall comply with the sulfur dioxide emission limits in pounds per million British thermal units (Btu) and pounds per hour and other requirements as follows:

Facility Description	Emission Limit lbs/MMBtu	Emission Limit lbs/hour
(1) No. 1 Power Station Boilers 3, 4, 5, 6, and 7:		
(A) Boilers 3 and 4	0.033 each	17.49 total
(B) Boilers 5, 6, and 7	0.033 each	26.24 total
(2) No. 3 Power Station Boilers 1, 2, 3, 4, and 6	0.033 each	18.98 each
(3) No. 11 Pipe Still:		
(A) H-1X Heater	0.033	8.25
(B) H-2 Vacuum Heater	0.033	1.49
(C) H-3 Vacuum Heater	0.033	1.82
(D) H-101, 102, 103, and 104 Coker Preheaters	0.033 each	6.60 total
(E) H-200 Crude Charge	0.033	8.23
(F) H-300 Furnace	0.033	5.94
(4) No. 12 Pipe Still:		
(A) H-1A, H-1B Preheaters, and H-2 Vacuum Heater	0.033 each	21.78 total
(B) H-1CN, and H-1CS Crude Preheaters	0.033 each	7.92 total
(C) H-1CX	0.033	13.53
(5) No. 2 Isomerization H-1 Feed Heater Furnace	0.034	6.46
(6) No. 3 Ultraformer:		
(A) H-1 Feed Heater Furnace	0.033	7.92
(B) H-2 Feed Heater Furnace	0.034	6.29
(C) F-7 Furnace	0.035	0.81
(7) No. 4 Ultraformer:		
(A) F-1 Ultraformer Furnace, F-8A and F-8B Reboilers	0.033 each	13.00 total
(B) F-2 Preheat Furnace	0.033	9.44
(C) F-3 No. 1 Reheat Furnace	0.033	7.99
(D) F-4, F-5, and F-6 Reheat Furnaces	0.033 each	9.41 total
(E) F-7 Furnace	0.033	1.72
(8) Aromatic Recovery Unit F-200A and F-200B Furnace	0.035 each	17.47 total
(9) Blending Oil Desulfurization Furnace F-401	0.034	1.19
(10) Catalytic Refining Unit:		
(A) F-101 Feed Preheater	0.04	2.88
(B) F-102a Stripper Reboiler	0.04	2.40

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<b>(11) FCU 500</b>		<b>750.00</b>
<b>(12) FCU 600</b>		<b>437.50</b>
<b>(13) Wastewater Sludge Fluid Bed Incinerator</b>		<b>1.78</b>
<b>(14) Catalytic Feed Hydrotreating Unit:</b>		
<b>(A) F-801 A/B Preheater Furnace</b>	<b>0.035</b>	<b>2.33</b>
<b>(B) F-801 C Preheater Furnace</b>	<b>0.035</b>	<b>2.1</b>
<b>(15) Beavon-Stretford Tail Gas Unit</b>		<b>53.10 total reduced sulfur</b>
<b>(16) Sodium Bisulfite Tail Gas Unit</b>		<b>9.0</b>
<b>(17) Sulfur Recovery Unit Incinerator</b>	<b>0.033</b>	<b>1.25</b>
<b>(18) F-1 Asphalt Heater</b>	<b>0.033</b>	<b>0.43</b>
<b>(19) F-2 Steiglitz Park Residual Heater</b>	<b>0.033</b>	<b>0.90</b>
<b>(20) Distillate Desulfurization Unit Heaters WB-301 and WB-302</b>	<b>0.033 each</b>	<b>4.24 total</b>
<b>(21) Hydrogen Unit B-1</b>	<b>0.033</b>	<b>12.09</b>

(b) BP Products North America Inc. shall:

- (1) maintain daily records of:
  - (A) fuel type, average sulfur content, and average fuel gravity for each facility specified in this section with sulfur dioxide emission limitations less than or equal to four-hundredths (0.04) pound per million Btu;
  - (B) calculated coke burn and sulfur content of the coke for the FCU 500 and FCU 600;
  - (C) total reduced sulfur concentration, hydrogen sulfide concentration, and calculated stack gas flow rate for the Beavon-Stretford Tail Gas Unit; and
  - (D) sulfur dioxide concentration and stack gas flow rate for the Sodium Bisulfite Tail Gas Unit; and
- (2) submit a report to the department within thirty (30) days after the end of each calendar quarter containing the average daily sulfur dioxide emission rate in pounds per hour sulfur dioxide for the facilities specified in this section, except for the Beavon-Stretford Tail Gas Unit, that is to be reported as pounds per hour total reduced sulfur calculated as sulfur dioxide.

*(Air Pollution Control Board; 326 IAC 7-4.1-3)*

**326 IAC 7-4.1-4 Bucko Construction sulfur dioxide emission limitations**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
 Affected: IC 13-15; IC 13-17

Sec. 4. Bucko Construction, Source Identification Number 00179, shall comply with the sulfur dioxide emission limits for the Rotary Dryer of four-hundredths (0.04) pound per ton asphalt and ten (10) pounds per hour. *(Air Pollution Control Board; 326 IAC 7-4.1-4)*

**326 IAC 7-4.1-5 Cargill, Inc. sulfur dioxide emission limitations**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
 Affected: IC 13-15; IC 13-17

Sec. 5. (a) Cargill, Inc., Source Identification Number 00203, shall comply with the sulfur dioxide emission limits

in pounds per million British thermal units (Btu) and pounds per hour as follows:

- (1) Boilers 6, 7, 8, and 10 shall be limited to two and seven-hundredths (2.07) pounds per million Btu and seven hundred eighty-four (784) pounds per hour for all four (4) boilers.
- (2) The Gluten Dryer System shall be limited to ninety-one hundredths (0.91) pounds per hour.
- (3) The Waxy Feed Drum Dryer shall be limited to one and seventy-four hundredths (1.74) pounds per hour.
- (4) The Fiber Dryer and Drying Equipment shall be limited to nine and seventy-nine hundredths (9.79) pounds per hour.
- (5) The Rotary Feed Dryer shall be limited to four and ninety-eight hundredths (4.98) pounds per hour.

(b) Cargill, Inc. shall:

- (1) maintain records of average sulfur content, fuel oil usage, and boiler operating load for each hour in which any boiler operates on fuel oil; and
- (2) submit a report to the department within thirty (30) days after the end of each calendar quarter containing the records listed in subdivision (1) and a calculation of the total sulfur dioxide emissions from Boilers 6, 7, 8, and 10 for each hour.

*(Air Pollution Control Board; 326 IAC 7-4.1-5)*

**326 IAC 7-4.1-6 Carmeuse Lime sulfur dioxide emission limitations**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
 Affected: IC 13-15; IC 13-17

Sec. 6. (a) Carmeuse Lime, Source Identification Number 00112, shall comply with the sulfur dioxide emission limits for Rotary Kilns 1 through 5 as follows:

- (1) When three (3) or fewer kilns are in operation at the same time, the sulfur dioxide emissions are not to exceed:
  - (A) two and ninety-four thousandths (2.094) pounds per ton of lime based on a one (1) hour average; and
  - (B) forty-eight (48) pounds per hour per operating kiln.

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(2) When four (4) kilns are in operation at the same time, the sulfur dioxide emissions are not to exceed:

(A) one and seven hundred forty-five thousandths (1.745) pounds per ton of lime based on a one (1) hour average; and

(B) forty (40) pounds per hour per operating kiln.

(3) When five (5) kilns are in operation at the same time, the sulfur dioxide emissions are not to exceed:

(A) one and four hundred eighty-three thousandths (1.483) pounds per ton of lime based on a one (1) hour average; and

(B) thirty-four (34) pounds per hour per operating kiln.

(4) The production of lime is not to exceed five hundred fifty (550) tons per day for each rotary kiln.

(b) Sulfur dioxide emissions shall be vented from the kilns/kiln gas filter systems at the following heights above grade:

(1) For Kiln No. 1, a stack height of seventy-nine and one-tenth (79.1) feet.

(2) For Kiln No. 2, a stack height of eighty-five and nine-tenths (85.9) feet.

(3) For Kiln No. 3, a stack height of eighty-six and zero-tenths (86.0) feet.

(4) For Kiln No. 4, a stack height of ninety-four and four-tenths (94.4) feet.

(5) For Kiln No. 5, a stack height of eighty-seven and four-tenths (87.4) feet.

*(Air Pollution Control Board; 326 IAC 7-4.1-6)*

### 326 IAC 7-4.1-7 Cokenergy Inc. sulfur dioxide emission limitations

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

Affected: IC 13-15; IC 13-17

Sec. 7. Cokenergy Inc., Source Identification Number 00383, shall comply with the sulfur dioxide emission limit in pounds per hour for the heat recovery coke carbonization waste gas stack, identified as Stack ID 201, combined with the sixteen (16) vents from the Indiana Harbor Coke Company of a twenty-four (24) hour average emission rate of one thousand six hundred fifty-six (1,656) pounds per hour. *(Air Pollution Control Board; 326 IAC 7-4.1-7)*

### 326 IAC 7-4.1-8 Indiana Harbor Coke Company sulfur dioxide emission limitations

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

Affected: IC 13-15; IC 13-17

Sec. 8. (a) Indiana Harbor Coke Company (IHCC), Source Identification Number 00382, shall comply with the sulfur dioxide emission limits in pounds per million British thermal units and pounds per hour as follows:

Facility Description	Emission Limit lbs/ton	Emission Limit lbs/hour
(1) IHCC Coal Carbonization Charging	0.0068 each	1.57 total
(2) IHCC Coal Carbonization Pushing	0.0084	1.96
(3) IHCC Coal Carbonization Quenching	0.0053	1.232 total
(4) IHCC Coal Carbonization Thaw Shed	0.0006 lbs/1,000 cubic feet natural gas	0.015
(5) IHCC Vent Stacks (16 total) in combination with Cokenergy's heat recovery coke carbonization waste gas stack identified as Stack ID 201		1,656 total for a 24 hour average

(b) The coke ovens shall recycle the gases emitted during the coking process and utilize it as the only fuel source for the ovens during normal operations. The gases shall not be routed directly to the atmosphere unless they first pass through the common tunnel afterburner. A maximum of nineteen percent (19%) of the coke oven waste gases leaving the common tunnel shall be allowed to be vented to the atmosphere on a twenty-four (24) hour basis and fourteen percent (14%) on an annual basis. *(Air Pollution Control Board; 326 IAC 7-4.1-8)*

### 326 IAC 7-4.1-9 Ironside Energy, LLC sulfur dioxide emission limitations

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

Affected: IC 13-15; IC 13-17

Sec. 9. (a) Ironside Energy, LLC, Source Identification

Number 00448, shall comply with the sulfur dioxide emission limits for Utility Boiler No. 9 of two hundred ninety-thousandths (0.290) pound per million British thermal units (Btu) and one hundred ninety and fifty-three hundredths (190.53) pounds per hour. Utility Boiler No. 9 shall be fired on blast furnace gas and natural gas only.

(b) Utility Boiler No. 9 in combination with ISG Indiana Harbor Inc. Utility Boilers 5, 6, 7, and 8 are limited to an annual operating limit of five thousand eight hundred seventy-one and sixty-one hundredths (5,871.61) tons per year.

(c) Ironside Energy, LLC shall:

(1) maintain records of the:

(A) total blast furnace gas and natural gas combusted

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for each day; and  
 (B) average sulfur content and heating value for each day for each fuel type combusted during the calendar quarter; and  
 (2) submit to the department within thirty (30) days of the end of each calendar quarter the calculated sulfur dioxide emission rate in pounds per million Btu for each fuel type, the total fuel combusted for each day during the calendar quarter.

*(Air Pollution Control Board; 326 IAC 7-4.1-9)*

### 326 IAC 7-4.1-10 ISG Indiana Harbor Inc. sulfur dioxide emission limitations

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
 Affected: IC 13-15; IC 13-17

Sec. 10. (a) ISG Indiana Harbor Inc., Source Identification Number 00318, shall comply with the sulfur dioxide emission limits in pounds per million British thermal units (Btu) and pounds per hour and other requirements as follows:

Facility Description	Emission Limit lbs/MMBtu	Emission Limit lbs/hour
(1) Utility Boilers 5, 6, 7, and 8: (A) Total actual heat input from fuel oil usage at all boilers combined shall not exceed two thousand four hundred fifty-two (2,452) million Btu per hour. (B) Boilers shall be fired on fuel oil, blast furnace gas, and natural gas only. (C) Fuel oil burned shall not exceed one and three-tenths percent (1.3%) sulfur and one and thirty-five hundredths (1.35) pounds per million Btu. (D) Utility Boilers 5, 6, 7, and 8 in combination with the Ironside Energy, LLC Utility Boiler No. 9 are limited to an annual operating limit of five thousand eight hundred seventy-one and sixty-one hundredths (5,871.61) tons per year.	0.594 each	1456.5 total
(2) Hot Strip Mill Slab Heat Reheat Furnaces 1, 2, and 3	1.254 each	535.1 each
(3) Sinter Plant Windbox	1.0 pound per ton process material	240
(4) Blast Furnace Stoves: (A) No. 3 Blast Furnace Stove	0.290	127.89
(B) No. 4 Blast Furnace Stove	0.290	140.94
(5) Reladling and Desulfurization Baghouse	0.057 pound per ton feed material	30.40
(6) Number 4 Blast Furnace EC Baghouse	0.18 pound per ton feed material	69.9

(b) ISG Indiana Harbor Inc. shall:

- (1) maintain records of the:
  - (A) total coke oven gas, blast furnace gas, fuel oil, and natural gas usage for each day at each facility listed in subsection (a)(1) through (a)(4); and
  - (B) average sulfur content and heating value for each day for each fuel type used during the calendar quarter; and
- (2) submit to the department within thirty (30) days of the end of each calendar quarter the calculated sulfur dioxide emission rate in pounds per million Btu for each facility for each day during the calendar quarter and the

total fuel usage for each type at each facility for each day.  
*(Air Pollution Control Board; 326 IAC 7-4.1-10)*

### 326 IAC 7-4.1-11 Ispat Inland Inc. sulfur dioxide emission limitations

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
 Affected: IC 13-15; IC 13-17

Sec. 11. (a) Ispat Inland Inc., Source Identification Number 00316, shall comply with the sulfur dioxide emission limits in pounds per million British thermal units (Btu) or pounds per hour as follows:

Facility Description	Emission Limit lbs/MMBtu	Emission Limit lbs/hour
(1) No. 1 Blast Furnace Stoves	0.080 total	11.92 total
(2) No. 2 Blast Furnace Stoves	0.080 total	12.4 total
(3) No. 5 and 6 Blast Furnace Stoves	0.140 each	41.02 each
(4) No. 7 Blast Furnace Stoves	0.195 total	162 total
(5) No. 5 Boilerhouse	0.198	265.2

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(6) No. 2AC Boilers 207, 208, 209, and 210		15.873 total
(7) No. 2AC Boilers 211, 212, and 213	0.140 each	168.0 total
(8) No. 4AC Boilers 401, 402, 403, 404, and 405:		890.23 total
(A) Stack 1 (Boilers 401 and 402) and Stack 2 (Boilers 403 and 404)	1.5 per stack	
(B) Stack 3 (Boiler 405)	1.0	
<p>(C) Sulfur dioxide emissions from Stacks 1, 2, and 3 shall be limited in accordance with the following equation in units of pounds per million Btu:</p> $(\text{Stack 1} + \text{Stack 2})/2 + 0.425 \times \text{Stack 3} \leq 1.6$ <p>If any one (1) of Boilers 401 through 405 is not operating for a given calendar day, the pounds per million Btu for Stack 3 for the purposes of the equation in this clause is twenty-four hundredths (0.24) pounds per million Btu.</p> <p>(D) Ispat Inland Inc. shall maintain and operate sulfur dioxide continuous emission monitoring systems (CEMS) in Stacks 1, 2, and 3. CEMS data shall be used to determine compliance and to determine the sulfur dioxide emission rate in pounds per million Btu for the report required under subsection (b)(3). The CEMS shall be operated in accordance with the procedures specified in 326 IAC 3-5, and records of hourly emissions data shall be maintained and made available to the department upon request.</p>		
(9) Lime Plant Kiln Baghouse Stacks	0.460	32.08 total
(10) Anneal 3, 4	0.000	0.000
	<b>Emission Limit</b>	<b>Emission Limit</b>
	<b>lbs/ton</b>	<b>lbs/hour</b>
(11) EAF Shop Ladle Metal Baghouse	0.125	13.90
(12) Pigging Ladle Facility	0.020	4.000
(13) Sinter Plant Windbox	1.000	180.000
(14) No. 7 Blast Furnace Canopy	0.220	50.400
(15) No. 7 BF Casthouse Baghouse	0.220	50.400
(16) No. 2 BOF 10 Furnace Stack	0.070	19.250
(17) No. 2 BOF 20 Furnace Stack	0.070	19.250
(18) No. 2 BOF Secondary Vent	0.014	6.440
(19) No. 2 BOF Charge Aisle and HMS Baghouse	0.151	69.460
(20) No. 2 BOF Ladle Metal Baghouse	0.025	11.500
(21) No. 4 BOF HMS Baghouse S and N	0.151 each	36.391 each
(22) No. 4 BOF Secondary Vent	0.001	0.535
(23) No. 4 BOF Scrubber Stack	0.001	0.535

(b) Ispat Inland Inc. shall:

(1) maintain records of the:

(A) total blast furnace gas, fuel oil, and natural gas usage for each day at each facility listed in this section; and

(B) average sulfur content and heating value for each day for each fuel type used during the calendar quarter and of the operational status of 2AC Station Boilers 207, 208, 209, 210, 211, 212, and 213, 4AC Station Boilers 401, 402, 403, 404, and 405; and

(2) submit to the department within thirty (30) days of the end of each calendar quarter the calculated sulfur dioxide emission rate in pounds per million Btu and pounds per hour for each facility for each day during the calendar quarter, the total fuel usage for each type of fuel used at each facility for each day.

(Air Pollution Control Board; 326 IAC 7-4.1-11)

### 326 IAC 7-4.1-12 Methodist Hospital sulfur dioxide emission limitations

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

Affected: IC 13-15; IC 13-17

Sec. 12. Methodist Hospital, Source Identification Number 00114, shall comply with the sulfur dioxide emission limits for Boiler 1 of one hundred fifty-two thousandths (0.152) pound per million British thermal units (Btu) and four and eight hundred sixty-four thousandths (4.864) pounds per hour. (Air Pollution Control Board; 326 IAC 7-4.1-12)

### 326 IAC 7-4.1-13 National Recovery Systems sulfur dioxide emission limitations

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

Affected: IC 13-15; IC 13-17

**Sec. 13. National Recovery Systems, Source Identification Number 00323, shall comply with the sulfur dioxide emission limits for the dryer of three-tenths (0.3) pound per million British thermal units and two and seven hundred-thousandths (2.700) pounds per hour.** (*Air Pollution Control Board; 326 IAC 7-4.1-13*)

**326 IAC 7-4.1-14 NIPSCO Dean H. Mitchell Generating Station sulfur dioxide emission limitations**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
 Affected: IC 13-15; IC 13-17

**Sec. 14. (a) NIPSCO Dean H. Mitchell Generating Station, Source Identification Number 00117, shall comply with the sulfur dioxide emission limits for Boilers 4, 5, 6, and 11 in pounds per million British thermal units (Btu) and pounds per hour as follows:**

**(1) Operation under either subdivision (2)(B) or (2)(C) shall only be allowed provided that a nozzle is in the stack serving Boilers 4 and 5 such that the stack diameter is restricted to eight and three-tenths (8.3) feet.**

**(2) Sulfur dioxide emissions for boilers operating under the scenarios listed in this subdivision shall be measured as a daily weighted average by the continuous emissions monitoring systems (CEMS) required in subsection (b)(2). NIPSCO Dean H. Mitchell Generating Station may operate under any one (1) of the following scenarios:**

**(A) Boilers 4, 5, 6, and 11 may operate simultaneously under the following conditions:**

**(i) One (1) of Boiler 4 or 5 may operate on coal if the other boiler is operated on natural gas or is not operating. Sulfur dioxide emissions from the stack serving Boilers 4 and 5 shall be limited to one and five-hundredths (1.05) pounds per million Btu and one thousand three hundred thirteen (1,313.0) pounds per hour.**

**(ii) Boilers 6 and 11 may operate simultaneously on coal. Sulfur dioxide emissions from the stack serving Boilers 6 and 11 shall be limited to one and five-hundredths (1.05) pound per million Btu and two thousand four hundred seventy-five (2,475.0) pounds per hour.**

**(B) Boilers 4, 5, 6, and 11 may operate simultaneously on coal subject to the following conditions:**

**(i) Sulfur dioxide emissions from the stack serving Boilers 4 and 5 shall be limited to seventy-seven hundredths (0.77) pound per million Btu and one thousand nine hundred twenty-five (1,925.0) pounds per hour.**

**(ii) Sulfur dioxide emissions from the stack serving Boilers 6 and 11 shall be limited to seventy-seven hundredths (0.77) pound per million Btu and one thousand eight hundred fifteen (1,815.0) pounds per hour.**

**(C) One (1) set of either Boilers 4 and 5 or 6 and 11 may operate on coal if the other set is not operating, subject to the following conditions:**

**(i) Sulfur dioxide emissions from the stack serving Boilers 4 and 5 shall be limited to one and five-hundredths (1.05) pounds per million Btu and two thousand six hundred twenty-five (2,625.0) pounds per hour.**

**(ii) Sulfur dioxide emissions from the stack serving Boilers 6 and 11 shall be limited to one and five-hundredths (1.05) pounds per million Btu and two thousand four hundred seventy-five (2,475.0) pounds per hour.**

**(3) NIPSCO Dean H. Mitchell Generating Station shall maintain a daily log of the following for Boilers 4, 5, 6, and 11:**

**(A) Fuel type.**

**(B) Transition time of changes between or within operating scenarios.**

**The log shall be maintained for a minimum of five (5) years and shall be made available to the department and U.S. EPA upon request.**

**(4) Emission limits shall be maintained during transition periods within or between operating scenarios.**

**(b) NIPSCO Dean H. Mitchell Generating Station shall comply with the following:**

**(1) The diameter of the stack serving Boilers 6 and 11 shall be restricted to eight and three-tenths (8.3) feet.**

**(2) Beginning May 31, 1992, NIPSCO Dean H. Mitchell Generating Station shall maintain and operate CEMS in the stacks serving Boilers 4, 5, 6, and 11. The CEMS shall be operated in accordance with the procedures specified in 326 IAC 3-4 and 326 IAC 3-5, with the exception of the three (3) hour block period reporting requirements under 326 IAC 3-5-7. Records of daily average emissions data shall be:**

**(A) maintained for a minimum of five (5) years; and**

**(B) made available to the department and U.S. EPA upon request.**

**(3) NIPSCO Dean H. Mitchell Generating Station shall submit a written report to the department within thirty (30) days after the end of each calendar quarter. The report shall contain the daily weighted average emission rate in units of pounds per million Btu as measured by the CEMS for each stack venting emissions from those boilers specified in subdivision (2). The hourly gross megawatt power production from the units connected to each stack may be used as the weighting factor in determining the daily weighted average. Records of the hourly gross megawatt power production shall be:**

**(A) maintained for a minimum of five (5) years; and**

**(B) made available to the department and U.S. EPA upon request.**

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(Air Pollution Control Board; 326 IAC 7-4.1-14)

### 326 IAC 7-4.1-15 Rhodia sulfur dioxide emission limitations

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

Sec. 15. (a) Rhodia, Source Identification Number 00242, shall comply with the sulfur dioxide emission limit for the Spent Acid Regeneration Unit 4 of seven hundred eighty-two (782) pounds per hour.

(b) Rhodia shall operate a continuous emission monitoring system (CEMS) in each stack serving Unit 4. Rhodia shall submit a report to the department within thirty (30) days after the end of each calendar quarter. The report shall contain the following information:

- (1) Three (3) hour average sulfur dioxide emission rate in pounds per hour as measured by the CEMS from Unit 4 for each three (3) hour period during the calendar quarter in which the average emissions exceed the allowable rates specified in subsection (a).
- (2) The daily average emission rate in units of pounds per ton as determined from CEMS and production data for Unit 4 for each day of the calendar quarter.

(Air Pollution Control Board; 326 IAC 7-4.1-15)

### 326 IAC 7-4.1-16 Safety-Kleen Oil Recovery Company sulfur dioxide emission limitations

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

Sec. 16. Safety-Kleen Oil Recovery Company, Source Identification Number 00301, shall comply with the sulfur dioxide emission limits in pounds per million British thermal units (MMBtu) and pounds per hour, and other requirements as follows:

- (1) Boilers SB-801, SB-820, SB-821, and SB-823 shall use natural gas only.
- (2) Process Heater H-201, with a capacity of twenty-seven and three-tenths (27.3) MMBtu per hour, shall use a combination of natural gas, No. 2 fuel oil equivalent, and off-gases. Process Heater H-301, with a capacity of twenty and zero-tenths (20.0) MMBtu per hour, shall use a combination of natural gas and No. 2 fuel oil equivalent. Process Heater H-302, with a capacity of fifteen and one-tenth (15.1) MMBtu per hour, shall use natural gas only. The combined sulfur dioxide emissions from these three (3) process heaters shall not exceed fourteen (14) pounds per hour and sixty (60) tons per year.
- (3) Process Heater H-401, with a capacity of fifteen and three-tenths (15.3) MMBtu per hour, shall use a combination of natural gas, No. 2 fuel oil equivalent, and off-gases. Process Heater H-402, with a capacity of eleven and seven-tenths (11.7) MMBtu per hour, shall use a combination of natural gas and No. 2 fuel oil equivalent.

Process Heater H-404, with a capacity of nine and zero-tenths (9.0) MMBtu per hour, shall use natural gas only. The combined sulfur dioxide emissions from these three (3) process heaters shall not exceed ten and eight-tenths (10.8) pounds per hour and forty-seven and three-tenths (47.3) tons per year.

(4) Process Heater H-406 shall use natural gas only.

(5) Safety-Kleen shall submit a report to the department within thirty (30) days after the end of each calendar quarter. The report shall contain the following information:

(A) Fuel sampling and analysis on a daily basis of sulfur content of:

- (i) No. 2 fuel oil equivalent; and
- (ii) off-gases.

(B) Fuel consumption on a daily basis.

(Air Pollution Control Board; 326 IAC 7-4.1-16)

### 326 IAC 7-4.1-17 SCA Tissue North America LLC sulfur dioxide emission limitations

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

Sec. 17. SCA Tissue North America LLC, Source Identification Number 00106, shall comply with the sulfur dioxide emission limits for Boiler 1 of one and two-tenths (1.2) pounds per million British thermal units and eighty-seven and twenty-four hundredths (87.24) pounds per hour. (Air Pollution Control Board; 326 IAC 7-4.1-17)

### 326 IAC 7-4.1-18 State Line Energy, LLC sulfur dioxide emission limitations

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

Sec. 18. State Line Energy, LLC, Source Identification Number 00210, shall comply with the sulfur dioxide emission limits in pounds per million British thermal units (Btu) and pounds per hour as follows:

- (1) The Auxiliary Emergency Generator shall be limited to three-tenths (0.3) pound per million Btu and one and thirty-five hundredths (1.35) pounds per hour.
- (2) Boiler 3 shall be limited to one and two-tenths (1.2) pounds per million Btu and two thousand five hundred fifty-six (2,556) pounds per hour.
- (3) Boiler 4 shall be limited to one and two-tenths (1.2) pounds per million Btu and four thousand fifty-four and eight-tenths (4,054.8) pounds per hour.

(Air Pollution Control Board; 326 IAC 7-4.1-18)

### 326 IAC 7-4.1-19 Unilever HPC USA sulfur dioxide emission limitations

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

Sec. 19. Unilever HPC USA, Source Identification Number 00229, shall comply with the sulfur dioxide



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emission limits in pounds per million British thermal units (Btu) and pounds per hour as follows:

- (1) Boilers 3 and 4 shall be limited to one and fifty-two hundredths (1.52) pounds per million Btu each and one hundred twenty-five and three-tenths (125.3) pounds per hour each.
- (2) Power House Boiler No. 1 shall be limited to five-tenths (0.5) pounds per million Btu and sixty (60) pounds per hour for a total of six hundred ninety-five (695) hours per year at full capacity.
- (3) The Sulfonation Process shall be limited to three and one-tenth (3.1) pounds per ton process material and ten and seventy-five thousandths (10.075) pounds per hour.

(4) American Hydrotherm Boiler No. 2 shall be limited to three-tenths (0.3) pound per million Btu and three and sixty-six hundredths (3.66) pounds per hour.

*(Air Pollution Control Board; 326 IAC 7-4.1-19)*

### 326 IAC 7-4.1-20 U. S. Steel-Gary Works sulfur dioxide emission limitations

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

Affected: IC 13-15; IC 13-17

Sec. 20. (a) U. S. Steel-Gary Works, Source Identification Number 00121, shall comply with the following sulfur dioxide emission limitations when the coke oven gas desulfurization facility is not operating during the following periods:

Facility Description	Emission Limit lbs/MMBtu	Emission Limit lbs/hour
<b>(1) During January through December:</b>		
(A) Turboblower Boiler House Boiler No. 6	0.115	81.7
<b>(B) No. 4 Boiler House Boiler Nos. 1, 2, and 3:</b>		
<b>(i) During periods when Blast Furnace No. 13 Stoves are combusting blast furnace gas:</b>		
(AA) When three (3) boilers are operating	0.115	172.5 total
(BB) When two (2) boilers are operating	0.173	172.5 total
(CC) When one (1) boiler is operating	0.345	172.5 total
<b>(ii) During periods when Blast Furnace No. 13 Stoves are not combusting blast furnace gas and Hot Strip Mill Waste Heat Boiler Nos. 1 and 2 are combusting coke oven gas:</b>		
(AA) When three (3) boilers are operating	0.200	300.0 total
(BB) When two (2) boilers are operating	0.300	300.0 total
(CC) When one (1) boiler is operating	0.600	300.0 total
<b>(iii) During periods when Blast Furnace No. 13 Stoves are not combusting blast furnace gas and Hot Strip Mill Waste Heat Boiler Nos. 1 and 2 are not combusting coke oven gas:</b>		
(AA) When three (3) boilers are operating	0.195	293.0 total
(BB) When two (2) boilers are operating	0.293	293.0 total
(CC) When one (1) boiler is operating	0.586	293.0 total
<b>(C) Number 2 Coke Plant Boiler House:</b>		
(i) Boiler No. 6	1.270	214.6
(ii) Boiler No. 8	1.270	316.2
<b>(D) Coke Oven Underfiring Stacks:</b>		
(i) Nos. 2 and 3	1.270	251.5 each
(ii) Nos. 5 and 7	1.270	158.75 each
<b>(E) During periods when the 84-inch Hot Strip Mill Continuous Reheat Furnaces Nos. 1, 2, 3, and 4 are not combusting coke oven gas:</b>		
(i) Hot Strip Mill Waste Heat Boiler No. 1 or 2	1.270	287.0
(ii) Remaining Hot Strip Mill Waste Heat Boiler	0.704	159.0
<b>(F) Hot Strip Mill Continuous Reheat Furnace Nos. 1, 2, 3, and 4 during periods when combusting coke oven gas:</b>		
(i) When four (4) furnaces are operating	0.256	615.0 total
(ii) When three (3) furnaces are operating	0.342	615.0 total
(iii) When two (2) furnaces are operating	0.513	615.0 total

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(iv) When one (1) furnace is operating	1.025	615.0 total
(G) Number 3 Sinter Plant Windbox Gas Cleaning Systems	NA	260.0 total
(H) Coke Oven Gas Desulfurization Facility Tail Gas Incinerator	NA	22.0
(I) Blast Furnace Stove Stacks:		
(i) No. 4	0.115	40.25 total
(ii) No. 6	0.115	40.25 total
(iii) No. 8	0.115	37.38 total
(J) Blast Furnace Stove Stack 13 during periods when combusting blast furnace gas	0.134	93.50 total
(K) No. 13 Blast Furnace Casthouse Baghouse during periods when Blast Furnace No. 13 Stoves are combusting blast furnace gas	NA	115.0
(2) During specified periods:		
(A) Turboblower Boiler House Boiler Nos. 1, 2, 3, and 5:		
(i) During periods when the Hot Strip Mill Waste Heat Boiler Nos. 1 and 2 are not combusting coke oven gas:		
(AA) January through April:		
(aa) When four (4) boilers are operating	0.594	974.5 total
(bb) When three (3) boilers are operating	0.792	974.5 total
(cc) When two (2) boilers or less are operating	1.188	974.5 total
(BB) May through October:		
(aa) When four (4) boilers are operating	1.006	1,650.0 total
(bb) When three (3) boilers are operating	1.341	1,650.0 total
(cc) When two (2) boilers or less are operating	2.012	1,650.0 total
(CC) November through December:		
(aa) When four (4) boilers are operating	0.384	630.0 total
(bb) When three (3) boilers are operating	0.512	630.0 total
(cc) When two (2) boilers or less are operating	0.768	630.0 total
(ii) During periods when the Hot Strip Mill Waste Heat Boiler Nos. 1 and 2 are combusting coke oven gas:		
(AA) January through April:		
(aa) When four (4) boilers are operating	0.625	1,025.0 total
(bb) When three (3) boilers are operating	0.833	1,025.0 total
(cc) When two (2) boilers or less are operating	1.250	1,025.0 total
(BB) May through October:		
(aa) When four (4) boilers are operating	0.994	1,630.0 total
(bb) When three (3) boilers are operating	1.325	1,630.0 total
(cc) When two (2) boilers or less are operating	1.988	1,630.0 total
(CC) November through December:		
(aa) When four (4) boilers are operating	0.351	575.0 total
(bb) When three (3) boilers are operating	0.467	575.0 total
(cc) When two (2) boilers or less are operating	0.701	575.0 total
(B) Number 2 Coke Plant Boiler House Boiler Nos. 4 and 5:		
(i) January through April	0.976	330.0 total
(ii) May through October	1.133	383.0 total
(iii) November through December	0.740	250.0 total

(b) The following sulfur dioxide emission limitations shall apply when the coke oven gas desulfurization facility is operating:

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Facility Description	Emission Limit lbs/MMBtu	Emission Limit lbs/hour
<b>(1) Turboblower Boiler House:</b>		
<b>(A) Boilers Nos. 1, 2, 3, and 5:</b>		
(i) When four (4) boilers are operating	0.427	700.0 total
(ii) When three (3) boilers are operating	0.569	700.0 total
(iii) When two (2) boilers or less are operating	0.854	700.0 total
<b>(B) Boiler No. 6</b>	<b>0.115</b>	<b>81.7</b>
<b>(2) Number 4 Boiler House Boiler Nos. 1, 2 and 3:</b>		
(A) When three (3) boilers are operating	0.353	529.0 total
(B) When two (2) boilers are operating	0.529	529.0 total
(C) When one (1) boiler is operating	1.058	529.0 total
<b>(3) Number 2 Coke Plant Boiler House:</b>		
(A) Boiler No. 3	0.260	40.6
(B) Boiler Nos. 4 and 5	0.260	87.9 total
(C) Boiler No. 6	0.260	44.0
(D) Boiler No. 7	0.260	42.1
(E) Boiler No. 8	0.260	64.7
<b>(4) Coke Battery Number 2, 3, 5, and 7 Underfiring:</b>		
(A) Nos. 2 and 3	0.260	51.5 each
(B) No. 5	0.270	33.8
(C) No. 7	0.260	32.5
<b>(5) Blast Furnace Stove Stacks:</b>		
(A) No. 4	0.115	40.25 total
(B) No. 6	0.115	40.25 total
(C) No. 8	0.115	37.38 total
(D) No. 13	0.134	93.50 total
<b>(6) 84-inch Hot Strip Mill:</b>		
(A) Waste Heat Boiler Nos. 1 and 2	0.260	58.8 each
<b>(B) Continuous Reheat Furnaces Nos. 1, 2, 3, and 4:</b>		
(i) When four (4) furnaces are operating	0.182	436.5 total
(ii) When three (3) furnaces are operating	0.243	436.5 total
(iii) When two (2) furnaces are operating	0.354	436.5 total
(iv) When one (1) furnace is operating	0.728	436.5 total
<b>(7) Number 3 Sinter Plant Windbox Gas Cleaning Systems</b>	NA	200 total
<b>(8) Coke Oven Gas Desulfurization Facility Tail Gas Incinerator</b>	NA	295
<b>(9) No. 13 Blast Furnace Casthouse Baghouse</b>	NA	115

(c) U. S. Steel-Gary Works shall comply with additional sulfur dioxide emission requirements as follows:

(1) U. S. Steel shall record and make available to IDEM, upon request, process, and fuel use information pertaining to each facility, process, or combustion unit identified in this section, the following:

- (A) Identification of the applicable limit.
- (B) The amount and type of each fuel used for each facility for each calendar day of operation.
- (C) The operating scenario chosen for the U. S. Steel-Gary Works.
- (D) The hourly sulfur dioxide emission rate in pounds of sulfur dioxide per hour calculated by dividing the

total daily sulfur dioxide emissions in pounds of sulfur dioxide per day by twenty-four (24) hours.

(E) The hourly sulfur dioxide emission rate in pounds of sulfur dioxide per million Btu for those facilities with a pounds of sulfur dioxide per million Btu limit in this rule calculated by dividing the total daily sulfur dioxide emissions in pounds of sulfur dioxide per day by the total heat input per day in million Btu.

(2) U. S. Steel-Gary Works shall submit an exception report to the department within thirty (30) days of an exceedance of the limitations in this section that includes the following:

- (A) Identification of the applicable limit or limits being exceeded.

(B) Identification of the facility or facilities exceeding the applicable limit and the dates when the limits were exceeded.

(C) The calculated sulfur dioxide emission rate in pounds per hour for each facility exceeding the limitations for the days that the pounds per hour limitations were exceeded.

(D) The calculated sulfur dioxide emission rate in pounds per million Btu for each combustion unit, furnace, boiler, or process operation for each facility exceeding the pounds per million Btu limitations for the days that the limitations were exceeded.

(E) The actual daily fuel usage for each combustion unit, furnace, boiler, or process operation for each facility exceeding the limitations for the days that the limitations were exceeded.

(3) An emission unit shall burn natural gas only:

(A) if it is not listed in this rule; or

(B) under any operating condition not specifically listed in this rule.

(Air Pollution Control Board; 326 IAC 7-4.1-20)

**326 IAC 7-4.1-21 Walsh and Kelly sulfur dioxide emission limitations**

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

Affected: IC 13-15; IC 13-17

Sec. 21. (a) Walsh and Kelly, Source Identification Number 03215, shall comply with the sulfur dioxide emission limits for the aggregate dryer of less than:

- (1) forty-eight thousandths (0.048) pounds per million British thermal units (MMBtu);
- (2) twenty-five (25) tons per year; and
- (3) forty-two (42) pounds per hour.

(b) The input of No. 2 distillate oil and No. 2 distillate oil equivalents in the 120 MMBtu per hour burner for the aggregate dryer shall be limited to less than seven hundred forty thousand seven hundred twenty-five (740,725) gallons per twelve (12) consecutive month period, rolled on a monthly basis, and less than one hundred thirty (130) gallons per hour, based on maximum sulfur content of forty-five hundredths percent (0.45%) for No. 2 fuel oil.

(c) For purposes of determining compliance with this section, every one thousand (1,000) gallons of re-refined waste oil with maximum sulfur content of three-tenths percent (0.3%) burned shall be equivalent to six hundred thirty-four and eight-tenths (634.8) gallons of No. 2 oil, based on sulfur dioxide emissions, such that the total gallons of No. 2 distillate fuel oil and No. 2 oil equivalent input does not exceed the limit specified. (Air Pollution Control Board; 326 IAC 7-4.1-21)

SECTION 5. 326 IAC 7-4-1.1 IS REPEALED.

**Notice of Public Hearing**

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on February 2, 2005 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 7-4.1, amendments to 326 IAC 7-1.1-1, 326 IAC 7-1.1-2, and 326 IAC 7-2-1, and repeal of 326 IAC 7-4-1.1.

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 rule, amendments, and repeal. 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

P.O. Box 6015

Indianapolis, Indiana 46206-6015

or call (317) 233-0855, TDD: (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor East and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Janet G. McCabe

Assistant Commissioner

Office of Air Quality

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**TITLE 327 WATER POLLUTION CONTROL BOARD**

**Proposed Rule**

LSA Document #03-130

**DIGEST**

Adds 327 IAC 5-3.5 to establish a process and application requirements for obtaining a variance from the existing water quality criterion used to establish a water quality-based effluent

limitation for mercury in wastewater discharges permitted under the National Pollutant Discharge Elimination System (NPDES) program. Effective 30 days after filing with the secretary of state.

#### **HISTORY**

First Notice of Comment Period: #03-130(WPCB), June 1, 2003, Indiana Register (26 IR 3171).

Second Notice of Comment Period and Notice of First Hearing: #03-130(WPCB), June 1, 2004, Indiana Register (27 IR 2884).

Date of First Hearing: September 8, 2004.

#### **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 June 1, 2004, at 27 IR 2884. The Indiana Department of Environmental Management (IDEM) is requesting comment on the entire proposed (preliminarily adopted) rule.

The proposed rule contains numerous changes from the draft rule that make the proposed rule so substantively different from the draft rule that public comment on the entire proposed rule is advisable. This notice requests the submission of comments on the entire proposed rule, including suggestions for specific amendments. 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:

LSA Document #03-130 [SMV]

MaryAnn Stevens

Rules Section

Office of Water Quality

Indiana Department of Environmental Management

P.O. Box 6015

Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the twelfth floor reception desk, Office of Water Quality, Indiana Government Center-North, Room 1255, 100 North Senate Avenue, Indianapolis, Indiana. Comments may be delivered by facsimile to (317) 232-8406. Please confirm the timely receipt of faxed comments by calling the Office of Water Quality Rules Section at (317) 233-8903. Please note it is not necessary to follow a faxed comment letter with another sent through the postal system.

#### **COMMENT PERIOD DEADLINE**

Comments must be postmarked, hand delivered, or faxed by November 22, 2004.

#### **SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD**

IDEM requested public comment from June 1, 2004, through June 30, 2004, on IDEM's draft rule language. IDEM received comment letters from the following parties by the comment period deadline:

BP Products North America, Inc., Linda J. Wilson, Environmental Superintendent (BP)

Gary Sanitary District, Charles G. Peller, Jr., P.E., Director (GARY)

Indianapolis, City of, James A. Garrard, Director of Department of

Public Works (INDP)

Ispat Inland, Inc., John D. Fekete, Director of Environmental Affairs (III)

Michigan City, Sanitary District, Dan R. Olson, Wastewater Treatment Plant Superintendent (SDMC)

Meyer & Wyatt, P.C., James B. Meyer, Attorney (MW)

Save the Dunes Council, Charlotte Read (SDC)

United States Steel Company, Gregory G. Mackley, Area Manager, Environmental Technical Services (USS)

Following is a summary of the comments received and IDEM's responses thereto:

*Comment:* IDEM is strongly encouraged to expedite the rulemaking process to establish a streamlined process and permit conditions specific to mercury variances. (INDP)

*Response:* IDEM agrees.

*Comment:* The mercury workgroup's desire to craft a simple rule may fail to produce meaningful reductions of mercury in Indiana waters. The draft rule contains no goal that dischargers are ultimately expected to comply with state mercury water quality standards within a reasonable time. (SDC)

*Response:* By current statute, a variance may not be extended beyond 10 years. The rule is intended to be simple by virtue of being less involved than the process of applying for an individual variance, but dischargers will be required to establish a program to produce mercury reduction in order to receive their first streamlined mercury variance (SMV) and show accomplishments under their program in order to be approved for the renewal SMV.

*Comment:* The requirements of the SMV draft rule, in principle, are acceptable, but the time frame established for the requirements is not. The draft rule language does not address the critical and legitimate noncompliance concerns of NPDES permit holders between the date of permit issuance and the date of issuance of the SMV. Under the most favorable scenario, the SMV will not be available to permit holders until after adoption by the water pollution control board, completion of the state's promulgation process, and review and acceptance by EPA. This is a time consuming process that delays the availability of a SMV. (GARY, MW, SDMC)

*Response:* A new section 10, transitional mercury effluent limitation, has been added to the draft rule to provide for the possible noncompliance concerns of permit holders with an effective mercury discharge limit (no compliance schedule) that cannot be met and who have not yet been issued an SMV.

*Comment:* The draft rule presents a feasible streamlined approach for reducing mercury discharges to the environment, and the intent of the PMPP and the approach for establishing an interim discharge limit have merit. (BP, III, USS)

*Response:* IDEM agrees.

*Comment:* The SMV draft rule published for second notice of comment period in the Indiana Register includes requirements that will ensure continued progress toward the reduction of mercury in the environment while providing a streamlined process that will benefit NPDES permit holders that cannot yet achieve the more stringent mercury discharge limits. (INDP)

*Response:* IDEM agrees.

*Comment:* Among the EPA requirements that must be met for a discharger to obtain a variance from state water quality criteria is the need to demonstrate that one of the conditions of 40 CFR 131.10(g) is met. In the case of Indiana's streamlined mercury variance, the demonstration may be for a class of dischargers that are similar enough that the state can use the same data to demonstrate that one of the conditions at 131.10(g) applies. However, it is not clear whether the SMV draft rule will meet the similarity test. (SDC)

*Response:* Paragraph (g) of 40 CFR 131.10 is specifically about

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removing a designated use for a waterbody. A variance is not a removal of a designation of use, it is a variance from a water quality standard. Therefore, 40 CFR 131.10(g) is not applicable to this rulemaking.

*Comment:* Dischargers with existing mercury effluent levels at or below thirty (30) ng/l (parts per trillion) will be eligible for the streamlined mercury variance under the provisions of the draft rule. This level is too lenient for dischargers that are achieving a lower level of mercury discharge. The 1999 Triennial Review of Water Quality Standards draft rule language included a more stringent multiple discharger mercury variance eligibility standard of twelve (12) ng/l. Dischargers above that level would have been required to apply for an individual variance. The SMV draft rule should also base its availability on the discharger's existing mercury effluent level being below twelve (12) ng/l. (SDC)

*Response:* IDEM is developing an SMV rule that will apply to as many dischargers as possible so the dischargers can begin the process of reducing the mercury in their effluents. The U.S. EPA Region V has previously approved an SMV rule for the state of Michigan that had a set interim compliance value of thirty (30) ng/l. Restricting the rule's applicability to facilities that have an existing discharge level of mercury below twelve (12) ng/l may require some facilities to obtain individual mercury variances and further delay the process of reducing mercury in their effluents.

*Comment:* The interim mercury discharge limit should be set according to the SMV applicant's current mercury discharge value. If the interim limit is higher than the applicant's current discharge level, backsliding would be possible. (SDC)

*Response:* The alternative mercury discharge limit will be set according to the applicant's current mercury discharge level.

*Comment:* The SMV draft rule should include other options such as: (1) imposing alternative effluent limits for a limited time followed by more stringent effluent limits; (2) a compliance schedule with time tables for meeting mercury limits that extend beyond the permit's expiration date; and (3) the ability to require dischargers that discharge mercury over twelve (12) ng/l to apply for an individual variance based upon Indiana's existing rules. (SDC)

*Response:* The alternative effluent limit will be re-evaluated when the SMV is considered for renewal. The expectation is that the alternative effluent limit in a renewed SMV will be lower than the alternative effluent limit in the initial SMV because the Pollutant Minimization Program implemented by the discharger should reduce the level of mercury being discharged. The alternative effluent limit is based on the level of mercury found in the discharger's effluent. Since the SMV can exist for two (2) permit cycles and the compliance schedule will be placed in the permit during the first permit cycle, there will not be a compliance schedule in the permit renewal.

*Comment:* IDEM has issued both an NPDES and a construction permit for the city of Hobart's new wastewater treatment plant. This treatment plant will discharge effluent into waters of the Great Lakes Basin and, therefore, must meet Indiana's mercury water quality standard of one and three tenths (1.3) ng/l. The issuance of this NPDES permit indicates that IDEM believes Hobart has the end-of-pipe treatment technology capable to allow the municipality to meet the discharge limit and that it is cost effective for Hobart to use it. (SDC)

*Response:* The city of Hobart and its engineering firm believe that an entirely new wastewater treatment plant built to serve the city will operate correctly and be in compliance with the NPDES discharge limits including the limit for mercury. Hobart understands that there is no ability to apply for a variance, individual or streamlined, from a water quality standard for a new facility within the Great Lakes system. Hobart's ability and methodology for meeting this limit has yet to be demonstrated and will ultimately, if the facility is constructed, be used

to gauge the ability of other wastewater treatment plants of meeting tighter mercury limits.

*Comment:* The city of Indianapolis submitted an application in 1998 for a variance from the revised mercury discharge limits that were to be included in the city's NPDES permit. A supplemental application was submitted to IDEM in July 2001. These applications demonstrated that no proven technologies exist to achieve the new mercury limits and that the only possible technology has been used only in pilot-scale industrial settings, would be cost prohibitive, and would cause significant multimedia impacts. IDEM issued the NPDES permits for Indianapolis's two treatment plants in October 2001 with the new mercury limits and a three (3) year compliance schedule. The city's variance application is currently still pending. A SMV rule is necessary because other municipalities and NPDES permit holders face situations similar to the Indianapolis experience. (INDP)

*Response:* The SMV will allow a streamlined process for receiving a variance from the mercury water quality standard.

*Comment:* The SMV draft rule must limit the number of variances, whether streamlined or otherwise, that a discharger of mercury is eligible to receive. (SDC)

*Response:* The variance statute, IC 13-14-8-9, limits the number of variances to an NPDES permit to two (2). The SMV, therefore, is limited statutorily to an initial variance and one (1) renewal.

*Comment:* IDEM has stated that EPA commented that the SMV does not trigger an antidegradation review; however, clarification of this antidegradation issue is needed from EPA. (SDC)

*Response:* IDEM will act in accordance with 40 CFR 132, Appendix F, when IDEM submits the SMV to EPA for review. One of the elements of Appendix F is to demonstrate that the SMV conforms to the requirements of Indiana's antidegradation procedures. IDEM will make that demonstration based on the rule language and not specific cases.

*Comment:* The applicability section at 327 IAC 5-3.5-2(a) is intended to ensure that the SMV is available only to facilities that cannot meet the current mercury discharge limits. However, as currently drafted, section 2(a) could be misconstrued to mean that the SMV would not be available to a facility that may have achieved the discharge limit a single time. To prevent this overly stringent application of the rule, section 2(a) should be revised with the underlined new phrases to read as follows: "A streamlined mercury variance (SMV) shall be available for the duration of the NPDES permit issued to a wastewater discharging facility that has a NPDES permit in effect containing a discharge limitation for mercury that, for technology-based reasons, cannot be achieved at all times by the facility." (INDP)

*Response:* The rule language in section 2(a) has been modified with the addition of "consistently" as follows: "A streamlined mercury variance (SMV) shall be available for the duration of the NPDES permit issued to a wastewater discharging facility that has an NPDES permit in effect containing a discharge limitation for mercury that cannot be achieved consistently by the facility."

*Comment:* A discharger should be able to apply for a SMV during the permit renewal process based on effluent data that demonstrates a reasonable potential to exceed a mercury criterion. Section 2(a) should be revised with the underlined new phrase to read as follows: "A streamlined mercury variance (SMV) shall be available for the duration of the NPDES permit issued to a wastewater discharging facility that has a NPDES permit in effect containing, or expected to contain upon renewal, a discharge limitation for mercury that cannot be achieved by the facility." (BP, III, USS)

*Response:* Section 4 of the SMV rule clearly states when a facility may apply for an SMV. IDEM believes section 2 should remain as a broad general applicability section. Therefore, the suggested change has not been made.

*Comment:* Section 2(c)(2) should be clarified by linking the term “average” to section 8 where “average” is defined as a twelve (12) month rolling average. Section 2(c)(2) should be revised with the underlined new phrase to read as follows: “Applicants seeking an interim limit whose effluent contains mercury at an average concentration, as determined in section 8(a) of this rule, greater than thirty (30) ng/l (parts per trillion).” (BP, III, USS)

*Response:* IDEM accepts this comment and the suggested wording has been included in the rule.

*Comment:* The SMV draft rule as written presents some timing problems. Section 2(a) provides that a SMV shall be available for the duration of the NPDES permit; however, section 7(a) provides for renewal of a SMV either one hundred eighty (180) days before a permit expires or within one hundred eighty (180) days after the issuance of a revised permit that establishes a revised mercury discharge. Under this framework, if the initial SMV is issued within the one hundred eighty (180) days before a permit expires and the permit renewal does not contain a revised mercury discharge limit then the facility would not be able to obtain a renewal of the SMV. This exact situation could happen to the city of Indianapolis if the initial SMV is not issued more than one hundred eighty (180) days prior to the September 30, 2006, expiration date of the city’s NPDES permits for the Belmont and Southport treatment plants. Further complicating the timing problem of the SMV rule is the question of whether and when the rule is adopted by the water pollution control board. Additional structural components of the draft rule concerning section 4(d) completeness review of SMV applications and section 5(e) timing for incorporation of the SMV into the NPDES permit may also affect the timing and ability to acquire a SMV by a discharger. In an attempt to address these potential timing problems, the following rule language with the underlined new wording is suggested:

Sec. 2. (a) A streamlined mercury variance (SMV) shall be available for the duration of the NPDES permit issued to a wastewater discharging facility that has a NPDES permit in effect containing a discharge limitation for mercury that, for technology-based reasons, cannot be achieved at all times by the facility. If the initial SMV is issued within one hundred eighty (180) days of the expiration of the NPDES permit, the initial SMV shall be available for the duration of the revised NPDES permit, if a revised permit is issued.

Sec. 4. (d) Within thirty (30) days of receipt of a SMV application or a revised SMV application, the department will determine whether the application is complete. Upon a determination that a SMV application is complete, the department will publish a notice of completeness and availability of the SMV in accordance with section 5 of this rule, public notice of SMV application.

(INDP)

*Response:* A new section 10, transitional mercury effluent limitation, has been added to the draft rule to provide for the possible noncompliance concerns of permit holders with an effective mercury discharge limit (no compliance schedule) that cannot be met and who have not yet been issued an SMV.

*Comment:* To assure that the SMV rule is truly streamlined and a discharger with a five (5) year compliance schedule is assured that attainable final limits will be in place prior to expiration of the compliance schedule, IDEM needs to commit to responding to SMV applications efficiently. Section 4(d) should be expanded with the underlined suggested wording to read as follows: “Upon receipt of a complete SMV application, the department will publish a notice of completeness and availability of the SMV in accordance with section 5 of this rule, public notice of SMV application. The notice of completeness and availability will be published within thirty (30) days of receipt of a complete SMV application. If the notice is not published

within thirty (30) days, then the SMV application is deemed not to have met the requirements of the rule and is denied. This denial is an appealable decision under IC 4-21.5.” (BP, III, USS)

*Response:* IDEM agrees to publish the notice of completeness and availability within thirty (30) days of receipt of a complete SMV application. The suggested first underlined sentence from the comment has been included in section 4(d) of the draft rule.

*Comment:* It is not clear whether IDEM envisions that the draft PMPP submitted for public comment in section 9 is the same or different document, though still draft, from the PMPP submitted to IDEM as part of the SMV application. It is also not clear whether the public-noticed PMPP could still be deemed incomplete by IDEM. To avoid confusion on the documents to be submitted with the initial SMV application, section 4(c) should be revised with the underlined new phrase to read as follows: “The initial SMV application must include all information, including the draft PMPP as described in section 9 of this rule, PMPP requirements.” (BP, III, USS)

*Response:* Section 4(c) has been modified to read as follows: “The initial SMV application must include all information, including the PMPP, required under section 9 of this rule, PMPP requirements.” In IDEM’s terminology, the draft PMPP is the document that the facility publishes in a daily or weekly newspaper of general circulation throughout the area affected by the discharge (see section 9(c) of the draft rule). IDEM expects the facility to consider any comments submitted during this comment period and modify the draft PMPP if necessary. After completion of this activity, the PMPP is ready for inclusion in the facility’s SMV application and no longer considered the draft PMPP. Accordingly, the first appearance of “draft PMPP” in section 9(c) has been modified to “PMPP”.

*Comment:* There needs to be some methodology to avoid the need for full blown individual variance applications for permit renewals or the value of the SMV process will be greatly diminished due to the large number of expired permits. IDEM has indicated through its responses to the mercury first notice comments that the streamlined mercury variance is necessary to avoid redundant and unnecessary individual variance applications, and it also appears IDEM recognizes that if a SMV is not available before the end of a compliance schedule then that process is inadequate to protect NPDES permit holders from noncompliance. Despite this, IDEM has publicly stated that its goal is to reissue all administratively continued permits by the end of 2004 or early 2005. This will require compliance schedules or costly, redundant, and unnecessary individual variance applications. Since renewal applications have been submitted by administratively continued permit holders, an individual variance application must be filed prior to the effective date of the permit or the permittee must file an appeal and submit the variance application within ninety (90) days of the effective date. An appeal will only temporarily stay the mercury effluent limitations. The foregoing gives rise to the following questions:

- (1) Will IDEM agree to a longer-term stay until the SMV application has been filed by the permittee and the agency has acted upon it?
  - (2) Will IDEM review the individual variance applications and act on them prior to the availability of the SMV?
  - (3) How many individual variance requests has IDEM received and how many have been evaluated and a final decision made in the last ten (10) years?
  - (4) Will IDEM have a short hand, individual variance application process to avoid having the POTWs having to spend thousands of dollars to prepare a full-fledged, individual variance application?
- (GARY, MW, SDMC)

*Response:* A new section 10, transitional mercury effluent limitation, has been added to the draft rule to provide for the possible noncompliance concerns of permit holders with an effective mercury discharge

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limit (no compliance schedule) that cannot be met and who have not yet been issued an SMV. IDEM believes this language alleviates the need for an extended stay and a shorthand individual variance. IDEM has received one (1) individual variance for mercury and has not yet made a final determination on that variance request.

*Comment:* It is imperative to resolve how a facility could preserve its right to file an individual variance application if the SMV is denied or determined by IDEM to not meet the requirements of the SMV rule. IDEM must develop rule language that allows time for the application for an individual variance application if a SMV is found incomplete and the applicant does not choose to appeal the decision. According to 327 IAC 5-3-4.1(b)(1), an individual variance application must be filed within ninety (90) days from the effective date of the permit, with the possibility of a ninety (90) day extension. However, it seems the SMV application process will take two hundred seventy (270) days from the permit effective date until the SMV is incorporated into the permit. Therefore, the SMV application variance timing would preclude developing and preparing an individual variance. The total time of two hundred seventy (270) days is based upon the following: (1) sixty (60) days to prepare a SMV application and a draft PMPP assuming the discharger has already begun work on a PMPP prior to the permit becoming effective; (2) sixty (60) days to submit a complete SMV application to IDEM including response to public comments on the draft PMPP; (3) thirty (30) days for IDEM to review the complete SMV application and public notice the SMV; and (4) one hundred twenty (120) days to allow for public comment and incorporation by IDEM of the SMV into the permit. (BP, III, USS)

*Response:* Section 10(b) has been added to the draft rule to provide for the opportunity to apply for an individual variance if the SMV is denied, notwithstanding the time frames in 327 IAC 5-3-4.1. Section 10(b)(2) also includes the following language: "The applicant may petition the commissioner for up to an additional ninety (90) day period to submit the application." to account for any possible longer time needed to apply for an individual variance.

*Comment:* When a permit is renewed based on a five (5) year cycle, water quality-based effluent limits (WQBELs) for mercury could be the same as in the expired (previous) permit. The expired (previous) permit would have had a five (5) year compliance schedule for the same WQBEL. It is not certain that another five (5) year compliance schedule could be used in the renewed permit for the same WQBEL. Therefore, there is the possibility that the unattainable WQBEL would be in effect immediately upon renewal. Section 7 needs to state that enforcement of a permit limit is delayed pending processing of a SMV application or individual application if the SMV is denied. As well, permit holders with a mercury limit need protection from legal exposure during the time between permit issuance and SMV approval and during the application process for an individual variance if the discharger is denied a SMV. (BP, III, USS)

*Response:* A new section 10, transitional mercury effluent limitation, has been added to the draft rule to provide for the possible noncompliance concerns of permit holders with an effective mercury discharge limit (no compliance schedule) that cannot be met and who have not yet been issued an SMV.

*Comment:* In section 7(b), the term "initial SMV" is confusing because in section 7(c) and 7(d) it is implied that the PMPP must be revised and a new interim (alternative) discharge limit shall be developed. It appears that the initial SMV will not be renewed and a revised SMV will be issued. (BP, III, USS)

*Response:* State statute allows a variance to be issued for only two (2) five-year periods. Thus, the first SMV application made by a facility is termed "initial" and, if a facility reapplies and is approved for the second SMV, it is termed the "renewed" SMV. Renewal of the

initial SMV by IDEM will be based upon "demonstration that implementation of the PMPP has achieved progress toward the goal of reducing mercury from (the facility's) discharge." (see section 7 (b) of the rule). The interim limit for mercury during the initial SMV will be evaluated under section 8(b) of the rule for establishing an interim limit for the renewal SMV.

*Comment:* The phrase "except as provided in subsection (d)" should be added to the end of section 7(b) to account for the recognition in section 7(d) that there may be situations where no reasonable additional PMPP actions will reduce mercury. Without this additional language, there is concern that section 7(b) would prevent extension of the SMV unless progress in reducing mercury can be demonstrated even though it is recognized later in section 7 that there are situations where nothing else can be done to reduce mercury. (BP, III, USS)

*Response:* IDEM accepts this comment and has added the suggested wording to section 7(b).

*Comment:* In section 7(c)(3), the term "influent" needs to be clarified to mean the influent to publicly owned treatment plants and not intake flow. Monitoring influent to an industrial wastewater treatment plant may not be relevant and would only be useful for certain industries and specific treatment plants. Any requirement of influent monitoring for industry should be presented in a PMPP and not via SMV renewal requirements. (BP, III, USS)

*Response:* Section 7(c)(3) has been modified to read as follows: "An analysis of the mercury concentrations determined through sampling at the facility's locations that have mercury monitoring requirements in the NPDES permit for the two (2) year period prior to the SMV renewal application."

*Comment:* In section 7(c)(4), the term "alternative mercury discharge limit" is not defined. It appears this limit is to be developed according to section 8(b); therefore, a cite to this section and the use of the same term would be beneficial. (BP, III, USS)

*Response:* The reference to section 8(b) has been added to section 7(c)(4) as suggested.

*Comment:* Section 7(d) should be clarified by the inclusion of the following underlined language: "...in the influent to and effluent from the wastewater treatment works...". (BP, III, USS)

*Response:* The wording "in the influent and effluent" has been removed from section 7(d).

*Comment:* The draft rule requires ten (10) data points equally spaced over a twelve (12) month period in order to establish an interim SMV effluent limitation, but the rule does not address NPDES permits where the water quality-based effluent limitations were derived from the chronic aquatic criterion and compliance was based on the limit of quantification for the cold vapor atomic absorption method (US EPA Method 245.1 or 245.2). If these permit holders have no data or limited data using Methods 1631/1669, compliance with the CAC-based effluent limit is either unknown or based on minimal data. The problem is further exacerbated for Great Lakes system dischargers whose effluent limits will be based on the wildlife criterion. If final effluent limits cannot be met within three (3) years (five years for the Great Lakes system dischargers), then the PMPP process established in the draft rule creates unnecessary delays. The solution is a conditional SMV that provides time for collection of the required number of data points and starts the PMPP process simultaneously. (GARY, MW, SDMC)

*Response:* There are just a few facilities that find themselves in the situation where their existing permits contain currently applicable water quality based effluent limits (WQBELs) for mercury. In those situations, the existing WQBELs for mercury are less stringent than the new WQBELs for mercury based on human health or wildlife criteria. These facilities will be given a schedule of compliance to achieve the



new WQBELs for mercury, and their interim limits will be the WQBELs in their existing permits. The SMV rule is being modified to provide facilities with an interim SMV effluent limit, but these facilities are required to provide IDEM with the analytical data for mercury required by section 8 of the rule to establish the interim SMV limit. The collection of the analytical data for mercury to develop the interim limit for the SMV is not prohibited until after a facility has a new permit. Facilities that find themselves in this situation should begin the process of collecting the data necessary to establish an interim SMV limit for mercury.

*Comment:* Section 8(a) should be revised with the underlined modifications to read as follows:

Sec. 8. (a) The interim limit for mercury discharge during the duration of a SMV shall be based on representative effluent data that have been analyzed using Analytical Method 1631. The interim limit shall be expressed as the highest daily value for mercury from a data set that includes a minimum of ten (10) daily values from the most recent twelve (12) month to twenty-four (24) month period. A daily value is defined as either one (1) grab sample, the average of multiple grab samples taken in a day, or one (1) twenty-four (24) hour composite sample. The highest daily value will become the interim limit. Compliance with the interim limit is achieved if the average of the effluent daily value for the twelve (12) month rolling average is less than the interim limit. A SMV is not available to an applicant that requests an interim limit greater than thirty (30) ng/l. (BP, III, USS)

*Response:* The number of samples required to establish the SMV interim limit has been reduced to six (6) over a one (1) year period. Sampling Method 1669 cannot be used to collect a composite sample. The suggestion to elaborate on the definition of a twelve (12) month rolling average will be considered in the development of a final definition.

*Comment:* The SMV draft rule and its required pollution minimization program plan (PMPP) set no goals or time tables for showing reduction of mercury in the discharger's influent or effluent. Demonstrating compliance with the SMV will be based largely on the plan elements and the discharger's success in implementing the plan. The required annual reports must be constructed to demonstrate to the public whether mercury reductions are being achieved. (SDC)

*Response:* Draft guidance will be available to help NPDES permit holders develop and assess their pollutant minimization program plans. Facilities will need to report annually on the status of their progress, including identifying the sources worked with and any known or estimated reductions of mercury. This data coupled with analytical data will help assess what actions are having the greatest impact on the mercury effluent reductions.

*Comment:* The SMV issuance process is unnecessarily delayed by requiring the development of a PMPP, public participation, and response to public comment prior to submission of the SMV application. A permit holder, depending on the condition of its individual permit, may be in noncompliance with its mercury effluent limitations during the approximately twelve (12) to eighteen (18) months needed to submit a SMV application and the up to ninety (90) days IDEM has to act on the application. As an alternative to the draft rule's SMV application process, it is suggested that IDEM issue a conditional initial SMV within a reasonable amount of time (for example, ninety (90) days) containing an interim effluent limit of thirty (30) ng/l or, if sufficient data is available, an interim limit established under section 8 of the SMV draft rule. The SMV would be conditioned based upon compliance with a schedule requiring the development of a PMPP, public participation, and responses to the public comment as outlined in section 9(a) through (e) of the SMV draft rule. Milestone dates, varying based on the size of the community, service area, and composi-

tion of industrial and commercial users, would be benchmarks for determining compliance and eligibility for retaining the conditional SMV effluent limit. Once the final SMV application is submitted to IDEM, the department would process the application and reopen the permit to replace the conditional effluent limit with an approved site-specific SMV limit. (GARY, MW, SDMC)

*Response:* For facilities without a compliance schedule, section 10 should alleviate the stated concerns. Facilities with a compliance schedule should not be in noncompliance with their mercury effluent limitations during the SMV process. In addition, IDEM believes the public participation prior to the filing of the application for an SMV is critical to the development of the PMPP. Therefore, IDEM believes the initial public participation period is necessary to the SMV process.

*Comment:* IDEM needs to recognize that the raw materials used in the steel making and petroleum refining industries, specifically, iron ore, coal, coke, limestone, and crude oil, naturally contain mercury. Industries using these raw materials will not be able nor should they be required to identify alternatives, a measure of performance, or schedule of actions to reduce mercury. Therefore, section 9(a)(3)(C) should be worded to clarify that the term "materials" does not include iron ore, coal, coke, limestone, and crude oil. (BP, III, USS)

*Response:* IDEM recognizes that the named raw materials naturally contain mercury and that there currently are limited options regarding low mercury alternatives. The current lack of alternatives to these raw materials does not preclude the possibility that the level of mercury in the effluent could be reduced by best management practices or some other means. In the future, low mercury raw materials may become available that are economically feasible. For the purpose of the SMV application, this issue can be addressed at the present time in a brief discussion of the current availability or lack of availability of feasible alternatives. Language has been added in the rule to acknowledge that planned activities may be limited by economic feasibility.

*Comment:* It would be beneficial to clarify in section 9(a)(4) that the term "measure of performance" includes economic factors such as cost effectiveness. The mercury workgroup should consider a list of factors to identify measures of performance and schedule of actions. The list of factors could be included in the guidance that IDEM has committed to provide for assisting in developing, reviewing, and implementing PMPPs. (BP, III, USS)

*Response:* Section 9(a)(4) is linked to section 9(a)(3) where the rule has been modified to include the following language: "The list of planned activities may consider technical and economic feasibility..."

*Comment:* In section 9(a)(5), the term "influent and effluent" should be specifically stated as "influent to and effluent from the wastewater treatment plant". Requiring data on the quality of industrial facility influent is not necessary in all circumstances; therefore, in section 9(a)(5) "if applicable" should follow "influent to". The first mention of biosolids occurs in section 9(a)(5), and the intent is not clear. IDEM should provide indication of applicable circumstances for requiring data on biosolids. (BP, III, USS)

*Response:* Section 9(a)(5) of the rule has been modified to include the following language: "All available mercury monitoring data and any information on mercury in biosolids, if required by an NPDES permit or land application permit, for the two (2) year period preceding the SMV application."

*Comment:* The requirement placed on publicly owned treatment works (POTWs) in section 9(b)(1)(E) of the SMV draft rule is not specific according to sources of mercury contribution as are the requirements found in clauses (A) through (D). The draft language of clause (E) could be misconstrued to require a preliminary evaluation of every home, automobile and appliance in a POTW's service area to determine if mercury is present. The following modification of clause

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(E) is suggested: "(E) Significant sources of residential and retail contributions of mercury, for example, heating, ventilation, and air conditioning contractors, automobile and appliance repair, veterinarians, and others specific to the community served." (INDP)

*Response:* IDEM accepts this suggestion and has modified section 9(b)(1)(E) accordingly.

*Comment:* Section 9(b)(1)(E) of the SMV draft rule contains requirements that are clearly beyond the ability of a facility to control in that POTWs have no authority to regulate the type of thermostats used in residential buildings or retail establishments and cannot control the use of mercury in manufactured goods. (GARY, MW, SDMC)

*Response:* Section 9(b)(1)(E) has been modified according to the preceding comment's suggested language.

*Comment:* When does IDEM anticipate guidance documents to assist municipalities in the design of PMPPs? (GARY, MW, SDMC)

*Response:* IDEM has begun to develop guidance and the goal will be to have guidance available before the SMV rule becomes effective.

*Comment:* There is no mention in section 9 of IDEM approving a PMPP. If the PMPP is deemed complete as discussed in section 9(f), is the plan considered to be approved or is there another test required for approval of a PMPP? What must an applicant do to achieve PMPP approval? IDEM must clarify the relationship between section 9(f) and section 5(e) to assure effective development of PMPPs. (BP, III, USS)

*Response:* IDEM does not intend to issue a formal approval in the typical form of an approval letter. A facility applying for an SMV will know that its application met with IDEM's "approval" if the SMV is issued and the SMV is incorporated as a condition of the facility's NPDES permit according to section 6 of the rule.

### SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On September 8, 2004, the water pollution control board conducted the first public hearing/board meeting concerning the streamlined mercury variance rule. Comments were made by the following parties:

Maggie McShane, Indiana Petroleum Council (IPC) and also representing BP Products North America (BP)

John Chavez, City of Indianapolis (INDP)

Tom Neltner, Improving Kids' Environment (IKE)

Glenn Pratt, citizen (GP)

Rae Schnapp, Wabash Riverkeepers (WR)

Following is a summary of the comments received and IDEM's responses thereto:

*Comment:* The Indiana Petroleum Council and BP Products support the preliminary adoption of the streamlined mercury rule but have concern regarding the limit of ten (10) years that a discharger may have a streamlined mercury variance. (IPC, BP)

*Response:* A variance according to Indiana statute is limited to two (2) five-year permit cycles; therefore, the SMV rule cannot allow an SMV for longer than ten (10) years. A revision to that state statute is necessary to extend the term of a variance from a water quality based effluent limit.

*Comment:* Any minor issues with the SMV rule should not be cause for delaying adoption of the rule. The minor issues of concern are in regard to the following: (1) section 9 of the rule and the requirements of a PMPP; (2) the new section 10 is an admirable start to resolve the problem of timing if an applicant is denied an SMV, but the section needs further clarification; and (3) section 10(a)(2) needs to include the authority under which IDEM may issue an interim limit for a discharging facility until the SMV is either approved or denied. (INDP)

*Response:* IDEM will continue to work out any problems with the PMPP and section 10 with the workgroup and other interested parties.

*Comment:* IDEM is to be complimented for beginning the workgroup process with questions on how to design the SMV rather than with

predetermined answers. The SMV rule is not going to deal with the problem of mercury in fish. The state's role in reducing mercury is missing from the SMV rule. The water pollution control board should recommend to the air pollution control board that it hold multiple public meetings regarding mercury emissions from electrical power generating plants rather than the single meeting that has been scheduled. (IKE)

*Response:* The water board has sent a letter to the air board to ensure that coordination occurs between the two environmental boards; however, the schedule for public hearings on a citizen petition for control of mercury from coal-fired power plants is not relevant to the specifics of the preliminary adopted rule.

*Comment:* Under IC 13-14-8-4, the water pollution control board when adopting a rule is required to take into account a list of factors. Of those various factors, the SMV rule does not accomplish or promote the following: (1) technical feasibility including quality conditions that could reasonably be achieved through a coordinated control of all factors affecting the quality; and (2) the right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or the reasonable enjoyment of life and property. The SMV rule does not address mercury in combined sewer overflows (CSOs). There are no discharge limits placed in NPDES permits on CSOs. For this reason, the SMV rule falls short of providing quality conditions and an environment that is sufficiently uncontaminated. (IKE)

*Response:* The SMV is available for WQBELs for mercury, whether from a wastewater treatment plant or from a CSO discharge point. The water board considered the required factors under IC 13-14-8-4 when it preliminarily adopted the SMV rule.

*Comment:* The most significant sources of mercury contamination are historic, and the SMV rule needs to acknowledge that fact by requiring an applicant to identify historic mercury sources when making a source assessment for the PMPP. (GP)

*Response:* The preliminarily adopted rule will be revised to clarify this point.

*Comment:* The water pollution control board chairman began the public hearing by calling the rule under consideration for preliminary adoption the "statewide mercury variance rule". The record needs to accurately reflect that the rule is the "streamlined mercury variance rule". The rule as drafted has expanded beyond a variance for dischargers that have high levels of mercury in their intake waters. The rule needs to adhere to the Indiana statute and be available to dischargers for no more than the maximum of ten (10) years. The rule should contain reference to the fish consumption advisory listing and should require an applicant for the SMV to consider air sources of mercury when making the source inventory for the PMPP. (WR)

*Response:* The chairman noted his inadvertent misstatement. IDEM agrees that a discharger should consider any potential air sources of mercury in its inventory from its facilities.

### 327 IAC 5-3.5

SECTION 1. 327 IAC 5-3.5 IS ADDED TO READ AS FOLLOWS:

#### Rule 3.5. Streamlined Mercury Variance Requirements and Application Process

##### 327 IAC 5-3.5-1 Purpose

**Authority:** IC 13-13-5-1; IC 13-13-5-2; IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2; IC 13-18-3-3; IC 13-18-4-3

**Affected:** IC 13-18-4

**Sec. 1.** The purpose of this rule is to establish a process and application requirements for obtaining a streamlined variance from a water quality criterion used to establish a water quality-based effluent limitation established for mercury in a NPDES permit. (*Water Pollution Control Board; 327 IAC 5-3.5-1*)

**327 IAC 5-3.5-2 Applicability**

**Authority:** IC 13-13-5-1; IC 13-13-5-2; IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2; IC 13-18-3-3; IC 13-18-4-3  
**Affected:** IC 13-14-8-9; IC 13-18-4

**Sec. 2. (a)** An SMV shall be available for the duration of the NPDES permit issued to a wastewater discharging facility that has an NPDES permit in effect containing a discharge limitation for mercury that cannot be achieved consistently by the facility.

**(b)** Application for a variance under this rule meets the requirements for a variance under IC 13-14-8-9 and rules adopted by the board.

- (c)** An SMV is not available for the following:
- (1) New or recommencing Great Lakes system dischargers except as provided under 327 IAC 2-1.5-17(a)(3).
  - (2) Applicants seeking an interim limit whose effluent contains mercury at an average concentration, as determined under section 8(a) of this rule, greater than thirty (30) ng/l (parts per trillion).

(*Water Pollution Control Board; 327 IAC 5-3.5-2*)

**327 IAC 5-3.5-3 Definitions**

**Authority:** IC 13-13-5-1; IC 13-13-5-2; IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2; IC 13-18-3-3; IC 13-18-4-3  
**Affected:** IC 13-11-2; IC 13-18-4

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

- (1) “Department” means the Indiana department of environmental management.
- (2) “Facility” means any NPDES point source or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program. For a municipality, “facility” means a POTW.
- (3) “Pollutant minimization program” or “PMP” means a program developed by an SMV applicant to identify and minimize the discharge of mercury into the environment.
- (4) “Pollutant minimization program plan” or “PMPP” means the plan for development and implementation of the PMP.
- (5) “Publicly owned treatment works” or “POTW” means a treatment works as defined by Section 212(2) of the Federal Water Pollution Control Act owned by the state

or a municipality as defined by Section 502(4) of the Federal Water Pollution Control Act.

**(6)** “Streamlined mercury variance” or “SMV” means a process established under this rule for obtaining a variance from the water quality criterion used to establish a water quality-based effluent limitation (WQBEL) established for mercury in an NPDES permit.

(*Water Pollution Control Board; 327 IAC 5-3.5-3*)

**327 IAC 5-3.5-4 Initial SMV application**

**Authority:** IC 13-13-5-1; IC 13-13-5-2; IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2; IC 13-18-3-3; IC 13-18-4-3  
**Affected:** IC 13-18-4

**Sec. 4. (a)** The initial SMV application shall be submitted on forms provided by the department.

**(b)** An applicant for an SMV may submit the application as a part of an application for a:

- (1) new;
- (2) renewed; or
- (3) modified;

NPDES permit.

**(c)** The initial SMV application must include all information, including the PMPP, required under section 9 of this rule, PMPP requirements.

**(d)** Upon receipt of a complete SMV application, the department will publish a notice of completeness and availability of the SMV in accordance with section 5 of this rule, public notice of SMV application. The notice of completeness and availability will be published within thirty (30) days of receipt of a complete SMV application.

**(e)** In order for an application to be considered complete, the application must contain all information required under section 9 of this rule, PMPP requirements. (*Water Pollution Control Board; 327 IAC 5-3.5-4*)

**327 IAC 5-3.5-5 Public notice of SMV application**

**Authority:** IC 13-13-5-1; IC 13-13-5-2; IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2; IC 13-18-3-3; IC 13-18-4-3  
**Affected:** IC 4-21.5; IC 13-18-4

**Sec. 5. (a)** The department shall publish notice of each complete SMV application for public comment:

- (1) in the newspaper with the greatest circulation in the city or county of the applicant’s location; and
- (2) with a thirty (30) day public comment period.

**(b)** Public notice may be held simultaneously with the public notice procedures of a new, renewed, or modified NPDES permit.

**(c)** The department may hold a public hearing on the

complete SMV application if a request is received during the public comment period. The public hearing may be held simultaneously with the public hearing or a new, renewed, or modified NPDES permit.

(d) The department shall consider public comments received during:

- (1) the public comment period; and
- (2) the public hearing, if one is held.

(e) The department may require an applicant to modify the SMV application if it is necessary in order for the SMV application to be consistent with the requirements of this rule.

(f) If the SMV application meets the requirements of this rule, the department shall incorporate the SMV into the NPDES permit in accordance with this rule within ninety (90) days, unless the applicant agrees to a longer time frame, following the close of the later of the following:

- (1) The public comment period.
- (2) The public hearing.

(g) A final determination under subsection (e) is an appealable decision under IC 4-21.5. (*Water Pollution Control Board; 327 IAC 5-3.5-5*)

#### **327 IAC 5-3.5-6 Issuance of SMV**

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2; IC 13-18-3-3; IC 13-18-4-3

Affected: IC 13-14-8-9; IC 13-18-4

Sec. 6. When an SMV is issued under this rule, the SMV shall be incorporated as a condition of the applicant's NPDES permit through issuance, renewal, or modification of the NPDES permit. The SMV remains in effect until the NPDES permit expires under IC 13-14-8-9. (*Water Pollution Control Board; 327 IAC 5-3.5-6*)

#### **327 IAC 5-3.5-7 Renewal of SMV**

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2; IC 13-18-3-3; IC 13-18-4-3

Affected: IC 13-14-8-9; IC 13-18-4

Sec. 7. (a) An eligible applicant may apply for a renewal of the SMV:

- (1) one hundred eighty (180) days prior to the expiration of its NPDES permit; or
- (2) within one hundred eighty (180) days after issuance of a revised NPDES permit that establishes a revised mercury discharge limit based on the water quality criteria.

(b) The department may renew an initial SMV in accordance with IC 13-14-8-9 if the applicant demonstrates that implementation of the PMPP has achieved progress toward

the goal of reducing mercury from its discharge except as provided in subsection (d).

(c) A renewal application shall contain the following:

(1) All information required for an initial SMV application under section 4 of this rule, including revisions to the PMPP, if applicable.

(2) A report on implementation of each provision of the PMPP.

(3) An analysis of the mercury concentrations determined through sampling at the facility's locations that have mercury monitoring requirements in the NPDES permit for the two (2) year period prior to the SMV renewal application.

(4) A proposed alternative mercury discharge limit, if appropriate, to be evaluated by the department according to section 8(b) of this rule, based on the most recent two (2) years of representative sampling information from the facility.

(d) A PMPP must be revised if implementation of the original PMPP does not lead to demonstrable progress in minimizing the discharge of mercury. If the applicant can provide information, as part of a revision to a PMPP, that demonstrates there is no known reasonable additional action that will reduce mercury, the PMPP may remain as previously approved.

(e) A renewal SMV shall be issued in accordance with the requirements for the issuance of an initial SMV under this rule. (*Water Pollution Control Board; 327 IAC 5-3.5-7*)

#### **327 IAC 5-3.5-8 SMV interim discharge limitation**

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2; IC 13-18-3-3; IC 13-18-4-3

Affected: IC 13-18-4

Sec. 8. (a) The interim limit for mercury discharge during the duration of an SMV shall be based on representative effluent data that have been analyzed using Analytical Method 1631. The interim limit shall be expressed as the highest daily value for mercury from a data set that includes a minimum of six (6) daily values that are generally evenly spaced over the most recent twelve (12) to twenty-four (24) month period and representative of the four (4) seasons. The highest daily value will become the value for the interim limit. Compliance with the interim limit is achieved if the average of the effluent daily value for the twelve (12) month rolling average is less than the interim limit. An SMV is not available to an applicant that requests an interim limit greater than thirty (30) ng/l.

(b) The interim discharge limit shall be evaluated upon receipt of a renewal SMV application based upon available, valid, and representative data of the effluent levels for mercury collected and analyzed over the most recent two

(2) year period. Data collection and analyses must be done according to the analytical method approved by the department. (*Water Pollution Control Board; 327 IAC 5-3.5-8*)

**327 IAC 5-3.5-9 PMPP requirements**

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2; IC 13-18-3-3; IC 13-18-4-3

Affected: IC 13-18-4

Sec. 9. (a) A PMPP for a facility must be submitted with an application for an SMV. The PMPP must contain the following:

- (1) Results of a preliminary inventory of potential uses and sources of mercury in all buildings and departments and a plan and schedule for providing the department results of a complete inventory.
- (2) Preliminary identification of known mercury-bearing equipment, wastestreams, and mercury storage sites.
- (3) A list of planned activities to be conducted to eliminate or minimize the release of mercury to the water. The list of planned activities may consider technical and economic feasibility and must include, at a minimum, the following:
  - (A) A review of purchasing policies and procedures.
  - (B) Necessary training and awareness for facility staff.
  - (C) Evaluation of alternatives to the use of any mercury-containing equipment or materials.
  - (D) Other specific activities related to the type of mercury on-site.
  - (E) An identification of the facility's responsibilities under P.L.225-2001.
- (4) For each activity specified in subdivision (3), the plan must contain the following:
  - (A) The goal to be accomplished.
  - (B) A measure of performance.
  - (C) A schedule for action.
- (5) All available mercury monitoring data and any information on mercury in biosolids, if required by an NPDES permit or land application permit, for the two (2) year period preceding the SMV application.
- (6) Identification of the resources and staff necessary to implement the PMPP.
- (7) Proof of completion of public notice activities required under this section.
- (8) A schedule for submission of annual reports describing the facility's progress toward the following:
  - (A) Fulfilling each of the requirements of the PMPP.
  - (B) Results of mercury monitoring.
  - (C) Implementation of each planned activity to reduce or eliminate mercury from the facility's water.

Upon approval of the SMV, the applicant must submit an annual report according to the schedule in the PMPP.

(b) In addition to subsection (a), a PMPP for a POTW must include the following:

(1) Results of a preliminary evaluation of possible mercury sources in the facility's influent and a plan and schedule for providing the department results of a complete evaluation. The evaluation shall include, at a minimum, the following:

(A) Medical facilities, for example, the following:

- (i) Hospitals.
- (ii) Clinics.
- (iii) Nursing homes.
- (iv) Veterinary facilities.

(B) Dental clinics.

(C) Public and private educational laboratories.

(D) General industry.

(E) Significant sources of residential and retail contributions of mercury, for example, the following:

- (i) Heating, ventilation, and air conditioning contractors.
- (ii) Automobile and appliance repair.
- (iii) Veterinarians.
- (iv) Others specific to the community served.

(F) An identification of the responsibilities under P.L.225-2001 for the significant industrial users for the POTW.

(2) A list of planned activities designed to reduce or eliminate mercury loadings from the sources identified in subdivision (1).

(3) For each activity specified in subdivision (2), the plan must contain the following:

- (A) The goal to be accomplished.
- (B) A measure of performance.
- (C) A schedule for action.

(4) In addition to activities required under subsection (a)(3), activities must also include an education program for the facility employees and the public within the service area of the facility.

(c) Prior to submitting the PMPP to the department as part of the SMV application, an applicant shall do the following:

(1) Publish notice of the availability of the draft PMPP in a daily or weekly newspaper of general circulation throughout the area affected by the discharge.

(2) Post a copy of the information required by this section at the following:

- (A) The principal office of the municipality or political subdivision affected by the facility or discharge.
- (B) The United States post office.
- (C) If one is available, the library serving those premises.

(d) All notices published under this section shall contain the following information:

- (1) The name and address of the applicant that prepared the PMPP.
- (2) A general description of the elements of the PMPP.

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## Proposed Rules

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(3) A brief description of the activities or operations that result in the discharge for which an SMV is being requested.

(4) A brief description of the purpose of this notice and the comment procedures.

(5) The name of a contact person, a mailing address, an Internet address, if available, and a telephone number where interested persons may obtain additional information and a copy of the PMPP.

(e) The applicant shall do the following:

(1) Provide a minimum comment period of thirty (30) days.

(2) Include a copy of the comments received and the applicant's responses to those comments in the SMV application submitted to the department.

(f) The department shall consider a PMPP to be complete if it meets the requirements of this section. (*Water Pollution Control Board; 327 IAC 5-3.5-9*)

### 327 IAC 5-3.5-10 Transitional mercury effluent limitation

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2; IC 13-18-3-3; IC 13-18-4-3

Affected: IC 4-21.5-3; IC 13-18-4

Sec. 10. (a) Either at the time a discharging facility applies for or when it receives a renewal of an NPDES permit with a previously established mercury limit from a prior NPDES permit and a compliance schedule for mercury is not established in the renewed permit, then the following may be done to assure compliance with the renewed permit:

(1) In a written document to the department, the discharging facility should:

- (A) indicate that the discharging facility is planning to apply for an SMV in accordance with this rule; and
- (B) provide information to establish an alternative limit consistent with section 8 of this rule.

(2) The department may issue an interim limit for the discharging facility until the SMV is either approved or denied.

(b) If an SMV is denied, a discharger may request an individual variance, notwithstanding the time limitations set in 327 IAC 5-3-4.1, by doing the following:

(1) Requesting the commissioner's consideration and written determination on a request for a mercury variance from a water quality standard as provided in 327 IAC 2-1-8.8 or 327 IAC 2-1.5-17.

(2) Applying for the mercury variance up to ninety (90) days after the denial of the SMV so long as all other requirements in 327 IAC 5-3-4.1 are met. The applicant may petition the commissioner for up to an additional ninety (90) day period to submit the application.

(3) Appealing the denial of the SMV in accordance with IC 4-21.5-3.

(*Water Pollution Control Board; 327 IAC 5-3.5-10*)

### Notice of Public Hearing

*Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on December 8, 2004 at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Water Pollution Control Board will hold a public hearing on a proposed new rule concerning a streamlined mercury variance process for obtaining a variance from the existing water quality criterion used to establish a water quality-based effluent limitation for mercury in wastewater discharges permitted under the National Pollutant Discharge Elimination System (NPDES) program.*

*The purpose of this hearing is to receive comments from the public prior to consideration of final adoption of this rule by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed new rule. 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 MaryAnn Stevens, Rules Section, Office of Water Quality, (317) 232-8635 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) 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 Water Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Room 1255 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Tim Method

Deputy Commissioner

Indiana Department of Environmental Management

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

**Proposed Rule**  
LSA Document #04-219

DIGEST

Amends 405 IAC 1-5-1 to increase the required time providers must retain medical records. Effective 30 days after filing with the secretary of state.

**405 IAC 1-5-1**

SECTION 1. 405 IAC 1-5-1 IS AMENDED TO READ AS FOLLOWS:

**405 IAC 1-5-1 Medical records; contents and retention**

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-1-15; IC 12-15-21-2  
Affected: IC 12-13-7-3; IC 12-15

Sec. 1. (a) Medicaid records must be of sufficient quality to fully disclose and document the extent of services provided to individuals receiving assistance under the provisions of the Indiana Medicaid program.

(b) All providers participating in the Indiana Medicaid program shall maintain, for a period of ~~three (3)~~ **seven (7)** years from the date Medicaid services are provided, such medical ~~and/or or~~ **or both**, including x-rays, as are necessary to fully disclose and document the extent of the services provided to individuals receiving assistance under the provisions of the Indiana Medicaid program. A copy of a claim form ~~which that~~ has been submitted by the provider for reimbursement is not sufficient documentation, in and of itself, to comply with this requirement. Providers must maintain records ~~which that~~ are independent of claims for reimbursement. Such medical ~~and/or or~~ **or both**, shall include, at the minimum, the following information and documentation:

- (1) **The** identity of the individual to whom service was rendered.
- (2) **The** identity of the provider rendering the service.
- (3) **The** identity and position of **the** provider employee rendering the service, if applicable.
- (4) **The** date on which the service was rendered.
- (5) **The** diagnosis of **the** medical condition of the individual to whom service was rendered, relevant to physicians and dentists only.
- (6) **A** detailed statement describing services rendered.
- (7) **The** location at which services were rendered.
- (8) **The** amount claimed through the Indiana Medicaid program for each specific service rendered.
- (9) Written evidence of physician involvement and personal patient evaluation will be required to document the acute medical needs. A current plan of treatment and progress notes, as to the necessity and effectiveness of treatment, must

be attached to the prior authorization request and available for audit purposes.

(10) When a recipient is enrolled in therapy, and when required under Medicaid program rules, physician progress notes as to the necessity and effectiveness of therapy and ongoing evaluations to assess progress and redefine goals must be a part of the therapy program.

*(Office of the Secretary of Family and Social Services; Title 5, Ch 1, Reg 5-110; filed Aug 16, 1979, 3:30 p.m.: 2 IR 1383; filed Sep 23, 1982, 9:55 a.m.: 5 IR 2351; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3298; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822) NOTE: Transferred from the Division of Family and Children (470 IAC 5-5-1) to the Office of the Secretary of Family and Social Services (405 IAC 1-5-1) by P.L.9-1991, SECTION 131, effective January 1, 1992.*

**Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on November 23, 2004 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 6, Indianapolis, Indiana the Office of the Secretary of Family and Social Services will hold a public hearing on a proposed amendment concerning the increase in a provider's obligation to retain medical records. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Cheryl Sullivan  
Secretary  
Office of the Secretary of Family and Social  
Services

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**TITLE 410 INDIANA STATE DEPARTMENT OF  
HEALTH**

**Proposed Rule**  
LSA Document #04-161

DIGEST

Amends 410 IAC 21-3-8 and 410 IAC 21-3-9 to remove birth weight less than 2,500 grams and stillbirth as reportable conditions, require reporting of both pervasive developmental disorders and fetal alcohol spectrum disorder that is recognized in a child before five years of age, and amend the maximum age of a child whose diagnosis must be reported to the registry and whose report must be included in the registry from two years to three years. Repeals 410 IAC 21-3-6. Effective 30 days after filing with the secretary of state.

**410 IAC 21-3-6**

## Proposed Rules

### 410 IAC 21-3-8

### 410 IAC 21-3-9

SECTION 1. 410 IAC 21-3-8 IS AMENDED TO READ AS FOLLOWS:

#### 410 IAC 21-3-8 Reporting requirements

Authority: IC 16-38-4-7

Affected: IC 16-38-4

Sec. 8. (a) The following shall be reported by a person who must report as required by section 7 of this rule to the registry:

(1) Every birth problem, **except a pervasive developmental disorder or a fetal alcohol spectrum disorder**, listed in section 9 of this rule that:

(A) has been diagnosed in a child before that child's **second third** birthday; or

(~~2~~) Every birth problem listed in section 9 of this rule that (B) was diagnosed at the time of a child's death up to ~~two~~ **three (3)** years of age. or at ~~expulsion or extraction of a fetus after twenty (20) weeks of gestation.~~

(2) **A pervasive developmental disorder or a fetal alcohol spectrum disorder listed in section 9 of this rule that was diagnosed before a child's fifth birthday.**

(b) Reports to the registry must be made within sixty (60) days of diagnosis.

(c) Only diagnoses of birth problems in children who are Indiana residents shall be reported.

(d) The registry shall provide the required forms for birth problems reporting. (*Indiana State Department of Health; 410 IAC 21-3-8; filed Jul 8, 2002, 1:55 p.m.: 25 IR 3758*)

SECTION 2. 410 IAC 21-3-9 IS AMENDED TO READ AS FOLLOWS:

#### 410 IAC 21-3-9 Reportable birth problems

Authority: IC 16-38-4-7

Affected: IC 16-38-4

Sec. 9. The following categories along with those conditions identified in the International Classification of Diseases – Ninth Revision, Clinical Modification, 1998 (ICD-9-CM) are birth problems:

(1) A structural deformation.

(2) A developmental malformation.

(3) A genetic, inherited, or biochemical disease.

(~~4~~) ~~Birth weight less than two thousand five hundred (2,500) grams.~~

(~~5~~) **(4) A condition of a chronic nature, including central nervous system hemorrhage or infection of the central nervous system, that may result in a need for long term health care.**

(~~6~~) Stillbirth.

**(5) A pervasive developmental disorder.**

**(6) A fetal alcohol spectrum disorder.**

(7) Any other severe disability that is recognized in a child after birth and before the child becomes ~~two (2)~~ **three (3)** years of age.

(8) ICD-9-CM Codes Name

155-208	Neoplasms
216-216.9	Neoplasms
230-234	Neoplasms
246.1	Dyshormonogenic goiter
250	Diabetes mellitus
257.8	Other testicular dysfunction
279	Disorders involving the immune mechanism
282	Hereditary hemolytic anemias
284.0	Constitutional aplastic anemia
286.0-286.5	Coagulation defects
287.3	Primary thrombocytopenia
288	Diseases of white blood cells
289.6	Familial polycythemia
<b>299.00-299.99</b>	<b>Pervasive developmental disorders including autism, childhood disintegrative disorder, Asperger's syndrome, Rett syndrome, and pervasive developmental disorders not otherwise specified</b>
330	Cerebral degenerations usually manifest childhood
335	Anterior horn cell disease
359	Muscular dystrophies and myopathies
362.21	Retrolental fibroplasia
362.7	Hereditary retinal dystrophies
365.14	Glaucoma of childhood
378	Strabismus and other disorders of binocular eye movement
379.51	Congenital nystagmus
524.0-524.1	Anomalies of jaw Congenital anomalies
740-742	Central nervous system
743-744	Orofacial
745-747	Cardiovascular
748	Respiratory
749-750.29	Orofacial
750.3-751	Gastrointestinal
752-753	Genitourinary
754-756	Musculoskeletal
757	Integument
758	Chromosome and syndromes
759	Other and unspecified congenital anomalies
<b>760.71</b>	<b>Fetal alcohol syndrome</b>



(Indiana State Department of Health; 410 IAC 21-3-9; filed Jul 8, 2002, 1:55 p.m.: 25 IR 3758)

SECTION 3. 410 IAC 21-3-6 IS REPEALED.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on November 22, 2004 at 2:00 p.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 proposed amendments to the birth problems registry rule to remove birth weight less than 2,500 grams and stillbirth as reportable conditions, require reporting of both pervasive developmental disorders and fetal alcohol spectrum disorder that is recognized in a child before five years of age, amend the maximum age of a child whose diagnosis must be reported to the registry and whose report must be included in the registry from two years to three years, and repeal the definition of stillbirth. Copies of these rules are now on file at the Community and Family Health Services Commission, Indiana State Department of Health, 2 North Meridian Street and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gregory A. Wilson, M.D.
State Health Commissioner
Indiana State Department of Health

TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION

Proposed Rule
LSA Document #04-229
DIGEST

Amends 440 IAC 7.5 to make clearer the intent of the residential rule, to make it consistent throughout, to repeal the \$520 limit on the residential living allowance, and to update references to the 2000 edition of the Life Safety Code. Effective 30 days after filing with the secretary of state.

- 440 IAC 7.5-1-1
440 IAC 7.5-2-1
440 IAC 7.5-2-8
440 IAC 7.5-2-12
440 IAC 7.5-2-13
440 IAC 7.5-3-3
440 IAC 7.5-3-4
440 IAC 7.5-3-7
440 IAC 7.5-4-7
440 IAC 7.5-4-8
440 IAC 7.5-5-1
440 IAC 7.5-8-1
440 IAC 7.5-8-2
440 IAC 7.5-8-3
440 IAC 7.5-9-1
440 IAC 7.5-9-2
440 IAC 7.5-9-3
440 IAC 7.5-10-1
440 IAC 7.5-10-2
440 IAC 7.5-10-3
440 IAC 7.5-11

SECTION 1. 440 IAC 7.5-1-1 IS AMENDED TO READ AS FOLLOWS:

440 IAC 7.5-1-1 Definitions

Authority: IC 12-8-8-4; IC 12-21-2-3
Affected: IC 12-7-2-40.6; IC 12-17.4; IC 12-21-2-7; IC 12-22-2-3; IC 12-23-17; IC 12-24-12-2; IC 12-24-12-10; IC 12-24-19-2; IC 12-26; IC 16-36-1; IC 23-17; IC 30-5-5-16; 42 U.S.C. 300x-2(c)

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

- (1) "Addiction" means alcoholism or addiction to:
(A) narcotic or other drugs; or
(B) gambling.
(2) "Addiction services provider" means an organization certified by the division to provide a structured facility designed for the:
(A) treatment;
(B) care; and
(C) rehabilitation;
of individuals addicted to alcohol or drugs.
(3) "Agency" means:
(A) a community mental health center certified by the division under 440 IAC 4.1;
(B) a managed care provider certified by the division under 440 IAC 4.3;
(C) a residential care provider certified by the division under 440 IAC 6; or
(D) an addiction services provider with regular certification certified by the division under 440 IAC 4.4-2-3 that administers a residential living facility.
(4) "Alternative family for adults (AFA) program" means a program that serves six (6) or fewer individuals who:
(A) have a psychiatric disorder or addiction, or both; and
(B) reside with an unrelated householder.
(5) "Apartment house building" means any building or portion thereof that contains three (3) or more dwelling units and includes condominiums.
(6) "Case management" means goal oriented activities that locate, facilitate, provide access to, coordinate, or monitor the full range of basic human needs, treatment, and service resources for individual consumers. The term includes, where necessary and appropriate for the consumer, the following:
(A) Assessment of the consumer.
(B) Treatment planning.
(C) Crisis assistance.
(D) Providing access to and training the consumers to utilize basic community resources.
(E) Assistance in daily living.
(F) Assistance for the consumer to obtain services necessary for meeting basic human needs.
(G) Monitoring of the overall delivery of services.
(H) Assistance in obtaining the following:
(i) Rehabilitation services and vocational opportunities.
(ii) Respite care.

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- (iii) Transportation.
  - (iv) Education services.
  - (v) Health supplies and prescriptions.
- (7) "Case manager" means an individual who provides case management activities.
- (8) "Community mental health center" or "CMHC" means a mental health facility that the division has certified as fulfilling the statutory and regulatory requirements to be a community mental health center.
- (9) "Congregate ~~living facility~~ **residence**" means a ~~supervised group living facility, a sub-acute living facility, a transitional living facility, or a semi-independent residential living facility for up to fifteen (15) individuals~~ that is located in any building or portion thereof that contains facilities for eating, sleeping, and sanitation, and includes facilities for eating and cooking, for occupancy by other than a family.
- (10) "Consumer" ~~is means~~ an individual with a psychiatric disorder or addiction, or both.
- (11) "Continuum of care" means a range of required services provided by a community mental health center or a managed care provider. The term includes the following:
- (A) Individualized treatment planning to increase consumer coping skills and symptom management, which may include any combination of services listed under this section.
  - (B) Twenty-four (24) hour a day crisis intervention.
  - (C) Case management to fulfill individual consumer needs, including assertive case management when indicated.
  - (D) Outpatient services, including the following:
    - (i) Intensive outpatient services.
    - (ii) Substance abuse services.
    - (iii) Counseling.
    - (iv) Treatment.
  - (E) Acute stabilization services, including detoxification services.
  - (F) Residential services.
  - (G) Day treatment.
  - (H) Family support services.
  - (I) Medication evaluation and monitoring.
  - (J) Services to prevent unnecessary and inappropriate treatment and hospitalization and the deprivation of a person's liberty.
- (12) "Crisis intervention" means services in response to a psychiatric disorder or addiction emergency, either provided directly by the provider or made available by arrangement with a medical facility or an individual physician licensed under Indiana law.
- (13) "Division" means the Indiana division of mental health and addiction or its duly authorized agent.
- (14) "Dwelling unit" means ~~any building or portion thereof that contains a single unit providing complete, independent living facilities for one (1) or more persons~~, including **permanent** provisions for:
- (A) **living**;
  - (B) sleeping;
  - (C) eating;
  - (D) cooking; and
  - (E) sanitation. ~~for not more than one (1) family.~~
- (15) "Evacuation capability" means the ability of the occupants, residents, and staff, as a group, to evacuate the building. Evacuation capability is classified as follows:
- (A) Prompt evacuation capability is equivalent to the capability of the general population when applying the requirements of this article.
  - (B) Slow evacuation is the capability of the group to evacuate the building in a timely manner, with some of the residents requiring assistance from the staff.
  - (C) Impractical evacuation capability occurs when the group, even with staff assistance, cannot reliably evacuate the building in a timely manner.
- The evacuation capability of the residents and staff is a function of both the ability of the residents to evacuate and the assistance provided by the staff. Evacuation capability in all cases is based on the time of day or night when evacuation would be most difficult, that is, sleeping residents, loss of power, severe weather, or fewer staff present.
- (16) "Family" means an individual or two (2) or more persons related by blood or marriage or a group of ten (10) or ~~less~~ **fewer** persons who need not be related by blood or marriage living together in a single dwelling unit.
- (17) "Gatekeeper" means an agency identified in IC 12-24-12-2 or IC 12-24-12-10 that is actively involved in the evaluation and planning of treatment for an individual committed to a state institution beginning after the commitment through the planning of the individual's transition back into the community, including case management services for the individual in the community.
- (18) "Householder" means the occupant owner or leaseholder of the residence used in the alternative family program.**
- ~~(18)~~ **(19)** "Household member" means any person living in the same physical residence as a consumer living in a residential living facility licensed or certified under this rule.
- ~~(19) "Householder" means the occupant owner or leaseholder of the residence used in the alternative family program.~~
- (20) "Individualized treatment plan" means a written plan of care and intervention developed for an individual by a treatment team in collaboration with the individual and, when appropriate, the individual's family or guardian.
- (21) "Legal representative" means:
- (A) a health care representative appointed under IC 16-36-1;
  - (B) an attorney-in-fact for health care who was appointed by the resident when the resident was competent under IC 30-5-5-16;
  - (C) a court appointed guardian for health care decisions; or
  - (D) the resident's parent, adult sibling, adult child, or spouse who is acting as the resident's health care representative under IC 16-36-1 when:
    - (i) no formal appointment of a health care representative has been made; and

(ii) the resident is unable to make health care decisions.  
 (22) “Managed care provider” or “MCP” means an organization:

(A) that:

- (i) for mental health services, is defined under 42 U.S.C. 300x-2(c);
- (ii) provides addiction services; or
- (iii) provides children’s mental health services;

(B) that has entered into a provider agreement with the division under IC 12-21-2-7 to provide a continuum of care as defined in IC 12-7-2-40.6 in the least restrictive, most appropriate setting; and

(C) that is operated by at least one (1) of the following:

- (i) A city, town, county, or other political subdivision of Indiana.
- (ii) An agency of Indiana or of the United States.
- (iii) A political subdivision of another state.
- (iv) A hospital owned or operated by:
  - (AA) a unit of government; or
  - (BB) a building authority that is organized for the purpose of constructing facilities to be leased to units of government.
- (v) A corporation incorporated under IC 23-7-1.1 (before its repeal August 1, 1991) or IC 23-17.
- (vi) An organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code.
- (vii) A university or college.

(23) “Psychiatric disorder” means a mental disorder or disease. The term does not include the following:

- (A) Mental retardation.
- (B) A developmental disability.
- (C) Alcoholism.
- (D) Addiction to narcotic or other drugs.
- (E) Addiction to gambling.

(24) “Representative payee” means a person appointed by **the United States:**

- (A) ~~the United States~~ Social Security Administration;
- (B) ~~the United States~~ Office of Personnel Management;
- (C) ~~the United States~~ Department of Veterans Affairs; or
- (D) ~~the United States~~ Railroad Retirement Board;

to provide one (1) or more financial management services in order to assist an individual who is receiving government benefits and is medically incapable of making responsible financial decisions.

(25) “Resident” means an individual who is living in a residential living facility.

~~(26) “Resident living allowance” is a sum of money paid to a consumer when that consumer’s personal resources are not adequate to maintain the consumer in a therapeutic living environment.~~

~~(27)~~ (26) “Residential care provider” or “RCP” means a provider of residential care that has been certified by the division as one (1) of the following:

- (A) A community mental health center.

- (B) A managed care provider.
- (C) A residential care provider.

(D) An addiction services provider with regular certification.

~~(28)~~ (27) “Residential director” means an individual whose primary responsibility is to administer and operate the residential facility.

~~(29)~~ (28) “Residential living facility” means:

- (A) a sub-acute stabilization facility;
- (B) a supervised group living facility;
- (C) a transitional residential services facility;
- (D) a semi-independent living facility defined under IC 12-22-2-3; and
- (E) alternative family homes operated solely by resident householders under this rule.

~~(30)~~ (29) “Residential staff” or “staff” means all individuals who the agency employs or with whom the agency contracts to provide direct services to the residents in the residential living facility.

**(30) “Resident living allowance” is a sum of money paid to a consumer when that consumer’s personal resources are not adequate to maintain the consumer in a therapeutic living environment.**

(31) “Respite care” means temporary residential care to provide:

- (A) relief for a caregiver; or
- (B) transition during a stressful situation.

(32) “Semi-independent living facility” or “SILP” means a facility:

- (A) that is not licensed by another state agency and serves six (6) or fewer individuals with a psychiatric disorder or an addiction, or both, per residence who require only limited supervision; and
- (B) in which the agency or its subcontractor:
  - (i) provides a resident living allowance to the resident; or
  - (ii) owns, leases, or manages the residence.

(33) “Sub-acute stabilization facility” or “SUB ACUTE” means a twenty-four (24) hour facility for the treatment of psychiatric disorders or addictions, and **which that** is more restrictive than a supervised group living facility and less restrictive than an inpatient facility.

(34) “Supervised group living facility” or “SGL” means a residential facility that provides a therapeutic environment in a home-like setting to persons with a psychiatric disorder or addiction who need the benefits of a group living arrangement as post-psychiatric hospitalization intervention or as an alternative to hospitalization.

(35) “Therapeutic living environment” means a living environment:

- (A) in which the staff and other residents contribute; ~~to the habilitation and rehabilitation of the resident;~~ and
- (B) that presents no physical or social impediments; ~~to the habilitation and rehabilitation of the resident.~~

(36) “Transitional residential facility” or “TRS” means a

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twenty-four (24) hour per day service that provides food, shelter, and other support services to individuals with a psychiatric disorder or addiction who are in need of a short term supportive residential environment.

- (37) "Treatment team" minimally consists of the following:
- (A) The resident.
  - (B) The resident's case manager.
  - (C) The appropriate staff of the residential facility.
  - (D) Persons from other agencies who design and provide a direct treatment service for the resident.
  - (E) If the resident has a legal representative, the team shall include the legal representative.

(Division of Mental Health and Addiction; 440 IAC 7.5-1-1; filed Jun 10, 2002, 2:25 p.m.: 25 IR 3127)

SECTION 2. 440 IAC 7.5-2-1 IS AMENDED TO READ AS FOLLOWS:

### 440 IAC 7.5-2-1 General overview

Authority: IC 12-8-8-4; IC 12-21-2-3

Affected: IC 12-7-2-70; IC 12-17.4-3; IC 12-20-17-2; IC 12-22-2-3; IC 12-22-2-11; IC 12-30-3; IC 16-28

Sec. 1. The following is a general overview of the requirements for residential facilities under this article:

ISSUE	CMHCs and MCPs ONLY		ALL AGENCIES		
	SILP MCP/CMHC Agency	AFA MCP/CMHC Agency	TRS All Agency	SGL All DMH	SUB-ACUTE All DMH
Licensed/cert. Licensed/cert. Licensed/cert. Licensed/cert. Licensed/cert.					
Certification time	24 months	24 months	24 mos. months	3 years	3 years
Site accredited	No	No	15/less No-16+ Yes	Yes	Yes
Beds	Maximum 6 Per residence	<del>Max. Maximum</del> 6 per householder	<del>Max. Maximum</del> 15 (can be waived)	10 single family 15 apt./congregate apartment/ congregate	Minimum 4 Maximum 15 (can be waived)
Locked egress allowed	No	No	No	No	Yes*
Floor plan	No	No	No	Yes	Yes
Space per consumer	80' single 60' multiple	80' single 60' multiple/2	80' single 60' multiple	80' single 60' multiple	80' single 60' multiple
Children of residents resident allowed?	Yes	Yes	Yes	Yes	No
Plumbing	4 per toilet 6 per tub/shower	4 per toilet 6 per tub/shower	4 per toilet 6 per tub/shower	4 per toilet 6 per tub/shower	4 per toilet 6 per tub/shower
Setting-House	Yes	Yes	Yes	Yes	Yes
Apartment	Yes	Yes	Yes	Yes	No
Congregate	<del>Yes</del> No	No	Yes	Yes	Yes
Mobile home	No unless waiver	No unless waiver	No	No	No
Fire/safety inspections by	Local	Local, 4+, SFM	15/less Local with waiver, 16+ SFM	State fire marshal	State fire marshal
PROGRAM					
Minimum oversight	1 hour per week	2 hours per month	Less than 24 hours	24 hours	24 hours
Residential living allowance allowed	Yes	Yes	Yes	Yes	No
Length of stay limit	No	No	No	No	Up to 1 year
Medication rules	Yes	Yes	Yes	Yes	Yes
TB test-resident	Yes	Yes	Yes	Yes	Yes
Seclusion	No	No	No	No	Yes
Restraint-Chemical	No	No	No	No	No
Physical	No	No	No	No	Yes

\*Applies only to sub-acute stabilization facilities that meet the fire prevention and building safety commission requirements for an I-3 occupancy as adopted by reference under 675 IAC 13-2.4-1(a).

Applies to both seriously mentally ill adults and persons with chronic addiction. (Division of Mental Health and Addiction; 440 IAC 7.5-2-1; filed Jun 10, 2002, 2:25 p.m.: 25 IR 3129)

SECTION 3. 440 IAC 7.5-2-8 IS AMENDED TO READ AS FOLLOWS:

440 IAC 7.5-2-8 Resident health and treatment

Authority: IC 12-8-8-4; IC 12-21-2-3
Affected: IC 12-22-2

Sec. 8. (a) An individualized treatment plan shall be developed and followed for each resident as follows:

(1) The treatment team, with the active participation of the resident, shall design and implement a written, comprehensive individualized treatment plan in collaboration with the case manager and under the direction of the agency as follows:

- (A) A preliminary plan or a referral application indicating the desired treatment objectives must be completed prior to before placement.
(B) A fully developed individual treatment plan shall be completed within the first thirty (30) days of enrollment.
(2) The individual treatment plan shall be reviewed at least every ninety (90) days.

(b) Each person admitted to a residential facility shall have written evidence of the following:

- (1) The resident has had a physical examination:
(A) not more than six (6) months prior to before admission; or
(B) within three (3) months after admission.
(2) A tuberculin skin test shall be completed and read within three (3) months prior to before admission. If the individual has not had the tuberculin skin test within three (3) months prior to before admission, the person may be admitted to the facility, but must have the test upon admission and it must be read within seventy-two (72) hours after the administration of the test.

(c) The agency must assist the resident to obtain medical and dental care as follows:

- (1) The facility shall have a written plan that outlines the procedures used to access and treat:
(A) dental;
(B) pharmacological;
(C) optometric; audiological,
(D) auditory;
(E) psychiatric; and
(F) general medical;
care needs of residents, including at least an annual physical and dental exam.
(2) The plan shall include the following:
(A) Procedures for evaluating the resident's needs.
(B) Referral to appropriate health care providers, including choice of private practitioners.
(C) Assistance in obtaining insurance or other aid for the

payment of fees for medical and dental services.

(D) Methods of training each resident to monitor the resident's own personal health, hygiene, and dental conditions.

(d) The agency shall have a written plan outlining procedures in cases of emergency or illness of staff, residents, or household member.

(e) Each resident shall be instructed in how to access physical emergency services and the agency's clinical emergency services. (Division of Mental Health and Addiction; 440 IAC 7.5-2-8; filed Jun 10, 2002, 2:25 p.m.: 25 IR 3133)

SECTION 4. 440 IAC 7.5-2-12 IS AMENDED TO READ AS FOLLOWS:

440 IAC 7.5-2-12 Physical requirements

Authority: IC 12-8-8-4; IC 12-21-2-3
Affected: IC 12-22-2-3

Sec. 12. (a) The living area shall meet the following requirements:

- (1) The residence must be in good repair and free of hazards, such as the following:
(A) Loose or broken window glass.
(B) Loose or cracked floor coverings or ceilings.
(C) Holes in the walls.
(2) The residence must be kept free from flying insects by screens on all functional outside windows and doors or by other effective means.
(3) The resident's bedroom shall have at least one (1) window capable of being fully opened for escape and rescue purposes and proper ventilation unless it is part of a sub-acute facility that meets the fire prevention and building safety commission requirements for an I-3 occupancy as adopted by reference under 675 IAC 13-2.4-1(a).

(b) The residence shall be clean, neat and orderly. The agency or its subcontractor shall ensure that the resident maintains cleanliness of the residence.

(c) The agency or its subcontractor shall provide for the comfort and safety of all occupants.

(d) All rooms used for eating, sleeping, and living shall be provided with adequate light and ventilation by means of windows as needed for safety purposes.

(e) The following shall not be used as a residence unless the division grants a waiver:

- (1) Basement rooms or rooms below grade level.
(2) Attics and other areas originally intended for storage.
(3) Sleeping rooms in resident hotels or motels.

(f) The division shall not grant a waiver unless the:

- (1) illumination;

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- (2) ventilation;
- (3) temperature; and
- (4) humidity control;

provide the same level of comfort as rooms not requiring a waiver, and if the room is below grade, or an attic or other area originally intended for storage, at least one (1) direct exit to the outside must be provided.

(g) Bedrooms shall not be located in such a manner as to require the passage of a resident through the bedroom of another resident.

(h) A single occupancy bedroom for an adult must have eighty (80) square feet or more of floor space.

(i) A multiple occupancy bedroom must have sixty (60) square feet or more of floor space for each adult occupant.

(j) There must be at least one (1) toilet and lavatory for every four (4) residents and one (1) tub or shower for every six (6) residents.

(k) The per person requirements of square footage and bathroom facilities do not apply to the following:

- (1) A consumer with his or her children living with him or her in the facility.
- (2) A sub-acute facility or a transitional residential facility that was given a waiver regarding the maximum number of residents prior to January 1, 2002, and is accredited by an accrediting agency approved by the division. This waiver is not transferable.

(l) Ceiling heights in bedrooms shall be a minimum of seven (7) feet, six (6) inches. If the bedroom has a suspended or sloping ceiling, the specified ceiling heights must be met in all areas used in computation of floor space.

(m) If a private water supply or sewage system is used, the residence shall comply with local regulations regarding sanitation. Evidence of compliance shall be provided by the landlord to the agency or, if the residence is a sub-acute facility or a supervised group living facility, to the division.

(n) There shall be cooking facilities and food storage areas.

(o) The food preparation and serving areas, including the structure, construction, and installation of equipment, shall be in sanitary condition and operating properly. Food storage areas shall be properly refrigerated and protected from contamination. Storage areas for nonfood supplies shall be separate from food storage areas. Appliances, fixtures, and equipment shall be adequate for sanitary washing and drying of dishes.

(p) The facility shall ensure that arrangements are made to allow residents to launder personal items and linens at least weekly. If laundry is done on the premises, equipment must be

kept in working order. (*Division of Mental Health and Addiction; 440 IAC 7.5-2-12; filed Jun 10, 2002, 2:25 p.m.: 25 IR 3134*)

SECTION 5. 440 IAC 7.5-2-13 IS AMENDED TO READ AS FOLLOWS:

### 440 IAC 7.5-2-13 Safety requirements

Authority: IC 12-8-8-4; IC 12-21-2-3

Affected: IC 12-22-2

Sec. 13. (a) The agency shall have written policies and procedures to ensure resident and staff safety.

(b) The policies and procedures regarding resident and staff safety must be:

- (1) given to all personnel and residents; and ~~be~~
- (2) made available to others on request.

(c) The agency or its subcontractor shall demonstrate that it has provided each resident, householder, and staff member with life safety equipment as follows:

- (1) There shall be an Underwriter's Laboratories approved battery-operated smoke detector in good working order on each floor of a residence and in each bedroom unless another type of alarm or detector has been installed by the landlord to comply with a local ordinance.
- (2) In the case of the visually impaired resident, the residence shall be equipped with audible life safety devices.
- (3) In the case of the hearing impaired resident, the residence shall be equipped with visual life safety devices.
- (4) A five (5) pound ABC multipurpose type extinguisher, or the equivalent, shall be located on each floor of the facility.
- (5) In a sub-acute facility, a supervised group living facility, or a transitional residential facility, at least one (1) ten (10) pound ABC multipurpose type extinguisher shall be located in the kitchen.

(d) All:

- (1) sprinkler systems;
- (2) fire hydrants;
- (3) standpipe systems;
- (4) fire alarm systems;
- (5) portable fire extinguishers;
- (6) smoke and heat detectors; and
- (7) other fire protective or extinguishing systems or appliances;

shall be maintained in an operative condition at all times and shall be replaced or repaired where defective.

(e) Each resident, householder, and staff member shall be trained in procedures to be followed in the event of:

- (1) tornado;
- (2) fire;
- (3) gas leak; and
- (4) other threats to life safety.

(f) Use of space heaters and unventilated fuel heaters is prohibited.

(g) Residential living facilities and operations shall conform to all applicable federal, state, or local health and safety codes, including the following:

- (1) Fire protection.
- (2) Building construction and safety.
- (3) Sanitation.

(h) Residential living facilities shall maintain current documentation of compliance with all applicable codes.

(i) Every closet door latch shall be such that it can be opened from the inside in case of emergency.

(j) Every bathroom door shall be designed to permit the opening of the locked door from the outside in an emergency.

(k) ~~The following are the requirements for all facilities, except sub-acute facilities no door in the required path of egress shall be locked, latched, chained, bolted, barred, or otherwise rendered unusable:~~

~~(1) A sub-acute facility may be a locked or secure facility, if the facility meets the following requirements:~~

~~(1) All locking devices and other fire safety devices shall comply with the rules of that meet the fire prevention and building safety commission requirements for an I-3 occupancy as adopted by reference under 675 IAC 13-2.4-1(a):~~

~~(2) (1) Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort.~~

~~(2) No door in the required path of egress shall be:~~

- ~~(A) locked;~~
- ~~(B) chained;~~
- ~~(C) bolted;~~
- ~~(D) barred;~~
- ~~(E) latched; or~~
- ~~(F) otherwise rendered unusable.~~

~~(3) All locking devices shall be of a type approved by in compliance with the rules of the fire prevention and building safety commission.~~

~~(l) A sub-acute facility meeting the fire prevention and building safety commission requirements for an I-3 occupancy as adopted by reference under 675 IAC 13-2.4-1(a) may be a locked or secure facility.~~

(m) The administration of the facility shall have a written posted plan for evacuation in case of fire and other emergencies.

(n) For all facilities, except semi-independent living facilities, fire evacuation drills shall be conducted monthly. The shift conducting the drill shall be alternated to include each shift once a quarter. At least one (1) drill each year shall be con-

ducted during sleeping hours. A tornado drill shall be conducted each spring for all staff and residents.

(o) Residents of semi-independent living facilities shall be trained to handle emergency evacuation situations.

(p) Where smoking is permitted, noncombustible safety-type ash trays or receptacles, for example, glass, ceramic, or metal, shall be provided.

(q) All combustible rubbish, oily rags, or waste material, when kept within a building or adjacent to a building, shall be securely stored in metal or metal-lined receptacles equipped with tight-fitting covers or in rooms or vaults constructed of noncombustible materials. Dust and grease shall be removed from hoods above stoves and other equipment at least every six (6) months.

(r) No combustibles shall be stored within three (3) feet of furnaces or water heaters.

(s) The facility shall not use any type of solid fuel-burning appliance, except fireplaces.

(t) Fireplace safety requirements shall be as follows:

(1) If the fireplace is used, the chimney flue shall be cleaned annually and a written record of the cleaning retained.

(2) Glass doors, a noncombustible hearth, and grates shall be provided for each fireplace in use.

(3) Ashes from the fireplace shall be disposed of in a noncombustible covered receptacle. The receptacle shall then be placed on the ground and away from any building or combustibles.

(4) Proper fireplace tools shall be provided for each fireplace in use.

(u) The facility shall maintain all fuel-burning appliances in a safe operating condition. There shall be an annual inspection by a qualified inspector of all fuel-burning appliances.

(v) The gas and electric shutoffs shall be labeled and easily accessible in case of emergency. (*Division of Mental Health and Addiction; 440 IAC 7.5-2-13; filed Jun 10, 2002, 2:25 p.m.: 25 IR 3135*)

SECTION 6. 440 IAC 7.5-3-3 IS AMENDED TO READ AS FOLLOWS:

**440 IAC 7.5-3-3 Resident living allowance**

Authority: IC 12-8-8-4; IC 12-21-2-3

Affected: IC 12-22-2-3

Sec. 3. (a) Agencies that contract with the division may choose to provide a resident living allowance.

(b) An agency that provides a resident living allowance shall comply with the following:

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~~(1) The resident living allowance shall not exceed five hundred twenty dollars (\$520) per month, except in the first month in which the resident receives the resident living allowance.~~

~~(2) this subsection.~~ A resident is eligible to receive a resident living allowance if ~~the~~:

~~(A) the (1) resident's income, less the income incentive, is less than two hundred percent (200%) of the federal poverty guideline;~~

~~(B) the (2) resident has no more than one thousand five hundred dollars (\$1,500) in liquid assets;~~

~~(C) the (3) resident's other personal resources are inadequate to maintain the resident in a therapeutic living environment; and~~

~~(D) the (4) allowance is authorized by the individual treatment plan.~~

(c) The agency may disburse a resident living allowance on behalf of the resident in compliance with requirements of a representative payee. (*Division of Mental Health and Addiction; 440 IAC 7.5-3-3; filed Jun 10, 2002, 2:25 p.m.: 25 IR 3137*)

SECTION 7. 440 IAC 7.5-3-4 IS AMENDED TO READ AS FOLLOWS:

### 440 IAC 7.5-3-4 Calculation of resident living allowance

Authority: IC 12-8-8-4; IC 12-21-2-3

Affected: IC 12-22-2-3

Sec. 4. Residents who are eligible to receive a resident living allowance shall have the amount computed by the following method:

(1) Subtract the income incentive from the resident's income and benefits.

(2) Subtract this difference from the resident's allowable expenses. This is the amount of the resident's living allowance, up to the cost of the resident's allowable expenses. ~~or the maximum of five hundred twenty dollars (\$520) per month.~~

(*Division of Mental Health and Addiction; 440 IAC 7.5-3-4; filed Jun 10, 2002, 2:25 p.m.: 25 IR 3137*)

SECTION 8. 440 IAC 7.5-3-7 IS AMENDED TO READ AS FOLLOWS:

### 440 IAC 7.5-3-7 Allowable expenses

Authority: IC 12-8-8-4; IC 12-21-2-3

Affected: IC 12-22-2-3

Sec. 7. (a) Allowable expenses for purposes of figuring the resident living allowance include the following:

(1) Rent for the certified residence.

(2) Utilities.

(3) Telephone; long distance charges related to the individual's treatment plan shall be included as an allowable expense.

(4) Household expenses, including the following:

(A) Food.

(B) Meals eaten out.

(C) Household cleaning supplies.

(D) Laundry supplies.

(5) Transportation to and from programs and activities specified in the individual's treatment plan.

(6) Medical insurance for non-Medicaid eligible individuals.

(7) Insurance as required by court order or state statute.

(8) Medical, dental, pharmacological, optometric, and ~~audiological~~ **auditory** expenses that:

(A) are essential to maintain or increase the level of independent functioning of the resident; and

(B) cannot be paid for through:

(i) Medicaid;

(ii) Medicare;

(iii) private health insurance; or

(iv) other resources.

(9) Personal care expenses, including:

(A) clothing;

(B) hair care;

(C) personal hygiene supplies; and

(D) other items that are essential to the resident's participation in the program.

(10) Current psychiatric, rehabilitative, or ~~habilitative~~ **habilitation** services, including residential supervision and case management, specified in the individualized treatment plan.

(11) Startup costs, including residence and utility deposits or purchase of basic furnishings specified in this article.

(12) Court ordered child support payments may be included upon demonstration to the agency of the nature and amount of the payment.

(13) Monthly deposit in an emergency fund.

(b) For rent, utilities, and telephone, the individual's share shall be determined by equitably prorating monthly rent among all occupants, excluding the minor dependents of those occupants who are also living in the residence. (*Division of Mental Health and Addiction; 440 IAC 7.5-3-7; filed Jun 10, 2002, 2:25 p.m.: 25 IR 3138*)

SECTION 9. 440 IAC 7.5-4-7 IS AMENDED TO READ AS FOLLOWS:

### 440 IAC 7.5-4-7 Requirements specific to a sub-acute facility

Authority: IC 12-8-8-4; IC 12-21-2-3

Affected: IC 12-17.4-3; IC 12-22-2-3; IC 12-24-12; IC 12-25; IC 12-28; IC 12-30-3; IC 16-28

Sec. 7. (a) A sub-acute stabilization facility is a facility in which an agency provides twenty-four (24) hour supervised treatment for psychiatric disorders or addictions, or both, that is less restrictive than an inpatient facility and more restrictive than a supervised group living facility.



(b) A sub-acute stabilization facility serves at least four (4) and not more than fifteen (15) individuals.

(c) The director of the division may waive the resident limitations for a sub-acute stabilization facility **certified before January 1, 2003.**

(d) A sub-acute stabilization facility may function as one (1) or both of the following:

- (1) A crisis care or respite care facility:
  - (A) that serves people in need of short term respite care or short term crisis care; and
  - (B) the length of stay shall not exceed forty-five (45) days.
- (2) Rehabilitative facility:
  - (A) that serves people who have a need for treatment of psychiatric disorders or addictions; and
  - (B) the length of stay in a rehabilitative facility shall not exceed one (1) year. The division director may waive the one (1) year limitation **when evidence is presented that a less restrictive setting is inappropriate.**

(e) A sub-acute facility may be:

- (1) a house; ~~or~~
- (2) a congregate living facility; **residence; or**
- (3) **an I-3 occupancy as adopted by reference under 675 IAC 13-2.4-1(a).**

*(Division of Mental Health and Addiction; 440 IAC 7.5-4-7; filed Jun 10, 2002, 2:25 p.m.: 25 IR 3140)*

SECTION 10. 440 IAC 7.5-4-8 IS AMENDED TO READ AS FOLLOWS:

**440 IAC 7.5-4-8 Requirements specific to a supervised group living facility**

**Authority:** IC 12-8-8-4; IC 12-21-2-3  
**Affected:** IC 12-21-2-3

Sec. 8. (a) A supervised group living facility is a residential facility in which an agency provides twenty-four (24) hour supervision for residents with a psychiatric disorder or an addiction, or both.

(b) A supervised group living facility serves up to ten (10) consumers in a single family dwelling and up to fifteen (15) consumers in **a an** apartment or **a congregate living setting; residence.**

(c) No supervised group living facility shall be licensed by the division if it is within one thousand (1,000) feet of another SGL licensed under this article unless the facility was approved by the division prior to October 1, 1984.

(d) The division may waive the one thousand (1,000) foot limitation for particular homes. Such waivers shall conform to the intent of the rule, which is to avoid the creation of nontherapeutic concentrations of residential facilities in any

given area, and, once given, will remain as long as the facility is licensed as a supervised group living facility.

(e) A supervised group living facility may be an apartment, **a house, or a congregate facility; residence.**

(f) No supervised group living facility shall be located in or connected to buildings that have any other use or occupancy. *(Division of Mental Health and Addiction; 440 IAC 7.5-4-8; filed Jun 10, 2002, 2:25 p.m.: 25 IR 3140)*

SECTION 11. 440 IAC 7.5-5-1 IS AMENDED TO READ AS FOLLOWS:

**440 IAC 7.5-5-1 Transitional residential facility**

**Authority:** IC 12-8-8-4; IC 12-21-2-3  
**Affected:** IC 12-21-2-3

Sec. 1. (a) A transitional residential facility must meet all of the following requirements:

- (1) The facility serves fifteen (15) or fewer persons with a psychiatric disorder or an addiction, or both. The limit of fifteen (15) persons does not include children of the consumers.
- (2) The persons served require a time limited supportive residential environment.
- (3) The persons' individual treatment plans are overseen by:
  - (A) a community mental health center;
  - (B) a certified residential care provider;
  - (C) a managed care provider; or
  - (D) an addiction services provider with regular certification.

(b) The division director may waive the limitation of fifteen (15) or fewer persons.

(c) In order for the limitation to be waived, the transitional residential facility must be accredited by an accrediting agency approved by the division **and must have been certified prior to January 1, 2003.**

(d) Before a waiver is granted, the agency shall have an inspection conducted by the office of the state fire marshal to determine whether the facility's operation is in compliance with the applicable fire and life safety standards set forth in 440 IAC 7.5-8, 440 IAC 7.5-9, or 440 IAC 7.5-10.

(e) If a waiver is granted, the waiver will remain as long as the residence is accredited and operated by the agency.

(f) A transitional residential facility may be an apartment, **a house, or a congregate facility; residence.**

(g) A transitional residential facility shall have evidence of compliance with local health and safety codes. *(Division of Mental Health and Addiction; 440 IAC 7.5-5-1; filed Jun 10, 2002, 2:25 p.m.: 25 IR 3140)*

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SECTION 12. 440 IAC 7.5-8-1 IS AMENDED TO READ AS FOLLOWS:

### 440 IAC 7.5-8-1 Scope

Authority: IC 12-21-2-3  
Affected: IC 12-22-2

Sec. 1. Facilities located in apartment buildings for persons with a psychiatric disorder or addicted individuals shall achieve a classification of prompt evacuation capability, as defined in ~~431 IAC 4-1-5~~, **this article**, and shall comply with:

(1) the Indiana building code under the provisions of 675 IAC 13 in effect at the time of the initial:

(A) application for licensure with the division; or ~~at the time of the initial~~

(B) certification by the agency; **whichever is later**; or

(2) the Indiana building rehabilitation standard, 675 IAC 12-8, for the rehabilitation of older structures.

*(Division of Mental Health and Addiction; 440 IAC 7.5-8-1; filed Jun 10, 2002, 2:25 p.m.: 25 IR 3144)*

SECTION 13. 440 IAC 7.5-8-2 IS AMENDED TO READ AS FOLLOWS:

### 440 IAC 7.5-8-2 Application

Authority: IC 12-21-2-3  
Affected: IC 12-22-2

Sec. 2. (a) ~~The agency shall determine the~~ **agency shall determine the** level of evacuation capabilities of the residents as a group by the procedures described in Appendix F of the National Fire Protection Association (NFPA) 101, Life Safety Code, ~~1985 2000~~ **1985 2000** Edition. ~~shall be determined for persons with a psychiatric disorder or addiction by the agency.~~

(b) On the basis of ~~this the~~ **the** evaluation under subsection (a), a facility shall be classified as one (1) of the following:

- (1) Prompt.
- (2) Slow.
- (3) Impractical.

*(Division of Mental Health and Addiction; 440 IAC 7.5-8-2; filed Jun 10, 2002, 2:25 p.m.: 25 IR 3144)*

SECTION 14. 440 IAC 7.5-8-3 IS AMENDED TO READ AS FOLLOWS:

### 440 IAC 7.5-8-3 Adoption by reference

Authority: IC 12-21-2-3  
Affected: IC 12-22-2

Sec. 3. (a) ~~Those certain documents being~~ **The document** titled the NFPA 101, Appendix F of the Life Safety Code, ~~1985 2000~~ **1985 2000** Edition published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269, and as listed in this article, ~~are is~~ **is** hereby adopted by reference, subject to the listed amendments, and made part of this article as if fully set out herein.

(b) Within the standards adopted under subsection (a), "authority having jurisdiction" means the division.

(c) Publications referenced within the ~~documents document~~ **document** adopted in subsection (a), unless specifically adopted by reference in this article, are deemed to be accepted practice and supplementary to ~~these documents~~; **this document**. *(Division of Mental Health and Addiction; 440 IAC 7.5-8-3; filed Jun 10, 2002, 2:25 p.m.: 25 IR 3144)*

SECTION 15. 440 IAC 7.5-9-1 IS AMENDED TO READ AS FOLLOWS:

### 440 IAC 7.5-9-1 Scope

Authority: IC 12-21-2-3  
Affected: IC 12-22-2

Sec. 1. (a) All one (1) and two (2) family dwellings licensed under 431 IAC 2.1 prior to January 18, 1996, shall:

(1) achieve a classification of prompt evacuation capability, as defined in 440 IAC 7.5-1, for one (1) and two (2) family dwellings for persons with a psychiatric disorder or addicted individuals; and

(2) comply with the Indiana one (1) and two (2) family dwelling code under the rules of the fire prevention and building safety commission or its predecessors.

(b) All one (1) and two (2) family dwellings licensed under 431 IAC 2.1, **which was repealed in 2002**, or under 440 IAC 7.5 after January 18, 1996, shall:

(1) achieve a classification of prompt evacuation capability, as defined in 440 IAC 7.5-1, for community residential facilities for persons with a psychiatric disorder or addicted individuals; and

(2) comply with:

(A) the Indiana one (1) and two (2) family dwelling code under the provisions of 675 IAC 14, which is in effect at the time of ~~the~~ **the** initial:

(i) application for licensure with the division; or ~~at the time of the initial~~

(ii) certification by the agency;

**whichever is later**; or

(B) the Indiana building rehabilitation standard, 675 IAC 12-8, for the rehabilitation of older structures.

*(Division of Mental Health and Addiction; 440 IAC 7.5-9-1; filed Jun 10, 2002, 2:25 p.m.: 25 IR 3144)*

SECTION 16. 440 IAC 7.5-9-2 IS AMENDED TO READ AS FOLLOWS:

### 440 IAC 7.5-9-2 Application

Authority: IC 12-21-2-3  
Affected: IC 12-22-2

Sec. 2. (a) ~~The agency shall determine the~~ **agency shall determine the** level of evacuation capabilities of the residents as a group by the procedures described in Appendix F of the National Fire Protection

Association (NFPA) 101, Life Safety Code, 1985 2000 Edition. shall be determined by the agency:

(b) On the basis of this the evaluation under subsection (a), a facility shall be classified as one (1) of the following:

- (1) Prompt.
(2) Slow.
(3) Impractical.

(Division of Mental Health and Addiction; 440 IAC 7.5-9-2; filed Jun 10, 2002, 2:25 p.m.: 25 IR 3145)

SECTION 17. 440 IAC 7.5-9-3 IS AMENDED TO READ AS FOLLOWS:

440 IAC 7.5-9-3 Adoption by reference

Authority: IC 12-21-2-3
Affected: IC 12-22-2

Sec. 3. (a) The document titled the NFPA 101, Appendix F of the Life Safety Code, 1985 2000 Edition, published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269, and as listed in this article, are is hereby adopted by reference, subject to the listed amendments, and made part of this article as if fully set out herein.

(b) Within the standards adopted under subsection (a), "authority having jurisdiction" means the division.

(c) Publications referenced within the documents document adopted in subsection (a), unless specifically adopted by reference in this article, are deemed to be accepted practice and supplementary to these documents: the document. (Division of Mental Health and Addiction; 440 IAC 7.5-9-3; filed Jun 10, 2002, 2:25 p.m.: 25 IR 3145)

SECTION 18. 440 IAC 7.5-10-1 IS AMENDED TO READ AS FOLLOWS:

Rule 10. Fire and Life Safety Standards for Congregate Residences for Persons with a Psychiatric Disorder or an Addiction

440 IAC 7.5-10-1 Scope

Authority: IC 12-21-2-3
Affected: IC 12-22-2

Sec. 1. (a) Congregate living facilities residences that are certified as sub-acute facilities may be located in or connected to buildings that have another use or occupancy.

(b) All congregate living facilities residences shall achieve a classification of prompt evacuation capability, as defined in this article, and shall comply with the:

- (1) rules of the fire prevention and building safety commission that apply to a congregate residence under the provisions of 675 IAC 13 that are in effect at the time of the initial:
(A) application for licensure with the division; or at the

time of the initial

(B) certification by the agency; whichever is later; or

(2) Indiana building rehabilitation standard, 675 IAC 12-8, for the rehabilitation of older structures.

(Division of Mental Health and Addiction; 440 IAC 7.5-10-1; filed Jun 10, 2002, 2:25 p.m.: 25 IR 3145)

SECTION 19. 440 IAC 7.5-10-2 IS AMENDED TO READ AS FOLLOWS:

440 IAC 7.5-10-2 Application

Authority: IC 12-21-2-3
Affected: IC 12-22-2

Sec. 2. (a) The agency shall determine the level of evacuation capabilities of the residents as a group by the procedures described in Appendix F of the National Fire Protection Association (NFPA) 101, Life Safety Code, 1985 2000 Edition.

(b) On the basis of this the evaluation under subsection (a), a facility shall be classified as one (1) of the following:

- (1) Prompt.
(2) Slow.
(3) Impractical.

(Division of Mental Health and Addiction; 440 IAC 7.5-10-2; filed Jun 10, 2002, 2:25 p.m.: 25 IR 3145)

SECTION 20. 440 IAC 7.5-10-3 IS ADDED TO READ AS FOLLOWS:

440 IAC 7.5-10-3 Adoption by reference

Authority: IC 12-21-2-3
Affected: IC 12-22-2

Sec. 3. (a) The document titled the NFPA 101, Appendix F of the Life Safety Code, 2000 Edition, published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269, and as listed in this article, is hereby adopted by reference, subject to the listed amendments, and made part of this article as if fully set out herein.

(b) Within the standards adopted under subsection (a), "authority having jurisdiction" means the division.

(c) Publications referenced within the document adopted in subsection (a), unless specifically adopted by reference in this article, are deemed to be accepted practice and supplementary to the document. (Division of Mental Health and Addiction; 440 IAC 7.5-10-3)

SECTION 21. 440 IAC 7.5-11 IS ADDED TO READ AS FOLLOWS:

Rule 11. Fire and Life Safety Standards for Secure or Locked Sub-Acute Facilities for Persons with a Psychiatric

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## Proposed Rules

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### Disorder or an Addiction That Meet the Fire Prevention and Building Safety Commission Requirements for an I-3 Occupancy

#### 440 IAC 7.5-11-1 Scope

Authority: IC 12-21-2-3

Affected: IC 12-22-2

Sec. 1. (a) A secure or locked sub-acute facility shall comply with the rules of the fire prevention and building safety commission that apply to an I-3 occupancy under the provisions of 675 IAC 13 that are in effect on the date the plans and specifications were filed with the office of the state building commissioner and may as follows:

- (1) Be located in or connected to a building that has another use or occupancy.
- (2) Be a locked or secure facility.
- (3) Comply with the Indiana building rehabilitation standard, 675 IAC 12-8, for the rehabilitation of older structures.

(b) A secure or locked sub-acute facility that meets the fire prevention and building safety commission requirements for an I-3 occupancy as adopted by reference under 675 IAC 13-2.4-1(a) shall achieve a classification of prompt evacuation capability, as defined in this article. (*Division of Mental Health and Addiction; 440 IAC 7.5-11-1*)

#### 440 IAC 7.5-11-2 Application

Authority: IC 12-21-2-3

Affected: IC 12-22-2

Sec. 2. (a) The agency shall determine the level of evacuation capabilities of the residents as a group by the procedures described in Appendix F of the National Fire Protection Association (NFPA) 101, Life Safety Code, 2000 Edition.

(b) On the basis of the evaluation under subsection (a), a facility shall be classified as one (1) of the following:

- (1) Prompt.
- (2) Slow.
- (3) Impractical.

(*Division of Mental Health and Addiction; 440 IAC 7.5-11-2*)

#### 440 IAC 7.5-11-3 Adoption by reference

Authority: IC 12-21-2-3

Affected: IC 12-22-2

Sec. 3. (a) The document titled the NFPA 101, Appendix F of the Life Safety Code, 2000 Edition published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269, and as listed in this article, is hereby adopted by reference, subject to the listed amendments, and made part of this article as if fully set out herein.

(b) Within the standards adopted under subsection (a), "authority having jurisdiction" means the division.

