

RESERVE

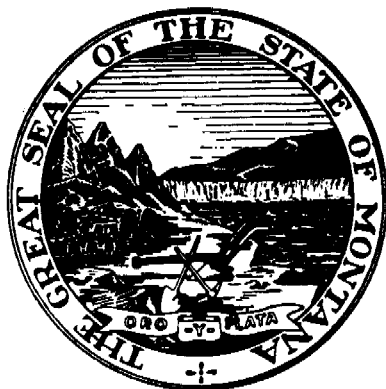
RESERVE
KFM
#035
1973
.A245a

STATE LAW LIBRARY
MAR 2 1985
MONTANA

MONTANA ADMINISTRATIVE REGISTER

**DOES NOT
CIRCULATE**

1985 ISSUE NO. 6
MARCH 28, 1985
PAGES 261-304



MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 6

The Montana Administrative Register (MAR), a twice-monthly publication, has three sections. The notice section contains state agencies' proposed new, amended or repealed rules, the rationale for the change, date and address of public hearing, and where written comments may be submitted. The rule section indicates that the proposed rule action is adopted and lists any changes made since the proposed stage. The interpretation section contains the attorney general's opinion and state declaratory rulings. Special notices and tables are inserted at the back of each register.

TABLE OF CONTENTS

<u>NOTICE SECTION</u>	<u>Page Number</u>
<u>AGRICULTURE, Department of, Title 4</u>	
4-14-4 Notice of Proposed Amendment - Fees Charged for Sampling, Inspection and Testing of Grains at the State Grain Laboratories. No Public Hearing Contemplated.	261-263
<u>EDUCATION, Title 10</u>	
10-3-92 (Board of Public Education) Notice of Public Hearing for Proposed Adoption - Test for Certification.	264-265
<u>SOCIAL AND REHABILITATION SERVICES, Department of, Title 46</u>	
46-2-432 Notice of Public Hearing on the Proposed Amendment - Emergency Assistance to Needy Families with Dependent Children; AFDC Program.	266-267
46-2-433 Notice of Public Hearing on the Proposed Amendment and Adoption - Unemployed Parent, AFDC Program.	268-271
<u>RULE SECTION</u>	
<u>COMMERCE, Department of, Title 8</u>	
AMD (Board of Horse Racing) Licenses Issued for Conducting Pari-mutuel Wagering on Horse Racing Meetings - Starters.	272
AMD (Board of Milk Control) Licensee Assessments.	273
-i-	6-3/28/85

Page Number

EDUCATION, Title 10

AMD (Board of Public Education) General -
Inspections. 274

HEALTH AND ENVIRONMENTAL SCIENCES, Department of, Title 16

NEW Filing of Death Certificates When No
Body has Been Found. 275

LIVESTOCK, Department of, Title 32

NEW Brucellosis Vaccination of Imported Cattle
Under 4 Months of Age. 276

AMD Waiving in Six Additional Counties the
Test for Brucellosis. 277

SOCIAL AND REHABILITATION SERVICES, Department of, Title 46

REP Licensing of Child Placing Agencies. 278-288
NEW

NEW Licensing of Adult Foster Homes. 289-295

SPECIAL NOTICE AND TABLE SECTION

Functions of the Administrative Code Committee. 296

How to Use ARM and MAR. 297

Accumulative Table. 298-304

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the amendment) Notice of Proposed
of Rule 4.12.1012 increasing) Amendment of
the fees charged for sampling,) Rule 4.12.1012
inspection and testing of) concerning Grain fees
grains at the State Grain) scheduling. No Public
Laboratories) Hearing Contemplated.

TO: All Interested Persons.

1. On May 1, 1985 the Department of Agriculture proposes to amend 4.12.1012 concerning fees for Grain Samples.
2. The rule as proposed to be amended provides as follows:

4.12.1012 GRAIN FEE SCHEDULE (1) The department has adopted a revised schedule of fees to be charged by the State Laboratories at Great Falls, Montana.

SCHEDULE OF FEES AND CHARGES

Official Lot Inspection - bulk, boxcar or truck (all grains)	
	\$10.00
Official Lot Inspection - hopper car <u>per car,</u> <u>sampling and grade only, less than 26 car unit</u> <u>train</u>	13.50
<u>Hopper car, per car, sampling and grade only, 26 car</u> <u>or more unit train</u>	11.00
Submitted Sample Inspection	4.00 5.00
Factor Determinations (per factor)	2.00 2.25
Sampling only - bulk, boxcar or truck (all grains) 6.00	8.00
Sampling only - hopper car	9.00 10.00
Protein Tests	3.00 4.00
Dry Basis	3.50 4.50
Moisture Tests - (oven)	3.00
*Malting Barley Analysis	2.50 3.00
Copies of Certificates	2.00
Special Service Fee (immediate handling per sample, telephone reports, etc.)	2.00
Mailing of Samples - (per sample - plus postage)	2.00
Inspector - Sampler (per man hour, straight time) 10.00 (overtime)	15.00
Storage Examination (minimum 1 hour)	10.00
Mileage (rate per mile) . . . . .	.20
Special Trip (per hour)	10.00

* Includes actual percent of plump barley, skinned and
broken kernels, and thin barley.

Special inspection of grain - charged by hourly rates and
mileage.

Re-inspection (original grade sustained) - regular fee during routine inspection.

Re-inspection (original grade changed) - regular sampling fee during routine inspection tour.

Retest - (original protein test sustained) - regular protein fee plus sampling fee during regular inspection tour.

Retest - (original protein test changed) - differences of more than 0.2% - regular sampling fee during routine inspection tour.

In case of a material error in grade or protein, a corrected certificate will be issued without a fee.

REGULAR HOURS: 8:00 a.m. to 5:00 p.m. Monday through Friday EXCEPT holidays.

OVERTIME HOURLY RATE: \$15.00 per hour per individual assessed in half hour intervals with a minimum 1 hour charge. The overtime hourly rate will be assessed for sampling and for inspectors when requested to work other than regular weekly hours.

HOLIDAYS: Regular State Holidays.

MILEAGE, TRAVEL TIME AND TRAVEL EXPENSES:

1. Mileage charges based on current Montana State Schedule.
 - A. Local Trip: The regular fees apply for one trip per day to each railroad yard or elevator. When a second trip in a day is requested, the applicant will be assessed \$10.00 per trip.
 - B. Out of Town Trips: There will be a \$10.00 assessment for all out of town trips.
2. When additional expenses are incurred, i.e., mileage, meals or lodging, those expenses in addition to other fees and charges will be assessed the applicant.

~~The regular fees apply for one trip per day to each railroad yard or to each elevator. If it is necessary to make a second or special trip by vehicle to a railroad yard, elevator, mill or other locations there will be an additional charge of \$10.00 per hour (minimum of one hour). When services are needed which require the department employee to incur additional expenses such as mileage, meals, lodging, etc., such additional costs, based on the state schedule, shall also be charged in addition to all fees and service charges.~~

Authority 80-4-403 MCA; IMP 80-4-721 MCA.

3. The change is being made to adjust to the anticipated costs of providing the service.

4. Interested parties may submit their data, views or arguments concerning the proposed rule in writing to the Department of Agriculture, Agriculture/Livestock Building, Capitol Station, Helena, Montana 59620, no later than April 30, 1985.

5. If a person who is directly affected by the proposed adoption wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a hearing and submit this request along with any written comments he has to the Department of Agriculture, Agriculture/Livestock Building, Capitol Station, Helena, Montana 59620, no later than April 30, 1985.

6. If the agency receives requests for a public hearing on the proposed amendment from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed amendment; from the Administrative Code Committee of the legislature; from a governmental sub-division or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 32 persons, based on 320 grain elevator facilities.

KEITH KELLY, DIRECTOR
DEPARTMENT OF AGRICULTURE

By:


W. Ralph Peck
Deputy Director

Certified to the Secretary of State March 18, 1985.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the adoption) NOTICE OF PUBLIC HEARING FOR
of rule I Test for Certifica-) ADOPTION OF RULE I TEST FOR
tion) CERTIFICATION

TO: All Interested Persons.

1. On May 2, 1985, at 11:00 a.m., a public hearing will be held in the Governor's Reception Room, Capitol Building, Helena, Montana 59620 in the matter of the adoption of Rule I Test for Certification.

2. The proposed rule does not replace or modify any section currently found in the Administrative Rules of Montana.

3. The rule as proposed to be adopted provides as follows:

Rule I TEST FOR CERTIFICATION (1) Effective July 1, 1986, all new applicants for initial class 1, 2, 3, or 5 certification must provide evidence of satisfactory completion of a pre-certification test approved by the board. Exception: Teachers currently holding a class 2 standard certificate will not be required to take the test to qualify for a class 1 certificate if they obtain the class 1 certificate before October 1, 1991.

(2) Individuals seeking to reinstate lapsed certificates will also be required to satisfactorily complete the test.

(3) All existing valid certificates will be renewed on the basis of the rules under which they were issued.

AUTH: 20-2-121(1)

IMP: 20-4-102(1) and (5)

4. The board is proposing this rule to fulfill the purpose of section 20-4-101(1) MCA, "to ensure the maintenance of professional standards" for teaching and supervisory personnel, and (2) to ensure that all teachers and administrators who are entering the Montana educational system either from within Montana or from outside possess the basic competencies related to their profession.

