

IDAHO ADMINISTRATIVE BULLETIN

June 1, 2016 -- Volume 16-6

Idaho Department of Administration
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Preface

The Idaho Administrative Bulletin is an electronic-only, online monthly publication of the Office of the Administrative Rules Coordinator, Department of Administration, that is published pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all official rulemaking notices, official rule text, executive orders of the Governor, and all legislative documents affecting rules that are statutorily required to be published in the Bulletin. It may also include other rules-related documents an agency may want to make public through the Bulletin.

State agencies are required to provide public notice of all rulemaking actions and must invite public input. This is done through negotiated rulemaking procedures or after proposed rulemaking has been initiated. The public receives notice that an agency has initiated proposed rulemaking procedures through the Idaho Administrative Bulletin and a legal notice (Public Notice of Intent) that publishes in authorized newspapers throughout the state. The legal notice provides reasonable opportunity for the public to participate when a proposed rule publishes in the Bulletin. Interested parties may submit written comments to the agency or request public hearings of the agency, if none have been scheduled. Such submissions or requests must be presented to the agency within the time and manner specified in the individual “Notice of Rulemaking - Proposed Rule” for each proposed rule that is published in the Bulletin.

Once the comment period closes, the agency considers fully all comments and information submitted regarding the proposed rule. Changes may be made to the proposed rule at this stage of the rulemaking, but changes must be based on comments received and must be a “logical outgrowth” of the proposed rule. The agency may now adopt and publish the pending rule. A pending rule is “pending” legislative review for final approval. The pending rule is the agency’s final version of the rulemaking that will be forwarded to the legislature for review and final approval. Comment periods and public hearings are not provided for when the agency adopts a temporary or pending rule.

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

The Bulletin is identified by the calendar year and issue number. For example, Bulletin **13-1** refers to the first Bulletin issued in calendar year **2013**; Bulletin **14-1** refers to the first Bulletin issued in calendar year **2014**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **13-1** refers to January 2013; Volume No. **13-2** refers to February 2013; and so forth. Example: The Bulletin published in January 2014 is cited as Volume **14-1**. The December 2015 Bulletin is cited as Volume **15-12**.

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

The **Idaho Administrative Code** is an electronic-only, online compilation of all final and enforceable administrative rules of the state of Idaho that are of full force and effect. Any temporary rule that is adopted by an agency and is of force and effect is codified into the Administrative Code upon becoming effective. All pending rules that have been approved by the legislature during the legislative session as final rules and any temporary rules that are extended supplement the Administrative Code. These rules are codified into the Administrative Code upon becoming effective. Because proposed and pending rules are not enforceable, they are published in the Administrative Bulletin only and cannot be codified into the Administrative Code until approved as final.

To determine if a particular rule remains in effect or whether any amendments have been made to the rule, refer to the **Cumulative Rulemaking Index**. Link to it on the Administrative Rules homepage at adminrules.idaho.gov.

THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

Idaho’s administrative rulemaking process, governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, comprises distinct rulemaking actions: negotiated, proposed, temporary, pending and final rulemaking. Not all rulemakings incorporate or require all of these actions. At a minimum, a rulemaking includes proposed, pending and final rulemaking. Many rules are adopted as temporary rules when they meet the required statutory criteria and agencies must, when feasible, engage in negotiated rulemaking at the beginning of the process to facilitate consensus building. In the majority of cases, the process begins with proposed rulemaking and ends with the final rulemaking. The following is a brief explanation of each type of rule.

NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested persons and the agency seek consensus on the content of a rule through dialogue. Agencies are required to conduct negotiated rulemaking whenever it is feasible to do so.

The agency files a “Notice of Intent to Promulgate - Negotiated Rulemaking” for publication in the Administrative Bulletin inviting interested persons to contact the agency if interested in discussing the agency’s intentions regarding the rule changes. This process is intended to result in the formulation of a proposed rule and the initiation of regular rulemaking procedures. One result, however, may also be that regular (proposed) rulemaking is not initiated and no further action is taken by the agency.

PROPOSED RULEMAKING

A proposed rulemaking is an action by an agency wherein the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a “Notice of Rulemaking - Proposed Rule” in the Bulletin. This notice must include:

- a) the specific statutory authority (from Idaho Code) for the rulemaking including a citation to a specific federal statute or regulation if that is the basis of authority for or is occasioning the rulemaking;
- b) a statement in nontechnical language of the substance of the proposed rule, including a specific description of any fee or charge imposed or increased;
- c) a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective; provided, however, that notwithstanding Section 67-5231, Idaho Code, the absence or accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or enforceability of the rule.
- d) if any document is incorporated by reference in the proposed rule, a brief written synopsis of why the incorporation is needed must be included in the notice of proposed rulemaking, along with a link to the electronic version of the incorporated material or information on how it can be obtained.
- e) the text of the proposed rule prepared in legislative format;
- f) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;
- g) the manner in which persons may make written comments on the proposed rule, including the name and address of a person in the agency to whom comments on the proposal may be sent;
- h) the manner in which persons may request an opportunity for an oral presentation as provided in Section 67-5222, Idaho Code; and
- i) the deadline for public (written) comments on the proposed rule.

Any proposed rulemaking that is submitted for publication in the Bulletin that would impose a fee or charge must be accompanied by a cost/benefit analysis that is prepared by the agency. This cost/benefit analysis must estimate, as reasonably as possible, the costs to the agency to implement the rule and the estimated costs that would be borne by citizens or the private sector. This analysis is filed with the Director of Legislative Services Office who then forwards it to the appropriate germane joint subcommittee assigned to review the promulgating agency’s proposed rules.

When incorporating by reference, the notice of proposed rulemaking must include a brief synopsis detailing the need to incorporate by reference any additional materials into the rule. The agency must also provide information regarding access to the incorporated materials. At a minimum, and when available, the agency must provide an electronic link to the documents that can be accessed on a web site or post this information on its own web site, or both. This link can be placed into the rule and activated once it is posted on the Coordinator’s web site.

As stated, the text of the proposed rule must be published in the Bulletin. After meeting the statutory rulemaking criteria for a proposed rule, the agency may adopt the pending rule. Because a proposed rule is not enforceable, it has no effective date, even when published in conjunction with a temporary rule that is of full force and effect. An agency may vacate (terminate) a rulemaking after the publication of a proposed rule if it decides, for whatever reason, not to proceed further to finalize the rulemaking. The publication of a “Notice of Vacation of Proposed Rulemaking” in the Bulletin officially stops the formal rulemaking process.

TEMPORARY RULEMAKING

Temporary rules may be adopted only when the governor finds that it is necessary for:

- a) protection of the public health, safety, or welfare; or
- b) compliance with deadlines in amendments to governing law or federal programs; or
- c) conferring a benefit.

If a rulemaking meets one or more of the above legal criteria and the governor determines that it is necessary that a rule become effective prior to receiving legislative authorization and without allowing for any public input, the agency may proceed and adopt a temporary rule. The law allows an agency to make a temporary rule immediately effective upon adoption. However, a temporary rule that imposes a fee or charge may be adopted only if the governor finds that the fee or charge is necessary to avoid immediate danger which justifies the imposition of the fee or charge.

A temporary rule expires at the conclusion of the next succeeding regular legislative session unless the rule is extended by concurrent resolution, is replaced by a final rule, or expires under its own terms.

The statute that regulates rulemaking in Idaho requires that the text of all proposed rulemakings publish in the Bulletin in order for the rulemaking to be valid. This is true for all temporary rules as well. In most cases, the agency wants the temporary rule to also become a final rule and in most of these cases, the temporary rule and the proposed rule text is identical. In this event, both rulemakings may be promulgated concurrently, however, they remain separate rulemaking actions. The rulemaking is published in the Bulletin as a temporary/proposed rule. Combining the rulemaking allows for a single publication of the text in the Bulletin.

An agency may, at any time, rescind a temporary rule that has been adopted and is in effect. The agency must publish a notice of rescission to effectively rescind the temporary rule. If the temporary rule is being replaced by a new temporary rule or if it has been published concurrently with a proposed rule that is being vacated, the agency, in most instances, will rescind the temporary rule.

PENDING RULEMAKING

A pending rule is a rule that has been adopted by an agency under regular rulemaking procedures and remains subject to legislative review before it becomes a final, enforceable rule.

When a pending rule is published in the Bulletin, the agency is required to include certain information in the "Notice of Rulemaking - Pending Rule." This includes:

- a) a statement giving the reasons for adopting the rule;
- b) a statement of any change between the text of the proposed rule and the pending rule with an explanation of the reasons for any changes;
- c) the date the pending rule will become final and effective and a statement that the pending rule may be rejected, amended or modified by concurrent resolution of the legislature;
- d) an identification of any portion of the rule imposing or increasing a fee or charge and a statement that this portion of the rule shall not become final and effective unless affirmatively approved by concurrent resolution of the legislature;
- e) the specific statutory authority for the rulemaking including a citation to the specific section of the Idaho Code that has occasioned the rulemaking, or the federal statute or regulation if that is the basis of authority or requirement for the rulemaking; and
- f) a specific description, if applicable, of any negative fiscal impact on the state general fund greater

than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective; provided however, that notwithstanding section 67-5231, Idaho Code, the absence or accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or the enforceability of the rule.