(c) Publications referenced within the document adopted in subsection (a), unless specifically adopted by reference in this article, are deemed to be accepted practice and supplementary to the document. (*Division of Mental Health and Addiction; 440 IAC 7.5-11-3*)

#### Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on December 15, 2004 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room D, Indianapolis, Indiana the Division of Mental Health and Addiction will hold a public hearing on proposed amendments to 440 IAC 7.5 to make clearer the intent of the residential rule, to make it consistent throughout, to repeal the \$520 limit on the residential living allowance, and to update references to the 2000 edition of the Life Safety Code. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Suzanne Clifford

Director

Division of Mental Health and Addiction

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## TITLE 511 INDIANA STATE BOARD OF EDUCATION

### Proposed Rule

LSA Document #04-214

### DIGEST

Adds 511 IAC 5-2-4.5 to provide for the use of an alternate assessment based on alternate achievement standards in lieu of ISTEP to determine the proficiency of students with the most significant cognitive disabilities. Effective 30 days after filing with the secretary of state.

#### 511 IAC 5-2-4.5

SECTION 1. 511 IAC 5-2-4.5 IS ADDED TO READ AS FOLLOWS:

#### 511 IAC 5-2-4.5 Alternate assessment based on alternate achievement standards in lieu of ISTEP+

Authority: IC 20-1-1-6; IC 20-10.1-16-10

Affected: IC 20-10.2-16

Sec. 4.5. (a) The case conference committee may determine that a student with a significant cognitive disability

will be assessed on alternate achievement standards using the Indiana Standards Tool for Alternate Reporting (ISTAR) in lieu of being assessed with ISTEP+.

(b) The case conference committee's determination must be based upon the criteria in subsection (c), and the case conference committee must document on the student's individualized education program that the student satisfies each criterion.

(c) The case conference committee must find and document that the following criteria are satisfied in order for the student to be assessed on alternate achievement standards:

(1) There is empirical evidence of a significant cognitive disability that prevents the student from achieving Indiana's academic standards necessary to attain a high school diploma. Empirical evidence includes, but is not limited to, formal testing results and other evaluative data.

(2) There is data to show that the student is unable to acquire, maintain, generalize, and apply academic skills across environments even with:

- (A) extensive;
- (B) intensive;
- (C) pervasive;
- (D) frequent; and
- (E) individualized;

instruction in multiple settings.

(3) The student's individualized education program:

- (A) includes goals and objectives that focus primarily on functional achievement indicators; and
- (B) demonstrates that the student's present level of performance significantly impedes the student's participation in and completion of the general education curriculum even with significant program modifications.

(d) The case conference committee's determination that the student will be assessed with ISTAR on alternate achievement standards cannot be based on factors other than cognitive functioning. Specifically, the case conference committee's determination may not be based on any of the following:

- (1) Excessive or extensive absences.
- (2) Social, cultural, or economic differences.
- (3) The mere existence of an individualized education program.
- (4) Identification in a specific disability category.
- (5) A specific special education placement or services.
- (6) Emotional, behavioral, or physical challenges.
- (7) The student's anticipated score on ISTEP+.
- (8) The school's concern about the calculations of adequate yearly progress.

(Indiana State Board of Education; 511 IAC 5-2-4.5)

### *Notice of Public Hearing*

*Under IC 4-22-2-24, notice is hereby given that on December 2, 2004 at 9:00 a.m., at the Department of Education, 151 West Ohio Street, James Whitcomb Riley Conference Room, Indianapolis, Indiana the Indiana State Board of Education will hold a public hearing on a proposed new rule to provide for the use of an alternate assessment based on alternate achievement standards in lieu of ISTEP to determine the proficiency of students with the most significant cognitive disabilities. 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.*

Suellen Reed  
Superintendent of Public Instruction  
Indiana State Board of Education

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## **TITLE 828 STATE BOARD OF DENTISTRY**

**Proposed Rule**  
LSA Document #04-189

### **DIGEST**

Adds 828 IAC 1-5-6 to require that continuing education credit for dentists and dental hygienists must include two hours in ethics, professional responsibility, statutes governing the licensure and practice of dentists and dental hygienists, or administrative rules governing the licensure and practice of dentists and dental hygienists. Effective 30 days after filing with the secretary of state.

### **828 IAC 1-5-6**

SECTION 1. 828 IAC 1-5-6 IS ADDED TO READ AS FOLLOWS:

#### **828 IAC 1-5-6 Continuing education course requirement**

Authority: IC 25-13-1-5; IC 25-13-2-10; IC 25-14-1-13; IC 25-14-3-12  
Affected: IC 25-13-2-11; IC 25-13-2-12; IC 25-14-3-13; IC 25-14-3-14

Sec. 6. (a) Effective for the license period ending March 1, 2006, for dentists and dental hygienists, and every license period thereafter, continuing education credit must include two (2) hours of the following subjects:

- (1) Ethics.
- (2) Professional responsibility.
- (3) Indiana statutes and Indiana administrative rules governing the licensure and practice of dentists and dental hygienists.

(b) Ethics and professional responsibility means the aspirational standards by which a profession decides to regulate its behavior in order to distinguish what is legitimate or acceptable in pursuit of their aims from what is not.

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## Proposed Rules

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(c) The two (2) hours required under subsection (a) are not considered courses that relate specifically to the area of practice management. (*State Board of Dentistry; 828 IAC 1-5-6*)

### *Notice of Public Hearing*

*Under IC 4-22-2-24, notice is hereby given that on December 3, 2004 at 9:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 1, Indianapolis, Indiana the State Board of Dentistry will hold a public hearing on a proposed new rule to require that continuing education credit for dentists and dental hygienists must include two hours in ethics, professional responsibility, statutes governing the licensure and practice of dentists and dental hygienists, or administrative rules governing the licensure and practice of dentists and dental hygienists. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W066 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Lisa R. Hayes  
Executive Director  
Health Professions Bureau

## TITLE 828 STATE BOARD OF DENTISTRY

**Proposed Rule**  
LSA Document #04-233

### DIGEST

Amends 828 IAC 0.5-2-3 concerning fees. Adds 828 IAC 5 concerning requirements for instructor's licenses. Effective 30 days after filing with the secretary of state.

### **828 IAC 0.5-2-3** **828 IAC 5**

SECTION 1. 828 IAC 0.5-2-3 IS AMENDED TO READ AS FOLLOWS:

### **828 IAC 0.5-2-3 Dental fees**

**Authority:** IC 23-1.5-2-9; IC 23-1.5-2-10; IC 25-1-8-2; IC 25-13-1-5; IC 25-14-1-13; IC 25-14-1-27.5  
**Affected:** IC 25-13-1-8; IC 25-14-1-10

Sec. 3. The board shall charge and collect the following fees related to the practice of dentistry:

(1) Examination administration	\$250 plus the cost of supplies, models, and the use of the examination facility
(2) Reexamination administration	\$150 plus the cost of supplies, models, and the use of the examination facility
(3) Licensure by endorsement	\$250
(4) License renewal	\$100 biennially
(5) Dental intern permit application	\$100
(6) Dental intern permit renewal	\$50
(7) Verification of dental licensure to another state	\$10
(8) Duplicate wall license	\$10
(9) Professional corporation registration application	\$25
(10) Professional corporation registration renewal	\$20 biennially
(11) Application fees for the following permits:	\$50
(A) General anesthesia, deep sedation ( <b>GADS</b> )	
(B) Light parenteral conscious sedation ( <b>LPCS</b> )	
(12) Renewal fees for the following permits:	\$50 biennially
(A) <del>General anesthesia-deep sedation</del> <b>GADS</b>	
(B) <del>Light parenteral conscious sedation</del> <b>LPCS</b>	
(13) Registration of an additional office in which to administer <del>general anesthesia, deep sedation, GADS or light parenteral conscious sedation</del> <b>LPCS</b>	\$25
(14) Reinstatement of inactive license	\$250
<b>(15) Instructor's license application</b>	<b>\$250</b>
<b>(16) Instructor's license renewal</b>	<b>\$50 annually</b>
<b>(17) Instructor's application for the following permits:</b>	<b>\$50</b>
(A) <b>GADS</b>	
(B) <b>LPCS</b>	
<b>(18) Renewal fee for instructor's GADS/LPCS permit</b>	<b>\$25 annually</b>

*(State Board of Dentistry; 828 IAC 0.5-2-3; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1180; filed Oct 8, 2002, 12:40 p.m.: 26 IR 376)*

SECTION 2. 828 IAC 5 IS ADDED TO READ AS FOLLOWS:

**ARTICLE 5. INSTRUCTOR'S LICENSES**

**Rule 1. General Requirements**

**828 IAC 5-1-1 Application**

Authority: IC 25-1-8-2; IC 25-13-1-5; IC 25-14-1-13; IC 25-14-1-27.5  
 Affected: IC 25-14-1-10

**Sec. 1. (a) Applicants for licensure as an instructor under IC 25-14-1-27.5 shall apply in the manner required by the board and shall submit the fee required by 828 IAC 0.5-2-3.**

**(b) The applicant for an instructor's license shall provide the following:**

**(1) Where the name on any document differs from the applicant's name, a notarized or certified copy of a marriage certificate or legal proof of name change.**

**(2) Proof that the applicant has been approved under the credentialing process of an Indiana school of dentistry or an affiliated medical center of an Indiana school of dentistry as required under IC 25-14-1-27.5. The proof shall include a notarized statement of approval submitted by an Indiana school of dentistry or an affiliated medical center of an Indiana school of dentistry and copies of all documentation reviewed by the school or affiliated medical center in determining its approval of the applicant.**

**(3) Documentation or a demonstration of clinical and academic competency, which shall include the following:**

**(A) If the applicant is a graduate of a school of dentistry outside the United States, its possessions, or Canada, the applicant must submit an original transcript of the applicant's dental education, including the degree conferred and the date the degree was conferred. If the original transcript is in a language other than English, the applicant must include a certified translation of the transcript. If an original transcript is not available, the applicant must submit the following:**

**(i) A notarized or certified copy of the original dental school transcript, which must include the degree conferred and the date the degree was conferred.**

**(ii) An affidavit fully and clearly stating the reasons that an original transcript is not available.**

**(B) If the applicant has taken the National Board Dental Examination provided by the Joint Commission on Dental Examinations or has taken the National Dental Examining Board of Canada Written Examination provided by the National Dental Examining Board of Canada, the applicant shall submit proof of having taken the examination and the results thereof.**

**(C) If the applicant has taken a clinical licensing examination in any other state, country, territory, or recognized jurisdiction, the applicant shall submit proof of having taken the examination and the results**

**thereof.**

**(4) If the applicant has been convicted of a criminal offense, excluding minor traffic violations, a notarized statement detailing all criminal offenses, excluding minor traffic violations, for which the applicant has been convicted. This notarized statement must include the following:**

**(A) The offense of which the applicant was convicted.**

**(B) The court in which the applicant was convicted.**

**(C) The cause number under which the applicant was convicted.**

**(D) The penalty imposed by the court.**

**(5) An applicant who is now, or has been, licensed to practice any health profession in another state within the United States, or in any other country, territory, or recognized jurisdiction must submit verification of license status. This information must be sent by the state, country, territory, or other recognized jurisdiction that issued the license directly to the Indiana board.**

**(6) A self-query form completed by the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB) data bank.**

**(7) Proof of completion of at least twenty (20) hours of continuing dental education in dentistry taken in the previous two (2) years. No more than two (2) hours of training in basic life support shall count toward this requirement. Practice management courses will not be accepted.**

**(8) Graduates of a school of dentistry outside of the United States in which the instruction was conducted in a language other than English shall submit proof of having passed the Test of English as a Foreign Language (TOEFL).**

**(9) Proof that the applicant has been licensed or has had the equivalent of a license to practice dentistry in the United States or in any country, territory, or other recognized jurisdiction for not less than five (5) years out of the nine (9) years immediately preceding the submission of the application.**

**(10) Proof that the applicant is currently certified in basic life support or advanced cardiac life support.**

**(c) The applicant shall certify that the applicant will teach and practice dentistry only at or on behalf of an Indiana school of dentistry or an affiliated medical center of an Indiana school of dentistry. The applicant shall further certify that the applicant will not engage in the private practice of dentistry.**

**(d) All information on the application shall be submitted under oath or affirmation, subject to the penalties for perjury. (State Board of Dentistry; 828 IAC 5-1-1)**

**828 IAC 5-1-2 Jurisprudence examination**

Authority: IC 25-13-1-5; IC 25-14-1-13; IC 25-14-1-27.5  
 Affected: IC 25-14-1-27.5

## Proposed Rules

**Sec. 2.** An applicant for an instructor's license must obtain a passing score of at least seventy-five (75) on the Indiana dental and dental hygiene law examination before the applicant may be licensed. Applicants failing the law examination may retake the law examination at a time, date, and place to be set by the board not sooner than thirty (30) days from the time the law examination was last taken. (*State Board of Dentistry; 828 IAC 5-1-2*)

### **828 IAC 5-1-3 Duties of employer dental school or affiliated medical center**

Authority: IC 25-14-1-13; IC 25-14-1-27.5  
Affected: IC 25-14-1-27.5

**Sec. 3. (a)** The Indiana school of dentistry or affiliated medical center that intends to employ an instructor under IC 25-14-1-27.5 shall submit the following directly to the board:

(1) A notarized statement verifying that the applicant for an instructor's license has been approved under the credentialing process of the Indiana school of dentistry or an affiliated medical center of an Indiana school of dentistry as required under IC 25-14-1-27.5. The proof shall include copies of all documentation reviewed by the school or affiliated medical center in determining its approval of the applicant.

(2) A statement verifying the number of individuals who are currently employed by the Indiana school of dentistry as full-time faculty.

(b) The Indiana school of dentistry or affiliated medical center that employs the holder of an instructor's license shall do the following:

(1) Hold and display in plain view of the patients the instructor's license of the individual who is employed by the Indiana school of dentistry or affiliated medical center.

(2) Ensure that the holder of the instructor's license teaches and practices dentistry only at or on behalf of the Indiana school of dentistry or affiliated medical center by which the individual is employed.

(3) Notify the board in writing upon the termination of the employment contract of the holder of the instructor's license and surrender the license not later than thirty (30) days after the employment of the holder of the instructor's license is terminated.

(*State Board of Dentistry; 828 IAC 5-1-3*)

### **828 IAC 5-1-4 Renewal**

Authority: IC 25-1-8-2; IC 25-14-1-13; IC 25-14-1-27.5  
Affected: IC 25-1-8-6; IC 25-14-1-10; IC 25-14-3

**Sec. 4. (a)** All dentists holding an instructor's license shall renew the license annually on the date set by the health professions bureau by paying the fee required by the board under 828 IAC 0.5-2-3. If the holder of an instructor's license does not renew the license on or before the renewal date, the license expires and becomes invalid without any action by the board.

(b) As a condition of renewal, the holder of an instructor's license must complete ten (10) hours of continuing education during each annual license period subject to the following requirements:

(1) The continuing education must meet the requirements of IC 25-14-3 and 828 IAC 1-5.

(2) The holder of an instructor's license may not earn more than two and one-half (2.5) credit hours toward the continuing education requirements of this section in the area of practice management.

(c) As a condition of renewal, the holder of an instructor's license must continue to be employed by an Indiana school of dentistry or an affiliated medical center.

(d) If the dental instructor's license expires for failure to renew the license on or before the renewal date, the holder of the dental instructor's license must meet the requirements of IC 25-1-8-6 in order to renew the license. (*State Board of Dentistry; 828 IAC 5-1-4*)

### **828 IAC 5-1-5 General anesthesia, deep sedation, light parenteral conscious sedation permit; application**

Authority: IC 25-1-8-2; IC 25-14-1-13; IC 25-14-1-27.5  
Affected: IC 25-14-1-10

**Sec. 5. (a)** Prior to administering general anesthesia, deep sedation, or light parenteral conscious sedation, a dentist who holds an instructor's license shall obtain from the board a permit that authorizes the dentist to utilize the form of anesthesia or sedation desired.

(b) The board shall issue a permit to utilize the anesthesia or sedation technique requested if the following requirements are met:

(1) Submission of an application in the form and manner provided by the board.

(2) Current licensure as an instructor by the board.

(3) Payment of the required fees.

(4) Submission of proof that the applicant has been approved under the credentialing process of an Indiana school of dentistry or an affiliated medical center of an Indiana school of dentistry as required under IC 25-14-1-27.5 as qualified to administer general anesthesia, deep sedation, or light parenteral conscious sedation and meets requirements substantially equal to the requirements of 828 IAC 3. The proof shall include a notarized statement of approval submitted by an Indiana school of dentistry or an affiliated medical center of an Indiana school of dentistry and copies of all documentation reviewed by the school or affiliated medical center in determining its approval of the applicant.

(5) Submission of proof that the dentist is:

(A) trained in and has successfully completed a course in advanced cardiac life support; or



(B) certified as an instructor in advanced cardiac life support.

(c) The applicant shall certify that the applicant will teach and practice dentistry, including the administration of general anesthesia, deep sedation, or light parenteral conscious sedation, only at or on behalf of an Indiana school of dentistry or an affiliated medical center of an Indiana school of dentistry. The applicant shall further certify that the applicant will not engage in the private practice of dentistry.

(d) All information on the application shall be submitted under oath or affirmation, subject to the penalties for perjury.

(e) The holder of an instructor's license who is granted a general anesthesia, deep sedation permit may administer light parenteral conscious sedation without holding a separate light parenteral conscious sedation permit. (*State Board of Dentistry; 828 IAC 5-1-5*)

**828 IAC 5-1-6 General anesthesia, deep sedation, or light parenteral conscious sedation permit; renewal**

Authority: IC 25-1-8-2; IC 25-14-1-13; IC 25-14-1-27.5  
Affected: IC 25-1-8-6; IC 25-14-1-10

Sec. 6. (a) All dentists with instructor's licenses holding a general anesthesia, deep sedation, or light parenteral conscious sedation permit shall renew the permit annually at the same time the dental instructor's license is renewed by paying the fee required by the board under 828 IAC 0.5-2-3. If the holder of a permit does not renew the permit on or before the renewal date, the permit expires and becomes invalid without any action by the board.

(b) In order to renew a permit to administer general anesthesia, deep sedation, or light parenteral conscious sedation, a dentist with an instructor's license shall obtain two and one-half (2.5) hours of continuing education in every license period in the area of anesthesia. This continuing education may include, but is not limited to, a course in advanced cardiac resuscitation protocols. Courses in basic cardiac life support will not be accepted. The two and one-half (2.5) hours of continuing education required under this section count toward the completion of continuing education requirements under section 4 of this rule.

(c) A permit invalidated under subsection (a) may be reinstated by the board as provided under IC 25-1-8-6. (*State Board of Dentistry; 828 IAC 5-1-6*)

**828 IAC 5-1-7 General anesthesia, deep sedation, or light parenteral conscious sedation permit duties of employer dental school or affiliated medical center**

Authority: IC 25-14-1-13; IC 25-14-1-27.5  
Affected: IC 25-14-1-27.5

Sec. 7. The Indiana school of dentistry or affiliated medical center that employs the holder of an instructor's license and a permit to administer general anesthesia, deep sedation, or light parenteral conscious sedation shall do the following:

(1) Hold the general anesthesia, deep sedation, or light parenteral conscious sedation permit of the holder of an instructor's license who is employed by the Indiana school of dentistry or affiliated medical center.

(2) Ensure that the holder of the instructor's license teaches and practices dentistry only at or on behalf of the Indiana school of dentistry or affiliated medical center by which the individual is employed.

(3) Ensure that the facility in which the holder of the permit administers general anesthesia, deep sedation, or light parenteral conscious sedation maintains the equipment required by 828 IAC 3-1-10.

(*State Board of Dentistry; 828 IAC 5-1-7*)

**828 IAC 5-1-8 Invalidation upon termination of employment**

Authority: IC 25-14-1-13; IC 25-14-1-27.5  
Affected: IC 25-14-1-27.5

Sec. 8. If the Indiana school of dentistry or affiliated medical center that employs the holder of an instructor's license notifies the board of the termination of the employment contract of the holder of the instructor's license, the instructor's license and any general anesthesia, deep sedation, or light parenteral conscious sedation permit issued to the holder of the instructor's license becomes invalid without any action of the board. (*State Board of Dentistry; 828 IAC 5-1-8*)

**Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on December 3, 2004 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Rooms 1 and 2, Indianapolis, Indiana the State Board of Dentistry will hold a public hearing on proposed rules concerning fees and requirements for instructor's licenses. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W066 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Lisa R. Hayes  
Executive Director  
Health Professions Bureau

## Proposed Rules

### TITLE 848 INDIANA STATE BOARD OF NURSING

#### Proposed Rule

LSA Document #04-97

#### DIGEST

Amends 848 IAC 1-1-6 concerning requirements for licensure by examination. Amends 848 IAC 1-1-7 concerning requirements for licensure by endorsement. Repeals 848 IAC 6. Effective 30 days after filing with the secretary of state.

#### 848 IAC 1-1-6

#### 848 IAC 1-1-7

#### 848 IAC 6

SECTION 1. 848 IAC 1-1-6 IS AMENDED TO READ AS FOLLOWS:

#### 848 IAC 1-1-6 Licensure by examination

Authority: IC 25-23-1-7

Affected: IC 25-23-1-11; IC 25-23-1-12

Sec. 6. (a) Any person who makes application to the board for a license shall submit to the board written evidence, verified by oath, that the registered nurse applicant meets **the requirements of IC 25-23-1-11** and the licensed practical nurse applicant meets **the requirements of IC 25-23-1-12**.

(b) A copy of a marriage certificate or court order shall be submitted by a candidate who wishes to change her or his name after the application is filed.

(c) Candidates shall present the authorization to test and a photo identification for entrance to the testing center.

(d) The required Indiana passing criteria for the licensure examination is set by the National Council of State Boards of Nursing using the computerized adaptive testing methodology.

(e) An applicant may take the examination at any testing center in the United States approved by the National Council for State Boards of Nursing. An authorization to test must be provided by the Indiana board **prior to before** testing.

(f) Graduates of foreign schools of nursing shall meet the following qualifications before being licensed in Indiana:

- (1) Be licensed in the territory or country in which they graduated.
- (2) Meet the qualifications required in Indiana as determined by the board.
- (3) Obtain the official records from the territory or country in which the applicant graduated verifying academic qualifications or be referred to state accredited nursing programs to establish the necessary credits if the original records are unobtainable.
- (4) Show evidence of having passed the examination pre-

pared by the commission on graduates of foreign nursing schools.

(5) Pass the appropriate nurse licensing examination in Indiana.

(g) Requirements for unsuccessful candidates are as follows:  
(1) Any candidate who fails the Indiana licensing examination shall not be licensed until she or he has passed the licensing examination.

(2) A complete application shall be submitted each time an examination is taken.

(3) The full examination fee shall be charged for each reexamination.

(4) A candidate who has failed the licensing examination (in any jurisdiction) should undertake a special study program before retaking the examination. This study program may include one (1) or all of the following:

(A) Auditing nursing courses at an approved program in nursing.

(B) A self-study program, such as review of course work or professional reading.

(C) Tutoring.

(D) Reenrollment in a state-accredited program of nursing.

(h) Written informed consent from the candidate is necessary before individual licensing examination scores are released to anyone other than the candidate.

(i) Candidates applying for the **practical nursing** licensing examination shall be required to meet the board's curricular requirements for the program in **practical** nursing as stated in the rules in effect at the time of their graduation. **Candidates applying for the registered nursing licensing examination shall be required to meet the board's curricular requirements for the program in registered nursing as stated in the rules in effect at the time of their graduation.**

(j) ~~An applicant shall produce evidence of the applicant's primary state of residence. Such evidence shall include a declaration signed by the applicant and the following:~~

~~(1) Either of the following requirements of evidence must be provided:~~

~~(A) Current driver's license with the applicant's home address.~~

~~(B) Other state or federal issued identification card that includes the applicant's home address.~~

~~(2) At least one (1) of the following documents must be provided:~~

~~(A) Voter registration card displaying a home address.~~

~~(B) A federal income tax return declaring the primary state of residence.~~

~~(C) Such other evidence of residence as deemed acceptable by the board.~~

*(Indiana State Board of Nursing; Reg 6; filed Mar 1, 1978, 8:51 a.m.; Rules and Regs. 1979, p. 162; filed Mar 18, 1980,*

4:00 p.m.: 3 IR 961; filed Feb 18, 1982, 2:18 p.m.: 5 IR 735; filed Mar 29, 1985, 10:43 a.m.: 8 IR 1026; filed Sep 12, 1985, 3:27 p.m.: 9 IR 287; readopted filed Nov 21, 2001, 10:23 a.m.: 25 IR 1326; filed Jun 23, 2003, 4:12 p.m.: 26 IR 3653, eff Jul 1, 2003 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #02-247 was filed Jun 23, 2003.]

SECTION 2. 848 IAC 1-1-7 IS AMENDED TO READ AS FOLLOWS:

**848 IAC 1-1-7 Licensure by endorsement**

Authority: IC 25-23-1-7

Affected: IC 25-23-1-11; IC 25-23-1-12

Sec. 7. (a) An applicant for licensure as a practical nurse who was originally licensed by the National Council Licensing Examination (NCLEX®) or an equivalent the State Board Test Pool Examination (SBTPE) in another jurisdiction will be accepted for registration in Indiana by endorsement from the board that granted the original license if the applicant meets the following qualifications:

- (1) Is of good moral character.
- (2) Has graduated from:
  - (A) high school or the equivalent thereof; and
  - (3) Has graduated from (B) a state approved program in practical nursing.

(b) An applicant for licensure as a registered nurse who was originally licensed by the NCLEX® or the SBTPE in another jurisdiction will be accepted for registration in Indiana by endorsement from the board that granted the original license if the applicant meets the following qualifications:

- (1) Is of good moral character.
- (2) Has graduated from:
  - (A) high school or the equivalent thereof; and
  - (B) a state approved program in registered nursing.

(c) Applicants who are graduates of foreign schools of nursing are eligible for Indiana practical nursing licensure by endorsement providing provided that the following conditions are met:

- (1) Have:
  - (A) written and passed the National Council Licensing Examination NCLEX® or an equivalent examination the SBTPE in another jurisdiction or country; and
  - (2) Have (B) achieved Indiana's passing scores in all areas.
- (3) (2) Submit:
  - (A) copies of all scholastic records; and
  - (4) Submit (B) proof of:
    - (i) good moral character;
    - (5) Submit proof of (ii) high school graduation or equivalent thereof; and
    - (6) Submit proof of (iii) having graduated from a program

that meets the board's curricular requirements for a program in practical nursing as stated in the rules in effect at the time of their graduation with concurrent theory and clinical experience in all areas.

(d) Applicants who are graduates of foreign schools of nursing are eligible for Indiana registered nursing licensure by endorsement provided that the following conditions are met:

- (1) Have:
  - (A) written and passed the NCLEX® or the SBTPE in another jurisdiction or country; and
  - (B) achieved Indiana's passing scores in all areas.
- (2) Submit:
  - (A) copies of all scholastic records; and
  - (B) proof of:
    - (i) good moral character;
    - (ii) high school graduation or equivalent thereof; and
    - (iii) having graduated from a program that meets the board's curricular requirements for a program in registered nursing as stated in the rules in effect at the time of their graduation with concurrent theory and clinical experience in all areas.

(e) The completed application accompanied by the fee, photograph, and proof of current licensure in another jurisdiction shall be submitted to the Indiana board of nursing. The fee is nonrefundable.

(d) An applicant shall produce evidence of the applicant's primary state of residence. Such evidence shall include a declaration signed by the applicant and the following:

- (1) Either of the following requirements of evidence must be provided:
  - (A) Current driver's license with the applicant's home address.
  - (B) Other state or federal issued identification card that includes the applicant's home address.
- (2) At least one (1) of the following documents must be provided:
  - (A) Voter registration card displaying a home address.
  - (B) A federal income tax return declaring the primary state of residence.
  - (C) Such other evidence of residence as deemed acceptable by the board.

(Indiana State Board of Nursing; Reg 7; filed Mar 1, 1978, 8:51 a.m.: Rules and Regs. 1979, p. 165; filed Mar 18, 1980, 4:00 p.m.: 3 IR 963; filed Mar 29, 1985, 10:43 a.m.: 8 IR 1028; readopted filed Nov 21, 2001, 10:23 a.m.: 25 IR 1327; filed Jun 23, 2003, 4:12 p.m.: 26 IR 3654, eff Jul 1, 2003 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #02-247 was filed Jun 23, 2003.]

SECTION 3. 848 IAC 6 IS REPEALED.

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## Proposed Rules

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### *Notice of Public Hearing*

*Under IC 4-22-2-24, notice is hereby given that on December 16, 2004 at 8:45 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W064, Indianapolis, Indiana the Indiana State Board of Nursing will hold a public hearing on proposed rules concerning requirements for licensure by examination, requirements for licensure by endorsement, and the repeal of the rules regarding the Interstate Nursing Licensure Compact and multistate license privileges. Copies of these rules are now on file at the Health Professions Bureau, Indiana Government Center-South, 402 West Washington Street, Room W066 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Lisa R. Hayes  
Executive Director  
Health Professions Bureau

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**Final Readopted Rule**

**TITLE 240 STATE POLICE DEPARTMENT**

Final Rule  
LSA Document #04-164(F)

**DIGEST**

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.

**240 IAC 8**

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING IS READOPTED:

240 IAC 8 INDIANA DNA DATA BASE

*LSA Document #04-164(F)*

*Intent to Readopt Rules Published: July 1, 2004; 27 IR 3342*

*Proposed Readopted Rules Published: September 1, 2004; 27 IR 4140*

*Hearing Held: October 5, 2004*

*Filed with Secretary of State: October 6, 2004, 5:10 p.m.*

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**TITLE 326 AIR POLLUTION CONTROL BOARD**

**FIRST NOTICE OF COMMENT PERIOD**

#04-278(APCB)

**DEVELOPMENT OF AMENDMENTS TO 326 IAC 6-1-10.1 CONCERNING MODIFICATIONS TO PARTICULATE MATTER EMISSION LIMITATIONS AT ASF-KEYSTONE, INC., HAMMOND, INDIANA**

**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to 326 IAC 6-1-10.1 to revise the particulate matter emission limitations (PM<sub>10</sub>) for coil manufacturing processes at ASF-Keystone, Inc., located in Hammond, Indiana. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

**CITATIONS AFFECTED:** 326 IAC 6-1-10.1.

**AUTHORITY:** IC 13-14-8; IC 13-17-3-4.

**SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**

**Basic Purpose and Background**

ASF-Keystone, Inc. (ASF) has requested that IDEM make revisions to particulate matter (PM<sub>10</sub>) emission limitations in 326 IAC 6-1-10.1 for their coil springs manufacturing facility in Hammond, Indiana. The source has requested that IDEM increase the particulate matter (PM<sub>10</sub>) emission limitations in 326 IAC 6-1-10.1 for the small coil manufacturing line and decrease the PM<sub>10</sub> emission limitations for the large and medium coil manufacturing lines, resulting in a net reduction in allowable emissions. ASF is proposing a decrease of one and seventy-five hundredths pounds of PM<sub>10</sub> per hour (1.75 lbs PM<sub>10</sub>/hr) and one and five-hundredths pounds of PM<sub>10</sub> per hour (1.05 lbs PM<sub>10</sub>/hr) for the large and medium coil lines, respectively. ASF is proposing an increase of one and three-hundredths pounds of PM<sub>10</sub> per hour (1.03 lbs PM<sub>10</sub>/hr) for the small coil line. The proposed limits more closely reflect actual emissions, based on recent stack tests, while maintaining a reasonable degree of certainty that ASF will be able to ensure continuous compliance with the proposed limits. The proposed limits also provide a reduction in total allowable emissions from these processes. No modeling to demonstrate the impact of the proposed revisions will be needed since the electrostatic precipitators for the coil lines are vented inside the building. The emissions from these sources are modeled as volume sources, and the changes would have no negative impact on the model since the total emissions would be decreased.

ASF has also requested that the pound per ton (lb/ton) limits be removed from the rule for each coil line. The request was made because the pound per ton limit is not necessary since the coil lines' emissions are not necessarily related solely to the tonnage of coil produced. The emissions are more dependent on the number of springs being quenched and their corresponding surface areas than their tonnage. Also, the pound per hour (lb/hr) limits are derived using the pound per ton (lb/ton) limits multiplied by their respective maximum production rates; therefore, the pound per hour (lb/hr) limits are as stringent as the pound per ton (lb/ton) limits. This would satisfy U.S. EPA's stringency criteria for removal of rules or rule sections from the Indiana State Implementation Plan (SIP).

ASF is also requesting that IDEM remove the miscellaneous coil manufacturing process from the rule as this process no longer exists at this facility.

**Alternatives To Be Considered Within the Rulemaking**

Alternative 1. Amend rule as proposed.

- 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, this is a site-specific state rule.
- 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. To take no action on the proposed amendments.

- 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, this is a site-specific state rule.
- 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**

326 IAC 6-1-10.1 is approved by the U.S. Environmental Protection Agency (U.S. EPA) as part of Indiana's State Implementation Plan (SIP). Indiana will send these rules to U.S. EPA to be approved as part of Indiana's SIP so federal law coincides with the state rule.

**Potential Fiscal Impact**

Potential Fiscal Impact of Alternative 1. This alternative will have minimal fiscal impact since the new emission limitation will be based on what the source currently emits and based on the results of a stack test.

Potential Fiscal Impact of Alternative 2. This would have a fiscal impact on the source since the source would have to change its operations to be able to meet the emission limit for the small coil manufacturing line.

**Public Participation and Workgroup Information**

At this time, no workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is necessary, please contact Susan Bem, Rules Section, Office of Air Quality at (317) 233-5697 or (800) 451-6027 (in Indiana).

**STATUTORY AND REGULATORY REQUIREMENTS**

IC 13-14-8-4 requires the board to consider the following factors in promulgating rules:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as the case may be.
- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- (6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

**REQUEST FOR PUBLIC COMMENTS**

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Mailed comments should be addressed to:

#04-278(APCB) ASF-Keystone PM<sub>10</sub> SIP  
 Susan Bem  
 c/o Administrative Assistant  
 Rules Section  
 Office of Air Quality  
 Indiana Department of Environmental Management  
 P.O. Box 6015  
 Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the Tenth Floor East 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, 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 December 2, 2004.

Additional information regarding this action may be obtained from Susan Bem, Rules Section, Office of Air Quality, (317) 233-5697 or (800) 451-6027 (in Indiana).

Janet G. McCabe  
 Assistant Commissioner  
 Office of Air Quality

**TITLE 326 AIR POLLUTION CONTROL BOARD**

**FIRST NOTICE OF COMMENT PERIOD**

#04-279(APCB)

**DEVELOPMENT OF AMENDMENTS CONCERNING SOURCE UPDATE INFORMATION PURSUANT TO 326 IAC 6.5 AND 326 IAC 6.8**

**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to proposed articles 326 IAC 6.5 and 326 IAC 6.8 concerning particulate matter emission limitations. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

**CITATIONS AFFECTED:** 326 IAC 6.5; 326 IAC 6.8.

**AUTHORITY:** IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11.

**SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**

**Basic Purpose and Background**

The purpose of this rulemaking is to update the source specific information found within proposed rules 326 IAC 6.5 and 326 IAC 6.8. In a separate rulemaking, IDEM is proposing to repeal 326 IAC 6-1 and replace it with two new articles, 326 IAC 6.5 and 326 IAC 6.8, in order to streamline future rule amendment processes (LSA #02-335). This companion rulemaking, which will be completed after the recodification, is intended to update the sources' specific information by creating a separate section for each source. Therefore, the updated rule will comply with each source's permit, thereby providing

consistency between the applicable rule and a source's permit.

**Alternatives To Be Considered Within the Rulemaking**

**Alternative 1. Updating 326 IAC 6.5 and 326 IAC 6.8 to correct outdated or incorrect information.**

- 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 and there is no comparable federal law.
- 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. Leaving 326 IAC 6.5 and 326 IAC 6.8 as currently proposed.**

- 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 and there is no comparable federal law.
- 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**

There is no federal law applicable to the proposed changes; however, 326 IAC 6-1 is approved by the U.S. Environmental Protection Agency (U.S. EPA) as part of Indiana's State Implementation Plan (SIP). Indiana will send the new rules 326 IAC 6.5 and 326 IAC 6.8 to U.S. EPA to be approved as part of Indiana's SIP so federal law coincides with state law. After U.S. EPA approves the recodification, IDEM will send these updates for approval into the SIP.

**Potential Fiscal Impact**

Potential Fiscal Impact of Alternative 1. There is no potential fiscal impact associated with this alternative.

Potential Fiscal Impact of Alternative 2. There is no potential fiscal impact associated with this alternative.

**Public Participation and Workgroup Information**

At this time, no workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Sky Schelle, Rules Section, Office of Air Quality at (317) 234-3533 or (800) 451-6021 (in Indiana).

**STATUTORY AND REGULATORY REQUIREMENTS**

IC 13-14-8-4 requires the board to consider the following factors in promulgating rules:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as the case may be.
- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- (6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

**REQUEST FOR PUBLIC COMMENTS**

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Mailed comments should be addressed to:

#04-279(APCB)326 IAC 6.5 and 6.8 Source Update  
Sky Schelle  
c/o Rules Section Administrative Assistant  
Rules Section  
Office of Air Quality  
Indiana Department of Environmental Management  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the Tenth Floor East 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, 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 December 2, 2004.

Additional information regarding this action may be obtained from Sky Schelle, Rules Section, Office of Air Quality, (317) 234-3533 or (800) 451-6027 (in Indiana).

Janet G. McCabe  
Assistant Commissioner  
Office of Air Quality

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### **TITLE 326 AIR POLLUTION CONTROL BOARD**

#### **SECOND NOTICE OF COMMENT PERIOD**

#04-234(APCB)

#### **DEVELOPMENT OF AMENDMENTS CONCERNING SAINT MARY'S COLLEGE/HOLY CROSS 326 IAC 6.5-7-13**

##### **PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to 326 IAC 6.5-7-13 concerning particulate matter emission limitations in St. Joseph County. By this notice, IDEM is soliciting public comment on the draft rule language. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

##### **HISTORY**

First Notice of Comment Period: September 1, 2004, Indiana Register (27 IR 4144).

**CITATIONS AFFECTED:** 326 IAC 6.5-7-13.

**AUTHORITY:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11.

##### **SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**

###### **Basic Purpose and Background**

Holy Cross Services Corporation, on behalf of St. Mary's College, has submitted a request that IDEM clarify particulate matter emission

limitations at 326 IAC 6.5-7-13 to reflect current operating conditions. Currently, 326 IAC 6.5-7-13 states that St. Mary's Boiler No. 1 is 100% natural gas fired with a maximum output of 63 MMBtu/hr. and Boilers No. 2 and No. 3 are coal fired. However, Boilers No. 1 and No. 2 are actually natural gas fired but also set up to burn No. 2 fuel oil as a backup. In addition, Boiler No. 1 only has a maximum output of 31.5 MMBtu/hr., and Boiler No. 3 exclusively burns natural gas. This outdated information is reflected in St. Mary's Federally Enforceable State Operating Permit (FESOP) which impacts the College's ability to use their facility as it is designed. The purpose of this rulemaking is to update 326 IAC 6.5-7-13 to clarify that Boilers No. 1 and No. 2 at St. Mary's burn natural gas as their primary fuel with No. 2 fuel oil as a backup fuel, Boiler No. 3 burns 100% natural gas, and Boiler No. 1 has a maximum output of 31.5 MMBtu/hr. This rulemaking will not alter the usage limit of 704, 225 gallons of No. 2 fuel oil per 12 consecutive month period for each of the Boilers No. 1 and No. 2 currently allowed by the permit and will not increase actual emissions.

###### **Identification of Restrictions and Requirements Not Imposed Under Federal Law**

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law.

###### **Potential Fiscal Impact**

No potential fiscal impact exists.

###### **Public Participation and Workgroup Information**

No workgroup is planned for this rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Sky Schelle, Rules Section, Office of Air Quality at (317) 234-3533 or (800) 451-6027 (in Indiana).

##### **SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD**

IDEM requested public comment from September 1, 2004, through October 1, 2004, 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.

##### **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:

#04-234(APCB) Holy Cross Amendments  
Sky Schelle  
c/o Administrative Assistant  
Rules Development Section  
Air Programs Branch  
Office of Air Quality  
Indiana Department of Environmental Management  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the receptionist on duty at the tenth floor reception desk, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Development Section at (317) 233-0426.

##### **COMMENT PERIOD DEADLINE**

Comments must be postmarked, faxed, or hand delivered by December 6, 2004.

Additional information regarding this action may be obtained from



Sky Schelle, Rules Section, Office of Air Quality, (317) 234-3533 or (800) 451-6027 (in Indiana).

**326 IAC 6.5-7-13 Saint Mary's**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
**Affected:** IC 13-15; IC 13-17

**DRAFT RULE**

SECTION 1. 326 IAC 6.5-7-13 IS AMENDED TO READ AS FOLLOWS:

Sec. 13. (a) Saint Mary's in St. Joseph County shall meet the following emission limits:

Source	NEDS Plant ID	Point Input ID	Process	Emission Limits		
				tons/yr	lbs/million Btu	grains/dscf
Saint Mary's natural gas fired with fuel oil No. 2 as a backup	01	54P	Boiler No. <del>2</del> <b>1</b> Gas Fired <del>63</del> <b>31.5</b> MMBtu/Hr.	12.90	0.110	
natural gas fired with fuel oil No. 2 as a backup	02	55P	Boiler No. <del>3</del> <b>2</b> Gas Fired 63 MMBtu/Hr.	12.90	0.110	
100% natural gas	03	56P	Boiler No. <del>3</del> <b>3</b> Gas Fired 63 MMBtu/Hr.			

(b) Boiler No. ~~3~~ **3** at Saint Mary's, identified in subsection (a) as one hundred percent (100%) natural gas burner, shall burn only natural gas. (Air Pollution Control Board; 326 IAC 6.5-7-13)

**TITLE 327 WATER POLLUTION CONTROL BOARD**

**FIRST NOTICE OF COMMENT PERIOD**  
#04-267(WPCB)

**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 February 2, 2005, 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 6.5-7-13.

**DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING SANITARY SURVEYS, OPERATING REPORTS, CLASSIFICATION OF WATER TREATMENT PLANTS AND CERTIFIED OPERATORS IN RESPONSIBLE CHARGE OF PUBLIC WATER SYSTEMS, AND MINOR CHANGES TO DISINFECTANTS, DISINFECTION BYPRODUCTS, AND FILTER BACKWASH RECYCLING RULES**

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.

**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to 327 IAC 8-2-8.2, 327 IAC 8-11-1, 327 IAC 8-12-2, and 327 IAC 8-12-3.6 concerning sanitary surveys, operating reports, minor corrections to classifications of water treatment plants and certified operators in responsible charge of public water systems as well as amendments to 327 IAC 8-2.5-6, 327 IAC 8-2.5-7, 327 IAC 8-2.5-8, 327 IAC 8-2.5-9, and 327 IAC 8-2.6-6 to incorporate minor corrections to disinfectants, disinfection byproducts, and filter backwash recycling rules. IDEM seeks comment on the affected citations listed and any other provisions of Title 327 that may be affected by this rulemaking.

Additional information regarding this action may be obtained from Sky Schelle, Rules Development Section, Office of Air Quality, (317) 234-3533 or (800) 451-6027 (in Indiana).

**CITATIONS AFFECTED:** 327 IAC 8-2-8.2; 327 IAC 8-2.5-6; 327 IAC 8-2.5-7; 327 IAC 8-2.5-8; 327 IAC 8-2.5-9; 327 IAC 8-2.6-6; 327 IAC 8-11-1; 327 IAC 8-12-2; 327 IAC 8-12-3.6.

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

**AUTHORITY:** IC 13-14-8; IC 13-18-3-2; IC 13-18-11-1.5; IC 13-18-11-13.

Attn: ADA Coordinator  
 Indiana Department of Environmental Management  
 100 North Senate Avenue  
 P.O. Box 6015  
 Indianapolis, Indiana 46206-6015

or call (317) 233-0855. TDD: (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

**SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**

**Basic Purpose and Background**

The National Drinking Water Regulations for Interim Enhanced Surface Water Treatment Rule (IESWTR), promulgated by the United States Environmental Protection Agency (U.S. EPA) at 63 FR 69478 on December 16, 1998, requires states to have the authority to require public water systems utilizing surface water or ground water under the direct influence of surface water to correct significant deficiencies found during sanitary surveys conducted by the state. In this

Copies of these rules are now on file at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor East, and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana, and are open for public inspection.

rulemaking changes to specific sections in 327 IAC 8 are being made to allow the state to require these public water systems to correct deficiencies identified in the sanitary survey reports within the time frames set forth in the federal requirements. The above-mentioned federal rules also made changes to the Indiana surface water treatment rules that were promulgated in April 1993. The state also amended its drinking water standards rules in May 2003 to be in accord with the federal rules.

327 IAC 8-11-1 currently requires systems to submit weekly reports of operation to the commissioner. This will be changed to require submittal of reports monthly rather than weekly and will clarify the information required to be included in these reports. To meet the requirements for states to have primary enforcement responsibility for public water systems in the state, Indiana has to adopt and implement adequate procedures for the enforcement of such state regulations, which includes the requirement for systems to submit reports to the state that are found at 40 CFR 142.10(b)(6)(iv).

327 IAC 8-12-2 specifies the classification of water distribution systems and water treatment plants. It is proposed to make minor corrections to this rule to make it inclusive of all community and nontransient noncommunity public water systems.

327 IAC 8-12-3.6 specifies number of site visits required by certified operators in responsible charge to public water systems. It is proposed to reduce the number of site visits required at small systems with limited treatment facilities and small distribution systems. The state is required to have operator certification standards under federal requirements promulgated at 64 FR 5916 on February 5, 1999. To reflect these requirements Indiana promulgated its water treatment certified operators rules on November 20, 2000. Final additions to the final guidelines for the certification and recertification of the operators of community and nontransient noncommunity public water systems, and the final allocation methodology for funding to states for the operator certification expense reimbursement grants program were published on April 18, 2001, at 66 FR 19939.

Parties affected would include operators of community and nontransient noncommunity public water systems, transient surface water systems, or ground water under the direct influence of surface water.

On December 16, 1998, U.S. EPA promulgated the National Primary Drinking Water Regulations for Disinfectants and Disinfection Byproducts (63 FR 69390), and on June 8, 2001, U.S. EPA promulgated the National Primary Drinking Water Standards for Filter Backwash Recycling (66 FR 31086). These rules were adopted by the Water Pollution Control Board and were filed by the Secretary of State on May 1, 2003. Minor changes that were requested by EPA are proposed to be made to these rules. These corrections will be made to 327 IAC 8-2.5-6, 327 IAC 8-2.5-7, 327 IAC 8-2.5-8, 327 IAC 8-2.5-9, and 327 IAC 8-2.6-6.

**Alternatives To Be Considered Within the Rulemaking**

Alternatives to this rulemaking would not be the most logical course of action. Indiana is required to keep primacy of the drinking water rules, implement the operator certification program, and make it more workable for the smaller systems.

- (A) One alternative would be to leave existing rules unchanged and to operate under the existing rules, that is, with the necessary clarification.
- (B) Another alternative would be to make changes to all sections of the rule.
- (C) Another alternative would be to make changes to sections of the affected rules and wait until a later date to make the remaining changes, that is, adopt sanitary survey changes now and make other changes as part of a later rulemaking action.

**Applicable Federal Law**

The requirement for states to have the authority to require surface water or ground water under the influence of surface water systems to correct significant deficiencies found during sanitary surveys is required pursuant to 40 CFR 142.16. This section requires public water systems to respond in writing to significant deficiencies outlined in sanitary survey reports within forty-five (45) days after receipt of the report, indicating how and on what schedule the deficiencies will be corrected. The state must also have authority to assure that public water systems take the necessary steps to correct significant deficiencies that are within control of the public water systems and its governing body.

The guidelines specifying minimum standards for certification and recertification of operators of community and nontransient noncommunity water systems were published on February 5, 1999, to meet Section 1419(a) of the Safe Drinking Water Act (SDWA) amendments of 1996 (Public Law 104-182). A state must have adopted and be implementing an operator certification program that meets the requirements of these guidelines in order to maintain Drinking Water State Revolving Loan Fund (DWSRF) funding. We propose to make minor changes to our approved program. U.S. EPA must withhold twenty percent (20%) of the capitalization grant funds entitled to the state if the program is not being implemented.

**Potential Fiscal Impact**

The potential fiscal impacts, if any, will be due to the federally mandated requirements even if Indiana were not to promulgate the same requirements in its rules. Costs associated specifically with correction of significant deficiencies were not listed in the IESWTR fiscal impact analysis. Fiscal impact of the entire IESWTR was assessed at the time the remainder of the rule was implemented.

There are no additional costs associated to changing reporting requirements from weekly operating reports to monthly operating reports.

There are no additional costs associated with the revisions to the number of site visits required by certified operators at small, noncomplex systems. These systems may actually see a reduction in costs if they have hired an outside certified operator since contracts are normally established at a set charge per site visit. In addition, if Indiana does not implement this program as adopted, there is a possible risk of losing twenty percent (20%) of DWSRF capitalization grant funds from the federal government.

There are no additional fiscal impacts to any of the minor corrections being made to the Disinfectants and Disinfection Byproducts or Filter Backwash Recycling rules.

**Public Participation and Workgroup Information**

An external workgroup has not been formed specifically relating to this rulemaking; however, the sanitary survey changes and operational reporting requirements were addressed in part during the IDEM Operational Rules Workgroup meetings and the certified operator in responsible charge options were discussed during the IDEM Operator Certification Workgroup meetings. Operational Rules workgroup meetings were held on August 15, 2001, September 19, 2001, October 17, 2001, December 3, 2001, January 16, 2002, February 12, 2002, March 12, 2002, April 18, 2002, May 22, 2002, June 14, 2002, September 26, 2002, January 23, 2003, February 28, 2003, May 1, 2003, and June 6, 2003. Operator Certification workgroup meetings were held June 25, 1999, July 23, 1999, October 26, 1999, November 18, 1999, March 14, 2000, and July 6, 2000.

At this time, no workgroup is planned for this rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Kiran Verma, Rules Section, Office of Water Quality at (317) 234-0986 or (800) 451-6027 (in Indiana).

**STATUTORY AND REGULATORY REQUIREMENTS**

IC 13-14-8-4 requires the board to consider the following factors in promulgating rules:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as the case may be.
- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- (6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

**REQUEST FOR PUBLIC COMMENTS**

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Mailed comments should be addressed to:

#04-267(WPCB) Sanitary Surveys, Operator Requirements and minor changes  
Larry Wu, Chief  
Rules Development Section  
Office of Water Quality  
Indiana Department of Environmental Management  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the twelfth floor reception desk, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 232-8406, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Section at (317) 233-8903.

**COMMENT PERIOD DEADLINE**

Comments must be postmarked, faxed, or hand delivered by November 30, 2004.

Additional information regarding the rulemaking action may be obtained from Kiran Verma, Rules Section, Office of Water Quality, (317) 234-0986 or (800) 451-6027 (in Indiana). Technical information concerning these rules may be obtained from Stacy Jones, Drinking Water Branch, Office of Water Quality, (317) 308-3292 or (800) 451-6027 (in Indiana).

Tim Method  
Deputy Commissioner  
Indiana Department of Environmental Management

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## Other Notices

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### TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #03-169

LSA Document #03-169(F), as published at 27 IR 2713, provides that the rule takes effect upon the Department of Natural Resources receiving notice of approval from the Office of Surface Mining and Reclamation of the U.S. Department of the Interior and notice of that approval being published in the Indiana Register. Notice of approval has been received and is published at 69 FR 58830 (October 1, 2004).

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**DEPARTMENT OF STATE REVENUE  
DEPARTMENTAL NOTICE #3  
NOVEMBER, 2004**

**INTEREST RATES FOR CALENDAR YEAR 2005**

This document does not meet the definition of a “statement” required to be published in the *Indiana Register* under IC 4-22-7-7. However, under IC 6-8.1-10-1(c), the Commissioner is required to establish, on or before November 1 of each year, the applicable interest rates for tax overpayments and underpayments that will take effect for the immediately succeeding calendar year. The purpose of this notice is to inform the public of the interest rates that will be effective for the calendar year beginning January 1, 2005.

The rate of the interest for an excess tax payment is the percentage rounded to the nearest whole number that equals the average investment yield on state money for the state’s previous fiscal year, excluding pension fund investments, as published in the Auditor of State’s comprehensive annual financial report. Based on this calculation, the rate of interest for an excess tax payment for calendar year 2005 will be one percent (1%).

The rate of interest for an underpayment of tax is the percentage rounded to the nearest whole number that equals two (2) percentage points above the average investment yield on state money for the state’s previous fiscal year, excluding pension fund investments, as published in the Auditor of State’s comprehensive annual financial report. Based on this calculation, the rate of interest for an underpayment of tax for calendar year 2005 will be three percent (3%).

For taxpayer information, attached is a list of comparable percentages applicable in previous calendar years.

Indiana Department of State Revenue  
Kenneth L. Miller,  
Commissioner

<b>YEAR</b>	<b>OVERPAYMENTS</b>	<b>DELINQUENT PAYMENTS</b>
1989	10%	10%
1990	10%	10%
1991	10%	10%
1992	8%	8%
1993	7%	7%
1994	7%	7%
1995	4%	6%
1996	5%	7%
1997	5%	7%
1998	5%	7%
1999	5%	7%
2000	5%	7%
2001	6%	8%
2002	6%	8%
2003	4%	6%
2004	2%	4%
2005	1%	3%

**DEPARTMENT OF STATE REVENUE**

**IN REGARDS TO THE MATTER OF:**  
**WESTWOOD COUNTRY CLUB OF SPEEDWAY, INC.**  
**A/K/A WESTWOOD RECREATION CLUB**  
**DOCKET NO. 29-2004-0108**

**FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND PROPOSED DEPARTMENTAL ORDER**

An administrative hearing was held on Tuesday, May 11, 2004 in the office of the Indiana Department of State Revenue, 100 N. Senate Avenue, Room N248, Indianapolis, Indiana 46204 before Bruce R. Kolb, Administrative Law Judge acting on behalf of and under the authority of the Commissioner of the Indiana Department of State Revenue.

Petitioner, Westwood Country Club of Speedway, Inc., was represented by William J. Wood of Wood, Tuohy, Gleason, Mercer, & Herrin, Bank One Center Tower, 111 Monument Circle, Suite 3400, P.O. Box 44942, Indianapolis, Indiana 46244-0942. Attorney Doug Klitzke appeared on behalf of the Indiana Department of State Revenue.

The Petitioner was allowed to submit additional exhibits for the Department's review subsequent to the hearing. The Department did not have any objections to the two exhibits and therefore they were admitted as Petitioner's Exhibits G and H.

A hearing was conducted pursuant to IC 4-21.5 et seq., evidence was submitted, and testimony given. The Department maintains a record of the proceedings. Being duly advised and having considered the entire record, the Administrative Law Judge makes the following Findings of Fact, Conclusions of Law, and Proposed Departmental Order.

**REASON FOR HEARING**

Petitioner was the subject of an investigation conducted on December 22, 2003 by the Criminal Investigation Division of the Indiana Department of Revenue. The Department issued a letter dated March 10, 2004, in which Petitioner's bingo license was suspended for two (2) years, and Petitioner was assessed civil penalties in the amount of seven thousand five hundred dollars (\$7,500). The Petitioner protested in a timely manner.

**FINDINGS OF FACTS**

- 1) The Criminal Investigation Division of the Indiana Department of Revenue conducted an investigation of Petitioner. (Record at 7).
- 2) During the Department's investigation, it was determined that the Petitioner did not list Kenneth Magee as an operator.
- 3) "The Club's accountant, Mr. Heze Clark, filled out the initial bingo application forms. Since then Ms. Christoph [Club manager] has died of cancer and Mr. Shaw [Club president] is suffering from senility and is no longer the Club president. Mr. Shaw and Ms. Christoph conducted an operation with no financial records transferring from one set of officers to the next. Mr. Magee became more interested in the Club's affairs as a result of these two occurrences and began filling out spreadsheets and other membership reports to assist the officers in keeping better records of the Club's financial position, and total revenue, including revenue from Club activities and a spreadsheet showing the bingo operation. At no time did Mr. Magee participate in the running of a gaming event...[E]ach year the annual licensing reports were simply filled out based on the prior year information of ownership, as when the original bingo application was made. Mr. Nichols did not advert to the fact that the Club had previously deeded its facilities to the LLC to cover the LLC's investment with a lease and repurchase agreement. Mr. Nichols simply continued the same erroneous filing showing...the Club still owned the property."(Page 2-3 of Petitioner's Pre-Hearing Brief).
- 4) When the Petitioner submitted its CG-2R (Annual Bingo Renewal Application) in October of 2002 it indicated that it owned the facility where the bingo operation was conducted. (Department's Exhibit 1).
- 5) For the license renewal periods ending October 2003, the Petitioner indicated on its Form CG-2R that it owned the bingo facilities. (Department's Exhibit 2).
- 6) In the year 1997 the Petitioner was facing foreclosure. It owed \$108,000 in operating expenses which included \$53,000 in back taxes. The first mortgage, held by National City Bank, including late fees amounted to \$218,000. (Page 1 of Petitioner's Pre-Hearing Brief).
- 7) In January of 1998 seventeen members of Petitioner's organization lent Petitioner \$30,000. (Page 1 of Petitioner's Pre-Hearing Brief).
- 8) Petitioner began charity gaming operations in 1999. (Page 2-3 of Petitioner's Pre-Hearing Brief).
- 9) In 2001, Petitioner faced foreclosure again. Mr. Magee and five other members of Petitioner's organization loaned Petitioner \$460,000. Of this amount, Mr. Magee personally loaned Petitioner \$25,000 and his family trust loaned Petitioner \$151,000. (Page 1-2 of Petitioner's Pre-Hearing Brief).
- 10) A Warranty Deed dated June 11, 2001 was entered into between the Petitioner (Grantor) and Kenneth E. Magee Trustee of the B&N Revocable Trust (Grantee). (Petitioner's Exhibit A).
- 11) The Petitioner entered into an agreement in lieu of foreclosure with B & N Revocable Trust (B&N) on June 22, 2001. The agreement provides that the Petitioner would convey its real estate to B&N subject to the foreclosure judgment, the mortgages, and the delinquent taxes. (Department's Exhibit 5).
- 12) The June 22, 2001 agreement with B&N in lieu of foreclosure also states that B&N consented to the operation of bingo by the Petitioner without additional rent so long as the Petitioner has a valid license, but the lease was not conditioned on the continued validity of a license. (Department's Exhibit 5).
- 13) B&N additionally agreed to lease back the premises to Petitioner with an option to purchase. (Department's Exhibit 5).
- 14) On June 22, 2001 the Petitioner also entered into a lease with Westwood Club LLC. The lease requires that the lessee (Petitioner) pay the base rental of \$2,000 per month in advance, and all property taxes, assessment and user fees on the property and improvements. The Petitioner must pay all premiums for property and casualty insurance in connection with the premises, and the cost of all maintenance, upkeep, repairs and replacement. (Department's Exhibit 6).
- 15) Petitioner argues that the \$2,000 per month payment plus taxes and insurance are attributable to the ownership of the

business operation and not to the bingo operation. (Record at 31).

16) The lease entered into by the Petitioner does not make a distinction between the amount of rent paid for the business operation and the portion that may be attributable to the operation of its gaming activities. (Department's Exhibit #6).

17) A Special Warranty Deed was entered into on August 6, 2001 between Kenneth E. Magee as Trustee of the B&N Revocable Trust (Grantor) and Westwood Club LLC (Grantee). (Department's Exhibit G).

18) On December 11, 2003 the Petitioner entered into a Memorandum of Understanding (MOU) with Westwood Club LLC. The MOU detailed that conditions under which the Petitioner was entitled to buy back the property in question at the expiration of the lease on June 22, 2006. (Petitioner's Exhibit H).

19) The spreadsheets generated by Mr. Magee, actually include more information than is required on the Department's CG-NSR (Indiana Department of Revenue Charity Gaming Nightly Summary Report); however, the spreadsheets were for his own edification as an investor who had loaned Petitioner a substantial amount of money. (Petitioner's Exhibit C).

20) George W. Nichols was not a resident of Marion County during the time periods in question (Page 3 of Petitioner's Pre-Hearing Brief and Record at 52). The Department in its letter of March 10, 2004, merely points out this fact, and does not impose any civil penalties or suspensions as a result. Therefore, this issue is moot.

21) On March 10, 2004, the Petitioner's bingo license was suspended for two (2) years, and assessed civil penalties in the amount of seven thousand five hundred dollars (\$7,500).

**STATEMENT OF LAW**

1) The Department's hearings are governed by IC 4-21.5 exclusively. (See IC 4-32-8-5. *As added by P.L.188-2003, SEC.3.*).

2) Pursuant to 45 IAC 18-8-4, the burden of proving that the Department's findings are incorrect rests with the individual or organization against which the department's findings are made. The department's investigation establishes a prima facie presumption of the validity of the department's findings.

3) Pursuant to 45 IAC 18-1-30, the term "Operator" means, "a member of a qualified organization who is:

- (1) an Indiana resident;
- (2) in good standing with the department; and
- (3) in addition to the forgoing [*sic., foregoing*], the following individuals are also operators:
  - (A) A bartender licensed with the alcohol and tobacco commission if the bartender sells only pull-tabs, tip boards, or punchboards.
  - (B) Any person who accounts for money received at the charity gaming event.
  - (C) Any person who keeps records of the charity gaming event.
  - (D) Any person who announces the letter-number combination at a bingo event.

*(Department of State Revenue; 45 IAC 18-1-30; filed Feb 28, 2003, 2:16 p.m.: 26 IR 2304)*

4) Pursuant to 45 IAC 18-3-2(e), "Rent paid for leased facilities cannot exceed two hundred dollars (\$200) per day and cannot be based on the revenue generated by the event. Additional moneys shall not be paid for utilities, janitorial expenses, security, set up and tear down expenses, or any other expenses. These expenses must be included in the two hundred dollar (\$200) rent limitation per day. The facility cannot be leased for more than two (2) days in a calendar week. A facility is owned when an organization holds a fee simple estate in the facility. A facility is leased when an organization enters into a written agreement to occupy the facility which gives rise to the relationship of lessor and lessee, regardless of the terms of the lease. The lease of a facility for an allowable event must be in writing.

5) IC 4-32-9-20 states, "Except as provided in subsection (d), if facilities are leased for an allowable event, the rent may not:

- (1) be based in whole or in part on the revenue generated from the event; or
- (2) exceed two hundred dollars (\$200) per day.
- (b) A facility may not be rented for more than three (3) days during a calendar week for an allowable event.
- (c) If personal property is leased for an allowable event, the rent may not be based in whole or in part on the revenue generated from the event.

(d) If a qualified organization conducts an allowable event in conjunction with or at the same facility where the qualified organization or its affiliate is having a convention or other meeting of its membership, facility rent for the allowable event may exceed two hundred dollars (\$200) per day. A qualified organization may conduct only one (1) allowable event under this subsection in a calendar year.

6) A qualified organization that rents a facility for multiple functions including charity gaming may still only pay \$200 per day. The yearly rental may not exceed \$73,000 (\$200 x 365 days).

7) A qualified organization that rents a facility for charity gaming three (3) nights a week may still only pay \$200 per day. The yearly rental may not exceed \$31,200 (\$200 x 52 x 3 days).

8) IC 4-21.5-3-25(b) provides in pertinent part, "The administrative law judge shall regulate the course of the proceedings in conformity with any prehearing order and in an informal manner without recourse to the technical, common law rules of evidence applicable to civil actions in the courts..."

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## Nonrule Policy Documents

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9) IC 4-21.5-2-26(a) states, "The administrative law judge may admit hearsay evidence. If not objected to, the hearsay evidence may form the basis for an order. However, if the evidence is properly objected to and does not fall within a recognized exemption to the hearsay rule, the resulting order may not be based solely upon the hearsay evidence."

10) "It is reasonable...to adopt a preponderance of the evidence standard..." Burke v. City of Anderson, 612 N.E.2d 559, 565 (Ind.App. 1993).

11) IC 4-32-12-1(a) provides in pertinent part, "The Department may suspend or revoke the license or levy a civil penalty against a qualified organization or an individual under this article for any of the following: (1) Violation of a provision of this article or of a rule of the department...(4) Commission of fraud, deceit, or misrepresentation."

12) IC 4-32-12-2 states, "The department may impose upon a qualified organization or an individual the following civil penalties:

- (1) Not more than one thousand dollars (\$1,000) for the first violation.
- (2) Not more than two thousand five hundred dollars (\$2,500) for the second violation.
- (3) Not more than five thousand dollars (\$5,000) for each additional violation."

13) IC 4-32-12-3 states, In addition to the penalties described in section 2 of this chapter, the department may do all or any of the following:

- (1) Suspend or revoke the license.
- (2) Lengthen a period of suspension of the license.
- (3) Prohibit an operator or an individual who has been found to be in violation of this article from associating with charity gaming conducted by a qualified organization.
- (4) Impose an additional civil penalty of not more than one hundred dollars (\$100) for each day the civil penalty goes unpaid.

### CONCLUSIONS OF LAW

1) The Department's investigation revealed that Petitioner leased the facility from Westwood Club, LLC with an option to purchase.

2) Each year, the annual licensing reports were simply filled out based on the prior year information regarding ownership of Petitioner's property. The Petitioner simply continued the same erroneous filing showing the Club still owned the property. This constitutes a misrepresentation of the facts, a violation of IC 4-32-12-1(a)(4).

3) The lease entered into by Petitioner does not make a distinction between the amount of rent attributable to the business operation and the operation of its charitable gaming activities.

4) The lease at issue requires that Petitioner pay a base rent of \$2,000 per month plus taxes, utilities, and maintenance a violation of IC 4-32-9-20.

5) Pursuant to 45 IAC 18-1-30, the term "Operator" means, "Any person who keeps records of the charity gaming event." Mr. Magee's spreadsheets were for his own edification as an investor who had loaned Petitioner a substantial amount of money and his actions do not rise to the level of an operator for the purposes of 45 IAC 18-1-30. Mr. Magee did not call bingo, nor did he sell paper, pulltabs, punchboards, or tipboards. He did not handle the money either during or after the nightly gaming events. Mr. Magee did not prepare the nightly summary reports nor did he manage or participate in the running of the charity gaming events.

### PROPOSED DEPARTMENTAL ORDER

Following due consideration of the entire record, the Administrative Law Judge orders the following:

The Petitioner's appeal is denied in part and sustained in part. Petitioner's license to conduct charity gaming is suspended for two (2) years. The Petitioner is hereby liable for civil penalties in the amount of seven thousand dollars (\$7,000).

- 1) Administrative review of this proposed decision may be obtained by filing, with the Commissioner of the Indiana Department of State Revenue, a written document identifying the basis for each objection within fifteen (15) days after service of this proposed decision. IC 4-21.5-3-29(d).
- 2) Judicial review of a final order may be sought under IC 4-21.5-5.

**THIS PROPOSED DEPARTMENTAL ORDER SHALL BECOME THE FINAL ORDER OF THE INDIANA DEPARTMENT OF STATE REVENUE UNLESS OBJECTIONS ARE FILED WITHIN FIFTEEN (15) DAYS FROM THE DATE THE ORDER IS SERVED ON THE PETITIONER.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Bruce R. Kolb / Administrative Law Judge



**DEPARTMENT OF STATE REVENUE**

0220020238.LOF

**LETTER OF FINDINGS NUMBER: 02-0238**

**Gross Income Tax**

**For the Years 1995-1998**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE**

**I. Gross Income Tax - Imposition**

**Authority:** IC 6-8.1-5-1(b), IC 6-2.1-2-2, IC 6-2.1-1-9, 45 IAC 1.1-6-2, First National Leasing and Financial Corp. v. Indiana Department of Revenue, 598 N.E.2d 640, (Ind. Tax 1992).

The taxpayer protests the imposition of gross income tax on income from certain leases.

**II. Tax Administration - Ten Percent (10%) Negligence Penalty**

**Authority:** IC 6-8.1-10-2.1, 45 IAC 15-11-2 (b).

The taxpayer protests the imposition of the ten percent (10%) negligence penalty.

**STATEMENT OF FACTS**

During the audit period the taxpayer filed a financial institutions tax return with two of its affiliates who were engaged with the taxpayer in making loans and extending credit to businesses. Upon examination of the taxpayer's records, it was learned that the taxpayer did not meet the qualifications to be a financial institution under the financial institutions tax law. Therefore, the Indiana Department of Revenue, hereinafter referred to as the "department," performed a corporate income tax audit on the taxpayer. As a result of the audit, the department assessed gross income tax on the taxpayer's receipts from the leasing of aircraft, railcars, and manufacturing equipment located in Indiana. The department also assessed penalty and interest. The taxpayer protested the gross income tax and penalty assessments and a hearing was held. This Letter of Findings results.

**I. Gross Income Tax - Imposition**

**DISCUSSION**

All tax assessments are presumed to be accurate and taxpayers bear the burden of proving that any assessment is incorrect. IC 6-8.1-5-1(b).

Indiana imposes a gross income tax on the "taxable gross income derived from activities or businesses or any other sources within Indiana" of a nonresident taxpayer. IC 6-2.1-2-2. The department assessed gross income tax on the taxpayer's income from leases of aircraft, railcars, and machinery in Indiana. The taxpayer contended that its lease income was not derived from an Indiana source and therefore not subject to the Indiana gross income tax. The issue to be determined in this case is whether the taxpayer's lease income was actually derived from an Indiana source and was therefore subject to the Indiana gross income tax.

The gross income tax law concerning the taxability of income from intangibles such as the taxpayer's leases is clarified at 45 IAC 1.1-6-2 as follows:

- (b) Except as provided in subsection (c), receipts derived from an intangible are included in gross income.
- (c) Receipts derived from an intangible are not included in gross income under the following situations:
  - (1) The intangible forms an integral part of:
    - (A) a trade or business situated and regularly carried on at a business situs outside Indiana; or
    - (B) activities incident to such trade or business.
  - (2) The intangible does not form an integral part of a trade or business situated and regularly carried on at a business situs in Indiana, and the taxpayer's commercial domicile is located outside of Indiana.
  - (3) The receipts from the intangible are otherwise excluded from gross income under IC 6-2.1-1-2 or 45 IAC 1.1-3-3(c)(7).
- (d) In determining whether an intangible forms an integral part of a trade or business or activities incident thereto under subsection (c) it is the connection of the intangible itself to such trade or business or activities incident thereto that is the controlling factor. The physical location of the evidence of the intangible (share of stock, bond, etc.) is not a controlling factor. Also, any activities related to the sale of an intangible occur after the fact and are never determinative.
- (e) As used in this section, "commercial domicile" means the nerve center of the taxpayer where a majority of the activities and functions of the business are performed. The department will include the following types of activities in making a determination of commercial domicile.
  - (1) The location of management and administrative activities connected with each location, such as policy and investment decisions.
  - (2) The location of meetings of the board of directors.

- (3) The residence of executives and their offices.
- (4) The location of books and records.
- (5) The location of payment on income from intangibles of the taxpayer.
- (6) The information from annual and quarterly reports of the taxpayer.

The Indiana Tax Court also dealt with the issue of the gross income taxability of a nonresident taxpayer's receipts from leases in First National Leasing and Financial Corp. v. Indiana Department of Revenue, 598 N.E.2d 640, (Ind. Tax 1992). In that case, First National leased equipment to another corporation which used the equipment in its train derailment business. The Court set out a three part inquiry for analyzing whether or not gross income from an intangible is subject to Indiana gross income tax. First the income must be gross income. Secondly the gross income must be derived from sources within Indiana. Finally the gross income that is derived from sources within Indiana must be subject to the Indiana gross income tax. In the first step of the analysis, the Court determined that First National actually received gross income from the leases of property used in Indiana. The Court next analyzed whether the gross income was derived from activities in Indiana. The leased equipment included several mobile items such as big over-the-road trucks, tractors, lowboy trailers, pick-up trucks, cranes, miscellaneous generators, light plants, and caterpillar tractors with side booms for lifting. That equipment was stored and used a portion of the time in Indiana. First National does not have control over the equipment nor does it know where the equipment is actually located at any particular time. All commercial activities such as negotiations and signing of documents related to the lease agreements took place outside Indiana. The Court determined that the First National's lease income derived from sources outside of Indiana. Therefore the income was not subject to the Indiana gross income tax.

