

SECTION 1. That Section 40-202, Idaho Code, be, and the same is hereby amended to read as follows:

40-202. DESIGNATION OF HIGHWAYS. (1) The initial selection of the county highway system and highway district system may be accomplished in the following manner:

(a) The board of county or highway district commissioners shall cause a map to be prepared showing each highway in their jurisdiction, and the commissioners shall cause notice to be given of intention to adopt the map as the official map of that system, and shall specify the time and place at which all interested persons may be heard.

(b) After the hearing, the commissioners shall adopt the map, with any changes or revisions considered by them to be advisable in the public interest, as the official map of the respective highway system.

(2) If a county or highway district acquires an interest in real property for highway purposes, the respective commissioners shall:

(a) Cause any order or resolution enacted, and deed or other document establishing an interest in the property for their highway system purposes to be recorded in the county records; and or

(b) Cause the official map of the county or highway district system to be amended as affected by the acceptance of the highway.

Provided, however, a county or highway district may hold title to an interest in real property for public right of way purposes without incurring an obligation to construct or maintain a highway with the right of way until the district determines that the necessities of public travel justify opening a highway within the right of way. The lack of an opening shall not constitute an abandonment, and mere use by the public shall not constitute an opening of the right of way.

(3) Highways laid out and, recorded and opened as described in subsection (2) of this section, by order of a board of commissioners, and all highways used for a period of five (5) years, provided they shall have been worked and kept up at the expense of the public, or located and recorded by order of a board of commissioners, are highways. If a highway created in accordance with the provisions of this subsection is not designated on the official map of the respective highway system or is not opened as described in subsection (2) of this section, there shall be no duty to maintain that highway, nor shall there be any liability for any injury or damage for failure to maintain it or any highway signs, until the highway is designated as a part of the county or highway district system by inclusion on the official map and opened to public travel.

(4) ~~Nothing in this section shall limit the power of any board of commissioners to subsequently include or exclude any highway from the county or highway district system in the same manner provided for the selection of the initial highway system as provided by law.~~

SECTION 2. That Section 50-1313, Idaho Code, be, and the same is hereby amended to read as follows:

50-1313. DEDICATION MUST BE ACCEPTED. No street or alley or highway hereafter dedicated by the owner to the public shall be deemed a

public street, highway or alley, or be under the use or control of said city or county-wide highway district unless the dedication shall be accepted and confirmed by the city council or by the commissioners of the county-wide highway district. An acceptance imposes no obligation or liability upon the city council or highway district until the street, highway or alley is declared to be open for public travel.

Approved March 19, 1992.

CHAPTER 56
(H.B. No. 633)

AN ACT

RELATING TO HOME HEALTH AGENCIES; AMENDING SECTION 39-1301, IDAHO CODE, TO PROVIDE DEFINITIONS; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 24, TITLE 39, IDAHO CODE, TO PROVIDE A STATEMENT OF PURPOSE AND AUTHORITY, TO PROVIDE DEFINITIONS, TO REQUIRE LICENSURE OF HOME HEALTH AGENCIES, TO PROVIDE FOR LICENSE APPLICATION, ISSUANCE, RENEWAL AND DENIAL, TO PROVIDE FOR RULES AND REGULATION AND ENFORCEMENT, TO PROVIDE FOR INSPECTIONS AND CONSULTATIONS, TO PROVIDE THAT CERTAIN INFORMATION IS CONFIDENTIAL, TO PROVIDE INJUNCTIVE AUTHORITY, TO PROVIDE FOR A PATIENT'S BILL OF RIGHTS, TO LIMIT THE USE OF TERMS, AND TO PROVIDE FOR PERSONS, ACTIVITIES OR ENTITIES NOT SUBJECT TO REGULATION UNDER THIS CHAPTER.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-1301, Idaho Code, be, and the same is hereby amended to read as follows:

39-1301. DEFINITIONS. For purposes of this act ~~act~~ chapter the following definitions will apply:

(a) "Hospital" means a facility which:

(1) Is primarily engaged in providing, by or under the supervision of physicians,

(a) concentrated medical and nursing care on a twenty-four

(24) hour basis to inpatients experiencing acute illness; and

(b) diagnostic and therapeutic services for medical diagnosis and treatment, psychiatric diagnosis and treatment, and care of injured, disabled, or sick persons; and

(c) rehabilitation services for injured, disabled, or sick persons; and

(d) obstetrical care.

(2) Provides for care of two (2) or more individuals for twenty-four (24) or more consecutive hours.

(3) Is staffed to provide professional nursing care on a twenty-four (24) hour basis.

(b) "Skilled nursing facility" (nursing home) means a facility whose design and function shall provide area, space and equipment to meet the health needs of two (2) or more individuals who, at a mini-