Agencies are required to republish the text of the pending rule when substantive changes have been made to the proposed rule. An agency may adopt a pending rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same, the pending rule change is a logical outgrowth of the proposed rule, and the original notice was written so as to assure that members of the public were reasonably notified of the subject. It is not always necessary to republish all the text of the pending rule. With the permission of the Rules Coordinator, only the sections or their subparts that have changed from the proposed text are republished. If no changes have been made to the previously published text, it is not required to republish the text again and only the "Notice of Rulemaking - Adoption of Pending Rule" is published.

FINAL RULEMAKING

A final rule is a rule that has been adopted by an agency under the regular rulemaking procedures and is of full force and effect.

No pending rule adopted by an agency becomes final and effective until it has been submitted to the legislature for review and approval. Where the legislature finds that an agency has violated the legislative intent of the authorizing statute, a concurrent resolution may be adopted to reject the rulemaking in whole or in part. A "Notice of Rulemaking - Final Rule" and the final codified text must be published in the Bulletin for any rule that is partially rejected by concurrent resolution of the legislature. Unless rejected by concurrent resolution, a pending rule that is reviewed by the legislature becomes final and effective at the end of the session in which it is reviewed without any further legislative action. All pending rules that are approved by concurrent resolution become final and effective upon adoption of the concurrent resolution unless otherwise stated. In no event can a pending rule become final and effective before the conclusion of the regular or special legislative session at which the rule was submitted for review. However, a rule that is final and effective may be applied retroactively, as provided in the rule.

AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN

Internet Access - The Administrative Code and Administrative Bulletin are available on the Internet at the following address: adminrules.idaho.gov

SUBSCRIPTIONS AND DISTRIBUTION

For subscription information and costs, please contact the Department of Administration, Office of the Administrative Rules Coordinator, 650 W. State Street, Room 100, Boise, Idaho 83720-0306, telephone (208) 332-1820.

The Idaho Administrative Code - annual subscription on CD-ROM. The Code is an annual compilation of all final administrative rules and all enforceable temporary rules and also includes all executive orders of the Governor that have published in the Bulletin, all legislative documents affecting rules, a table of contents, reference guides, and a subject index.

The Idaho Administrative Bulletin - annual subscription available on individual CD-ROM sent out monthly. The Bulletin is an official monthly publication of the State of Idaho and is available for purchase on CD-ROM only. Yearly subscriptions or individual CD-ROM's are available for purchase.

Internet Access - The Administrative Code and Administrative Bulletin, and many other rules-related documents are available on the Internet at the following address: adminrules.idaho.gov

HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN

Rulemaking documents produced by state agencies and published in the **Idaho Administrative Bulletin** are organized by a numbering schematic. Each state agency has a two-digit identification code number known as the “**IDAPA**” number. (The “IDAPA” Codes are listed in the alphabetical/numerical index at the end of this Preface.) Within each agency there are divisions or departments to which a two-digit “TITLE” number is assigned. There are “CHAPTER” numbers assigned within the Title and the rule text is divided among major sections that are further subdivided into subsections. An example IDAPA number is as follows:

IDAPA 38.05.01.200.02.c.ii.

“**IDAPA**” refers to Administrative Rules in general that are subject to the Administrative Procedures Act and are required by this act to be published in the Idaho Administrative Code and the Idaho Administrative Bulletin.

“**38.**” refers to the Idaho Department of Administration

“**05.**” refers to Title **05**, which is the Department of Administrations’s Division of Purchasing

“**01.**” refers to Chapter **01** of Title 05, “Rules of the Division of Purchasing”

“**200.**” refers to Major Section **200**, “Content of the Invitation to Bid”

“**02.**” refers to Subsection 200.**02**.

“**c.**” refers to Subsection 200.02.**c**.

“**ii.**” refers to Subsection 200.02.c.**ii**.

DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. Each rulemaking that is filed with the Coordinator is assigned a “DOCKET NUMBER.” The docket number is a series of numbers separated by a hyphen “-”, (**38-0501-1401**). Rulemaking dockets are published sequentially by IDAPA number (the two-digit agency code) in the Bulletin. The following example is a breakdown of a typical rule docket number:

“DOCKET NO. 38-0501-1401”

“**38-**” denotes the agency's **IDAPA** number; in this case the Department of Administration.

“**0501-**” refers to the **TITLE AND CHAPTER** numbers of the agency rule being promulgated; in this case the Division of Purchasing (TITLE **05**), Rules of the Division of Purchasing (Chapter **01**).

“**1401**” denotes the year and sequential order of the docket being published; in this case the numbers refer to the first rulemaking action published in **calendar year 2014**. A subsequent rulemaking on this same rule chapter in calendar year 2014 would be designated as “**1402**”. The docket number in this scenario would be 38-0501-**1402**.

Within each Docket, only the affected sections of chapters are printed. (See **Sections Affected Index** in each Bulletin for a listing of these.) The individual sections affected are printed in the Bulletin sequentially (e.g. Section “200” appears before Section “345” and so on). Whenever the sequence of the numbering is broken the following statement will appear:

(BREAK IN CONTINUITY OF SECTIONS)

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2016

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| 16-1 | January 2016 | *November 27, 2015 | January 6, 2016 | January 27, 2016 |
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| 16-12 | December 2016 | November 4, 2016 | December 7, 2016 | December 28, 2016 |

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| 17-1 | January 2017 | *November 25, 2016 | January 4, 2017 | January 25, 2017 |
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****Last day to submit a proposed rulemaking before moratorium begins and last day to submit a pending rule to be reviewed by the legislature.***

*****Last day to submit a proposed rule in order to have the rulemaking completed and submitted for review by legislature.***

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THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2016-01

ESTABLISHING THE EARLY CHILDHOOD COORDINATING COUNCIL

WHEREAS, early childhood development is directly related to economic development because it improves the quality of the future workforce and creates tremendous cost savings for society; and

WHEREAS, the advancement of early childhood development has had a positive impact on Idaho families and children; and

WHEREAS, through these initiatives, children are healthier and better prepared to enter Idaho schools; and

WHEREAS, the Early Childhood Coordinating Council was created to combine existing childhood development and family support services; and

WHEREAS, greater coordination will allow for a more accurate inventory of existing services, programs and initiatives along with a better understanding of the services available for families and children; and

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho, do hereby order creation of the "Early Childhood Coordinating Council" (Council) within the Office of the Governor.

1. *The Council shall be designated as the state early childhood council responsible for developing a sustainable and coordinated statewide-plan. This plan will address mutually defined goals for early childhood with evidence-based outcomes and approval and support from stakeholders, as well as the Governor, and will:*
 - a. *Facilitate the activities of the Council, which will establish and maintain a communication network between state agencies, policymakers, families, stakeholders and communities for the purpose of planning and implementing a coordinated system of early childhood in Idaho;*
 - b. *Develop multiagency state partnerships among critical stakeholders;*
 - c. *Compile resources and identify information on best practices in early childhood systems building;*
 - d. *Provide a comprehensive statewide map of existing early childhood programs, as well as existing gaps, every three to five years;*
 - e. *Align data from multiple systems to follow indicators of well-being for young children and their families;*
 - f. *Support partnerships to align current initiatives in support of a comprehensive system of early childhood professional development;*
 - g. *Increase public awareness of quality early childhood programs as a critical part of the foundation for promoting healthy families and communities; and*
 - h. *Align policy and funding systems to develop and support integrated early childhood systems development.*
2. *The Council shall perform all duties and functions of Title 16, Chapter 1 with expanded and strengthened roles and responsibilities as follows:*
 - a. *Expand the Council's scope from birth to three to all children from birth through five and their families;*
 - b. *Develop, implement and sustain a statewide early childhood strategic plan that maintains the framework of health, social and emotional development, child development, parent education, family support and self-sufficiency, and systems development;*
 - c. *Recognize language changes to meet federal guidelines for the Individuals with Disabilities Education Act (IDEA), such as service coordination, social and emotional development, adaptive skills and developmental delay;*
 - d. *Expand Council membership to meet federal requirements for IDEA and build geographical, cultural,*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 28th day of January in the year of our Lord two thousand and sixteen, and of the Independence of the United States of America the two hundred fortieth and of the Statehood of Idaho the one hundred twenty-sixth

Handwritten signature of C.L. "Butch" Otter in blue ink.

C.L. "BUTCH" OTTER
GOVERNOR

Handwritten signature of Lawrence Denney in black ink.

LAWRENCE DENNEY
SECRETARY OF STATE

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.07.01 - RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS

DOCKET NO. 07-0701-1601

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 54-5001 and 54-5005(2), Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking is scheduled by the Idaho HVAC Board, and will be held as follows:

Wednesday, July 6, 2016 - 9:30 a.m. (MDT)

**Idaho Division of Building Safety
1090 E. Watertower, Suite 150
Meridian, Idaho 83642**

Via Video Teleconferencing:

**1250 Ironwood Drive
Suite 220
Coeur d'Alene, Idaho 83814**

**2055 Garrett Way
Building 1, Suite 4
Pocatello, Idaho 83201**

During the scheduled public meeting, additional negotiated rulemaking meetings may be established by the Board, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Division of Building Safety website at <http://dbs.idaho.gov/>.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho HVAC Board on designated forms available on the Division of Building Safety website at <http://dbs.idaho.gov/> and at the DBS offices in Meridian, Coeur d'Alene, and Pocatello, Idaho. Individuals may also attend the public meetings to be conducted on the above date during which the Idaho HVAC Board will allow oral comments or presentations to be made.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

Pursuant to Section 54-5001, Idaho Code, the Idaho HVAC Board has the authority through the promulgation of rules to adopt and amend the International Mechanical Code, the International Fuel Gas Code, and parts V and VI of the International Residential Code as published by the International Code Council, including amendments, revisions and later editions of these codes. The HVAC Board desires to adopt new editions of these codes and/or amend provisions of the codes as it determines necessary through the negotiated rulemaking process. The Board seeks the participation of the affected industry, enforcement jurisdictions, and the public at large in this rulemaking process to ensure that due consideration is given to the varying views about the adoption and amendment to these codes for application in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments, questions, recommendations, and ideas must be directed to the undersigned and must be submitted on the appropriate form to the Division of Building Safety or the Idaho HVAC Board by July 1, 2016. Forms may be submitted via email to neg.rules@dbs.idaho.gov.