The taxpayer's offices, administrative personnel, administrative services, board of directors, and books and records were all outside of Indiana. The taxpayer's lease income derives from leases that were negotiated, executed, and maintained outside of Indiana.

The taxpayer contends that its lease income was identical to the non taxable income of First National. As regards the airplanes and rail cars, the taxpayer's argument is persuasive. The gross income received from the leases of airplanes and rail cars is not derived from Indiana activities.

The taxpayer's argument is not persuasive as to the income from the lease of the manufacturing equipment. This is distinguishable from the leases of rail cars, airplanes, and mobile car derailment equipment where the taxpayers had no control over the location of the leased items. In those transactions, the taxpayers would have received their lease payments whether or not the leased items ever went through Indiana. As to the manufacturing machinery, there would be no lease income if the taxpayer had not agreed to lease the machinery to be used at the factory in Indiana. That makes the location and use of the heavy machinery at the Indiana factory an essential and integral part of the transaction as contemplated in the previously cited 45 IAC 1.1-6-2(c). The gross income from the lease of manufacturing machinery is derived from Indiana activities.

Finally it is necessary to determine if the gross income is taxable. The taxpayer contended that the taxpayer's income from the machinery lease must be computed following special rules because it qualified as a "qualified lessor" pursuant to IC 6-2.1-1-9(2) as follows:

"Qualified lessor" means a taxpayer that:

- (A) acquires title to tangible personal property solely for the purpose of leasing it to others;
- (B) has no other purpose of ownership in the property; and
- (C) leases the property to another under a lease agreement which has a term of at least five (5) years and which requires the lessee to make rental payments, over the term of the lease, equal to the sum of: (i) the cost of the property, plus (ii) finance charges.

The provisions of the sample lease indicate that the taxpayer did meet the requirements to be considered a "qualified lessor." Therefore the taxpayer's gross income tax liability must be computed by reducing its total rental receipts by the "cost of the tangible property so leased" pursuant to IC 6-2.1-1-9(b).

#### **FINDING**

The taxpayer's protest to the gross income tax assessed on the income received from leases of airplanes and rail cars is sustained. The taxpayer's protest to the gross income tax assessed on the income received from leases of manufacturing machinery is to be recomputed pursuant to the provisions of IC 6-2.1-1-9(b).

#### **II. Tax Administration - Ten Percent (10%) Negligence Penalty**

##### **DISCUSSION**

The taxpayer protests the imposition of the ten percent (10%) negligence penalty pursuant to IC 6-8.1-10-2.1. Indiana Regulation 45 IAC 15-11-2 (b) clarifies the standard for the imposition of the negligence penalty as follows:

Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to reach and follow instructions provided by

the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

When the taxpayer and the affiliated corporations reorganized due to changes in economic conditions, they had a duty to reanalyze their tax filing status and modify it to fit the new situation. The taxpayer's inattention to this duty constituted negligence.

**FINDING**

The taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

0420020512.LOF

**LETTER OF FINDINGS NUMBER: 02-0512**

**Indiana Gross Retail Tax  
For the Years 1994 through 2000**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUES**

**I. Gross Retail Tax Assessment.**

**Authority:** IC 6-2.5-2-1(a); IC 6-2.5-2-1(b); IC 6-2.5-9-3; IC 6-8.1-5-1(a); IC 6-8.1-5-1(b); 45 IAC 2.2-6-8(a).

Taxpayer maintains that for purposes of determining taxpayer's gross retail (sales) tax liability, the Department of Revenue (Department) overestimated the total amount of taxpayer's gross retail sales.

**II. Abatement of Penalty.**

**Authority:** IC 6-8.1-10-2.1; IC 6-8.1-10-4(a); 45 IAC 15-5-7(f)(3); 45 IAC 15-11-2(b).

Taxpayer asks that the Department exercise its discretion to abate the 100 percent fraud penalty assessed at the time of the original audit examination.

**STATEMENT OF FACTS**

Taxpayer is a company in the business of manufacturing and selling candy at retail. Taxpayer states that it has been in business since 1994. During 2001 and 2002, the Department conducted an audit review of taxpayer's business records and tax returns. As a result of that review, the Department determined that taxpayer underpaid the amount of sales tax due to the state. Accordingly, the Department imposed an assessment of additional sales tax for the years at issue. Taxpayer disagreed with the audit's methodology and conclusions and submitted a protest to that effect. An administrative hearing was conducted during which taxpayer further explained the basis for its protest. This Letter of Findings results.

**DISCUSSION**

**I. Gross Retail Tax Assessment.**

Taxpayer makes retail sales of candy from multiple locations. The Department determined that during 1994 through 1998, taxpayer failed to maintain records sufficient to adequately document the total amount of its gross retail sales. Therefore, the Department calculated the taxpayer's gross retail sales based upon the best information available.

For 1994 and 1995, the audit relied upon a federal Revenue Agent Report (RAR) containing IRS determinations, findings, and adjustments for those years. The RAR calculated taxpayer's income by multiplying taxpayer's production costs by 1.5. For example, if taxpayer spent \$100 producing candy during a certain time, the RAR concluded that taxpayer received \$150 as income when it sold the candy. For those years in which it was possible to determine gross sales based upon the taxpayer's own records, the audit relied on those records and did not use the 1.5 multiplier.

Taxpayer disagreed with the audit's methodology and the determinations as to the total amount of taxable gross receipts. Taxpayer produced records which purported to establish a lesser amount of gross receipts. In addition, taxpayer maintained that the federal RAR itself was factually flawed and that the Department's conclusions – in which it relied upon that report – were unwarranted.

Taxpayer maintained that the audit's reliance on the 1.5 multiplier resulted in an overstatement of its gross annual receipts. Taxpayer asserted that the 1.5 multiplier did not take into account candy which was spoiled, lost, or which was given away. In addition, taxpayer believes that the audit's determination did not take into consideration infusions of cash which were made into the business. According to taxpayer, because its business obtained unrefunded cash investments, the business was able to pay for production costs such that the production of the candy did not necessarily result in corresponding gross receipts.

In addition, taxpayer challenges the audit's conclusion as to the amount of its taxable gross receipts because the audit failed to take into account the seasonal nature of taxpayer's business and the difference in sales which were attributable to the various retail locations.

In summary, taxpayer's maintains that the assessment of sales tax is incorrect because the audit did not rely on the best information available.

In reviewing the taxpayer's records, the audit found that records of sales receipts were incomplete. In 1995, the audit found that the sales invoices were unavailable for approximately 90 percent of the year. For 1996, sales invoices were unavailable for approximately 94 percent of the time. In 1997, sales invoices were unavailable for the entire year. In contrast, taxpayer's actual invoices for 2000 indicated that it had approximately \$7,000 in sales; however, for that same period, taxpayer paid sales tax based upon approximately \$15,000 in gross sales. The audit documented similar disparities for each of the remaining years considered during the audit.

IC 6-2.5-2-1(a) imposes an "excise tax, known as the state gross retail tax... on retail transactions made in Indiana." The person who buys tangible personal property in a retail transaction is responsible for the tax and "pay[s] the tax to the retail merchant as a separate added amount to the consideration in the transaction. The retail merchant shall collect the tax as an agent for the state." IC 6-2.5-2-1(b). Once the retail merchant collects the sales tax, the merchant has a responsibility to forward that amount to the state. IC 6-2.5-9-3 states that "An individual who: (1) is an individual retail merchant or is an employee, officer, or member of a corporate or partnership retail merchant; and 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."

45 IAC 2.2-6-8(a) provides that "[i]n determining the retail merchants' tax liability for a particular reporting period, the retail merchant shall multiply the retail merchant's total gross retail income from taxable transactions made during the reporting period...." However, in taxpayer's own circumstances, this responsibility is complicated by the fact that there is no sure and certain way of determining taxpayer's "total gross retail income." In those situations in which the merchant has not maintained adequate records, the Department is authorized to make an assessment based upon the best information available. IC 6-8.1-5-1(a) states that "[i]f 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."

Having done so, the audit's conclusion – based upon the best information available – is presumed correct. IC 6-8.1-5-1(b) states that "[t]he notice of proposed assessment is prima facie evidence that the department's claim for the unpaid tax is valid. The burden of proving that the proposed assessment is wrong rests with the person against whom the proposed assessment [was] made."

Taxpayer challenges the audit's conclusions on numerous grounds, but none of these challenges are sufficient to rebut the audit's original determination as to the amount of gross retail sales. The assessments are based upon a methodology which may be subject to criticism – founded or unfounded – but the methodology chosen is entirely reasonable especially given the fact that the audit was faced with so little original documentation upon which to base an alternative conclusion. In addition, taxpayer overlooks the fact it is faced with a problem entirely of its own making. By any stretch of the imagination, taxpayer's record keeping was haphazard. It was taxpayer's initial and primary responsibility to collect sales tax from its customers, forward that tax to the state, and to maintain minimally adequate records substantiating its gross retail sales. Having failed to meet its responsibilities, taxpayer cannot now be heard to complain of the audit's reconstruction of taxpayer business activities. Taxpayer is second-guessing the audit's methodology after taxpayer itself placed the audit in the position of ever having to apply that methodology.

#### **FINDING**

Taxpayer's protest is respectfully denied.

#### **II. Abatement of Penalty.**

At the time the original audit report was prepared, the Department assessed a 100 percent penalty on the amount of the consequent assessment.

The 100 percent penalty was assessed because of the substantial disparity between the amount of taxes taxpayer received from its customers and the amount of taxes which it forwarded to the Department. IC 6-8.1-10-4(a) states that, "If a person fails to file a return or to make a full tax payment with that return with the fraudulent intent of evading the tax, the person is subject to a penalty. (b) The amount of the penalty imposed for a fraudulent failure described in subsection (a) is one hundred percent (100%) multiplied by: (1) the full amount of the tax, if the person failed to file a return; or (2) the amount of the tax that is not paid, if the person failed to pay the full amount of tax."

The Indiana regulation, 45 IAC 15-5-7(f)(3), states:

A person who files a return which makes a false representation(s) with knowledge or reckless ignorance of the falsity will be deemed to have filed a fraudulent return. There are five elements to fraud.

(A) Misrepresentation of a material fact: A person must truthfully and correctly report all information required by the Indiana Code and the department's regulations. Any failure to correctly report such information is a misrepresentation of a material fact. Failure to file a return may be a misrepresentation.

(B) Scierter: This is a legal term meaning guilty knowledge or previous knowledge of a state of facts, such as evasion of tax, which it was a person's duty to guard against. A person must have actual knowledge of the responsibility of reporting the information under contention. However, the reckless making of statements without regard to their truth or falsity may serve as an imputation of scierter for purpose of proving fraud.

(C) Deception: Deception operates on the mind of the victim of the fraud. If a person's actions or failure to act causes the department to believe a given set of facts which are not true, the person has deceived the department.

(D) Reliance: Reliance also concerns the state of mind of the victim and is generally considered along with deception. If the person's actions, failure to act, or misrepresentations cause the department to rely on these acts to the detriment or injury of the department, the reliance requirement of fraud will be met.

(E) Injury: The fraud instituted upon the department must cause an injury. This can be satisfied simply by the fact that the misrepresentation(s) caused the department not to have collected the money which properly belongs to the state of Indiana.

In order to demonstrate fraud, the department is required to prove all of the above elements are present. This must be shown by clear and convincing evidence.

The Department is unable to conclude that the five elements necessary to establish fraud have been proven "by clear and convincing evidence." Instead, the Department finds that the ten-percent negligence penalty required under IC 6-8.1-10-2.1 is appropriate because the underreporting of gross sales resulted from the taxpayer's own negligence. Department regulation, 45 IAC 15-11-2(b), defines negligence as "the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer." Negligence is to "be determined on a case-by-case basis according to the facts and circumstances of each taxpayer." *Id.* Taxpayer's failure to maintain records sufficient to determine its annual receipts and the amount of sales tax due the state does not constitute the "care, caution, or diligence... expected of an ordinary reasonable taxpayer." *Id.*

**FINDING**

To the extent that taxpayer has challenge the imposition of the 100 percent fraud penalty, taxpayer's protest is sustained. The imposition of the ten-percent negligence penalty is fully warranted.

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**DEPARTMENT OF STATE REVENUE**

0420030013.LOF

**LETTER OF FINDINGS NUMBER: 03-0013**

**Tax Administration—Refunds and Interest Calculations**

**For Tax Years 1999, 2000, 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.

**ISSUE**

**I. Tax Administration—Refunds and Interest Calculations**

**Authority:** IC § 6-2.5-6-10; IC § 6-8.1-3-3; IC § 6-8.1-6-1; IC § 6-8.1-9-1; IC § 6-8.1-10-1; 45 IAC 2.2-3-9

Taxpayer alleges that the refund amount and interest calculated thereon were calculated in error.

**STATEMENT OF FACTS**

Taxpayer is a lump sum contractor specializing in providing and installing insulation in new construction. In March of 2002, taxpayer submitted a claim for refund for tax years 2000 and 2001. The Department was unable to locate the refund claim and taxpayer refiled it. During that process, the Department issued the requested refund amount in July of 2002, based on the supplier's statement that tax had been paid twice over a period of 18 months. The Department conducted an audit for tax years 1999, 2000, and 2001 in October of 2002. The audit reduced the requested refunds that had already been issued to taxpayer. The auditor also made other adjustments which resulted in additional liabilities for the years under audit. Additional facts will be added as necessary.

**I. Tax Administration—Refunds and Interest Calculations**

**DISCUSSION**

Taxpayer's claim for refund alleges that the refund amount received in 2002 was insufficient and that the Department erroneously calculated the interest on that amount. Taxpayer argues that because a sales and use tax audit for tax years 1992, 1993, and 1994 did not inform him that he would be denied the 1% collection allowance if he continued his then-current collect and remit procedures, the refund and interest should be higher. In addition, taxpayer argued that since the Department was at fault for losing the original refund request and taxpayer had to refile the request, any interest on the assessment that accrued was due to the Department's error, not taxpayer's. Taxpayer argues that the erroneous refund amount issued to it before the audit was solely due to the Department's own negligence. Taxpayer provides and installs insulation for new construction, mostly as a subcontractor in the new housing industry. Taxpayer obtains lump sum bids with no reference to sales tax, and acts as a contractor for the completion of the job. Customers do not receive invoices that break out sales tax. Taxpayer calculates the materials cost of each job and produces an internal invoice that calculates tax on the materials portion of each job. Taxpayer remits tax to the Department based on the materials used in the taxable jobs.

Taxpayer alleges that the auditor in the 1992-1994 audit "OK'd" its method of remittance, but that the auditor in the 1999-2001 audit warned taxpayer to comply with the Department's collection and remittance rules in the future. Taxpayer argues it is being punished for doing something that the Department itself approved in the prior audit. However, the original audit did not directly address taxpayer's collection method.

Taxpayer's dilemma rests on understanding the sales and use tax collection and remittance schemes. Taxpayer engages in lump sum contracting. Taxpayer owes sales tax on all purchases used in such contracts. If taxpayer does not pay sales tax, then taxpayer must accrue and remit use tax. See, 45 IAC 2.2-3-9. The previous audit did not specifically address this issue. While it may be that taxpayer was reporting tax the same way, and the previous auditor did not address it, this situation does not rise to the level of an estoppel or statutory reliance pursuant to IC § 6-8.1-3-3. Pursuant to IC § 6-2.5-6-10, taxpayer must actually collect sales tax from its customers in order to obtain the 1% collection allowance. As a lump sum contractor, taxpayer was remitting use tax that it incurred and not remitting sales tax that it had collected. The auditor adjusted taxpayer's 1999-2001 tax liabilities by removing the 1% collection allowance. That removal adjusted the refund amount downward; therefore, mathematically speaking, the interest on the refund amount also was calculated downward because of the lower refund amount.

Additionally, when taxpayer filed a claim for refund in March of 2002 pursuant to IC § 6-8.1-9-1, the amount stated in the claim was based on a statement from the insulation supplier. Both the supplier and taxpayer remitted sales tax to the Department for a period of 18 months, a situation causing taxpayer to file its refund request. But, during the audit currently at issue, the auditor compared tapes and invoices and discovered that the total did not agree with the refund claim amount which was higher. The auditor therefore adjusted the figures according to the tapes and invoices, which also impacted taxpayer's tax liabilities. Instead of being owed a refund, taxpayer ended up having to return the refunded amounts, plus interest. Taxpayer claims that interest being calculated on the amount he had to return to the Department was never discussed with him, his accountant, or his representative. Taxpayer also argues that if the Department had not lost its refund claim and had completed the 1999-2001 audit in a more timely fashion, taxpayer's interest liability would be much less. Finally, taxpayer argues that since the State had the use of its money for approximately 18 months, taxpayer should not now be assessed interest. See, IC § 6-8.1-10-1.

Interest is not waivable. See, IC § 6-8.1-10-1. Interest should be calculated from the date of the refund. That date became the new due date of the return pursuant to IC § 6-8.1-6-1.

#### **FINDING**

Taxpayer's protest concerning interest calculated on reduced refunds, additional liabilities, and the proper refund amount owed to him, is denied.

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### **DEPARTMENT OF STATE REVENUE**

02-20030030.LOF

#### **LETTER OF FINDINGS NUMBER: 03-0030**

#### **Adjusted Gross Income Tax & Penalty For the Years 1998 & 1999**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

#### **ISSUES**

##### **I. Unitary Filing Requirement - Adjusted Gross Income tax**

**Authority:** Ind. Code § 6-3-2-2; *Allied-Signal Corp. v. Director, Division of Taxation*, 504 U.S. 768, 781 (1992); *Exxon Corp. v. Dept. of Revenue of Wisconsin*, 447 U.S. 207 (1980); *Mobil Oil Corp. v. Commissioner of Taxes*, 445 U.S. 425 (1980).

Taxpayer protests the Department's disallowance of unitary returns for the years at issue.

##### **II. Prospective Treatment of Taxpayer's Adjusted Gross Income Tax Liability**

**Authority:** Ind. Code § 6-8.1-3-3; *City Securities Corp. v. Dept. of State Revenue*, 704 N.E.2d 1122 (Ind. Tax 1998).

Taxpayer argues that, if the Department does not permit Taxpayer to be part of a unitary corporate income tax return, that any requirement for separate filing be prospective in nature only.

##### **III. Tax Administration - Penalty**

**Authority:** Ind. Code § 6-8.1-10-2.1; 45 IAC 15-11-2.

Taxpayer protests the imposition of penalty with respect to its quarterly payments of tax.

#### **STATEMENT OF FACTS**

The taxpayer, a wholly-owned subsidiary of another corporation ("Parent"), operates a manufacturing plant in Indiana. Parent owned many subsidiaries, including Taxpayer. For a period of several years, Parent filed unitary returns, both after a prior

Department audit and on two subsequent occasions when the Department audited Parent. As a result of the current audit, Department determined that for taxable years 1998 and 1999, Taxpayer was not permitted to file unitary returns with two subsidiaries with whom it had filed the returns, based on a lack of Indiana nexus and lack of distortion of income, and accordingly assessed additional tax against taxpayer and, for 1999, penalty for underpayment of quarterly income tax as determined after audit.

**I. Unitary Filing Requirement - Adjusted Gross Income tax**

**DISCUSSION**

The issue in this case is whether the taxpayer is required to file income tax returns separately from Parent, as opposed to filing unitary returns.

A taxpayer is permitted to file a unitary return upon request to the Department. Ind. Code § 6-3-2-2(q). The Department or the taxpayer, upon request, is permitted to deviate from the standard apportionment formula under Ind. Code § 6-3-2-2(l) which states: 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 determining whether one or more corporations can properly file a unitary return, one must look at (1) functional integration; (2) centralization of management; and (3) economies of scale. *Allied-Signal Corp. v. Director, Division of Taxation*, 504 U.S. 768, 781 (1992) (citing *F.W. Woolworth Co. v. Taxation and Revenue Dep't. of New Mexico*, 458 U.S. 354, 364 (1982)).

In this particular case, taxpayer argues that the three businesses for which it filed a unitary return were part of its automotive group, the businesses had interlocking directors, and the parent was able to achieve significant cost savings on many business expenses due to economies of scale, and that these factors dictate that the taxpayer properly filed unitary returns for the years in question. Taxpayer further argues that a distortion of income would result if taxpayer is not permitted to file unitary returns. In particular, the taxpayer argues that Parent incurs many expenses on behalf of subsidiary, and that without Parent's incurring the expenses on behalf of the taxpayer and other subsidiaries, each individual business would incur greater expenses than its share of the Parent's expenses incurred on its behalf. Finally, taxpayer argues that the other subsidiaries for which it had filed a unitary return had sufficient nexus for Indiana purpose, with one subsidiary having an office and employee in Indiana in addition to sales, and another having an employee in Indiana in addition to its sales.

Taxpayer has provided sufficient evidence to indicate that it had common management and economies of scale at some level for the common operation necessary to allow for unitary status. However, with respect to functional integration, the test is whether the taxpayer was part of one large business enterprise for an overarching common purpose. An example of such an enterprise would be a vertically integrated business. *See, e.g., Exxon Corp. v. Dept. of Revenue of Wisconsin*, 447 U.S. 207 (1980); *Mobil Oil Corp. v. Commissioner of Taxes*, 445 U.S. 425 (1980).

Taxpayer's argument that the businesses are part of the same overarching group, and therefore properly subject to unitary filing, is questionable. Taxpayer is a producer of metal parts for automobiles. The other businesses that constituted Taxpayer's unitary group were more oriented toward producing technologically advanced components for automobiles. While all three businesses produced items for automobiles, here it does not appear that the three constituted separate parts of a larger, integrated business whole.

Finally, with respect to the distortion of income issue, the primary basis for Ind. Code § 6-3-2-2(l) is to more effectively represent the income of an enterprise within a state. Given the Taxpayer's situation and that of the subsidiaries, it appears that Taxpayer's argument dovetails into its economy of scale argument, rather than some other form of distortion. Accordingly, it is difficult to find a distortion in this case sufficient to permit Taxpayer to file as a part of a unitary return.

**FINDING**

Taxpayer's protest is denied.

**II. Prospective Treatment of Taxpayer's Adjusted Gross Income Tax Liability**

Taxpayer argues that, if it is not sustained on the substantive issue of whether it is properly subject to unitary treatment for the years in question, then such treatment should be prospective only in treatment. Taxpayer argues that it had been allowed to file (and indeed, required to file, after audit review) unitary returns since the 1970's, and thus the determination of unitary filing should be allowed to stand today, even if Taxpayer is otherwise denied that treatment for the years in controversy.

Under IC 6-8.1-3-3, the Department of Revenue is without authority to reinterpret a taxpayer's tax liability without promulgating and publishing a regulation giving taxpayer notice of that reinterpretation. IC 6-8.1-3-3(b) states that "[n]o change in the department's interpretation of a listed tax may take effect before the date the change is (1) adopted in a rule under this section or (2) published in the Indiana Register...."

In *City Securities Corp. v. Dept. of State Revenue*, 704 N.E.2d 1122 (Ind. Tax 1998), plaintiff taxpayer argued that the

Department could not impose gross income tax on the gain realized from the sale of tax-exempt bonds, because that gain had been treated as exempt for 42 years. *Id.* at 1128. Plaintiff taxpayer argued that, in the absence of a new rule or regulation, the Department's assessment of gross income taxes against the gain realized from the sale of the tax-exempt bonds was invalid. *Id.* at 1129. The Tax Court found that – despite the intervening adoption of regulations to the contrary – the Department could not impose the additional taxes when the Department had permitted plaintiff taxpayer to claim an exemption from the taxes subsequent to the adoption of the intervening regulations. *Id.* Nevertheless, the Tax Court also held that plaintiff taxpayer, having been placed on notice of its additional tax liability, was responsible for paying the tax on a prospective basis. *Id.*

Here, Taxpayer had filed its returns for several years on a unitary basis, at the insistence and consent of Department auditors. This allowance of filing for several years through numerous changes is similar to the company in *City Securities*, which had been permitted an exemption for several years even though a contrary regulation existed. Accordingly, while Taxpayer and the other subsidiaries cannot be said to be unitary after review, the fact that Taxpayer and other subsidiaries had filed for several years as a unitary filer at the Department's insistence and with the Department's blessing through several audits leads to the conclusion that Taxpayer and subsidiaries should be permitted to file a unitary return for the taxable years in controversy. However, for periods after Taxpayer was put on notice by the auditor's changes, Taxpayer is not permitted to be a unitary filer. Taxpayer's alternative arguments dealing with estoppel and its future filing status as either a separate filer or a member of a consolidated group will not be addressed.

**FINDING**

Taxpayer's protest is sustained.

**III. Tax Administration - Penalty**

**DISCUSSION**

Penalty waiver is permitted if the taxpayer shows that the failure to pay the full amount of the tax was due to reasonable cause and not due to willful neglect. Ind. Code 6-8.1-10-2.1. The Indiana Administrative Code further provides:

(b) "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.

(c) 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.

45 IAC 15-11-2.

Taxpayer had filed its income tax returns as a unitary filer for several years predating the current audit. Though the current audit found that its unitary filing status was not correct for the years protested in this letter of findings, taxpayer's filing as a unitary taxpayer was the exercise of reasonable care by the taxpayer, and not negligence within the meaning of the statute or regulation.

**FINDING**

Taxpayer's protest is sustained.

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**DEPARTMENT OF STATE REVENUE**

04-20030085.LOF

**LETTER OF FINDINGS NUMBER: 03-0085**

**Sales and Use Tax**

**For the Years 1999-2001**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana



Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE**

**I. Sales and Use Tax - Imposition**

**Authority:** IC 6-2.5-2-1, IC 6-8.1-5-1 (b), IC 6-2.5-4-1(b).

The taxpayer protests the assessment of sales tax on certain transactions.

**STATEMENT OF FACTS**

The taxpayer is a retailer of jewelry, wristwatches, wall and desk clocks, and batteries for watches and clocks. The taxpayer also provides services such as restringing pearls and installing batteries. The Indiana Department of Revenue, hereinafter referred to as the "department," conducted an audit for the years 1999-2001 by sampling the taxpayer's sales invoices for nine months. The taxpayer protested the imposition of sales tax on certain transactions during the sample months. A hearing was held. This Letter of Findings results.

**I. Sales and Use Tax - Imposition**

**DISCUSSION**

The taxpayer protests the assessment of sales tax on four particular transactions during the sample months. Two of the transactions involved the purchase of jewelry that was mailed to the purchaser's out-of-state address. The other two were transactions where the purchased items were returned to the taxpayer, resulting in no sale.

All tax assessments are presumed to be accurate and the taxpayer bears the burden of proving that any assessment is incorrect. IC 6-8.1-5-1 (b).

Retail transactions made in Indiana are subject to sales tax. IC 6-2.5-2-1. A retail transaction is defined generally as the acquisition and subsequent transfer of ownership of tangible personal property for consideration in the retail merchant's normal course of business. IC 6-2.5-4-1(b).

The taxpayer sold a strand of pearls and a diamond with mounting. Each of these transactions took place in the taxpayer's store. The purchased jewelry was later mailed to the purchasers' out-of-state addresses. The sales were actually completed in Indiana. Subsequent delivery to an out-of-state location does not put the sale into interstate commerce. Therefore sales tax was properly imposed.

The taxpayer provided substantial evidence that rubies and a ring were returned by the purchasers to the taxpayer's store. After the return of the items, the taxpayer refunded the total price including Indiana sales tax to the purchasers. Since there were no sales, there was no sales tax due to the state. The taxpayer sustained its burden of proof that these transactions should be removed from the audit.

**FINDING**

The taxpayer's protest is sustained as to the two transactions where the purchased items were returned. The taxpayer's protest as to the two transactions where the purchased items were subsequently mailed out of state are denied.

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**DEPARTMENT OF STATE REVENUE**

0420030295.LOF

**LETTER OF FINDINGS NUMBER: 03-0295**

**Sales and Withholding Tax**

**Responsible Officer**

**For the Tax Period 1999-2000**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE**

**1. Sales and Withholding Tax-Responsible Officer Liability**

**Authority:** IC 6-2.5-9-3, IC 6-3-4-8(f), IC 6-8.1-5-1(b), Indiana Department of Revenue v. Safayan 654 N.E. 2<sup>nd</sup> 279 (Ind.1995).

The taxpayer protests the assessment of responsible officer liability for unpaid corporate sales and withholding taxes.

**STATEMENT OF FACTS**

The Indiana Department of Revenue, hereinafter referred to as the "department," assessed sales taxes, withholding taxes, interest, and penalty against the taxpayer as a responsible officer of a corporation that did not properly remit said taxes during the tax period 1999-2000. The taxpayer protested the assessment of tax. A hearing was held and this Letter of Findings results.

**1. Sales and Withholding Tax-Responsible Officer Liability**

**DISCUSSION**

Indiana Department of Revenue assessments are prima facie evidence that the taxes are owed by the taxpayer who has the burden of proving that the assessment is incorrect. IC 6-8-1-5-1(b).

The proposed sales tax liability was issued under authority of IC 6-2.5-9-3 that provides as follows:

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.

The proposed withholding taxes were 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."

Pursuant to Indiana Department of Revenue v. Safayan 654 N.E. 2<sup>nd</sup> 279 (Ind.1995) any officer, employee, or other person who has the authority to see that they are paid has the statutory duty to remit sales and withholding taxes to the state.

The taxpayer agrees that he was the person with the authority to see that the taxes were remitted to the state prior to May 9, 2000. On that date, the corporation's default on its primary loan caused the primary lender to require the execution of a document known as the "Surrender Agreement." This agreement gave the lender control over all of the corporation's collateral which included inventory, accounts receivable, most equipment, and junior security interests in all other assets. Concurrently, the lender took control over the corporation's business premises and operations. The lender became the party with the duty to remit trust taxes to the state.

#### **FINDING**

The taxpayer's protest is denied as to taxes due prior to May 9, 2000 and sustained as to taxes due after May 9, 2000.

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### **DEPARTMENT OF STATE REVENUE**

02-20030403.LOF

#### **LETTER OF FINDINGS NUMBER: 03-0403**

#### **Adjusted Gross Income Tax For the Years 1999-2000**

**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. Adjusted Gross Income Tax - Unitary filing**

**Authority:** Ind. Code § 6-3-2-2; *Allied-Signal Corp. v. Director, Division of Taxation*, 504 U.S. 768, 781 (1992).

Taxpayer protests the disallowance of its unitary income tax return between itself and various subsidiaries of its parent company.

##### **II. Tax Administration - Penalty**

**Authority:** Ind. Code § 6-8.1-10-2.1; 45 IAC 15-11-2(b).

Taxpayer protests the imposition of the penalties for failing to make estimated quarterly payments.

#### **STATEMENT OF FACTS**

Taxpayer is a business engaged in the production of high pressure laminates. Prior to 1999, Taxpayer had filed on a unitary basis with several other companies under a different corporate umbrella. In 1999, Taxpayer was purchased by another corporation. In order to purchase the Taxpayer, its parent corporation had to pay a sum of money to the Taxpayer's prior owner, most of which was financed via debt. This debt was secured by the assets of several companies in the new corporation's group, including Taxpayer.

In early 2000, Taxpayer wrote to the Department, requesting permission to file a combined (unitary) tax return for fiscal year 1999 with itself and other subsidiaries that otherwise did not have Indiana nexus. Such request was made within statutory time limits. The Department sent out a standard letter with respect to that filing. Taxpayer subsequently filed a unitary tax return with various subsidiaries for taxable years 1999 and 2000. Upon audit review, however, Taxpayer's unitary returns were rejected and the Taxpayer was required to be treated as a separate company, based primarily on the lack of flow of goods between Taxpayer and subsidiaries and a lack of distortion of income. Taxpayer filed a timely protest of the assessment.

##### **I. Adjusted Gross Income Tax - Unitary filing**

#### **DISCUSSION**

Taxpayer protests the imposition of additional adjusted gross income tax with respect to its attempted unitary filing for the taxable years in question, as opposed to the separate company basis proposed by audit. First, Taxpayer argues that the Department granted its permission to file on a unitary basis via its letter, and that such permission should not be withdrawn absent some material

element of the request for permission being incorrect or misleading. In general, a taxpayer may be permitted to file on a unitary basis if it requests permission to do so within thirty (30) days of the end of the taxpayer's taxable year, and the Department permits such filing. Ind. Code § 6-3-2-2(q).

First, Taxpayer argues that the Department, in its reply to Taxpayer's letter requesting permission to file a unitary return, granted its permission in the letter. As a result, Taxpayer argues, such permission should not be rescinded absent a material misrepresentation of a taxpayer's circumstances. After review of the Department's letter regarding permission for unitary filing, the language of the Department's letter grants such permission subject to audit review, which is exactly what transpired in this case.

Second, taxpayer argues that the elements for unitary filing are satisfied. Taxpayer notes its operations meet the criteria for unitary filing—namely, functional integration, centralization of management and economies of scale. *See generally Allied-Signal Corp. v. Director, Division of Taxation*, 504 U.S. 768, 781 (1992) (citing *F.W. Woolworth Co. v. Taxation and Revenue Dep't. of New Mexico*, 458 U.S. 354, 364 (1982)). Further, Taxpayer argues that a distortion of income occurred in its operations under Ind. Code § 6-3-2-2(l), which could only be remedied by unitary filing.

Taxpayer has noted the three elements of unitary filing. Taxpayer and the subsidiaries have the same management, satisfying the common management element. With respect to functional integration, Taxpayer has integrated the subsidiaries into one large, functional whole, with substantial flow of value, even without necessarily a flow of goods. Finally, with respect to economies of scale, Taxpayer has noted several aspects of its operations where the Taxpayer and subsidiaries have realized savings from operating as an entity rather than as separate parts. In short, Taxpayer has a well-integrated operation, the type necessary for unitary filing.

With respect to distortion of income, Taxpayer notes several types of distortion that are present within the company. For one thing, Taxpayer notes that many of its clerical services are provided by affiliates, and that Taxpayer is only charged for these services at cost—a fraction of the arms-length price for these services.

In addition, Taxpayer has noted that another member of the unitary group with which it seeks to file has incurred a substantial amount of debt in the acquisition of Taxpayer, and later for additional expenses. Taxpayer's assets are part of the security for both sets of debt. However, Taxpayer's books do not reflect the payment of interest with respect to the debt.

Further, Taxpayer notes that it does not have its own separate sales force, but rather uses the sales force of another member of its claimed unitary group. Taxpayer argues that the fees it is charged are less than the arms-length value of the services provided. Finally, Taxpayer argues that its trademarks are used interchangeably by the businesses without charge.

With respect to Taxpayer's overall operations, it is difficult to quantify what the effects of Taxpayer's transactions leading to the claimed distortion were. In this file, insufficient information exists with respect to whether Taxpayer's intragroup transactions significantly affected Taxpayer's profitability. Finally, with respect to the interest paid for the debt to acquire Taxpayer, Taxpayer's argument that this creates distortion of income with respect to Taxpayer's Indiana operations is difficult to reconcile. Basically, Taxpayer's argument effectively tries to offset its income by the costs of acquiring ... itself. In effect, by permitting unitary filing, Taxpayer transforms the profit of Taxpayer's overall enterprise—which an appropriate filing status, unitary or separate, seeks to accomplish—into a substantially different profit. Rather than being a pre-existing distortion that unitary filing seeks to reduce, the allowance of the interest expense on the unitary return creates a distortion of Taxpayer's income. Thus the unitary filing of Taxpayer and its affiliates is disallowed.

**FINDING**

Taxpayer's protest is denied.

**II. Tax Administration - Penalty**

**DISCUSSION**

Taxpayer also protests the imposition of penalty with respect to its quarterly payments. In particular, Taxpayer argues that, since the penalties were imposed on the basis of failing to remit quarterly income taxes, and were only assessed as a result of the prior assessment, then it is tantamount to the penalty for negligence not otherwise assessed by the Department.

Penalty waiver is permitted if the taxpayer shows that the failure to pay the full amount of the tax was due to reasonable cause and not due to willful neglect. IC 6-8.1-10-2.1. The Indiana Administrative Code further provides:

(b) "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.

(c) 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;

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## Nonrule Policy Documents

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- (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.

45 IAC 15-11-2.

With respect to the penalty, Taxpayer has presented a case that it acted with reasonable care expected of taxpayers generally, and thus the penalty should be waived.

### FINDING

Taxpayer's protest is sustained.

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## DEPARTMENT OF STATE REVENUE

04-20040021.LOF

### LETTER OF FINDINGS NUMBER: 04-0021

#### Responsible Officer

#### Periods 2000 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 this document will provide the general public with information about the Department's official position concerning a specific issue.

### ISSUES

#### I. Sales and Withholding Tax: Responsible Officer Liability

**Authority:** Ind. Code § 6-2.5-9-3; Ind. Code § 6-3-4-8; Ind. Code § 6-8.1-5-1(b); Indiana Department of Revenue v. Safayan, 654 N.E.2d 270, 273 (Ind.1995).

The taxpayer protests the proposed assessment of responsible officer liability for unpaid sales and withholding taxes.

### STATEMENT OF FACTS

Taxpayer was employed by a company ("Company"). On Company's filing of Articles of Incorporation and all subsequent filings with the Indiana Secretary of State's office, Taxpayer was listed as Company's President, and the address for Company was listed as being in care of Taxpayer.

Taxpayer's protest was set for hearing at a designated time by the Department via letter. Neither Taxpayer nor any representative of Taxpayer contacted the hearing officer assigned to the protest. At the time designated for the hearing, Taxpayer neither appeared at the Department's offices nor called the hearing officer responsible for conducting the hearing. Accordingly, this letter is based on information in the Department's file and publicly available information from the Indiana Secretary of State's office.

#### I. Sales and Withholding Tax: Responsible Officer Liability

### DISCUSSION

The proposed sales tax and withholding tax liability was issued under authority of Ind. Code § 6-2.5-9-3 that provides as follows:

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 (as described in IC 6-2.5-3-2) 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. If the individual knowingly fails to collect or remit those taxes to the state, he commits a Class D felony.

The proposed withholding taxes were assessed against taxpayer pursuant to Ind. Code § 6-3-4-8. Also of import is Indiana Department of Revenue v. Safayan, 654 N.E.2d 270, 273 (Ind.1995), which states "The statutory duty to remit trust taxes falls on any officer or employee who has the authority to see that they are paid."

Finally, the Indiana Department of Revenue's "notice of proposed assessment is prima facie evidence that the department's claim for the unpaid tax is valid." Ind. Code § 6-8.1-5-1(b). That statute also states the burden of proof rests with the taxpayer.

Taxpayer argues that he was only an employee of Company, and neither an owner nor officer of Company, at the time of the proposed assessments. However, all filings with the Secretary of State required of Company indicated that Taxpayer was the president of Company. Any filings that may have indicated otherwise are not part of that file. Taxpayer has provided no other substantiation of his arguments.

### FINDING

The taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

0420040092.LOF

**LETTER OF FINDINGS NUMBER: 04-0092**

**Sales and Withholding Tax**

**Responsible Officer**

**For the Tax Period 1999-9/30/2000**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE**

**I. Sales and Use Tax - Responsible Officer Liability**

**Authority:** IC 6-2.5-9-3, IC 6-8.1-5-1(b), Indiana Department of Revenue v. Safayan 654 N.E. 2<sup>nd</sup> 279 (Ind.1995).

The taxpayer protests the assessment of responsible officer liability for unpaid corporate sales taxes.

**STATEMENT OF FACTS**

The taxpayer was the President of a corporation that did not properly remit sales taxes to the state during the tax period 1999-September 30, 2000. The Indiana Department of Revenue, hereinafter referred to as the "department," assessed the unpaid sales taxes, interest, and penalty against the taxpayer as a responsible officer of that corporation. The taxpayer protested the assessment of tax. A hearing was held and this Letter of Findings results.

**I. Sales and Use Tax - Responsible Officer Liability**

**DISCUSSION**

Indiana Department of Revenue assessments are prima facie evidence that the taxes are owed by the taxpayer who has the burden of proving that the assessment is incorrect. IC 6-8-1-5-1(b).

The proposed sales tax liability was issued under authority of IC 6-2.5-9-3 that provides as follows:

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.

Pursuant to Indiana Department of Revenue v. Safayan 654 N.E. 2<sup>nd</sup> 279 (Ind.1995) any officer, employee, or other person who has the authority to see that they are paid has the statutory duty to remit sales and withholding taxes to the state. As the President of the corporation, the taxpayer had the responsibility to oversee the corporation. The taxpayer failed to insure that the corporation fulfilled its financial responsibilities by remitting trust taxes to the Indiana Department of Revenue. Therefore, the taxpayer had the statutory duty to remit the sales taxes and is personally liable for the payment of those taxes.

**FINDING**

The taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

42-20040103.LOF

**LETTER OF FINDINGS NUMBER: 04-0103**

**IFTA**

**For The 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.

**ISSUES**

**I. International Fuel Tax Agreement - Imposition**

**Authority:** IC 6-8.1-3-14, IC 6-6-4.1-4(a), IC 6-6-4.1-4.5, IC 6-8.1-5-1 (b), IC 6-8.1-5-4(a).

The taxpayer protests the imposition of IFTA taxes.

**II. Tax Administration - Penalty**

**Authority:** IC 6-8.1-10-2.1, 45 IAC 15-11-2 (b).

The taxpayer protests the imposition of the negligence penalty.

**STATEMENT OF FACTS**

The taxpayer is a corporation engaged in trucking with one truck and a driver. After an audit, Indiana Department of Revenue, hereinafter referred to as the "department," assessed International Fuel Tax Agreement (IFTA) taxes, penalty, and interest against the taxpayer. The taxpayer protested this assessment. A hearing was held. This Letter of Findings results.

**I. International Fuel Tax Agreement - Imposition**

**DISCUSSION**

IFTA is an agreement between various United States jurisdictions and Canada allowing for the equitable apportionment of previously collected motor fuel taxes. The agreement's goal is to simplify the tax, licensing, and reporting requirements of interstate motor carriers such as the taxpayer. The agreement itself is not a statute, but was implemented in Indiana pursuant to the authority granted under IC 6-8.1-3-14.

The taxpayer protests the department's imposition of taxes pursuant to IFTA.

The taxpayer was a trucking concern that operated in Indiana. As such, it operated on Indiana highways and consumed motor fuel. Therefore, the taxpayer was subject to IFTA taxes.

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). Taxpayers have the duty to maintain books and records of their affairs and present those to the department for review upon the department's request. IC 6-8.1-5-4(a).

The taxpayer was unable to produce any documentation demonstrating that it had paid the proper amount of tax on the motor fuel it used in its operations. Due to the lack of documentation, the department assessed tax based on the best information available, mileage records on the taxpayer's IRP applications. The taxpayer claimed that it was not responsible for keeping such documentation since the taxpayer operated under a lease arrangement with a Pennsylvania corporation. That corporation, according to the taxpayer, was responsible for all filings and payment of IFTA taxes. The taxpayer was unable to produce the lease or any other documentation relating to a relationship between itself and the Pennsylvania corporation. The taxpayer failed to sustain its burden of proving that the department incorrectly imposed IFTA taxes in this situation.

**FINDING**

The taxpayer's protest is denied.

**I. Tax Administration - Ten Percent (10%) Negligence Penalty**

**DISCUSSION**

The taxpayer protests the imposition of the ten percent (10%) negligence penalty pursuant to IC 6-8.1-10-2.1. Indiana Regulation 45 IAC 15-11-2 (b) clarifies the standard for the imposition of the negligence penalty as follows:

Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

Through its lack of reasonable care and failure to follow the instructions of the department, the taxpayer did not pay taxes it owed to the state. This constitutes negligence.

**FINDING**

The taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

4120040104.LOF

**LETTER OF FINDINGS NUMBER: 04-0104**

**IRP**

**For The 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. International Registration Plan - Imposition**

**Authority:** IC 6-8.1-4-2, IC 9-28-4-6, IC 6-8.1-5-1(b), IC 6-8.1-5-4(a), IRP Agreement Article IV 400(a), IRP Agreement Article II 210.

The taxpayer protests the imposition of International Registration Plans fees.

**STATEMENT OF FACTS**

The taxpayer is a corporation engaged in trucking with one truck and a driver. After an audit, Indiana Department of Revenue, hereinafter referred to as the "department," assessed International Registration Plan fees against the taxpayer. The taxpayer protested this assessment. A hearing was held. This Letter of Findings results.

**I. International Registration Plan - Imposition**

**DISCUSSION**

The International Registration Plan, hereinafter referred to as the "IRP," is an agreement between various United States jurisdictions and Canada allowing for the proportional registration of commercial vehicles and providing for the recognition of such registrations in the participating jurisdictions. The agreement's goal is to promote the fullest possible use of the highway system by authorizing apportioned registration of fleets of vehicles. The agreement itself is not a statute, but was implemented in Indiana pursuant to the authority granted under IC 6-8.1-4-2 and IC 9-28-4-6.

The taxpayer was a trucking concern incorporated under the laws of Indiana. The taxpayer's truck was based in Indiana. The taxpayer had an Indiana phone number. The president of the corporation and the only driver was a resident of Indiana. The taxpayer's operational records were kept in Indiana. The taxpayer drove its truck in Indiana.

The taxpayer protests the department's imposition of Indiana excise fees pursuant to IRP and disallowance of the mileage statements submitted to Oklahoma. The taxpayer contends that it paid all necessary IRP fees to Oklahoma through arrangements made by a licensing service. Further, the taxpayer contends that Indiana received its appropriate share of the excise fees from Oklahoma.

All assessments by the department are presumed to be accurate. The taxpayer bears the burden of proving that any assessment is incorrect. IC 6-8.1-5-1(b). Taxpayers have the duty to maintain books and records of their affairs and present those to the department for review upon the department's request. IC 6-8.1-5-4(a).

IRP Agreement Article IV 400(a) requires that IRP registrants file for IRP status in its base jurisdiction as defined at IRP Agreement Article II 210 as follows:

"Base Jurisdiction" means, for purposes of fleet registration, the jurisdiction where the registrant has an established place of business, where distance is accrued by the fleet and where operational records of such fleet are maintained or can be made available in accordance with the provisions of Section 1602.

This taxpayer's established place of business was Indiana and its operational records were kept at that place of business. Further, the truck was operated in Indiana. Therefore, the taxpayer's base jurisdiction was Indiana. The taxpayer should have filed for IRP status in Indiana and remitted the IRP fees to Indiana.

The taxpayer also protests the department's disallowance of the mileage filed with Oklahoma as to where the truck operated and how much fee apportionment should be sent to each state. The taxpayer argued that the filing service filled in the numbers and the truck never went to several of the states listed such as California and Connecticut. Since the taxpayer agreed that the mileage amounts listed were estimates, the department had no choice but to disallow those mileage statements. The taxpayer could not produce any records to establish the actual miles the taxpayer's truck traveled through the various states during the audit period. Indiana properly apportioned all the miles and related IRP fees to Indiana because there were no records establishing which other states should receive proportional shares of the plate fee.

**FINDING**

The taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

04-20040119.LOF

**LETTER OF FINDINGS NUMBER: 04-0119**

**Sales and Use Tax**

**For Tax Year 2001**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning specific issues.

**ISSUES**

**I. Sales and Use Tax - Publications**

**Authority:** Ind. Code § 6-2.5-3-2, Ind. Code § 6-2.5-5-17, 45 IAC 2.2-5-26, *Emmis Publishing Corporation v. Indiana Department of Revenue*, 612 N.E.2d 614 (Ind. Tax 1993)

Taxpayer protests the assessment of use tax on its publication.

**STATEMENT OF FACTS**

Taxpayer is a beneficial society organized under § 501(c) (2) of the Internal Revenue Code. Members of this society elect a board of directors to manage the distribution of benefits to each of the members. Each month Taxpayer purchases a publication and distributes it to each of its members. After a routine audit, the Indiana Department of Revenue assessed additional use tax on Taxpayer's use of this publication. Taxpayer protested this assessment. Further facts will be provided as necessary.

**I. Sales and Use Tax - Publication**

**DISCUSSION**

Ind. Code § 6-2.5-3-2 imposes the gross retail tax on "the storage, use, or consumption of tangible personal property in Indiana, if the property was acquired in a retail transaction." Taxpayer purchases a publication and distributes it to its members. This use is generally subject to the gross retail tax. Taxpayer contends, however, that the publication is a newspaper and therefore qualifies for exemption from the gross retail tax pursuant to Ind. Code § 6-2.5-5-17. The auditor for the Indiana Department of Revenue classified the publication as a magazine. Therefore, it would not qualify for the newspaper exemption to the gross retail tax. The issue to be determined is whether the publication is a newspaper qualifying for exemption or a magazine subject to tax.

The Indiana Administrative Code provides clarification of the newspaper exemption at 45 IAC 2.2-5-26 as follows:

(a) General Rule. In general, sales of all publications irrespective of format are taxable. The exemption provided by this rule is limited to sales of newspapers.

(b) Application of the general rule. For purposes of [sales] 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 matter at a post office in the county where published; and
- (6) printed for resale and are sold.

(c) Publications which are primarily devoted to matters of specialized interest such as business, political, religious, or sporting matters may qualify for exemption if they also satisfy the criteria listed in subsection 26 of this rule [subsection (b)].

(d) Magazines, periodicals, journals, bulletins, advertising supplements, handbills, circulars, or the like are not newspapers until distributed as a part of a publication which is a newspaper within the meaning of this rule [45 IAC 2.2].

(1) Magazines are not construed to be newspapers. The retail sales of all magazines and periodicals are subject to sales tax. The sale of magazines by subscription is subject to sales tax without regard to the price of a single copy, and sales tax without regard to the price of a single copy, and sales tax must be collected by the seller from the person who subscribes to the magazine on the full subscription price.

(2) For purposes of [sales] tax, the term 'newspaper' shall include advertising inserts. Advertising inserts shall mean only those publications which are:

- (A)(i) produced for a person by a private printer and delivered to the newspaper publishers, or
- (ii) produced and printed by a newspaper publisher, or
- (iii) produced and printed by a person and delivered to the newspaper publisher, and

(B) inserted by the newspaper publisher into the newspapers and distributed along with the newspapers.

Any distribution not meeting the above test does not qualify for the newspaper insert exemption. Examples of items distributed along with a newspaper that do not qualify for the exemption include: gum, shampoo, and detergent samples.

(e) Publications issued monthly, bimonthly or at longer or irregular intervals are generally not considered to be newspapers.

(f) Racing forms and tip sheets are not newspapers.

(g) A preponderance of advertising, lack of authorization to carry legal advertising, or lack of a masthead setting forth the publisher, editor, circulation, and place of publication are characteristics of publications other than newspapers.

The Tax Court of Indiana ruled that the requirement set forth in (b)(2) was unconstitutional in *Emmis Publishing Corporation v. Indiana Department of Revenue*, 612 N.E.2d 614 (Ind. Tax Court, 1993). However, any publication must fulfill the remaining five requirements of subsection b to be considered a newspaper.

The first requirement of subsection (b) is that the publication must be commonly understood to be a newspaper. The fact that there is a dispute over whether this publication is a newspaper or a magazine indicates that it is at least questionable whether the publication would be considered a newspaper. Further the publication is very similar to publications commonly perceived of as magazines which are sent to members of beneficial societies.

Finally, one item of note with respect to the issue of whether the publication at issue is a magazine or newspaper: many other beneficial societies distribute the same publication, with about four pages devoted to the local beneficial society. A routine internet search revealed that at least four similarly situated societies referred to the publication as a magazine, and only two referred to it



as a newspaper- and one of those later referred to the publication as a magazine in the same paragraph. This leads to one inference: even the beneficial societies that distribute this publication cannot decide if it is a newspaper, and actually lean in the direction that the publication is not a newspaper. Taxpayer's publication does not meet the test of being commonly understood as a newspaper since there appears to be a great deal of room for discussion about the subject.

Next, to be considered a newspaper, the publication must be circulated among the general public. This publication is automatically mailed each month to all the members of Taxpayer's beneficial society. This is the primary means of circulation. Members of the general public, if they knew of the offer and were interested, could subscribe to the publication. This is not effectively publicized, however, and there is no evidence that very many people actually pay the subscription rate to obtain the publication. The publication does not circulate among the general public.

Publications that are newspapers are published at short intervals. Most newspapers are published daily or weekly. Further in the regulation at (e), the regulation clearly states that "publications issued monthly.... are not generally considered to be newspapers." This publication is issued monthly. That is too long an interval for it to be considered a newspaper. Rather, monthly publications are generally considered magazines and not entitled to the newspaper exemption from the gross retail tax.

This publication does qualify to be mailed second class.

The final requirement is that the newspaper be "printed for resale and are sold". As discussed earlier, this publication is offered for sale by subscription to persons who are not members of Taxpayer's beneficial society.

Taxpayer's publication does not meet all of the regulatory requirements to be considered a newspaper exempt from the gross retail tax.

### **FINDING**

Taxpayer's protest is denied.

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## **DEPARTMENT OF STATE REVENUE**

0420040168P.LOF

### **LETTER OF FINDINGS NUMBER: 04-0168P**

#### **Sales Tax**

#### **For the month December 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. 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 of a monthly sales tax return for December 2003.

The taxpayer is a company residing in Indiana.

#### **I. Tax Administration – Penalty**

### **DISCUSSION**

The taxpayer requests the penalty be waived as the error is the result of a sick employee. The taxpayer had an employee get sick. The employee was unable to work which caused a personnel shortage. The taxpayer covered the personnel shortage by personally working the extra hours. The extra hours overburdened the taxpayer which resulted in the taxpayer misinterpreting the due date.

The Department allows for waiver of penalty in the event of an incapacitating illness. In the instant case, the taxpayer could have handled this situation by hiring another employee, and thereby, relieve the work overload which caused the misinterpretation of the due date.

45 IAC 15-11-2(b) states, "Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer."

The Department finds the taxpayer was inattentive of tax duties. Inattention is negligence and negligence is subject to penalty.

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**Nonrule Policy Documents**

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As such, the Department finds the penalty proper and denies the penalty protest.

**FINDING**

The taxpayer's penalty protest is denied.

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**DEPARTMENT OF STATE REVENUE**

0320040169P.LOF

**LETTER OF FINDINGS NUMBER: 04-0169P**

**Withholding Tax**

**For the month December 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. 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 of a monthly withholding tax return for December 2003.

The taxpayer is a company residing in Indiana.

**I. Tax Administration – Penalty**

**DISCUSSION**

The taxpayer requests the penalty be waived as the error is the result of a sick employee. The taxpayer had an employee get sick. The employee was unable to work which caused a personnel shortage. The taxpayer covered the personnel shortage by personally working the extra hours. The extra hours overburdened the taxpayer which resulted in the taxpayer misinterpreting the due date.

The Department allows for waiver of penalty in the event of an incapacitating illness. In the instant case, the taxpayer could have handled this situation by hiring another employee, and thereby, relieve the work overload which caused the misinterpretation of the due date.

45 IAC 15-11-2(b) states, "Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer."

The Department finds the taxpayer was inattentive of tax duties. Inattention is negligence and negligence is subject to penalty. As such, the Department finds the penalty proper and denies the penalty protest.

**FINDING**

The taxpayer's penalty protest is denied.

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**DEPARTMENT OF STATE REVENUE**

0220040231P.LOF

**LETTER OF FINDINGS NUMBER: 04-0231P**

**Income Tax**

**For the Calendar Years 1994 through 2002**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE**

**I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2;

The taxpayer protests the late penalty and underpayment of estimated tax penalty.

**STATEMENT OF FACTS**

The late penalty and underpayment penalty were assessed on the filing of delinquent income tax returns for the calendar years 1994 through 2002.

The taxpayer is a company located out-of-state.

**I. Tax Administration – Penalty**

**DISCUSSION**

The taxpayer requests the penalty be waived as the taxpayer was not aware of the filing requirements. All Indiana sales were reported to California and the taxes were paid to California in regard to those liabilities. After being audited by the California Franchise Tax Board, the taxpayer realized it had a requirement to file separate income tax returns in Indiana. The taxpayer filed all delinquent tax returns for the tax years 1994 through 2002 in the year 2003.

45 IAC 15-11-2(b) states, "Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer."

The Department finds the taxpayer was inattentive of tax duties. Inattention is negligence and negligence is subject to penalty. As such, the Department finds the penalty proper and denies the penalty protest.

**FINDING**

The taxpayer's penalty protest is denied.

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**DEPARTMENT OF STATE REVENUE**

0320040239P.LOF

**LETTER OF FINDINGS NUMBER: 04-0239P**

**Withholding Tax**

**For the months August and December 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. 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 filing of monthly withholding tax returns for the months of August and December 2003.

The taxpayer is a company located in Indiana.

**I. Tax Administration – Penalty**

**DISCUSSION**

The taxpayer requests the penalty be waived as the taxpayer was not aware of the filing frequency, and, the error was unintentional. Furthermore, the taxpayer states the taxpayer has a good compliance record.

The Department will waive penalty when the error is unusual and the taxpayer has an exemplary compliance history.

With regard to the payment history, the taxpayer has an earlier error which the taxpayer paid. In light of this error, the Department does not feel the taxpayer has established a good compliance record which would be a factor in waiving penalty.

With regard to the nature of the error, the Department does not feel misinterpreting the filing frequency is an unusual error. Thus, the Department does not feel the nature of the error is a factor in waiving penalty.

45 IAC 15-11-2(b) states, "Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by

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## Nonrule Policy Documents

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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.

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## DEPARTMENT OF STATE REVENUE

0420040114P.SLOF

### SUPPLEMENTAL LETTER OF FINDINGS NUMBER: 04-0114P

#### Sales Tax

#### For the Months of December 2002, January 2003, June 2003, and August 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. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

The taxpayer protests the late penalty.

#### **II. Tax Administration - Interest**

**Authority:** IC 6-8.1-10-1

The taxpayer protests the interest assessment.

### STATEMENT OF FACTS

The late penalty and interest were assessed on the late filing of sales tax returns for the months of December 2002, January 2003, June 2003, and August 2003.

The taxpayer is a company located out-of-state.

#### **I. Tax Administration – Penalty**

### DISCUSSION

The taxpayer continues to request the penalty be waived. The error is the taxpayer not changing the filing frequency from “monthly” to “early filer”.

The Department reviewed the filing frequency letter that went out and noticed the letter was incorrect. The letter should have stated the filing frequency changed from “monthly” to “early filer”. However, the letter stated the filing frequency changed from “early filer” to “monthly”. As the Department did not correctly notify the taxpayer of the filing frequency change, the Department did not conform to the requirements of law. Therefore, the protest is sustained.

### FINDING

The taxpayer’s penalty protest is sustained.

#### **II. Tax Administration – Interest**

Interest may not be waived according to statute. IC 6-8.1-10-1.

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## DEPARTMENT OF STATE REVENUE

### Revenue Ruling #2004-01IT

August 26, 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 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

#### **Adjusted Gross Income Tax, Et Al. – Community Revitalization Enhancement District Tax Credit**

**Authority:** IC 6-3.1-19-3

The taxpayer requests the Department to rule whether or not investor members will be entitled to a pro rata percentage of the

available and qualified credit within a given year based upon each member's pro rata ownership in the taxpayer at the time the taxpayer makes qualified investment expenditures.

#### **STATEMENT OF FACTS**

The taxpayer, an LLC, plans to construct a building in a part of a district that has been designated as a Community Revitalization Enhancement District (CReED) under IC 6-3.1-19. The taxpayer has obtained approval for a tax credit authorized under the CReED statute. To help finance the project, the taxpayer will soon begin securing investors for the project. The investors, which may include business entities such as corporations or individuals, will become members of the taxpayer. Once the investor group becomes fixed, investors will share income, profits and cash flow with all other members of the taxpayer at a ratio of 99 percent for investors and 1 percent for the developer. After 2006, depreciation will be split into the ratio of positive capital accounts until capital accounts are equal to zero, and all other items will be shared at a ratio of 1 percent for the investors and 99 percent for the developer. The taxpayer will be taxed as a partnership for federal income tax purposes.

#### **DISCUSSION**

IC 6-3.1-19-3(a) provides:

Subject to section 5 of this chapter, a taxpayer is entitled to a credit against the taxpayer's state and local tax liability for a taxable year if the taxpayer makes a qualified investment in that year.

IC 6-3.1-19-3(e) provides, in relevant part:

If a pass through entity is entitled to a credit under this chapter but does not have state and local liability against which the tax credit may be applied, a shareholder, partner, or member of the pass through entity is entitled to a tax credit equal to:

1. the tax credit determined for the pass through entity for the taxable year; multiplied by
2. the percentage of the pass through entity's distributive income to which the shareholder, partner, or member is entitled.

It is clear from the above statute, a taxpayer is entitled to a tax credit if the taxpayer makes a qualified investment. Further, if the taxpayer is a pass through entity and has no state and local tax liability against which the tax credit may be applied, each owner of the taxpayer is entitled to a pro rata portion of the tax credit.

In the instant case then, to the extent the taxpayer makes a qualified investment in a given tax year and does not have state and local tax liability against which the tax credit may be applied, an investor member would be entitled in such year to a tax credit equal to the tax credit determined for the taxpayer for such year multiplied by the percentage of the taxpayer's distributive income to which the investor member is entitled. If an investor member's ownership percentage in the taxpayer is equal to the percentage of the distributive income of the taxpayer to which the investor member is entitled in a taxable year that the taxpayer makes a qualified investment, the tax credit available to the investor member would equal the tax credit determined for the taxpayer for that taxable year multiplied by the investor member's ownership percentage in the taxpayer for that taxable year.

#### **RULING**

The Department rules that investor members will be entitled to a percentage of the available and qualified CReED credit determined for the taxpayer for a taxable year based upon the percentage of the taxpayer's distributive income to which the investor member is entitled in such taxable year.

