

IDAPA 16 – IDAHO DEPARTMENT OF HEALTH AND WELFARE

Division of Licensing and Certification

16.03.21 – Developmental Disabilities Agencies (DDA), Residential Habilitation Agencies, and Adult Residential Care Facilities

Who does this rule apply to?

Developmental Disabilities Agencies, Residential Habilitation Agencies, and Adult Residential Care Facilities in Idaho.

What is the purpose of this rule?

a. The certification of Developmental Disabilities Agencies, Residential Habilitation Agencies, and Adult Residential Care Facilities that provide services to eligible individuals;

b. All agencies that meet the definition of a Developmental Disabilities Agency (DDA), Residential Habilitation Agency and Adult Residential Care Facilities must be certified by the Department.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statute passed by the Idaho Legislature:

Health and Safety -

- [Section 39-4605, Idaho Code](#) – Idaho Developmental Disabilities Services and Facilities Act: Duties of the Department

Public Assistance and Welfare -

- [Section 56-1006, Idaho Code](#) – Department of Health and Welfare: Title superseded

Where can I find information on Administrative Appeals?

Administrative appeals and contested cases are governed by the provisions of the Idaho Administrative Procedures Act, [Chapter 52, Title 67, Idaho Code](#), and [IDAPA 62.01.01](#), “Idaho Rules of Administrative Procedure.”

How do I request public records?

Unless exempted, all public records are subject to disclosure by the Department that will comply with [Title 74, Chapter 1, Idaho Code](#), upon requests. Confidential information may be restricted by state or federal law, federal regulation, and [IDAPA 16.05.01](#), “Use and Disclosure of Department Records.”

Who do I contact for more information on this rule?

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Division of Licensing and Certification, Therapeutic and Residential Program
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Webpages: <https://healthandwelfare.idaho.gov/providers/developmental-disabilities-residential-facilities/developmental-disabilities-agencies>
<https://healthandwelfare.idaho.gov/providers/developmental-disabilities-and-residential-habilitation-agencies/residential-habilitation>

This rule chapter will be reviewed in compliance with [Section 67-5292, Idaho Code](#), and in accordance with the 8-year rule review schedule linked [here](#).

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**16.03.21 – DEVELOPMENTAL DISABILITIES AGENCIES (DDA),
RESIDENTIAL HABILITATION AGENCIES, AND ADULT RESIDENTIAL CARE FACILITIES**

000. LEGAL AUTHORITY.

Section 39-4605, Idaho Code, authorizes the Idaho Board of Health and Welfare to adopt rules and standards of certification for Developmental Disabilities Agencies, Residential Habilitation Agencies, and Adult Residential Care Facilities, to promote the health and safety of participants. These entities will be referred to as an organization for this rule chapter. (7-1-26)

001. SCOPE.

These rules govern developmental disabilities agencies, residential rehabilitation agencies, and adult residential care facilities. (7-1-26)

002. – 008. (RESERVED)

009. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.

01. Verification of Compliance. The organization must verify that all employees, subcontractors, agents of the organization, and volunteers have complied with IDAPA 16.05.06, “Criminal History and Background Checks.” (7-1-26)

010. DEFINITIONS – A THROUGH Z.

For the purposes of this chapter of rules, the following terms apply. (3-17-22)

01. Abuse. The non-accidental act of sexual, physical, verbal, or mental mistreatment, or injury of a participant through the action or inaction of another individual. (7-1-26)

02. Adult Residential Care Facility. A facility that provides any service or group of services which provide care to the developmentally disabled on an inpatient or residential basis. (7-1-26)

03. Advocate. An authorized or designated representative of a program or organization operating under federal or state mandate to represent the interests of developmentally disabled, mentally ill, or elderly participants. (7-1-26)

04. Communicable Disease. A disease that may be transmitted from one (1) person or animal to another person either by direct contact or through an intermediate host, vector, inanimate object, or other means that may result in infection, illness, disability, or death. (3-17-22)