DATED this 12th Day of May, 2016.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83542
Phone: (208) 332-8986
Fax: (877) 810-2840

IDAPA 08 - STATE BOARD OF EDUCATION

08.01.09 - RULES GOVERNING THE GEAR UP IDAHO SCHOLARSHIP PROGRAM

DOCKET NO. 08-0109-1601

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 33-105, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 15, 2016.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

The GEARUP Idaho program is a federal grant program with a state matching requirement that provides students who attended a school participating in the program with a scholarship after graduation. The current GEARUP Idaho Scholarship rules are based on the original grant award, the state received a second award that has more flexible requirements the proposed changes will add the more flexible requirements for this second cohort of students.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text (if available), contact Tracie Bent, Chief Planning and Policy Officer at (208) 332-1582 or tracie.bent@osbe.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the State Board of Education web site at the following web address: <http://boardofed.idaho.gov>.

DATED this 6th Day of May, 2016.

Tracie Bent
Chief Planning and Policy Officer
Idaho State Board of Education
650 W State Street
PO Box 83720
Boise, ID and 83720-0027
Phone (208) 332-1582
Fax (208) 334-2632

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.01 - RULES GOVERNING ADMINISTRATION

DOCKET NO. 08-0201-1601

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 33-910, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 15, 2016. Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Regardless of whether a negotiated meeting is scheduled, written comments and recommendations will be taken via mail, email, or fax directed to the contact listed below or through our website at sde.idaho.gov/topics/admin-rules/ until June 22, 2016. Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

Federal Communications Commission's (FCC) second E-rate modernization order (FCC-14-189A1) requires E-rate eligible entities to receive matching funds from the state to be eligible to receive up to 10% in additional E-rate discount for eligible broadband infrastructure special construction projects. During the past legislative session, Senate Bill 1333 created Section 33-910, Idaho Code, to fulfill this requirement. As directed by this law, the State Department of Education is writing rule to provide a mechanism for eligible schools and public libraries to participate in the FCC's second E-rate modernization order infrastructure investment program. The rule will create an application process, establish eligibility qualifications, and define applicant funding priorities for schools and libraries.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, AND OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text, contact Chris Campbell, Chief Technology Officer, at (208) 332-6970 or cacampbell@sde.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the State Department of Education's web site at the following web address: sde.idaho.gov/topics/admin-rules/.

DATED this 3rd Day of May, 2016.

Sherri Ybarra, Superintendent of Public Instruction
650 West State Street, 2nd Floor
Boise, ID 83720-0027
Office: (208) 332-6800 / Fax: (208) 334-2228

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1607

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, 33-1004A, 33-1201, 33-1201A, 33-1204, 33-1612, and 33-2211, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 15, 2016.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Proposed amendments to IDAPA 08.02.02 would include changes to the teacher and administrator evaluation submittal timeline to be more aligned with the availability of student outcome data and bring the student outcome data/information evaluation requirements into alignment with the student achievement requirements for the career ladder. Additional changes would address specific certification requirements regarding certification grade ranges and the application of endorsements with broader grade ranges, certification requirements for individuals teaching grade 9 in a middle school, alternate routes to certification, incorporate existing career technical teachers standards and endorsements, address issues around hard to fill teaching positions and provide a definition for the laboratory component of the administrators certification renewal requirements.

Specific changes will include incorporating the existing career technical educator standards into administrative rule as well as establishing endorsements that currently are used by the Division of Career Technical Education but do not formally exist through Board rule or policy. This change will help to establish the standards and certification requirements at the same level as academic certification and endorsement requirements while still being focused on technical learning.

Academic teacher certification requirements will be amended based on the feedback received during the negotiated rulemaking process.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text (if available), contact Tracie Bent, Chief Planning and Policy Officer at (208) 332-1582 or tracie.bent@osbe.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the State Board of Education web site at the following web address: <http://boardofed.idaho.gov>.

DATED this 6th Day of May, 2016.

Tracie Bent
Chief Planning and Policy Officer
Idaho State Board of Education
650 W State Street
PO Box 83720
Boise, ID and 83720-0036
Phone (208) 332-1582
Fax (208) 334-2632

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1606

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is April 14, 2016.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 33-105 and 33-1612, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 15, 2016.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The State Board of Education approved a revision to the Idaho Academic Achievement Standards on April 14, 2016. These standards include the proficiency level descriptors and the ISAT achievement levels at each performance level for each grade. To clarify the description and avoid confusion, the term "standards" has been changed to "level descriptors." These new achievement level cut scores for the Idaho Standards Achievement Test (ISAT) are reflected in the document that is incorporated by reference. The revision date of the standards being incorporated by reference for the ISAT reflects the date the revisions were approved by the Board.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

A temporary rule is necessary for the 2015-2016 school year to represent the achievement descriptive/cut scores for the ISAT and to be in compliance with the Elementary and Secondary Education Act. The students began testing in March 2016 and these cut scores need to be known in order to score the assessments.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: NA

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rule is necessary to comply with the Elementary and Secondary Education Act.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Because of the number of pages within the document, the republication of the text would be unduly cumbersome and expensive. A complete copy of the incorporated by reference document can be found on our website at sde.idaho.gov/topics/admin-rules/.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Dr. Cheryl Finley, Director of Assessment, at (208) 332-6976 or cfinley@sde.idaho.gov.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 22, 2016. More information can also be found on our website at sde.idaho.gov/topics/admin-rules/.

DATED this 27th Day of April, 2016.

Sherri Ybarra
Superintendent of Public Instruction
650 West State Street, 2nd Floor
Boise, ID 83720-0027
Office: (208) 332-6800 / Fax: (208) 334-2228

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 08-0203-1606
(Only Those Sections With Amendments Are Shown.)**

004. INCORPORATION BY REFERENCE.

The following documents are incorporated into this rule: (3-30-07)

01. The Idaho Content Standards. The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (3-29-10)

- a.** Driver Education, as revised and adopted on August 21, 2008. (3-29-10)
- b.** Health, as revised and adopted on April 17, 2009. (3-29-10)
- c.** Humanities Categories: (3-29-10)
 - i.** Art, as revised and adopted on April 17, 2009; (3-29-10)
 - ii.** Dance, as revised and adopted on April 17, 2009; (3-29-10)
 - iii.** Drama, as revised and adopted on April 17, 2009; (3-29-10)
 - iv.** Interdisciplinary, as revised and adopted on April 17, 2009; (3-29-10)
 - v.** Music, as revised and adopted on April 17, 2009; (3-29-10)
 - vi.** World languages, as revised and adopted on April 17, 2009; (3-29-10)
- d.** English Language Arts, as revised and adopted on August 11, 2010. (4-7-11)
- e.** Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)
- f.** Mathematics, as revised and adopted on August 11, 2010. (4-7-11)
- g.** Physical Education, as revised and adopted on April 17, 2009. (3-29-10)
- h.** Science, as revised and adopted on April 17, 2009. (3-29-10)
- i.** Social Studies, as revised and adopted on April 17, 2009. (3-29-10)
- j.** Information and Communication Technology, as revised and adopted on April 22, 2010. (4-7-11)

02. The English Language Development (ELD) Standards. The World-Class Instructional Design and Assessment (WIDA) 2012 English Language Development (ELD) Standards as adopted by the State Board of Education on August 16, 2012. Copies of the document can be found on the WIDA website at www.wida.us/standards/eld.aspx. (4-4-13)

03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures. The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at www.sde.idaho.gov. (4-7-11)

04. The Idaho English Language Assessment (IELA) Achievement Standards. The Idaho English Language Assessment (IELA) Achievement Standards as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at www.sde.idaho.gov. (4-7-11)

05. The Idaho Standards Achievement Tests (ISAT) Achievement ~~Standards~~ Level Descriptors. Achievement ~~Standards~~ Level Descriptors as adopted by the State Board of Education on ~~May 30, 2007~~ April 14, 2016. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (~~4-2-08~~)(4-14-16)T

06. The Idaho Extended Content Standards. The Idaho Extended Content Standards as adopted by the State Board of Education on April 17, 2008. Copies of the document can be found at the State Board of Education website at www.boardofed.idaho.gov. (5-8-09)

07. The Idaho Alternate Assessment Achievement Standards. Alternate Assessment Achievement Standards as adopted by the State Board of Education on May 18, 2011. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (3-29-12)

08. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing. As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (4-2-08)

09. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired. As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (4-2-08)

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1607

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 33-118 and 33-1612, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 15, 2016. Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Regardless of whether a negotiated meeting is scheduled, written comments and recommendations will be taken via mail, email, or fax directed to the contact listed below or through our website at sde.idaho.gov/topics/admin-rules/ until June 22, 2016. Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

Eighth grade pre-algebra was originally required as part of the high school redesign efforts. The original recommendation came from the Accelerated Learning and Preparation for Postsecondary Education Task Force in 2005. Members of the task force were educators and education stakeholders from across the state. The rule was put in place to ensure that high school students were prepared to take and pass Algebra I at the high school level. It is recommended that this section of rule be removed because the State of Idaho has not adopted common pre-algebra standards. This means there is not a common understanding of pre-algebra expectations/outcomes statewide. Secondly, this section of code is being utilized as a gatekeeper for the high school level. A school district can require an eighth grade student to repeat all courses, while only struggling in one area, before being allowed to move on to complete courses which meet Idaho's graduation requirements. In addition, this section of the rule is in violation of the Individuals with Disabilities Education Act because a student's Individualized Education Program may not allow for a student to complete pre-algebra prior to the ninth grade. While it is important for students to have a firm foundation in pre-algebra in order to be successful in subsequent math courses, a student's education should be viewed holistically within the context of the middle grade credit system which already includes mathematics.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text, contact Scott Cook, Director of Academic Services, Support, and Professional Development, at (208) 332-6927 or sccook@sde.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the State Department of Education's website at the following web address: sde.idaho.gov/topics/admin-rules/.