#### **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

Indiana Department of State Revenue

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## Rules Affected by Volumes 27 and 28

TITLE 10 OFFICE OF ATTORNEY GENERAL FOR THE STATE				65 IAC 4-205	R	04-249	*ER (28 IR 227)	
10 IAC 1.5	RA	03-102	26 IR 3425	<b>27 IR 946</b>	65 IAC 4-248	R	04-249	*ER (28 IR 227)
10 IAC 1.5-6	N	03-101	26 IR 3374	<b>27 IR 450</b>	65 IAC 4-272	R	04-249	*ER (28 IR 227)
10 IAC 3-1-1	A	03-167	26 IR 3909	<b>27 IR 824</b>	65 IAC 4-287	R	04-249	*ER (28 IR 227)
10 IAC 3-1-2	A	03-167	26 IR 3911	<b>27 IR 825</b>	65 IAC 4-317	R	04-249	*ER (28 IR 227)
TITLE 11 CONSUMER PROTECTION DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL				65 IAC 4-319	R	04-249	*ER (28 IR 227)	
11 IAC 2-5-5	N	02-324	26 IR 1598	*AROC (26 IR 2134)	65 IAC 4-321	R	04-249	*ER (28 IR 227)
11 IAC 3	N	03-165	26 IR 3911	<b>27 IR 826</b>	65 IAC 4-329	N	03-237	*ER (27 IR 192)
TITLE 25 INDIANA DEPARTMENT OF ADMINISTRATION				65 IAC 4-330	N	03-246	*ER (27 IR 199)	
25 IAC 6	N	04-172	27 IR 3595	*CPH (28 IR 234)	65 IAC 4-331	N	03-247	*ER (27 IR 200)
TITLE 31 STATE PERSONNEL DEPARTMENT				65 IAC 4-332	R	04-249	*ER (28 IR 227)	
31 IAC 1-9-4	A	04-170	27 IR 4049	65 IAC 4-333	N	03-292	*ER (27 IR 891)	
31 IAC 2-11-4	A	04-170	27 IR 4049	65 IAC 4-335	N	03-310	*ER (27 IR 1190)	
TITLE 35 BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES' RETIREMENT FUND				65 IAC 4-336	N	03-338	*ER (27 IR 1602)	
35 IAC 8-1-1	A	04-18	27 IR 2305	<b>27 IR 3868</b>	65 IAC 4-337	N	04-28	*ER (27 IR 1900)
35 IAC 8-1-2	A	04-18	27 IR 2305	<b>27 IR 3868</b>	65 IAC 4-338	N	04-26	*ER (27 IR 1896)
35 IAC 8-2-1	A	04-18	27 IR 2306	<b>27 IR 3869</b>	65 IAC 4-339	N	04-30	*ER (27 IR 1903)
35 IAC 10	N	04-18	27 IR 2307	<b>27 IR 3870</b>	65 IAC 4-340	N	04-31	*ER (27 IR 1905)
35 IAC 11	N	03-131	26 IR 3678	<b>27 IR 1164</b>	65 IAC 4-341	N	04-32	*ER (27 IR 1907)
35 IAC 12	N	04-18	27 IR 2308	<b>27 IR 3871</b>	65 IAC 4-342	N	04-169	*ER (27 IR 3085)
TITLE 45 DEPARTMENT OF STATE REVENUE				65 IAC 4-343	N	04-93	*ER (27 IR 2511)	
45 IAC 1.3	N	04-125	27 IR 3101	65 IAC 4-344	R	04-249	*ER (28 IR 227)	
45 IAC 18-3-7	R	04-255	28 IR 624	65 IAC 4-346	N	04-201	*ER (27 IR 4026)	
45 IAC 18-3-7.1	N	04-255	28 IR 623	65 IAC 4-347	N	04-130	*ER (27 IR 2748)	
45 IAC 18-3-8	R	04-255	28 IR 624	65 IAC 4-347	N	04-193	*ER (27 IR 3584)	
45 IAC 18-3-8.1	N	04-255	28 IR 623	65 IAC 4-348	N	04-241	*ER (28 IR 221)	
TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE				65 IAC 4-350	N	04-252	*ER (28 IR 229)	
50 IAC 18	N	03-235	27 IR 909	*AROC (27 IR 2079)	65 IAC 4-354	R	04-249	*ER (28 IR 227)
				<b>27 IR 2710</b>	65 IAC 4-359	R	04-249	*ER (28 IR 227)
50 IAC 19	N	02-342	26 IR 2397	*ARR (26 IR 3885)	65 IAC 4-367	R	04-249	*ER (28 IR 227)
				*AROC (27 IR 287)	65 IAC 4-383	R	04-249	*ER (28 IR 227)
				<b>27 IR 450</b>	65 IAC 4-390	R	04-249	*ER (28 IR 227)
50 IAC 20	N	03-6	27 IR 908	*CPH (27 IR 1613)	65 IAC 4-401	R	04-249	*ER (28 IR 227)
				*ARR (27 IR 2745)	65 IAC 4-402	R	04-249	*ER (28 IR 227)
				*AROC (27 IR 3707)	65 IAC 4-403	R	04-249	*ER (28 IR 227)
50 IAC 21	N	04-174	27 IR 3603		65 IAC 4-404	R	04-249	*ER (28 IR 227)
	N	02-297	27 IR 4050		65 IAC 4-405	R	04-249	*ER (28 IR 227)
TITLE 52 INDIANA BOARD OF TAX REVIEW				65 IAC 4-406	R	04-249	*ER (28 IR 227)	
52 IAC 2	N	03-179	26 IR 3915	<b>27 IR 1776</b>	65 IAC 4-408	R	04-249	*ER (28 IR 227)
				*ERR (27 IR 2284)	65 IAC 4-437	R	04-249	*ER (28 IR 227)
52 IAC 3	N	03-179	26 IR 3926	<b>27 IR 1787</b>	65 IAC 4-439	R	04-249	*ER (28 IR 227)
				*ERR (27 IR 2284)	65 IAC 4-440	R	04-249	*ER (28 IR 227)
52 IAC 4	N	03-259	27 IR 555		65 IAC 4-441	R	04-249	*ER (28 IR 227)
TITLE 65 STATE LOTTERY COMMISSION				65 IAC 4-442	R	04-249	*ER (28 IR 227)	
65 IAC 1-4-1	A	04-206		*ER (27 IR 4034)	65 IAC 4-443	R	04-249	*ER (28 IR 227)
65 IAC 1-4-5	A	04-206		*ER (27 IR 4034)	65 IAC 4-445	R	04-249	*ER (28 IR 227)
65 IAC 1-4-5.5	N	04-206		*ER (27 IR 4035)	65 IAC 4-446	R	04-249	*ER (28 IR 227)
	A	04-237		*ER (28 IR 217)	65 IAC 4-447	R	04-249	*ER (28 IR 227)
65 IAC 4-1-6	A	04-34		*ER (27 IR 1909)	65 IAC 4-448	R	04-249	*ER (28 IR 227)
65 IAC 4-1-6.5	A	04-34		*ER (27 IR 1909)	65 IAC 4-450	R	04-249	*ER (28 IR 227)
65 IAC 4-1-7	A	04-34		*ER (27 IR 1909)	65 IAC 4-453	R	04-249	*ER (28 IR 227)
65 IAC 4-1-12.2	N	04-34		*ER (27 IR 1909)	65 IAC 5-1-2.2	N	04-34	*ER (27 IR 1909)
65 IAC 4-1-12.3	N	04-34		*ER (27 IR 1909)	65 IAC 5-1-2.4	N	04-34	*ER (27 IR 1910)
65 IAC 4-1-12.4	N	04-34		*ER (27 IR 1909)	65 IAC 5-1-2.6	N	04-34	*ER (27 IR 1910)
65 IAC 4-2-3	A	03-334		*ER (27 IR 1596)	65 IAC 5-1-6	A	04-34	*ER (27 IR 1910)
65 IAC 4-2-5	A	03-334		*ER (27 IR 1596)	65 IAC 5-1-7	A	04-34	*ER (27 IR 1910)
65 IAC 4-3-1	A	03-334		*ER (27 IR 1597)	65 IAC 5-1-8	A	04-34	*ER (27 IR 1910)
65 IAC 4-3-2	A	03-334		*ER (27 IR 1597)	65 IAC 5-1-11.2	N	04-34	*ER (27 IR 1910)
65 IAC 4-90	R	04-249		*ER (28 IR 227)	65 IAC 5-1-12	A	04-34	*ER (27 IR 1910)
65 IAC 4-99	R	04-249		*ER (28 IR 227)	65 IAC 5-5-1	A	03-314	*ER (27 IR 1587)
					65 IAC 5-5-1.5	N	03-314	*ER (27 IR 1587)
					65 IAC 5-5-2	A	03-314	*ER (27 IR 1587)
					65 IAC 5-5-3	A	03-314	*ER (27 IR 1587)
					65 IAC 5-5-4	A	03-314	*ER (27 IR 1588)
					65 IAC 5-5-5	A	03-314	*ER (27 IR 1588)
					65 IAC 5-5-6	A	03-314	*ER (27 IR 1589)
					65 IAC 5-6-1	A	03-314	*ER (27 IR 1589)
					65 IAC 5-6-1.5	N	03-314	*ER (27 IR 1589)
					65 IAC 5-6-2	A	03-314	*ER (27 IR 1590)

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65 IAC 5-6-3	A	03-314		*ER (27 IR 1591)	68 IAC 18-1-2	A	04-102	27 IR 3114	<b>28 IR 531</b>
65 IAC 5-6-4	A	03-314		*ER (27 IR 1591)	68 IAC 18-1-6	A	04-102	27 IR 3114	<b>28 IR 532</b>
65 IAC 5-6-5	A	03-314		*ER (27 IR 1591)					
65 IAC 5-6-6	A	03-314		*ER (27 IR 1593)	TITLE 71 INDIANA HORSE RACING COMMISSION				
65 IAC 5-9-1	A	03-314		*ER (27 IR 1593)	71 IAC 1-1-1	A	04-117		*ER (27 IR 2753)
				*ERR (27 IR 1575)	71 IAC 1.5-1-19	A	04-21		*ER (27 IR 1911)
65 IAC 5-9-1.5	N	03-314		*ER (27 IR 1594)	71 IAC 3-2-9	A	04-21		*ER (27 IR 1911)
65 IAC 5-9-2	A	03-314		*ER (27 IR 1594)			04-117		*ER (27 IR 2754)
65 IAC 5-9-3	A	03-314		*ER (27 IR 1594)	71 IAC 3-9-4	A	04-21		*ER (27 IR 1912)
65 IAC 5-9-4	A	03-314		*ER (27 IR 1594)	71 IAC 3.5-2-9	A	04-117		*ER (27 IR 2754)
65 IAC 5-9-9	A	03-314		*ER (27 IR 1595)	71 IAC 4-3-15	A	04-21		*ER (27 IR 1912)
65 IAC 5-9-12	A	03-314		*ER (27 IR 1595)	71 IAC 5-1-2	A	04-21		*ER (27 IR 1912)
65 IAC 5-13	R	04-249		*ER (28 IR 227)	71 IAC 5-1-3	A	04-21		*ER (27 IR 1913)
65 IAC 5-14	R	04-249		*ER (28 IR 227)	71 IAC 5.5-1-2	A	04-21		*ER (27 IR 1913)
65 IAC 5-15	R	04-249		*ER (28 IR 227)	71 IAC 5.5-1-3	A	04-21		*ER (27 IR 1913)
					71 IAC 5.5-3-3	A	04-21		*ER (27 IR 1914)
TITLE 68 INDIANA GAMING COMMISSION					71 IAC 5.5-4-2	A	04-21		*ER (27 IR 1915)
68 IAC 1-5-1	A	04-103	27 IR 3115	<b>28 IR 532</b>	71 IAC 6-1-3	A	04-21		*ER (27 IR 1915)
68 IAC 2-3-5	A	04-103	27 IR 3115	<b>28 IR 533</b>	71 IAC 6-3-1	A	04-21		*ER (27 IR 1917)
68 IAC 2-3-6	A	04-103	27 IR 3117	<b>28 IR 535</b>	71 IAC 7-1-11	A	04-21		*ER (27 IR 1917)
68 IAC 2-3-9	A	04-103	27 IR 3118	<b>28 IR 535</b>	71 IAC 7-1-15	A	04-21		*ER (27 IR 1917)
68 IAC 2-6-49	A	04-102	27 IR 3109	<b>28 IR 526</b>	71 IAC 7-1-22	R	04-21		*ER (27 IR 1922)
68 IAC 2-7-12	A	04-102	27 IR 3109	<b>28 IR 526</b>	71 IAC 7-1-28	A	04-21		*ER (27 IR 1918)
68 IAC 4-1-1	RA	03-132	26 IR 3750	*CPH (27 IR 208)	71 IAC 7-2-8	A	04-21		*ER (27 IR 1918)
				<b>27 IR 1295</b>	71 IAC 7-3-6	A	03-244		*ER (27 IR 205)
68 IAC 4-1-2	RA	03-132	26 IR 3751	*CPH (27 IR 208)	71 IAC 7-3-11	A	04-21		*ER (27 IR 1918)
				<b>27 IR 1296</b>	71 IAC 7-3-13	A	04-21		*ER (27 IR 1919)
68 IAC 4-1-3	RA	03-132	26 IR 3751	*CPH (27 IR 208)	71 IAC 7.5-1-2	A	04-21		*ER (27 IR 1919)
				<b>27 IR 1296</b>			04-222		*ER (27 IR 4037)
68 IAC 4-1-4	RA	03-132	26 IR 3751	*CPH (27 IR 208)	71 IAC 7.5-1-4	A	03-244		*ER (27 IR 205)
				<b>27 IR 1296</b>	71 IAC 7.5-1-15	N	04-21		*ER (27 IR 1919)
68 IAC 4-1-5	RA	03-132	26 IR 3752	*CPH (27 IR 208)	71 IAC 7.5-6-1	A	04-21		*ER (27 IR 1919)
				<b>27 IR 1297</b>	71 IAC 7.5-6-3	A	03-244		*ER (27 IR 206)
68 IAC 4-1-6	RA	03-132	26 IR 3752	*CPH (27 IR 208)	71 IAC 7.5-7-5	A	04-21		*ER (27 IR 1920)
				<b>27 IR 1297</b>	71 IAC 8-6-2	A	04-21		*ER (27 IR 1920)
68 IAC 4-1-7	RA	03-132	26 IR 3752	*CPH (27 IR 208)	71 IAC 8-11-3	A	04-21		*ER (27 IR 1920)
				<b>27 IR 1297</b>	71 IAC 8-12	N	04-117		*ER (27 IR 2755)
68 IAC 4-1-8	RA	03-132	26 IR 3753	*CPH (27 IR 208)	71 IAC 8.5-5-2	A	04-21		*ER (27 IR 1921)
				<b>27 IR 1298</b>	71 IAC 8.5-11-3	A	04-21		*ER (27 IR 1921)
68 IAC 4-1-9	RA	03-132	26 IR 3753	*CPH (27 IR 208)	71 IAC 8.5-12	N	04-117		*ER (27 IR 2756)
				<b>27 IR 1299</b>	71 IAC 12-2-15	A	03-293		*ER (27 IR 896)
68 IAC 4-1-10	RA	03-132	26 IR 3754	*CPH (27 IR 208)	71 IAC 13.5-3-1	A	04-21		*ER (27 IR 1921)
				<b>27 IR 1299</b>	71 IAC 13.5-3-2	A	04-21		*ER (27 IR 1922)
68 IAC 5-3-2	A	04-102	27 IR 3109	<b>28 IR 526</b>	71 IAC 13.5-3-3	A	04-21		*ER (27 IR 1922)
68 IAC 5-3-7	A	04-102	27 IR 3109	<b>28 IR 527</b>	71 IAC 13.5-3-4	A	04-21		*ER (27 IR 1922)
68 IAC 6-3	N	03-204	27 IR 212	<b>27 IR 2440</b>					
				*ERR (27 IR 3580)	TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION				
68 IAC 8-1-11	A	04-102	27 IR 3110	<b>28 IR 527</b>	105 IAC 9-1-1	A	03-17	26 IR 2400	<b>27 IR 451</b>
68 IAC 8-2-29	A	04-102	27 IR 3110	<b>28 IR 527</b>	105 IAC 9-1-2	A	03-17	26 IR 2400	<b>27 IR 452</b>
68 IAC 9-4-8	A	04-102	27 IR 3110	<b>28 IR 527</b>	105 IAC 9-2-1	A	02-231	26 IR 421	<b>27 IR 7</b>
68 IAC 10-1-5	A	04-102	27 IR 3110	<b>28 IR 527</b>	105 IAC 9-2-2	R	02-231		†† <b>27 IR 52</b>
68 IAC 11-1-8	A	04-102	27 IR 3110	<b>28 IR 528</b>	105 IAC 9-2-3	N	02-231		†† <b>27 IR 7</b>
68 IAC 11-3-1	A	04-102	27 IR 3110	<b>28 IR 528</b>	105 IAC 9-2-4	N	02-231		†† <b>27 IR 7</b>
68 IAC 12-1-15	A	04-102	27 IR 3111	<b>28 IR 529</b>	105 IAC 9-2-5	N	02-231		†† <b>27 IR 7</b>
68 IAC 14-4-8	A	04-102	27 IR 3112	<b>28 IR 529</b>	105 IAC 9-2-6	N	02-231		†† <b>27 IR 7</b>
68 IAC 14-5-6	A	04-102	27 IR 3112	<b>28 IR 529</b>	105 IAC 9-2-7	N	02-231		†† <b>27 IR 8</b>
68 IAC 15-1-8	A	04-102	27 IR 3112	<b>28 IR 530</b>	105 IAC 9-2-8	N	02-231		†† <b>27 IR 8</b>
68 IAC 15-3-3	A	04-179	28 IR 237		105 IAC 9-2-9	N	02-231		†† <b>27 IR 8</b>
68 IAC 15-5-2	A	04-179	28 IR 237		105 IAC 9-2-10	N	02-231		†† <b>27 IR 8</b>
68 IAC 15-6-2	A	04-179	28 IR 238		105 IAC 9-2-11	N	02-231		†† <b>27 IR 9</b>
68 IAC 15-6-3	A	04-179	28 IR 239		105 IAC 9-2-12	N	02-231		†† <b>27 IR 9</b>
68 IAC 15-6-5	A	04-179	28 IR 240		105 IAC 9-2-13	N	02-231		†† <b>27 IR 9</b>
68 IAC 15-9-4	A	04-102	27 IR 3112	<b>28 IR 530</b>	105 IAC 9-2-14	N	02-231		†† <b>27 IR 9</b>
68 IAC 15-10-4.1	A	04-102	27 IR 3113	<b>28 IR 530</b>	105 IAC 9-2-15	N	02-231		†† <b>27 IR 10</b>
68 IAC 15-13-2.5	N	04-102	27 IR 3113	<b>28 IR 531</b>	105 IAC 9-2-16	N	02-231		†† <b>27 IR 10</b>
68 IAC 16-1-16	A	04-102	27 IR 3113	<b>28 IR 531</b>	105 IAC 9-2-17	N	02-231		†† <b>27 IR 10</b>
68 IAC 17-1-5	A	04-102	27 IR 3114	<b>28 IR 531</b>	105 IAC 9-2-18	N	02-231		†† <b>27 IR 10</b>
68 IAC 17-2-6	A	04-102	27 IR 3114	<b>28 IR 531</b>	105 IAC 9-2-19	N	02-231		†† <b>27 IR 10</b>





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105 IAC 9-2-156	N	02-231		††27 IR 44	170 IAC 4-1-16	R	04-144	27 IR 4095	*CPH (28 IR 620)
105 IAC 9-2-157	N	02-231		††27 IR 44	170 IAC 4-1-16.5	R	04-144	27 IR 4095	*CPH (28 IR 620)
105 IAC 9-2-158	N	02-231		††27 IR 45	170 IAC 4-1-16.6	R	04-144	27 IR 4095	*CPH (28 IR 620)
105 IAC 9-2-159	N	02-231		††27 IR 45	170 IAC 4-1-17	R	04-144	27 IR 4095	*CPH (28 IR 620)
105 IAC 9-2-160	N	02-231		††27 IR 45	170 IAC 4-1-23	A	04-68	27 IR 2765	
105 IAC 9-2-161	N	02-231		††27 IR 46	170 IAC 4-1-2	N	04-144	27 IR 4057	*CPH (28 IR 620)
105 IAC 9-2-162	N	02-231		††27 IR 46	170 IAC 4-4.2	N	03-305	27 IR 2312	
105 IAC 9-2-163	N	02-231		††27 IR 46	170 IAC 5-1-15	R	04-144	27 IR 4095	*CPH (28 IR 620)
105 IAC 9-2-164	N	02-231		††27 IR 47	170 IAC 5-1-16	R	04-144	27 IR 4095	*CPH (28 IR 620)
105 IAC 9-2-165	N	02-231		††27 IR 47	170 IAC 5-1-16.5	R	04-144	27 IR 4095	*CPH (28 IR 620)
105 IAC 9-2-166	N	02-231		††27 IR 47	170 IAC 5-1-16.6	R	04-144	27 IR 4095	*CPH (28 IR 620)
105 IAC 9-2-167	N	02-231		††27 IR 47	170 IAC 5-1-17	R	04-144	27 IR 4095	*CPH (28 IR 620)
105 IAC 9-2-168	N	02-231		††27 IR 47	170 IAC 5-1.2	N	04-144	27 IR 4065	*CPH (28 IR 620)
105 IAC 9-2-169	N	02-231		††27 IR 47	170 IAC 6-1-15	R	04-144	27 IR 4095	*CPH (28 IR 620)
105 IAC 9-2-170	N	02-231		††27 IR 48	170 IAC 6-1-16	R	04-144	27 IR 4095	*CPH (28 IR 620)
105 IAC 9-2-171	N	02-231		††27 IR 48	170 IAC 6-1-17	R	04-144	27 IR 4095	*CPH (28 IR 620)
105 IAC 9-2-172	N	02-231		††27 IR 48	170 IAC 6-1.2	N	04-144	27 IR 4073	*CPH (28 IR 620)
105 IAC 9-2-173	N	02-231		††27 IR 49	170 IAC 7-1.1-19	A	03-193	27 IR 2309	<b>27 IR 3872</b>
105 IAC 9-2-174	N	02-231		††27 IR 49	170 IAC 7-1.2-10	A	03-194	27 IR 558	<b>27 IR 2712</b>
105 IAC 9-2-175	N	02-231		††27 IR 49	170 IAC 7-1.3-2	A	04-144	27 IR 4080	*CPH (28 IR 620)
105 IAC 9-2-176	N	02-231		††27 IR 49	170 IAC 7-1.3-3	A	04-144	27 IR 4081	*CPH (28 IR 620)
105 IAC 9-2-177	N	02-231		††27 IR 49	170 IAC 7-1.3-8	A	04-144	27 IR 4083	*CPH (28 IR 620)
105 IAC 9-2-178	N	02-231		††27 IR 50	170 IAC 7-1.3-9	A	04-144	27 IR 4084	*CPH (28 IR 620)
105 IAC 9-2-179	N	02-231		††27 IR 50	170 IAC 7-1.3-10	A	04-144	27 IR 4085	*CPH (28 IR 620)
105 IAC 9-2-180	N	02-231		††27 IR 50	170 IAC 8.5-2-1	A	04-144	27 IR 4086	*CPH (28 IR 620)
105 IAC 9-2-181	N	02-231		††27 IR 50	170 IAC 8.5-2-3	A	04-144	27 IR 4087	*CPH (28 IR 620)
105 IAC 9-2-182	N	02-231		††27 IR 51	170 IAC 8.5-2-4	A	04-144	27 IR 4089	*CPH (28 IR 620)
105 IAC 9-2-183	N	02-231		††27 IR 51	170 IAC 8.5-2-5	A	04-144	27 IR 4092	*CPH (28 IR 620)
105 IAC 9-2-184	N	02-231		††27 IR 51					
105 IAC 9-2-185	N	02-231		††27 IR 51					
105 IAC 9-2-186	N	02-231		††27 IR 51					
105 IAC 9-2-187	N	02-231		††27 IR 51					
105 IAC 9-2-188	N	02-231		††27 IR 52					
105 IAC 9-2-189	N	02-231		††27 IR 52					
105 IAC 9-2-190	N	02-231		††27 IR 52					
105 IAC 12-1-2	A	03-58	26 IR 3077	*AWR (27 IR 2286)					
105 IAC 12-1-5	A	03-58	26 IR 3077	*AWR (27 IR 2286)					
105 IAC 12-1-14.5	N	03-58	26 IR 3077	*AWR (27 IR 2286)					
105 IAC 12-1-14.6	N	03-58	26 IR 3077	*AWR (27 IR 2286)					
105 IAC 12-1-18	A	03-58	26 IR 3077	*AWR (27 IR 2286)					
105 IAC 12-1-22	A	03-58	26 IR 3077	*AWR (27 IR 2286)					
105 IAC 12-1-23	A	03-58	26 IR 3078	*AWR (27 IR 2286)					
105 IAC 12-2-4	A	03-58	26 IR 3078	*AWR (27 IR 2286)					
105 IAC 12-2-6	A	03-58	26 IR 3078	*AWR (27 IR 2286)					
105 IAC 12-2-7	A	03-58	26 IR 3078	*AWR (27 IR 2286)					
105 IAC 12-2-10	A	03-58	26 IR 3078	*AWR (27 IR 2286)					
105 IAC 12-2-11	A	03-58	26 IR 3078	*AWR (27 IR 2286)					
105 IAC 12-2-13	A	03-58	26 IR 3079	*AWR (27 IR 2286)					
105 IAC 12-2-14	A	03-58	26 IR 3079	*AWR (27 IR 2286)					
105 IAC 12-2-16	A	03-58	26 IR 3079	*AWR (27 IR 2286)					
105 IAC 12-2-17	A	03-58	26 IR 3080	*AWR (27 IR 2286)					
105 IAC 12-2-18	N	03-58	26 IR 3080	*AWR (27 IR 2286)					
105 IAC 12-2-19	N	03-58	26 IR 3080	*AWR (27 IR 2286)					
105 IAC 12-2-20	N	03-58	26 IR 3080	*AWR (27 IR 2286)					
105 IAC 12-2-21	N	03-58	26 IR 3081	*AWR (27 IR 2286)					
105 IAC 12-3-1	A	03-58	26 IR 3082	*AWR (27 IR 2286)					
105 IAC 12-3-2	A	03-58	26 IR 3082	*AWR (27 IR 2286)					
105 IAC 12-3-4	A	03-58	26 IR 3082	*AWR (27 IR 2286)					
105 IAC 12-3-5	A	03-58	26 IR 3083	*AWR (27 IR 2286)					
105 IAC 12-4-3	A	03-58	26 IR 3084	*AWR (27 IR 2286)					
105 IAC 12-4-4	A	03-58	26 IR 3084	*AWR (27 IR 2286)					
105 IAC 12-4-5	A	03-58	26 IR 3084	*AWR (27 IR 2286)					
<b>TITLE 140 BUREAU OF MOTOR VEHICLES</b>									
140 IAC 4-4	RA	04-162	28 IR 323						
140 IAC 8-4	RA	04-162	28 IR 323						
<b>TITLE 170 INDIANA UTILITY REGULATORY COMMISSION</b>									
170 IAC 1-4	RA	04-163	27 IR 4140	*CPH (28 IR 620)					
170 IAC 1-5	RA	04-163	27 IR 4140	*CPH (28 IR 620)					
170 IAC 4-1-15	R	04-144	27 IR 4095	*CPH (28 IR 620)					
					<b>TITLE 203 VICTIM SERVICES DIVISION</b>				
					203 IAC	N	04-63	27 IR 2526	<b>28 IR 6</b>
					<b>TITLE 207 CORONERS TRAINING BOARD</b>				
					207 IAC 2	N	04-231	28 IR 624	
					<b>TITLE 240 STATE POLICE DEPARTMENT</b>				
					240 IAC 1-4-3	RA	03-98	26 IR 3425	
					240 IAC 1-4-24.1	RA	03-98	26 IR 3425	<b>27 IR 286</b>
					240 IAC 8	RA	04-164	27 IR 4140	<b>28 IR 677</b>
					<b>TITLE 250 LAW ENFORCEMENT TRAINING BOARD</b>				
					250 IAC 2	N	02-339	26 IR 3679	<b>27 IR 1552</b>
					<b>TITLE 305 INDIANA BOARD OF LICENSURE FOR PROFESSIONAL GEOLOGISTS</b>				
					305 IAC 1-2-6	A	02-328	26 IR 1598	*DAG (27 IR 947)
						A	03-212	27 IR 216	*ARR (28 IR 215)
									<b>28 IR 12</b>
					305 IAC 1-3-4	A	02-328	26 IR 1599	*DAG (27 IR 947)
						A	03-212	27 IR 216	*ARR (28 IR 215)
									<b>28 IR 12</b>
					305 IAC 1-4-1	A	02-328	26 IR 1599	*DAG (27 IR 947)
						A	03-212	27 IR 217	*ARR (28 IR 215)
									<b>28 IR 12</b>
					305 IAC 1-4-2	A	02-328	26 IR 1599	*DAG (27 IR 947)
						A	03-212	27 IR 217	*ARR (28 IR 215)
									<b>28 IR 13</b>
					305 IAC 1-5	N	02-328	26 IR 1600	*DAG (27 IR 947)
						N	03-212	27 IR 217	*ARR (28 IR 215)
									<b>28 IR 13</b>
					<b>TITLE 307 INDIANA BOARD OF REGISTRATION FOR SOIL SCIENTISTS</b>				
					307 IAC	N	03-32	26 IR 2652	*GRAT (27 IR 291)
									<b>27 IR 53</b>
									*ERR (27 IR 538)
					<b>TITLE 312 NATURAL RESOURCES COMMISSION</b>				
					312 IAC 1-1-19.5	N	03-296	27 IR 1617	<b>27 IR 3065</b>
					312 IAC 1-1-27.5	N	03-296	27 IR 1617	<b>27 IR 3065</b>

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312 IAC 1-1-29.3	N	03-296	27 IR 1617	<b>27 IR 3065</b>	312 IAC 9-5-6	A	03-311	27 IR 1953	<b>28 IR 543</b>
312 IAC 2-2-1	A	03-220	27 IR 1205	<b>27 IR 3064</b>	312 IAC 9-5-7	A	03-311	27 IR 1953	<b>28 IR 543</b>
312 IAC 2-2-4	A	03-220	27 IR 1205	<b>27 IR 3064</b>	312 IAC 9-5-9	A	03-311	27 IR 1955	<b>28 IR 545</b>
312 IAC 2-3-1	A	03-220	27 IR 1205	<b>27 IR 3064</b>	312 IAC 9-5-11	N	03-311	27 IR 1956	<b>28 IR 546</b>
312 IAC 2-4-6	A	04-215	28 IR 626		312 IAC 9-6-9	A	03-311	27 IR 1957	<b>28 IR 547</b>
312 IAC 2-4-12	A	04-67	27 IR 3604		312 IAC 9-7-2	A	03-311	27 IR 1957	<b>28 IR 547</b>
312 IAC 2-4-14	N	04-215	28 IR 626		312 IAC 9-7-6	A	03-311	27 IR 1959	<b>28 IR 549</b>
312 IAC 4-6-6	A	04-208	28 IR 625		312 IAC 9-7-13	A	03-311	27 IR 1960	<b>28 IR 550</b>
312 IAC 5-6-5	A	03-92	27 IR 220	*AWR (27 IR 2501)	312 IAC 9-10-3	A	03-35	26 IR 3374	<b>27 IR 1165</b>
	A	04-84	28 IR 240		312 IAC 9-10-4	A	03-149	27 IR 246	<b>27 IR 1789</b>
312 IAC 5-6-6	A	03-29	26 IR 2660	<b>27 IR 59</b>	312 IAC 9-10-9	A	03-311	27 IR 1960	<b>28 IR 550</b>
				*ERR (27 IR 2742)	312 IAC 9-10-9.5	N	03-311	27 IR 1961	<b>28 IR 551</b>
				*ERR (27 IR 3078)	312 IAC 9-10-10	A	03-311	27 IR 1962	<b>28 IR 552</b>
				<b>27 IR 3885</b>	312 IAC 9-10-10.5	N	03-311	27 IR 1963	<b>28 IR 553</b>
312 IAC 5-12.5	N	03-316	27 IR 2315		312 IAC 9-10-17	A	03-311	27 IR 1964	<b>28 IR 554</b>
312 IAC 5-14-1	A	04-155	27 IR 4100		312 IAC 9-11-1	A	03-311	27 IR 1964	<b>28 IR 554</b>
312 IAC 5-14-2	A	04-155	27 IR 4100		312 IAC 9-11-2	A	03-311	27 IR 1965	<b>28 IR 555</b>
312 IAC 5-14-4	A	04-155	27 IR 4101		312 IAC 9-11-14	A	03-311	27 IR 1965	<b>28 IR 555</b>
312 IAC 5-14-5	R	04-155	27 IR 4109		312 IAC 10-2-33.5	N	03-296	27 IR 1617	<b>27 IR 3065</b>
312 IAC 5-14-5.1	N	04-155	27 IR 4101		312 IAC 10-5-0.3	N	03-215	27 IR 1940	<b>27 IR 3875</b>
312 IAC 5-14-6	R	04-155	27 IR 4109		312 IAC 10-5-0.6	N	03-215	27 IR 1940	<b>27 IR 3875</b>
312 IAC 5-14-6.1	N	04-155	27 IR 4102		312 IAC 10-5-3	A	03-215	27 IR 1941	<b>27 IR 3876</b>
312 IAC 5-14-7	A	04-155	27 IR 4102		312 IAC 10-5-4	A	03-215	27 IR 1941	<b>27 IR 3876</b>
312 IAC 5-14-8	A	04-155	27 IR 4102		312 IAC 10-5-5	A	03-215	27 IR 1942	<b>27 IR 3878</b>
312 IAC 5-14-9	A	04-155	27 IR 4103		312 IAC 10-5-6	A	03-215	27 IR 1943	<b>27 IR 3878</b>
312 IAC 5-14-11	A	04-155	27 IR 4103		312 IAC 10-5-7	A	03-215	27 IR 1944	<b>27 IR 3880</b>
312 IAC 5-14-15	A	04-155	27 IR 4103		312 IAC 10-5-8	A	03-215	27 IR 1945	<b>27 IR 3880</b>
312 IAC 5-14-16	A	04-155	27 IR 4104		312 IAC 11-2-11.5	N	04-94	27 IR 4095	
312 IAC 5-14-17	A	04-155	27 IR 4104		312 IAC 11-3-1	A	03-203	27 IR 1201	<b>27 IR 3062</b>
312 IAC 5-14-18	A	04-155	27 IR 4105			A	04-94	27 IR 4095	
312 IAC 5-14-19	A	04-155	27 IR 4105		312 IAC 11-4-1	A	04-4	27 IR 2316	<b>27 IR 3886</b>
312 IAC 5-14-20	A	04-155	27 IR 4106		312 IAC 11-4-3	A	03-203	27 IR 1202	<b>27 IR 3063</b>
312 IAC 5-14-21	A	04-155	27 IR 4106		312 IAC 11-5-1	A	03-30	26 IR 2661	<b>27 IR 61</b>
312 IAC 5-14-22	A	04-155	27 IR 4106		312 IAC 11-5-2	A	03-296	27 IR 1617	<b>27 IR 3065</b>
312 IAC 5-14-24	A	04-155	27 IR 4107		312 IAC 14	RA	02-331	26 IR 2133	<b>27 IR 286</b>
312 IAC 5-14-25	A	04-155	27 IR 4108		312 IAC 15	RA	02-331	26 IR 2133	<b>27 IR 286</b>
312 IAC 5-14-26	R	04-155	27 IR 4109		312 IAC 16	RA	03-315	27 IR 2339	
312 IAC 5-14-27	N	04-155	27 IR 4109		312 IAC 16-1-9.5	N	03-251	27 IR 1206	<b>27 IR 3881</b>
312 IAC 6	RA	02-331	26 IR 2133	<b>27 IR 286</b>	312 IAC 16-1-39.5	N	03-251	27 IR 1206	<b>27 IR 3881</b>
312 IAC 6-4-3	A	04-4	27 IR 2316	<b>27 IR 3885</b>	312 IAC 16-1-44.6	N	03-251	27 IR 1206	<b>27 IR 3881</b>
312 IAC 6.2	N	04-66	27 IR 3119		312 IAC 16-3-2	A	04-121	27 IR 4097	
312 IAC 6.5	N	04-3	27 IR 2767	<b>28 IR 15</b>	312 IAC 16-3-8	A	04-121	27 IR 4099	
312 IAC 7	RA	02-331	26 IR 2133	<b>27 IR 286</b>	312 IAC 16-5-14	A	04-23	27 IR 2532	<b>28 IR 556</b>
312 IAC 8	RA	03-315	27 IR 2339		312 IAC 16-5-15	A	03-251	27 IR 1206	<b>27 IR 3881</b>
312 IAC 8-1-2	A	03-50	26 IR 3085	<b>27 IR 455</b>	312 IAC 16-5-19	A	03-251	27 IR 1207	<b>27 IR 3882</b>
312 IAC 8-1-4	A	03-50	26 IR 3085	<b>27 IR 455</b>	312 IAC 17	RA	03-315	27 IR 2339	
312 IAC 8-2-3	A	03-50	26 IR 3086	<b>27 IR 456</b>	312 IAC 17-3-1	A	04-23	27 IR 2532	<b>28 IR 557</b>
312 IAC 8-2-6	A	03-50	26 IR 3088	<b>27 IR 457</b>	312 IAC 17-3-2	A	04-23	27 IR 2532	<b>28 IR 557</b>
312 IAC 8-2-9	A	03-50	26 IR 3088	<b>27 IR 458</b>	312 IAC 17-3-3	A	04-23	27 IR 2532	<b>28 IR 557</b>
312 IAC 8-2-11	A	03-50	26 IR 3088	<b>27 IR 458</b>	312 IAC 17-3-4	A	04-23	27 IR 2533	<b>28 IR 558</b>
312 IAC 8-2-13	A	04-4	27 IR 2316	<b>27 IR 3886</b>	312 IAC 17-3-6	A	04-23	27 IR 2534	<b>28 IR 558</b>
312 IAC 9	RA	02-331	26 IR 2133	<b>27 IR 286</b>	312 IAC 17-3-8	A	04-23	27 IR 2534	<b>28 IR 558</b>
312 IAC 9-1-9.5	N	03-311	27 IR 1946	<b>28 IR 536</b>	312 IAC 17-3-9	A	04-23	27 IR 2534	<b>28 IR 558</b>
312 IAC 9-1-11.5	N	03-311	27 IR 1946	<b>28 IR 536</b>	312 IAC 18-3-12	A	03-214	27 IR 1203	*ARR (27 IR 2745)
312 IAC 9-2-11	A	03-50	26 IR 3089	<b>27 IR 459</b>	312 IAC 18-3-15	N	03-213	27 IR 559	<b>27 IR 2470</b>
312 IAC 9-3-2	A	03-311	27 IR 1946	<b>28 IR 536</b>	312 IAC 18-3-16	N	03-213	27 IR 560	<b>27 IR 2471</b>
312 IAC 9-3-3	A	03-311	27 IR 1947	<b>28 IR 538</b>	312 IAC 18-3-17	N	03-213	27 IR 560	<b>27 IR 2472</b>
312 IAC 9-3-4	A	03-311	27 IR 1948	<b>28 IR 538</b>	312 IAC 18-5-2	A	03-213	27 IR 561	<b>27 IR 2472</b>
312 IAC 9-3-10	A	03-311	27 IR 1949	<b>28 IR 539</b>	312 IAC 18-5-4	A	03-91	26 IR 3375	<b>27 IR 1166</b>
312 IAC 9-3-11	A	03-311	27 IR 1949	<b>28 IR 539</b>	312 IAC 19	RA	03-315	27 IR 2339	
312 IAC 9-3-12	A	03-311	27 IR 1949	<b>28 IR 539</b>	312 IAC 19-1-3	A	03-296	27 IR 1617	<b>27 IR 3065</b>
312 IAC 9-3-13	A	03-311	27 IR 1950	<b>28 IR 540</b>	312 IAC 20-2-1.7	N	03-12	26 IR 3084	<b>27 IR 454</b>
312 IAC 9-3-14	A	03-311	27 IR 1950	<b>28 IR 540</b>	312 IAC 20-2-4.3	N	03-12	26 IR 3084	<b>27 IR 454</b>
312 IAC 9-3-15	A	03-311	27 IR 1950	<b>28 IR 540</b>	312 IAC 20-2-4.7	N	03-12	26 IR 3085	<b>27 IR 454</b>
312 IAC 9-3-17	A	03-311	27 IR 1950	<b>28 IR 540</b>	312 IAC 20-3-3	N	03-12	26 IR 3085	<b>27 IR 454</b>
312 IAC 9-4-7	R	03-311	27 IR 1966	<b>28 IR 556</b>	312 IAC 20-5	N	02-329	26 IR 2658	<b>27 IR 452</b>
312 IAC 9-4-10	A	03-311	27 IR 1951		312 IAC 24	RA	02-331	26 IR 2133	<b>27 IR 286</b>
312 IAC 9-4-11	A	03-311	27 IR 1951	<b>28 IR 541</b>	312 IAC 25-1-8	A	03-93	27 IR 221	<b>27 IR 2444</b>
312 IAC 9-4-14	A	03-311	27 IR 1952	<b>28 IR 542</b>	312 IAC 25-1-75.5	N	03-93	27 IR 222	<b>27 IR 2445</b>
312 IAC 9-5-4	A	03-311	27 IR 1953	<b>28 IR 542</b>					

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312 IAC 25-1-155.5	N	03-93	27 IR 222	<b>27 IR 2445</b>	326 IAC 2-2-7	A	03-67	27 IR 1998	<b>27 IR 3904</b>
312 IAC 25-4-17	A	03-93	27 IR 222	<b>27 IR 2445</b>	326 IAC 2-2-8	A	03-67	27 IR 1998	<b>27 IR 3904</b>
312 IAC 25-4-44		00-285		*ERR (27 IR 1890)	326 IAC 2-2-10	A	03-67	27 IR 1999	<b>27 IR 3905</b>
312 IAC 25-4-45	A	03-93	27 IR 223	<b>27 IR 2446</b>	326 IAC 2-2-12	A	03-68	27 IR 257	<b>27 IR 2223</b>
		00-285		*ERR (27 IR 1890)	326 IAC 2-2-13	A	02-337	26 IR 1998	*ARR (27 IR 2500)
312 IAC 25-4-49	A	03-93	27 IR 224	<b>27 IR 2447</b>					*CPH (27 IR 2521)
312 IAC 25-4-87	A	03-93	27 IR 225	<b>27 IR 2448</b>					<b>28 IR 19</b>
312 IAC 25-4-102	A	03-93	27 IR 226	<b>27 IR 2449</b>	326 IAC 2-2-16	A	02-337	26 IR 1999	*ARR (27 IR 2500)
				*ERR (28 IR 214)					*CPH (27 IR 2521)
312 IAC 25-4-105.5	N	03-93	27 IR 227	<b>27 IR 2451</b>					<b>28 IR 20</b>
312 IAC 25-4-113	A	03-93	27 IR 228	<b>27 IR 2451</b>	326 IAC 2-2-2	N	03-67	27 IR 2000	<b>27 IR 3906</b>
312 IAC 25-4-114	A	03-93	27 IR 228	<b>27 IR 2452</b>	326 IAC 2-2-3	N	03-67	27 IR 2004	<b>27 IR 3910</b>
				*ERR (28 IR 214)	326 IAC 2-2-4	N	03-67	27 IR 2005	<b>27 IR 3911</b>
312 IAC 25-4-115	A	03-93	27 IR 229	<b>27 IR 2453</b>	326 IAC 2-2-5	R	03-67	27 IR 2048	<b>27 IR 3954</b>
312 IAC 25-4-118	A	03-93	27 IR 230	<b>27 IR 2454</b>	326 IAC 2-2-6	N	03-67	27 IR 2013	<b>27 IR 3919</b>
312 IAC 25-5-7	A	03-93	27 IR 231	<b>27 IR 2455</b>	326 IAC 2-3-1	A	02-337	26 IR 2000	*ARR (27 IR 2500)
312 IAC 25-5-16	A	03-93	27 IR 232	<b>27 IR 2455</b>					*CPH (27 IR 2521)
				*ERR (28 IR 214)					<b>27 IR 3920</b>
312 IAC 25-6-17	A	03-93	27 IR 233	<b>27 IR 2457</b>	326 IAC 2-3-2	A	03-67	27 IR 2014	<b>27 IR 3929</b>
312 IAC 25-6-20	A	03-93	27 IR 235	<b>27 IR 2458</b>	326 IAC 2-3-3	A	03-67	27 IR 2025	<b>27 IR 3931</b>
				*ERR (28 IR 214)	326 IAC 2-3-2	N	03-67	27 IR 2027	<b>27 IR 3933</b>
312 IAC 25-6-23	A	03-93	27 IR 237	<b>27 IR 2461</b>	326 IAC 2-3-3	N	03-67	27 IR 2032	<b>27 IR 3938</b>
312 IAC 25-6-25	A	03-93	27 IR 238	<b>27 IR 2462</b>	326 IAC 2-3-4	N	03-67	27 IR 2033	<b>27 IR 3939</b>
312 IAC 25-6-31	A	03-169	27 IR 248	<b>27 IR 2713</b>	326 IAC 2-5-1-1	RA	04-44	27 IR 3144	
312 IAC 25-6-66	A	03-93	27 IR 238	<b>27 IR 2462</b>	326 IAC 2-5-1-2	RA	04-44	27 IR 3145	
312 IAC 25-6-81	A	03-93	27 IR 239	<b>27 IR 2463</b>	326 IAC 2-5-1-4	A	03-67	27 IR 2041	<b>27 IR 3947</b>
312 IAC 25-6-84	A	03-93	27 IR 241	<b>27 IR 2465</b>	326 IAC 2-5-5-1	RA	04-44	27 IR 3146	
312 IAC 25-6-130	A	03-93	27 IR 243	<b>27 IR 2467</b>	326 IAC 2-5-5-2	RA	04-44	27 IR 3146	
312 IAC 25-7-1	A	03-93	27 IR 244	<b>27 IR 2468</b>	326 IAC 2-5-5-3	RA	04-44	27 IR 3146	
				*ERR (28 IR 214)	326 IAC 2-5-5-4	RA	04-44	27 IR 3147	
312 IAC 25-7-20	A	03-93	27 IR 246	<b>27 IR 2470</b>	326 IAC 2-5-5-5	RA	04-44	27 IR 3147	
312 IAC 25-9-5	A	03-169	27 IR 249	<b>27 IR 2714</b>	326 IAC 2-5-5-6	RA	04-44	27 IR 3147	
312 IAC 25-9-8	A	03-169	27 IR 249	<b>27 IR 2714</b>	326 IAC 2-6-1	A	01-249	24 IR 3700	*CPH (24 IR 4012)
312 IAC 26	RA	03-315	27 IR 2339						*CPH (27 IR 551)
									<b>27 IR 2210</b>
TITLE 315 OFFICE OF ENVIRONMENTAL ADJUDICATION					326 IAC 2-6-2	A	01-249	24 IR 3700	*CPH (24 IR 4012)
315 IAC 1	RA	04-71	27 IR 2879	<b>28 IR 323</b>					*CPH (27 IR 551)
									<b>27 IR 2210</b>
TITLE 326 AIR POLLUTION CONTROL BOARD					326 IAC 2-6-3	A	01-249	24 IR 3702	*CPH (24 IR 4012)
326 IAC 1-1-3	A	02-337	26 IR 1997	*ARR (27 IR 2500)					*CPH (27 IR 551)
				*CPH (27 IR 2521)	326 IAC 2-6-4	A	01-249	24 IR 3703	*CPH (24 IR 4012)
				<b>28 IR 17</b>					*CPH (27 IR 551)
326 IAC 1-1-3.5	A	02-337	26 IR 1997	*ARR (27 IR 2500)					<b>27 IR 2213</b>
				*CPH (27 IR 2521)					*ARR (27 IR 2500)
				<b>28 IR 18</b>	326 IAC 2-6-5	N	01-249	24 IR 3705	*CPH (27 IR 2521)
326 IAC 1-1-6	N	04-180	28 IR 248						*CPH (24 IR 4012)
326 IAC 1-2-52	A	03-228	27 IR 3120						*CPH (27 IR 551)
326 IAC 1-2-52.2	N	03-228	27 IR 3121						<b>27 IR 2215</b>
326 IAC 1-2-52.4	N	03-228	27 IR 3121		326 IAC 2-6-1-1	RA	04-44	27 IR 3149	
326 IAC 1-2-65	A	02-337	26 IR 1997	*ARR (27 IR 2500)	326 IAC 2-6-1-2	RA	04-44	27 IR 3149	
				*CPH (27 IR 2521)	326 IAC 2-6-1-3	RA	04-44	27 IR 3149	
				<b>28 IR 18</b>	326 IAC 2-6-1-4	RA	04-44	27 IR 3150	
326 IAC 1-2-82.5	N	03-228	27 IR 3121		326 IAC 2-6-1-5	RA	04-44	27 IR 3150	
326 IAC 1-2-90	A	02-337	26 IR 1998	*ARR (27 IR 2500)	326 IAC 2-6-1-6	RA	04-44	27 IR 3151	
				*CPH (27 IR 2521)	326 IAC 2-6-1-7	RA	04-44	27 IR 3154	
				<b>28 IR 18</b>	326 IAC 2-7-3	A	02-337	26 IR 2006	*ARR (27 IR 2500)
326 IAC 1-3-4	A	03-69	26 IR 3376	<b>27 IR 2224</b>					*CPH (27 IR 2521)
	A	03-228	27 IR 3121						<b>28 IR 20</b>
326 IAC 1-4-1	A	03-70	26 IR 3092	<b>27 IR 1167</b>	326 IAC 2-7-8	A	02-337	26 IR 2006	*ARR (27 IR 2500)
	A	04-148	27 IR 3606						*CPH (27 IR 2521)
326 IAC 2-1.1-7	A	03-67	27 IR 1981	<b>27 IR 3887</b>	326 IAC 2-7-10.5	A	03-67	27 IR 2041	<b>27 IR 3947</b>
326 IAC 2-2-1	A	03-68	27 IR 250	<b>27 IR 2216</b>	326 IAC 2-7-11	A	03-67	27 IR 2045	<b>27 IR 3951</b>
	A	03-67	27 IR 1983	<b>27 IR 3889</b>	326 IAC 2-7-12	A	03-67	27 IR 2046	<b>27 IR 3952</b>
326 IAC 2-2-2	A	03-67	27 IR 1993	<b>27 IR 3899</b>	326 IAC 2-7-18	A	02-337	26 IR 2007	*ARR (27 IR 2500)
326 IAC 2-2-3	A	03-67	27 IR 1995	<b>27 IR 3901</b>					*CPH (27 IR 2521)
326 IAC 2-2-4	A	03-67	27 IR 1995	<b>27 IR 3901</b>					<b>28 IR 21</b>
326 IAC 2-2-5	A	03-67	27 IR 1996	<b>27 IR 3902</b>	326 IAC 2-8-3	A	02-337	26 IR 2008	*ARR (27 IR 2500)
326 IAC 2-2-6	A	03-68	27 IR 256	<b>27 IR 2222</b>					*CPH (27 IR 2521)
	A	03-67	27 IR 1997	<b>27 IR 3903</b>					<b>28 IR 22</b>

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326 IAC 2-9-1	RA 04-44	27 IR 3155		326 IAC 3-7-4	A 02-337	26 IR 2025	*ARR (27 IR 2500)
326 IAC 2-9-2.5	RA 04-44	27 IR 3156					*CPH (27 IR 2521)
326 IAC 2-9-3	RA 04-44	27 IR 3156					<b>28 IR 40</b>
326 IAC 2-9-4	RA 04-44	27 IR 3157		326 IAC 5-1-2	A 02-337	26 IR 2026	*ARR (27 IR 2500)
326 IAC 2-9-5	RA 04-44	27 IR 3158					*CPH (27 IR 2521)
326 IAC 2-9-6	RA 04-44	27 IR 3159					<b>28 IR 40</b>
326 IAC 2-9-7	A 02-337	26 IR 2009	*ARR (27 IR 2500)	326 IAC 5-1-4	A 02-337	26 IR 2026	*ARR (27 IR 2500)
			*CPH (27 IR 2521)				*CPH (27 IR 2521)
			<b>28 IR 23</b>				<b>28 IR 41</b>
	RA 04-44	27 IR 3159		326 IAC 5-1-5	A 02-337	26 IR 2027	*ARR (27 IR 2500)
326 IAC 2-9-8	A 02-337	26 IR 2010	*ARR (27 IR 2500)				*CPH (27 IR 2521)
			*CPH (27 IR 2521)				<b>28 IR 41</b>
			<b>28 IR 25</b>	326 IAC 6-1-10.1	A 01-407	26 IR 1970	*CPH (26 IR 2391)
	RA 04-44	27 IR 3160					<b>27 IR 62</b>
326 IAC 2-9-9	A 02-337	26 IR 2012	*ARR (27 IR 2500)	326 IAC 6-1-10.2	A 01-407	26 IR 1994	*CPH (26 IR 2391)
			*CPH (27 IR 2521)				<b>27 IR 85</b>
			<b>28 IR 26</b>	326 IAC 6-1-12	A 04-43	28 IR 242	
	RA 04-44	27 IR 3162		326 IAC 6-1-13	A 03-195	27 IR 2318	<b>28 IR 115</b>
326 IAC 2-9-10	A 02-337	26 IR 2013	*ARR (27 IR 2500)	326 IAC 7-1.1-1	A 00-236	28 IR 632	
			*CPH (27 IR 2521)	326 IAC 7-1.1-2	A 00-236	28 IR 632	
			<b>28 IR 27</b>	326 IAC 7-2-1	A 02-337	26 IR 2028	*ARR (27 IR 2500)
	RA 04-44	27 IR 3163					*CPH (27 IR 2521)
326 IAC 2-9-11	RA 04-44	27 IR 3164			A 00-236	28 IR 632	<b>28 IR 42</b>
326 IAC 2-9-12	RA 04-44	27 IR 3165			R 00-236	28 IR 644	
326 IAC 2-9-13	A 02-337	26 IR 2014	*ARR (27 IR 2500)	326 IAC 7-4-1.1	A 03-195	27 IR 2319	<b>28 IR 117</b>
			*CPH (27 IR 2521)	326 IAC 7-4-3	A 02-337	26 IR 2029	*ARR (27 IR 2500)
			<b>28 IR 28</b>	326 IAC 7-4-10			*CPH (27 IR 2521)
	RA 04-44	27 IR 3165					<b>28 IR 43</b>
326 IAC 2-9-14	RA 04-44	27 IR 3167		326 IAC 7-4-13	A 03-282	27 IR 2768	*CPH (27 IR 3591)
326 IAC 2-10-1	RA 03-332	27 IR 2324	<b>27 IR 3954</b>	326 IAC 7-4.1	N 00-236	28 IR 633	
326 IAC 2-10-2.1	N 03-332	27 IR 2325	<b>27 IR 3954</b>	326 IAC 8-1-4	A 02-337	26 IR 2030	*ARR (27 IR 2500)
326 IAC 2-10-3.1	N 03-332	27 IR 2325	<b>27 IR 3954</b>				*CPH (27 IR 2521)
326 IAC 2-10-4.1	N 03-332	27 IR 2325	<b>27 IR 3955</b>				<b>28 IR 44</b>
326 IAC 2-10-5.1	N 03-332	27 IR 2325	<b>27 IR 3955</b>	326 IAC 8-4-6	A 02-337	26 IR 2032	*ARR (27 IR 2500)
326 IAC 2-10-6.1	N 03-332	27 IR 2325	<b>27 IR 3955</b>				*CPH (27 IR 2521)
326 IAC 2-11-1	RA 03-333	27 IR 2326	<b>27 IR 3955</b>				<b>28 IR 47</b>
326 IAC 2-11-2	A 03-333	27 IR 2327	<b>27 IR 3956</b>	326 IAC 8-4-9	A 02-337	26 IR 2035	*ARR (27 IR 2500)
326 IAC 2-11-3	RA 03-333	27 IR 2327	<b>27 IR 3957</b>				*CPH (27 IR 2521)
326 IAC 2-11-4	RA 03-333	27 IR 2328	<b>27 IR 3957</b>				<b>28 IR 49</b>
326 IAC 3-4-1	A 02-337	26 IR 2016	*ARR (27 IR 2500)	326 IAC 8-7-7	A 02-337	26 IR 2036	*ARR (27 IR 2500)
			*CPH (27 IR 2521)				*CPH (27 IR 2521)
			<b>28 IR 30</b>				<b>28 IR 51</b>
326 IAC 3-4-3	A 02-337	26 IR 2016	*ARR (27 IR 2500)	326 IAC 8-9-2	A 02-337	26 IR 2037	*ARR (27 IR 2500)
			*CPH (27 IR 2521)				*CPH (27 IR 2521)
			<b>28 IR 31</b>				<b>28 IR 51</b>
326 IAC 3-5-2	A 02-337	26 IR 2017	*ARR (27 IR 2500)	326 IAC 8-9-3	A 02-337	26 IR 2037	*ARR (27 IR 2500)
			*CPH (27 IR 2521)				*CPH (27 IR 2521)
			<b>28 IR 32</b>				<b>28 IR 51</b>
326 IAC 3-5-3	A 02-337	26 IR 2019	*ARR (27 IR 2500)	326 IAC 8-9-4	A 02-337	26 IR 2038	*ARR (27 IR 2500)
			*CPH (27 IR 2521)				*CPH (27 IR 2521)
			<b>28 IR 33</b>				<b>28 IR 52</b>
326 IAC 3-5-4	A 02-337	26 IR 2019	*ARR (27 IR 2500)	326 IAC 8-9-5	A 02-337	26 IR 2040	*ARR (27 IR 2500)
			*CPH (27 IR 2521)				*CPH (27 IR 2521)
			<b>28 IR 34</b>				<b>28 IR 54</b>
326 IAC 3-5-5	A 02-337	26 IR 2020	*ARR (27 IR 2500)	326 IAC 8-9-6	A 02-337	26 IR 2042	*ARR (27 IR 2500)
			*CPH (27 IR 2521)				*CPH (27 IR 2521)
			<b>28 IR 34</b>				<b>28 IR 56</b>
326 IAC 3-6-1	A 02-337	26 IR 2022	*ARR (27 IR 2500)	326 IAC 8-10-7	A 02-337	26 IR 2044	*ARR (27 IR 2500)
			*CPH (27 IR 2521)				*CPH (27 IR 2521)
			<b>28 IR 36</b>				<b>28 IR 58</b>
326 IAC 3-6-3	A 02-337	26 IR 2022	*ARR (27 IR 2500)	326 IAC 8-11-2	A 02-337	26 IR 2044	*ARR (27 IR 2500)
			*CPH (27 IR 2521)				*CPH (27 IR 2521)
			<b>28 IR 37</b>				<b>28 IR 59</b>
326 IAC 3-6-5	A 02-337	26 IR 2023	*ARR (27 IR 2500)	326 IAC 8-11-6	A 02-337	26 IR 2046	*ARR (27 IR 2500)
			*CPH (27 IR 2521)				*CPH (27 IR 2521)
			<b>28 IR 37</b>				<b>28 IR 61</b>
326 IAC 3-7-2	A 02-337	26 IR 2024	*ARR (27 IR 2500)	326 IAC 8-11-7	A 02-337	26 IR 2050	*ARR (27 IR 2500)
			*CPH (27 IR 2521)				*CPH (27 IR 2521)
			<b>28 IR 38</b>				<b>28 IR 64</b>

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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 14-7-1	A	02-337	26 IR 2068	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 83</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 14-8-1	A	02-337	26 IR 2068	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 83</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 14-8-3	A	02-337	26 IR 2069	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 83</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 14-8-4	A	02-337	26 IR 2069	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 84</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 14-8-5	A	02-337	26 IR 2069	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 84</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 14-9-5	A	02-337	26 IR 2070	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 84</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 14-9-8	A	02-337	26 IR 2071	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 85</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 14-9-9	A	02-337	26 IR 2071	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 86</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 14-10-1	A	02-337	26 IR 2072	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 87</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 14-10-2	A	02-337	26 IR 2074	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 88</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 14-10-3	A	02-337	26 IR 2076	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 91</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 14-10-4	A	02-337	26 IR 2078	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 93</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 15-1-2	A	02-337	26 IR 2080	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 95</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 15-1-4	A	02-337	26 IR 2083	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 98</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 16-3-1	A	02-337	26 IR 2084	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 98</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 18-1-1	A	03-283	27 IR 3128	*CPH (27 IR 3591)
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 18-1-2	A	02-337	26 IR 2084	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 99</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 18-1-3	A	03-283	27 IR 3128	*CPH (27 IR 3591)
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 18-1-4	A	03-283	27 IR 3130	*CPH (27 IR 3591)
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 18-1-5	A	02-337	26 IR 2086	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 101</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 18-1-6	A	03-283	27 IR 3132	*CPH (27 IR 3591)
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 18-1-7	A	02-337	26 IR 2087	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 102</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 18-1-8	A	02-337	26 IR 2088	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 103</b>
					326 IAC 18-1-9	A	03-283	27 IR 3134	*CPH (27 IR 3591)
					326 IAC 18-2-2	A	02-337	26 IR 2088	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 103</b>
									*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 103</b>
					326 IAC 18-2-3	A	03-283	27 IR 3134	*CPH (27 IR 3591)
						A	02-337	26 IR 2090	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 104</b>
						A	03-283	27 IR 3136	*CPH (27 IR 3591)

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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 23-1-17 326 IAC 23-1-21 326 IAC 23-1-21.5	A	02-189	26 IR 2409 26 IR 2410 26 IR 2410	<b>27 IR 462</b> <b>27 IR 462</b> <b>27 IR 462</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 23-1-22 326 IAC 23-1-23 326 IAC 23-1-26.5	N	02-189	26 IR 2437 26 IR 2437 26 IR 2410	<b>27 IR 462</b> <b>27 IR 490</b>
326 IAC 20-25-1	A	03-264	27 IR 3123	*CPH (27 IR 3590)	326 IAC 23-1-27	A	02-189	26 IR 2410	<b>27 IR 462</b>
326 IAC 20-25-2	A	03-264	27 IR 3124	*CPH (27 IR 3590)	326 IAC 23-1-27.5	N	02-189	26 IR 2410	<b>27 IR 463</b>
326 IAC 20-49	N	02-336	26 IR 3090	<b>27 IR 2473</b>	326 IAC 23-1-31	A	02-337	26 IR 2099	*ARR (27 IR 2500)
326 IAC 20-50	N	02-336	26 IR 3090	<b>27 IR 2473</b>					*CPH (27 IR 2521)
326 IAC 20-51	N	02-336	26 IR 3090	<b>27 IR 2473</b>					<b>28 IR 114</b>
326 IAC 20-52	N	02-336	26 IR 3091	<b>27 IR 2473</b>	326 IAC 23-1-32.1	N	02-189	26 IR 2410	<b>27 IR 463</b>
326 IAC 20-53	N	02-336	26 IR 3091	<b>27 IR 2474</b>	326 IAC 23-1-32.2	N	02-189	26 IR 2411	<b>27 IR 463</b>
326 IAC 20-54	N	02-336	26 IR 3091	<b>27 IR 2474</b>	326 IAC 23-1-34	A	02-189	26 IR 2411	<b>27 IR 463</b>
326 IAC 20-55	N	02-336	26 IR 3091	<b>27 IR 2474</b>	326 IAC 23-1-34.5	N	02-189	26 IR 2411	<b>27 IR 463</b>
326 IAC 20-56	N	03-264	27 IR 3126	*CPH (27 IR 3590)	326 IAC 23-1-34.8	N	02-189	26 IR 2411	<b>27 IR 463</b>
326 IAC 20-57	N	03-284	27 IR 1618	*CPH (27 IR 1937) <b>28 IR 119</b>	326 IAC 23-1-37	R	02-189	26 IR 2437	<b>27 IR 490</b>
326 IAC 20-58	N	03-284	27 IR 1619	*CPH (27 IR 1937) <b>28 IR 119</b>	326 IAC 23-1-40	R	02-189	26 IR 2437	<b>27 IR 490</b>
326 IAC 20-59	N	03-284	27 IR 1619	*CPH (27 IR 1937) <b>28 IR 119</b>	326 IAC 23-1-42	R	02-189	26 IR 2437	<b>27 IR 490</b>
326 IAC 20-60	N	03-284	27 IR 1619	*CPH (27 IR 1937) <b>28 IR 119</b>	326 IAC 23-1-43	R	02-189	26 IR 2437	<b>27 IR 490</b>
326 IAC 20-61	N	03-284	27 IR 1619	*CPH (27 IR 1937) <b>28 IR 119</b>	326 IAC 23-1-44	R	02-189	26 IR 2437	<b>27 IR 490</b>
326 IAC 20-62	N	03-284	27 IR 1619	*CPH (27 IR 1937) <b>28 IR 120</b>	326 IAC 23-1-45	R	02-189	26 IR 2437	<b>27 IR 490</b>
326 IAC 20-63	N	03-285	27 IR 2322	*CPH (27 IR 1937) <b>28 IR 120</b>	326 IAC 23-1-46	R	02-189	26 IR 2437	<b>27 IR 490</b>
326 IAC 20-64	N	03-285	27 IR 2322	<b>28 IR 121</b>	326 IAC 23-1-47	R	02-189	26 IR 2437	<b>27 IR 490</b>
326 IAC 20-65	N	03-285	27 IR 2322	<b>28 IR 121</b>	326 IAC 23-1-48.5	N	02-189	26 IR 2411	<b>27 IR 463</b>
326 IAC 20-66	N	03-285	27 IR 2323	<b>28 IR 122</b>	326 IAC 23-1-52	A	02-189	26 IR 2411	<b>27 IR 463</b>
326 IAC 20-67	N	03-285	27 IR 2323	<b>28 IR 122</b>	326 IAC 23-1-52.5	N	02-189	26 IR 2411	<b>27 IR 464</b>
326 IAC 20-68	N	03-285	27 IR 2323	<b>28 IR 122</b>	326 IAC 23-1-54.5	N	02-189	26 IR 2412	<b>27 IR 464</b>
326 IAC 20-69	N	03-285	27 IR 2323	<b>28 IR 122</b>	326 IAC 23-1-55.5	N	02-189	26 IR 2412	<b>27 IR 464</b>
326 IAC 20-70	N	03-284	27 IR 1620	*CPH (27 IR 1937) <b>28 IR 120</b>	326 IAC 23-1-58.5	N	02-189	26 IR 2412	<b>27 IR 464</b>
326 IAC 20-71	N	04-107	27 IR 3168	*CPH (27 IR 3592) *CPH (28 IR 234)	326 IAC 23-1-58.7	N	02-189	26 IR 2412	<b>27 IR 464</b>
326 IAC 20-72	N	04-107	27 IR 3169	*CPH (27 IR 3592) *CPH (28 IR 234)	326 IAC 23-1-60.1	N	02-189	26 IR 2412	<b>27 IR 464</b>
326 IAC 20-73	N	04-107	27 IR 3169	*CPH (27 IR 3592) *CPH (28 IR 234)	326 IAC 23-1-60.5	N	02-189	26 IR 2412	<b>27 IR 465</b>
326 IAC 20-74	N	04-107	27 IR 3169	*CPH (27 IR 3592) *CPH (28 IR 234)	326 IAC 23-1-60.6	N	02-189	26 IR 2413	<b>27 IR 465</b>
326 IAC 20-75	N	04-107	27 IR 3169	*CPH (27 IR 3592) *CPH (28 IR 234)	326 IAC 23-1-61.5	N	02-189	26 IR 2413	<b>27 IR 465</b>
326 IAC 20-76	N	04-107	27 IR 3170	*CPH (27 IR 3592) *CPH (28 IR 234)	326 IAC 23-1-62.5	N	02-189	26 IR 2413	<b>27 IR 465</b>
326 IAC 20-77	N	04-107	27 IR 3170	*CPH (27 IR 3592) *CPH (28 IR 234)	326 IAC 23-1-62.6	N	02-189	26 IR 2413	<b>27 IR 465</b>
326 IAC 20-78	N	04-107	27 IR 3170	*CPH (27 IR 3592) *CPH (28 IR 234)	326 IAC 23-1-63	A	02-189	26 IR 2413	<b>27 IR 466</b>
326 IAC 20-79	N	04-107	27 IR 3170	*CPH (27 IR 3592) *CPH (28 IR 234)	326 IAC 23-1-64	A	02-189	26 IR 2414	<b>27 IR 466</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>	326 IAC 23-1-69.5	N	02-189	26 IR 2414	<b>27 IR 466</b>
326 IAC 23-1-4	A	02-189	26 IR 2407	<b>27 IR 459</b>	326 IAC 23-1-69.6	N	02-189	26 IR 2414	<b>27 IR 466</b>
326 IAC 23-1-5	A	02-189	26 IR 2408	<b>27 IR 460</b>	326 IAC 23-1-69.7	N	02-189	26 IR 2414	<b>27 IR 466</b>
326 IAC 23-1-5.5	N	02-189	26 IR 2408	<b>27 IR 460</b>	326 IAC 23-1-71	N	02-189	26 IR 2414	<b>27 IR 467</b>
326 IAC 23-1-6.5	N	02-189	26 IR 2408	<b>27 IR 460</b>	326 IAC 23-2-1	A	02-189	26 IR 2414	<b>27 IR 467</b>
326 IAC 23-1-7.5	N	02-189	26 IR 2408	<b>27 IR 460</b>	326 IAC 23-2-3	A	02-189	26 IR 2415	<b>27 IR 467</b>
326 IAC 23-1-7.6	N	02-189	26 IR 2408	<b>27 IR 460</b>	326 IAC 23-2-4	A	02-189	26 IR 2416	<b>27 IR 469</b>
326 IAC 23-1-9	A	02-189	26 IR 2408	<b>27 IR 460</b>	326 IAC 23-2-5	A	02-189	26 IR 2418	<b>27 IR 471</b>
326 IAC 23-1-10	A	02-189	26 IR 2409	<b>27 IR 461</b>	326 IAC 23-2-6	A	02-189	26 IR 2419	<b>27 IR 471</b>
326 IAC 23-1-11	A	02-189	26 IR 2409	<b>27 IR 461</b>	326 IAC 23-2-6.5	N	02-189	26 IR 2419	<b>27 IR 472</b>
326 IAC 23-1-11.5	N	02-189	26 IR 2409	<b>27 IR 461</b>	326 IAC 23-2-7	A	02-189	26 IR 2420	<b>27 IR 473</b>
326 IAC 23-1-12.5	N	02-189	26 IR 2409	<b>27 IR 461</b>	326 IAC 23-2-8	A	02-189	26 IR 2421	<b>27 IR 474</b>
					326 IAC 23-2-9	A	02-189	26 IR 2422	<b>27 IR 474</b>
					326 IAC 23-3-1	A	02-189	26 IR 2422	<b>27 IR 475</b>
					326 IAC 23-3-2	A	02-189	26 IR 2422	<b>27 IR 475</b>
					326 IAC 23-3-3	A	02-189	26 IR 2423	<b>27 IR 476</b>
					326 IAC 23-3-5	A	02-189	26 IR 2426	<b>27 IR 479</b>
					326 IAC 23-3-7	A	02-189	26 IR 2426	<b>27 IR 479</b>
					326 IAC 23-3-11	A	02-189	26 IR 2428	<b>27 IR 480</b>
					326 IAC 23-3-12	A	02-189	26 IR 2428	<b>27 IR 481</b>
					326 IAC 23-3-13	A	02-189	26 IR 2428	<b>27 IR 481</b>
					326 IAC 23-4-1	A	02-189	26 IR 2429	<b>27 IR 481</b>
					326 IAC 23-4-2	A	02-189	26 IR 2429	<b>27 IR 482</b>
					326 IAC 23-4-3	A	02-189	26 IR 2429	<b>27 IR 482</b>
					326 IAC 23-4-4	A	02-189	26 IR 2430	<b>27 IR 483</b>
					326 IAC 23-4-5	A	02-189	26 IR 2431	<b>27 IR 484</b>
					326 IAC 23-4-6	A	02-189	26 IR 2432	<b>27 IR 485</b>
					326 IAC 23-4-7	A	02-189	26 IR 2434	<b>27 IR 486</b>
					326 IAC 23-4-9	A	02-189	26 IR 2434	<b>27 IR 487</b>
					326 IAC 23-4-11	A	02-189	26 IR 2435	<b>27 IR 488</b>

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326 IAC 23-4-12	A	02-189	26 IR 2435	<b>27 IR 488</b>	327 IAC 15-5-1	A	01-95	26 IR 1617	*CPH (26 IR 1961)
326 IAC 23-4-13	A	02-189	26 IR 2435	<b>27 IR 488</b>					*CPH (26 IR 2392)
326 IAC 23-5	N	02-189	26 IR 2436	<b>27 IR 489</b>					*CPH (26 IR 2645)
<b>TITLE 327 WATER POLLUTION CONTROL BOARD</b>									<b>27 IR 833</b>
327 IAC 1-1-1	A	03-129	27 IR 3608		327 IAC 15-5-2	A	01-95	26 IR 1617	*CPH (26 IR 1961)
327 IAC 1-1-2	A	03-129	27 IR 3608						*CPH (26 IR 2392)
327 IAC 1-1-3	A	03-129	27 IR 3608						*CPH (26 IR 2645)
327 IAC 2-1-5	A	03-129	27 IR 3608		327 IAC 15-5-3	A	01-95	26 IR 1618	<b>27 IR 833</b>
327 IAC 2-1-6	A	03-129	27 IR 3609						*CPH (26 IR 1961)
327 IAC 2-1-8	A	03-129	27 IR 3617						*CPH (26 IR 2392)
327 IAC 2-1-8.1	A	03-129	27 IR 3617						*CPH (26 IR 2645)
327 IAC 2-1-8.2	A	03-129	27 IR 3618		327 IAC 15-5-4	A	01-95	26 IR 1619	<b>27 IR 834</b>
327 IAC 2-1-8.3	A	03-129	27 IR 3620						*CPH (26 IR 1961)
327 IAC 2-1-8.9	N	03-129	27 IR 3621						*CPH (26 IR 2392)
327 IAC 2-1-9	A	03-129	27 IR 3622						*CPH (26 IR 2645)
327 IAC 2-1-12	A	03-129	27 IR 3627						<b>27 IR 834</b>
327 IAC 2-1-13	N	03-129	27 IR 3627		327 IAC 15-5-5	A	01-95	26 IR 1620	*ERR (27 IR 2284)
327 IAC 2-1.5-2	A	03-129	27 IR 3631						*CPH (26 IR 1961)
327 IAC 2-1.5-6	A	03-129	27 IR 3637						*CPH (26 IR 2392)
327 IAC 2-1.5-8	A	03-129	27 IR 3638						*CPH (26 IR 2645)
327 IAC 2-1.5-10	A	03-129	27 IR 3650		327 IAC 15-5-6	A	01-95	26 IR 1621	<b>27 IR 836</b>
327 IAC 2-1.5-11	A	03-129	27 IR 3651						*CPH (26 IR 1961)
327 IAC 2-1.5-16	A	03-129	27 IR 3660						*CPH (26 IR 2392)
327 IAC 2-1.5-20	A	03-129	27 IR 3662						*CPH (26 IR 2645)
327 IAC 2-4-3	A	03-129	27 IR 3663						<b>27 IR 836</b>
327 IAC 5-1-1.5	A	02-327	26 IR 3097	*CPH (26 IR 3366)	327 IAC 15-5-6.5	N	01-95	26 IR 1622	*CPH (26 IR 1961)
				<b>27 IR 1563</b>					*CPH (26 IR 2392)
									*CPH (26 IR 2645)
327 IAC 5-1.5-72	A	03-129	27 IR 3663						<b>27 IR 838</b>
327 IAC 5-2-1.5	A	03-129	27 IR 3663						*ERR (27 IR 2284)
327 IAC 5-2-11.1	A	03-129	27 IR 3664		327 IAC 15-5-7	A	01-95	26 IR 1625	*CPH (26 IR 1961)
327 IAC 5-2-11.2	A	03-129	27 IR 3668						*CPH (26 IR 2392)
327 IAC 5-2-11.4	A	03-129	27 IR 3669						*CPH (26 IR 2645)
327 IAC 5-2-11.5	A	03-129	27 IR 3679						<b>27 IR 840</b>
327 IAC 5-2-11.6	A	03-129	27 IR 3689						*ERR (27 IR 2284)
327 IAC 5-2-13	A	03-129	27 IR 3694		327 IAC 15-5-7.5	N	01-95	26 IR 1627	*CPH (26 IR 1961)
327 IAC 5-2-15	A	03-129	27 IR 3694						*CPH (26 IR 2392)
327 IAC 5-3.5	N	03-130	28 IR 650						*CPH (26 IR 2645)
327 IAC 5-4-3	A	01-51	26 IR 3698	*CPH (27 IR 1195)					<b>27 IR 843</b>
				<b>27 IR 2225</b>					*CPH (26 IR 1961)
				<b>††27 IR 2230</b>	327 IAC 15-5-8	A	01-95	26 IR 1628	*CPH (26 IR 2392)
327 IAC 5-4-3.1	N	01-51		*ERR (27 IR 191)					*CPH (26 IR 2645)
327 IAC 5-4-6				*CPH (26 IR 1961)					<b>27 IR 843</b>
327 IAC 15-2-3	A	01-95	26 IR 1615	*CPH (26 IR 2392)					*CPH (26 IR 1961)
				*CPH (26 IR 2645)	327 IAC 15-5-10	A	01-95	26 IR 1629	*CPH (26 IR 2392)
				<b>27 IR 830</b>					*CPH (26 IR 2645)
327 IAC 15-2-6	A	01-95	26 IR 1615	*CPH (26 IR 1961)					<b>27 IR 844</b>
				*CPH (26 IR 2392)	327 IAC 15-5-11	R	01-95	26 IR 1646	*CPH (26 IR 1961)
				*CPH (26 IR 2645)					*CPH (26 IR 2392)
				<b>27 IR 830</b>					*CPH (26 IR 2645)
327 IAC 15-2-8	A	01-95	26 IR 1615	*CPH (26 IR 1961)					<b>27 IR 863</b>
				*CPH (26 IR 2392)	327 IAC 15-5-12	N	01-95	26 IR 1629	*CPH (26 IR 1961)
				*CPH (26 IR 2645)					*CPH (26 IR 2392)
				<b>27 IR 831</b>					*CPH (26 IR 2645)
327 IAC 15-2-9	A	01-95	26 IR 1615	*CPH (26 IR 1961)					<b>27 IR 844</b>
				*CPH (26 IR 2392)	327 IAC 15-6-1	A	01-95	26 IR 1629	*CPH (26 IR 1961)
				*CPH (26 IR 2645)					*CPH (26 IR 2392)
				<b>27 IR 831</b>					*CPH (26 IR 2645)
327 IAC 15-3-1	A	01-95	26 IR 1616	*CPH (26 IR 1961)					<b>27 IR 845</b>
				*CPH (26 IR 2392)	327 IAC 15-6-2	A	01-95	26 IR 1629	*CPH (26 IR 1961)
				*CPH (26 IR 2645)					*CPH (26 IR 2392)
				<b>27 IR 832</b>					*CPH (26 IR 2645)
327 IAC 15-3-2	A	01-95	26 IR 1616	*CPH (26 IR 1961)					<b>27 IR 845</b>
				*CPH (26 IR 2392)	327 IAC 15-6-4	A	01-95	26 IR 1632	*ERR (27 IR 2284)
				*CPH (26 IR 2645)					*CPH (26 IR 1961)
				<b>27 IR 832</b>					*CPH (26 IR 2392)
				*CPH (26 IR 3366)					*CPH (26 IR 2645)
				<b>27 IR 1563</b>					<b>27 IR 848</b>
327 IAC 15-3-3	A	01-95	26 IR 1617	*CPH (26 IR 1961)					*ERR (27 IR 2284)
				*CPH (26 IR 2392)					
				*CPH (26 IR 2645)					
				<b>27 IR 832</b>					