05. Deficiency. A determination of non-compliance with a specific rule or part of rule. (3-17-22)

06. Department. The Idaho Department of Health and Welfare. (3-17-22)

07. Developmental Disability Agency (DDA). A business entity that meets the definition of a developmental disabilities facility provided in Section 39-4604(3), Idaho Code, that is certified by the Department to provide services to eligible individuals. (7-1-26)

08. Exploitation. An action that may include, but is not limited to, the unjust or improper use of a vulnerable participant’s financial power of attorney, funds, property, or resources by another person for profit or advantage. (7-1-26)

09. Health Care Professional. An individual licensed to provide health care within their respective discipline and scope of practice. (3-17-22)

10. Immediate Jeopardy. A level of non-compliance with one (1) or more requirements in this chapter that has caused, or is likely to cause, serious injury, harm, impairment, or death to a participant that requires an immediate response. (7-1-26)

11. Maladaptive Behavior. Any behavior that significantly interferes with participant care or presents a danger to self or others. (7-1-26)

12. Medication. Any substance or drug used to treat a disease, condition, or symptoms that may be taken orally, injected, or used externally, and is available through prescription or over the counter. (7-1-26)

13. Neglect. The failure to provide food, clothing, shelter, or medical care reasonably necessary to sustain the life and health of a vulnerable adult as defined in Section 18-1505, Idaho Code. (7-1-26)

14. Participant. An individual receiving services through a DDA, Residential Habilitation Agency or Adult Residential Care Facility. (7-1-26)

15. Residential Habilitation. Services consisting of an integrated array of individually tailored services and supports furnished to an eligible participant that are designed to assist them to reside successfully in their own home. Services include personal care services, and skill training. Individuals who provide residential habilitation services must be employed by a residential habilitation agency. (7-1-26)

16. Physical Restraint. Any manual hold or mechanical device that the participant cannot remove easily, and which restricts the free movement of or normal functioning of any portions of a participant's body. (7-1-26)

17. Plan of Service. An initial plan, annual plan, or addendum that identifies all services offered (7-1-26)

18. Repeat Deficiency. The Department has found an organization is out of compliance with a rule and received a citation on two (2) consecutive surveys. (7-1-26)

19. Substantial Compliance. A level of compliance that has not or will not cause significant injury that requires medical attention to a participant. (7-1-26)

20. Survey. A review conducted by the Department to determine compliance with statutes and rules. (3-17-22)

21. Time Out. A separate unlocked room or location, that is supervised, that is used to remove a participant from an activity that may be triggering or reinforcing maladaptive behavior. (7-1-26)

011. – 099. (RESERVED)

**100. CERTIFICATION REQUIREMENTS FOR DDA, RESIDENTIAL HABILITATION AGENCIES,
AND ADULT RESIDENTIAL CARE FACILITIES.**

01. Application for Initial Certification. Certification will be issued to any organization upon completing an application demonstrating compliance with these rules (7-1-26)

02. Content of Application for Certification. The application must include: (7-1-26)

- a.** Business names of the organization as filed with the Secretary of State; (7-1-26)
- b.** Organizational chart or plan for staffing; (7-1-26)
- c.** The following Policies and Procedures; (7-1-26)
 - i.** Staff and volunteer qualifications including, roles, responsibilities and organization expectations; (7-1-26)
 - ii.** Staff training that is specific and appropriate to the population served; (7-1-26)
 - iii.** Infection prevention measures to mitigate the spread of communicable diseases; (7-1-26)
 - iv.** General health care services including assessment and treatment of acute and chronic complaints or situations. (7-1-26)
 - v.** Transportation safety, including the organization's preventive maintenance program, inspection

intervals, insurance coverage, and licensed driver requirements for organization owned vehicles, and a policy for staff owned vehicles, if applicable; (7-1-26)