5. Interested persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or argument may also be submitted to Ted Hazelbaker, Chairman, Board of Public Education, 33 South Last Chance Gulch, Helena, Montana 59620 no later than May 10, 1985.

6. Ted Hazelbaker, Chairman, and Hidde Van Duym, Executive Secretary to the Board of Public Education, 33 South Last Chance Gulch, Helena, Montana have been designated to preside over and conduct the hearing.

Ted Hazelbaker

TED HAZELBAKER, CHAIRMAN
BOARD OF PUBLIC EDUCATION

By:

William D. Jones

Certified to the Secretary of State March 18, 1985

BEFORE THE DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES OF THE
STATE OF MONTANA

In the matter of the amend-	)	NOTICE OF PUBLIC HEARING ON
ment of Rule 46.10.318	)	THE PROPOSED AMENDMENT OF
pertaining to emergency	)	RULE 46.10.318 PERTAINING
assistance to needy families	)	TO EMERGENCY ASSISTANCE TO
with dependent children;	)	NEEDY FAMILIES WITH DEPEN-
AFDC program	)	DENT CHILDREN; AFDC PROGRAM

TO: All Interested Persons

1. On April 19, 1985, at 9:30 a.m., a public hearing will be held in the auditorium of the Social and Rehabilitation Services Building, 111 Sanders, Helena, Montana, to consider the proposed amendment of Rule 46.10.318 pertaining to emergency assistance to needy families with dependent children; AFDC program.

2. The rule as proposed to be amended provides as follows:

46.10.318 EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH DEPENDENT CHILDREN (1) Emergency assistance may consist of money payments, payments in-kind, food, clothing, shelter, utilities, and medical services ~~at the discretion of the department or as specified by the secretary as needed~~, limited to the amount, scope and duration of the medicaid program.

(2) Emergency needs will be met either through the issuance of cash warrant or disbursing orders. Emergency assistance is limited to one period not to exceed 30 consecutive days in any 12 consecutive months.

AUTH: Sec. 53-4-212 MCA

IMP: Sec. 53-4-211 MCA

3. The amendment to Rule 46.10.318 is proposed to clarify the medical services allowable under the Emergency Assistance program. Under the proposed rule, services are limited to the amount, scope and duration of Medicaid rather than to the discretion of the Department. All other services remain unchanged by this amendment.

4. Interested parties may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Office of Legal Affairs, Department of Social and Rehabilitation Services, P.O. Box 4210, Helena, Montana 59604, no later than April 29, 1985.

5. The Office of Legal Affairs, Department of Social and Rehabilitation Services has been designated to preside over and conduct the hearing.

Dane Lewis
Director, Social and Rehabilitation Services

Certified to the Secretary of State March 18, 1985.

BEFORE THE DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES OF THE
STATE OF MONTANA

In the matter of the amend-	)	NOTICE OF PUBLIC HEARING ON
ment of Rules 46.10.303 and	)	THE PROPOSED AMENDMENT OF
46.12.3401 and the adoption	)	RULES 46.10.303 AND
of a rule pertaining to	)	46.12.3401 AND THE ADOPTION
unemployed parent, AFDC	)	OF A RULE PERTAINING TO
program.	)	UNEMPLOYED PARENT, AFDC
	)	PROGRAM

TO: All Interested Persons

1. On April 19, 1985, at 10:30 a.m., a public hearing will be held in the auditorium of the Social and Rehabilitation Services Building, 111 Sanders, Helena, Montana, to consider the amendment of Rules 46.10.303 and 46.12.3401 and the adoption of a rule pertaining to unemployed parent, AFDC program.

2. The rules as proposed to be amended provide as follows:

46.10.303 AFDC DEPRIVATION REQUIREMENTS (1) A dependent child must be deprived of the support of a parent or both parents due to:

- (a) death;
- (b) separation or divorce;
- (c) desertion;
- (d) parents not married to each other;
- (e) institutionalization;
- (f) military service of one parent;
- (g) physical or mental incapacity;
- (h) unemployed parent.

(2) Continued absence of a parent from the home, when the nature of the absence causes a disruption of family ties, constitutes the basic reason for deprivation of parental support in (a) through (f) above.

(3) Physical or mental incapacity of a parent, or unemployment of a parent constitutes deprivation though family ties are not destroyed.

AUTH: Sec. 53-4-212 MCA and Sec. 3, Ch. 53, L. 1985 (SB 122)

IMP: Sec. 53-4-201 and 53-4-211 MCA and Sec. 2 and 4, Ch. 53, L. 1985 (SB 122)

46.12.3401 GROUPS COVERED, NON-INSTITUTIONALIZED AFDC-RELATED FAMILIES AND CHILDREN Subsections (1) through (2) (e) (iii) remain the same.

~~(f) -- pregnant women in two parent families where the principal breadwinner is unemployed who would be eligible for~~

~~AFDC except for failure to meet the deprivation requirements in ARM-46-10-303;~~

(gf) individuals whose AFDC is terminated solely because of increased income from employment;

(i) these individuals will continue to receive medicaid for nine months, providing:

(A) The family lost AFDC eligibility because of the loss of \$30 and one-third disregard;

(B) Any private insurance coverage is disclosed;

(C) Application is made within 6 months from the date regulations implementing this provision become final;

(D) Eligibility for AFDC would continue if the \$30 and one-third disregard were applied;

(ii) this nine month period of continued medicaid coverage begins:

(A) the month following the date of AFDC closure; or

(B) if AFDC eligibility ends prior to the month of closure, with the first month in which AFDC is erroneously paid.

Subsections (3) through (4) remain the same.

AUTH: Sec. 53-6-113 MCA and Sec. 3, Ch. 53, L. 1985 (SB 122)

IMP: Sec. 53-6-131 MCA and Sec. 2 and 4, Ch. 53, L. 1985 (SB 122)

3. The rule as proposed to be adopted provides as follows:

RULE 1 UNEMPLOYED PARENT (1) An unemployed parent is any natural or adoptive parent who:

(a) is employed less than 100 hours a month or exceeds that standard if his work is intermittent and the excess is of a temporary nature as evidenced by the fact that he was under the 100-hour standard for the prior two months and is expected to be under the standard during the next month; and

(b) has six or more quarters of work within any thirteen calendar quarter period ending within one year prior to the application for assistance or within the one-year period, received unemployment compensation or was qualified under the state's unemployment compensation law.

(i) A "quarter of work" means a period of three consecutive calendar months ending on March 31, June 30, September 30, or December 31 in which the applicant received earned income of not less than \$50.

(ii) An individual shall be deemed "qualified" for unemployment compensation under the state's unemployment compensation law if he would have been eligible to receive such benefits upon filing application, or he performed work not covered by this law which, if it had been covered together with any

covered work he performed, would have made him eligible to receive benefits upon filing application; and

(c) must have been unemployed at least 30 days; and

(d) must apply for and accept any unemployment compensation benefits to which he is entitled; these unemployment benefits are to be subtracted from the AFDC assistance to which he is entitled; and

(e) has not, without good cause, within a prior 30 day period, refused a bona fide offer of employment or training for employment. The department must make a determination that the offer was actually made. The parent must be given an opportunity to explain why he refused to accept the offer. The following factors must be considered:

(i) whether there was a definite offer of wages meeting minimum wage requirements;

(ii) questions regarding the parent's inability to engage in such employment for physical reasons or for lack of transportation to and from such employment; and

(iii) working conditions such as risk to health, safety, or lack of workmen's compensation protection.

(2) A parent must be currently registered with the employment security division and be available for work.

(3) A parent who is in a training program under the employment security division is considered unemployed if the requirements of subsection (1) above are met.

(4) A parent unemployed because of conduct or circumstances which result or would result in disqualification for unemployed compensation under state law is disqualified for AFDC/UP assistance payments.

(5) A full-time student is not eligible for AFDC/UP assistance payments since he is not considered available to accept full-time employment.

(6) In a two-parent household, only one parent must meet the criteria of this rule.

(7) In conformity with Chapter No. 53 of the 1985 49th Legislature, this rule shall be effective March 11, 1985.

AUTH: Sec. 3, Ch. 53, L. 1985 (SB 122)

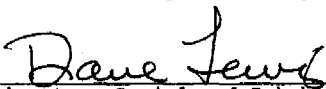
IMP: Sec. 53-4-201 MCA and Sec. 2 and 4, Ch. 53, L. 1985 (SB 122)

4. The proposed rules are presented in response to the Governor's signing SB 122 into law, providing an immediate effective date. These rules add parental unemployment as an eligibility requirement for AFDC payments. Criteria for determining unemployment for purposes of this rule are included.

Special designation for medical coverage of the pregnant woman in an unemployed household is deleted as that category is now included in the general group of "persons receiving AFDC".

5. Interested parties may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Office of Legal Affairs, Department of Social and Rehabilitation Services, P.O. Box 4210, Helena, Montana 59604, no later than April 29, 1985.

6. The Office of Legal Affairs, Department of Social and Rehabilitation Services has been designated to preside over and conduct the hearing.



Director, Social and Rehabilitation Services

Certified to the Secretary of State March 18, 1985.