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327 IAC 15-6-5	A	01-95	26 IR 1635	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 851</b>	328 IAC 1-2-1	A	02-204	27 IR 2779	*CPH (27 IR 3095) <b>28 IR 125</b>
327 IAC 15-6-6	A	01-95	26 IR 1635	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 851</b>	328 IAC 1-2-3	A	02-204	27 IR 2780	*CPH (27 IR 3095) <b>28 IR 125</b>
327 IAC 15-6-7	A	01-95	26 IR 1635	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 851</b>	328 IAC 1-3-1	A	02-204	27 IR 2780	*CPH (27 IR 3095) <b>28 IR 126</b>
327 IAC 15-6-7.3	N	01-95	26 IR 1641	*ERR (27 IR 2284) *CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 857</b>	328 IAC 1-3-1.3	N	02-204	27 IR 2780	*CPH (27 IR 3095) <b>28 IR 126</b>
327 IAC 15-6-7.5	N	01-95	26 IR 1643	*ERR (27 IR 2285) *CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 858</b>	328 IAC 1-3-1.6	N	02-204	27 IR 2781	*CPH (27 IR 3095) <b>28 IR 127</b>
327 IAC 15-6-8.5	N	01-95	26 IR 1643	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 859</b>	328 IAC 1-3-2	A	02-204	27 IR 2781	*CPH (27 IR 3095) <b>28 IR 127</b>
327 IAC 15-6-9	A	01-95		†† <b>27 IR 859</b>	328 IAC 1-3-3	A	02-204	27 IR 2781	*CPH (27 IR 3095) <b>28 IR 127</b>
327 IAC 15-6-10	N	01-95	26 IR 1643	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 859</b>	328 IAC 1-3-4	A	02-204	27 IR 2783	*ERR (28 IR 608) *CPH (27 IR 3095) <b>28 IR 129</b>
327 IAC 15-6-11	N	01-95	26 IR 1643	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 860</b>	328 IAC 1-3-5	A	02-204	27 IR 2784	*CPH (27 IR 3095) <b>28 IR 129</b>
327 IAC 15-6-12	N	01-95	26 IR 1644	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 860</b>	328 IAC 1-3-6	A	02-204	27 IR 2791	*CPH (27 IR 3095) <b>28 IR 137</b>
327 IAC 15-13				*ERR (27 IR 2285) *ERR (27 IR 191)	328 IAC 1-4-1	A	02-204	27 IR 2791	*CPH (27 IR 3095) <b>28 IR 137</b>
327 IAC 15-14	N	02-327	26 IR 3098	*CPH (26 IR 3366) <b>27 IR 1563</b>	328 IAC 1-4-1.5	N	02-204		*ERR (28 IR 608) †† <b>28 IR 140</b>
327 IAC 15-15	N	01-51	26 IR 3701	*ERR (28 IR 214) *CPH (27 IR 1195) <b>27 IR 2230</b>	328 IAC 1-4-3	A	02-204	27 IR 2794	*CPH (27 IR 3095) <b>28 IR 141</b>
TITLE 328 UNDERGROUND STORAGE TANK FINANCIAL ASSURANCE BOARD					TITLE 329 SOLID WASTE MANAGEMENT BOARD				
328 IAC 1-1-2	A	02-204	27 IR 2778	*CPH (27 IR 3095) <b>28 IR 123</b>	329 IAC 3.1-1-7	A	02-235	26 IR 1240	*CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074) *CPH (26 IR 3367) *CPH (26 IR 3672) <b>27 IR 1874</b>
328 IAC 1-1-3	A	02-204	27 IR 2778	*CPH (27 IR 3095) <b>28 IR 123</b>					
328 IAC 1-1-4	A	02-204	27 IR 2778	*CPH (27 IR 3095) <b>28 IR 124</b>					
328 IAC 1-1-5.1	A	02-204	27 IR 2778	*CPH (27 IR 3095) <b>28 IR 124</b>	329 IAC 3.1-4-1	A	03-312	27 IR 4110	*CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074) *CPH (26 IR 3367) *CPH (26 IR 3672) <b>27 IR 1874</b>
328 IAC 1-1-7.5	N	02-204	27 IR 2779	*CPH (27 IR 3095) <b>28 IR 124</b>					
328 IAC 1-1-8	R	02-204	27 IR 2797	*CPH (27 IR 3095) <b>28 IR 144</b>					
328 IAC 1-1-8.3	N	02-204	27 IR 2779	*CPH (27 IR 3095) <b>28 IR 124</b>	329 IAC 3.1-6-2	A	03-312	27 IR 4111	
328 IAC 1-1-8.5	A	02-204	27 IR 2779	*CPH (27 IR 3095) <b>28 IR 125</b>	329 IAC 3.1-6-3	A	03-312	27 IR 4112	
328 IAC 1-1-9	A	02-204	27 IR 2779	*CPH (27 IR 3095) <b>28 IR 125</b>	329 IAC 3.1-7-2	A	02-235	26 IR 1240	*CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074) *CPH (26 IR 3367) *CPH (26 IR 3672) <b>27 IR 1875</b>
328 IAC 1-1-10	A	02-204	27 IR 2779	*CPH (27 IR 3095) <b>28 IR 125</b>					



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329 IAC 3.1-7.5	N	03-312	27 IR 4112		329 IAC 9-1-10.6	N	01-161	26 IR 1209		*CPH (26 IR 1962)
329 IAC 3.1-9-2	A	02-235	26 IR 1241	*CPH (26 IR 1962)						*CPH (26 IR 2646)
				*CPH (26 IR 2647)						*CPH (26 IR 3073)
				*CPH (26 IR 3074)						*CPH (26 IR 3367)
				*CPH (26 IR 3367)						*CPH (26 IR 3671)
				*CPH (26 IR 3672)						*CPH (27 IR 2299)
				<b>27 IR 1875</b>						*CPH (27 IR 2300)
	A	02-160	27 IR 912	<b>27 IR 3980</b>						*ARR (27 IR 2500)
				*ERR (27 IR 4023)						*CPH (27 IR 2521)
329 IAC 3.1-10-2	A	02-235	26 IR 1242	*CPH (26 IR 1962)	329 IAC 9-1-10.8	N	01-161	27 IR 3178	<b>28 IR 146</b>	
				*CPH (26 IR 2647)				26 IR 1210		*CPH (26 IR 1962)
				*CPH (26 IR 3074)						*CPH (26 IR 2646)
				*CPH (26 IR 3367)						*CPH (26 IR 3073)
				*CPH (26 IR 3672)						*CPH (26 IR 3367)
				<b>27 IR 1876</b>						*CPH (26 IR 3671)
329 IAC 3.1-12-2	A	03-312	27 IR 4113							*CPH (27 IR 2299)
329 IAC 3.1-13-2	A	03-312	27 IR 4114							*CPH (27 IR 2300)
329 IAC 9-1-1	A	01-161	26 IR 1209	*CPH (26 IR 1962)						*ARR (27 IR 2500)
				*CPH (26 IR 2646)						*CPH (27 IR 2521)
				*CPH (26 IR 3073)						<b>28 IR 146</b>
				*CPH (26 IR 3367)	329 IAC 9-1-14	A	01-161	27 IR 3178		*CPH (26 IR 1962)
				*CPH (26 IR 3671)				26 IR 1210		*CPH (26 IR 2646)
				*CPH (27 IR 2299)						*CPH (26 IR 3073)
				*CPH (27 IR 2300)						*CPH (26 IR 3367)
				*ARR (27 IR 2500)						*CPH (26 IR 3671)
				*CPH (27 IR 2521)						*CPH (27 IR 2299)
				<b>28 IR 145</b>						*CPH (27 IR 2300)
329 IAC 9-1-4	A	01-161	26 IR 1209	*CPH (26 IR 1962)						*ARR (27 IR 2500)
				*CPH (26 IR 2646)						*CPH (27 IR 2521)
				*CPH (26 IR 3073)						<b>28 IR 146</b>
				*CPH (26 IR 3367)	329 IAC 9-1-14.1	R	01-161	27 IR 3178		*CPH (26 IR 1962)
				*CPH (26 IR 3671)				26 IR 1239		*CPH (26 IR 2646)
				*CPH (27 IR 2299)						*CPH (26 IR 3073)
				*CPH (27 IR 2300)						*CPH (26 IR 3367)
				*ARR (27 IR 2500)						*CPH (26 IR 3671)
				*CPH (27 IR 2521)						*CPH (27 IR 2299)
				<b>28 IR 145</b>						*CPH (27 IR 2300)
329 IAC 9-1-10.1	R	01-161	26 IR 1239	*CPH (26 IR 1962)						*ARR (27 IR 2500)
				*CPH (26 IR 2646)						*CPH (27 IR 2521)
				*CPH (26 IR 3073)						<b>28 IR 177</b>
				*CPH (26 IR 3367)	329 IAC 9-1-14.3	N	01-161	27 IR 3209		*CPH (26 IR 1962)
				*CPH (26 IR 3671)				26 IR 1210		*CPH (26 IR 2646)
				*CPH (27 IR 2299)						*CPH (26 IR 3073)
				*CPH (27 IR 2300)						*CPH (26 IR 3367)
				*ARR (27 IR 2500)						*CPH (26 IR 3671)
				*CPH (27 IR 2521)						*CPH (27 IR 2299)
				<b>28 IR 177</b>						*CPH (27 IR 2300)
329 IAC 9-1-10.2	R	01-161	26 IR 1239	*CPH (26 IR 1962)						*ARR (27 IR 2500)
				*CPH (26 IR 2646)						*CPH (27 IR 2521)
				*CPH (26 IR 3073)						<b>28 IR 146</b>
				*CPH (26 IR 3367)	329 IAC 9-1-14.5	N	01-161	27 IR 3178		*CPH (26 IR 1962)
				*CPH (26 IR 3671)				26 IR 1210		*CPH (26 IR 2646)
				*CPH (27 IR 2299)						*CPH (26 IR 3073)
				*CPH (27 IR 2300)						*CPH (26 IR 3367)
				*ARR (27 IR 2500)						*CPH (26 IR 3671)
				*CPH (27 IR 2521)						*CPH (27 IR 2299)
				<b>28 IR 177</b>						*CPH (27 IR 2300)
329 IAC 9-1-10.4	N	01-161	26 IR 1209	*CPH (26 IR 1962)						*ARR (27 IR 2500)
				*CPH (26 IR 2646)						*CPH (27 IR 2521)
				*CPH (26 IR 3073)						<b>28 IR 146</b>
				*CPH (26 IR 3367)	329 IAC 9-1-14.7	N	01-161	27 IR 3178		*CPH (26 IR 1962)
				*CPH (26 IR 3671)				26 IR 1210		*CPH (26 IR 2646)
				*CPH (27 IR 2299)						*CPH (26 IR 3073)
				*CPH (27 IR 2300)						*CPH (26 IR 3367)
				*ARR (27 IR 2500)						*CPH (26 IR 3671)
				*CPH (27 IR 2521)						*CPH (27 IR 2299)
				<b>28 IR 146</b>						*CPH (27 IR 2300)
329 IAC 9-1-10.4	N	01-161	26 IR 1209	*CPH (26 IR 1962)						*ARR (27 IR 2500)
				*CPH (26 IR 2646)						*CPH (27 IR 2521)
				*CPH (26 IR 3073)						<b>28 IR 146</b>
				*CPH (26 IR 3367)						*CPH (26 IR 1962)
				*CPH (26 IR 3671)						*CPH (26 IR 2646)
				*CPH (27 IR 2299)						*CPH (26 IR 3073)
				*CPH (27 IR 2300)						*CPH (26 IR 3367)
				*ARR (27 IR 2500)						*CPH (26 IR 3671)
				*CPH (27 IR 2521)						*CPH (27 IR 2299)
				<b>28 IR 146</b>						*CPH (27 IR 2300)
				*CPH (27 IR 2521)						*ARR (27 IR 2500)
				<b>28 IR 146</b>						*CPH (27 IR 2521)
				*CPH (27 IR 2521)						<b>28 IR 146</b>
				<b>28 IR 146</b>						*CPH (27 IR 2521)

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329 IAC 9-1-25	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 9-1-41.5	N	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 9-1-27	A	01-161	26 IR 1210	27 IR 3178 <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 9-1-42.1	R	01-161	26 IR 1239	27 IR 3179 <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 9-1-29.1	R	01-161	26 IR 1239	27 IR 3178 <b>28 IR 147</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-47	A	01-161	26 IR 1211	27 IR 3209 <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	A	01-161	26 IR 1210	27 IR 3209 <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 9-1-47.1	A	01-161	26 IR 1211	27 IR 3179 <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 9-1-36.5	N	01-161	27 IR 3179	27 IR 3179 <b>28 IR 147</b>	329 IAC 9-2-1	A	01-161	26 IR 1211	27 IR 3179 <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 9-1-39.5	N	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 9-2-2	A	01-161	26 IR 1214	27 IR 3179 <b>28 IR 148</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	26 IR 1239	27 IR 3179 <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 9-2-1-1	A	01-161	26 IR 1215	27 IR 3182 <b>28 IR 150</b> *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 9-1-41.1	R	01-161	26 IR 1239	27 IR 3209 <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 9-2-1-1	A	01-161	26 IR 1215	27 IR 3183 <b>28 IR 151</b> *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)

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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>
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)	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)
			27 IR 3187	<b>28 IR 155</b>				27 IR 3190	<b>28 IR 158</b>
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)	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)
			27 IR 3187	<b>28 IR 155</b>				27 IR 3191	<b>28 IR 160</b>
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)	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)
			27 IR 3187	<b>28 IR 155</b>				27 IR 3209	<b>28 IR 177</b>
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)	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)
			27 IR 3188	<b>28 IR 156</b>				27 IR 3192	<b>28 IR 160</b>
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)	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)
			27 IR 3188	<b>28 IR 156</b>				27 IR 3209	<b>28 IR 177</b>
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)	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)
			27 IR 3189	<b>28 IR 157</b>				27 IR 3192	<b>28 IR 160</b>

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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>
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)	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)
			27 IR 3196	<b>28 IR 164</b>				27 IR 3205	<b>28 IR 173</b>
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)	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)
			27 IR 3196	<b>28 IR 165</b>				27 IR 3205	<b>28 IR 173</b>
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)	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)
			27 IR 3199	<b>28 IR 168</b>				27 IR 3206	<b>28 IR 174</b>
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)	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)
			27 IR 3199	<b>28 IR 177</b>				27 IR 3207	<b>28 IR 175</b>
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)	329 IAC 9-7-5	A	01-161	27 IR 3209	<b>28 IR 177</b>
			27 IR 3209	<b>28 IR 177</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)
			27 IR 3200	<b>28 IR 168</b>				27 IR 3209	<b>28 IR 177</b>
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)	329 IAC 10-1-2.5	N	00-185		<b>††27 IR 1791</b>
			27 IR 3200	<b>28 IR 168</b>	329 IAC 10-1-4	A	00-185	26 IR 432	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)
			27 IR 3204	<b>28 IR 172</b>					<b>27 IR 1791</b>

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329 IAC 10-1-4.5	N	00-185	26 IR 433	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1792</b>	329 IAC 10-2-64	A	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1793</b>
329 IAC 10-2-6	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>	329 IAC 10-2-66.1	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1793</b>
329 IAC 10-2-11	A	00-185	26 IR 433	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1792</b>	329 IAC 10-2-66.2	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1793</b>
329 IAC 10-2-29	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>	329 IAC 10-2-66.3	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1793</b>
329 IAC 10-2-29.5	N	01-288	26 IR 1653	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3958</b>	329 IAC 10-2-69	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1793</b>
329 IAC 10-2-32	A	01-288	26 IR 1653	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3958</b>	329 IAC 10-2-72.1	A	01-288	26 IR 1654	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3958</b>
329 IAC 10-2-33	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>	329 IAC 10-2-74	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1794</b>
329 IAC 10-2-41	A	00-185	26 IR 433	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1792</b>	329 IAC 10-2-75	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1794</b>
329 IAC 10-2-41.1	A	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1793</b>	329 IAC 10-2-75.1	N	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1794</b>
329 IAC 10-2-53	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>	329 IAC 10-2-76	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>
329 IAC 10-2-60	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>	329 IAC 10-2-96	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1794</b>
329 IAC 10-2-63.5	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1793</b>	329 IAC 10-2-97.1	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1794</b>

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329 IAC 10-2-99	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1795</b>	329 IAC 10-2-130	A	01-288	26 IR 1655	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3959</b>
329 IAC 10-2-100	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1795</b>	329 IAC 10-2-132.2	N	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1796</b>
329 IAC 10-2-105.3	N	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1795</b>	329 IAC 10-2-132.3	N	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1796</b>
329 IAC 10-2-106	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3366) *CPH (26 IR 3073) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1795</b>	329 IAC 10-2-135.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3979</b>
329 IAC 10-2-109	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1795</b>	329 IAC 10-2-135.5	N	01-288	26 IR 1655	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3960</b>
329 IAC 10-2-111.5	N	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1795</b>	329 IAC 10-2-142.5	N	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1796</b>
329 IAC 10-2-112	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1795</b>	329 IAC 10-2-147.2	N	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1796</b>
329 IAC 10-2-115	A	01-288	26 IR 1654	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3959</b>	329 IAC 10-2-149	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>
329 IAC 10-2-116	A	01-288	26 IR 1654	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3959</b>	329 IAC 10-2-151	A	00-185		†† <b>27 IR 1796</b>
329 IAC 10-2-117	A	01-288	26 IR 1654	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3959</b>	329 IAC 10-2-158	A	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1796</b>
329 IAC 10-2-121.1	A	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1796</b>	329 IAC 10-2-165.5	N	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1797</b>
329 IAC 10-2-127	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>	329 IAC 10-2-172.5	N	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1797</b>
329 IAC 10-2-128	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>	329 IAC 10-2-174	A	01-288	26 IR 1655	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3960</b>
					329 IAC 10-2-177	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>

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329 IAC 10-2-179	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3979</b>	329 IAC 10-5-1	A	01-288	26 IR 1656	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3960</b>
329 IAC 10-2-181.2	N	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1797</b>	329 IAC 10-6-4	A	00-185	26 IR 440	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1799</b>
329 IAC 10-2-181.5	N	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1797</b>	329 IAC 10-7.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3979</b>
329 IAC 10-2-181.6	N	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1797</b>	329 IAC 10-7.2	N	01-288	26 IR 1656	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3961</b>
329 IAC 10-2-187.5	N	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1797</b>	329 IAC 10-8.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3979</b>
329 IAC 10-2-197.1	A	01-288	26 IR 1656	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3960</b>	329 IAC 10-8.2	N	01-288	26 IR 1657	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3961</b>
329 IAC 10-2-199.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3979</b>	329 IAC 10-9-2	A	01-288	26 IR 1659	*ERR (28 IR 608) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3963</b>
329 IAC 10-2-201.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3979</b>	329 IAC 10-9-4	A	01-288	26 IR 1659	*ERR (28 IR 608) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3963</b>
329 IAC 10-2-203	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>	329 IAC 10-10-1	A	00-185	26 IR 440	*ERR (28 IR 608) *CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1799</b>
329 IAC 10-2-205	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>	329 IAC 10-10-2	A	00-185	26 IR 440	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1801</b>
329 IAC 10-3-1	A	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1797</b>	329 IAC 10-11-2.1	A	00-185	26 IR 440	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1801</b>
329 IAC 10-3-2	A	00-185	26 IR 439	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1798</b>	329 IAC 10-11-2.5	A	00-185	26 IR 441	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1802</b>
329 IAC 10-3-3	A	00-185	26 IR 439	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1798</b>	329 IAC 10-11-5.1	A	00-185	26 IR 443	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1803</b>

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329 IAC 10-11-6	A	00-185	26 IR 443	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1804</b>	329 IAC 10-16-1	A	00-185	26 IR 452	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1813</b>
329 IAC 10-12-1	A	00-185	26 IR 443	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1804</b>	329 IAC 10-16-8	A	00-185	26 IR 453	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1814</b>
329 IAC 10-13-1	A	00-185	26 IR 445	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1806</b>	329 IAC 10-17-2	A	00-185	26 IR 453	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1814</b>
329 IAC 10-13-5	A	00-185	26 IR 445	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1806</b>	329 IAC 10-17-7	A	00-185	26 IR 454	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1815</b>
329 IAC 10-13-6	A	00-185	26 IR 446	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1806</b>	329 IAC 10-17-9	A	00-185	26 IR 456	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1817</b>
329 IAC 10-14-1	A	00-185	26 IR 446	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1807</b>	329 IAC 10-17-12	A	00-185	26 IR 457	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1818</b>
329 IAC 10-14-2	A	01-288	26 IR 1661	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3966</b>	329 IAC 10-17-18	A	00-185	26 IR 458	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1819</b>
329 IAC 10-15-1	A	00-185	26 IR 447	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1808</b>	329 IAC 10-19-1	A	00-185	26 IR 458	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1819</b>
329 IAC 10-15-2	A	00-185	26 IR 448	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1809</b>	329 IAC 10-20-3	A	00-185	26 IR 459	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1821</b>
329 IAC 10-15-5	A	00-185	26 IR 449	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1810</b>	329 IAC 10-20-8	A	00-185	26 IR 460	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1821</b>
329 IAC 10-15-8	A	00-185	26 IR 450	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1810</b>	329 IAC 10-20-11	A	00-185	26 IR 461	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1822</b>
329 IAC 10-15-12	N	00-185	26 IR 451	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1812</b>	329 IAC 10-20-12	A	00-185	26 IR 462	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1823</b>



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329 IAC 10-20-13	A	00-185	26 IR 463	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1824</b>	329 IAC 10-21-8	A	00-185	26 IR 480	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1841</b>
329 IAC 10-20-14.1	A	01-288	26 IR 1662	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3967</b> *ERR (28 IR 608)	329 IAC 10-21-9	A	00-185	26 IR 481	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1842</b>
329 IAC 10-20-20	A	00-185	26 IR 463	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1824</b>	329 IAC 10-21-10	A	00-185	26 IR 482	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1843</b>
329 IAC 10-20-24	A	00-185	26 IR 464	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1825</b>	329 IAC 10-21-13	A	00-185	26 IR 484	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1845</b>
329 IAC 10-20-26	A	00-185	26 IR 464	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1825</b>	329 IAC 10-21-15	A	00-185	26 IR 488	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1849</b>
329 IAC 10-20-28	A	00-185	26 IR 464	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1825</b>	329 IAC 10-21-16	A	00-185	26 IR 488	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1850</b>
329 IAC 10-20-29	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3979</b>	329 IAC 10-21-17	N	00-185		†† <b>27 IR 1855</b>
329 IAC 10-21-1	A	00-185	26 IR 465	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1826</b>	329 IAC 10-22-2	A	00-185	26 IR 493	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1855</b>
329 IAC 10-21-2	A	00-185	26 IR 468	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1830</b>	329 IAC 10-22-3	A	00-185	26 IR 494	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1856</b>
329 IAC 10-21-4	A	00-185	26 IR 474	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1835</b>	329 IAC 10-22-5	A	00-185	26 IR 494	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1856</b>
329 IAC 10-21-6	A	00-185	26 IR 477	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1838</b>	329 IAC 10-22-6	A	00-185	26 IR 494	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1856</b>
329 IAC 10-21-7	A	00-185	26 IR 479	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1840</b>	329 IAC 10-22-7	A	00-185	26 IR 495	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1857</b>

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329 IAC 10-22-8	A	00-185	26 IR 496	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1858</b>	329 IAC 10-39-2	A	00-185	26 IR 502	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1864</b>
329 IAC 10-23-2	A	00-185	26 IR 496	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1859</b>	329 IAC 10-39-3	A	00-185	26 IR 508	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1870</b>
329 IAC 10-23-3	A	00-185	26 IR 497	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1859</b>	329 IAC 10-39-7	A	00-185	26 IR 509	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1871</b>
329 IAC 10-23-4	A	00-185	26 IR 498	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1861</b>	329 IAC 10-39-9	A	00-185	26 IR 509	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1871</b>
329 IAC 10-24-4	A	00-185	26 IR 499	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1861</b>	329 IAC 10-39-10	A	00-185	26 IR 510	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1872</b>
329 IAC 10-28-21	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3980</b>	329 IAC 11-2-19.5	N	01-288	26 IR 1665	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3970</b>
329 IAC 10-28-24	A	01-288	26 IR 1664	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3969</b>	329 IAC 11-2-39	A	01-288	26 IR 1666	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3970</b>
329 IAC 10-29-1	A	00-185	26 IR 499	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1862</b>	329 IAC 11-2-44	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3980</b>
329 IAC 10-30-4	A	00-185	26 IR 500	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1862</b>	329 IAC 11-3-2	A	01-288	26 IR 1666	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3971</b>
329 IAC 10-36-19	A	01-288	26 IR 1665	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3969</b>	329 IAC 11-6-1	R	01-288	26 IR 1674	*ERR (28 IR 608) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3980</b>
329 IAC 10-37-4	A	00-185	26 IR 501	*ERR (28 IR 608) *CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1863</b>	329 IAC 11-7	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3980</b>
329 IAC 10-39-1	A	00-185	26 IR 501	*ERR (28 IR 608) *CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1864</b>	329 IAC 11-8-2	A	01-288	26 IR 1666	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3971</b>
					329 IAC 11-8-2.5	N	01-288	26 IR 1666	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3971</b>
					329 IAC 11-8-3	A	01-288	26 IR 1667	*ERR (28 IR 608) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3972</b>

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329 IAC 11-9-6	N	01-288	26 IR 1667	*CPH (26 IR 2647)	345 IAC 1-3-9	R	04-147	27 IR 4136	
				*CPH (26 IR 3672)	345 IAC 1-3-10	A	04-147	27 IR 4121	
				*CPH (26 IR 3903)	345 IAC 1-3-22	A	03-9	26 IR 3108	<b>27 IR 490</b>
				<b>27 IR 3972</b>	345 IAC 1-3-30	A	02-323	26 IR 3102	<b>27 IR 87</b>
329 IAC 11-13-4	A	01-288	26 IR 1667	*CPH (26 IR 2647)	345 IAC 1-3-31	N	02-323	26 IR 3104	<b>27 IR 89</b>
				*CPH (26 IR 3672)	345 IAC 1-3-32	N	02-323	26 IR 3104	<b>27 IR 90</b>
				*CPH (26 IR 3903)	345 IAC 1-5-1	A	03-9	26 IR 3108	<b>27 IR 491</b>
				<b>27 IR 3972</b>	345 IAC 1-6-2	A	02-323	26 IR 3105	<b>27 IR 90</b>
329 IAC 11-13-6	A	01-288	26 IR 1668	*CPH (26 IR 2647)	345 IAC 1-6-3	A	02-323	26 IR 3105	<b>27 IR 90</b>
				*CPH (26 IR 3672)	345 IAC 2-4.1	R	04-147	27 IR 4136	
				*CPH (26 IR 3903)	345 IAC 2-7-2.4	N	02-323	26 IR 3106	<b>27 IR 92</b>
				<b>27 IR 3973</b>	345 IAC 2-7-2.5	N	02-323	26 IR 3107	<b>27 IR 92</b>
329 IAC 11-15-1	A	01-288	26 IR 1668	*CPH (26 IR 2647)	345 IAC 2-7-3	A	02-323	26 IR 3107	<b>27 IR 92</b>
				*CPH (26 IR 3672)	345 IAC 2.5	N	04-147	27 IR 4121	
				*CPH (26 IR 3903)	345 IAC 4-4-1	A	04-135	27 IR 4118	
				<b>27 IR 3973</b>	345 IAC 7-3.5-16	A	04-15	27 IR 2328	<b>27 IR 3982</b>
329 IAC 11-19-2	A	01-288	26 IR 1669	*CPH (26 IR 2647)	345 IAC 7-5-12	A	04-147	27 IR 4135	
				*CPH (26 IR 3672)	345 IAC 7-5-15.1	A	04-16	27 IR 2797	<b>28 IR 559</b>
				*CPH (26 IR 3903)	345 IAC 7-5-22	A	04-16	27 IR 2798	<b>28 IR 559</b>
				<b>27 IR 3974</b>	345 IAC 9-2.1-1	A	04-15	27 IR 2329	<b>27 IR 3982</b>
329 IAC 11-19-3	A	01-288	26 IR 1670	*CPH (26 IR 2647)	345 IAC 9-10.5-2	N	04-15	27 IR 2329	<b>27 IR 3983</b>
				*CPH (26 IR 3672)	345 IAC 10-2-5	N	04-135	27 IR 4119	
				*CPH (26 IR 3903)	345 IAC 10-2.1-1	A	04-135	27 IR 4119	
				<b>27 IR 3974</b>					
329 IAC 11-20-1	A	01-288	26 IR 1670	*ERR (28 IR 608)	TITLE 357 INDIANA PESTICIDE REVIEW BOARD				
				*CPH (26 IR 2647)	357 IAC 1-6-1	A	04-160	28 IR 253	
				*CPH (26 IR 3672)	357 IAC 1-6-2	A	04-160	28 IR 254	
				*CPH (26 IR 3903)	357 IAC 1-6-3	R	04-160	28 IR 257	
				<b>27 IR 3975</b>	357 IAC 1-6-4	A	04-160	28 IR 256	
				*ERR (27 IR 4023)	357 IAC 1-6-5	A	04-160	28 IR 256	
329 IAC 11-21-4	A	01-288	26 IR 1671	*CPH (26 IR 2647)	357 IAC 1-6-6	A	04-160	28 IR 256	
				*CPH (26 IR 3672)	357 IAC 1-6-7	N	04-160	28 IR 257	
				*CPH (26 IR 3903)	357 IAC 1-6-8	N	04-160	28 IR 257	
				<b>27 IR 3976</b>	357 IAC 1-7-1	A	04-159	28 IR 249	
329 IAC 11-21-5	A	01-288	26 IR 1671	*CPH (26 IR 2647)	357 IAC 1-7-2	A	04-159	28 IR 250	
				*CPH (26 IR 3672)	357 IAC 1-7-3	R	04-159	28 IR 252	
				*CPH (26 IR 3903)	357 IAC 1-7-4	A	04-159	28 IR 251	
				<b>27 IR 3976</b>	357 IAC 1-7-5	A	04-159	28 IR 252	
329 IAC 11-21-6	A	01-288	26 IR 1671	*CPH (26 IR 2647)	357 IAC 1-7-6	A	04-159	28 IR 252	
				*CPH (26 IR 3672)	357 IAC 1-7-7	N	04-159	28 IR 252	
				*CPH (26 IR 3903)	357 IAC 1-7-8	N	04-159	28 IR 252	
				<b>27 IR 3976</b>	357 IAC 1-11	N	02-332	26 IR 3109	*CPH (26 IR 3673)
329 IAC 11-21-7	A	01-288	26 IR 1671	*CPH (26 IR 2647)					*AROC (27 IR 1652)
				*CPH (26 IR 3672)					<b>27 IR 1877</b>
				*CPH (26 IR 3903)					
				<b>27 IR 3976</b>	TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES				
329 IAC 11-21-8	A	01-288	26 IR 1672	*CPH (26 IR 2647)	405 IAC 1-1-5	A	04-178	28 IR 258	
				*CPH (26 IR 3672)	405 IAC 1-1.5-1	A	04-142	27 IR 3699	*NRA (28 IR 619)
				*CPH (26 IR 3903)	405 IAC 1-1.5-2	A	04-178	28 IR 259	
				<b>27 IR 3977</b>	405 IAC 1-1.6	N	04-142	27 IR 3699	*NRA (28 IR 619)
329 IAC 12-8-4	A	01-288	26 IR 1672	*CPH (26 IR 2647)	405 IAC 1-5-1	A	04-219	28 IR 655	
				*CPH (26 IR 3672)	405 IAC 1-8-2	A	03-164	26 IR 3929	*NRA (27 IR 1194)
				*CPH (26 IR 3903)					<b>27 IR 2247</b>
				<b>27 IR 3977</b>	405 IAC 1-8-3	A	03-164	26 IR 3929	*NRA (27 IR 1194)
									<b>27 IR 2247</b>
329 IAC 12-8-5	A	03-286	27 IR 3696		405 IAC 1-10.5-2	A	03-164	26 IR 3930	*NRA (27 IR 1194)
329 IAC 12-8-5	A	03-286	27 IR 3697						<b>27 IR 2248</b>
329 IAC 12-9-2	A	03-286	27 IR 3698						*NRA (27 IR 1935)
329 IAC 13-3-1	A	01-288	26 IR 1673	*CPH (26 IR 2647)					<b>27 IR 2482</b>
				*CPH (26 IR 3672)	405 IAC 1-10.5-3	A	03-18	26 IR 3378	*NRA (27 IR 207)
				*CPH (26 IR 3903)					<b>27 IR 863</b>
				<b>27 IR 3978</b>					*NRA (27 IR 1194)
									<b>27 IR 2249</b>
329 IAC 13-3-4	A	03-312	27 IR 4115						*NRA (27 IR 1935)
329 IAC 13-3-4	N	03-312	27 IR 4116						<b>27 IR 2484</b>
329 IAC 13-9-5	A	03-312	27 IR 4117						*ERR (27 IR 3580)
329 IAC 15-1-1				*ER (28 IR 214)					*NRA (26 IR 3670)
									<b>27 IR 93</b>
TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH									
345 IAC 1-3-6.5	R	04-147	27 IR 4136		405 IAC 1-17-1	A	03-61	26 IR 3111	
345 IAC 1-3-7	A	04-147	27 IR 4120						

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405 IAC 1-17-2	A	03-61	26 IR 3111	*NRA (26 IR 3670) <b>27 IR 94</b>					*ARR (27 IR 1891) <b>27 IR 2477</b>
405 IAC 1-17-3	A	03-61	26 IR 3112	*NRA (26 IR 3670) <b>27 IR 94</b>	405 IAC 5-20-4	A	03-184	27 IR 261	*NRA (27 IR 1194) *ARR (27 IR 1891) <b>27 IR 2477</b>
405 IAC 1-17-4	A	03-61	26 IR 3113	*NRA (26 IR 3670) <b>27 IR 95</b>	405 IAC 5-20-7	A	03-184	27 IR 261	*NRA (27 IR 1194) *ARR (27 IR 1891) <b>27 IR 2478</b>
405 IAC 1-17-5	A	03-61	26 IR 3113	*NRA (26 IR 3670) <b>27 IR 96</b>	405 IAC 5-21-1	A	03-66	26 IR 3381	*NRA (26 IR 3902) *ARR (27 IR 539) *NRA (27 IR 550) *ARR (27 IR 1576) *NRA (27 IR 1612) <b>27 IR 2245</b>
405 IAC 1-17-6	A	03-61	26 IR 3114	*NRA (26 IR 3670) <b>27 IR 96</b>					
405 IAC 1-17-7	A	03-61	26 IR 3114	*NRA (26 IR 3670) <b>27 IR 97</b>					
405 IAC 1-17-9	A	03-61	26 IR 3115	*NRA (26 IR 3670) <b>27 IR 98</b>					
405 IAC 1-21	N	03-184	27 IR 258	*NRA (27 IR 1194) *ARR (27 IR 1891) <b>27 IR 2475</b>	405 IAC 5-21-7	A	03-66	26 IR 3382	*NRA (26 IR 3902) *ARR (27 IR 539) *NRA (27 IR 550) *ARR (27 IR 1576) *NRA (27 IR 1612) <b>27 IR 2245</b>
405 IAC 2-3-1.1	A	03-205	27 IR 262	*ERR (27 IR 2499) *NRA (27 IR 1612) <b>27 IR 2479</b>					
405 IAC 2-3-10	A	03-263	27 IR 1210	*ARR (27 IR 4024) *NRA (27 IR 4044) <b>28 IR 178</b>	405 IAC 5-21-8	N	03-66	26 IR 3382	*NRA (26 IR 3902) *ARR (27 IR 539) *NRA (27 IR 550) *ARR (27 IR 1576) *NRA (27 IR 1612) <b>27 IR 2245</b>
405 IAC 2-8-1	A	03-134	26 IR 3706	*AROC (27 IR 2080) *NRA (27 IR 3094) <b>27 IR 3984</b>					
405 IAC 2-8-1.1	A	03-134	26 IR 3707	*AROC (27 IR 2080) *NRA (27 IR 3094) <b>27 IR 3984</b>	405 IAC 5-24-7	A	03-206	27 IR 266	*NRA (27 IR 1194) <b>27 IR 2252</b>
405 IAC 2-10-3	A	03-134	26 IR 3707	*AROC (27 IR 2080) *NRA (27 IR 3094) <b>27 IR 3984</b>	405 IAC 5-26-5	A	04-178	28 IR 262	
405 IAC 2-10-7	A	03-134	26 IR 3707	*AROC (27 IR 2080) *NRA (27 IR 3094) <b>27 IR 3985</b>	405 IAC 6-2-3	A	03-260	27 IR 919	*NRA (27 IR 1935) <b>27 IR 2486</b>
405 IAC 2-10-7.1	N	03-134	26 IR 3707	*AROC (27 IR 2080) *NRA (27 IR 3094) <b>27 IR 3985</b>	405 IAC 6-2-5	A	03-260	27 IR 919	*NRA (27 IR 1935) <b>27 IR 2486</b>
405 IAC 2-10-8	A	03-134	26 IR 3708	*AROC (27 IR 2080) *NRA (27 IR 3094) <b>27 IR 3985</b>					
405 IAC 2-10-9	A	03-134	26 IR 3708	*AROC (27 IR 2080) *NRA (27 IR 3094) <b>27 IR 3986</b>	405 IAC 6-2-21	R	03-260	27 IR 921	*NRA (27 IR 1935) <b>27 IR 2489</b>
405 IAC 2-10-10	R	03-134	26 IR 3709	*AROC (27 IR 2080) *NRA (27 IR 3094) <b>27 IR 3986</b>	405 IAC 6-2-22	R	03-260	27 IR 921	*NRA (27 IR 1935) <b>27 IR 2489</b>
405 IAC 2-10-11	N	03-134	26 IR 3709	*AROC (27 IR 2080) *NRA (27 IR 3094) <b>27 IR 3986</b>	405 IAC 6-3-3	A	03-260	27 IR 919	*NRA (27 IR 1935) <b>27 IR 2487</b>
405 IAC 5-1-5	A	04-178	28 IR 260		405 IAC 6-4-2	A	03-260	27 IR 919	*NRA (27 IR 1935) <b>27 IR 2487</b>
405 IAC 5-3-13	A	03-66	26 IR 3381	*NRA (26 IR 3902) *ARR (27 IR 539) *NRA (27 IR 550) *ARR (27 IR 1576) *NRA (27 IR 1612) <b>27 IR 2244</b>	405 IAC 6-4-3	A	03-260	27 IR 920	*NRA (27 IR 1935) <b>27 IR 2487</b>
					405 IAC 6-5-1	A	03-260	27 IR 920	*NRA (27 IR 1935) <b>27 IR 2487</b>
405 IAC 5-9-1	A	04-178	28 IR 260						
405 IAC 5-19-1	A	04-178	28 IR 261		405 IAC 6-5-2	A	03-260	27 IR 920	*NRA (27 IR 1935) <b>27 IR 2488</b>
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		405 IAC 6-5-3	A	03-260	27 IR 921	*NRA (27 IR 1935) <b>27 IR 2488</b>
405 IAC 5-20-1	A	03-184	27 IR 259	*NRA (27 IR 1194) *ARR (27 IR 1891) <b>27 IR 2476</b>	405 IAC 6-5-4	A	03-260	27 IR 921	*NRA (27 IR 1935) <b>27 IR 2488</b>
405 IAC 5-20-2	A	03-184	27 IR 260	*NRA (27 IR 1194) *ARR (27 IR 1891) <b>27 IR 2476</b>					
405 IAC 5-20-3.1	N	03-184	27 IR 260	*NRA (27 IR 1194)	405 IAC 6-5-6	A	03-260	27 IR 921	*NRA (27 IR 1935) <b>27 IR 2489</b>
									*NRA (27 IR 4044) <b>28 IR 182</b>

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405 IAC 6-6-3	R	03-260	27 IR 921	*NRA (27 IR 1935) <b>27 IR 2489</b>	410 IAC 16.2-3.1-13	A	03-275	27 IR 2054	<b>27 IR 3990</b>
405 IAC 6-6-4	R	03-260	27 IR 921	*NRA (27 IR 1935) <b>27 IR 2489</b>	410 IAC 16.2-3.1-14	A	03-275	27 IR 2056	<b>27 IR 3993</b>
					410 IAC 16.2-3.1-19	A	04-7	27 IR 2542	<b>28 IR 189</b>
					410 IAC 16.2-3.1-19	A	03-90	27 IR 922	*CPH (27 IR 1613) <b>27 IR 2715</b>
TITLE 407 OFFICE OF THE CHILDREN'S HEALTH INSURANCE PROGRAM					410 IAC 16.2-3.1-26	A	03-275	27 IR 2059	<b>27 IR 3996</b>
407 IAC 3-7-1	A	04-35	27 IR 2535	*NRA (27 IR 3589) <b>27 IR 3987</b>	410 IAC 16.2-3.1-29	A	03-275	27 IR 2060	<b>27 IR 3997</b>
407 IAC 3-13-1	A	04-35	27 IR 2535	*NRA (27 IR 3589) <b>27 IR 3987</b>	410 IAC 16.2-3.1-53	N	04-7	27 IR 2545	<b>28 IR 192</b>
					410 IAC 16.2-5-1.1	A	03-297	27 IR 2539	<b>28 IR 185</b>
					410 IAC 16.2-5-1.2	A	03-275	27 IR 2060	<b>27 IR 3997</b>
					410 IAC 16.2-5-1.3	A	03-275	27 IR 2066	<b>27 IR 4002</b>
					410 IAC 16.2-5-1.4	A	03-275	27 IR 2067	<b>27 IR 4003</b>
						A	04-7	27 IR 2547	<b>28 IR 193</b>
					410 IAC 16.2-5-2	A	03-275	27 IR 2069	<b>27 IR 4005</b>
					410 IAC 16.2-5-4	A	03-275	27 IR 2069	<b>27 IR 4006</b>
					410 IAC 16.2-5-13	N	04-7	27 IR 2548	<b>28 IR 194</b>
					410 IAC 16.2-8-1	A	03-90	27 IR 924	*CPH (27 IR 1613) <b>27 IR 2718</b>
					410 IAC 21-3-6	R	04-161	28 IR 657	
					410 IAC 21-3-8	A	04-161	28 IR 656	
					410 IAC 21-3-9	A	04-161	28 IR 656	
					TITLE 414 HOSPITAL COUNCIL				
					414 IAC	N	03-277	27 IR 1625	<b>27 IR 2723</b>
					TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION				
					440 IAC 5.2	N	03-57	26 IR 3386	*NRA (26 IR 3902) <b>27 IR 492</b>
					440 IAC 7.5-1-1	A	04-229	28 IR 657	
					440 IAC 7.5-2-1	A	04-229	28 IR 660	
					440 IAC 7.5-2-8	A	04-229	28 IR 661	
					440 IAC 7.5-2-12	A	04-229	28 IR 661	
					440 IAC 7.5-2-13	A	04-229	28 IR 662	
					440 IAC 7.5-3-3	A	04-229	28 IR 663	
					440 IAC 7.5-3-4	A	04-229	28 IR 664	
					440 IAC 7.5-3-7	A	04-229	28 IR 664	
					440 IAC 7.5-4-7	A	04-229	28 IR 664	
					440 IAC 7.5-4-8	A	04-229	28 IR 665	
					440 IAC 7.5-5-1	A	04-229	28 IR 665	
					440 IAC 7.5-8-1	A	04-229	28 IR 666	
					440 IAC 7.5-8-2	A	04-229	28 IR 666	
					440 IAC 7.5-8-3	A	04-229	28 IR 666	
					440 IAC 7.5-9-1	A	04-229	28 IR 666	
					440 IAC 7.5-9-2	A	04-229	28 IR 666	
					440 IAC 7.5-9-3	A	04-229	28 IR 667	
					440 IAC 7.5-10-1	A	04-229	28 IR 667	
					440 IAC 7.5-10-2	A	04-229	28 IR 667	
					440 IAC 7.5-10-3	N	04-229	28 IR 667	
					440 IAC 7.5-11	N	04-229	28 IR 667	
					TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES				
					460 IAC 1-10	N	03-231	27 IR 3303	*NRA (28 IR 233)
					460 IAC 1.1	N	03-245	27 IR 2799	*AROC (27 IR 3344) *NRA (28 IR 233)
					460 IAC 2-2.1	N	04-76	27 IR 3701	*NRA (28 IR 233) *ERR (27 IR 3078)
					460 IAC 2-3-1				
					460 IAC 3.5-1-1	A	03-180	27 IR 269	
					460 IAC 3.5-2-1	A	03-180	27 IR 269	
					460 IAC 5-1-13	A	02-151	26 IR 524	
					460 IAC 6-2-2	A	03-123	26 IR 3935	<b>27 IR 2724</b>
					460 IAC 6-2-3	A	03-123	26 IR 3935	<b>27 IR 2724</b>
					460 IAC 6-3-2.1	N	02-326	26 IR 2664	<b>27 IR 101</b>
					460 IAC 6-3-5.1	N	02-326	26 IR 2665	<b>27 IR 101</b>
					460 IAC 6-3-5.2	N	02-326	26 IR 2665	<b>27 IR 101</b>
					460 IAC 6-3-6.1	N	02-326	26 IR 2665	<b>27 IR 101</b>
					460 IAC 6-3-10.1	N	02-326	26 IR 2665	<b>27 IR 101</b>
					460 IAC 6-3-15.1	N	02-326	26 IR 2665	<b>27 IR 101</b>
					460 IAC 6-3-15.2	N	03-123	26 IR 3935	<b>27 IR 2724</b>

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460 IAC 6-3-15.3	N	02-326	26 IR 2665	††27 IR 101	470 IAC 3-1.1-28	A	04-77	27 IR 2841	
460 IAC 6-3-18	A	02-326	26 IR 2666	27 IR 102	470 IAC 3-1.1-28.5	A	04-77	27 IR 2842	
460 IAC 6-3-25	A	02-326	26 IR 2666	27 IR 102	470 IAC 3-1.1-29	A	04-77	27 IR 2842	
460 IAC 6-3-29.5	N	02-326	26 IR 2666	27 IR 102	470 IAC 3-1.1-29.5	A	04-77	27 IR 2842	
460 IAC 6-3-31	A	02-326	26 IR 2666	27 IR 102	470 IAC 3-1.1-32	R	04-77	27 IR 2857	
460 IAC 6-3-32	A	02-326	26 IR 2666	27 IR 102	470 IAC 3-1.1-32.1	N	04-77	27 IR 2843	
460 IAC 6-3-38.5	N	02-326	26 IR 2666	27 IR 103	470 IAC 3-1.1-33	A	04-77	27 IR 2845	
460 IAC 6-3-38.6	N	02-326	26 IR 2667	27 IR 103	470 IAC 3-1.1-33.5	A	04-77	27 IR 2845	
460 IAC 6-3-41.1	N	02-326	26 IR 2667	27 IR 103	470 IAC 3-1.1-34	A	04-77	27 IR 2845	
460 IAC 6-3-52.1	N	02-326	26 IR 2667	27 IR 103	470 IAC 3-1.1-35	A	04-77	27 IR 2846	
460 IAC 6-3-56	A	02-326	26 IR 2667	27 IR 103	470 IAC 3-1.1-36.5	A	04-77	27 IR 2846	
460 IAC 6-4-1	A	02-326	26 IR 2667	27 IR 103	470 IAC 3-1.1-36.6	N	04-77	27 IR 2846	
460 IAC 6-5-4	A	02-326	26 IR 2668	27 IR 104	470 IAC 3-1.1-37	A	04-77	27 IR 2846	
460 IAC 6-5-7	A	02-326	26 IR 2669	27 IR 105	470 IAC 3-1.1-38	A	04-77	27 IR 2847	
460 IAC 6-5-21	A	02-326	26 IR 2669	27 IR 105	470 IAC 3-1.1-38.5	N	04-77	27 IR 2847	
460 IAC 6-5-32	N	02-326	26 IR 2669	27 IR 105	470 IAC 3-1.1-39	A	04-77	27 IR 2848	
460 IAC 6-5-33	N	02-326	26 IR 2670	27 IR 106	470 IAC 3-1.1-40	A	04-77	27 IR 2848	
460 IAC 6-5-34	N	02-326	26 IR 2670	27 IR 106	470 IAC 3-1.1-41	A	04-77	27 IR 2848	
460 IAC 6-5-35	N	02-326	26 IR 2670	27 IR 106	470 IAC 3-1.1-41.1	N	04-77	27 IR 2848	
460 IAC 6-5-36	N	02-326	26 IR 2670	27 IR 106	470 IAC 3-1.1-41.2	N	04-77	27 IR 2848	
460 IAC 6-6-2	A	02-326	26 IR 2670	27 IR 106	470 IAC 3-1.1-42	A	04-77	27 IR 2849	
460 IAC 6-6-3	A	02-326	26 IR 2670	27 IR 107	470 IAC 3-1.1-44	A	04-77	27 IR 2849	
460 IAC 6-7-2	A	02-326	26 IR 2671	27 IR 107	470 IAC 3-1.1-44.5	N	04-77	27 IR 2850	
460 IAC 6-7-3	A	02-326	26 IR 2671	27 IR 108	470 IAC 3-1.1-45	A	04-77	27 IR 2850	
460 IAC 6-9-5	A	02-326	26 IR 2672	27 IR 108	470 IAC 3-1.1-45.5	N	04-77	27 IR 2850	
460 IAC 6-9-7	N	02-326	26 IR 2673	27 IR 109	470 IAC 3-1.1-46	A	04-77	27 IR 2851	
460 IAC 6-10-5	A	02-326	26 IR 2673	27 IR 110	470 IAC 3-1.1-47	A	04-77	27 IR 2852	
460 IAC 6-10-8	A	02-326	26 IR 2674	27 IR 110	470 IAC 3-1.1-48	A	04-77	27 IR 2852	
460 IAC 6-10-13	A	02-326	26 IR 2674	27 IR 110	470 IAC 3-1.1-50	N	04-77	27 IR 2853	
460 IAC 6-13-2	A	02-326	26 IR 2675	27 IR 111	470 IAC 3-1.1-51	N	04-77	27 IR 2853	
460 IAC 6-14-4	A	02-326	26 IR 2675	27 IR 111	470 IAC 3-1.2-2	A	04-77	27 IR 2853	
460 IAC 6-14-6	N	03-123	26 IR 3935	27 IR 2724	470 IAC 3-1.2-3	A	04-77	27 IR 2853	
460 IAC 6-14-7	N	03-123	26 IR 3935	27 IR 2724	470 IAC 3-1.2-3.2	N	04-77	27 IR 2853	
460 IAC 6-15-2	A	03-123	26 IR 3935	27 IR 2724	470 IAC 3-1.2-4	A	04-77	27 IR 2854	
460 IAC 6-17-3	A	02-326	26 IR 2675	27 IR 111	470 IAC 3-1.2-5	A	04-77	27 IR 2854	
460 IAC 6-17-4	A	02-326	26 IR 2676	27 IR 112	470 IAC 3-1.2-6	A	04-77	27 IR 2854	
460 IAC 6-19-6	A	02-326	26 IR 2676	27 IR 113	470 IAC 3-1.2-7	A	04-77	27 IR 2855	
	A	03-123	26 IR 3936	27 IR 2725	470 IAC 3-1.2-8	N	04-77	27 IR 2855	
460 IAC 6-24-1	A	02-236	26 IR 2677	27 IR 113	470 IAC 3-1.3-1	A	04-77	27 IR 2855	
460 IAC 6-24-2	A	02-326	26 IR 2677	27 IR 114	470 IAC 3-1.3-2	N	04-77	27 IR 2855	
460 IAC 6-25-10	A	02-326	26 IR 2677	27 IR 114	470 IAC 3-1.3-3	N	04-77	27 IR 2855	
460 IAC 6-29-4	A	02-326	26 IR 2678	27 IR 114	470 IAC 3-1.3-4	N	04-77	27 IR 2856	
460 IAC 6-29-9	N	02-326	26 IR 2678	27 IR 115	470 IAC 3-1.3-5	N	04-77	27 IR 2856	
460 IAC 6-31-1	A	03-123	26 IR 3936	27 IR 2725	470 IAC 3-1.3-6	N	04-77	27 IR 2856	
460 IAC 6-35	N	02-326	26 IR 2678	27 IR 115	470 IAC 3-1.3-7	N	04-77	27 IR 2856	
460 IAC 6-36	N	03-123	26 IR 3937	27 IR 2726	470 IAC 3-4.1	R	02-298	26 IR 1719	*NRA (26 IR 3365)
460 IAC 8	N	03-99	26 IR 3392	27 IR 2489					*AROC (26 IR 3756)
									*AROC (27 IR 288)
<b>TITLE 470 DIVISION OF FAMILY AND CHILDREN</b>									
470 IAC 3-1.1-0.5	A	04-77	27 IR 2837		470 IAC 3-4.2	R	02-298	26 IR 1719	27 IR 162
470 IAC 3-1.1-1	A	04-77	27 IR 2838						*NRA (26 IR 3365)
470 IAC 3-1.1-2	A	04-77	27 IR 2838						*AROC (26 IR 3756)
470 IAC 3-1.1-4	A	04-77	27 IR 2838						*AROC (27 IR 288)
470 IAC 3-1.1-6	A	04-77	27 IR 2838		470 IAC 3-4.7	N	02-298	26 IR 1675	27 IR 162
470 IAC 3-1.1-7.2	A	04-77	27 IR 2838						*NRA (26 IR 3365)
470 IAC 3-1.1-7.4	A	04-77	27 IR 2839						*AROC (26 IR 3756)
470 IAC 3-1.1-8	A	04-77	27 IR 2839						*AROC (27 IR 288)
470 IAC 3-1.1-9	R	04-77	27 IR 2857						27 IR 116
470 IAC 3-1.1-10	A	04-77	27 IR 2839		470 IAC 3-4.8	N	03-232	27 IR 1626	*ERR (27 IR 1184)
470 IAC 3-1.1-12	A	04-77	27 IR 2839						*AROC (27 IR 2882)
470 IAC 3-1.1-12.5	A	04-77	27 IR 2839						*NRA (27 IR 4044)
470 IAC 3-1.1-13	A	04-77	27 IR 2839						27 IR 196
470 IAC 3-1.1-14	A	04-77	27 IR 2840		470 IAC 3-18	N	03-233	27 IR 1627	*AROC (27 IR 3345)
470 IAC 3-1.1-15	A	04-77	27 IR 2840						*NRA (28 IR 233)
470 IAC 3-1.1-16	A	04-77	27 IR 2840		470 IAC 6-2-1	A	03-136	26 IR 3709	*NRA (27 IR 207)
470 IAC 3-1.1-20	A	04-77	27 IR 2840						27 IR 870
470 IAC 3-1.1-20.1	N	04-77	27 IR 2840		470 IAC 6-2-13	A	03-136	26 IR 3709	*NRA (27 IR 207)
470 IAC 3-1.1-22.5	A	04-77	27 IR 2840						27 IR 871
470 IAC 3-1.1-24	A	04-77	27 IR 2841		470 IAC 6-4.1-4	A	03-136	26 IR 3710	*NRA (27 IR 207)
									27 IR 871

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470 IAC 10.1-3-4	R	03-33	26 IR 2682	*NRA (26 IR 3670) <b>27 IR 500</b>	540 IAC 1-1-11	RA	04-54	27 IR 2880	*CPH (27 IR 3096) <b>28 IR 324</b>
470 IAC 10.1-3-4.1	R	03-33	26 IR 2682	*NRA (26 IR 3670) <b>27 IR 500</b>	540 IAC 1-1-15	RA	03-112	26 IR 3754	<b>27 IR 570</b>
470 IAC 10.1-3-5	R	03-33	26 IR 2682	*NRA (26 IR 3670) <b>27 IR 500</b>	540 IAC 1-1-17	RA	04-54	27 IR 2880	*CPH (27 IR 3096) <b>28 IR 324</b>
470 IAC 10.2	N	03-33	26 IR 2680	*NRA (26 IR 3670) <b>27 IR 498</b>	540 IAC 1-1-18	RA	03-112	26 IR 3754	<b>27 IR 570</b>
<b>TITLE 511 INDIANA STATE BOARD OF EDUCATION</b>					540 IAC 1-2	RA	03-112	26 IR 3754	<b>27 IR 570</b>
511 IAC 1-3-1	A	03-185	27 IR 270	<b>27 IR 3504</b>	540 IAC 1-3-1	RA	03-112	26 IR 3754	<b>27 IR 570</b>
	A	04-101	27 IR 3305		540 IAC 1-4-1	RA	03-112	26 IR 3754	<b>27 IR 570</b>
511 IAC 1-9	RA	04-47	27 IR 2879	<b>28 IR 323</b>	540 IAC 1-4-2	RA	03-112	26 IR 3754	<b>27 IR 570</b>
511 IAC 5-2-4.5	N	04-214	28 IR 668		540 IAC 1-8-8	RA	03-112	26 IR 3754	<b>27 IR 570</b>
511 IAC 6-7-1	RA	04-47	27 IR 2879	<b>28 IR 323</b>	540 IAC 1-10-2	RA	03-112	26 IR 3754	<b>27 IR 570</b>
511 IAC 6-7-6	RA	04-47	27 IR 2879	<b>28 IR 323</b>	540 IAC 1-11	RA	03-112	26 IR 3754	<b>27 IR 570</b>
511 IAC 6-7-6.1	A	03-150	26 IR 3938	*ARR (27 IR 1185) <b>27 IR 3499</b>	540 IAC 1-12-1	RA	03-112	26 IR 3754	<b>27 IR 570</b>
	A	03-150	27 IR 1211		540 IAC 1-12-3	RA	03-112	26 IR 3754	<b>27 IR 570</b>
511 IAC 6-7-6.5	A	04-36	27 IR 2552		540 IAC 1-12-4	RA	03-112	26 IR 3754	<b>27 IR 570</b>
511 IAC 6.1-1-2	A	03-219	27 IR 561	<b>27 IR 4007</b>	<b>TITLE 550 BOARD OF TRUSTEES OF THE INDIANA STATE TEACHERS' RETIREMENT FUND</b>				
511 IAC 6.1-2-2.5	RA	04-47	27 IR 2879	<b>28 IR 323</b>	550 IAC 2-2-7	A	03-155	26 IR 3944	*CPH (27 IR 551) *CPH (27 IR 1196) <b>27 IR 2496</b>
511 IAC 6.1-5-4	RA	04-47	27 IR 2879	<b>28 IR 323</b>	550 IAC 7	N	03-100	26 IR 3710	*CPH (27 IR 1196) <b>27 IR 2495</b>
511 IAC 6.1-5.1-2	A	04-36	27 IR 2553		<b>TITLE 610 DEPARTMENT OF LABOR</b>				
511 IAC 6.1-5.1-3	A	04-36	27 IR 2553		610 IAC 4-2-1	A	03-36	26 IR 2463	<b>27 IR 1879</b>
511 IAC 6.1-5.1-4	A	04-36	27 IR 2554		610 IAC 4-2-11	R	03-36	26 IR 2464	<b>27 IR 1879</b>
511 IAC 6.1-5.1-5	A	04-36	27 IR 2555		610 IAC 4-6-11	A	03-37	26 IR 2464	<b>27 IR 1879</b>
511 IAC 6.1-5.1-6	A	04-36	27 IR 2555		610 IAC 4-6-13	R	03-253	27 IR 565	<b>27 IR 2728</b>
511 IAC 6.1-5.1-8	A	04-36	27 IR 2556		610 IAC 4-6-23	A	03-252	27 IR 564	<b>27 IR 2728</b>
511 IAC 6.1-5.1-9	A	03-151	26 IR 3939	<b>27 IR 3500</b>	<b>TITLE 646 DEPARTMENT OF WORKFORCE DEVELOPMENT</b>				
	A	04-36	27 IR 2557		646 IAC 3-1-12	N	03-317	27 IR 2858	<b>28 IR 560</b>
511 IAC 6.1-5.1-10.1	A	03-151	26 IR 3940	<b>27 IR 3501</b>	646 IAC 3-1-13	N	03-317	27 IR 2858	<b>28 IR 561</b>
	A	04-22	27 IR 2550		646 IAC 3-4-11	N	03-317	27 IR 2858	<b>28 IR 561</b>
511 IAC 6.2-2.5	N	03-219	27 IR 563	<b>27 IR 4008</b>	646 IAC 3-5-1	A	03-317	27 IR 2859	<b>28 IR 561</b>
511 IAC 6.2-6-4	A	02-264	26 IR 1719	<b>27 IR 162</b>	<b>TITLE 655 BOARD OF FIREFIGHTING PERSONNEL STANDARDS AND EDUCATION</b>				
511 IAC 6.2-6-6.1	N	02-264	26 IR 1720	<b>27 IR 163</b>	655 IAC 1-1-5.1	A	03-186	27 IR 932	*AROC (27 IR 1652) <b>27 IR 4010</b>
511 IAC 6.2-6-8	A	02-264	26 IR 1720	<b>27 IR 163</b>	655 IAC 1-2.1-2	A	03-186	27 IR 934	*AROC (27 IR 1652) <b>27 IR 4013</b>
511 IAC 6.2-6-12	A	02-264	26 IR 1720	<b>27 IR 163</b>	655 IAC 1-2.1-3	A	03-186	27 IR 934	*AROC (27 IR 1652) <b>27 IR 4013</b>
511 IAC 6.2-7	N	02-264	26 IR 1720	<b>27 IR 163</b>	655 IAC 1-2.1-6.1	A	03-186	27 IR 935	*AROC (27 IR 1652) <b>27 IR 4014</b>
511 IAC 6.2-7-8	A	03-219	27 IR 564	<b>27 IR 4009</b>	655 IAC 1-2.1-6.2	A	03-186	27 IR 935	*AROC (27 IR 1652) <b>27 IR 4014</b>
511 IAC 8	RA	04-47	27 IR 2879	<b>28 IR 323</b>	655 IAC 1-2.1-6.3	A	03-186	27 IR 935	*AROC (27 IR 1652) <b>27 IR 4014</b>
<b>TITLE 514 INDIANA SCHOOL FOR THE DEAF BOARD</b>					655 IAC 1-2.1-6.4	A	03-186	27 IR 936	*AROC (27 IR 1652) <b>27 IR 4014</b>
514 IAC	N	03-298	27 IR 1634	<b>28 IR 197</b>	655 IAC 1-2.1-12	A	03-186	27 IR 936	*AROC (27 IR 1652) <b>27 IR 4015</b>
<b>TITLE 515 PROFESSIONAL STANDARDS BOARD</b>					655 IAC 1-2.1-14	A	03-186	27 IR 936	*AROC (27 IR 1652) <b>27 IR 4015</b>
515 IAC 1-3	R	02-314	26 IR 1257	*ARR (26 IR 3346) <b>27 IR 505</b>	655 IAC 1-2.1-15	A	03-186	27 IR 936	*AROC (27 IR 1652) <b>27 IR 4015</b>
515 IAC 1-4-1	A	03-320	27 IR 2558	*ARR (28 IR 610)	655 IAC 1-2.1-19	A	03-186	27 IR 937	*AROC (27 IR 1652) <b>27 IR 4015</b>
515 IAC 1-4-2	A	03-320	27 IR 2558	*ARR (28 IR 610)	655 IAC 1-2.1-19.1	A	03-186	27 IR 937	*AROC (27 IR 1652) <b>27 IR 4016</b>
515 IAC 1-7	N	02-314	26 IR 1254	*ARR (26 IR 3346) <b>27 IR 501</b>	655 IAC 1-2.1-20	A	03-186	27 IR 937	*AROC (27 IR 1652) <b>27 IR 4016</b>
515 IAC 4	N	03-135	27 IR 925	<b>27 IR 3066</b>	655 IAC 1-2.1-23	A	03-186	27 IR 938	*AROC (27 IR 1652) <b>27 IR 4016</b>
515 IAC 8	N	03-10	26 IR 2437	<b>27 IR 166</b>	655 IAC 1-2.1-23.1	A	03-186	27 IR 938	*AROC (27 IR 1652) <b>27 IR 4017</b>
				*ERR (27 IR 538)	<b>TITLE 540 INDIANA EDUCATION SAVINGS AUTHORITY</b>				
515 IAC 8-1-23	A	03-321	27 IR 2330	*ARR (28 IR 610)	540 IAC 1-1-1	RA	03-112	26 IR 3754	<b>27 IR 570</b>
515 IAC 8-1-42	A	03-321	27 IR 2330	*ARR (28 IR 610)	540 IAC 1-1-2	RA	03-112	26 IR 3754	<b>27 IR 570</b>
515 IAC 9	N	03-11	26 IR 2451	*CPH (26 IR 2648) <b>27 IR 1169</b>	540 IAC 1-1-5	RA	03-112	26 IR 3754	<b>27 IR 570</b>
515 IAC 9-1-22	A	03-322	27 IR 2331	*ARR (28 IR 610)	540 IAC 1-1-8	RA	03-112	26 IR 3754	<b>27 IR 570</b>
515 IAC 10	N	04-197	28 IR 263		540 IAC 1-1-10	RA	03-112	26 IR 3754	<b>27 IR 570</b>
515 IAC 12	N	03-65	26 IR 3943	*SPE-SE (27 IR 2727)					
	N	04-141	27 IR 3703						

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655 IAC 1-2.1-24	A	03-186	27 IR 938	*AROC (27 IR 1652) <b>27 IR 4017</b>	675 IAC 14-4.2-69.6	N	03-71		††27 IR 2267
655 IAC 1-2.1-24.1	A	03-186	27 IR 938	*AROC (27 IR 1652) <b>27 IR 4017</b>	675 IAC 14-4.2-71	A	03-71	26 IR 3726	<b>27 IR 2268</b>
655 IAC 1-2.1-24.2	A	03-186	27 IR 938	*AROC (27 IR 1652) <b>27 IR 4017</b>	675 IAC 14-4.2-73.5	N	03-71	26 IR 3727	<b>27 IR 2268</b>
655 IAC 1-2.1-24.3	N	03-186	27 IR 939	*AROC (27 IR 1652) <b>27 IR 4018</b>	675 IAC 14-4.2-77.6	N	03-71	26 IR 3727	<b>27 IR 2268</b>
655 IAC 1-2.1-88	A	03-186	27 IR 939	*AROC (27 IR 1652) <b>27 IR 4018</b>	675 IAC 14-4.2-77.7	N	03-71	26 IR 3727	<b>27 IR 2268</b>
655 IAC 1-3-1	A	03-186	27 IR 939	*AROC (27 IR 1652) <b>27 IR 4018</b>	675 IAC 14-4.2-81.2	N	03-71	26 IR 3727	<b>27 IR 2268</b>
655 IAC 1-3-2	A	03-186	27 IR 939	*AROC (27 IR 1652) <b>27 IR 4018</b>	675 IAC 14-4.2-81.3	N	03-71	26 IR 3727	<b>27 IR 2269</b>
655 IAC 1-3-4	A	03-186	27 IR 940	*AROC (27 IR 1652) <b>27 IR 4018</b>	675 IAC 14-4.2-81.7	N	03-71	26 IR 3727	<b>27 IR 2269</b>
655 IAC 1-3-5	A	03-186	27 IR 940	*AROC (27 IR 1652) <b>27 IR 4019</b>	675 IAC 14-4.2-82	A	03-71	26 IR 3727	<b>27 IR 2269</b>
655 IAC 1-3-7	A	03-186	27 IR 940	*AROC (27 IR 1652) <b>27 IR 4019</b>	675 IAC 14-4.2-83	A	03-71	26 IR 3728	<b>27 IR 2269</b>
655 IAC 1-3-8	R	03-186	27 IR 941	*AROC (27 IR 1652)	675 IAC 14-4.2-89.2	N	03-71	26 IR 3728	<b>27 IR 2269</b>
655 IAC 1-4-1	A	03-186	27 IR 940	*AROC (27 IR 1652) <b>27 IR 4019</b>	675 IAC 14-4.2-89.6	A	04-8	27 IR 2333	<b>28 IR 562</b>
655 IAC 1-4-2	A	03-186	27 IR 940	*AROC (27 IR 1652) <b>27 IR 4019</b>	675 IAC 14-4.2-89.7	A	03-71	26 IR 3728	<b>27 IR 2269</b>
					675 IAC 14-4.2-89.7	R	03-71	26 IR 3737	<b>27 IR 2278</b>
					675 IAC 14-4.2-89.8	A	03-71	26 IR 3728	<b>27 IR 2270</b>
					675 IAC 14-4.2-89.9	A	03-71	26 IR 3728	<b>27 IR 2270</b>
					675 IAC 14-4.2-89.10	R	03-71	26 IR 3737	<b>27 IR 2278</b>
					675 IAC 14-4.2-89.11	R	03-71	26 IR 3737	<b>27 IR 2278</b>
					675 IAC 14-4.2-95	A	03-71	26 IR 3729	<b>27 IR 2270</b>
					675 IAC 14-4.2-96.2	N	03-71	26 IR 3729	<b>27 IR 2270</b>
					675 IAC 14-4.2-97.5	N	03-71	26 IR 3729	<b>27 IR 2270</b>
					675 IAC 14-4.2-97.9	N	03-71	26 IR 3729	<b>27 IR 2270</b>
					675 IAC 14-4.2-107	A	03-71	26 IR 3729	<b>27 IR 2271</b>
					675 IAC 14-4.2-112.5	N	03-71	26 IR 3735	<b>27 IR 2277</b>
					675 IAC 14-4.2-117	A	03-71	26 IR 3736	<b>27 IR 2277</b>
					675 IAC 14-4.2-171.5	N	03-71	26 IR 3736	<b>27 IR 2277</b>
					675 IAC 14-4.2-174.5	N	03-71	26 IR 3736	<b>27 IR 2277</b>
					675 IAC 14-4.2-177.5	N	03-71	26 IR 3736	<b>27 IR 2277</b>
					675 IAC 14-4.2-189	A	03-71	26 IR 3736	<b>27 IR 2277</b>
					675 IAC 14-4.2-189.2	N	03-71	26 IR 3736	<b>27 IR 2277</b>
					675 IAC 14-4.2-191.4	A	03-71	26 IR 3736	<b>27 IR 2278</b>
					675 IAC 14-4.2-192	R	03-71	26 IR 3737	<b>27 IR 2278</b>
					675 IAC 14-4.3	N	04-194	28 IR 268	
					675 IAC 17-1.6-12	A	03-71	26 IR 3737	<b>27 IR 2278</b>
					675 IAC 17-1.6-16	A	03-71	26 IR 3737	<b>27 IR 2278</b>
					675 IAC 19-3-4	A	03-71	26 IR 3737	<b>27 IR 2278</b>
					675 IAC 22-2.2-3	RA	04-19	27 IR 2339	<b>28 IR 324</b>
					675 IAC 22-2.2-4	RA	04-19	27 IR 2339	<b>28 IR 324</b>
					675 IAC 22-2.2-5	RA	04-19	27 IR 2339	<b>28 IR 324</b>
					675 IAC 22-2.2-6	RA	04-19	27 IR 2339	<b>28 IR 324</b>
					675 IAC 22-2.2-7	RA	04-19	27 IR 2339	<b>28 IR 324</b>
					675 IAC 22-2.2-8	RA	04-19	27 IR 2339	<b>28 IR 324</b>
					675 IAC 22-2.2-9	RA	04-19	27 IR 2339	<b>28 IR 324</b>
					675 IAC 22-2.2-10	RA	04-19	27 IR 2339	<b>28 IR 324</b>
					675 IAC 22-2.2-11	RA	04-19	27 IR 2339	<b>28 IR 324</b>
					675 IAC 22-2.2-12	RA	04-19	27 IR 2339	<b>28 IR 324</b>
					675 IAC 22-2.2-13	RA	04-19	27 IR 2339	<b>28 IR 324</b>
					675 IAC 22-2.2-15	RA	04-19	27 IR 2340	<b>28 IR 324</b>
					675 IAC 22-2.2-16	RA	04-19	27 IR 2340	<b>28 IR 324</b>
					675 IAC 22-2.2-17	RA	04-19	27 IR 2340	<b>28 IR 324</b>
					675 IAC 22-2.2-18	RA	04-19	27 IR 2340	<b>28 IR 324</b>
					675 IAC 22-2.2-21	RA	04-19	27 IR 2340	<b>28 IR 324</b>
					675 IAC 22-2.2-22	RA	04-19	27 IR 2340	<b>28 IR 324</b>
					675 IAC 22-2.2-23	RA	04-19	27 IR 2340	<b>28 IR 324</b>
					675 IAC 22-2.2-24	RA	04-19	27 IR 2340	<b>28 IR 324</b>
					675 IAC 22-2.2-25	RA	04-19	27 IR 2340	<b>28 IR 324</b>
					675 IAC 22-2.2-49.5	R	04-56	27 IR 2864	
					675 IAC 22-2.2-107.1	R	04-56	27 IR 2864	
					675 IAC 22-2.2-134.5	R	04-56	27 IR 2864	
					675 IAC 22-2.2-183	RA	04-19	27 IR 2340	<b>28 IR 324</b>
						R	04-56	27 IR 2864	
					675 IAC 22-2.2-221.5	R	04-56	27 IR 2864	
					675 IAC 22-2.2-240.1	R	04-56	27 IR 2864	
					675 IAC 22-2.2-241.1	R	04-56	27 IR 2864	
					675 IAC 22-2.2-243.1	R	04-56	27 IR 2864	
					675 IAC 22-2.2-245.2	R	04-56	27 IR 2864	
					675 IAC 22-2.2-245.5	R	04-56	27 IR 2864	
					675 IAC 22-2.2-365.2	R	04-56	27 IR 2864	
					675 IAC 22-2.2-365.5	R	04-56	27 IR 2864	
TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION									
675 IAC 12-4-11	A	03-278	27 IR 941	<b>27 IR 3505</b>					
675 IAC 13-1-4	RA	03-48	26 IR 2693	*CPH (27 IR 551) <b>27 IR 1299</b>					
675 IAC 13-1-5	RA	03-48	26 IR 2693	*CPH (27 IR 551) <b>27 IR 1299</b>					
675 IAC 13-1-9.5	RA	03-48	26 IR 2693	*CPH (27 IR 551) <b>27 IR 1299</b>					
675 IAC 13-1-9.6	RA	03-48	26 IR 2693	*CPH (27 IR 551) <b>27 IR 1299</b>					
675 IAC 13-1-28	RA	03-48	26 IR 2693	*CPH (27 IR 551) <b>27 IR 1299</b>					
675 IAC 14-4.2	R	04-194	28 IR 312						
675 IAC 14-4.2-1	A	03-71	26 IR 3712	<b>27 IR 2253</b>					
675 IAC 14-4.2-2	A	03-71	26 IR 3712	<b>27 IR 2253</b>					
675 IAC 14-4.2-3	A	03-71	26 IR 3714	<b>27 IR 2254</b>					
675 IAC 14-4.2-6	A	03-71	26 IR 3715	<b>27 IR 2256</b>					
675 IAC 14-4.2-7	A	03-71	26 IR 3719	<b>27 IR 2260</b>					
675 IAC 14-4.2-9	A	03-71	26 IR 3719	<b>27 IR 2260</b>					
675 IAC 14-4.2-13.5	N	03-71	26 IR 3719	<b>27 IR 2260</b>					
675 IAC 14-4.2-15.5	N	03-71	26 IR 3719	<b>27 IR 2260</b>					
675 IAC 14-4.2-19.5	N	03-71	26 IR 3720	<b>27 IR 2260</b>					
675 IAC 14-4.2-20.5	A	03-71	26 IR 3720	<b>27 IR 2261</b>					
675 IAC 14-4.2-21	A	03-71	26 IR 3720	<b>27 IR 2261</b>					
675 IAC 14-4.2-22	A	03-71	26 IR 3721	<b>27 IR 2262</b>					
675 IAC 14-4.2-26.5	N	03-71	26 IR 3722	<b>27 IR 2263</b>					
675 IAC 14-4.2-27.5	A	03-71	26 IR 3722	<b>27 IR 2263</b>					
675 IAC 14-4.2-29	A	03-71	26 IR 3722	<b>27 IR 2263</b>					
675 IAC 14-4.2-30	A	04-8	27 IR 2333	<b>28 IR 562</b>					
675 IAC 14-4.2-31	A	03-71	26 IR 3722	<b>27 IR 2263</b>					
675 IAC 14-4.2-34	A	03-71	26 IR 3723	<b>27 IR 2264</b>					
675 IAC 14-4.2-37.5	N	03-71	26 IR 3724	<b>27 IR 2265</b>					
675 IAC 14-4.2-45.3	N	03-71	26 IR 3724	<b>27 IR 2265</b>					
675 IAC 14-4.2-46.8	N	03-71	26 IR 3724	<b>27 IR 2265</b>					
675 IAC 14-4.2-49.1	N	03-71	26 IR 3724	<b>27 IR 2265</b>					
675 IAC 14-4.2-49.3	N	03-71	26 IR 3724	<b>27 IR 2265</b>					
675 IAC 14-4.2-52	A	03-71	26 IR 3725	<b>27 IR 2266</b>					
675 IAC 14-4.2-53	A	03-71	26 IR 3725	<b>27 IR 2266</b>					
675 IAC 14-4.2-53.7	N	03-71	26 IR 3725	<b>27 IR 2266</b>					
675 IAC 14-4.2-61	A	03-71	26 IR 3726	<b>27 IR 2267</b>					
675 IAC 14-4.2-63	A	03-71	26 IR 3726	<b>27 IR 2267</b>					
675 IAC 14-4.2-69.5	N	03-71	26 IR 3726	<b>27 IR 2267</b>					