vi. The organization must ensure the participant and the guardian, if applicable, has been informed of how to file a grievance. The organization must respond to the grievance within fourteen (14) days or less; (7-1-26)

vii. Medication standards; (7-1-26)

viii. Behavior Management, including approved interventions to manage inappropriate or maladaptive behaviors, and restraints if applicable; (7-1-26)

ix. Reporting incidents of abuse, neglect and exploitation including notifying the proper authorities; (7-1-26)

x. Incident Reports for all events that occur during service delivery that interfere with the participants' safety or ability to participate; (7-1-26)

xi. Termination of services that ensures the safety of the participant and notifies all relevant parties; (7-1-26)

xii. The organization will only accept and retain participants for whom the organization has the appropriate staff and skills to provide the services; and (7-1-26)

xiii. Each organization must ensure the rights provided under Section 66-412, Idaho Code, and will ensure the participant's privacy and confidentially, promote independence in the community and allow participants to refuse services. (7-1-26)

d. DDA center and Adult Residential Care Facilities must include the following: (7-1-26)

i. "Americans with Disabilities Act Accessibility Guidelines," under 28 CFR Part 36, Appendix checklist, local fire safety inspection, and Certificate of Occupancy; and; (7-1-26)

ii. Policies and procedures for responding to fire, emergencies, including emergency evacuation plans. (7-1-26)

03. Denial of an Application. The Department may deny any application for the following reasons; (7-1-26)

a. The applicant is not in substantial compliance with these rules; (7-1-26)

b. The applicant has willfully misrepresented or omitted information on the application; or (7-1-26)

c. The administrator or owner of an organization whose certification has been revoked within the last five (5) years. (7-1-26)

04. Certificate. The Department will issue an initial six (6) month certificate when it is determined the organization is in substantial compliance. Following the initial or a provisional certificate the Department will issue a one year (1-year) certificate, or as needed to determine compliance with rules. A three (3) year certificate is issued when it is determined the organization is in substantial compliance. (7-1-26)

a. Application of renewal. An organization must apply to renew its certificate no less than sixty (60) days before the expiration date. (7-1-26)

b. Expiration. Expiration of a certificate without a timely request for renewal rescinds the organization's certificate. (7-1-26)

c. DDA Center and Adult Residential Care Facility, the certificate must be posted and visible to the

public. (7-1-26)

05. Survey and Investigations. (7-1-26)

a. Investigation Survey. The Department will investigate complaints of alleged rule violations. Complainant information is kept confidential. (7-1-26)

b. Method of Investigation. The Department will determine the method used to investigate the complaint. (7-1-26)

c. Notification to Complainant. The Department will provide a written response to the complainant upon completion of the investigation. (7-1-26)

d. Licensing and Certification will conduct survey and investigation at specified intervals to determine compliance with this chapter of rules and Title 66, Chapter 4, Idaho Code and Section 39-4605, Idaho Code. (7-1-26)

06. Notification To the Department. (7-1-26)

a. The Department must be notified when the organization's owner, administrator, service area, or address changes; and (7-1-26)

b. New ownership, certificates are not transferable. (7-1-26)

101. – 116. (RESERVED)

117. ORGANIZATIONS APPROVED THROUGH NATIONAL ACCREDITATION.

Organizations that are accredited are required to produce the following records to renew a certificate: (7-1-26)

01. The Current Accreditation Verification or Report. (3-17-22)

02. Criminal History Background Check Requirements. (7-1-26)

03. Staff Records. (7-1-26)

118. – 299. (RESERVED)

GENERAL ORGANIZATION QUALIFICATIONS AND REQUIREMENTS

Sections 300-399

300. GENERAL STAFFING REQUIREMENTS.

The organization must have a qualified administrator, supervisor and direct service provider (DSP) to meet the needs of participants served. The organization administrator and supervisor can be the same individual if the organization can meet requirements of each duty. (7-1-26)