DATED this 2nd Day of May, 2016.

Sherri Ybarra, Superintendent of Public Instruction
650 West State Street, 2nd Floor
Boise, ID 83720-0027
Office: (208) 332-6800 / Fax: (208) 334-2228

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1608

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, 33-118 and 33-1612, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 15, 2016.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Proposed changes will make amendments to the states comprehensive assessment program and state school accountability requirements. The reauthorization of the Elementary Secondary Education Act known as the Every Student Succeeds Act allows states greater flexibility in their accountability systems while still requiring the use of statewide assessments aligned to the states content standards or, at the high school level, college and career readiness assessment. The proposed amendments would alter the current accountability system to a system that not only meets federal requirements but also meets the needs of the state. Changes to the comprehensive assessment program would align the program with the changes to the new accountability system and provide additional clarification around end of course science exams.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text (if available), contact Tracie Bent, Chief Planning and Policy Officer at (208) 332-1582 or tracie.bent@osbe.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the State Board of Education web site at the following web address: <http://boardofed.idaho.gov>.

DATED this 6th day of May, 2016.

Tracie Bent
Chief Planning and Policy Officer
Idaho State Board of Education
650 W State Street
PO Box 83720
Boise, ID and 83720-0027
Phone (208) 332-1582 / Fax (208) 334-2632

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1609

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, 33-118 and 33-1612, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 15, 2016.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

The proposed rule would remove the proficiency graduation requirement in its entirety. This change would not impact the assessment requirements for school district accountability but would result in students being able to graduate without having to show they were proficient on the Idaho Standards Achievement Test.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text (if available), contact Tracie Bent, Chief Planning and Policy Officer at (208) 332-1582 or tracie.bent@osbe.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the State Board of Education web site at the following web address: <http://boardofed.idaho.gov>.

DATED this 6th Day of May, 2016.

Tracie Bent
Chief Planning and Policy Officer
Idaho State Board of Education
650 W State Street
PO Box 83720
Boise, ID and 83720-0027
Phone (208) 332-1582
Fax (208) 334-2632

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.05 - RULES GOVERNING PAY FOR SUCCESS CONTRACTING

DOCKET NO. 08-0205-1601 (NEW CHAPTER)

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 33-125B, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 15, 2016.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Section 33-125B, Idaho Code, sets out provisions allowing the state department of education to enter into contracts for approved services under specific conditions and allows for the payment of services based on established outcomes. The proposed rule will set out timelines and application, negotiation, and evaluation procedures for submitted proposals.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text (if available), contact Tracie Bent, Chief Planning and Policy Officer at (208) 332-1582 or tracie.bent@osbe.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the State Board of Education web site at the following web address: <http://boardofed.idaho.gov>.

DATED this 6th Day of May, 2016.

Tracie Bent
Chief Planning and Policy Officer
Idaho State Board of Education
650 W State Street
PO Box 83720
Boise, ID and 83720-0036
Phone (208) 332-1582
Fax (208) 334-2632

**IDAPA 15 - OFFICE OF THE GOVERNOR
IDAHO EMERGENCY COMMUNICATIONS COMMISSION**

**15.06.02 - RULES GOVERNING THE IDAHO EMERGENCY
COMMUNICATIONS COMMISSION GRANTS**

DOCKET NO. 15-0602-1601

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 31-4816(9), Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking is scheduled by the Idaho Military Division, and will be held as follows:

Thursday, July 7, 2016 - 1:00 p.m. (MST)

**Idaho National Guard
4040 W. Guard, Building 600
Boise, Idaho**

The meeting site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Division. Individuals may also attend the public meeting to be conducted on the above date during which the Division will allow oral comments or presentations to be made.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Under the old rules, a grant applicant cannot amend its application after grant awards have been made, even if the amendment to the application results in a more efficient use of grant funds. This rule change allows for such application amendment. This rulemaking also adds criteria on which the priority of grant applications shall be weighed; updates Idaho Code citations; provides the Commission's website address; and clarifies the Commission's office hours.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text, if available, contact Craig Logan at (208) 258-6526. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Division's web site at the following web address: <http://www.nationalguard.idaho.gov/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 21, 2016.

DATED this 20th Day of May, 2016.

Craig Logan
E-911 Program Manager
Phone: (208) 258-6526 / Fax: (208) 422-5993

Military Division
4040 W. Guard, Bldg. 600
Boise, ID 83705

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.03 - EMERGENCY MEDICAL SERVICES (EMS) -- AGENCY LICENSING REQUIREMENTS

DOCKET NO. 16-0103-1601

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 56-1011 through 56-1023, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

| ALL MEETINGS START AT 7:00 P.M. LOCAL TIME | |
|---|--|
| Monday, June 13, 2016 | Tuesday, June 14, 2016 |
| Kootenai County EMS 4381 W. Seltice Way Coeur d'Alene, ID | Lewiston Fire Department Station 1 300 13th Street Lewiston, ID |
| Monday, June 20, 2016 | Wednesday, June 22, 2016 |
| Boise State University Student Union Building Alexander Room - 2nd Floor 1700 University Drive Boise, ID | East Idaho Public Health 1250 Hollipark Drive Idaho Falls, ID |
| Thursday, June 23, 2016 | |
| Magic Valley Paramedics - Station 1 285 Martin Street Twin Falls, ID | |

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

1. Attend the negotiated rulemaking meetings scheduled and participate in negotiation process;
2. Provide oral recommendations, or both, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to this address on or before June 30, 2016:

John Cramer
Idaho Department of Health & Welfare
Bureau of Emergency Medical Services & Preparedness
P.O. Box 83720
Boise, ID 83720-0036

Hand Deliver to:
2224 E. Old Penitentiary Rd.
Boise, ID 83712-8249

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

A new chapter of rule regarding Emergency Medical Services (EMS) data collection and submission requirements are being negotiated. The new chapter will be under IDAPA 16.01.06, "Emergency Medical Services

(EMS) -- Data Collection and Submission Requirements.” EMS data collection and submission requirements are currently included in IDAPA 16.01.03, “Emergency Medical Services (EMS) -- Agency Licensing Requirements.”

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact John Cramer, at (208) 334-4000. Materials pertaining to the negotiated rulemaking under Docket 16-0103-1601, including any available preliminary rule drafts, can be found on the Department's web site at the following web address: www.healthandwelfare.idaho.gov

All written comments on the negotiated rules must be directed to the contact person above and delivered on or before June 30, 2016.

DATED this 17th Day of May, 2016.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
E-mail: dhwrules@dhw.idaho.gov
Ph: (208) 334-5564 / Fax: (208) 334-6558

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

**16.03.08 - RULES GOVERNING THE TEMPORARY ASSISTANCE
FOR FAMILIES IN IDAHO (TAFI) PROGRAM**

DOCKET NO. 16-0308-1601

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 56-202, Idaho Code and 45 CFR Parts 260 - 265.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

**Tuesday, June 14, 2016 - 1:30-2:30 p.m. (Local) and
Friday, June 20 2016 10:30-11:30 p.m. (Local)**

**Central Idaho - DHW Office
450 W State Street
2nd Floor Conf. Room A-2
Boise, ID**

**Attendees also have the opportunity to attend both meetings via teleconference.
Conference call information: 1-877-820-7831 - Participant passcode: 645464#**

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

1. Attend the negotiated rulemaking meetings scheduled or participate via teleconference;
2. Provide oral recommendations, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to this address on or before July 1, 2016:

**Sarah Buenrostro, TAFI Program Specialist
Idaho Department of Health and Welfare
P. O. Box 83720
Boise, ID 83720-0036**

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

The Department is holding negotiated rulemaking meetings on this chapter to update and revise definitions pertaining to parent and relative status.

**CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS,
SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this negotiated rulemaking contact Sarah Buenrostro at (208) 334-4934. Materials pertaining to the negotiated rulemaking under Docket 16-0308-1601, including any available preliminary rule drafts, can be found on the Department's web site at the following web address: www.healthandwelfare.idaho.gov

All written comments on the negotiated rules must be directed to the contact person above and must be delivered on or before July 1, 2016.