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675 IAC 22-2.2-368.1	R	04-56	27 IR 2864		760 IAC 2-1-1	A	03-303	27 IR 3306	<b>28 IR 563</b>
675 IAC 22-2.2-369.5	R	04-56	27 IR 2864		760 IAC 2-2-1.5	N	03-303	27 IR 3306	<b>28 IR 563</b>
675 IAC 22-2.2-378.5	R	04-56	27 IR 2864		760 IAC 2-2-3.1	N	03-303	27 IR 3307	<b>28 IR 563</b>
675 IAC 22-2.2-412.5	R	04-56	27 IR 2864		760 IAC 2-2-3.2	N	03-303	27 IR 3307	<b>28 IR 563</b>
675 IAC 22-2.2-437.5	R	04-56	27 IR 2864		760 IAC 2-2-3.3	N	03-303	27 IR 3307	<b>28 IR 564</b>
675 IAC 22-2.2-437.7	R	04-56	27 IR 2864		760 IAC 2-2-3.4	N	03-303	27 IR 3307	<b>28 IR 564</b>
675 IAC 22-2.2-443.5	R	04-56	27 IR 2864		760 IAC 2-2-3.5	N	03-303	27 IR 3307	<b>28 IR 564</b>
675 IAC 22-2.2-511.1	R	04-56	27 IR 2864		760 IAC 2-2-3.6	N	03-303	27 IR 3307	<b>28 IR 564</b>
675 IAC 22-2.2-515.1	R	04-56	27 IR 2864		760 IAC 2-2-3.7	N	03-303	27 IR 3307	<b>28 IR 564</b>
675 IAC 22-2.2-540	R	04-56	27 IR 2864		760 IAC 2-2-3.8	N	03-303	27 IR 3308	<b>28 IR 565</b>
675 IAC 22-2.3-18				*ERR (27 IR 3078)	760 IAC 2-2-8	A	03-303	27 IR 3308	<b>28 IR 565</b>
675 IAC 22-2.3-29.5	N	04-56	27 IR 2860		760 IAC 2-3-1	A	03-303	27 IR 3308	<b>28 IR 565</b>
675 IAC 22-2.3-35.5	N	04-56	27 IR 2860		760 IAC 2-3-2	A	03-303	27 IR 3308	<b>28 IR 565</b>
675 IAC 22-2.3-36	A	04-56	27 IR 2860		760 IAC 2-3-4	A	03-303	27 IR 3309	<b>28 IR 566</b>
675 IAC 22-2.3-36.3	N	04-56	27 IR 2861		760 IAC 2-3-6	A	03-303	27 IR 3310	<b>28 IR 567</b>
675 IAC 22-2.3-36.4	N	04-56	27 IR 2861		760 IAC 2-3-7	N	03-303	27 IR 3310	<b>28 IR 567</b>
675 IAC 22-2.3-36.6	N	04-56	27 IR 2863		760 IAC 2-3-8	N	03-303	27 IR 3311	<b>28 IR 567</b>
675 IAC 22-2.3-36.8	N	04-56	27 IR 2863		760 IAC 2-4-1	A	03-303	27 IR 3311	<b>28 IR 568</b>
675 IAC 22-2.3-111				*ERR (27 IR 3078)	760 IAC 2-4-2	N	03-303	27 IR 3312	<b>28 IR 569</b>
675 IAC 22-2.3-140.5	N	04-56	27 IR 2863						*ERR (28 IR 609)
675 IAC 22-2.3-147.5	N	04-56	27 IR 2863		760 IAC 2-7-1	A	03-303	27 IR 3313	<b>28 IR 570</b>
675 IAC 22-2.3-147.6	N	04-56	27 IR 2863		760 IAC 2-8-1	A	03-303	27 IR 3314	<b>28 IR 570</b>
675 IAC 22-2.3-148	A	04-56	27 IR 2864		760 IAC 2-8-2	A	03-303	27 IR 3314	<b>28 IR 571</b>
675 IAC 22-2.3-148.5	N	04-56	27 IR 2864		760 IAC 2-8-3	A	03-303	27 IR 3314	<b>28 IR 571</b>
675 IAC 22-2.3-237.5	N	04-56	27 IR 2864		760 IAC 2-8-4	A	03-303	27 IR 3315	<b>28 IR 572</b>
675 IAC 22-2.3-284				*ERR (27 IR 3078)	760 IAC 2-8-6	N	03-303	27 IR 3316	<b>28 IR 572</b>
675 IAC 22-2.3-298.5	N	04-56	27 IR 2864		760 IAC 2-9-1	A	03-303	27 IR 3316	<b>28 IR 572</b>
675 IAC 22-2.3-304.5	N	04-56	27 IR 2864		760 IAC 2-10-1	A	03-303	27 IR 3316	<b>28 IR 573</b>
675 IAC 22-2.3-305				*ERR (27 IR 3078)	760 IAC 2-13-1	A	03-303	27 IR 3317	<b>28 IR 573</b>
					760 IAC 2-15-1	A	03-303	27 IR 3317	<b>28 IR 574</b>
TITLE 685 REGULATED AMUSEMENT DEVICE SAFETY BOARD									
685 IAC 1	RA	04-124	27 IR 3343						*ERR (28 IR 609)
TITLE 750 DEPARTMENT OF FINANCIAL INSTITUTIONS					760 IAC 2-15.5	N	03-303	27 IR 3319	<b>28 IR 575</b>
750 IAC 1-1-1	A	04-46		*ER (27 IR 2297)	760 IAC 2-16-1	A	03-303	27 IR 3320	<b>28 IR 576</b>
					760 IAC 2-16.1	N	03-303	27 IR 3320	<b>28 IR 576</b>
TITLE 760 DEPARTMENT OF INSURANCE					760 IAC 2-17-1	A	03-303	27 IR 3323	<b>28 IR 580</b>
760 IAC 1-21-2	A	02-299	26 IR 1724	*AROC (26 IR 3427)	760 IAC 2-18-1	A	03-303	27 IR 3325	<b>28 IR 582</b>
760 IAC 1-21-5	A	02-299	26 IR 1724	*AROC (26 IR 3427)	760 IAC 2-19-2	A	03-303	27 IR 3325	<b>28 IR 582</b>
760 IAC 1-21-8	A	02-299	26 IR 1724	*AROC (26 IR 3427)	760 IAC 2-19.5	N	03-303	27 IR 3325	<b>28 IR 582</b>
760 IAC 1-50-2	A	03-160	27 IR 271	<b>27 IR 1568</b>	760 IAC 2-20-10	A	03-303	27 IR 3329	<b>28 IR 585</b>
760 IAC 1-50-3	A	03-160	27 IR 271	<b>27 IR 1569</b>	760 IAC 2-20-31.1	A	03-303	27 IR 3329	<b>28 IR 586</b>
	A	04-139	27 IR 4136		760 IAC 2-20-34	A	03-303	27 IR 3329	<b>28 IR 586</b>
760 IAC 1-50-4	A	03-160	27 IR 272	<b>27 IR 1569</b>	760 IAC 2-20-35	A	03-303	27 IR 3332	<b>28 IR 589</b>
	A	04-139	27 IR 4136		760 IAC 2-20-36.1	A	03-303	27 IR 3332	<b>28 IR 589</b>
760 IAC 1-50-5	A	03-160	27 IR 272	<b>27 IR 1569</b>	760 IAC 2-20-36.2	A	03-303	27 IR 3333	<b>28 IR 590</b>
	A	04-139	27 IR 4137		760 IAC 2-20-37.2	A	03-303	27 IR 3334	<b>28 IR 590</b>
760 IAC 1-50-7	A	03-160	27 IR 273	<b>27 IR 1570</b>	760 IAC 2-20-37.3	N	03-303	27 IR 3334	<b>28 IR 590</b>
760 IAC 1-50-13	A	03-160	27 IR 273	<b>27 IR 1570</b>	760 IAC 2-20-38.1	A	03-303	27 IR 3334	<b>28 IR 590</b>
760 IAC 1-50-13.5	A	03-160	27 IR 273	<b>27 IR 1571</b>	760 IAC 2-20-42	A	03-303	27 IR 3335	<b>28 IR 591</b>
760 IAC 1-57-1	A	03-7	26 IR 3398	<b>27 IR 505</b>	TITLE 804 BOARD OF REGISTRATION FOR ARCHITECTS AND LANDSCAPE ARCHITECTS				
760 IAC 1-57-2	A	03-7	26 IR 3398	<b>27 IR 505</b>	804 IAC 1.1-1-1	A	03-20	26 IR 3136	<b>27 IR 180</b>
760 IAC 1-57-3	A	03-7	26 IR 3398	<b>27 IR 505</b>	TITLE 808 STATE BOXING COMMISSION				
760 IAC 1-57-4	A	03-7	26 IR 3399	<b>27 IR 506</b>	808 IAC 1-3-6	A	03-226	27 IR 2563	<b>28 IR 198</b>
760 IAC 1-57-5	A	03-7	26 IR 3399	<b>27 IR 506</b>	808 IAC 1-5-1	A	03-226	27 IR 2563	<b>28 IR 198</b>
760 IAC 1-57-6	A	03-7	26 IR 3400	<b>27 IR 507</b>	808 IAC 1-5-2	A	03-226	27 IR 2563	<b>28 IR 198</b>
760 IAC 1-57-7	R	03-7	26 IR 3408	<b>27 IR 515</b>	808 IAC 2-1-5	A	03-226	27 IR 2564	<b>28 IR 198</b>
760 IAC 1-57-8	A	03-7	26 IR 3401	<b>27 IR 508</b>	808 IAC 2-1-12	A	03-226	27 IR 2564	<b>28 IR 199</b>
				*ERR (27 IR 1575)	808 IAC 2-7-14	A	03-226	27 IR 2564	<b>28 IR 199</b>
760 IAC 1-57-9	A	03-7	26 IR 3405	<b>27 IR 512</b>	808 IAC 2-8-7	R	03-226	27 IR 2566	<b>28 IR 200</b>
760 IAC 1-57-10	A	03-7	26 IR 3407	<b>27 IR 514</b>	808 IAC 2-9-5	A	03-226	27 IR 2564	<b>28 IR 199</b>
				*ERR (27 IR 1575)	808 IAC 2-12-0.5	N	03-227	27 IR 2566	*ARR (28 IR 215)
760 IAC 1-60-1	RA	04-143	27 IR 3706		808 IAC 2-12-2	N	03-227	27 IR 2567	*ARR (28 IR 215)
760 IAC 1-60-2	RA	04-143	27 IR 3706						<b>28 IR 201</b>
760 IAC 1-60-3	A	03-258	27 IR 2070	<b>27 IR 2729</b>	808 IAC 2-12-3	N	03-227	27 IR 2567	*ARR (28 IR 215)
760 IAC 1-60-4	RA	04-143	27 IR 3706						<b>28 IR 201</b>
760 IAC 1-60-5	A	03-258	27 IR 2072	<b>27 IR 2730</b>	808 IAC 2-12-4	N	03-227	27 IR 2567	*ARR (28 IR 215)
760 IAC 1-69	N	03-8	26 IR 3945	<b>27 IR 872</b>					<b>28 IR 201</b>
760 IAC 1-70	N	04-39	27 IR 2560						*ARR (28 IR 215)
			28 IR 314						<b>28 IR 202</b>

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808 IAC 2-12-5	N	03-227	27 IR 2567	*ARR (28 IR 215) <b>28 IR 202</b>	836 IAC 1-3-6	A	03-188	27 IR 1229	<b>27 IR 3524</b>
808 IAC 2-12-6	N	03-227	27 IR 2567	*ARR (28 IR 215) <b>28 IR 202</b>	836 IAC 1-4-1	A	03-188	27 IR 1230	<b>27 IR 3525</b>
808 IAC 2-12-7	N	03-227	27 IR 2568	*ARR (28 IR 215) <b>28 IR 202</b>	836 IAC 1-4-2	A	03-188	27 IR 1230	<b>27 IR 3525</b>
808 IAC 2-12-8	N	03-227	27 IR 2568	*ARR (28 IR 215) <b>28 IR 202</b>	836 IAC 1-11-1	A	03-188	27 IR 1231	<b>27 IR 3526</b>
808 IAC 2-18-1	A	03-226	27 IR 2565	*ARR (28 IR 215) <b>28 IR 199</b>	836 IAC 1-11-2	A	03-188	27 IR 1231	<b>27 IR 3526</b>
808 IAC 2-22-1	A	03-226	27 IR 2565	<b>28 IR 199</b>	836 IAC 1-11-3	A	03-188	27 IR 1232	<b>27 IR 3527</b>
<b>TITLE 820 STATE BOARD OF COSMETOLOGY EXAMINERS</b>					836 IAC 1-11-4	A	03-188	27 IR 1234	<b>27 IR 3529</b>
820 IAC 4-1-11	A	03-21	26 IR 3137	*AROC (26 IR 3426) <b>27 IR 515</b>	836 IAC 1-12	N	03-188	27 IR 1235	<b>27 IR 3530</b>
820 IAC 6-1-3	A	03-21	26 IR 3137	*AROC (26 IR 3426) <b>27 IR 516</b>	836 IAC 2-1-1	A	03-188	27 IR 1239	<b>27 IR 3534</b>
820 IAC 6-3	N	03-21	26 IR 3137	*AROC (26 IR 3426) <b>27 IR 516</b>	836 IAC 2-2-1	A	03-188	27 IR 1240	<b>27 IR 3535</b>
<b>TITLE 828 STATE BOARD OF DENTISTRY</b>					836 IAC 2-2-2	A	03-188	27 IR 1243	<b>27 IR 3537</b>
828 IAC 0.5-2-3	A	04-233	28 IR 670		836 IAC 2-2-3	A	03-188	27 IR 1244	<b>27 IR 3538</b>
828 IAC 1-1-3	A	03-73	26 IR 3408	*CPH (26 IR 3904) <b>27 IR 2278</b>	836 IAC 2-2-4	N	03-188	27 IR 1245	<b>27 IR 3540</b>
828 IAC 1-1-6	A	03-73	26 IR 3409	*CPH (26 IR 3904) <b>27 IR 2279</b>	836 IAC 2-4-1-1	A	03-188	27 IR 1245	<b>27 IR 3540</b>
828 IAC 1-1-7	A	03-73	26 IR 3409	*CPH (26 IR 3904) <b>27 IR 2279</b>	836 IAC 2-4-1-2	A	03-188	27 IR 1246	<b>27 IR 3541</b>
828 IAC 1-1-12	A	03-73	26 IR 3409	*CPH (26 IR 3904) <b>27 IR 2279</b>	836 IAC 2-7.1	R	03-188	27 IR 1283	<b>27 IR 3579</b>
828 IAC 1-2-3	A	03-73	26 IR 3409	*CPH (26 IR 3904) <b>27 IR 2279</b>	836 IAC 2-7.2-1	A	03-188	27 IR 1247	<b>27 IR 3542</b>
828 IAC 1-2-6	A	03-73	26 IR 3410	*CPH (26 IR 3904) <b>27 IR 2280</b>	836 IAC 2-7.2-2	A	03-188	27 IR 1250	<b>27 IR 3544</b>
828 IAC 1-2-7	A	03-73	26 IR 3410	*CPH (26 IR 3904) <b>27 IR 2280</b>	836 IAC 2-7.2-3	A	03-188	27 IR 1250	<b>27 IR 3545</b>
828 IAC 1-5-6	N	03-162	27 IR 2334	*SPE	836 IAC 2-7.2-4	N	03-188	27 IR 1252	<b>27 IR 3547</b>
828 IAC 5	N	04-189	28 IR 669		836 IAC 2-11-1	R	03-188	27 IR 1283	<b>27 IR 3579</b>
	N	04-233	28 IR 671		836 IAC 2-14-1	A	03-188	27 IR 1252	<b>27 IR 3547</b>
<b>TITLE 830 INDIANA DIETITIANS CERTIFICATION BOARD</b>					836 IAC 2-14-2	A	03-188	27 IR 1253	<b>27 IR 3547</b>
830 IAC 1-1	RA	04-6	27 IR 2340	<b>28 IR 325</b>	836 IAC 2-14-3	A	03-188	27 IR 1253	<b>27 IR 3548</b>
830 IAC 1-2-1	RA	03-55	26 IR 3755	<b>27 IR 946</b>	836 IAC 2-14-5	A	03-188	27 IR 1255	<b>27 IR 3549</b>
830 IAC 1-2-2	RA	03-55	26 IR 3755	<b>27 IR 946</b>	836 IAC 3-1-1	A	03-188	27 IR 1256	<b>27 IR 3550</b>
830 IAC 1-2-3	RA	03-55	26 IR 3755	<b>27 IR 946</b>	836 IAC 3-2-1	A	03-188	27 IR 1256	<b>27 IR 3551</b>
830 IAC 1-2-4	RA	03-55	26 IR 3755	<b>27 IR 946</b>	836 IAC 3-2-2	A	03-188	27 IR 1258	<b>27 IR 3552</b>
830 IAC 1-2-5	RA	03-55	26 IR 3755	<b>27 IR 946</b>	836 IAC 3-2-3	A	03-188	27 IR 1258	<b>27 IR 3553</b>
830 IAC 1-3	RA	03-55	26 IR 3755	<b>27 IR 946</b>	836 IAC 3-2-4	A	03-188	27 IR 1259	<b>27 IR 3554</b>
830 IAC 1-4	RA	03-55	26 IR 3755	<b>27 IR 946</b>	836 IAC 3-2-5	A	03-188	27 IR 1260	<b>27 IR 3555</b>
830 IAC 1-5	RA	03-55	26 IR 3755	<b>27 IR 946</b>	836 IAC 3-2-6	A	03-188	27 IR 1261	<b>27 IR 3555</b>
<b>TITLE 836 INDIANA EMERGENCY MEDICAL SERVICES COMMISSION</b>					836 IAC 3-2-7	A	03-188	27 IR 1261	<b>27 IR 3556</b>
836 IAC 1-1-1	A	03-188	27 IR 1212	<b>27 IR 3507</b>	836 IAC 3-3-1	A	03-188	27 IR 1262	<b>27 IR 3556</b>
836 IAC 1-1-2	A	03-188	27 IR 1215	<b>27 IR 3510</b>	836 IAC 3-3-2	A	03-188	27 IR 1263	<b>27 IR 3558</b>
836 IAC 1-1-3	A	03-188	27 IR 1216	<b>27 IR 3511</b>	836 IAC 3-3-3	A	03-188	27 IR 1264	<b>27 IR 3558</b>
836 IAC 1-1-4	N	03-188	27 IR 1217	<b>27 IR 3512</b>	836 IAC 3-3-4	A	03-188	27 IR 1264	<b>27 IR 3559</b>
836 IAC 1-1-5	N	03-188	27 IR 1217	<b>27 IR 3512</b>	836 IAC 3-3-5	A	03-188	27 IR 1266	<b>27 IR 3560</b>
836 IAC 1-1-6	N	03-188	27 IR 1219	<b>27 IR 3514</b>	836 IAC 3-3-6	A	03-188	27 IR 1266	<b>27 IR 3561</b>
836 IAC 1-1-7	N	03-188	27 IR 1220	<b>27 IR 3514</b>	836 IAC 3-3-7	A	03-188	27 IR 1267	<b>27 IR 3561</b>
836 IAC 1-1-8	N	03-188	27 IR 1220	<b>27 IR 3515</b>	836 IAC 3-5-1	A	03-188	27 IR 1267	<b>27 IR 3562</b>
836 IAC 1-2-1	A	03-188	27 IR 1221	<b>27 IR 3516</b>	836 IAC 4-1-1	A	03-188	27 IR 1267	<b>27 IR 3562</b>
836 IAC 1-2-2	A	03-188	27 IR 1222	<b>27 IR 3517</b>	836 IAC 4-2-1	A	03-188	27 IR 1270	<b>27 IR 3564</b>
836 IAC 1-2-3	A	03-188	27 IR 1222	<b>27 IR 3517</b>	836 IAC 4-2-2	A	03-188	27 IR 1270	<b>27 IR 3565</b>
836 IAC 1-2-5	N	03-188	27 IR 1225	<b>27 IR 3520</b>	836 IAC 4-2-3	A	03-188	27 IR 1271	<b>27 IR 3566</b>
836 IAC 1-3-1	A	03-188	27 IR 1225	<b>27 IR 3520</b>	836 IAC 4-2-4	A	03-188	27 IR 1272	<b>27 IR 3567</b>
836 IAC 1-3-2	A	03-188	27 IR 1226	<b>27 IR 3520</b>	836 IAC 4-3-2	A	03-188	27 IR 1272	<b>27 IR 3567</b>
836 IAC 1-3-3	A	03-188	27 IR 1226	<b>27 IR 3521</b>	836 IAC 4-3-3	A	03-188	27 IR 1273	<b>27 IR 3568</b>
836 IAC 1-3-5	A	03-188	27 IR 1228	<b>27 IR 3523</b>	836 IAC 4-4-1	A	03-188	27 IR 1273	<b>27 IR 3568</b>
					836 IAC 4-4-2	A	03-188	27 IR 1274	<b>27 IR 3569</b>
					836 IAC 4-4-3	A	03-188	27 IR 1275	<b>27 IR 3570</b>
					836 IAC 4-5-2	A	03-188	27 IR 1275	<b>27 IR 3570</b>
					836 IAC 4-6-1	R	03-188	27 IR 1283	<b>27 IR 3579</b>
					836 IAC 4-7-1	A	03-188	27 IR 1276	<b>27 IR 3571</b>
					836 IAC 4-7-2	A	03-188	27 IR 1276	<b>27 IR 3571</b>
					836 IAC 4-7-3	A	03-188	27 IR 1277	<b>27 IR 3572</b>
					836 IAC 4-7-3.5	A	03-188	27 IR 1277	<b>27 IR 3573</b>
					836 IAC 4-7-4	A	03-188	27 IR 1278	<b>27 IR 3573</b>
					836 IAC 4-7.1-1	A	03-188	27 IR 1278	<b>27 IR 3573</b>
					836 IAC 4-7.1-2	A	03-188	27 IR 1278	<b>27 IR 3573</b>
					836 IAC 4-7.1-3	A	03-188	27 IR 1279	<b>27 IR 3574</b>
					836 IAC 4-7.1-4	A	03-188	27 IR 1280	<b>27 IR 3575</b>
					836 IAC 4-7.1-5	A	03-188	27 IR 1280	<b>27 IR 3575</b>
					836 IAC 4-7.1-6	A	03-188	27 IR 1281	<b>27 IR 3576</b>
					836 IAC 4-8-1	R	03-188	27 IR 1283	<b>27 IR 3579</b>
					836 IAC 4-9-1	A	03-188	27 IR 1281	<b>27 IR 3576</b>
					836 IAC 4-9-2	A	03-188	27 IR 1281	<b>27 IR 3576</b>
					836 IAC 4-9-3	A	03-188	27 IR 1282	<b>27 IR 3577</b>
					836 IAC 4-9-4	A	03-188	27 IR 1282	<b>27 IR 3577</b>

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836 IAC 4-9-5	A	03-188	27 IR 1282	<b>27 IR 3578</b>	TITLE 848 INDIANA STATE BOARD OF NURSING	848 IAC 1-1-6	A	04-97	28 IR 674	
836 IAC 4-9-6	A	03-188	27 IR 1283	<b>27 IR 3578</b>	848 IAC 1-1-7	A	04-97	28 IR 675		
TITLE 839 SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, AND MENTAL HEALTH COUNSELOR BOARD					848 IAC 1-1-2.1	A	04-65	27 IR 2865	<b>28 IR 593</b>	
839 IAC 1-3-2	A	02-270	26 IR 871	*ARR (26 IR 1945)	848 IAC 1-2-1	A	04-65	27 IR 2866	<b>28 IR 594</b>	
			26 IR 3411	<b>27 IR 517</b>	848 IAC 1-2-5	A	04-65	27 IR 2866	<b>28 IR 594</b>	
839 IAC 1-4-5	A	02-270	26 IR 871	*ARR (26 IR 1945)	848 IAC 1-2-6	A	04-65	27 IR 2867	<b>28 IR 595</b>	
			26 IR 3411	<b>27 IR 518</b>	848 IAC 1-2-7	A	04-65	27 IR 2868	<b>28 IR 596</b>	
839 IAC 1-5-1	A	02-270	26 IR 872	*ARR (26 IR 1945)	848 IAC 1-2-8	A	04-65	27 IR 2868	<b>28 IR 596</b>	
			26 IR 3412	<b>27 IR 518</b>	848 IAC 1-2-8.5	N	04-65	27 IR 2868	<b>28 IR 596</b>	
839 IAC 1-5-1.5	N	02-270	26 IR 874	*ARR (26 IR 1945)	848 IAC 1-2-9	A	04-65	27 IR 2869	<b>28 IR 597</b>	
			26 IR 3414	<b>27 IR 520</b>	848 IAC 1-2-10	A	04-65	27 IR 2869	<b>28 IR 597</b>	
TITLE 840 INDIANA STATE BOARD OF HEALTH FACILITY ADMINISTRATORS					848 IAC 1-2-12	A	04-65	27 IR 2870	<b>28 IR 598</b>	
840 IAC 1-1-6	A	03-189	27 IR 566	<b>27 IR 1880</b>	848 IAC 1-2-13	A	04-65	27 IR 2870	<b>28 IR 598</b>	
840 IAC 1-2-1	A	03-190	27 IR 566	<b>27 IR 1881</b>	848 IAC 1-2-14	A	04-65	27 IR 2870	<b>28 IR 599</b>	
TITLE 844 MEDICAL LICENSING BOARD OF INDIANA					848 IAC 1-2-16	A	04-65	27 IR 2871	<b>28 IR 599</b>	
844 IAC 4-4.5-12	A	03-325	27 IR 2334	<b>27 IR 3072</b>	848 IAC 1-2-17	A	04-65	27 IR 2872	<b>28 IR 600</b>	
844 IAC 5-1-1	A	02-268	26 IR 2117	<b>27 IR 521</b>	848 IAC 1-2-18	A	04-65	27 IR 2872	<b>28 IR 600</b>	
844 IAC 5-1-3	A	02-268	26 IR 2118	<b>27 IR 522</b>	848 IAC 1-2-19	A	04-65	27 IR 2873	<b>28 IR 601</b>	
844 IAC 5-3	N	02-268	26 IR 2118	<b>27 IR 522</b>	848 IAC 1-2-20	A	04-65	27 IR 2873	<b>28 IR 601</b>	
844 IAC 5-4	N	02-268	26 IR 2120	<b>27 IR 524</b>	848 IAC 1-2-21	A	04-65	27 IR 2873	<b>28 IR 602</b>	
				*ERR (27 IR 538)	848 IAC 1-2-22	A	04-65	27 IR 2874	<b>28 IR 602</b>	
844 IAC 6-1-2	A	03-262	27 IR 1284	<b>28 IR 209</b>	848 IAC 1-2-23	A	04-65	27 IR 2874	<b>28 IR 602</b>	
844 IAC 6-1-4	A	03-261	27 IR 1635	*CPH (27 IR 2300)	848 IAC 1-2-24	A	04-65	27 IR 2874	<b>28 IR 603</b>	
				<b>28 IR 203</b>	848 IAC 5-1-1	A	03-34	26 IR 3947	<b>27 IR 1571</b>	
844 IAC 6-3-1	A	03-261	27 IR 1636	*CPH (27 IR 2300)	848 IAC 5-1-3	A	03-34	26 IR 3948	<b>27 IR 1573</b>	
				<b>28 IR 203</b>	848 IAC 6	R	04-97	28 IR 675		
844 IAC 6-3-2	A	03-261	27 IR 1636	*CPH (27 IR 2300)	TITLE 856 INDIANA BOARD OF PHARMACY					
				<b>28 IR 204</b>	856 IAC 1-27-1	A	03-191	27 IR 276	<b>27 IR 1574</b>	
844 IAC 6-3-4	A	03-261	27 IR 1637	*CPH (27 IR 2300)	856 IAC 1-30-2	A	04-173	28 IR 317		
				<b>28 IR 204</b>	856 IAC 1-30-3	A	04-173	28 IR 318		
844 IAC 6-3-5	A	03-261	27 IR 1637	*CPH (27 IR 2300)	856 IAC 1-30-4.1	N	04-173	28 IR 318		
				<b>28 IR 205</b>	856 IAC 1-30-4.2	N	04-173	28 IR 318		
844 IAC 6-3-6	N	03-261	27 IR 1638	*CPH (27 IR 2300)	856 IAC 1-30-4.3	N	04-173	28 IR 318		
				<b>28 IR 205</b>	856 IAC 1-30-4.4	N	04-173	28 IR 318		
844 IAC 6-4-3	A	03-261	27 IR 1638	*CPH (27 IR 2300)	856 IAC 1-30-4.5	N	04-173	28 IR 318		
				<b>28 IR 206</b>	856 IAC 1-30-4.6	N	04-173	28 IR 318		
844 IAC 6-6-1	R	03-261	27 IR 1642	*CPH (27 IR 2300)	856 IAC 1-30-6	A	04-173	28 IR 319		
				<b>28 IR 209</b>	856 IAC 1-30-7	A	04-173	28 IR 319		
844 IAC 6-6-2	R	03-261	27 IR 1642	*CPH (27 IR 2300)	856 IAC 1-30-8	A	04-173	28 IR 319		
				<b>28 IR 209</b>	856 IAC 1-30-9	A	04-173	28 IR 320		
844 IAC 6-6-3	A	03-261	27 IR 1638	*CPH (27 IR 2300)	856 IAC 1-30-14	A	04-173	28 IR 320		
				<b>28 IR 206</b>	856 IAC 1-30-17	A	04-173	28 IR 321		
844 IAC 6-6-4	A	03-261	27 IR 1639	*CPH (27 IR 2300)	856 IAC 1-30-18	A	04-173	28 IR 321		
				<b>28 IR 206</b>	856 IAC 1-33-1	A	03-154	26 IR 3949		
844 IAC 6-7-2	A	03-261	27 IR 1639	*CPH (27 IR 2300)				27 IR 274	*ARR (27 IR 1185)	
				<b>28 IR 207</b>				27 IR 273	<b>27 IR 3073</b>	
844 IAC 10-4-1	A	03-329	27 IR 2568	<b>28 IR 211</b>	856 IAC 1-33-1.5	N	03-154	27 IR 274	*ARR (27 IR 1185)	
844 IAC 12-5-4	A	04-17	28 IR 316					27 IR 273	<b>27 IR 3073</b>	
TITLE 845 BOARD OF PODIATRIC MEDICINE					856 IAC 1-33-2	A	03-154	26 IR 3949		
845 IAC 1-3-1	A	03-46	26 IR 2683	<b>27 IR 526</b>				27 IR 275	*ARR (27 IR 1185)	
845 IAC 1-3-2	A	03-46	26 IR 2683	<b>27 IR 526</b>				27 IR 273	<b>27 IR 3073</b>	
845 IAC 1-3-3	N	03-46	26 IR 2684	<b>27 IR 527</b>	856 IAC 1-33-4	A	03-154	26 IR 3950		
845 IAC 1-4.1-1	A	03-46	26 IR 2684	<b>27 IR 527</b>				27 IR 275	*ARR (27 IR 1185)	
845 IAC 1-4.1-2	A	03-46	26 IR 2684	<b>27 IR 527</b>				27 IR 274	<b>27 IR 3074</b>	
845 IAC 1-4.1-4	R	03-46	26 IR 2686	<b>27 IR 528</b>	856 IAC 1-33-5	N	03-154	27 IR 275	*ARR (27 IR 1185)	
845 IAC 1-4.1-7	A	03-46	26 IR 2685	<b>27 IR 527</b>				27 IR 274	<b>27 IR 3074</b>	
845 IAC 1-5-1	A	03-46	26 IR 2685	<b>27 IR 527</b>	856 IAC 2-7	N	02-258	26 IR 1725	<b>27 IR 181</b>	
845 IAC 1-5-2	R	02-341	26 IR 2682	<b>27 IR 525</b>	TITLE 858 CONTROLLED SUBSTANCES ADVISORY COMMITTEE					
845 IAC 1-5-2.1	N	02-341	26 IR 2682	<b>27 IR 525</b>	858 IAC 2-1-1	A	03-281	27 IR 1285	<b>27 IR 2731</b>	
845 IAC 1-5-3	A	03-46	26 IR 2685	<b>27 IR 528</b>	858 IAC 2-1-2	A	03-281	27 IR 1286	<b>27 IR 2731</b>	
					858 IAC 2-1-3	A	03-281	27 IR 1286	<b>27 IR 2731</b>	
845 IAC 1-6-8	R	03-47	26 IR 2686	<b>27 IR 529</b>	858 IAC 2-1-4	A	03-281	27 IR 1286	<b>27 IR 2732</b>	
845 IAC 1-6-9	N	03-47	26 IR 2686	<b>27 IR 529</b>	TITLE 862 PRIVATE DETECTIVES LICENSING BOARD					
					862 IAC 1-1-3	A	03-313	27 IR 2074	<b>27 IR 4020</b>	

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### TITLE 864 STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

864 IAC 1.1-2-2	A	03-125	26 IR 3737	<b>27 IR 874</b>
864 IAC 1.1-2-4	A	03-301	27 IR 2569	<b>28 IR 603</b>
864 IAC 1.1-4.1-9	A	03-301		<b>†28 IR 603</b>
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>
864 IAC 1.1-14	N	03-125	26 IR 3739	<b>27 IR 875</b>

### TITLE 865 STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

865 IAC 1-7-3	A	03-22	26 IR 3950	<b>27 IR 1882</b>
865 IAC 1-10-23	R	03-22	26 IR 3958	<b>27 IR 1889</b>
865 IAC 1-10-24	R	03-22	26 IR 3958	<b>27 IR 1889</b>
865 IAC 1-11-1	A	03-300	27 IR 2570	<b>28 IR 605</b>
865 IAC 1-12-2	A	03-22	26 IR 3951	<b>27 IR 1882</b>
865 IAC 1-12-3	A	03-22	26 IR 3952	<b>27 IR 1883</b>
865 IAC 1-12-5	A	03-22	26 IR 3952	<b>27 IR 1884</b>
865 IAC 1-12-6	A	03-22	26 IR 3953	<b>27 IR 1884</b>
865 IAC 1-12-7	A	03-22	26 IR 3953	<b>27 IR 1884</b>
865 IAC 1-12-9	A	03-22	26 IR 3954	<b>27 IR 1885</b>
865 IAC 1-12-10	A	03-22	26 IR 3954	<b>27 IR 1885</b>
865 IAC 1-12-11	A	03-22	26 IR 3954	<b>27 IR 1886</b>
865 IAC 1-12-12	A	03-22	26 IR 3954	<b>27 IR 1886</b>
865 IAC 1-12-13	A	03-22	26 IR 3955	<b>27 IR 1887</b>
865 IAC 1-12-14	A	03-22	26 IR 3956	<b>27 IR 1888</b>
865 IAC 1-12-18	A	03-22	26 IR 3956	<b>27 IR 1888</b>
865 IAC 1-13-4	A	03-41	26 IR 3739	<b>27 IR 875</b>
865 IAC 1-13-5	A	03-187	27 IR 943	<b>27 IR 2732</b>
				*ERR (27 IR 2744)
865 IAC 1-13-7	A	03-41	26 IR 3739	<b>27 IR 875</b>
865 IAC 1-13-20	R	03-41	26 IR 3740	<b>27 IR 876</b>
865 IAC 1-14-13	A	03-41	26 IR 3740	<b>27 IR 876</b>
865 IAC 1-14-14	A	03-41	26 IR 3740	<b>27 IR 876</b>
865 IAC 1-14-15	A	03-41	26 IR 3740	<b>27 IR 876</b>
865 IAC 1-14-20	R	03-41	26 IR 3740	<b>27 IR 876</b>

### TITLE 868 STATE PSYCHOLOGY BOARD

868 IAC 2	N	03-60	26 IR 3741	*CPH (27 IR 905)
				*AROC (27 IR 1300)
				*DG (27 IR 3346)

### TITLE 872 INDIANA BOARD OF ACCOUNTANCY

872 IAC 1-1-2	A	03-126	27 IR 277	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				<b>27 IR 2733</b>
872 IAC 1-1-6.1	A	04-41	27 IR 2574	<b>28 IR 212</b>
	A	04-171	27 IR 4138	
872 IAC 1-1-6.2	A	03-126	27 IR 277	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				<b>27 IR 2733</b>
872 IAC 1-1-6.4	A	03-126	27 IR 277	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				<b>27 IR 2734</b>
872 IAC 1-1-6.5	A	03-126	27 IR 278	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				<b>27 IR 2734</b>
872 IAC 1-1-6.6	A	03-126	27 IR 278	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				<b>27 IR 2734</b>
872 IAC 1-1-8	A	03-126	27 IR 278	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				<b>27 IR 2734</b>
872 IAC 1-1-8.3	A	03-126	27 IR 279	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				<b>27 IR 2735</b>
872 IAC 1-1-9	A	03-126	27 IR 279	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				<b>27 IR 2735</b>
872 IAC 1-1-9.5	A	03-126	27 IR 279	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				<b>27 IR 2735</b>

872 IAC 1-1-10	A	03-126	27 IR 279	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				<b>27 IR 2735</b>
872 IAC 1-1-12	A	03-126	27 IR 280	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				<b>27 IR 2736</b>
872 IAC 1-1-14	A	03-126	27 IR 280	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				<b>27 IR 2737</b>
872 IAC 1-1-17	R	03-126	27 IR 282	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				<b>27 IR 2738</b>
872 IAC 1-1-19	A	03-126	27 IR 281	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				<b>27 IR 2737</b>
872 IAC 1-1-22	R	03-126	27 IR 282	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				<b>27 IR 2738</b>
872 IAC 1-1-23	R	03-126	27 IR 282	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				<b>27 IR 2738</b>
872 IAC 1-1-25	A	03-126	27 IR 282	*ARR (27 IR 1185)
				*CPH (27 IR 1196)
				<b>27 IR 2738</b>
872 IAC 1-3-3.3	A	04-98	27 IR 3336	<b>28 IR 605</b>
872 IAC 1-3-16	A	04-5	27 IR 2335	<b>28 IR 211</b>
872 IAC 1-6	N	03-270	27 IR 2571	*AROC (27 IR 4141)

### TITLE 876 INDIANA REAL ESTATE COMMISSION

876 IAC 1-1-19	A	03-124	26 IR 3744	<b>27 IR 877</b>
876 IAC 1-4-1	A	03-42	26 IR 3142	<b>27 IR 186</b>
876 IAC 1-4-2	A	03-42	26 IR 3142	<b>27 IR 186</b>
876 IAC 2-18	N	03-256	27 IR 2575	<b>28 IR 213</b>
876 IAC 3-2-7	A	03-273	27 IR 1642	<b>27 IR 2740</b>
	A	03-255	27 IR 2574	<b>28 IR 212</b>
876 IAC 3-3-3	A	03-23	26 IR 3415	<b>27 IR 530</b>
876 IAC 3-3-4	A	03-23	26 IR 3416	<b>27 IR 531</b>
876 IAC 3-3-5	A	03-23	26 IR 3417	<b>27 IR 532</b>
876 IAC 3-4-8	A	03-23	26 IR 3418	<b>27 IR 533</b>
				*ERR (27 IR 538)
876 IAC 3-5-1	A	02-245	26 IR 3139	<b>27 IR 184</b>
876 IAC 3-5-1.5	A	02-245	26 IR 3140	<b>27 IR 185</b>
876 IAC 3-5-2.5	N	03-273	27 IR 1643	<b>27 IR 2740</b>
876 IAC 3-5-6.1	N	03-23	26 IR 3418	<b>27 IR 533</b>
876 IAC 3-5-7	A	02-245	26 IR 3141	<b>27 IR 185</b>
876 IAC 3-6-2	A	03-225	27 IR 1287	<b>27 IR 2738</b>
876 IAC 3-6-3	A	03-225	27 IR 1287	<b>27 IR 2739</b>
876 IAC 3-6-4	A	02-245	26 IR 3141	<b>27 IR 186</b>
876 IAC 3-6-9	A	03-196	27 IR 282	<b>27 IR 1182</b>

### TITLE 880 SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD

880 IAC 1-2	R	03-53	26 IR 3422	<b>27 IR 537</b>
880 IAC 1-2.1	N	03-53	26 IR 3419	<b>27 IR 534</b>

### TITLE 888 INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS

888 IAC 1.1-6-1	A	04-74	27 IR 2875	<b>28 IR 606</b>
	A	04-137	27 IR 3704	<b>28 IR 607</b>
888 IAC 1.1-10-1	RA	03-77	26 IR 3148	<b>27 IR 946</b>
888 IAC 1.1-10-2	RA	03-77	26 IR 3148	<b>27 IR 946</b>
888 IAC 1.1-10-3	RA	03-77	26 IR 3148	<b>27 IR 946</b>
888 IAC 1.1-10-4	RA	03-77	26 IR 3148	<b>27 IR 946</b>

### TITLE 905 ALCOHOL AND TOBACCO COMMISSION

905 IAC 1-5-2-9	R	03-38	26 IR 2688	*ARR (27 IR 1185)
			27 IR 1289	<b>27 IR 2282</b>
905 IAC 1-5-2-9.1	N	03-38	26 IR 2687	*ARR (27 IR 1185)
			27 IR 1288	<b>27 IR 2281</b>

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905 IAC 1-5.2-9.2	N	03-38	26 IR 2687 27 IR 1289	*ARR (27 IR 1185) <b>27 IR 2281</b>	Lottery Commission, State	N 03-238	*ETR (27 IR 193)
	A	04-111	27 IR 3337			N 03-239	*ETR (27 IR 194)
905 IAC 1-11.1-1	A	03-39	26 IR 2688	*ARR (27 IR 1185) *CPH (27 IR 1196) <b>27 IR 2282</b>		N 03-240	*ETR (27 IR 196)
						N 03-241	*ETR (27 IR 198)
905 IAC 1-11.1-2	A	03-39	26 IR 2688	*ARR (27 IR 1185) *CPH (27 IR 1196) <b>27 IR 2282</b>		N 03-248	*ETR (27 IR 203)
						N 03-249	*ETR (27 IR 204)
						N 03-287	*ETR (27 IR 884)
						N 03-288	*ETR (27 IR 885)
905 IAC 1-13-3	A	03-40	26 IR 2689	*ARR (27 IR 1185) *CPH (27 IR 1196) <b>27 IR 2283</b>		N 03-289	*ETR (27 IR 886)
						N 03-290	*ETR (27 IR 888)
						N 03-291	*ETR (27 IR 889)
905 IAC 1-13-6	N	03-40	26 IR 2689	*ARR (27 IR 1185) *CPH (27 IR 1196) <b>27 IR 2283</b>		N 03-295	*ETR (27 IR 894)
						N 03-307	*ETR (27 IR 1187)
						N 03-308	*ETR (27 IR 1187)
905 IAC 1-15.2-3	A	03-94	26 IR 3745	*ARR (27 IR 1185) *AWR (27 IR 2501)		N 03-309	*ETR (27 IR 1188)
						N 03-335	*ETR (27 IR 1598)
	A	04-110	27 IR 3337			N 03-336	*ETR (27 IR 1599)
905 IAC 1-26-3	N	04-112	27 IR 3338			N 03-337	*ETR (27 IR 1601)
905 IAC 1-35.1	N	03-96	26 IR 3745	*ARR (27 IR 1185)		N 03-339	*ETR (27 IR 1605)
	N	03-96	27 IR 1290	*AROC (27 IR 1653) *AROC (27 IR 2580) <b>27 IR 2497</b>		N 04-10	*ETR (27 IR 1892)
						N 04-11	*ETR (27 IR 1892)
						N 04-12	*ETR (27 IR 1893)
905 IAC 1-36-2	A	03-97	26 IR 3747			N 04-24	*ETR (27 IR 1894)
905 IAC 1-43	RA	04-14	27 IR 2579	*CPH (27 IR 3096)		N 04-25	*ETR (27 IR 1895)
905 IAC 1-44	RA	04-109	27 IR 3343			N 04-27	*ETR (27 IR 1899)
905 IAC 1-45	N	02-338	26 IR 2128	*ERR (26 IR 2375) <b>27 IR 189</b>		N 04-48	*ETR (27 IR 2287)
						N 04-49	*ETR (27 IR 2288)
905 IAC 1-45-2	A	03-319	27 IR 2576	*CPH (27 IR 3096)		N 04-50	*ERR (27 IR 2284)
905 IAC 1-45-3	A	03-319	27 IR 2576	*CPH (27 IR 3096)		N 04-51	*ETR (27 IR 2290)
905 IAC 1-46	N	03-279	27 IR 1291	*ARR (27 IR 4024) *AROC (27 IR 4141)		N 04-52	*ETR (27 IR 2292)
				*AROC (27 IR 4142) <b>27 IR 4021</b>		N 04-53	*ETR (27 IR 2293)
905 IAC 1-47	N	03-280	27 IR 1292			N 04-80	*ETR (27 IR 2294)
						N 04-89	*ETR (27 IR 2506)
905 IAC 1-48	N	04-115	27 IR 3339			N 04-90	*ETR (27 IR 2508)
						N 04-91	*ETR (27 IR 2509)
<b>TITLE 910 CIVIL RIGHTS COMMISSION</b>						N 04-92	*ETR (27 IR 2510)
910 IAC 2-4-6	N	03-254	27 IR 1644	<b>27 IR 3074</b>		N 04-128	*ETR (27 IR 2747)
910 IAC 2-4-7	N	03-254	27 IR 1644	<b>27 IR 3075</b>		N 04-129	*ETR (27 IR 2747)
910 IAC 2-4-8	N	03-254	27 IR 1645	<b>27 IR 3076</b>		N 04-131	*ETR (27 IR 2751)
910 IAC 2-4-9	N	03-254	27 IR 1645	<b>27 IR 3076</b>		N 04-132	*ETR (27 IR 2752)
910 IAC 2-4-10	N	03-254	27 IR 1646	<b>27 IR 3077</b>		N 04-165	*ETR (27 IR 3080)
						N 04-166	*ETR (27 IR 3080)
<b>NONCODE RULES</b>						N 04-167	*ETR (27 IR 3082)
Accountancy, Indiana Board of						N 04-168	*ETR (27 IR 3083)
	A	04-33		*ETR (27 IR 1931)		N 04-185	*ETR (27 IR 3582)
Air Pollution Control Board						N 04-186	*ETR (27 IR 3583)
	N	04-9		*ETR (27 IR 1608)		N 04-202	*ETR (27 IR 4029)
	N	04-81		*ETR (27 IR 2516)		N 04-203	*ETR (27 IR 4030)
	N	04-154		*ETR (27 IR 3091)		N 04-204	*ETR (27 IR 4032)
Animal Health, Indiana State Board of						N 04-220	*ETR (27 IR 4035)
	A	04-29		*ETR (27 IR 1930)		N 04-221	*ETR (27 IR 4036)
	A	04-119		*ETR (27 IR 2758)		N 04-238	*ETR (28 IR 217)
Boiler and Pressure Vessel Rules Board						N 04-239	*ETR (28 IR 218)
	A	04-37		*ETR (27 IR 2296)		N 04-240	*ETR (28 IR 219)
Children's Health Insurance Program, Office of the						N 04-242	*ETR (28 IR 223)
	A	04-104		*ETR (27 IR 2519)		N 04-243	*ETR (28 IR 224)
	N	04-192		*ETR (27 IR 3587)		N 04-244	*ETR (28 IR 226)
Family and Social Services, Office of the Secretary of						R 04-249	*ETR (28 IR 227)
	N	03-265		*ETR (27 IR 544)		N 04-250	*ETR (28 IR 227)
	N	03-266		*ETR (27 IR 546)		N 04-251	*ETR (28 IR 228)
	A	03-340		*ETR (27 IR 1608)		N 04-265	*ETR (28 IR 613)
	A	04-85		*ETR (27 IR 2516)		N 04-266	*ETR (28 IR 614)
	A	04-151		*ETR (27 IR 3092)			
	A	04-246		*ETR (28 IR 230)	Natural Resources Commission	N 03-217	*ETR (27 IR 206)
Local Government Finance, Department of						N 03-242	*ETR (27 IR 544)
	N	03-268		*ETR (27 IR 541)		N 03-243	*ETR (27 IR 544)
	N	04-78		*ETR (27 IR 2502)		N 03-306	*ETR (27 IR 1192)

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N 03-341	*ETR (27 IR 1607)	N 04-108	*ETR (27 IR 2504)
N 04-20	*ETR (27 IR 1922)	N 04-184	*ETR (27 IR 3581)
N 04-45	*ETR (27 IR 2295)	N 04-261	*ETR (28 IR 612)
N 04-59	*ETR (27 IR 2296)	Utility Regulatory Commission, Indiana	
N 04-79	*ETR (27 IR 2513)	N 03-267	*ETR (27 IR 543)
N 04-82	*ETR (27 IR 2513)	Water Pollution Control Board	
N 04-83	*ETR (27 IR 2514)	A 03-299	*ETR (27 IR 897)
N 04-86	*ETR (27 IR 2514)	A 04-38	*ETR (27 IR 1923)
N 04-87	*ETR (27 IR 2514)		
	*ERR (27 IR 2499)		
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**\*Key:**

A:	Amended Text
AGA:	Attorney General's Action
AROC:	Administrative Rules Oversight Committee Notice
ARR:	Agency Recalls Rule
AWR:	Agency Withdrew Rule
CPH:	Change in Public Hearing
DAG:	Disapproved by Attorney General
DG:	Disapproved by Governor
ER:	Emergency Rule
ERR:	Errata
ETR:	Emergency Temporary Rule
ETS:	Emergency Temporary Standard
GRAT:	Governor Requires Additional Time
N:	New Text
NRA:	Notice of Rule Adoption
OAC:	Objection to Errata
ON:	Other Notices of Administrative Action
R:	Repealed Text
RA:	Readopted Rule
SAC:	Solicitation of Advance Comment
SPE:	Statutory Period for Promulgation Expired
SPE-SE:	Statutory Period for Promulgation Expired; Signed After Expiration
††:	Renumbered or Added in Final Rule

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\*The index is cumulative for all proposed and final rulemaking actions published after September 1, 2003. Final rules published before that date have been incorporated into the 2004 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.

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	<b>28 IR 78</b>	326 IAC 2-3-3	27 IR 2025	326 IAC 2-7-12	27 IR 2046
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Nitrogen Oxides Control in Clark and Floyd Counties		Applicability		Permit review by the U.S. EPA	
		326 IAC 2-3-2	27 IR 2023	326 IAC 2-7-18	26 IR 2007
			<b>27 IR 3929</b>		<b>28 IR 21</b>

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Requirement for a permit 326 IAC 2-7-3	26 IR 2006 <b>28 IR 20</b>	Control technology review; requirements 326 IAC 2-2-3	27 IR 1995 <b>27 IR 3901</b>	326 IAC 2-9-9	26 IR 2011 <b>28 IR 26</b> 27 IR 3162
Permit by Rule		Definitions		Sand and gravel plants	
LSA Document #04-9(E)	<b>27 IR 1608</b>	326 IAC 2-2-1	27 IR 250 <b>27 IR 2216</b>	326 IAC 2-9-7	26 IR 2009 <b>28 IR 23</b>
LSA Document #04-81(E)	<b>27 IR 2516</b>		27 IR 1983 <b>27 IR 3889</b>		27 IR 3159
LSA Document #04-154(E)	<b>27 IR 3091</b>			Surface coating or graphic arts operations	
Compliance with other provisions 326 IAC 2-10-5.1	27 IR 2325 <b>27 IR 3955</b>	Increment consumption; requirements 326 IAC 2-2-6	27 IR 256 <b>27 IR 2222</b> 27 IR 1997 <b>27 IR 3903</b>	326 IAC 2-9-3	27 IR 3156
Conditions				Woodworking operations	
326 IAC 2-10-3.1	27 IR 2325 <b>27 IR 3954</b>			326 IAC 2-9-4	27 IR 3157
Definitions		Permit rescission		STATE ENVIRONMENTAL POLICY	
326 IAC 2-10-2.1	27 IR 2325 <b>27 IR 3954</b>	326 IAC 2-2-12	27 IR 257 <b>27 IR 2223</b>	General Conformity	
Demonstration of compliance 326 IAC 2-10-4.1	27 IR 2325 <b>27 IR 3955</b>	Source information 326 IAC 2-2-10	27 IR 1999 <b>27 IR 3905</b>	Applicability; incorporation by reference of federal standards	
Enforcement		Source obligation 326 IAC 2-2-8	27 IR 1998 <b>27 IR 3904</b>	326 IAC 16-3-1	26 IR 2084 <b>28 IR 98</b>
326 IAC 2-10-6.1	27 IR 2325 <b>27 IR 3955</b>			STRATOSPHERIC OZONE PROTECTION	
Limiting potential to emit 326 IAC 2-10-1	27 IR 2324 <b>27 IR 3954</b>	Registrations		General Provisions	
Permit by Rule for Specific Source Categories		Applicability		Incorporation of federal regulations	
Gasoline dispensing operations		326 IAC 2-5.5-1	27 IR 3146	326 IAC 22-1-1	26 IR 2098 <b>28 IR 113</b>
326 IAC 2-11-2	27 IR 2327 <b>27 IR 3956</b>	Application requirements 326 IAC 2-5.5-3	27 IR 3146	SULFUR DIOXIDE RULES	
General provisions		Compliance schedule 326 IAC 2-5.5-2	27 IR 3146	Compliance	
326 IAC 2-11-1	27 IR 2326 <b>27 IR 3955</b>	Public notice		Reporting requirements; methods to determine compliance	
Grain elevators		326 IAC 2-5.5-5	27 IR 3147	326 IAC 7-2-1	26 IR 2028 <b>28 IR 42</b> 28 IR 632
326 IAC 2-11-3	27 IR 2327 <b>27 IR 3957</b>	Registration content 326 IAC 2-5.5-4	27 IR 3147	Emission Limitations and Requirements by County	
Grain processing or milling 326 IAC 2-11-4	27 IR 2328 <b>27 IR 3957</b>	Source modification 326 IAC 2-5.5-6	27 IR 3147	Dearborn County sulfur dioxide emission limitations	
Pollution Control Project Exclusion Procedural Requirements in Attainment Areas		Source Specific Operating Agreement Program		326 IAC 7-4-13	27 IR 2768
326 IAC 2-2.3	27 IR 2004 <b>27 IR 3910</b>	Abrasive cleaning operations 326 IAC 2-9-5	27 IR 3158	Vigo County sulfur dioxide emission limitations	
Pollution Control Project Exclusion Procedural Requirements in Nonattainment Areas		Automobile refinishing operations 326 IAC 2-9-11	27 IR 3164	326 IAC 7-4-3	27 IR 2319 <b>28 IR 117</b>
326 IAC 2-3.3	27 IR 2032 <b>27 IR 3938</b>	Coal mines and coal preparation plants 326 IAC 2-9-10	26 IR 2013 <b>28 IR 27</b> 27 IR 3163	Warrick County sulfur dioxide emission limitations	
Prevention of Significant Deterioration (PSD) Requirements		Crushed stone processing plants 326 IAC 2-9-8	26 IR 2010 <b>28 IR 25</b> 27 IR 3160	326 IAC 7-4-10	26 IR 2029 <b>28 IR 43</b>
Additional analysis; requirements 326 IAC 2-2-7	27 IR 1998 <b>27 IR 3904</b>	Degreasing operations 326 IAC 2-9-12	27 IR 3165	Lake County Sulfur Dioxide Emission Limitations	
Air quality analysis; requirements 326 IAC 2-2-4	27 IR 1995 <b>27 IR 3901</b>	External combustion sources 326 IAC 2-9-13	26 IR 2014 <b>28 IR 28</b> 27 IR 3165	326 IAC 7-4.1	28 IR 633
Air quality impact; requirements 326 IAC 2-2-5	27 IR 1996 <b>27 IR 3902</b>	General provisions 326 IAC 2-9-1	27 IR 3155	Sulfur Dioxide Emission Limitations	
Ambient air ceilings 326 IAC 2-2-16	26 IR 1999 <b>28 IR 20</b>	Grain elevators 326 IAC 2-9-6	27 IR 3159	Applicability	
Applicability 326 IAC 2-2-2	27 IR 1993 <b>27 IR 3899</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	326 IAC 7-1.1-1	28 IR 632
Area designation and redesignation 326 IAC 2-2-13	26 IR 1998 <b>28 IR 19</b>	326 IAC 2-9-2.5	27 IR 3156	Sulfur dioxide emission limitations	
		Internal combustion sources 326 IAC 2-9-14	27 IR 3167	326 IAC 7-1.1-2	28 IR 632
		Ready-mix concrete batch plants		VOLATILE ORGANIC COMPOUND RULES	
				Automobile Refinishing	
				Test procedures	
				326 IAC 8-10-7	26 IR 2044 <b>28 IR 58</b>
				General Provisions	
				Testing procedures	
				326 IAC 8-1-4	26 IR 2030 <b>28 IR 44</b>
				Petroleum Sources	
				Gasoline dispensing facilities	
				326 IAC 8-4-6	26 IR 2032 <b>28 IR 47</b>
				Leaks from transports and vapor collection systems; records	
				326 IAC 8-4-9	26 IR 2035 <b>28 IR 49</b>

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Shipbuilding or Ship Repair Operations in Clark, Floyd, Lake, and Porter Counties		Loitering		Cattle and bison	
Compliance requirements		905 IAC 1-15.2-3	26 IR 3745	345 IAC 1-3-7	27 IR 4120
326 IAC 8-12-5	26 IR 2052		27 IR 3337	Chronic wasting disease	
	<b>28 IR 67</b>	Municipal Riverfront Development Projects		345 IAC 1-3-30	26 IR 3102
Definitions		905 IAC 1-47	27 IR 1292		<b>27 IR 87</b>
326 IAC 8-12-3	26 IR 2050		<b>27 IR 4021</b>	Chronic wasting disease; carcasses	
	<b>28 IR 64</b>	Permit Renewal; Letter of Extension		345 IAC 1-3-31	26 IR 3104
Record keeping, notification, and reporting requirements		Revocation of letter of extension			<b>27 IR 89</b>
326 IAC 8-12-7	26 IR 2054	905 IAC 1-26-3	27 IR 3338	Duties of applicants and shippers; violations; penalties	
	<b>28 IR 68</b>	Procedure after Local Board Investigation and Recommendation		345 IAC 1-3-32	26 IR 3104
Test methods and procedures		Review of local alcoholic beverage board's approval or denial of an application for an alcoholic beverage permit			<b>27 IR 90</b>
326 IAC 8-12-6	26 IR 2053	905 IAC 1-36-2	26 IR 3747	Rabies vaccination required for dogs, cats, and ferrets	
	<b>28 IR 68</b>	Temporary Beer/Wine Permit Fees		345 IAC 1-3-22	26 IR 3108
Sinter Plants		Qualification requirements			<b>27 IR 490</b>
Test procedures		905 IAC 1-11.1-2	26 IR 2688	Rabies Immunization	
326 IAC 8-13-5	26 IR 2054		<b>27 IR 2282</b>	Rabies vaccination	
	<b>28 IR 69</b>	Temporary beer and wine permits		345 IAC 1-5-1	26 IR 3108
Specific VOC Reduction Requirements for Lake, Porter, Clark, and Floyd Counties		905 IAC 1-11.1-1	26 IR 2688		<b>27 IR 491</b>
Test methods and procedures			<b>27 IR 2282</b>	Reportable Diseases	
326 IAC 8-7-7	26 IR 2036	Tobacco Retail Sales Certificates		Individual and veterinarian responsibility	
	<b>28 IR 51</b>	905 IAC 1-46	27 IR 1291	345 IAC 1-6-2	26 IR 3105
Volatile Organic Liquid Storage Vessels		Tracking Beer Kegs			<b>27 IR 90</b>
Definitions		905 IAC 1-45	26 IR 2128	Laboratory responsibility	
326 IAC 8-9-3	26 IR 2037		<b>27 IR 189</b>	345 IAC 1-6-3	26 IR 3105
	<b>28 IR 51</b>	Identification numbers			<b>27 IR 90</b>
Exemptions		905 IAC 1-45-2	27 IR 2576	LIVESTOCK DEALERS, MARKETING, EXHIBITIONS, AND SLAUGHTER LIVESTOCK	
326 IAC 8-9-2	26 IR 2036	Receipt for the keg		Exhibition of Domestic Animals and Poultry	
	<b>28 IR 51</b>	905 IAC 1-45-3	27 IR 2576	Pseudorabies tests for swine	
Record keeping and reporting requirements		Trade Practices; Permissible Activity Between Primary Sources of Supply, Wholesalers, and Retailers		345 IAC 7-5-15.1	27 IR 2797
326 IAC 8-9-6	26 IR 2042				<b>28 IR 559</b>
	<b>28 IR 56</b>	Samples; consumer product sampling		Tuberculosis control in cattle and bison	
Standards		905 IAC 1-5.2-9.2	26 IR 2687	345 IAC 7-5-12	27 IR 4135
326 IAC 8-9-4	26 IR 2038		27 IR 1289	Vaccinations and tests required for dogs and cats	
	<b>28 IR 52</b>		<b>27 IR 2281</b>	345 IAC 7-5-22	27 IR 2798
Testing and procedures		Samples; wholesale to retail	27 IR 3337		<b>28 IR 559</b>
326 IAC 8-9-5	26 IR 2040	905 IAC 1-5.2-9.1	26 IR 2687	Licensing and Bonding of Livestock Dealers and Markets	
	<b>28 IR 54</b>		27 IR 1288	Care and handling; nonambulatory livestock	
Wood Furniture Coatings		Withdrawal of Consent to Transfer Permit		345 IAC 7-3.5-16	27 IR 2328
Compliance procedures and monitoring requirements		905 IAC 1-48	27 IR 3339		<b>27 IR 3982</b>
326 IAC 8-11-6	26 IR 2046			MEAT AND MEAT PRODUCTS INSPECTION	
	<b>28 IR 60</b>			Incorporation by Reference	
Definitions				Incorporation by reference	
326 IAC 8-11-2	26 IR 2044	<b>ANIMAL HEALTH, INDIANA STATE BOARD OF</b>		LSA Document #04-29(E)	<b>27 IR 1930</b>
	<b>28 IR 59</b>	<b>CATTLE, GOATS, AND OTHER TUBERCULOSIS OF BRUCELLOSIS CARRYING ANIMALS</b>		LSA Document #04-119(E)	<b>27 IR 2758</b>
Test procedures		Chronic Wasting Disease		345 IAC 9-2.1-1	27 IR 2329
326 IAC 8-11-7	26 IR 2050	Herd registration			<b>27 IR 3982</b>
	<b>28 IR 64</b>	345 IAC 2-7-3	26 IR 3107	Postmortem Inspection	
			<b>27 IR 92</b>	Animals tested for bovine spongiform encephalopathy	
<b>ALCOHOL AND TOBACCO COMMISSION</b>				345 IAC 9-10.5-2	27 IR 2329
<b>GENERAL PROVISIONS</b>		Interstate movement			<b>27 IR 3983</b>
Auto Race Tracks		345 IAC 2-7-2.4	26 IR 3106	<b>POULTRY</b>	
905 IAC 1-35.1	26 IR 3745		<b>27 IR 92</b>	National Poultry Improvement Plan	
	27 IR 1290	Intrastate movement		National Poultry Improvement Plan; adoption by reference	
	<b>27 IR 2497</b>	345 IAC 2-7-2.5	26 IR 3107	345 IAC 4-4-1	27 IR 4118
Clubs			<b>27 IR 92</b>	<b>POULTRY AND POULTRY PRODUCTS INSPECTION</b>	
Requirement to publicly post operating dates		DOMESTIC ANIMAL DISEASE CONTROL; GENERAL PROVISIONS		Administration; Application of Inspection and Other Requirements	
905 IAC 1-13-6	26 IR 2689	Importation of Domestic Animals		Delivery and acceptance of poultry for slaughter	
	<b>27 IR 2283</b>	Animals for immediate slaughter		345 IAC 10-2-5	27 IR 4119
Service to nonmembers		345 IAC 1-3-10	27 IR 4121		
905 IAC 1-13-3	26 IR 2689				
	<b>27 IR 2283</b>				
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Incorporation by Reference	808 IAC 2-12-0.5	27 IR 2566	Good faith against money damages	27 IR 1646
Incorporation by reference; poultry products inspection	Disciplinary actions	<b>28 IR 201</b>	910 IAC 2-4-10	<b>27 IR 3077</b>
345 IAC 10-2.1-1	808 IAC 2-12-6	27 IR 2567	Housing for persons who are at least 55 years of age	
TUBERCULOSIS CONTROL		<b>28 IR 202</b>	910 IAC 2-4-6	27 IR 1644
345 IAC 2.5	Refusal to submit to drug test	27 IR 2567	<b>27 IR 3074</b>	
	808 IAC 2-12-5	<b>28 IR 202</b>	Intent to operate as housing designed for persons who are at least 55 years of age	
<b>ARCHITECTS AND LANDSCAPE ARCHITECTS, BOARD OF REGISTRATION FOR REGISTRATION; CODE OF CONDUCT FOR ARCHITECTS</b>	Test for prohibited drugs	27 IR 2567	910 IAC 2-4-8	27 IR 1645
General Provisions	808 IAC 2-12-3	<b>28 IR 201</b>	<b>27 IR 3076</b>	
Definitions and abbreviations	Testing procedures	27 IR 2567	Verification of occupancy	
804 IAC 1.1-1-1	808 IAC 2-12-4	<b>28 IR 202</b>	910 IAC 2-4-9	27 IR 1645
	Use of prohibited drugs	27 IR 2567	<b>27 IR 3076</b>	
<b>ATTORNEY GENERAL FOR THE STATE, OFFICE OF TORT CLAIMS</b>	808 IAC 2-12-2	<b>28 IR 201</b>		
Tort Claims	Referees		<b>CONSUMER PROTECTION DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL</b>	
Claim forms available	Discontinuation of fight; declaration of winner	27 IR 2564	PROFESSIONAL FUNDRAISER CONSULTANTS AND PROFESSIONAL SOLICITORS	
10 IAC 3-1-2	808 IAC 2-7-14	<b>28 IR 199</b>	11 IAC 3	26 IR 3911
Tort claims against the state; form	Scoring Decisions		<b>27 IR 826</b>	
10 IAC 3-1-1	Exhibitions	27 IR 2564	PROVISION OF LISTING TELEPHONE NUMBERS NOT TO BE SOLICITED	
	808 IAC 2-9-5	<b>28 IR 199</b>	Removal of Telephone Numbers from the Telephone Privacy List	
<b>UNCLAIMED PROPERTY</b>	Weighing Time		Obtaining changed, transferred, and disconnected telephone numbers	
Filing dates for reports required to be filed	Weighing-in; attendance	27 IR 2565	11 IAC 2-5-5	26 IR 1598
10 IAC 1.5-6	808 IAC 2-18-1	<b>28 IR 199</b>		
	GENERAL PROVISIONS		<b>CONTROLLED SUBSTANCES ADVISORY COMMITTEE</b>	
<b>ATTORNEY GENERAL'S OPINIONS</b>	Licenses and Permits		CONTROLLED SUBSTANCE MONITORING	
(See Cumulative Table of Executive Orders and Attorney General's Opinions at 28 IR 453)	Security for the purse; forms	27 IR 2563	Electronic Prescription Monitoring Program	
	808 IAC 1-3-6	<b>28 IR 198</b>	Applicability	
<b>BOILER AND PRESSURE VESSEL RULES BOARD</b>	Seats for Commission and Officials		858 IAC 2-1-2	27 IR 1286
GENERAL PROVISIONS	Bond of promoter license applicant	27 IR 2563	<b>27 IR 2731</b>	
Adoption by Reference; Title; Scope; Applicability; Classification; Availability of Rule; Violations; Penalties; Appeals	808 IAC 1-5-2	<b>28 IR 198</b>	Application for payment of pharmacy costs	
Adoption by reference; approval of revisions	Seats for commission, judges, timekeepers, and other officials	27 IR 2563	858 IAC 2-1-4	27 IR 1286
LSA Document #04-37(E)	808 IAC 1-5-1	<b>28 IR 198</b>	<b>27 IR 2732</b>	
	<b>CHILDREN'S HEALTH INSURANCE PROGRAM, OFFICE OF THE BENEFITS AND MEDICAL POLICY</b>		Definitions	
<b>BOXING COMMISSION, STATE</b>	Mental Health and Substance Abuse Services		858 IAC 2-1-1	27 IR 1285
BOXING AND OTHER RING EXHIBITIONS	Reimbursement limitations	27 IR 2519	<b>27 IR 2731</b>	
Contestants	LSA Document #04-104(E)	<b>27 IR 3587</b>	Prescription monitoring program	
Athletic costumes and protective equipment	LSA Document #04-192(E)	27 IR 2535	858 IAC 2-1-3	27 IR 1286
808 IAC 2-1-5	407 IAC 3-7-1	<b>27 IR 3987</b>	<b>27 IR 2731</b>	
	Services Not Covered by CHIP		<b>CORONERS TRAINING BOARD</b>	
Female boxers	Noncovered services		CONTINUING EDUCATION	
808 IAC 2-1-12	LSA Document #04-104(E)	27 IR 2519	207 IAC 2	28 IR 624
	LSA Document #04-192(E)	<b>27 IR 3587</b>	<b>COSMETOLOGY EXAMINERS, STATE BOARD OF</b>	
Gloves	407 IAC 3-13-1	27 IR 2535	CONTINUING EDUCATION	
Gloves; mouthpiece; inspection; specifications		<b>27 IR 3987</b>	Approved Cosmetology Educators	
808 IAC 2-22-1			Certificate of course completion	
			820 IAC 6-1-3	26 IR 3137
Physician; Testing for the Use of Prohibited Drugs			<b>27 IR 516</b>	
Confidentiality			Distance Learning Continuing Education	
808 IAC 2-12-8			820 IAC 6-3	26 IR 3137
Costs			<b>27 IR 516</b>	
808 IAC 2-12-7			<b>COSMETOLOGY SCHOOLS</b>	
			General Requirements	
Definitions			Graduation defined	
			820 IAC 4-1-11	26 IR 3137
			<b>27 IR 515</b>	