01. Administrator Qualifications and Duties. The administrator must have two (2) years of supervisory experience with the population served. On a temporary basis, an administrator may delegate administrative functions on their behalf. The administrator or their designee is responsible for the overall operations of the organization, including compliance with these rules. (7-1-26)

02. Supervisor Duties. Complete or obtain the plan of service, supervise DSP, including at least quarterly supervision, and coordinate other service providers to ensure continuity of service delivery. (7-1-26)

03. DSP Duties. Perform tasks as assigned under the direction of a supervisor. Tasks may not be assigned that require specific certification or licensure. (3-17-22)

04. Parent or Legal Guardian of Participant. A DDA may not hire the parent or legal guardian of a

participant to provide services to the parent's or legal guardian's child. (3-17-22)

301. ORGANIZATION RECORD REQUIREMENTS.

01. Accessibility of Records. An organization's records must be available to the Department, with or without prior notification. (7-1-26)

02. General Record Requirements. The organization must maintain accurate, current, and complete records for a minimum of five (5) years. (7-1-26)

03. Staff Records. Records must contain the following: (7-1-26)

a. Name, address, phone number, date of hire and termination, if applicable; (7-1-26)

b. Documentation supporting qualifications to carry out assigned duties; (3-17-22)

c. Current driver's license and automobile liability insurance for staff who transport participants; (7-1-26)

04. Participant Records. Records must contain the following: (7-1-26)

a. Documentation of type and duration of services delivered, including the date, time, and name of person providing the service; (7-1-26)

b. Name, address, phone number, and contact information of guardian (if applicable) or emergency contact; (7-1-26)

c. General health information including specific dietary or medical needs, and health care providers; (7-1-26)

d. Signed notification of participant rights, grievance procedures, and contact information for protection and advocacy services that is clear and understandable; and; (7-1-26)

e. Plan of service and incident reports. (7-1-26)

302. TRAINING REQUIREMENTS.

The organization must document all staff training, including the date, description of training, and name of the person conducting the training. Staff must be trained on the following: (7-1-26)

01. Initial and Annual Training. Prior to working with participants and annually thereafter, staff must complete: (7-1-26)

a. Safety training on natural disasters; (7-1-26)

b. Abuse, neglect, and exploitation training covering definitions and reporting requirements; (3-17-22)

c. Organization's policy and procedures; (7-1-26)

d. Participant's rights, advocacy resources, and confidentiality; and (3-17-22)

e. Behavior intervention strategies and techniques including appropriate responses to maladaptive behaviors; (7-1-26)

f. For DDA centers and Adult Residential Care Facility services, fire safety training, fire drills, and emergency evacuation plans. (7-1-26)

02. CPR and First Aid Training. Staff must be certified in CPR and first aid prior to working alone with participants and ongoing thereafter. (7-1-26)

03. Participant Specific Training. Prior to delivering services, DSPs must be trained on the specific needs of the participant including medical, or health requirements, and the use of assistive devices if applicable; (7-1-26)

04. Ongoing Training. DSPs must be trained when there are changes that impact services or supports including: (7-1-26)

a. Participant's plan of service and corresponding implementation plans, as applicable; and (3-17-22)

b. Participant's physical, medical, and behavioral status. (3-17-22)

303. – 403. (RESERVED)

404. ORGANIZATION REPORTING.

01. Reporting Requirements. The organization will follow Sections 39-5303 and 16-1605, Idaho Code when there are allegations of abuse, neglect, or exploitation. The organization will protect the participant from the possibility of abuse during services while the investigation is in progress. The organization will document their investigation of all alleged violations. (7-1-26)

02. Reporting Incidents to the Department. The organization must notify the Division of Licensing and Certification by the close of the next business day of the following incidents that occur to the participant during service hours: (7-1-26)

a. Death; (3-17-22)

b. Hospitalization; (3-17-22)

c. Participant's arrest or incarceration; or (3-17-22)

d. When staff actions result in a report to protective or legal authorities. (3-17-22)