STATE OF MONTANA
DEPARTMENT OF COMMERCE
BEFORE THE BOARD OF HORSE RACING

In the matter of the amendments)	NOTICE OF AMENDMENTS
of 8.22.502 concerning)	OF 8.22.502 LICENSES ISSUED
license issued for conduct-)	FOR CONDUCTING PARI-MUTUEL
ing pari-mutuel wagering)	WAGERING ON HORSE RACING
on horse racing meetings)	MEETINGS AND 8.22.609
and 8.22.609 concerning)	STARTERS
starters)	

TO: All Interested Persons:

1. On February 14, 1985, the Board of Horse Racing published a notice of amendments of the above-stated rules at pages 141 and 142, 1985 Montana Administrative Register, issue number 3.
2. The board has amended, repealed and adopted the rules exactly as proposed.
3. No comments or testimony were received.

BOARD OF HORSE RACING
HAROLD GERKE, CHAIRMAN

BY: Keith S. Colbo
KEITH L. COLBO, DIRECTOR

Certified to the Secretary of State, March 18, 1985.

STATE OF MONTANA
DEPARTMENT OF COMMERCE
BEFORE THE BOARD OF MILK CONTROL

In the matter of the amendment) NOTICE OF AMENDMENT OF RULE
of rule 8.79.301 regarding) 8.79.301 LICENSEE ASSESSMENTS
licensee assessments)
) DOCKET #71-85

TO: All Interested Persons

1. On February 14, 1985, the Milk Control Bureau of the Department of Commerce published a notice proposing to amend rule 8.79.301 regarding licensee assessments and reporting of those results at page 145 of the 1985 Montana Administrative Register, issue no. 3.

2. The bureau has amended the rule exactly as proposed.

3. No comments or testimony were received.

KEITH COLBO, DIRECTOR
DEPARTMENT OF COMMERCE

BY: William E. Ross
WILLIAM E. ROSS, CHIEF
MILK CONTROL BUREAU

Certified to the Secretary of State March 18, 1985

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the proposed) NOTICE OF AMENDMENT OF RULE
amendment of Rule 10.64.601) 10.64.601 GENERAL, AND
General, and Rule 10.64.604) 10.64.604 INSPECTIONS
Inspections)

TO: All Interested Persons.

1. On January 31, 1985, the Board of Public Education published notice of a proposed amendment to Rule 10.64.601 General, and Rule 10.64.604 Inspections on page 52 of the 1985 Montana Administrative Register, issue number 2.

2. The Board has amended the rules as proposed.

3. No comments or testimony were received.

4. The authority for the rules is section 20-2-121 MCA, and the rules implement section 20-10-111 MCA.

Ted Hazelbaker

TED HAZELBAKER, CHAIRMAN
BOARD OF PUBLIC EDUCATION

By: *Wade Van Dyke*

Certified to the Secretary of State March 18, 1985

BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF
adoption of RULE I [16.6.904]	)	ADOPTION OF RULE
relating to filing of)	
death certificates)	

TO: All Interested Persons

1. On February 14, 1985, the department published notice of a proposed adoption of rule 16.6.904 concerning filing of death certificates when no body has been found, at page 149 of the 1985 Montana Administrative Register, issue number 3.

2. The department has adopted the rule as proposed.

3. No comments or testimony were received.


JOHN J. DRYNAN, M.D., Director

Certified to the Secretary of State March 18, 1985

BEFORE THE BOARD OF LIVESTOCK
OF THE STATE OF MONTANA

In the Matter of the ADOPTION)	NOTICE OF ADOPTION
OF A RULE Specifying the)	OF RULE 32.3.212A
Brucellosis Vaccination of)	CONCERNING IMPORT OF
Imported Cattle Under 4 Months)	CATTLE
of Age)	

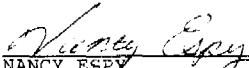
TO: All Interested Persons.

1. On January 31, 1985 the Board of Livestock published notice of proposed adoption of a rule I(32.3.212A) specifying that imported cattle under the age of 4 months be vaccinated soon after arrival in Montana.

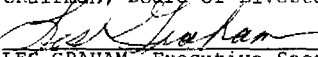
2. The Board has adopted the rule I(32.3.212A) as proposed.

3. No comments or testimony were received.

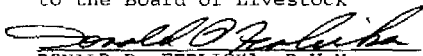
4. The authority to adopt the proposed rule is based on Section 81-2-102, MCA. It implements Section 81-2-102, MCA.



NANCY ESPY
Chairman, Board of Livestock

By: 

LES GRAHAM, Executive Secretary
to the Board of Livestock



DONALD P. FERLICKA, D.V.M.
Administrator & State Veterinarian

Certified to the Secretary of State on March 6, 1985.

BEFORE THE BOARD OF LIVESTOCK
OF THE STATE OF MONTANA

In the Matter of the AMENDMENT	)	NOTICE OF AMENDMENT
OF RULE 32.3.407A, Waiving in	)	OF RULE 32.3.407A
Six Additional Counties the	)	CHANGE OF OWNERSHIP
Test for Brucellosis	)	TEST

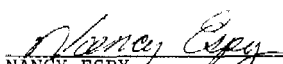
TO: All Interested Persons.


1. On January 31, 1985 the Board of Livestock published notice of proposed amendment to Rule 32.3.407A waiving in the counties of Lincoln, Lake, Sanders, Mineral, and Missoula the requirement that cattle be tested negative for brucellosis before ownership is changed.

2. The Board has amended the rule as proposed.

3. No comments or testimony were received.

4. The authority to make the proposed amendment is based on Sections 81-2-102 and 81-2-103, MCA. It implements Section 81-2-102 and 81-2-103, MCA.


NANCY ESPY
Chairman, Board of Livestock

By: 
LES GRAHAM, Executive Secretary
to the Board of Livestock


DONALD P. FERLICKA, D.V.M.
Administrator & State Veterinarian

Certified to the Secretary of State on March 6, 1985.

BEFORE THE DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES OF THE
STATE OF MONTANA

In the matter of the repeal	)	NOTICE OF THE REPEAL OF
of Rules 46.5.401, 46.5.402	)	RULES 46.5.401, 46.5.402
and 46.5.403 and the	)	AND 46.5.403 AND THE
adoption of Rules 46.5.405,	)	ADOPTION OF RULES 46.5.405,
46.5.408, 46.5.410,	)	46.5.408, 46.5.410,
46.5.412, 46.5.416,	)	46.5.412, 46.5.416,
46.5.419, 46.5.423,	)	46.5.419, 46.5.423,
46.5.426, 46.5.429,	)	46.5.426, 46.5.429,
46.5.432, 46.5.434,	)	46.5.432, 46.5.434,
46.5.436, 46.5.438,	)	46.5.436, 46.5.438,
46.5.440, 46.5.443, 46.5.445	)	46.5.440, 46.5.443,
and 46.5.449 pertaining to	)	46.5.445 AND 46.5.449
the licensing of child	)	PERTAINING TO THE LICENSING
placing agencies.	)	OF CHILD PLACING AGENCIES

TO: All Interested Persons

1. On January 31, 1985, the Department of Social and Rehabilitation Services published notice of the proposed repeal of Rules 46.5.401, 46.5.402 and 46.5.403 and the adoption of rules pertaining to the licensing of child placing agencies at page 62 of the 1985 Montana Administrative Register, issue number 2.

2. The Department has repealed Rules 46.5.401, 46.5.402 and 46.5.403 as proposed.

3. The Department has adopted Rules 46.5.408, CHILD PLACING AGENCY, LICENSE REQUIRED; 46.5.412, CHILD PLACING AGENCY, LICENSE REVOCATION AND DENIAL; 46.5.416, CHILD PLACING AGENCY, HEARING; 46.5.423, CHILD PLACING AGENCY, CONFIDENTIALITY OF RECORDS; 46.5.443, CHILD PLACING AGENCY, ADOPTIVE CHILD'S RECORD; 46.5.445, CHILD PLACING AGENCY, BIRTH FAMILY RECORDS; and 46.5.449, CHILD PLACING AGENCY, ADOPTIVE STUDY RECORDS as proposed. However, a typographical error in the authorities was made in the proposed notice. The correct authority for the above rules is:

AUTH: Sec. 53-4-111 and 53-4-403(3) MCA

IMP: Sec. 53-4-113(4) and 53-4-403 MCA

4. The Department has adopted the following rules as proposed with the following changes:

46.5.405 CHILD PLACING AGENCY, DEFINITIONS (1) "Child placing agency" (agency) means any corporation, partnership, association, firm, agency, institution or person who places or who arranges for the placement of ~~for foster care or adoption~~, any child with any family, person, or facility not related by

blood or marriage ~~to said child~~, either for foster care or for adoption.

(a) "To arrange for placement" means to act as an intermediary by assisting a parent, ~~or~~ guardian or legal custodian to place or plan to place a child with persons other than persons related to the child.

Subsections (2) through (5) remain as proposed.

AUTH: Sec. 53-4-111 and 53-4-403(3) MCA

IMP: Sec. 53-4-113(4) and 53-4-403 MCA

46.5.410 CHILD PLACING AGENCY, LICENSES Subsections (1) through (1)(a)(ii) remain as proposed.

(2) A child placing agency may be licensed to ~~license~~ conduct a licensing study for the licensing of agency youth foster homes, to place children in youth foster homes and/or in adoptive homes. The license shall specify those services which the child placing agency is licensed to provide.

Subsections (3) through (4) remain as proposed.

AUTH: Sec. 53-4-111 and 53-4-403(3) MCA

IMP: Sec. 53-4-113(4) and 53-4-403 MCA

46.5.419 CHILD PLACING AGENCY, REPORTS Subsections (1) through (2)(c) remain as proposed.

(3) At the application for relicensure the agency shall report to the department any significant changes in the organization, administration, purposes, programs, policies or services.