DATED this 6th Day of May, 2016.

Tamara Prisock
DHW - Administrative Rules Unit
Phone: (208) 334-5500 / Fax: (208) 334-6558
E-mail: dhwrules@dhw.idaho.gov

450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.10 - MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1601

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2016.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-202, 56-203, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code, and 42 CFR 418.302.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Monday, June 13, 2016 - 3:00 p.m. (MDT)

**Medicaid Central Office
3232 W. Elder Street
Conf. Room D -- West/East
Boise, ID**

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

These rule changes implement a two-tiered routine home care reimbursement for Medicaid hospice providers, and add a new service intensity add-on payment to the hospice payment methodology for Medicaid. This will align this chapter of rules with recent changes in federal regulations (42 CFR 418.302).

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate as this rulemaking aligns this chapter of rules with recent changes in federal regulations (42 CFR 418.302) due to go into effect January 1, 2016.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

There is an estimated increase of \$213,000 in annual aggregate expenditures as a result of this rulemaking. \$64,000 of this will come from the State General Fund; the remaining \$149,000 will come from federal matching funds.

The associated system changes needed are minor and will occur within existing business processes and funding.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rulemaking is Temporary and brings the chapter into alignment with recent changes to federal regulation.

INCORPORATION BY REFERENCE: No materials are being incorporated by reference into these rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Cale Coyle at (208) 364-1817.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 22, 2016.

DATED this 6th Day of May, 2016.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
Phone: (208) 334-5500 / Fax: (208) 334-6558
E-mail: dhwrules@dhw.idaho.gov

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 16-0310-1601
(Only Those Sections With Amendments Are Shown.)**

456. HOSPICE: PROVIDER REIMBURSEMENT.

With the exception of payment for physician services under Section 458 of these rules, Medicaid reimbursement for hospice care will be made at one (1) of ~~four~~ five (45) predetermined rates for each day in which a participant receives the respective type and intensity of the services furnished under the care of the hospice. The ~~four~~ five (45) rates are prospective rates; there will be no retroactive rate adjustments other than the application of the “cap” on overall payments, the service intensity add-on, and the limitation on payments for inpatient care, if applicable. A description of the payment for each level of care is described in Subsections 456.01 through 456.04 of these rules.

~~(3-19-07)~~(1-1-16)T

01. Routine Home Care. The hospice provider will be paid ~~the~~ one (1) of two (2) routine home care rates for each day the patient is in residence, under the care of the hospice, and not receiving continuous home care. This rate is paid without regard to the volume or intensity of routine home care services provided on any given day. The two-rate payment methodology will result in a higher based payment for days one (1) through sixty (60) of hospice care and a reduced rate for days sixty-one (61) to end-of-care. If a participant leaves hospice care and then later is placed back on hospice care, regardless of hospice provider, a minimum of a sixty (60) day gap in hospice services is required in order for the routine home care rate to be paid at the higher base payment rate. If there is not a minimum of a sixty (60) day gap in hospice services being provided, the hospice provider will be paid at the rate for which the participant is qualified.

~~(3-19-07)~~(1-1-16)T

02. Continuous Home Care. Continuous home care is to be provided only during a period of crisis. A period of crisis is a period in which a patient requires continuous care which is primarily nursing care to achieve palliation and management of acute medical symptoms. Care must be provided by either a registered nurse or a licensed practical nurse and a nurse must provide care for at least half the total period of care. A minimum of eight (8) hours of care must be provided during a twenty-four (24) hour day which begins and ends at midnight. This care need not be continuous and uninterrupted. If less skilled care is needed on a continuous basis to enable the person to remain at home, this is covered as routine home care. For every hour or part of an hour of continuous care furnished, the hourly rate will be reimbursed to the hospice up to twenty-four (24) hours per day.

(3-19-07)

03. Inpatient Respite Care. The hospice will be paid at the inpatient respite care rate for each day that the participant is in an approved inpatient facility and is receiving respite care. Payment for respite care may be made for a maximum of five (5) days at a time including the date of admission but not counting the date of discharge in any monthly election period. Payment for the sixth and any subsequent day is to be made at the appropriate rate routine,

continuous, or general inpatient rate. (3-19-07)

04. General Inpatient Care. Payment at the inpatient rate will be made when general inpatient care is provided. No other fixed payment rates will be applicable for a day on which the participant receives hospice general inpatient care except as described in Section 458 of these rules. (3-19-07)

a. Date of discharge. For the day of discharge from an inpatient unit, the appropriate home care rate is to be paid unless the patient dies as an inpatient. When the patient is discharged as deceased, the inpatient rate, either general or respite, is to be paid for the discharge date. (3-19-07)

b. Hospice payment rates. The Medicaid hospice payment rates are the same as the Medicare hospice rates, adjusted to disregard cost offsets attributable to Medicare coinsurance amounts. Under the Medicaid hospice benefit, no cost sharing may be imposed with respect to hospice services rendered to Medicaid participants. (3-19-07)

c. Obligation of continuing care. After the participant's hospice benefit expires, the patient's Medicaid hospice benefits do not expire. The hospice must continue to provide that participant's care until the patient expires or until the participant revokes the election of hospice care. (3-19-07)

05. Service Intensity Add-On. For hospice services with dates of service on and after January 1, 2016, a service intensity add-on payment will be made for a visit by a registered nurse (RN) or social worker when provided in the last seven (7) days of life. Payment for the service intensity add-on is in addition to the routine home care rate and is calculated by multiplying the continuous home care rate per fifteen (15) minutes by the number of units for the combined visits for the day. Payment must not exceed sixteen (16) units per day, and is adjusted for geographic differences in wages. Phone time for a provider's social worker is not eligible for a service intensity add-on payment. (1-1-16)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.18 - MEDICAID COST-SHARING

DOCKET NO. 16-0318-1601

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2016.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-253 and 56-257, Idaho Code, and 42 CFR 435.726.

PUBLIC HEARING SCHEDULE: Public hearings concerning this rulemaking will be held as follows:

| Friday, June 10, 2016 2:00 p.m. (MDT) | Friday, June 10, 2016 2:00 p.m. (PDT) | Wednesday, June 22, 2016 2:00 p.m. (MDT) |
|--|---|--|
| Medicaid Central Office 3232 W. Elder Street Conf. Rm D - West/East Boise, ID | Medicaid Reg. II Office 1118 "F" Street 3rd Floor Conference Room Lewiston, ID | Medicaid Reg. VII Office 150 Shoup Avenue Large Conference Room 2nd Floor Idaho Falls, ID |

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Advocates for Idaho residents with disabilities requested the Department review the Personal Needs Allowance (PNA) amounts used in the financial eligibility calculation for those Medicaid participants who reside in the community and who are responsible for their own rent or mortgage expenses. The Department has determined that while the Supplemental Security Income (SSI) amount is adjusted annually by the Social Security Administration to account for cost of living increases, it has not kept pace with the increase of housing and utility expenses in Idaho.

To address this, these rule changes increase the Personal Needs Allowance from 150% of the federal SSI amount to 180% of the federal SSI amount for eligible waiver participants who incur a mortgage or rent expense.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate as this rulemaking confers a benefit to Home and Community Based Services waiver participants.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: NA

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

The total anticipated cost of this rule change is projected to be \$1,524,158 per year, due to the reduced participant Share of Cost for Medicaid waiver services. The SFY17 blended rate Federal Medical Assistance Percentage (FMAP) is 70.91%. The impact to the state general fund is projected to be \$443,377 per year, based on current participant counts. This rule change will result in an increased cost of \$443,337 per year in state general funds and \$1,080,780 in federal dollars.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking is not being conducted for this docket because negotiated rulemaking for these rule changes was held last year -- see the Notice of

Negotiated Rulemaking in the July 1, 2015, [Idaho Administrative Bulletin - Vol. 15-7, p. 58](#). (This docket was originally planned for 2015, but was canceled). Since then, the Department has been working with stakeholders informally and has notified them that the changes they negotiated last year are moving forward again under this temporary and proposed rule docket.

INCORPORATION BY REFERENCE: No materials are being incorporated by reference into these rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Ali Fernández at (208) 287-1156.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 22, 2016.