405. MEDICATION.

Each organization must ensure appropriate handling and safeguarding of medications. Staff assisting participants with medications must complete the assistance with medications training course available through a Department-approved training. (7-1-26)

01. Handling of Participant's Medication. The organization must: (7-1-26)

a. Maintain the medication in the original pharmacy-dispensed container, over-the-counter container, or placed in a unit container (by a licensed nurse or pharmacy staff) appropriately labeled with the name of the medication, dosage, time to be taken, route of administration, and any special instructions; (7-1-26)

b. Medication and treatment must be provided per the health care professional's orders. DDAs and residential habilitation agencies may use Medi sets filled and labeled by pharmacy staff or licensed nurse can serve as written evidence of the order; and (7-1-26)

c. The organization must store medications under the proper conditions and according to manufacturer's recommendations. (7-1-26)

d. Discontinued or outdated medications must be removed from the participant's medication supply within thirty (30) calendar days. (7-1-26)

02. Self-Administration of Medication. A participant can self-administer medication when there is

written approval from a health care professional supporting the participant is capable of completing this task safely.
(7-1-26)

03. Assistance with Medication. Staff must follow policy and procedures for assisting participants with medications, and the following conditions must be in place: (7-1-26)

a. The participant's health condition is stable; and (7-1-26)

b. The participant's health status does not require nursing assessment before receiving the medication or nursing assessment of the therapeutic or side effects after the medication is taken; (3-17-22)

04. Medication Record. Record must contain the following: (7-1-26)

a. Name of the participant; (3-17-22)

b. Name and dosage of the medication given; (3-17-22)

c. Time and date the medication was given; (3-17-22)

d. Initials of individual assisting with medication that can be verified with matching signature; (3-17-22)

e. Documentation of medication errors, including missed doses, incorrect doses, or adverse side effects; (7-1-26)

f. Documentation that a health care professional was contacted for adverse events; and (7-1-26)

g. Documentation of corrective action for adverse events or incidents of repeated medication errors. (7-1-26)

05. Disposal of Medications. Documentation of disposal or destruction of medications consistent with procedures outlined in the assistance with medication training course. (7-1-26)

406. –499. (RESERVED)

QUALITY ASSURANCE, BEHAVIOR MANAGEMENT, AND SPECIFIC PROGRAM REQUIREMENTS

Sections 500-599

500. REQUIREMENTS FOR AN ORGANIZATION'S QUALITY ASSURANCE PROGRAM.

Each organization must develop and implement a quality assurance program that improves the quality of services, identifies non-compliance or safety issues including corrective measures and timeframes. This review must include; (7-1-26)

01. Participant Records. Assess for accurate content and effectiveness of service delivery; (7-1-26)

02. Staff Records. Assess that staff have the necessary skills and training to provide adequate service delivery; and (7-1-26)

03. Policies and Procedures. Review to ensure content meets the needs of participants served. (7-1-26)

501. – 509. (RESERVED)

510. MANAGING PARTICIPANT BEHAVIOR.

The use of systematic interventions to manage inappropriate or maladaptive participant behaviors must follow facility policy and be incorporated into the participant's individual service plan. (7-1-26)

- used:
- 01. Techniques to Manage Maladaptive Behavior.** Interventions to manage behaviors must never be (7-1-26)
 - a.** For disciplinary purposes; (3-17-22)
 - b.** For the convenience or lack of staff; or (7-1-26)
 - c.** As a substitute for an active treatment program or needed training. (7-1-26)
 - 02. Physical Restraints and Time Out Requirements.** Physical restraints and time out must be: (7-1-26)
 - a.** Used as an emergency measure when other lesser restrictive interventions have failed and there is substantial risk for harm to self or others; or (7-1-26)
 - b.** Part of an integral service plan that is intended to lead to less restrictive means of managing or eliminating the behavior for which the restraint is applied. (7-1-26)
 - c.** Utilized by staff that have been certified in a nationally recognized behavior management program approved by the Department. (7-1-26)
 - d.** Used only until the participant has regained control. (7-1-26)
 - e.** Documented in the participant record including date, time, duration, staff involved and description of behaviors. (7-1-26)
 - 03. Written Informed Consent.** If an organization uses physical restraints as part of their behavior management program, participants, and their legal guardian, if applicable, must provide written informed consent. (7-1-26)