(4) As required by section 41-3-201, MCA, the agency and each staff member shall report any incidents of known or suspected child abuse or neglect to the local county welfare office or the state child abuse hot line 1-800-332-6100.

Subsections (4)(a) and (4)(b) remain as proposed.

AUTH: Sec. 53-4-111 and 53-4-403(3) MCA

IMP: Sec. 53-4-113(4) and 53-4-403 MCA

46.5.426 CHILD PLACING AGENCY, GOVERNING BODY

Subsections (1) through (3)(b) remain as proposed.

(c) appoint an executive director who meets the requirements and certify that staff members responsible for placement of children and/or ~~certification-of-foster-homes~~ conducting a licensing study meet the requirements set forth in these rules.

AUTH: Sec. 53-4-111 and 53-4-403(3) MCA

IMP: Sec. 53-4-113(4) and 53-4-403 MCA

46.5.429 CHILD PLACING AGENCY, PERSONNEL (1) Personnel policy. Each child placing agency must have a written

personnel policy covering at least the following items: job qualifications, job descriptions, supervisory structure, salary schedules, fringe benefits, insurance, hours of work, and performance evaluations.

Subsection (2) remains as proposed.

(3) General personnel qualifications. All child placing agency personnel responsible for providing services to children and/or conducting a licensing study ~~personnel-of-a-child placing-agency~~ must meet the following general qualifications:

Subsections (3)(a) through (4)(b)(iv) remain as proposed.

(5) Placement Supervisor. The agency must have a placement supervisor who is responsible for supervising the selection, matching, placement of and provision of services to children.

(a) Any placement supervisor appointed after the adoption of these rules ~~The placement-supervisor~~ shall have the following qualifications:

(i) have a masters degree in a behavioral or social science, with an emphasis in child development or family relations, ~~or equivalent education and experience;~~

(ii) at least two years experience of full time or equivalent part time employment in social work, with demonstrated experience in child placement;

(iii) two letters of recommendation which describe the person's character, knowledge of child welfare services and child placement, and ability to perform the tasks of a placement supervisor as set forth in the person's job description.

(6) Social Workers. The agency shall employ an adequate number of social workers to provide selection, matching, placement and supportive services to the children and families and to the youth care facilities utilized by the agency.

(a) The social worker(s) must meet the following qualifications:

(i) bachelor's degree from an accredited college or university in social work, social science or related field;

~~(ii) some course work, specialized training regarding child welfare, or work experience in child welfare services;~~

~~(iii) (ii) some combination of education and experience equivalent to the above.~~ Persons employed as social workers who do not meet the qualifications for placement supervisor must be supervised by a person qualified to be a placement supervisor.

~~(7) Clerical staff. The child care agency shall have sufficient clerical staff to meet the requirements set forth in these rules for record keeping, bookkeeping and reporting.~~

(8) Paraprofessionals and trainees. The agency may employ persons not qualified to act as social workers to assist the social worker, but such persons may not assume primary responsibility for providing placement-related services. Qualifications for such persons shall be contained

in the job descriptions prepared by the agency for such persons.

~~(9)~~ (8) The child placing agency is responsible for assuring that no persons hired by the agency shall pose any potential threat to health, welfare and safety of the children placed.

AUTH: Sec. 53-4-111 and 53-4-403(3) MCA
IMP: Sec. 53-4-113(4) and 53-4-403 MCA

46.5.432 CHILD PLACING AGENCY, CONDUCTING LICENSING STUDIES OF AGENCY FOSTER HOME Subsections (1) remains

as proposed.

~~(2) A youth foster home which has been studied by a child placing agency and licensed by the department may not accept placements from any source other than the child placing agency that conducted the study without the consent and approval of the department as to each such child.~~

(3) (2) The agency shall provide information to prospective foster parent(s) about foster care, the agency's policies and practices, the licensing process including licensing requirements for foster homes, the children needing foster care, and the reimbursement rates.

~~(4) Agency youth foster home licensing procedure:~~

~~(a) (3) The An agency youth foster home applicant shall complete an application form provided by the agency and approved by the department.~~

~~(b) (a) The agency department, in response to an application for a license, shall may request the agency to conduct a licensing study to determine compliance with the state licensing rules for youth foster homes.~~

(b) Only persons who meet the qualifications of social workers, placement supervisors or executive directors may conduct licensing studies.

~~(5) Agency youth foster home licensing study:~~

~~(a) (4) The agency shall conduct an initial a youth foster home licensing study to determine the applicant(s) compliance with the state licensing rules for youth foster homes.~~

(a) The agency's foster home study shall also assess the following areas:

- (i) the applicant's motivation for foster care;
- (ii) strengths and weaknesses of each member of the household in providing foster care;
- (iii) the applicant's ability to provide for the child's physical and emotional needs;
- (iv) adjustment of own children;
- (v) recommendations for number, age, sex, characteristics, and special needs children best served by the family,

and recommendations regarding children which would not be appropriate for the family;

(vi) any other factors which may affect the ability of the applicant to provide protection and supervision of a child placed in the home.

(b) The agency shall submit the written licensing study and recommendations to the department.

(c) The agency shall contact three (3) personal and community references of the applicant(s) and shall investigate any incomplete, negative or questionable references.

46} (5) Agency ~~youth--foster--home~~ recommendation for licensure.

(a) The agency shall submit a recommendation for licensing action to the department.

(b) The agency shall ~~make--the--results--of~~ submit the licensing study ~~available-in-writing-for-the-licensing-record and-for-the-applicant(s)-if-requested,~~ to the department.

(c) The department is solely responsible for ~~determining whether-the-applicant-meets-all-of-the-licensing-requirements~~ licensure.

(d) If the applicant(s) do not meet the requirements for licensure the agency department shall notify the applicant(s) in writing within 30 days of completing the licensing study.

~~(e)--if-the-applicant-meets-all-of-the-licensing-requirements-and-the-placing-agency-recommends-licensure,-the-department-shall-issue-a-one-year-license-within-30-days.~~

47} (6) Agency youth foster home monitoring and annual licensing study.

(a) The agency shall monitor all ~~of--its--licensed~~ licensed agency youth foster homes which were licensed after being studied by the agency for compliance with the department's youth foster home rules.

(b) The agency shall conduct annual relicensing ~~reports~~ studies of all licensed agency youth foster homes to determine continued compliance with the youth foster home rules and to make licensing renewal recommendations to the department. The annual relicensing ~~report~~ studies shall include at least one home visit by the agency.

48} (7) Agency youth foster home complaints in licensed foster homes. When receiving a complaint which may indicate possible violations of the youth foster home rules, the agency shall:

(a) conduct an investigation to assess compliance with applicable rules;

(b) submit a written report of the investigation to the department with a statement on rule compliance and a recommendation regarding any licensing action which should be taken; and

(c) send a written report to the home stating findings, conclusions, and any anticipated action affecting the license.

(d) When a complaint is received regarding abuse or neglect of a child in care, the agency shall immediately notify the county's child protective services office which will conduct an investigation.

~~49)~~ (8) Agency youth foster home recommendations to revoke, deny or suspend a license. The agency shall send the department a written assessment of rule compliance and any documents supporting the findings with any recommendation for revocation, denial or suspension of a youth foster home license. The department shall be solely responsible for revoking, denying or suspending agency youth foster home licenses.

(9) The department shall conduct periodic visits to agency youth foster homes for the purpose of inspecting the home and assuring continued compliance with the department's licensing standards.

AUTH: Sec. 41-3-1102(2)(c), 53-4-111 and 53-4-403(3) MCA
IMP: Sec. 41-3-1142, 53-4-113(4) and 53-4-403 MCA

46.5.434 CHILD PLACING AGENCY, SERVICES TO FOSTER PARENT(S) (1) Orientation. The agency shall provide orientation to applicant(s) for an agency youth foster home license to acquaint them with the agency's policies and practices and the department's licensing rules.

Subsections (2) through (3)(c) remain as proposed.

AUTH: Sec. 53-4-111 and 53-4-403(3) MCA
IMP: Sec. 53-4-113(4) and 53-4-403 MCA

46.5.436 CHILD PLACING AGENCY, YOUTH FOSTER HOME RECORDS Subsections (1) through (1)(b) remain as proposed.

(c) foster parent(s) CSD 33 Personal Statement of Health for Licensee;

Subsections (1)(d) through (1)(g) remain as proposed.

(2) Copies of all of the above shall be provided to the department.

AUTH: Sec. 53-4-111 and 53-4-403(3) MCA
IMP: Sec. 53-4-113(4) and 53-4-403 MCA

46.5.438 CHILD PLACING AGENCY, THE PLACEMENT PROCESS

In addition to an agency's responsibility to ~~inspect and~~ to study and supervise the ongoing operation of its licensed agency youth foster homes, the agency shall comply with the following requirements applicable to the placement process:

Subsections (1) through (2)(d) remain as proposed.

(3) Supervision and review of the case plan.

Subsections (3)(a) through (3)(c) remain as proposed.

(4) In the case of a temporary placement of a child prior to placement with the potential adoptive parents which will not exceed seven (7) consecutive days in duration, the

requirements of subsections (1) and (2) of this rule shall be waived. A study incorporating the applicable requirements of subsections (1) and (2) shall be written within seven (7) days of termination of the temporary interim placement.

~~(4)~~ (5) Placement services to families and children.