DATED this 6th Day of May, 2016.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
Phone: (208) 334-5500 / Fax: (208) 334-6558
E-mail: dhwrules@dhw.idaho.gov

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 16-0318-1601
(Only Those Sections With Amendments Are Shown.)**

400. PARTICIPATION IN THE COST OF HOME AND COMMUNITY-BASED WAIVER SERVICES.

Medicaid participants required to participate in the cost of Home and Community-Based Waiver (HCBS) services as described in IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," must have their share of cost determined as described in Subsections 400.01 through 400.10 of this rule. (3-19-07)

01. Excluded Income. Income excluded under the provisions of IDAPA 16.03.05, "Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD)," Sections 723 and 725, is excluded in determining participation. (3-19-07)

02. Base Participation. Base participation is income available for participation after subtracting all allowable deductions, except for the incurred medical expense deduction in Subsection 400.07 of this rule. Base participation is calculated by the participant's Self Reliance Specialist. The incurred medical expense deduction is calculated by the Regional Medicaid Services (RMS). (3-19-07)

03. Community Spouse. Except for the elderly or physically disabled participant's personal needs allowance, base participation for a participant with a community spouse is calculated under IDAPA 16.03.05, "Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD)," Section 725. A community spouse is the spouse of an HCBS participant who is not an HCBS participant and is not institutionalized. The HCBS personal needs allowance for a participant living in adult residential care equals the federal Supplemental Security Income (SSI) benefit rate for an individual living independently. (3-19-07)

04. Home and Community Based Services (HCBS) Spouse. Except for the elderly or physically disabled participant's personal needs allowance (PNA), base participation for a participant with an HCBS spouse is calculated and specified under IDAPA 16.03.05, "Rules Governing Eligibility for Aid to the Aged, Blind, and

Disabled (AABD),” Section 723. An HCBS spouse is the spouse of a participant who also receives HCBS. (3-19-07)

05. Personal Needs Allowance. The participant's personal needs allowance depends on his marital status and legal obligation to pay rent or mortgage. The participant's personal needs allowance is deducted from his income after income exclusions and before other allowable deductions. To determine the amount of the personal needs allowance, use Table 400.05 of this rule:

| TABLE 400.05 - PERSONAL NEEDS ALLOWANCE | | | |
|---|---|---|--|
| Amount of Personal Needs Allowance (PNA) for Participation | | | |
| Not Responsible for Rent or Mortgage | | Responsible for Rent or Mortgage | |
| Marital Status | PNA | Marital Status | PNA |
| No Spouse | One-hundred percent (100%) of the federal SSI benefit for a person with no spouse | No Spouse | One-hundred and fifty eighty percent (15 80 %) of the Federal SSI benefit for a person with no spouse |
| Married with Community Spouse | One-hundred and fifty percent (150%) of the Federal SSI benefit for a person with no spouse | Married with Community Spouse | One-hundred and fifty eighty percent (15 80 %) of the Federal SSI benefit for a person with no spouse |
| Married with HCBS Spouse | One-hundred percent (100%) of the Federal SSI benefit for a person with no spouse. Each spouse receives this amount as his PNA. | Married with HCBS Spouse | One-hundred and fifty eighty percent (15 80 %) of the Federal SSI benefit for a single person. Each spouse receives this amount as his PNA. |

~~(3-19-07)~~(7-1-16)T

06. Developmentally Disabled Participants. These allowances are specified in IDAPA 16.03.05, “Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD).” The HCBS personal needs allowance for adult participants receiving waiver services under the Developmentally Disabled Waiver is three (3) times the federal SSI benefit amount to an individual in his own home. (3-19-07)

07. Incurred Medical Expenses. Amounts for certain limited medical or remedial services not covered by the Idaho Medicaid Plan and not paid by a third party may be deducted from the base participation amount. The Department must determine whether a participant’s incurred expenses for such limited services meet the criteria for deduction. The participant must report such expenses and provide verification in order for an expense to be considered for deduction. Costs for over-the-counter medications are included in the personal needs allowance and will not be considered a medical expense. Deductions for necessary medical or remedial expenses approved by the Department will be deducted at application, and changed, as necessary, based on changes reported to the Department by the participant. (3-19-07)

08. Remainder After Calculation. Any remainder after the calculation in Subsection 400.05 of this rule is the maximum participation to be deducted from the participant's provider payments to offset the cost of services. The participation amount will be collected from the participant by the provider. The provider and the participant will be notified by the Department of the amount to be collected. (3-19-07)

09. Recalculation of Participation. The participant’s participation amount must be recalculated annually at redetermination or whenever a change in income or deductions becomes known to the Department. (3-19-07)

10. Adjustment of Participation Overpayment or Underpayment Amounts. The participant’s participation amount is reduced or increased the month following the month the participant overpaid or underpaid the provider. (3-19-07)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.05.06 - CRIMINAL HISTORY AND BACKGROUND CHECKS

DOCKET NO. 16-0506-1602

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 56-202(b), 56-203(2), 56-204A, 56-1004A, 56-1007, 39-1105, 39-1107, 39-1111, 39-1210(10), 39-1211(4), 39-3520, 39-5604, 39-9109, 66-404(7), 15-5-308(4), 15-5-311(5), and 15-5-316(5), Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

| | |
|--|--|
| Tuesday, June 7, 2016 6:00 - 7:30 p.m. (Local) | Thursday, June 9, 2016 6:00 - 7:30 p.m. (Local) |
| Region I - Coeur d'Alene Office 1120 Ironwood Drive Coeur d'Alene, ID | Lewiston Community Center 1424 Main Street Lewiston, ID |
| Tuesday, June 14, 2016 6:00 - 7:30 p.m. (Local) | Monday, June 20, 2016 6:00 - 7:30 p.m. (Local) |
| Downtown Library 715 S. Capital Blvd. Boise, ID | Idaho Falls Library 457 W. Broadway Idaho Falls, ID |

**Tuesday, June 21, 2016
6:00 - 7:30 p.m. (Local)**

**Twin Falls Library
201 Fourth Ave East
Twin Falls, ID**

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

1. Attend any of the negotiated rulemaking meetings scheduled and participate in negotiation process;
2. Provide oral recommendations, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to this address on or before June 30, 2016:

**Fernando Castro
Program Supervisor, Criminal History Unit
1720 North Westgate Drive, Suite A
Boise, ID 83704**

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

The Department is holding negotiated rulemaking meetings for the Criminal History and Background Check rules to review and update the list of disqualifying crimes and length of denials, and to meet new federal requirements regarding these checks for the Idaho Child Care Program (ICCP). The Department intends to enable different clearances based on the type of background check being sought by the applicant. These new clearances will restrict the eligibility for employment of some persons.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Fernando Castro, at (208) 332-7999. Materials pertaining to the negotiated rulemaking under Docket 16-0506-1602, including any available preliminary rule drafts, can be found on the Department's web site at the following web address: www.healthandwelfare.idaho.gov

All written comments on the negotiated rules must be directed to the contact person above and must be delivered on or before June 30, 2016.

DATED this 6th Day of May, 2016.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
Phone: (208) 334-5500 / Fax: (208) 334-6558
E-mail: dhwrules@dhw.idaho.gov

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.06.12 - RULES GOVERNING THE IDAHO CHILD CARE PROGRAM (ICCP)

DOCKET NO. 16-0612-1601

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 56-202, Idaho Code, and CFR Title 42, Chapter 105, Subchapter iib 9858.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

| | |
|--|--|
| Tuesday, June 7, 2016 6:00 - 7:30 p.m. (Local) | Thursday, June 9, 2016 6:00 - 7:30 p.m. (Local) |
| Region I - Coeur d'Alene Office 1120 Ironwood Drive Coeur d'Alene, ID | Lewiston Community Center 1424 Main Street Lewiston, ID |
| Tuesday, June 14, 2016 6:00 - 7:30 p.m. (Local) | Monday, June 20, 2016 6:00 - 7:30 p.m. (Local) |
| Downtown Library 715 S. Capital Blvd. Boise, ID | Idaho Falls Library 457 W. Broadway Idaho Falls, ID |
| Tuesday, June 21, 2016 6:00 - 7:30 p.m. (Local) | |
| Twin Falls Library 201 Fourth Ave East Twin Falls, ID | |

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

1. Attend any of the negotiated rulemaking meetings scheduled and participate in negotiation process;
2. Provide oral recommendations, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to this address on or before June 30, 2016:

**Ericka Rupp
ICCP Program Manager
P.O. Box 83720
Boise, ID 83720-0036**

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

The Department is holding a negotiated rulemaking meetings for the Idaho Child Care Program to update and align with federal regulations.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Ericka Rupp at (208) 334-5815. Materials pertaining to the negotiated rulemaking under Docket 16-0612-1601, including any available preliminary rule drafts, can be found on the Department's web site at the following web address: www.healthandwelfare.idaho.gov

All written comments on the negotiated rules must be directed to the contact person above and must be delivered on or before June 30, 2016.

DATED this 6th Day of May, 2016.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
Phone: (208) 334-5500 / Fax: (208) 334-6558
E-mail: dhwrules@dhw.idaho.gov

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

**16.07.19 - BEHAVIORAL HEALTH PEER SPECIALIST AND FAMILY
SUPPORT PARTNER CERTIFICATION**

DOCKET NO. 16-0719-1601 (NEW CHAPTER)

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Title 39, Chapter 31, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held via webinar and teleconference as follows:

Teleconference Call-In Information for All Meetings

**Toll Free: 1 (866) 906-9888
Participant Passcode: 5082829**

Tuesday, June 21, 2016 - 10:00 AM (MDT)

Attendee URL:

<https://access.dhw.idaho.gov/meeting/60587811/b0fdf3ade31ef8f62401723f332767d1>

Username: Please enter your name in this field.
(This name is displayed on the meeting attendee list)

Password: AkLg3Gjz

Thursday, June 23, 2016 - 2:00 PM (MDT)

Attendee URL:

<https://access.dhw.idaho.gov/meeting/43186799/e85afd72ad2a623f78648bca78c7ceb7>

Username: Please enter your name in this field.
(This name is displayed on the meeting attendee list)

Password: sDYs1Gnh

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

1. Attend the negotiated rulemaking meetings through the Webinar or Teleconference on dates scheduled above;
2. Provide oral recommendations, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to this address on or before June 27, 2016:

**Treena Clark, Program Manager
Idaho Department of Health and Welfare
Division of Behavioral Health
P. O. Box 83720
Boise, ID 83720-0036**

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

The Department is holding negotiated rulemaking regarding certification of peer specialists and family support partner specialists. The Department is proposing to promulgate a new chapter of rule based on current certification requirements in Behavioral Health standards. This new chapter is being written to provide for ongoing certification through the Department for peer specialists and family support partners providing peer services.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Treena Clark at (208) 334-6611. Materials pertaining to the negotiated rulemaking under Docket 16-0719-1601, including any available preliminary rule drafts, can be found on the Department's web site at the following web address: www.healthandwelfare.idaho.gov

All written comments on the negotiated rules must be directed to the contact person above and must be delivered on or before June 27, 2016.