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<b>DEAF BOARD, INDIANA SCHOOL FOR THE</b>	Definitions, Purpose, and Applicability	460 IAC 6-3-25	26 IR 2666
514 IAC	Definitions		<b>27 IR 102</b>
	460 IAC 3.5-1-1	27 IR 269	
	Unit of Service Reimbursement Rates		"Independence assistance services" defined
	Unit of service reimbursement rates	460 IAC 6-3-29.5	26 IR 2666
<b>DENTISTRY, STATE BOARD OF</b>	460 IAC 3.5-2-1	27 IR 269	<b>27 IR 102</b>
<b>GENERAL PROVISIONS</b>	<b>SUPPORTED LIVING SERVICES AND SUP- PORTS</b>		"Individual community living budget" or "ICLB" defined
Fees	Applicability		460 IAC 6-3-31
Dental fees	Rules applicable to all providers		26 IR 2666
828 IAC 0.5-2-3	460 IAC 6-2-2	26 IR 3935	<b>27 IR 102</b>
		<b>27 IR 2724</b>	"Individualized support plan" or "ISP" de- fined
<b>INSTRUCTOR'S LICENSES</b>			460 IAC 6-3-32
General Requirements	Rules applicable to specific providers		26 IR 2666
828 IAC 5	460 IAC 6-2-3	26 IR 3935	<b>27 IR 102</b>
<b>LICENSURE OF DENTISTS AND DENTAL HYGIENISTS</b>	Application and Approval Process		"Person centered planning" defined
Continuing Education for Renewal of License	Action on application		460 IAC 6-3-38.5
Continuing education course requirement	460 IAC 6-6-3	26 IR 2670	26 IR 2666
828 IAC 1-5-6		<b>27 IR 107</b>	<b>27 IR 102</b>
	Initial application		"Person centered planning facilitation ser- vices" defined
28 IR 669	460 IAC 6-6-2	26 IR 2670	460 IAC 6-3-38.6
Dental Hygienists; Licensure by Examination		<b>27 IR 106</b>	26 IR 2667
Clinical examination; two sections; required score	Applied Behavior Analysis Services		"PRN" defined
828 IAC 1-2-7	460 IAC 6-35	26 IR 2678	460 IAC 6-3-41.1
		<b>27 IR 115</b>	26 IR 2667
<b>27 IR 2280</b>	Case Management		<b>27 IR 103</b>
Examinations required for licensure	Monitoring of services		"Therapy services" defined
828 IAC 1-2-3	460 IAC 6-19-6	26 IR 2676	460 IAC 6-3-56
		<b>27 IR 113</b>	26 IR 2667
<b>27 IR 2279</b>		26 IR 3936	<b>27 IR 103</b>
Failure; reexamination	Code of Ethics		General Administrative Requirements for Pro- viders
828 IAC 1-2-12	460 IAC 6-36	26 IR 3937	Documentation of criminal histories
		<b>27 IR 2725</b>	460 IAC 6-10-5
<b>27 IR 2280</b>	Definitions		26 IR 2673
National board examination; dental and den- tal hygiene law examination	"Adult foster care services" defined		<b>27 IR 110</b>
828 IAC 1-2-6	460 IAC 6-3-2.1	26 IR 2664	Emergency behavioral support
		<b>27 IR 101</b>	460 IAC 6-10-13
<b>27 IR 2280</b>	"Applied behavior analysis services" defined		26 IR 2674
Dentists; Licensure by Examination	460 IAC 6-3-5.1	26 IR 2665	<b>27 IR 110</b>
Clinical examination; scope; passing score	"Applied behavior analysis support plan" defined		Resolution of disputes
828 IAC 1-1-7	460 IAC 6-3-5.2	26 IR 2665	460 IAC 6-10-8
		<b>27 IR 101</b>	26 IR 2674
<b>27 IR 2279</b>	"BDDS behavior management committee" defined		<b>27 IR 110</b>
Examinations required for licensure	460 IAC 6-3-6.1	26 IR 2665	Health Care Coordination Services
828 IAC 1-1-3		<b>27 IR 101</b>	Investigation of death
	"Children's foster care services" defined		460 IAC 6-25-10
<b>27 IR 2278</b>	460 IAC 6-3-10.1	26 IR 2665	26 IR 2677
Failure; reexamination		<b>27 IR 101</b>	<b>27 IR 114</b>
828 IAC 1-1-12	"Community transition supports" defined		Maintenance of Records of Services Provided
	460 IAC 6-3-15.1	26 IR 2665	Individual's personal file; provider's office
<b>27 IR 2279</b>		<b>27 IR 101</b>	460 IAC 6-17-4
National board examination; dental and den- tal hygiene law examinations	"Conflict of interest" defined		26 IR 2676
828 IAC 1-1-6	460 IAC 6-3-15.2	26 IR 3935	<b>27 IR 112</b>
		<b>27 IR 2724</b>	Individual's personal file; site of service delivery
<b>27 IR 2279</b>	"Cost comparison budget" or "CCB" defined		460 IAC 6-17-3
<b>DISABILITY, AGING, AND REHABILITA- TIVE SERVICES, DIVISION OF</b>	460 IAC 6-3-15.3	26 IR 2665	26 IR 2675
<b>AGING</b>		<b>27 IR 101</b>	<b>27 IR 111</b>
Caretaker Support Program	"Direct care staff" defined		Monitoring; Sanctions; Administrative Review
460 IAC 1-10	460 IAC 6-3-18	26 IR 2666	Effect of noncompliance; notice
<b>27 IR 3303</b>		<b>27 IR 102</b>	460 IAC 6-7-3
<b>ASSISTED LIVING MEDICAID WAVIER SER- VICES</b>	"Facility-based sheltered employment ser- vices" defined		26 IR 2671
460 IAC 8			<b>27 IR 108</b>
<b>27 IR 2489</b>			Monitoring; corrective action
<b>DIVISION OF REHABILITATION SERVICES</b>			460 IAC 6-7-2
Board of Interpreter Standards			26 IR 2671
460 IAC 2-2.1			<b>27 IR 107</b>
<b>HOME AND COMMUNITY BASED SERVICES</b>			Personnel Records
460 IAC 1.1			Maintenance of personnel files
<b>27 IR 2799</b>			460 IAC 6-15-2
<b>RATES FOR ADULT DAY SERVICES PRO- VIDED BY COMMUNITY MENTAL RETAR- DATION AND OTHER DEVELOPMENTAL DISABILITIES CENTERS</b>			26 IR 3935
			<b>27 IR 2724</b>
			Physical Environment
			Change in location of residence
			460 IAC 6-29-9
			26 IR 2678
			<b>27 IR 115</b>

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836 IAC 4-7.1-4	27 IR 1280	Examinations		Extended hours	
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836 IAC 4-7.1-5	27 IR 1280			470 IAC 3-1.1-46	27 IR 2851
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836 IAC 4-7.1-3	27 IR 1279			470 IAC 3-1.1-41.2	27 IR 2848
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836 IAC 4-7.1-2	27 IR 1278			Initial licensure	
	<b>27 IR 3573</b>			470 IAC 3-1.1-28	27 IR 2841
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836 IAC 4-7.1-1	27 IR 1278			470 IAC 3-1.1-12	27 IR 2839
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836 IAC 4-7-2	27 IR 1276			Minimum standards	
	<b>27 IR 3571</b>			470 IAC 3-1.1-0.5	27 IR 2837
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836 IAC 4-7-1	27 IR 1276			470 IAC 3-1.1-41.1	27 IR 2848
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836 IAC 4-9-3	27 IR 1282			470 IAC 3-1.1-15	27 IR 2840
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470 IAC 3-1.1-36.6	27 IR 2846	Application and Enrollment; General Requirements	405 IAC 6-4-3	27 IR 920
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Class II child care home capacity		LSA Document #04-246(E)	405 IAC 1-1-5	28 IR 258
470 IAC 3-1.3-6	27 IR 2856	405 IAC 6-5-2	Hospital and Ambulatory Surgical Center Reimbursement for Outpatient Services	
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470 IAC 3-1.3-2	27 IR 2855		405 IAC 1-8-2	26 IR 3929
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470 IAC 3-1.3-1	27 IR 2855		Reimbursement methodology	
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470 IAC 3-1.3-7	27 IR 2856			<b>27 IR 2247</b>
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470 IAC 3-1.3-4	27 IR 2856		405 IAC 1-1-6	27 IR 3699
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470 IAC 3-1.3-5	27 IR 2856		405 IAC 1-21	27 IR 258
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470 IAC 3-4.8	27 IR 1626		Provider Records	
	<b>28 IR 196</b>		Medical records; contents and retention	
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470 IAC 3-1.2-4	27 IR 2854		Appeal requests	
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470 IAC 3-1.2-3.2	27 IR 2853		Scope	
Diaper changing and toilet training			405 IAC 1-1.5-1	27 IR 3699
470 IAC 3-1.2-6	27 IR 2854		Rate-setting Criteria for State-owned Intermediate Care Facilities for the Mentally Retarded	
Feeding			Accounting records; retention schedule; audit trail; cash basis; segregation of accounts by nature of business and by location	
470 IAC 3-1.2-7	27 IR 2855		405 IAC 1-17-3	26 IR 3112
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470 IAC 3-1.2-2	27 IR 2853		Active providers; rate review; annual request; additional requests; requests due to change in law	
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470 IAC 3-1.2-5	27 IR 2854			<b>27 IR 96</b>
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470 IAC 3-1.2-8	27 IR 2855		Definitions	
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470 IAC 6-2-13	26 IR 3709			<b>27 IR 96</b>
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Definitions		Part-time and retired physicians	Indiana Long Term Care Program	
760 IAC 1-57-4	26 IR 3399	760 IAC 1-60-5	Auditing and correcting deficiencies in issuer record keeping	
	<b>27 IR 505</b>		760 IAC 2-20-42	27 IR 3335
Description of actuarial memorandum including an asset adequacy analysis		Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits	“Case management agency” defined	
760 IAC 1-57-9	26 IR 3405	760 IAC 1-69	760 IAC 2-20-10	27 IR 3329
	<b>27 IR 512</b>			<b>28 IR 585</b>
General requirements		LONG TERM CARE INSURANCE COVERAGE	Determining asset protection	
760 IAC 1-57-5	26 IR 3399	Application Forms and Replacement Coverage	760 IAC 2-20-38.1	27 IR 3334
	<b>27 IR 506</b>	Any other health insurance policies		<b>28 IR 590</b>
Purpose		760 IAC 2-8-2	Minimum benefit standards for qualifying policies, certificates, and riders	
760 IAC 1-57-2	26 IR 3398		760 IAC 2-20-35	27 IR 3332
	<b>27 IR 505</b>			<b>28 IR 588</b>
Required opinions		Direct response solicitations	Minimum benefit standards and required policy and certificate provisions for integrated policies	
760 IAC 1-57-6	26 IR 3400	760 IAC 2-8-4	760 IAC 2-20-36.1	27 IR 3332
	<b>27 IR 507</b>			<b>28 IR 589</b>
Scope		Life insurance policies	Minimum benefit standards and required policy and certificate provisions for long term care facility policies	
760 IAC 1-57-3	26 IR 3398	760 IAC 2-8-6	760 IAC 2-20-36.2	27 IR 3333
	<b>27 IR 505</b>			<b>28 IR 590</b>
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760 IAC 1-57-8	26 IR 3401	760 IAC 2-8-3	760 IAC 2-20-37.2	27 IR 3334
	<b>27 IR 508</b>			<b>28 IR 590</b>
Continuing Education		Questions	Reporting of sales data	
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760 IAC 1-50-4	27 IR 272			<b>28 IR 590</b>
	<b>27 IR 1569</b>	Definitions	“Residential care facility” defined	
	27 IR 4136	“Activities of daily living” defined	760 IAC 2-20-31.1	27 IR 3329
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760 IAC 1-50-3	27 IR 271		Standards for marketing	
	<b>27 IR 1569</b>	“Bathing” defined	760 IAC 2-20-34	27 IR 3329
	27 IR 4136	760 IAC 2-2-3.1		<b>28 IR 586</b>
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760 IAC 1-50-2	27 IR 271	“Cognitive impairment” defined	General provisions	
	<b>27 IR 1568</b>	760 IAC 2-2-3.2	760 IAC 2-7-1	27 IR 3313
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760 IAC 1-50-7	27 IR 273	“Continenence” defined	Licensing	
	<b>27 IR 1570</b>	760 IAC 2-2-3.3	Licensing	
Requirements for self-study continuing education courses			760 IAC 2-10-1	27 IR 3316
760 IAC 1-50-5	27 IR 272	“Department of insurance” defined		<b>28 IR 573</b>
	<b>27 IR 1569</b>	760 IAC 2-2-3.4	Loss Ratio	
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Retirement exemption		“Dressing” defined	760 IAC 2-13-1	27 IR 3317
760 IAC 1-50-13	27 IR 273	760 IAC 2-2-3.5		<b>28 IR 573</b>
	<b>27 IR 1570</b>		Marketing	
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760 IAC 1-50-13.5	27 IR 273	760 IAC 2-2-3.6	760 IAC 2-15-1	27 IR 3317
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760 IAC 1-70	27 IR 2560	760 IAC 2-2-3.7	760 IAC 2-16.1	27 IR 3320
	28 IR 314			<b>28 IR 576</b>
Medical Malpractice Insurance		“Hands-on assistance” defined	Outline of Coverage	
Definitions		760 IAC 2-2-3.8	Standard	
760 IAC 1-21-2	26 IR 1724		760 IAC 2-17-1	27 IR 3323
Financial responsibility of hospital		“Skilled nursing care”, intermediate care”, “personal care”, “home care”, and “other services” defined		<b>28 IR 580</b>
760 IAC 1-21-5	26 IR 1724	760 IAC 2-2-8	Penalties	
Payment into patient’s compensation fund; annual surcharge			Other sanctions	
760 IAC 1-21-8	26 IR 1724	General Provisions	760 IAC 2-19-2	27 IR 3325
Physician Specialty Classes		Applicability and scope		<b>28 IR 582</b>



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Policy Practices and Provisions		<b>REGISTRATION FOR</b>		Registrant's Seal	
Electronic enrollment		GENERAL PROVISIONS		Use of seal and signature; acceptance of full	
760 IAC 2-3-7	27 IR 3310	Continuing Education		responsibility	
	<b>28 IR 567</b>	Courses from approved and unapproved		865 IAC 1-7-3	26 IR 3950
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760 IAC 2-3-2	27 IR 3308	865 IAC 1-13-5	<b>27 IR 2732</b>	<b>LAW ENFORCEMENT TRAINING BOARD</b>	
	<b>28 IR 565</b>	Elective topics		GENERAL PROVISIONS	
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760 IAC 2-3-4	27 IR 3309		<b>27 IR 875</b>		<b>27 IR 1552</b>
	<b>28 IR 566</b>	Length of instruction hour; length of course		<b>LOCAL GOVERNMENT FINANCE, DEPART-</b>	
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760 IAC 2-3-1	27 IR 3308		<b>27 IR 875</b>	LSA Document #04-78(E)	<b>27 IR 2502</b>
	<b>28 IR 565</b>	Continuing Education Providers		ANNUAL ADJUSTMENTS	
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760 IAC 2-3-6	27 IR 3310	865 IAC 1-14-13	26 IR 3740	INDUSTRIAL FACILITY; REAL PROPERTY	
	<b>28 IR 567</b>		<b>27 IR 876</b>	ASSESSMENT	
Unintentional lapse		Courses not completed		50 IAC 18	27 IR 909
760 IAC 2-3-8	27 IR 3311	865 IAC 1-14-14	26 IR 3740		<b>27 IR 2710</b>
	<b>28 IR 567</b>		<b>27 IR 876</b>	LAKE COUNTY INDUSTRIAL FACILITY;	
Purchase or Replacement		Reporting attendance to the board		REAL PROPERTY ASSESSMENT	
Appropriateness of recommended purchase		865 IAC 1-14-15	26 IR 3740	50 IAC 19	26 IR 2397
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760 IAC 2-4-1	27 IR 3311		<b>27 IR 1882</b>	Definitions	
	<b>28 IR 568</b>	Field investigation for retracement surveys		65 IAC 5-5-2	<b>27 IR 1587</b>
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760 IAC 2-15.5	27 IR 3319	Original survey preliminary research	26 IR 3956	Daily4	
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SCRATCH-OFF GAMES					

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<p>Scratch-Off Game 725 LSA Document #04-240(E) <b>28 IR 219</b></p> <p>Scratch-Off Game 726 65 IAC 4-348 <b>28 IR 221</b></p> <p>Scratch-Off Game 727 LSA Document #04-242(E) <b>28 IR 223</b></p> <p>Scratch-Off Game 728 LSA Document #04-243(E) <b>28 IR 224</b></p> <p>Scratch-Off Game 729 65 IAC 4-350 <b>28 IR 229</b></p> <p>Scratch-Off Game 730 LSA Document #04-244(E) <b>28 IR 226</b></p> <p><b>THE COMMISSION</b></p> <p>Ethics</p> <p>Contractor ethics restrictions 65 IAC 1-4-5.5 <b>27 IR 4035</b> <b>28 IR 217</b></p> <p>Definitions 65 IAC 1-4-1 <b>27 IR 4034</b></p> <p>Gifts and gratuities 65 IAC 1-4-5 <b>27 IR 4034</b></p> <p><b>MEDICAL LICENSING BOARD OF INDIANA HYPNOTIST COMMITTEE</b></p> <p>Standards of Competent Practice of Hypnotism Professional practice 844 IAC 12-5-4 <b>28 IR 316</b></p> <p><b>MEDICAL DOCTORS; OSTEOPATHIC DOCTORS</b></p> <p>Licensure to Practice</p> <p>Passing requirements for United States Medical Licensing Examination Step III 844 IAC 4-4.5-12 <b>27 IR 2334</b> <b>27 IR 3072</b></p> <p><b>OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS</b></p> <p>Certification</p> <p>Mandatory registration; 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Change of ownership 848 IAC 1-2-8	27 IR 2868 <b>28 IR 596</b>	Licensure by examination 848 IAC 1-1-6	28 IR 674	<b>PHARMACIES AND PHARMACISTS</b>	
Clinical experience; all programs 848 IAC 1-2-19	27 IR 2873 <b>28 IR 601</b>	<b>OPINIONS OF THE ATTORNEY GENERAL</b> (See Cumulative Table of Executive Orders and Attorney General's Opinions at 28 IR 453)		Counseling	
Curriculum; all programs 848 IAC 1-2-16	27 IR 2871 <b>28 IR 599</b>	<b>PERSONNEL DEPARTMENT, STATE</b>		Definitions	856 IAC 1-33-1 26 IR 3949
Curriculum; licensed practical nurse program 848 IAC 1-2-18	27 IR 2872 <b>28 IR 600</b>	MERIT EMPLOYEES			27 IR 274
Curriculum; registered nurse programs 848 IAC 1-2-17	27 IR 2872 <b>28 IR 600</b>	Hours and Leave			27 IR 2073
Educational resources 848 IAC 1-2-20	27 IR 2873 <b>28 IR 601</b>	Sick leave	27 IR 4049	Institutional patient exception	<b>27 IR 3073</b>
Eligible institutions 848 IAC 1-2-7	27 IR 2868 <b>28 IR 596</b>	31 IAC 2-11-4		856 IAC 1-33-4	26 IR 3950
Faculty 848 IAC 1-2-12	27 IR 2869 <b>28 IR 598</b>	<b>NON-MERIT EMPLOYEES</b>			27 IR 275
Faculty qualifications; licensed practical nurse programs 848 IAC 1-2-14	27 IR 2870 <b>28 IR 599</b>	Hours and Leaves			27 IR 2074
Faculty qualifications; registered nurse programs 848 IAC 1-2-13	27 IR 2870 <b>28 IR 598</b>	Sick leave; definition; accrual	27 IR 4049	Offer requirements	<b>27 IR 3073</b>
Opening a program 848 IAC 1-2-1	27 IR 2866 <b>28 IR 594</b>	31 IAC 1-9-4		856 IAC 1-33-1.5	27 IR 274
Organization and administration 848 IAC 1-2-10	27 IR 2869 <b>28 IR 597</b>	<b>PESTICIDE REVIEW BOARD, INDIANA</b>			27 IR 2073
Philosophy, mission, and objectives 848 IAC 1-2-9	27 IR 2869 <b>28 IR 597</b>	DEFINITION; USE OF PESTICIDES		Patient counseling requirements	26 IR 3949
Progression and graduation 848 IAC 1-2-21	27 IR 2873 <b>28 IR 601</b>	Civil Penalty Assessment Schedule; Pesticide		856 IAC 1-33-2	27 IR 275
Records 848 IAC 1-2-24	27 IR 2874 <b>28 IR 602</b>	Registration			27 IR 2073
Records and program catalog 848 IAC 1-2-22	27 IR 2874 <b>28 IR 602</b>	Definitions		Patient counseling violations	<b>27 IR 3073</b>
Reports to the board 848 IAC 1-2-23	27 IR 2874 <b>28 IR 602</b>	357 IAC 1-6-1	28 IR 253	856 IAC 1-33-5	27 IR 275
Survey visits 848 IAC 1-2-6	27 IR 2867 <b>28 IR 595</b>	Determining the violation number and count of violations to be assessed	28 IR 256		27 IR 2074
Transfer of program to another organization 848 IAC 1-2-8.5	27 IR 2868 <b>28 IR 596</b>	Imposition of civil penalties	28 IR 257	Fee Structure	<b>27 IR 3074</b>
Definitions; Administration		Notification of legal recourse	28 IR 256	Fees	
Definitions		357 IAC 1-6-6		856 IAC 1-27-1	27 IR 276
848 IAC 1-1-2.1	27 IR 2865 <b>28 IR 593</b>	Penalty money collected	28 IR 257		<b>27 IR 1574</b>
Licensure by endorsement 848 IAC 1-1-7	28 IR 675	Potential penalty mitigation	28 IR 257	Sterile Pharmaceuticals; Preparation and Dispensing	
		357 IAC 1-6-5	28 IR 256	"Biological safety cabinet" defined	856 IAC 1-30-2 28 IR 317
		Schedule		"Class 100 environment" defined	856 IAC 1-30-3 28 IR 318
		357 IAC 1-6-2	28 IR 254	"Hazardous" defined	856 IAC 1-30-4.1 28 IR 318
		Civil Penalty Assessment Schedule; Pesticide		Hazardous drugs	856 IAC 1-30-17 28 IR 321
		Use and Applications		"ISO" defined	856 IAC 1-30-4.2 28 IR 318
		Definitions		"NSF" defined	856 IAC 1-30-4.3 28 IR 318
		357 IAC 1-7-1	28 IR 249	"Parenteral" defined	856 IAC 1-30-4.4 28 IR 318
		Determining the violation number and count of violations to be assessed	28 IR 251	Personnel	856 IAC 1-30-9 28 IR 320
		Imposition of civil penalties		Physical requirements	856 IAC 1-30-8 28 IR 319
		357 IAC 1-7-7	28 IR 252	856 IAC 1-30-7	28 IR 319
		Notification of legal recourse		Policy and procedure manual	
		357 IAC 1-7-6	28 IR 252	856 IAC 1-30-7	28 IR 319
		Penalty money collected		"Positive patient outcome" defined	856 IAC 1-30-4.5 28 IR 318
		Potential penalty mitigation		"Product quality and characteristics" defined	856 IAC 1-30-4.6 28 IR 318
		357 IAC 1-7-5	28 IR 252	Quality assurance	856 IAC 1-30-18 28 IR 321
		Schedule		856 IAC 1-30-14	28 IR 320
		357 IAC 1-7-2	28 IR 250	"Sterile pharmaceutical" defined	856 IAC 1-30-6 28 IR 319
		Community-wide Mosquito Abatement Pesticide Applicators and Technicians			
		357 IAC 1-11	26 IR 3109 <b>27 IR 1877</b>		
		<b>PHARMACY, INDIANA BOARD OF</b>			
		CONTROLLED SUBSTANCES			
		Limited Permits			
		856 IAC 2-7	25 IR 3871	<b>PODIATRIC MEDICINE, BOARD OF</b>	
			26 IR 1725	PODIATRISTS	
			<b>27 IR 181</b>	Admission to Practice	
				Licensure by endorsement	845 IAC 1-3-1 26 IR 2683
					<b>27 IR 526</b>

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Licensure by examination		PROFESSIONAL EDUCATOR LICENSE	REAL ESTATE APPRAISER LICENSURE AND CERTIFICATION
845 IAC 1-3-2	26 IR 2683	TEACHERS	Continuing Education
	<b>27 IR 526</b>	515 IAC 4	Continuing education requirements
Progressive graduate podiatric medical training defined			876 IAC 3-5-1
845 IAC 1-3-3	26 IR 2684	TEACHER TRAINING AND LICENSING: REQUIREMENTS FOR EDUCATION BEGUN AFTER ACADEMIC YEAR 1977-78	26 IR 3139
	<b>27 IR 527</b>	Renewal of Licenses	<b>27 IR 184</b>
Continuing Education		515 IAC 1-7	Criteria for approval of continuing education course
Approval of continuing education programs			876 IAC 3-5-2.5
845 IAC 1-5-3	26 IR 2685	Teacher Proficiency Examination	27 IR 1643
	<b>27 IR 528</b>	Minimum acceptable scores	<b>27 IR 2740</b>
	28 IR 317	515 IAC 1-4-2	Instructors
Credit hours required		Test requirements and exemptions	876 IAC 3-5-7
845 IAC 1-5-1	26 IR 2685	515 IAC 1-4-1	26 IR 3141
	<b>27 IR 527</b>	WORKPLACE SPECIALIST LICENSES	<b>27 IR 185</b>
Reporting continuing education credit; audit		515 IAC 10	Mandatory continuing education courses; approved providers
845 IAC 1-5-2.1	25 IR 3455		876 IAC 3-5-1.5
	26 IR 2682	<b>PSYCHOLOGY BOARD, STATE</b>	26 IR 3140
	<b>27 IR 525</b>	RESTRICTED PSYCHOLOGY TESTS AND INSTRUMENTS	<b>27 IR 185</b>
License Renewal		868 IAC 2	Required instructional materials
Inactive status			876 IAC 3-5-6.1
845 IAC 1-4.1-7	26 IR 2685	<b>PUBLIC EMPLOYEES' RETIREMENT FUND, BOARD OF TRUSTEES OF THE</b>	26 IR 3418
	<b>27 IR 527</b>	ADDITIONAL CONTRIBUTIONS	<b>27 IR 533</b>
Mandatory renewal; notice		35 IAC 11	General Provisions
845 IAC 1-4.1-2	26 IR 2684	ANNUAL COMPENSATION LIMIT	Fee schedule
	<b>27 IR 527</b>	35 IAC 12	876 IAC 3-2-7
Mandatory renewal; time			27 IR 1642
845 IAC 1-4.1-1	26 IR 2684	MODEL PLAN AMENDMENTS	<b>27 IR 2740</b>
	<b>27 IR 527</b>	Adoption of IRS Model Amendment to Comply with the Unemployment Compensation Amendments of 1992	27 IR 2574
Standards of Professional Conduct		Definitions	<b>28 IR 212</b>
Licensure fees		35 IAC 8-1-1	Real Estate Appraiser Course Provider Approval
845 IAC 1-6-9	26 IR 2686	Introduction	Instructors; requirements
	<b>27 IR 529</b>	35 IAC 8-1-2	876 IAC 3-4-8
		Model Language Amendment	26 IR 3418
		Model language amendment	<b>27 IR 533</b>
		35 IAC 8-2-1	Real Estate Appraisers; Licensure and Certification
			Educational requirements for Indiana certified general appraiser
<b>PRIVATE DETECTIVES LICENSING BOARD</b>			876 IAC 3-3-5
PRIVATE DETECTIVES			26 IR 3417
General Provisions			<b>27 IR 532</b>
Experience requirement			Educational requirements for Indiana certified residential appraiser
862 IAC 1-1-3	27 IR 2074		876 IAC 3-3-4
	<b>27 IR 4020</b>		26 IR 3416
			<b>27 IR 530</b>
			Educational requirements for Indiana licensed residential appraiser
<b>PROFESSIONAL STANDARDS BOARD</b>			876 IAC 3-3-3
ACCOMPLISHED PRACTITIONER LICENSE			26 IR 3415
515 IAC 12	26 IR 3943		<b>27 IR 529</b>
	<b>27 IR 2727</b>		Standards of Practice for Appraisers
	27 IR 3703		Deletions from the Uniform Standards of Professional Appraisal Practice
INITIAL PRACTITIONER AND OTHER LICENSES			876 IAC 3-6-3
515 IAC 8	26 IR 2437		27 IR 1287
	<b>27 IR 166</b>		<b>27 IR 2739</b>
			Indiana licensed trainee appraisers; supervision
General Provisions			876 IAC 3-6-9
District level administrator; director of career and technical education; administrative license			27 IR 282
515 IAC 8-1-42	27 IR 2330		<b>27 IR 1182</b>
World language			Supervision of licensed residential, certified residential, and certified general appraisers
515 IAC 8-1-23	27 IR 2330		876 IAC 3-6-4
			26 IR 3141
ISSUANCE AND REVOCATION OF VARIOUS LICENSES AND PERMITS			<b>27 IR 186</b>
515 IAC 9	26 IR 2451		Uniform Standards of Professional Appraisal Practice
	<b>27 IR 1169</b>		876 IAC 3-6-2
			27 IR 1287
General Provisions			<b>27 IR 2738</b>
Emergency permits for director of career and technical education			REAL ESTATE COURSES AND LICENSING REQUIREMENTS FOR BROKERS AND SALESPERSONS
515 IAC 9-1-22	27 IR 2331		Fee Schedule
			876 IAC 2-18
			27 IR 2575
			<b>28 IR 213</b>



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<b>REVENUE, DEPARTMENT OF STATE</b>	<b>SOIL SCIENTISTS, INDIANA BOARD OF REGISTRATION FOR</b>	Minor modification applications
CHARITY GAMING	307 IAC	329 IAC 10-11-6
Charity Gaming	26 IR 2652	26 IR 443
Specific uses of proceeds	<b>27 IR 53</b>	<b>27 IR 1804</b>
45 IAC 18-3-8.1		Permit application for new land disposal facility and lateral expansions
Use of proceeds		329 IAC 10-11-2.5
45 IAC 18-3-7.1		26 IR 441
		<b>27 IR 1802</b>
<b>SALES AND USE TAX</b>	<b>SOLID WASTE MANAGEMENT BOARD</b>	Renewal permit application
Definitions	HAZARDOUS WASTE MANAGEMENT PERMIT PROGRAM AND RELATED HAZARDOUS WASTE MANAGEMENT	329 IAC 10-11-5.1
General definitions	Definitions	26 IR 443
LSA Document #03-304(E)	Applicability	<b>27 IR 1803</b>
<b>27 IR 879</b>	329 IAC 3.1-4-1	Definitions
Exempt Transactions of a Retail Merchant	26 IR 1240	"Aquiclude" defined
Agricultural production; definitions	<b>27 IR 1874</b>	329 IAC 10-2-11
LSA Document #03-304(E)		26 IR 433
<b>27 IR 879</b>	Final Permit Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	<b>27 IR 1792</b>
Food for human consumption; exemption examples	Exceptions and additions; final permit standards	"CESQG hazardous waste" defined
LSA Document #03-304(E)	329 IAC 3.1-9-2	329 IAC 10-2-29.5
<b>27 IR 879</b>	26 IR 1241	26 IR 1653
Food for human consumption; exemptions	<b>27 IR 1875</b>	<b>27 IR 3958</b>
LSA Document #03-304(E)	27 IR 912	"Commercial solid waste" defined
<b>27 IR 879</b>	<b>27 IR 3980</b>	329 IAC 10-2-32
Food not exempt		26 IR 1653
LSA Document #03-304(E)		<b>27 IR 3958</b>
<b>27 IR 879</b>	General Provisions	"Contaminant" defined
Medical equipment, supplies and devices; exemptions	Incorporation by reference	329 IAC 10-2-41
LSA Document #03-304(E)	329 IAC 3.1-1-7	26 IR 433
<b>27 IR 879</b>	26 IR 1240	<b>27 IR 1792</b>
Medical equipment, supplies and devices; rental	<b>27 IR 1874</b>	"Conterminous" defined
LSA Document #03-304(E)	27 IR 4110	329 IAC 10-2-41.1
<b>27 IR 879</b>	Identification and Listing of Hazardous Waste	26 IR 434
Medical exemptions; definitions	Exceptions and additions; identification and listing of hazardous waste	<b>27 IR 1793</b>
LSA Document #03-304(E)	329 IAC 3.1-6-2	"Electronic submission" defined
<b>27 IR 879</b>	27 IR 4111	329 IAC 10-2-63.5
Retail Transactions of Retail Merchant	Indiana additions; listing of hazardous waste	26 IR 434
Selling at retail; application	329 IAC 3.1-6-3	<b>27 IR 1793</b>
LSA Document #03-304(E)	Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	"Endangered species" defined
<b>27 IR 879</b>	Exceptions and additions; interim status standards	329 IAC 10-2-64
Tangible personal property; renting and leasing	329 IAC 3.1-10-2	26 IR 434
LSA Document #03-304(E)	26 IR 1242	<b>27 IR 1793</b>
<b>27 IR 879</b>	<b>27 IR 1876</b>	"Erosion" defined
UTILITY RECEIPTS TAX		329 IAC 10-2-66.1
45 IAC 1.3		26 IR 434
		<b>27 IR 1793</b>
		"Erosion and sediment control measure" defined
<b>SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, AND MENTAL HEALTH COUNSELOR BOARD</b>	Land Disposal Restrictions	329 IAC 10-2-66.2
<b>GENERAL PROVISIONS</b>	Exceptions and additions; land disposal restrictions	26 IR 434
Marriage and Family Therapists	329 IAC 3.1-12-2	<b>27 IR 1793</b>
Supervision for marriage and family therapist licensure applicants	Rejection of Hazardous Waste	"Erosion and sediment control system" defined
839 IAC 1-4-5	329 IAC 3.1-7-5	329 IAC 10-2-66.3
26 IR 871	27 IR 4112	26 IR 434
26 IR 3411	Standards Applicable to Generators of Hazardous Waste	<b>27 IR 1793</b>
<b>27 IR 518</b>	Exceptions and additions; generator standards	"Facility" defined
Mental Health Counselors	329 IAC 3.1-7-2	329 IAC 10-2-69
Educational requirements for mental health counselors	<b>27 IR 1875</b>	26 IR 434
839 IAC 1-5-1	State Administered Permit Program	<b>27 IR 1793</b>
26 IR 872	Exceptions and additions; permit program	"Final closure" defined
26 IR 3412	329 IAC 3.1-13-2	329 IAC 10-2-72.1
<b>27 IR 518</b>	27 IR 4114	26 IR 1654
Experience requirements for mental health counselors	<b>SOLID WASTE LAND DISPOSAL FACILITIES</b>	<b>27 IR 3958</b>
839 IAC 1-5-1.5	Actions for Permit and Renewal Permit Application	"Flood plain" defined
26 IR 874	Application	329 IAC 10-2-74
26 IR 3414	Public process for new solid waste land disposal facility permits; major permit modifications; minor permit modifications	26 IR 435
<b>27 IR 520</b>	329 IAC 10-12-1	<b>27 IR 1794</b>
Social Workers; Clinical Social Workers	26 IR 443	"Floodway" defined
Licensure by examination for social workers and clinical social workers	<b>27 IR 1804</b>	329 IAC 10-2-75
839 IAC 1-3-2	Application Procedure for All Solid Waste Land Disposal Facilities	26 IR 435
26 IR 871	General permit application requirements	<b>27 IR 1794</b>
26 IR 3411	329 IAC 10-11-2.1	"Floodway fringe" defined
<b>27 IR 517</b>	<b>27 IR 1801</b>	329 IAC 10-2-75.1
		26 IR 435
		<b>27 IR 1794</b>
		"Infectious waste" defined
		329 IAC 10-2-96
		26 IR 435
		<b>27 IR 1794</b>
		"Insignificant facility modification" defined
		329 IAC 10-2-97.1
		26 IR 435
		<b>27 IR 1794</b>
		"Karst terrain" defined
		329 IAC 10-2-99
		26 IR 436
		<b>27 IR 1795</b>

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“Land application unit” defined	329 IAC 10-2-100	26 IR 436	<b>27 IR 1795</b>	329 IAC 10-2-181.2	26 IR 438	<b>27 IR 1797</b>	329 IAC 10-17-2	26 IR 453	<b>27 IR 1814</b>			
“Licensed professional geologist” defined	329 IAC 10-2-105.3	26 IR 436	<b>27 IR 1795</b>	“Storm water pollution prevent plan or SWP3” defined	329 IAC 10-2-181.5	26 IR 438	<b>27 IR 1797</b>	Protective cover component of the liner; construction and quality assurance/quality control requirements	329 IAC 10-17-12	26 IR 457	<b>27 IR 1818</b>	
“Liquid waste” defined	329 IAC 10-2-106	26 IR 436	<b>27 IR 1795</b>	“Storm water quality measure” defined	329 IAC 10-2-181.6	26 IR 438	<b>27 IR 1797</b>	Municipal solid waste landfills; closure requirements	Closure plan	329 IAC 10-22-2	26 IR 493	<b>27 IR 1855</b>
“Major modification of solid waste land disposal facilities” defined	329 IAC 10-2-109	26 IR 436	<b>27 IR 1795</b>	“Temporary stabilization” defined	329 IAC 10-2-187.5	26 IR 438	<b>27 IR 1797</b>	Completion of closure and final cover	329 IAC 10-22-5	26 IR 494	<b>27 IR 1856</b>	
“Measurable storm event” defined	329 IAC 10-2-111.5	26 IR 436		“U.S. Environmental Protection Agency Publication SW-846” or “SW-846” defined	329 IAC 10-2-197.1	26 IR 1656	<b>27 IR 3960</b>	Final closure certification	329 IAC 10-22-8	26 IR 496	<b>27 IR 1858</b>	
“Minor modification of solid waste land disposal facilities” defined	329 IAC 10-2-112	26 IR 436	<b>27 IR 1795</b>	Exclusions				Final cover requirements for existing MSWLF units constructed without a composite bottom liner	329 IAC 10-22-7	26 IR 495	<b>27 IR 1857</b>	
“Municipal solid waste landfill” or “MSWLF” defined	329 IAC 10-2-116	26 IR 1654	<b>27 IR 3959</b>	Exclusion; hazardous waste	329 IAC 10-3-2	26 IR 439	<b>27 IR 1798</b>	Final cover requirements for new MSWLF units or existing MSWLF units that have a composite bottom liner and a leachate collection system	329 IAC 10-22-6	26 IR 494	<b>27 IR 1856</b>	
“Municipal solid waste landfill” or “MSWLF unit” defined	329 IAC 10-2-117	26 IR 1654	<b>27 IR 3959</b>	Exclusions; general	329 IAC 10-3-1	26 IR 438	<b>27 IR 1797</b>	Partial closure certification	329 IAC 10-22-3	26 IR 494	<b>27 IR 1856</b>	
“Municipal solid waste” or “MSW” defined	329 IAC 10-2-115	26 IR 1654	<b>27 IR 3958</b>	Insignificant facility modifications	329 IAC 10-3-3	26 IR 439	<b>27 IR 1798</b>	Municipal Solid Waste Landfills; Ground Water Monitoring Programs and Corrective Action Program Requirements				
“Nonmunicipal solid waste landfill unit or Non-MSWLF unit” defined	329 IAC 10-2-121.1	26 IR 437	<b>27 IR 1796</b>	General Provisions				Additional constituents for assessment monitoring	329 IAC 10-21-17	26 IR 1855	<b>27 IR 1855</b>	
“Operator” defined	329 IAC 10-2-130	26 IR 1655	<b>27 IR 3959</b>	Electronic submission of information	329 IAC 10-1-4.5	26 IR 433	<b>27 IR 1792</b>	Assessment ground water monitoring program	329 IAC 10-21-10	26 IR 482	<b>27 IR 1843</b>	
“Peak discharge” defined	329 IAC 10-2-132.2	26 IR 437	<b>27 IR 1796</b>	Incorporation by reference	329 IAC 10-1-2.5	26 IR 1791	<b>27 IR 1791</b>	Constituents for assessment monitoring	329 IAC 10-21-16	26 IR 488	<b>27 IR 1850</b>	
“Permanent stabilization” defined	329 IAC 10-2-132.3	26 IR 437	<b>27 IR 1796</b>	Records and standards for submitted information	329 IAC 10-1-4	26 IR 432	<b>27 IR 1791</b>	Constituents for detection monitoring	329 IAC 10-21-15	26 IR 488	<b>27 IR 1849</b>	
“Petroleum contaminated soil” defined	329 IAC 10-2-135.5	26 IR 1655	<b>27 IR 3960</b>	Generator Responsibilities for Waste Information	329 IAC 10-7.2	26 IR 1656	<b>27 IR 3961</b>	Corrective action program	329 IAC 10-21-13	26 IR 484	<b>27 IR 1845</b>	
“Preliminary exceedance” defined	329 IAC 10-2-142.5	26 IR 437	<b>27 IR 1796</b>	Industrial On-Site Activities Needing Permits				Demonstration that a statistically significant increase or contamination is not attributable to a municipal solid waste land disposal facility unit	329 IAC 10-21-9	26 IR 481	<b>27 IR 1842</b>	
“Qualified professional” defined	329 IAC 10-2-147.2	26 IR 437		Applicability	329 IAC 10-5-1	26 IR 1656	<b>27 IR 3960</b>	Detection ground water monitoring program	329 IAC 10-21-7	26 IR 479	<b>27 IR 1840</b>	
“Registered land surveyor” defined	329 IAC 10-2-151	26 IR 1796	<b>27 IR 1796</b>	Management Requirements for Certain Solid Wastes	329 IAC 10-8.2	26 IR 1657	<b>27 IR 3961</b>	General ground water monitoring requirements	329 IAC 10-21-1	26 IR 465	<b>27 IR 1826</b>	
“Responsible corporate officer” defined	329 IAC 10-2-158	26 IR 437	<b>27 IR 1796</b>	Municipal solid waste landfill liner system; design, construction, and CQA/CQC requirements				Ground water monitoring well and piezometer construction and design	329 IAC 10-21-4	26 IR 474	<b>27 IR 1835</b>	
“Sedimentation” defined	329 IAC 10-2-165.5	26 IR 437	<b>27 IR 1797</b>	CQA/CQC preconstruction meeting	329 IAC 10-17-18	26 IR 457	<b>27 IR 1819</b>	Overview of Liner designs and criteria for selection of design				
“Soil and water conservation district” defined	329 IAC 10-2-172.5	26 IR 438	<b>27 IR 1797</b>	Drainage layer component of the liner; construction and quality assurance/quality control requirements	329 IAC 10-17-9	26 IR 456	<b>27 IR 1817</b>					
“Solid waste” defined	329 IAC 10-2-174	26 IR 1655	<b>27 IR 3960</b>	Geomembrane component of the liner; construction and quality assurance/quality control requirements	329 IAC 10-17-7	26 IR 454	<b>27 IR 1815</b>					
“Storm water discharge” defined												

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Sampling and analysis plan and program 329 IAC 10-21-2 <b>27 IR 1830</b>	Plot plan requirements 329 IAC 10-15-2 <b>27 IR 1809</b>	Water Monitoring and Corrective Action Monitoring devices 329 IAC 10-29-1 <b>27 IR 1862</b>
Statistical evaluation requirements and procedures 329 IAC 10-21-6 <b>27 IR 1838</b>	Storm water pollution prevention plan 329 IAC 10-15-12 <b>27 IR 1812</b>	Restricted Waste Sites Types I and II and Nonmunicipal Solid Waste Landfills; Operational Requirements Definitions 329 IAC 10-28-24 <b>27 IR 1664</b>
Verification of a statistically significant increase in constituent concentration 329 IAC 10-21-8 <b>27 IR 1841</b>	Municipal Solid Waste Landfills; Post-Closure Requirements Post-closure certification 329 IAC 10-23-4 <b>27 IR 1860</b>	Solid Waste Land Disposal Facilities; Financial Responsibility Applicability 329 IAC 10-39-1 <b>27 IR 1864</b>
Municipal Solid Waste Landfills; Location Restrictions Airport siting restrictions 329 IAC 10-16-1 <b>27 IR 1813</b>	Post-closure duties 329 IAC 10-23-2 <b>27 IR 1859</b>	Closure; financial responsibility 329 IAC 10-39-2 <b>27 IR 1864</b>
Karst terrain siting restrictions 329 IAC 10-16-8 <b>27 IR 1814</b>	Post-closure plan 329 IAC 10-23-3 <b>27 IR 1859</b>	Financial assurance for corrective action for municipal solid waste landfills 329 IAC 10-39-10 <b>27 IR 1872</b>
Municipal Solid Waste Landfills; Operational Requirements Alternative daily cover 329 IAC 10-20-14.1 <b>27 IR 3967</b>	Municipal Solid Waste Landfills; Preoperational Requirements and Operational Approval Preoperational requirements and operational approval 329 IAC 10-19-1 <b>27 IR 1819</b>	Incapacity of permittee, guarantors, or financial institutions 329 IAC 10-39-7 <b>27 IR 1871</b>
Cover; general provisions 329 IAC 10-20-13 <b>27 IR 1824</b>	Permit Issuance and Miscellaneous Provisions Issuance procedures; original permits 329 IAC 10-13-1 <b>27 IR 1806</b>	Post-closure; financial responsibility 329 IAC 10-39-3 <b>27 IR 1870</b>
Diversion of surface water and run-on and run-off control systems 329 IAC 10-20-11 <b>27 IR 1822</b>	Permit revocation and modification 329 IAC 10-13-6 <b>27 IR 1806</b>	Release of funds 329 IAC 10-39-9 <b>27 IR 1871</b>
Erosion and sedimentation control measures; general requirements 329 IAC 10-20-12 <b>27 IR 1823</b>	Transferability of permits 329 IAC 10-13-5 <b>27 IR 1806</b>	Solid Waste Land Disposal Facilities; Quarterly Reports and Weighing Scales Quarterly reports 329 IAC 10-14-1 <b>27 IR 1807</b>
Leachate collection, removal, and disposal 329 IAC 10-20-20 <b>27 IR 1824</b>	Previously Permitted Solid Waste Land Disposal Facilities and Sanitary Landfills Closed Prior to April 14, 1996; Responsibilities Remedial action 329 IAC 10-6-4 <b>27 IR 1799</b>	Weighing scales 329 IAC 10-14-2 <b>27 IR 3966</b>
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Description of proposed ground water monitoring well system 329 IAC 10-15-5 <b>27 IR 1810</b>	Description of proposed ground water monitoring well system 329 IAC 10-15-5 <b>27 IR 1810</b>	Examination requirements for Category II certification 329 IAC 12-8-4 <b>27 IR 3977</b>
General requirements 329 IAC 10-15-1 <b>27 IR 1808</b>	General requirements 329 IAC 10-15-1 <b>27 IR 1808</b>	Examination requirements for Category III certification 329 IAC 12-8-5 <b>27 IR 3697</b>

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Solid Waste Facility Operator Training Requirements	Monitoring of incoming municipal waste	"Removal closure" defined
Accredited training course requirements for recertification	329 IAC 11-21-4	329 IAC 9-1-39.5
329 IAC 12-9-2	26 IR 1671	26 IR 1211
27 IR 3698	<b>27 IR 3976</b>	27 IR 3179
<b>SOLID WASTE PROCESSING FACILITIES</b>	Record keeping	<b>28 IR 147</b>
Application Procedure for All Solid Waste Processing Facilities	329 IAC 11-21-5	"SARA" defined
Insignificant facility modifications	26 IR 1671	329 IAC 9-1-41.5
329 IAC 11-9-6	<b>27 IR 3976</b>	26 IR 1211
26 IR 1667	Reporting	27 IR 3179
<b>27 IR 3972</b>	329 IAC 11-21-6	<b>28 IR 147</b>
Definitions	26 IR 1671	"Underground release" defined
"Insignificant facility modification" defined	<b>27 IR 3976</b>	329 IAC 9-1-47
329 IAC 11-2-19.5	26 IR 1671	26 IR 1211
27 IR 3970	<b>27 IR 3976</b>	27 IR 3179
"Solid waste" defined	Training	<b>28 IR 147</b>
329 IAC 11-2-39	329 IAC 11-21-7	329 IAC 9-1-47.1
26 IR 1666	<b>27 IR 3976</b>	26 IR 1211
<b>27 IR 3970</b>	<b>UNDERGROUND STORAGE TANKS</b>	27 IR 3179
Exclusions	Applicability; definitions	<b>28 IR 147</b>
Exclusion; hazardous waste	"Agency" defined	Closure
329 IAC 11-3-2	329 IAC 9-1-4	Applicability
26 IR 1666	26 IR 1209	329 IAC 9-6-1
<b>27 IR 3971</b>	27 IR 3177	26 IR 1229
Infectious Waste Incinerators; Additional Operational Requirements	<b>28 IR 145</b>	27 IR 3199
Operational requirements	Applicability	<b>28 IR 168</b>
329 IAC 11-20-1	329 IAC 9-1-1	Applicability to previously closed UST systems
26 IR 1670	"Change-in-service" defined	329 IAC 9-6-3
<b>27 IR 3975</b>	329 IAC 9-1-10.4	26 IR 1234
Miscellaneous Requirements Concerning Solid Waste Management	26 IR 1209	27 IR 3204
Definitions	27 IR 3177	<b>28 IR 172</b>
329 IAC 11-15-1	<b>28 IR 146</b>	Closure procedure
26 IR 1668	"Chemical of concern" defined	329 IAC 9-6-2.5
<b>27 IR 3973</b>	329 IAC 9-1-10.6	26 IR 1230
Solid Waste Incinerators; Additional Operational Requirements	26 IR 1209	27 IR 3200
Permit by rule	27 IR 3178	<b>28 IR 168</b>
329 IAC 11-19-2	<b>28 IR 146</b>	Closure records
26 IR 1669	"Closure" defined	329 IAC 9-6-4
<b>27 IR 3974</b>	329 IAC 9-1-10.8	26 IR 1234
Solid waste incinerators 10 tons per day or greater; infectious waste incinerators seven tons per day or greater; operational requirements	26 IR 1210	27 IR 3204
329 IAC 11-19-3	27 IR 3178	<b>28 IR 173</b>
26 IR 1669	<b>28 IR 146</b>	Temporary closure
<b>27 IR 3974</b>	"Consumptive use" defined	329 IAC 9-6-5
Solid Waste Processing Facilities; Operational Requirements	329 IAC 9-1-14	26 IR 1235
Records and reports	26 IR 1210	27 IR 3205
329 IAC 11-13-6	27 IR 3178	<b>28 IR 173</b>
26 IR 1668	<b>28 IR 146</b>	General Operating Requirements
<b>27 IR 3973</b>	"Contaminant" defined	Compatibility
Sanitation	329 IAC 9-1-14.3	329 IAC 9-3.1-3
329 IAC 11-13-4	26 IR 1210	26 IR 1219
26 IR 1667	27 IR 3178	27 IR 3188
<b>27 IR 3972</b>	<b>28 IR 146</b>	<b>28 IR 156</b>
Solid Waste Processing Facility Classifications and Waste Criteria	"Corrective action" defined	Operation and maintenance of corrosion protection
Incinerators waste criteria	329 IAC 9-1-14.5	329 IAC 9-3.1-2
329 IAC 11-8-3	26 IR 1210	26 IR 1219
26 IR 1667	27 IR 3178	27 IR 3187
<b>27 IR 3972</b>	<b>28 IR 146</b>	<b>28 IR 155</b>
Processing facilities waste criteria	"Corrective action plan" defined	Repairs and maintenance allowed
329 IAC 11-8-2	329 IAC 9-1-14.7	329 IAC 9-3.1-4
26 IR 1666	26 IR 1210	26 IR 1219
<b>27 IR 3971</b>	27 IR 3178	27 IR 3188
Transfer station waste criteria	<b>28 IR 146</b>	<b>28 IR 156</b>
329 IAC 11-8-2.5	"Hazardous substance UST system" defined	Spill and overfill control
26 IR 1666	329 IAC 9-1-25	329 IAC 9-3.1-1
<b>27 IR 3971</b>	26 IR 1210	26 IR 1218
Transfer Stations	27 IR 3178	27 IR 3187
General operating requirements	<b>28 IR 147</b>	<b>28 IR 155</b>
329 IAC 11-21-8	"Hydraulic lift tank" defined	Initial Response, Site Investigation, and Corrective Action
26 IR 1672	329 IAC 9-1-27	Applicability for release response and corrective action
<b>27 IR 3977</b>	26 IR 1210	329 IAC 9-5-1
	27 IR 3178	26 IR 1221
	<b>28 IR 147</b>	27 IR 3190
	"Petroleum UST system" defined	<b>28 IR 158</b>
	329 IAC 9-1-36	Corrective action plan
	26 IR 1210	329 IAC 9-5-7
	27 IR 3179	26 IR 1227
	<b>28 IR 147</b>	27 IR 3196
	"Piezometer" defined	<b>28 IR 165</b>
	329 IAC 9-1-36.5	
	27 IR 3179	
	<b>28 IR 177</b>	

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Free product removal		Upgrading of Existing UST Systems		Definitions	
329 IAC 9-5-4.2	26 IR 1224	Upgrading of existing UST systems		“Award” defined	
	27 IR 3192	329 IAC 9-2.1-1	26 IR 1215	105 IAC 12-1-2	26 IR 3077
	<b>28 IR 160</b>		27 IR 3183	“Bidder” defined	
Further site investigations for soil and ground			<b>28 IR 151</b>	105 IAC 12-1-5	26 IR 3077
water cleanup		USED OIL MANAGEMENT		“Offer” defined	
329 IAC 9-5-6	26 IR 1226	Applicability		105 IAC 12-1-14.5	26 IR 3077
	27 IR 3196	Applicability		“Offeror” defined	
	<b>28 IR 164</b>	329 IAC 13-3-1	26 IR 1673	105 IAC 12-1-14.6	26 IR 3077
Initial abatement measures and site check			<b>27 IR 3978</b>	“Proposal” defined	
329 IAC 9-5-3.2	26 IR 1223		27 IR 4115	105 IAC 12-1-18	26 IR 3077
	27 IR 3191	Marketing used oil containing any quantifi-		“Responsible bidder or offeror” defined	
	<b>28 IR 160</b>	able level of PCB		105 IAC 12-1-22	26 IR 3077
Initial response		329 IAC 13-3-4	27 IR 4116	“Responsive bidder or offeror” defined	
329 IAC 9-5-2	26 IR 1223	Used Oil Fuel Marketers		105 IAC 12-1-23	26 IR 3078
	27 IR 3191	Tracking		General Provisions	
	<b>28 IR 160</b>	329 IAC 13-9-5	27 IR 4117	Anticompetitive practices	
Initial site characterization				105 IAC 12-2-13	26 IR 3079
329 IAC 9-5-5.1	26 IR 1224	<b>SPEECH-LANGUAGE PATHOLOGY AND</b>		Award; cancellation; rejection	
	27 IR 3193	<b>AUDIOLOGY BOARD</b>		105 IAC 12-2-16	26 IR 3079
	<b>28 IR 161</b>	GENERAL PROVISIONS		Bid or proposal bonds	
Performance Standards		Aides		105 IAC 12-2-6	26 IR 3078
New UST systems		880 IAC 1-2.1	26 IR 876	Gifts	
329 IAC 9-2-1	26 IR 1211		26 IR 3419	105 IAC 12-2-17	26 IR 3080
	27 IR 3179		<b>27 IR 534</b>	Minority participation	
	<b>28 IR 147</b>			105 IAC 12-2-4	26 IR 3078
Notification requirements		<b>TAX REVIEW, INDIANA BOARD OF</b>		Notice to bidders or offerors	
329 IAC 9-2-2	26 IR 1214	LSA Document #03-268(E)	<b>27 IR 541</b>	105 IAC 12-2-10	26 IR 3078
	27 IR 3182	LSA Document #03-327(E)	<b>27 IR 1577</b>	Performance bonds	
	<b>28 IR 150</b>	LSA Document #03-328(E)	<b>27 IR 1585</b>	105 IAC 12-2-7	26 IR 3078
Release Detection		LSA Document #04-108(E)	<b>27 IR 2504</b>	Public inspection	
General requirements for all UST systems		LSA Document #04-184(E)	<b>27 IR 3581</b>	105 IAC 12-2-18	26 IR 3080
329 IAC 9-7-1	26 IR 1235	LSA Document #04-261(E)	<b>28 IR 612</b>	Qualifications and duties of bidder or offeror	
	27 IR 3205	ASSESSMENT APPEALS IN LAKE COUNTY		105 IAC 12-2-11	26 IR 3078
	<b>28 IR 173</b>	52 IAC 4	27 IR 555	Sanctions	
Methods of release detection for piping		PROCEDURAL RULES		105 IAC 12-2-19	26 IR 3080
329 IAC 9-7-5	27 IR 3209	52 IAC 2	26 IR 3915	Steel products	
	<b>28 IR 177</b>		<b>27 IR 1776</b>	105 IAC 12-2-21	26 IR 3081
Methods of release detection for tanks		SMALL CLAIMS PROCEDURES		United States manufactured product defini-	
329 IAC 9-7-4	26 IR 1237	52 IAC 3	26 IR 3926	tion, policy, certification, and enforcement	
	27 IR 3206		<b>27 IR 1787</b>	105 IAC 12-2-20	26 IR 3080
	<b>28 IR 175</b>			Withdrawal of bids or proposals	
Requirements for petroleum UST systems		<b>TEACHER’S RETIREMENT FUND, BOARD</b>		105 IAC 12-2-14	26 IR 3079
329 IAC 9-7-2	26 IR 1236	<b>OF TRUSTEES OF THE INDIANA STATE</b>		Source Selection and Contract Formation	
	27 IR 3206	ADDITIONAL CONTRIBUTIONS		Competitive sealed bids	
	<b>28 IR 174</b>	550 IAC 7	26 IR 3710	105 IAC 12-3-4	26 IR 3082
			<b>27 IR 2495</b>	Competitive sealed proposal or request for	
Releases		INDIANA STATE TEACHERS’ RETIREMENT		proposal	
Release investigations and confirmation steps		FUND		105 IAC 12-3-5	26 IR 3083
329 IAC 9-4-3	26 IR 1220	Administrative Matters		Purchases less than \$2,500	
	27 IR 3189	Definition of compensation		105 IAC 12-3-1	26 IR 3082
	<b>28 IR 157</b>	550 IAC 2-2-7	26 IR 3944	Purchases less than \$75,000	
Reporting and cleanup of spills and overfills			<b>27 IR 2496</b>	105 IAC 12-3-2	26 IR 3082
329 IAC 9-4-4	26 IR 1221	<b>TRANSPORTATION, INDIANA DEPART-</b>		TRAFFIC CONTROL DEVICES FOR HIGH-	
	27 IR 3189	<b>MENT OF</b>		WAYS	
	<b>28 IR 158</b>	PROCUREMENT OF SUPPLIES AND SER-		Interstate Highway Systems	
Reporting and Record Keeping		VICES		Pedestrians and certain vehicles prohibited on	
Electronic reporting and submittal		Contract Terms		interstate highways	
329 IAC 9-3-2	26 IR 1218	Additions		105 IAC 9-1-2	26 IR 2400
	27 IR 3187	105 IAC 12-4-4	26 IR 3084		<b>27 IR 452</b>
	<b>28 IR 155</b>	Contract modifications and change orders		Stopping, standing, or parking prohibited on	
Reporting and record keeping		105 IAC 12-4-5	26 IR 3084	interstate highways	
329 IAC 9-3-1	26 IR 1216	Equipment rental or lease with option to		105 IAC 9-1-1	26 IR 2400
	27 IR 3184	purchase			<b>27 IR 451</b>
	<b>28 IR 152</b>	105 IAC 12-4-3	26 IR 3084	Uniform Traffic Control Devices	
				Accessible pedestrian signals	
				105 IAC 9-2-117	<b>27 IR 36</b>

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Adequate roadway capacity	105 IAC 9-2-87	<b>27 IR 27</b>	105 IAC 9-2-37	<b>27 IR 15</b>	Illumination at highway-rail grade crossing	105 IAC 9-2-165	<b>27 IR 47</b>	
Adult guards	105 IAC 9-2-142	<b>27 IR 41</b>	Destination and distance signs	105 IAC 9-2-47	<b>27 IR 18</b>	Illustrations of Indiana directional assemblies and other route signs	105 IAC 9-2-44	<b>27 IR 17</b>
Advantages and disadvantages of traffic control signals	105 IAC 9-2-85	<b>27 IR 26</b>	Destination signs	105 IAC 9-2-48	<b>27 IR 18</b>	Indiana additional warning signs (page 2C-2A)	105 IAC 9-2-27	<b>27 IR 12</b>
Alternatives to traffic control signals	105 IAC 9-2-86	<b>27 IR 26</b>	Directional assembly	105 IAC 9-2-45	<b>27 IR 18</b>	Indiana additional warning signs (page 2C-33A)	105 IAC 9-2-34	<b>27 IR 14</b>
Application	105 IAC 9-2-66	<b>27 IR 22</b>	Distance signs	105 IAC 9-2-50	<b>27 IR 19</b>	Indiana route marker (M1-5)	105 IAC 9-2-36	<b>27 IR 15</b>
Application of flashing signal indications	105 IAC 9-2-109	<b>27 IR 34</b>	Do not pass sign (R4-1)	105 IAC 9-2-17	<b>27 IR 10</b>	Interchange exit numbering	105 IAC 9-2-61	<b>27 IR 22</b>
Application of pedestrian signal heads	105 IAC 9-2-115	<b>27 IR 36</b>	Do not stop on tracks sign (R8-8); section 8B.06	105 IAC 9-2-155	<b>27 IR 44</b>	Intersection lane control signs (R3-5 through R3-8)	105 IAC 9-2-15	<b>27 IR 10</b>
Application of steady signal indications	105 IAC 9-2-103	<b>27 IR 33</b>	Do not stop on tracks sign (R8-8); section 10C.04	105 IAC 9-2-185	<b>27 IR 51</b>	Intersection warning signs (W2-1 through W2-6)	105 IAC 9-2-31	<b>27 IR 13</b>
Application of steady signal indications for left turns	105 IAC 9-2-104	<b>27 IR 33</b>	Dynamic envelope delineation markings	105 IAC 9-2-187	<b>27 IR 51</b>	Introduction	105 IAC 9-2-3	<b>27 IR 7</b>
Application of steady signal indications for right turns	105 IAC 9-2-105	<b>27 IR 34</b>	Eligibility	105 IAC 9-2-65	<b>27 IR 22</b>	Introduction; section 8A.01	105 IAC 9-2-148	<b>27 IR 42</b>
Arrows for interchange guide signs	105 IAC 9-2-59	<b>27 IR 21</b>	Emergency aid center signs (EM-6 series)	105 IAC 9-2-74	<b>27 IR 24</b>	Introduction; section 8D.01	105 IAC 9-2-166	<b>27 IR 47</b>
Automatic gates; section 8D.04	105 IAC 9-2-169	<b>27 IR 47</b>	Emergency management	105 IAC 9-2-72	<b>27 IR 23</b>	Introduction; section 10A	105 IAC 9-2-181	<b>27 IR 50</b>
Automatic gates; section 10D.03	105 IAC 9-2-189	<b>27 IR 52</b>	Emergency notification sign (I-13 or I-13a)	105 IAC 9-2-158	<b>27 IR 45</b>	Introduction; section 10B.01	105 IAC 9-2-184	<b>27 IR 51</b>
Basis of installation or removal of traffic control signals	105 IAC 9-2-84	<b>27 IR 26</b>	End auxiliary sign (M4-6)	105 IAC 9-2-39	<b>27 IR 16</b>	Junction assembly	105 IAC 9-2-43	<b>27 IR 17</b>
Bicycle route markers (M1-8 and M1-9); section 9B-17	105 IAC 9-2-178	<b>27 IR 50</b>	End road work sign (G20-2a)	105 IAC 9-2-125	<b>27 IR 37</b>	Lateral offset	105 IAC 9-2-9	<b>27 IR 8</b>
Bicycle route markers (M1-8 and M1-9); section 9B.18	105 IAC 9-2-179	<b>27 IR 50</b>	Exempt highway-rail grade crossing signs (R15-3 and W10-1a)	105 IAC 9-2-153	<b>27 IR 43</b>	Light rail transit-activated blank-out turn prohibition signs (R3-1a and R3-2a)	105 IAC 9-2-186	<b>27 IR 51</b>
Bicyclist traffic control devices; requirements	105 IAC 9-2-173	<b>27 IR 49</b>	Extensions through intersections or interchanges	105 IAC 9-2-77	<b>27 IR 24</b>	Location of destination signs	105 IAC 9-2-49	<b>27 IR 19</b>
Buzz strips	105 IAC 9-2-164	<b>27 IR 46</b>	Figure 4D-3	105 IAC 9-2-112	<b>27 IR 35</b>	Location of distance signs	105 IAC 9-2-51	<b>27 IR 19</b>
Confirming or reassurance assemblies	105 IAC 9-2-46	<b>27 IR 18</b>	Figure 4E-2	105 IAC 9-2-118	<b>27 IR 36</b>	Location of work	105 IAC 9-2-128	<b>27 IR 38</b>
Criteria for use of grade-separated crossings	105 IAC 9-2-146	<b>27 IR 42</b>	Figures 4C-1 and 4C-2	105 IAC 9-2-92	<b>27 IR 30</b>	Look sign (R15-8)	105 IAC 9-2-160	<b>27 IR 45</b>
Cross traffic does not stop plaque (W4-4P)	105 IAC 9-2-30	<b>27 IR 13</b>	Figures 4C-3 and 4C-4	105 IAC 9-2-95	<b>27 IR 31</b>	Low clearance signs (W12-2 and W12-2P)	105 IAC 9-2-28	<b>27 IR 12</b>
Crosswalk markings	105 IAC 9-2-79	<b>27 IR 25</b>	Flashing-light signals, overhead structures	105 IAC 9-2-168	<b>27 IR 47</b>	Low ground clearance highway-rail grade crossing sign (W10-5)	105 IAC 9-2-161	<b>27 IR 46</b>
Curb markings	105 IAC 9-2-80	<b>27 IR 25</b>	Flashing-light signals, post-mounted	105 IAC 9-2-167	<b>27 IR 47</b>	Manual on uniform traffic control devices adopted	105 IAC 9-2-1	26 IR 421 <b>27 IR 7</b>
Curb markings for parking regulations	105 IAC 9-2-140	<b>27 IR 41</b>	Four-quadrant gate systems; section 8D.05	105 IAC 9-2-170	<b>27 IR 48</b>	Markings for roundabouts	105 IAC 9-2-81	<b>27 IR 25</b>
Definitions of words and phrases	105 IAC 9-2-5	<b>27 IR 7</b>	Four-quadrant gate systems; section 10D.02	105 IAC 9-2-188	<b>27 IR 52</b>	Meaning of vehicular signal indications	105 IAC 9-2-102	<b>27 IR 33</b>
Definitions relating to highway traffic signals	105 IAC 9-2-83	<b>27 IR 26</b>	Frontage road and local traffic signs (M4-Y14 and M4-Y15)	105 IAC 9-2-40	<b>27 IR 16</b>	Motorized traffic signs (W8-6, W11-5, W11-8, and W11-10)	105 IAC 9-2-32	<b>27 IR 14</b>
Design of bicycle signs	105 IAC 9-2-174	<b>27 IR 49</b>	Fundamental principles of temporary traffic control	105 IAC 9-2-119	<b>27 IR 36</b>	Mounting height	105 IAC 9-2-8	<b>27 IR 8</b>
Design of emergency management signs	105 IAC 9-2-73	<b>27 IR 24</b>	General	105 IAC 9-2-101	<b>27 IR 32</b>	Need for standards	105 IAC 9-2-131	<b>27 IR 39</b>
Design of parking, standing, and stopping signs	105 IAC 9-2-22	<b>27 IR 11</b>	General characteristics of signs	105 IAC 9-2-121	<b>27 IR 37</b>			
Design of route signs			Highway-rail grade crossing (crossbuck) signs (R15-1 and R15-2)	105 IAC 9-2-152	<b>27 IR 43</b>			

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Number and arrangements of signal sections in vehicular traffic control signal faces 105 IAC 9-2-111	<b>27 IR 35</b>	Sign color for school warning signs 105 IAC 9-2-135	<b>27 IR 39</b>	Tapers 105 IAC 9-2-120	<b>27 IR 36</b>
Number and size of logos and signs 105 IAC 9-2-67	<b>27 IR 23</b>	Signing for interchange lane drops 105 IAC 9-2-60	<b>27 IR 21</b>	Temporary traffic control signals; section 4D.20 105 IAC 9-2-113	<b>27 IR 35</b>
One way signs (R6-1 and R6-2) 105 IAC 9-2-21	<b>27 IR 11</b>	Signing policy 105 IAC 9-2-69	<b>27 IR 23</b>	Temporary traffic control signals; section 6F.74 105 IAC 9-2-127	<b>27 IR 37</b>
Optional movement lane control sign (R3-6) 105 IAC 9-2-16	<b>27 IR 10</b>	Sign placement 105 IAC 9-2-122	<b>27 IR 37</b>	Tracks out of service sign (R8-9) 105 IAC 9-2-157	<b>27 IR 44</b>
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