(a) Services to biological parent(s):

(i) The agency shall make services accessible and available to parent(s) requesting them.

(ii) The agency shall help the family gain access to the services necessary to preserve and strengthen the family and to accomplish the case plan goals. While the child is in care, the agency shall assist parent(s) with the problems and needs that brought about the need for placement.

(iii) The agency shall make counseling available to expectant parent(s) considering placement before the child is born and immediately thereafter.

(iv) The agency shall encourage contacts between parent(s) and children after placement, in accordance with the case plan.

(v) The agency shall have a signed agreement with the parent(s) of the child in care which includes, but is not limited to, the expectations and responsibilities of the agency and the parent(s) for carrying out the steps to meet the case plan goals, the financial arrangements for the child in care, and visiting plans.

(b) Selection of care:

(i) The agency shall select the most appropriate form of care for the child consistent with the child's and family's needs for foster care or adoption.

(ii) In choosing such care, the agency shall provide for any specialized services the child may need and shall make every effort when placing to select the least restrictive and most appropriate setting closest to the child's home.

(iii) The agency shall involve the child's parent(s) in the selection of care to the maximum extent possible.

(iv) The agency shall only place the child(ren) in a licensed youth care facility.

(c) Preplacement preparation:

(i) The agency social worker for the child shall become acquainted with the child and biological family prior to placement, except when a child is placed on an emergency basis.

(ii) The agency social worker shall help the child understand the reasons for placement and prepare him/her for the new environment. The caseworker shall plan and participate in at least one preplacement visit (except when placing under emergency conditions) and shall be available for supportive services to the child, the birth parent(s), and the foster parent(s).

(iii) The agency shall obtain and record a developmental history for each child.

(d) Services during care:

(i) The agency shall supervise care of the child and shall coordinate the planning and services for the child and family as stated in the case plan.

(ii) The agency worker shall see a child as often as necessary to carry out the case plan. For children in foster homes, there shall be no less than two visits per month during the first three months of care and monthly visits thereafter. For children in youth group homes or child care agencies, there shall be no less than two visits during the first month of care and quarterly thereafter.

(iii) The agency worker or, by written agreement, the residential group care worker shall meet with the parent(s) and child together on a regular basis to assess and work on the following:

(A) progress in resolving problems which precipitated placement;

(B) parent and child relationship difficulties;

(C) adjustment to separation; and

(D) achievement of case plan goals.

(iv) The agency shall refer the parent(s) to other agencies in the community providing appropriate services when they require services which the agency does not offer. The agency shall maintain communication with the agency providing service when a cooperative effort has been arranged.

(v) The agency shall make provisions for specialized services and health care services as stated in the case plan.

(vi) The agency shall be available to give foster parent(s) assistance, consultation, and emotional support with situations and problems encountered in fostering children.

(e) Aftercare services:

(i) The agency shall make continuing supportive services available for children and families for at least six months following an adoption or a child's return to his/her family in order to strengthen and support new or renewed family functioning.

(ii) The agency shall offer supportive help and referral services to parent(s) who decide not to place their child after receiving agency services.

(f) Interstate placements. The agency shall send written notice to the administrator of the interstate compact on placement of children whenever an agency plans to place a child in another state or receives for placement a child from another state and shall comply with the requirements of section 41-4-101, et seq., MCA in making or receiving an interstate placement.

(6) If the parents' rights have been legally terminated or the whereabouts of the child's parents is unknown or the child has no parents or guardians in the United States, the requirements set forth in this rule regarding the involvement of parents in the placement process do not apply.

AUTH: Sec. 53-4-111 and 53-4-403(3) MCA
IMP: Sec. 53-4-113(4) and 53-4-403 MCA

46.5.440 CHILD PLACING AGENCY, ADOPTIVE SERVICES In addition to the child placing agency licensing requirements, those agencies that place children for adoption must meet the following requirements:

Subsections (1) through (5)(b)(iii) remain as proposed.

(c) The agency worker shall visit the adoptive family home ~~at least two times~~ within six months after the placement of the child, prior to the final decree. If the child is an infant (0-1 years old), the agency worker shall conduct at least one home visit. If the child is one year old or older, the agency worker shall conduct at least two home visits. Observations made during the visits shall be used in making recommendations for the finalization of the adoption.

Subsections 5(d) through (6) remain as proposed.

5. The Department has thoroughly considered all commentary received:

COMMENT: Greg Petesch, attorney for the Montana Administrative Code Committee, raised several questions about the rules as originally proposed in the Notice of Public Hearing, MAR Notice No. 46-2-427. Mr. Petesch recommended that the rules be amended to clarify that the Department was not delegating its authority to license youth foster homes to child placing agencies. Mr. Petesch further questioned the Department's authority to specify the requirements of child placing agency personnel other than personnel responsible for providing services to children.

RESPONSE: Changes have been made throughout the proposed rules to clarify that licensed child placing agencies may conduct licensing studies and monitor youth foster homes but have no authority or responsibility for licensing youth foster homes. The Department is solely responsible for licensing of all youth foster homes.

Rule 46.5.429 was amended to clarify that the personnel qualifications apply only to personnel responsible for providing services to children and/or conducting licensing studies.

COMMENT: Several comments were received suggesting changes in wording to clarify the meaning of the rules and correcting typographical and other errors.

RESPONSE: These comments were incorporated and changes were made accordingly. None of these amendments resulted in a substantive change in the rules as proposed.

COMMENT: Under Rule 46.5.419(4) and (4)(a), it is unclear as to where child abuse reports should be directed. Under Rule 46.5.432(8)(d) it states that agencies shall make such reports to the county's child protective services office.

RESPONSE: Section 41-3-201 MCA requires only that the report be made to the department. The proposed rules adequately comply with the existing statutes. The department would like to include the child abuse hot line number in the rules for informational purposes as well as reporting purposes. Any calls received on the hot line are promptly forwarded to the county offices for investigation. No change has been made in the proposed rules.

COMMENT: It is unclear what qualifications will be required for placement supervisors under Rule 46.5.429(5)(a)(i). Is a master's degree required? Also, there is no "grandfathering" of placement supervisors as there is for executive directors under Rule 46.5.429(4)(b).

RESPONSE: Rule 46.5.429(5) has been changed to add the "grandfathering" language for placement supervisors.

After reviewing the model standards set forth by the Child Welfare League regarding child placing agencies, the department has amended the rule to clarify that placement supervisors must have a master's degree appointed after the adoption to these rules.

COMMENT: Rule 46.5.429(6)(a) does not clarify whether a bachelor's degree is required. Since paraprofessional's qualifications are dealt with elsewhere, there should be a clear statement that a bachelor's degree is required for social workers.

RESPONSE: The department agrees with the comment and has made changes accordingly.

COMMENT: Rule 46.5.432(2) sets forth a degree of control over foster homes that is unnecessary. All agencies have trained foster homes which have been used by other agencies. A rule which would recognize the needs of the children could be adopted which would require that the foster home cannot accept additional placements without the approval of the child placing agency which studied the home.

RESPONSE: The department agrees with the comment. Rule 46.5.432(2) has been removed. The department agrees that this type of placement problem should be dealt with in the foster home licensing rules rather than the child placing agency rules so it has been removed.

COMMENT: Rule 46.5.438 sets out in detail the extent to which the child's parents will be involved in the placement process. The regulations should be revised to take into account the "Unaccompanied Refugee Minors" program since these children are without parents.

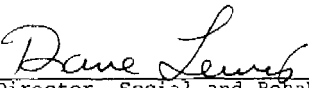
RESPONSE: The rule has been amended to clarify that where the parent's rights have been terminated or the whereabouts of the child's parents is unknown or the child is without parents or guardians in the country, the requirements involving parents would not apply.

COMMENT: Rule 46.5.438(1) and (2) require a detailed intake study and case plan. These requirements seem somewhat unnecessary for infants who are voluntarily relinquished for adoption who are placed in foster care for only a few days.

RESPONSE: The department agrees and has incorporated appropriate language in the rule to address the problem.

COMMENT: Rule 46.5.440(5)(c) requires two visits with the adoptive family within six months after placement of the child. Properly counseled and prepaid adoptive families who adopt a healthy infant probably do not need multiple post-placement visits. Also home visits are expensive to the agency and should not be required more than is necessary.

RESPONSE: The department agrees and has incorporated amendments accordingly.



Director, Social and Rehabilitation Services

Certified to the Secretary of State March 14, 1985.

BEFORE THE DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES OF THE
STATE OF MONTANA

In the matter of the adop-	)	NOTICE OF THE ADOPTION OF
tion of Rules 46.5.720,	)	RULES 46.5.720, 46.5.723,
46.5.723, 46.5.726,	)	46.5.726, 46.5.728,
46.5.728, 46.5.730,	)	46.5.730, 46.5.733,
46.5.733, 46.5.739,	)	46.5.739, 46.5.741,
46.5.741, 46.5.743,	)	46.5.743, 46.5.745,
46.5.745, 46.5.747,	)	46.5.747, 46.5.749,
46.5.749, 46.5.751,	)	46.5.751, 46.5.753,
46.5.753, 46.5.757,	)	46.5.757, 46.5.760,
46.5.760, 46.5.763, 46.5.767	)	46.5.763, 46.5.767 AND
and 46.5.770 pertaining to	)	46.5.770 PERTAINING TO
the licensing of adult	)	LICENSING OF ADULT FOSTER
foster homes	)	HOMES

TO: All Interested Persons

1. On January 31, 1985, the Department of Social and Rehabilitation Services published notice of the proposed adoption of rules pertaining to licensing of adult foster homes at page 79 of the 1985 Montana Administrative Register, issue number 2.