DATED this 6th Day of May, 2016.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
Phone: (208) 334-5500 / Fax: (208) 334-6558
E-mail: dhwrules@dhw.idaho.gov

IDAPA 19 - IDAHO STATE BOARD OF DENTISTRY

19.01.01 - RULES OF THE IDAHO STATE BOARD OF DENTISTRY

DOCKET NO. 19-0101-1601

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-912, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 22, 2016.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

This rulemaking will accomplish the following: eliminate an incorporated document related to standards for patient records and instead include specific requirements in rule; clarify applicability of timeframe for acceptance of licensure examinations; list accepted clinical licensure examinations in rule; clarify requirements for renewal of an active license; authorize a dental hygienist to administer nitrous oxide under general supervision; revise the unprofessional conduct rules regarding controlled substances to include any prescription drug; eliminate advertising rules and instead include in unprofessional conduct rules; add rule regarding minimum infection control and sterilization requirements; eliminate continuing education documentation requirement and require instead an attestation of completion; add rule requiring basic emergency drugs; clarify requirements for sedation permit renewal and reinstatement of an expired permit; require dentists to obtain one hour of continuing education related to the prescription monitoring program; and revise sedation monitoring to require two of three monitoring mechanisms. In addition to the listed issues, housekeeping and/or technical corrections have been identified for inclusion in the rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text, if available, contact Susan Miller, Executive Director, at (208) 334-2369. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Board of Dentistry website at the following web address: www.isbd.idaho.gov.

DATED this 10th Day of May, 2016.

Susan Miller
Executive Director
Phone: (208) 334-2369
Fax: (208) 334-3247
susan.miller@isbd.idaho.gov

Idaho Board of Dentistry
350 N. 9th St., Ste. M100
P. O. Box 83720
Boise, ID 83720-0021

IDAPA 20 - IDAHO DEPARTMENT OF LANDS

20.02.14 - RULES FOR SELLING FOREST PRODUCTS ON STATE-OWNED ENDOWMENT LANDS

DOCKET NO. 20-0214-1601

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 58-104(6), 58-105, 67-5201, et seq, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

**Monday, June 6, 2016 & Monday, June 13, 2016
12:00 p.m. (PDT)**

**Associated Logging Contractors, Inc. Office
10589 So. Highway 95
Coeur d' Alene, ID 83816-0671**

The meeting site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following: Attend as many rulemaking sessions as possible. Visit our rulemaking website for additional meetings, agendas, and rule drafts. Comments may be submitted to timberrulemaking@idl.idaho.gov during any of the allowed comment periods.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

Recent policy changes from the Land Board have resulted in the department no longer presenting individual sales to the board for approval unless they fall outside established land board policies. This has resulted in some of the rules becoming obsolete. Additionally, the department has initiated the negotiated rule making process to address rules related to the sale of cedar poles. The current policy and rules that govern the sale of cedar poles may be legally questionable and do not help the department meet its constitutional mandate to maximize long term returns to the Endowments.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text (if available), contact Archie Gray CF, Sale Administration and Scaling Program Manager (208) 666-8618. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the IDL web site at the following web address: <http://www.idl.idaho.gov/rulemaking/index.html>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 21, 2016.

Dated this 6th Day of May, 2016.

Archie Gray CF
Sale Administration and Scaling Program Manager
(208) 666-8618 Office
(208) 769-1524 Fax

Idaho Department of Lands
3284 W. Industrial Loop
Coeur d' Alene, Idaho, 83815

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1601

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 37-2715, 37-2726(5) and 54-1717, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking is scheduled by the Idaho Board of Pharmacy and will be held as follows:

Thursday, August 4, 2016 – 8 a.m. (MDT)

**Idaho State Capital Building, Room WW53
514 W. Jefferson
Boise, Idaho**

The meeting site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

All written comments received by July 15, 2016 will be included in the Board's distributed meeting materials for consideration. For those planning to attend the open, public meeting, written and verbal comments will be accepted by and/or presented before the Board. For all others not planning to attend the meeting, written comments will be accepted by the Executive Director on or before August 1, 2016.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

The Board is considering updating rules including, but not limited to, those addressing telepharmacy, pharmacy technician roles, pharmacy security, emergency medication kits, prescription monitoring program, emergency room dispensing, centralized pharmacy services, prescription drug labeling, and required pharmacy references. The Board is also considering rules related to medication error reporting in the event of fatal outcomes and rules related to refill coordination.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, if available, contact Alex Adams, Executive Director, at (208) 334-2356 or at alex.adams@bop.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Board of Pharmacy's web site at the following web address: <http://bop.idaho.gov/>. Such preliminary rule drafts will be made available online at least ten days prior to the first scheduled meeting.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 15, 2016 for inclusion in the Board's distributed meeting materials for consideration and August 1, 2016 for delivery to the Board at the meeting. Written comments may also be submitted in person on the day of the meeting at the location listed above.

DATED the 28th Day of April, 2016.

Alex Adams, PharmD, MPH
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Fax: (208) 334-3536

IDAPA 35 - STATE TAX COMMISSION

35.01.01 - INCOME TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0101-1601

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 63-105 and 63-3039, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

Wednesday, June 8, 2016 - 1:30 P.M. (MDT)

**Idaho State Tax Commission
Room 1CR5 – 1st Floor
800 Park Boulevard, Plaza IV
Boise, ID 83712-7742**

It is possible that the rules will require further discussion in a follow up meeting that will also be open to the public. Notification of any additional meetings will be posted on the Tax Commission's website at <http://tax.idaho.gov/i-1090.cfm> at least one week prior to the date of the meeting. All meeting agendas are also posted on the website which will contain specific information on the rules that will be discussed at a particular meeting. Keep in mind there is no guarantee that a particular rule will be discussed beyond the meeting noted above, so please plan accordingly.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Attend the scheduled meeting and participate in the discussion for any of the rules on the agenda. You may join the meeting by phone if you wish; however, notice must be given in advance so accommodations can be arranged.

Submit a written comment addressing one or more of the rules to be negotiated. All written comments must be received by June 30, 2016, or they may not receive consideration in the negotiated rulemaking process.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Rule 580 is being amended to change the computation of the apportionment formula by a financial institution in accordance with the Multistate Tax Commission's (MTC) amendment of July 29, 2015.

Rule 582 is being amended to change the computation of the apportionment formula by a financial institution in accordance with the Multistate Tax Commission's (MTC) amendment of July 29, 2015.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Cynthia Adrian, (208) 334-7670. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Tax Commission web site at the following web address: www.tax.idaho.gov.

All written comments must be directed to the undersigned and must be delivered on or before June 30, 2016. Comments may be submitted via email to sherry.briscoe@tax.idaho.gov.

DATED this 6th Day of May, 2016.

Cynthia Adrian
Tax Policy Specialist
Idaho State Tax Commission
Phone: (208) 334-7670 / Fax: (208) 334-7844

800 Park Blvd., Plaza IV
P.O. Box 36
Boise, ID 83722-0410

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

38.05.01 - RULES OF THE DIVISION OF PURCHASING

DOCKET NO. 38-0501-1601

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 67-5717, Idaho Code (Section 67-9205, Idaho Code, effective July 1, 2016).

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 30, 2016.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

New legislation effective July 1, 2016 created the "State Procurement Act." This legislation requires the Administrator of the Division of Purchasing to promulgate rules regarding the process and factors influencing the decision to grant, continue, and revoke delegated purchasing authority; as well as rules establishing policies and procedures related to the administration, management, monitoring and oversight of contracts entered into by an agency.

In addition to addressing the requirements of the new State Procurement Act, as detailed above, the proposed rules will include additional minor modifications intended to clarify, consolidate and modernize existing language; including (but not limited to) establishing the form for preservation of records within the Division of Purchasing, updates to the definition section, as well as revisions to reflect minor modifications which were adopted in the State Procurement Act. Internal and agency comments may result in additional revisions to the existing rules.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text, if available, contact Sarah Hilderbrand at (208) 332-1612 or at sarah.hilderbrand@adm.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Division of Purchasing's web site at the following web address: <http://purchasing.idaho.gov/>.

DATED this 5th Day of May, 2016.

Sarah Hilderbrand, Administrator
Telephone: (208) 332-1612
Fax: (208) 327-7320

Division of Purchasing, Department of Administration
650 W. State St., Room 100
P. O. Box 83720
Boise, ID 83720-0003

IDAPA 42 - IDAHO WHEAT COMMISSION

42.01.01 - RULES OF THE IDAHO WHEAT COMMISSION

DOCKET NO. 42-0101-1601

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 22-3309, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking is scheduled by the Idaho Wheat Commission, and will be held as follows:

Tuesday, June 28, 2016 at 1:00 p.m.

**Seminis Vegetable Seeds Offices
21120 Highway 30
Filer, Idaho 83328**

Additional negotiated rulemaking meetings may be established by the Commission, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Commission's website at <http://www.idahowheat.org/>.