511. STANDARDS FOR A DDA CENTER AND ADULT RESIDENTIAL CARE FACILITY.

- 01. Environment.** The facility must be designed and equipped to meet the needs of each participant including sufficient space, adaptive equipment, lighting, and noise control. Facilities providing residential care must provide participants with sleeping rooms including furnishings, such as a dresser and bed, and be safe and in good repair. (7-1-26)
- 02. Construction Changes.** For changes of occupancy, modifications, additions, or renovations to existing buildings, the facility must submit certificate of occupancy to the Department for approval prior to admitting participants. (7-1-26)
- 03. Fire Safety Standards.** Locations must maintain the following records: (7-1-26)
 - a.** A copy of an annual local fire authority inspection including any necessary corrective actions; (7-1-26)
 - b.** Documentation of quarterly fire drills, including date, time, duration, names of participants and staff involved, and any resulting corrective action(s); and (7-1-26)
 - c.** Documentation that at least two (2) times each year fire drills included a complete evacuation of the building. (7-1-26)
- 04. Environment Safety Standards.** (7-1-26)
 - a.** Provide fences, guards, or railings to protect participants on the premises where natural or man-made hazards are present; (7-1-26)

- b.** Portable heating devices must be approved by the local fire authority; (7-1-26)
- c.** Properly label and store all hazardous or toxic substances under lock and key; (7-1-26)
- d.** Maintain water temperatures in areas accessed by participants at one hundred twenty degrees Fahrenheit (120°F) or below; (7-1-26)
- e.** Have a telephone on the premises with emergency numbers available; and (7-1-26)
- f.** Evacuation plans must be posted throughout the center and indicate point of orientation, location of all fire extinguishers, location of all fire exits, and designated meeting area outside of the building. (7-1-26)

05. Food Safety and Nutrition. (7-1-26)

- a.** Adult residential care facilities must: (7-1-26)
 - i.** Meet the standards in IDAPA 16.02.19. Compliance is verified through inspection by the local District Health Department. (7-1-26)
 - ii.** Provide three (3) daily balanced meals in appropriate intervals. (7-1-26)
 - iii.** Menu must be planned, approved, signed and dated by a registered dietician. Menus must be maintained on file for sixty (60) days and include any substitutions. (7-1-26)
 - iv.** Accommodations must be made to a participant with special medical or religious dietary needs. (7-1-26)
- b.** Refrigerators and freezers used to store participant foods will be maintained at or below forty-one degrees Fahrenheit (41°F), and ten degrees Fahrenheit (10°F) respectively; and (7-1-26)
- c.** When medicines requiring refrigeration are stored in a food refrigerator, medicines must be stored in a package and kept inside a covered, leak-proof container that is identified as a container for the storage of medicines. (7-1-26)

06. Housekeeping and Maintenance Services. The organization must meet the following: (7-1-26)

- a.** The center must be clean, safe, and kept in good repair; (7-1-26)
- b.** Ensure the building is free from infestations of insects, rodents, and other pests; and (7-1-26)
- c.** Maintain the temperature and humidity of the building within a normal comfort range by heating, air conditioning, or other means. (7-1-26)