2. The Department has adopted Rules 46.5.720, ADULT FOSTER HOME, PURPOSE; 46.5.726, ADULT FOSTER HOME, LICENSE REQUIRED; 46.5.728, ADULT FOSTER HOME, LICENSES; 46.5.730, ADULT FOSTER HOME, LICENSING PROCEDURES; 46.5.739, ADULT FOSTER HOME, FAIR HEARING; 46.5.741, ADULT FOSTER HOME, RECORDS; 46.5.745, ADULT FOSTER HOME, FIRE SAFETY; 46.5.747, ADULT FOSTER HOME, OTHER SAFETY REQUIREMENTS; 46.5.751, ADULT FOSTER HOME, ILLNESSES, ACCIDENTS, ABSENCES OR DEATH; 46.5.757, ADULT FOSTER HOME, RESIDENT'S FUNDS; 46.5.767, ADULT FOSTER HOME, COMPLAINTS; and 46.5.770, ADULT FOSTER HOME, PROHIBITED PRACTICES as proposed.

3. The Department has adopted the following rules as proposed with the following changes:

46.5.723 ADULT FOSTER HOME, DEFINITIONS For purposes of this sub-chapter, the following definitions apply:

Subsections (1) and (2) remain as proposed.

(3) "Disabled adult" means a person 18 years of age or older who has been determined to be disabled by the social security administration, the veteran's administration (full disability), ~~or~~ the department for the purposes of medicaid eligibility, or a court of competent jurisdiction.

Subsections (4) through (8) remain as proposed.

AUTH: Sec. 53-5-304 MCA

IMP: Sec. 53-5-303 MCA

46.5.733 ADULT FOSTER HOME, LICENSE REVOCATION, DENIAL OR SUSPENSION Subsections (1) through (1)(b) remain as proposed.

(c) the licensee or other persons at the home have been named as a perpetrator in a substantiated report of elder abuse, neglect or exploitation of an aged person or disabled adult.

Subsection (2) remains as proposed.

AUTH: Sec. 53-5-304 MCA

IMP: Sec. 53-5-303 MCA

46.5.743 ADULT FOSTER HOME, ENVIRONMENTAL REQUIREMENTS Subsections (1) through (4) remain as proposed.

~~45) The floor plan and routine of a home shall be such that a resident may spend the majority of his nonsleeping hours outside of his bedroom.~~

46) (5) The foster home shall make adequate provisions for laundering of residents' personal laundry.

47) (6) The licensee shall be equipped to provide an adequate amount of hot water for a resident's use between the temperature range of 110-120 degrees F. at the fixture.

48) (7) Bedrooms. There shall be no more than three (3) persons in any bedroom and each room shall include:

(a) floor to ceiling walls;

(b) one door which can be closed to allow privacy for residents;

(c) a minimal clear floor space of 7' x 9' shall be provided for a single-bed room; 13' x 9' for a double room; and 13' x 17' for a three-bed room. The space does not include closet space;

(d) at least one window which can be opened from the inside without the use of tools;

(e) a mirror appropriate for grooming;

(f) an adequate closet or wardrobe, lighting sufficient for reading and other resident activities, bureau or dresser or equivalent and at least 1 chair with arms in each bedroom for every 2 residents;

(g) an individual bed for each resident at least 36 inches wide and 72 inches long with comfortable springs in good condition, a clean protected mattress not less than 5 inches thick or 4 inches if of a synthetic construction and a pillow;

(h) a licensee shall provide washable bedding for each bed which includes 2 sheets, a pillow case, minimum of 1 blanket and a bedspread;

(i) bed linen shall be changed at least weekly or more often if soiled;

(j) a licensee shall have a linen supply for twice the number of beds in the home.

49) (8) Living rooms. A foster home shall provide

distinct living and sleeping areas. All areas shall be well lighted, heated and ventilated.

(a) The home shall have a living or day room area for use by a resident and his visitors.

(b) The living and sleeping areas for a given resident shall not be in separate wings, units or buildings.

(c) A living room, dining room or other room not ordinarily used for sleeping shall not be used for sleeping by residents or foster family members.

~~(40)~~ (9) Bathrooms. One toilet, sink, and bath or shower shall be provided for each six (6) adults in the foster home, including the foster family and the residents. At least one toilet and sink shall be available on each floor where residents' bedrooms are located.

(a) All bathrooms used by residents shall have the following:

(i) a toilet and sink;

(ii) a tub or shower equipped with non-skid mats or material and permanent sturdy hand grips;

(iii) an individual towel rack and place for resident's toilet articles; and

(iv) a light switch by the door.

(b) Bathrooms shall be vented to outside or have an outside window.

~~(41)~~ (10) Kitchen. The kitchen shall be equipped properly to prepare and serve adequate meals.

(a) Waste shall be kept in leakproof, nonabsorbent containers with close fitting covers for garbage, refuse and other solid waste. Waste shall be removed from the kitchen daily and from the premises at least weekly.

(b) Poisonous compounds, caustics and other dangerous material shall not be kept in the food preparation area.

(c) The kitchen shall be maintained in a clean and sanitary condition.

~~(d) -- Proper -- refrigeration -- and -- food -- storage -- shall -- be provided --~~

~~(e)~~ (d) Food shall not be stored on the floor.

~~(42)~~ (11) Heating. The home shall be heated by centralized heating or its equivalent. All rooms used by residents shall be kept at a temperature range of 68° - 72° F during non-sleeping hours.

(a) If the heating mechanism is located in the basement of the home, the separation shall include at least a 1 3/4 inch solid wood core door or equivalent to create a floor separation between the basement and the first floor.

~~(b) -- A permanent outside vent which cannot be closed shall be incorporated in the design of heating plan rooms so that adequate air for proper combustion is assured --~~

~~(c)~~ (b) Flame producing water heaters or incinerators shall be installed with the same protection as the heating mechanism.

~~(d)~~ (c) The use of space heaters in a foster home is prohibited.

~~(e)~~ (d) Factory mutual and underwriter's laboratories approved permanent, fixed type electrical heating, such as recognized panel or baseboard fixed type may be utilized in any location.

~~(f)~~ (e) In existing homes where an American gas association (AGA) approved sealed combustion wall heater has been installed in accordance with both the AGA and the manufacturer's recommendations, approval will be given if the unit is located on an outside wall, obtains combustion air directly from the outside and vents products of combustion directly to the outside.

~~(g)~~ (f) All wood burning stoves must be properly installed and inspected by the local fire inspector or a state fire marshal.

~~(h)~~ (g) Storage of combustible materials is prohibited in rooms containing the heating mechanism, water heater or incinerator.

~~(i)~~ (h) The heating mechanism shall be inspected by the licensee at least yearly and necessary repairs made.

AUTH: Sec. 53-5-304 MCA

IMP: Sec. 53-5-303 MCA

46.5.749 ADULT FOSTER HOME, EMERGENCY PREPAREDNESS

Subsections (1) and (2) remain as proposed.

(3) Emergency procedures shall include a plan for removing all residents, including nonambulatory residents who need assistance in exiting.

AUTH: Sec. 53-5-304 MCA

IMP: Sec. 53-5-303 MCA

46.5.753 ADULT FOSTER HOME, PROGRAM (1) The licensee shall provide light personal care, custodial care and supervision for residents, including:

(a) a minimum of three (3) regular, nutritious, attractively prepared meals per day served family style;

(i) Not more than fifteen (15) hours shall elapse between the evening and morning meal.

(ii) All perishable foods shall be stored at such temperatures as will protect against spoilage.

(iii) All foods while being stored, prepared or served shall be protected against contamination and be kept safe for human consumption.

(iv) Home canned foods cannot be used for resident's meals.

(v) The licensee shall prepare meals which comply with the special dietary needs of the resident who has been placed

on a special diet by his physician. ~~or a registered dietician or nutritionist~~

Subsections (1)(b) through (14) remain as proposed.

AUTH: Sec. 53-5-304 MCA

IMP: Sec. 53-5-303 MCA

46.5.760 ADULT FOSTER CARE HOME, PLACEMENT Subsections

(1) through (1)(c) remain as proposed.

(d) For those residents placed in the home by the department, a copy of the agreement shall be sent to the department within three days from the day the adult begins to reside in the home.

Subsections (2) through (4)(c) remain as proposed.

AUTH: Sec. 53-5-304 MCA

IMP: Sec. 53-5-303 MCA

46.5.763 ADULT FOSTER HOME, FOSTER PARENTS (1) Foster parents, employees and other members of the household must be in good physical and mental health. To assist the department in evaluating the mental and physical health of applicants, foster parents, employees and members of the foster home household, the applicant or licensee shall cooperate with the department in providing the following information:

(a) A CSD-SS-33, "personal statement for of health and for licensure" form provided by the department must be completed for each person living in the household or employed by the licensee and submitted to the department with the initial application for licensure and annually thereafter.

Subsections (1)(b) through (3)(c) remain as proposed.

AUTH: Sec. 53-5-304 MCA

IMP: Sec. 53-5-303 MCA

4. The Department has thoroughly considered all verbal and written commentary received:

Comment: Rule 46.5.723(3) should be expanded to include persons determined disabled by a court of competent jurisdiction.

Response: The department agrees and has incorporated the change.

Comment: Rule 46.5.733(1)(c) should be expanded to include persons who have been named as perpetrators in a report of abuse, neglect or exploitation of a disabled adult.

Response: The department agrees and has incorporated the change.

Comment: Rule 46.5.749(3) should be corrected to specify "assistance-ambulatory" rather than nonambulatory since non-ambulatory persons are not placed in adult foster care homes.

Response: The department agrees and has incorporated the change.

Comment: Rule 46.5.753(1)(a)(v) should delete the reference to registered dietician or nutritionist because only a physician may prescribe.

Response: The department agrees and has incorporated the change.

Comment: Rule 46.5.743(5) and (11)(d) should be deleted because they are duplications of other rules.

Response: The department agrees and has incorporated the change.

Comment: Rule 46.5.743(12)(b) should be deleted because its meaning is not clear enough to the average person to assure compliance. Other proposed fire safety rules should be sufficient.

Response: The department agrees and has incorporated the change.

Comment: Rule 46.5.743(10)(a)(ii) contains an omission. After the words "non-skid" the words "mats or material" should be inserted.

Response: The department agrees and has incorporated the change.

Comment: Rule 46.5.760(1)(d) should clarify that the placement agreement need only be sent to the department when the department places the adult in the home.

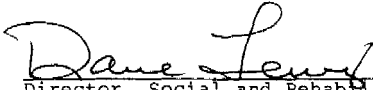
Response: The department agrees and has incorporated the change.

Comment: Rule 46.5.763(1) should be changed to read "personal statement of health for licensure".

Response: The department agrees and has incorporated the change.

Comment: In Rule 46.5.743(8) it seems inconsistent to allow 3 persons in any bedroom when only four residents may be placed in the facility.

Response: This rule has not been changed because it refers to persons rather than residents. If family members or other persons are living in the home, there can be no more than 3 "persons" in any bedroom.



Director, Social and Rehabilitation Services

Certified to the Secretary of State March 14, 1985.

NOTICE OF FUNCTIONS OF ADMINISTRATIVE CODE COMMITTEE

The Administrative Code Committee reviews all proposals for adoption of new rules or amendment or repeal of existing rules filed with the Secretary of State. Proposals of the Department of Revenue are reviewed only in regard to the procedural requirements of the Montana Administrative Procedure Act. The Committee has the authority to make recommendations to an agency regarding the adoption, amendment or repeal of a rule or to request that the agency prepare a statement of the estimated economic impact of a proposal. In addition, the Committee may poll the members of the Legislature to determine if a proposed rule is consistent with the intent of the Legislature or, during a legislative session, introduce a bill repealing a rule, or directing an agency to adopt or amend a rule, or a Joint Resolution recommending that an agency adopt or amend a rule.

The Committee welcomes comments from the public and invites members of the public to appear before it or to send it written statements in order to bring to the Committee's attention any difficulties with existing or proposed rules. The address is Room 138, Montana State Capitol, Helena, Montana 59620.

HOW TO USE THE ADMINISTRATIVE RULES OF MONTANA AND THE
MONTANA ADMINISTRATIVE REGISTER

Definitions: Administrative Rules of Montana (ARM) is a looseleaf compilation by department of all rules of state departments and attached boards presently in effect, except rules adopted up to three months previously.

Montana Administrative Register (MAR) is a soft back, bound publication, issued twice-monthly, containing notices of rules proposed by agencies, notices of rules adopted by agencies, and interpretations of statute and rules by the attorney general (Attorney General's Opinions) and agencies (Declaratory Rulings) issued since publication of the preceding register.

Use of the Administrative Rules of Montana (ARM):

- | | |
|-------------------------------------|---|
| Known
Subject
Matter | 1. Consult ARM topical index, volume 16. Update the rule by checking the accumulative table and the table of contents in the last Montana Administrative Register issued. |
| Statute
Number and
Department | 2. Go to cross reference table at end of each title which lists MCA section numbers and corresponding ARM rule numbers. |

ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies which have been designated by the Montana Procedure Act for inclusion in the ARM. The ARM is updated through December 31, 1984. This table includes those rules adopted during the period January 1, 1985 through March 31, 1985, and any proposed rule action that is pending during the past 6 month period. (A notice of adoption must be published within 6 months of the published notice of the proposed rule.) This table does not, however, include the contents of this issue of the Montana Administrative Register (MAR).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through December 31, 1984, this table and the table of contents of this issue of the MAR.

This table indicates the department name, title number, rule numbers in ascending order, catchphrase or the subject matter of the rule and the page number at which the action is published in the 1984 and 1985 Montana Administrative Registers.

ADMINISTRATION, Department of, Title 2

- | | |
|-------------------------------|---|
| I-IV | Equal Employment Opportunity and Affirmative Action Program, p. 1533, 1798 |
| I-XVII | Recruitment and Selection of Employees By State Agencies, p. 1199, 1560 |
| 2.5.201 | and other rules - Definitions - Department of Administration - Delegation of Purchasing Authority - Requisitions from Agencies to the Department - Bidders List - Specifications Public Notice - Competitive Sealed Proposals - Exigency Procurements, p. 1818, 244 |
| 2.21.216 | and other rules - Administration of Annual Vacation Leave, p. 1656, 100 |
| (Workers' Compensation Judge) | |
| 2.52.344 | and other rule - Petition for New Trial or Reconsideration of Attorney Fee Award - Attorney Fees, p. 1598, 107 |

AGRICULTURE, Department of, Title 4

- | | |
|-----------|---|
| 4.3.204 | Loan Limits Through Junior Agriculture Loans, p. 1082, 1366 |
| 4.12.1208 | Laboratory Fees for Samples of Bees Submitted for Certification, p. 1823, 202 |

- 4.14.302 and other rules - Loan Powers and Eligible Loan Activities - Loan Maximums - Applicant Eligibility - Tax Deduction, p. 1427, 1752

COMMERCE, Department of, Title 8

- (Board of Cosmetologists)
8.14.814 and other rules - General, Initial, Renewal and Late Fees - Fee Schedule p. 548, 861, 1180
(Board of Dentistry)
I-IX Interpretive Rules for Advertising - Coverage - Name and Office Information - Fee Information - Specialization Areas - Solicitation, p. 1825, 154
(Board of Horse Racing)
8.22.502 and other rule - Licenses Issued for Conducting Pari-mutuel Wagering on Horse Racing Meetings - Starter, p. 141
8.22.610 and other rule - Stewards - Workers' Compensation Insurance Required, p. 143
8.22.801 General Requirements - Finalist Determination in Thoroughbred Races, p. 1601, 1843
8.22.1025 Penalties, Hearings and Appeals, p. 1778, 108
(Board of Landscape Architects)
8.24.409 Fee Schedule, p. 1, 245
(Board of Nursing)
8.32.305 and other rules - Educational Requirements and Other Qualifications Applicable To Specialty Areas of Nursing - Re-examination - Registered Nurse - Re-examination - Practical Nurse, p. 1780, 108
(Board of Nursing Home Administrators)
8.34.418 Fee Schedule, p. 1398, 1753
(Board of Optometrists)
8.36.409 Fee Schedule, p. 35, 197
(Pharmacy)
8.40.404 and other rules - Fee Schedule - Additions, Deletions and Rescheduling of Dangerous Drugs, p. 1208, 1567
(Plumbers)
8.44.403 and other rules - Applications - Examinations - Renewals - Duplicate and Lost Licenses - Fee Schedule, p. 748, 948, 1181
(Board of Psychologists)
8.52.613 Code of Professional Conduct, p. 1666, 5
(Board of Public Accountants)
8.54.402 and other rules - Examinations - Expiration - Renewal - Grace Period, p. 1832, 154
(Board of Radiologic Technologists)
8.56.402 and other rules - Applications - Licenses - Temporary Permits - Definitions - Permit Examinations - Regional Hardship - Requirements for Approval of Physician Specializing in Radiology - Verification of Evidence that Temporary Permit Applicant Can Perform X-ray Exams Without

- Endangering Public Health - Unethical Conduct -
Permit Examinations - Regional Hardship, p. 1210,
1629
(Social Work Examiners)
8.61.404 Fee Schedule, p. 1783, 108
(Milk Control Bureau)
8.79.301 Licensee Assessments, p. 145
(Montana Economic Development Board)
I-XII Municipal Finance Consolidation Act Program, p.
862, 1466
8.97.305 and other rule - Application Procedures - Criteria
for Determining Eligibility, p. 147
8.97.308 and other rules - Rates, Service Charges and Fee
Schedule - Criteria for Determining Eligibility -
Application Procedure- Terms, Rates, Fees and
Charges - Interim Funding of Pooled Industrial
Revenue Bond Loans, p. 1784, 3, 155, 245
8.97.410 and other rules - Guaranteed Loan Program -
Definitions - Description of Economic Development
Bond Program - Eligibility Requirements -
Applications - Financing Fees, p. 1430, 1754
8.97.509 Application and Financing Fees, Costs and Other
Charges, p. 199
(Hard-Rock Mining Impact Board)
8.104.203 and other rules - Format of Impact Plans -
Notification and Submission of Plan - Ex Parte
Communications with Board Members and Staff -
Objections Filed During 30-day Extension of a
Review Period, p. 1602
(Aeronautics Division)
I-IX Airport Certification and Licensing, p. 1538, 156