512. RESIDENTIAL HABILITATION AGENCIES TERMINATION PROCEDURES.

01. Emergency Termination. Emergency conditions warranting immediate termination of services include: (7-1-26)

- a.** A change in the participant's condition resulting in an increased level of care beyond the scope of the organization's ability to provide care for the participant; or (7-1-26)
- b.** Significant behavior concerns including physical aggression by the participant that puts the health and safety of the organization's staff or other participants in jeopardy and behavior management techniques have failed to reduce the risk to staff or others. (7-1-26)

02. Termination with Notice. The organization must provide written notice of no less than thirty (30) days for termination, include a transition plan, and a copy of the organization grievance policy. A transition plan is an

interim plan defining activities to facilitate the transition out of residential habilitation services. (7-1-26)

03. Termination with Agreement. Services may be terminated prior to thirty (30) days if both parties agree in writing. (7-1-26)

513. – 599. (RESERVED)

RULE ENFORCEMENT PROCESS AND REMEDIES
Sections 600-699

600. ENFORCEMENT PROCESS.

The Department may impose an enforcement action when it determines an organization is not in compliance with these rules. The Department may monitor the organization on an as-needed basis, until it has been established the organization is in substantial compliance. (7-1-26)

01. Determination of Remedy. In determining which remedy to impose, the Department will consider the organization's compliance history, change of ownership, the number of deficiencies, the scope and severity of the deficiencies, and the potential risk to participants. Subject to these considerations, any one or combination of the following remedies, is subject under these rules for notice and appeal: (7-1-26)

- a.** Require the organization to submit a plan of correction approved by the Department; (7-1-26)
- b.** Issue a provisional certificate; (7-1-26)
- c.** Ban new enrollment of participants; (7-1-26)
- d.** Summarily suspend the certificate and transfer participants; or (3-17-22)
- e.** Revoke the organization's certificate. (7-1-26)

02. Immediate Jeopardy. If it is determined an organization's non-compliance with these rules immediately jeopardizes the health or safety of a participant, the certificate may be summarily suspended. (7-1-26)

03. Repeat Deficiency. A Repeat deficiency may result in any of the remedies listed in this section. (7-1-26)

04. Failure to Comply. The Department may impose one (1) or more of the remedies specified in this section if the organization has not returned to compliance within three (3) months of implementing a plan of correction. (7-1-26)

601. REVOCATION OF CERTIFICATE.

01. Revocation of the Organizations Certificate. The Department may revoke a certificate when the organization is not in substantial compliance with the requirements. (7-1-26)

02. Causes for Revocation of the Certificate. The Department may revoke any organization's certificate for any of the following causes: (7-1-26)

- a.** The certificate holder has willfully misrepresented or omitted information on the application for certification or other documents pertinent to obtaining a certificate; (3-17-22)
- b.** Conditions exist in the organization that endanger the health or safety of any participant; (7-1-26)
- c.** Any act adversely affecting the welfare of participants is being permitted, performed, or aided and abetted by the person(s) supervising the provision of services in the organization. Such acts include neglect, physical abuse, mental abuse, emotional abuse, violation of civil rights, or exploitation; (7-1-26)

- d.** The organization has failed to comply with any of the conditions of a provisional certificate;
(7-1-26)
- e.** The organization lacks adequate staff, as required by these rules or as directed by the Department, to properly care for the number and type of participants served at the organization; or
(7-1-26)
- f.** The certificate holder refuses to allow the Department or protection and advocacy agencies full access to the organization environment, organization records, or the participants.
(7-1-26)

602. INJUNCTION TO PREVENT OPERATION WITHOUT CERTIFICATE.

Notwithstanding the existence or pursuit of any other remedy, the Department may in the manner provided by law, maintain an action in the name of the state for injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, management, or operation of an organization without a certificate required under this chapter. For the purposes of these rules, a governmental unit is the state, or any county, municipality, or other political subdivision, or any department, division, board, or other organization thereof.
(7-1-26)

603. WAIVERS.

Waivers to these rules may be granted through the Department-approved process under Section 67-5230, Idaho Code.
(7-1-26)

604. – 999. (RESERVED)