EDUCATION, Title 10

- (Superintendent of Public Instruction)
I Additional Procedures for Evaluating Specific
Learning Disabilities, p. 1673, 110
10.6.103 Initiating School Controversy Procedure Process, p.
1668, 1833A, 246
10.16.1101 and other rules - Special Education Evaluation
Procedures and the Child Study Team Process, p.
1670, 110
(Board of Public Education)
I Gifted and Talented Children, p. 756, 1182
I Educational Media Library, p. 1168, 1474
I School Program Evaluation, p. 1437
I Opportunity and Educational Equity, p. 54
10.55.101 Accreditation Period, p. 45
10.55.205 and other rules - Supervisory and Administrative
Time - Policy Governing Pupil Instruction-Related
Days Approved for Foundation Program Calculations,
p. 1163, 1441

- 10.55.302 Certificates - First Aid Training for Personnel Coaching Athletics, p. 871, 1161, 1471
- 10.55.303 Teaching Assignments, p. 38
- 10.55.402 Minimum Units Required for Graduation, p. 758, 1439, 111
- 10.57.106 Life Certificates, p. 1166, 1472
- 10.57.207 and other rules - Correspondence Extension and In-Service Credits - Reinstatement - Class 2 Standard Teaching Certificate, p. 1435, 112
- 10.57.403 and other rule - Class 3 Administrative Certificate - Provisional Certificate, p. 46
- 10.62.101 and other rules - Certification of Fire Services Training Schools, p. 760, 1473
- 10.64.601 and other rule - Use of Four Wheel Drive Vehicles - General - Inspections, p. 52
- (Montana State Library)
- 10.101.203 and other rules - General Policy and Public Library Development and Organizational and Procedural Rules, p. 1676

FISH, WILDLIFE AND PARKS, Department of, Title 12

- 12.3.104 Establishment of Landowner Priority in Issuance of Antelope or Deer Hunting Licenses, p. 1021, 1411
- 12.5.401 Oil and Gas Leasing Policy for Department-Controlled Lands, p. 1594, 762, 1084, 1475
- 12.6.901 Water Safety Regulations - 25-Horsepower Limit on Portions of Bighorn River During Part of the Waterfowl Season, p. 1443

HEALTH AND ENVIRONMENTAL SCIENCES, Department of, Title 16

- I and other rule - Certificates of Need for Long-term Care Facilities, p. 1400
- I Filing of Death Certificates - When Court Order is Required, p. 149
- 16.16.101 and other rules - Sanitation in Subdivisions, p. 1104, 1568
- 16.16.304 Individual Sewage Treatment Systems, p. 1402, 1801
- 16.20.401 Submission and Review of Plans and Specifications for Public Water and Wastewater Systems, p. 1789, 163
- 16.20.605 and other rules - Water Quality Classifications and Standards, p. 1447, 1802
- 16.20.701 and other rules - Extension of Water Quality Non-degradation Rules to Groundwater, p. 1453, 1804
- 16.20.914 and other rule - Issuance of General Permits for Montana Pollutant Discharge Elimination Systems and Groundwater Pollution Control Systems, p. 1459, 1805
- 16.32.103 and other rules - Review Procedures for Applications for Certificates of Need to Establish New Health Care Facilities and Services, p. 203

- 16.44.202 and other rules - Standards Applicable to Hazardous Waste Generators and Treatment, Storage and Disposal Facilities, p. 231
16.44.331 and other rules - Identification and Listing of Hazardous Waste, p. 237

INSTITUTIONS, Department of, Title 20

- I-VIII Admission Policy for the Montana Veterans' Home, p. 150
20.11.108 and other rules - Reimbursement Policies, p. 790, 1367

LABOR AND INDUSTRY, Department of, Title 24

(Human Rights Commission)

- Zero Public Hearing and Notice of Petition for Declaratory Ruling - Refusal to Contract with Any Persons Other Than Married Couples as Aftercare Group Home Houseparents, p. 239
I-VII Maternity Leave, p. 482, 949, 1369
24.29.3801 Attorney Fee Regulation, p. 1795, 201

STATE LANDS, Department of, Title 26

- I-IV Certification of Coal or Uranium Mine Blasters, p. 420, 1373

LIVESTOCK, Department of, Title 32

- I Brucellosis Vaccination of Imported Cattle Under 4 Months of Age, p. 57
32.3.406 Brucellosis Test Performed on Cattle Before Change of Ownership or Movement Within the State, p. 1807
32.3.407A Change of Ownership Test - Waiving in 6 Additional Counties the Brucellosis Test, p. 55

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

(Board of Natural Resources and Conservation)

- 36.7.101 and other rules - Administration of the Montana Major Facility Siting Act - Long-Range Plans - Waivers - Notice of Intent to File an Application - Application Requirements - Decision Standards, Centerlines - Monitoring, p. 1216, 1844

PUBLIC SERVICE REGULATION, Department of, Title 38

- I-VII Charges Related to Utility Line Moves Associated with Movement of Structures, p. 360, 1131, 1185

REVENUE, Department of, Title 42

- I Use of Montana Adjusted Gross Income When Calculating Itemized Deductions, p. 1617, 2033
- I Failure to Furnish Requested Information on Returns, p. 1619, 2033
- I Elderly Homeowner Credit Returns, p. 1621, 2034
- I Tax Status of Federal Obligations, p. 1623, 2034
- I-II Payment of Interest on Refunds, p. 1610, 2031
- I-V Implementation of Alcohol Tax Incentive and Administration Act, p. 1698, 173
- I-XIV Waiver of Penalty and Interest by the Department of Revenue, p. 1702, 113
- 42.11.201 and other rules - Liquor Vendors - Vendor's Employment of Representatives and Brokers, p. 1732, 165
- 42.12.101 and other rules - Liquor Division Licenses and Permits, p. 1712, 167
- 42.13.101 and other rules - Liquor Division Regulation of Licensees - Beer Wholesaler and Table Wine Distributor Recordkeeping Requirements, p. 1741, 170
- 42.13.301 Storage of Alcoholic Beverages, p. 242
- 42.15.504 Investment Tax Credit, p. 1615, 2032
- 42.16.105 Penalties for Failure to File Return, Pay Tax or Pay a Deficiency, p. 1608, 2031
- 42.17.103 and other rules - Wages - Forms to File after Termination of Wage Payments, p. 1612, 2032
- 42.21.101 and other rules - Market Value of Personal Property - Oil Field Machinery and Supplies - Leased and Rented Equipment - Abstract Record Valuation - Property Reporting Time Frames, p. 1550, 2036
- 42.22.101 and other rules - Assessment and Taxation of Centrally Assessed Companies, p. 1543, 2041
- 42.23.416 and other rules - Tax Treatment of Interest Earned on Federal Obligations, p. 59
- 42.27.102 and other rule - Gasoline Distributor's Bonds and Statements, p. 1343, 1631
- 42.27.211 Nonexemption from Gasoline Tax, p. 1341, 1632
- 42.28.105 and other rule - Special Fuel User Tax, p. 1348, 1632
- 42.28.301 and other rules - Special Fuel Permits, p. 1350, 1632
- 42.28.402 and other rules - Special Fuel Dealers, p. 1345, 1631

SECRETARY OF STATE, Title 44

- 1.2.419 Scheduled Filing, Compiling and Publication Dates for Montana Administrative Register, p. 1625, 2046

SOCIAL AND REHABILITATION SERVICES, Department of, Title 46

- I Determination of When Food Stamp Eligibility Begins, p. 1464, 1755
- I Youth Foster Home, Foster Parents, p. 1834, 175
- I-XIX Licensing Adult Foster Homes, p. 79
- 46.2.201 and other rules - Overall Departmental Rules - Definitions - Fair Hearings, p. 1358, 1633
- 46.5.116 Protective Services, Information System Operator, p. 1108, 1412
- 46.5.401 and other rules - Licensing of Child Placing Agencies, p. 62
- 46.5.501 and other rules - Procedure for Obtaining Substitute Care Services - Eligibility Requirements - Services Provided - Foster Care Maintenance Payments, p. 1110, 1412
- 46.5.604 and other rules - Licenses - License Revocation and Denial - Confidentiality of Records and Information, p. 1364, 1635
- 46.5.904 and other rules - Day Care For Children of Recipients in Training or in Need of Protective Services, p. 1355, 1635
- 46.5.909 and other rules - Registration of Family - Group Day Care Homes and Licensing of Day Care Centers, p. 1838, 177
- 46.10.308 and other rules - Eligibility Requirements Regarding AFDC Program, p. 1170, 1478
- 46.11.101 Food Stamp Program, p. 1748
- 46.11.101 Food Stamp Program - Thrifty Food Plan, p. 1750
- 46.12.102 Medical Assistance, Definitions, p. 96, 248
- 46.12.216 Restriction of Access to Medical Services, p. 93, 249
- 46.12.304 and other rule - Third Party Liability for Medical Assistance, p. 1409, 1637
- 46.12.401 and other rules - Medical Assistance; Provider Sanctions, p. 1404, 1639
- 46.12.502 and other rules - Services Not Provided by the Medicaid Program, p. 98, 250
- 46.12.513 Reimbursement for Swing-Bed Hospitals, Medical Assistance, p. 1627, 2047
- 46.12.3002 Determination of Eligibility for Medical Assistance, p. 1842, 131
- 46.12.3803 Medically Needy Income Standards, p. 1836, 181
- 46.13.106 and other rules - Low Income Energy Assistance Program - Benefit Award Matrices - Income Standards, p. 1113, 1481