The meeting site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho Wheat Commission at the address below. Individuals may also attend the public meeting to be conducted on the above date during which the Commission will allow oral comments or presentations to be made.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the Commission's website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

The Idaho Wheat Commission ("Commission") will take up negotiated rulemaking with regard to the Report of Tax on Wheat form (or equivalent), including, but not limited to, the manner in which the form is completed, the manner in which the form is returned to the Commission, the timing upon which the form is delivered to the Commission, and the information included in the form.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, if available, contact Blaine Jacobson, Executive Director, at (208) 334-2353. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Commission's website at the following web address: <http://www.idahowheat.org/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments, questions, recommendations, or ideas must be directed to the undersigned and must be submitted to the Idaho Wheat Commission on or before June 28, 2016 at the address below or via email to blaine@idahowheat.org.

DATED this 4th Day of May, 2016.

Blaine Jacobson, Executive Director
Idaho Wheat Commission
821 W. State St.
P. O. Box 82720
Boise, ID 83720-0099
Phone: (208) 334-2353
Fax: (208) 334-2505

IDAPA 46 - BOARD OF VETERINARY MEDICINE

46.01.01 - RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

DOCKET NO. 46-0101-1601

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-2105, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking is scheduled by the Idaho Board of Veterinary Medicine, and will be held as follows:

Monday, June 20, 2016 at 10:30 a.m. (MST)

**Idaho Department of Agriculture Building
2270 Old Penitentiary Road
Boise, Idaho 83712**

The meeting site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

All written comments received on or before Friday, June 17, 2016, will be included in the Board's distributed meeting materials for consideration. For those planning to attend the open, public meeting, written and verbal comments will be accepted by and/or presented before the Board.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

The Board of Veterinary Medicine will be considering amendments to the following administrative rule provisions:

1. IDAPA 46.01.01.004 to insert information about the dates and location of Board meetings.
2. IDAPA 46.01.01.102 to reorganize and provide clarity to CE requirements for CVTs.
3. IDAPA 46.01.01.200 to eliminate the requirement that a Board member sit on the Committee on Humane Euthanasia.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, if available, contact Jodie Ellis, Executive Director, at (208) 332-8588 or at jodie.ellis@agri.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Board of Veterinary Medicine's web site at the following web address: <http://bovm.idaho.gov/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be received on or before Friday, June 17, 2016, for inclusion in the Board's distributed meeting materials for consideration. Written comments may also be submitted in person on the day of the meeting at the location listed above.

DATED this 5th Day of May, 2016.

Jodie Ellis, Executive Director
Board of Veterinary Medicine
2270 Old Penitentiary Rd.
P. O. Box 7249
Boise, ID 83707
Phone: (208) 332-8588
Fax: (208) 332-8645

IDAPA 47 - DIVISION OF VOCATIONAL REHABILITATION

47.01.01 - RULES OF THE IDAHO DIVISION OF VOCATIONAL REHABILITATION

DOCKET NO. 47-0101-1601

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 33-2211 and 33-2303, Idaho Code, and the Rehabilitation Act of 1973 and all subsequent amendments.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 15, 2016.

Should a reasonable number of persons respond to this notice, additional negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Proposed amendments would make technical changes and corrections to IDAPA 47.01.01, Rules of the Idaho Division of Vocational Rehabilitation and changes to the Division's Field Services Policy Manual, incorporated by reference, to further align the program's policies with the Rehabilitation Act of 1973, P.L. 93-112, as amended by the Workforce Innovation and Opportunity Act (WIOA) of 2014, P.L. 113-128. Furthermore, the Division is making substantive changes specifically to the Order of Selection policy to be in alignment with WIOA.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility), contact Teresa Pitt, Planning and Evaluation Manager at (208) 287-6466 or Teresa.pitt@vr.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Division of Vocational Rehabilitation web site at the following web address: <http://vr.idaho.gov/>.

DATED this 2nd Day of May, 2016.

Tracie Bent
Chief Planning and Policy Officer
Idaho State Board of Education
650 W State Street
PO Box 83720
Boise, ID and 83720-0036
Phone (208) 332-1582
Fax (208) 334-2632

IDAPA 47 - DIVISION OF VOCATIONAL REHABILITATION

47.01.02 - RULES AND MINIMUM STANDARDS GOVERNING EXTENDED EMPLOYMENT SERVICES

DOCKET NO. 47-0102-1601

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 33-2211 and 33-2303, Idaho Code, and the Workforce Innovation and Opportunity Act.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 15, 2016.

Should a reasonable number of persons respond to this notice, additional negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Proposed amendments would make technical corrections including clearer definitions and language surrounding the referral and eligibility requirements and the program year for the Extended Employment Services Program. Changes to the program year will allow for better fiscal program management by aligning the Extended Employment Services Program to the Idaho state fiscal year.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility), contact Nanna Hanchett, Field Services Chief at (208) 334-3390 or nanna.hanchett@vr.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Division of Vocational Rehabilitation web site at the following web address: <http://vr.idaho.gov/>.

DATED this 2nd Day of May, 2016.

Tracie Bent
Chief Planning and Policy Officer
Idaho State Board of Education
650 W State Street
PO Box 83720
Boise, ID and 83720-0036
Phone (208) 332-1582
Fax (208) 334-2632

IDAPA 48 - IDAHO GRAPE GROWERS AND WINE PRODUCERS COMMISSION

48.01.01 - RULES OF THE IDAHO GRAPE GROWERS AND WINE PRODUCERS COMMISSION

DOCKET NO. 48-0101-1601

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 54-3605(15) and 54-3610, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking has been scheduled by the Idaho Grape Growers and Wine Producers Commission, and will be held as follows:

Thursday, June 16, 2016 at 9:00 a.m. (MDT)

**Idaho Grape Growers and
Wine Producers Commission Office
821 W. State Street
Boise, Idaho 83702**

During the scheduled public meeting, additional negotiated rulemaking meetings may be established by the Commission, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Commission website at <http://wine.idaho.gov/>.

The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Commission. Individuals may also attend the public meeting to be conducted on the above date during which the Commission will allow oral comments or presentations to be made.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Through the passage of House Bill No. 456, the 2016 Idaho Legislature amended Idaho Code section 54-3610 to remove statutory assessment language that was inconsistent with and duplicative to the Idaho Grape Growers and Wine Producers Commission's administrative rules that were adopted by the Idaho Legislature in 2010 with respect to grapes and grape juice purchased from out-of-state producers for the production of wine in Idaho. Omission of this duplicative language was inadvertently overlooked by industry until prior to the 2016 legislative session. By statute, the Commission is charged with setting forth the assessment calculations by rule for Idaho's grape and wine industry. In reviewing the current assessment structure for grapes and grape juice, Idaho wineries have brought forth the request to simplify the assessment structure for future assessment cycles.

The current assessment structure has proven confusing for industry members and requires them to convert wine grapes purchased in tons into gallons produced before applying assessment payments. In turn, the Commission has to reconvert gallons to tons in order to determine total tons harvested in Idaho for that year. The temporary and proposed rulemaking streamlines the assessment process by requiring both wineries and vineyards to pay assessments based on tons rather than any conversion to gallons. This rule change will simplify and streamline the current assessment

structure removing the need for wineries to convert tons to gallons for assessment dues, as well as removing the need for the Commission to convert gallons to tons for proper harvest numbers.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, if available, contact Moya Dolsby, Executive Director, (208) 332-1538. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Commission's website at the following web address: <http://wine.idaho.gov/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 9, 2016.

DATED this 16th Day of May 2016.

Moya Dolsby
Executive Director
Grape Growers and Wine Producers Commission
821 W. State St.
Boise, ID 83702
Phone: (208) 332-1538
Fax: (208) 334-2505

IDAPA 55 - DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION

55.01.03 - RULES OF PROFESSIONAL-TECHNICAL SCHOOLS

DOCKET NO. 55-0103-1601

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking proceedings. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and Section 33-1002G, Idaho Code, and Sections 33-2202 through 33-2212, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 15, 2016.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Proposed amendments will update the rules to create consistency in how attendance criteria is calculated for all schools, including cooperative service agencies. The intended change will replace the existing definition of dual credit with language regarding advanced opportunities and will add a definition of a career technical education administrator. The change will also clarify that instructors of career technical education programs may only hold a related industry-based credential (no equivalent) and that programs may not use means other than their approved student organization to promote leadership, interpersonal, and other workplace skills. Lastly, the intended change will limit the calculation of average daily attendance, as it relates to career technical programs, to only students in grade 10-12 who are enrolled in an approved course.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text (if available), contact Tracie Bent, Chief Planning and Policy Officer at (208) 332-1582 or tracie.bent@osbe.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the State Board of Education web site at the following web address: <http://boardofed.idaho.gov>.

DATED this 6th Day of May, 2016.

Tracie Bent, Chief Planning and Policy Officer
Idaho State Board of Education
650 W State Street
PO Box 83720
Boise, ID 83720-0036
Phone (208) 332-1582 / Fax (208) 334-2632

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.03 - INDIVIDUAL/SUBSURFACE SEWAGE DISPOSAL RULES

DOCKET NO. 58-0103-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule will become final and effective on July 1, 2017 unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, January 6, 2016, [Vol. 16-1, pages 200 through 207](#). After consideration of public comments, the rule has been revised at Sections 006 and 009. The remainder of the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at www.deq.idaho.gov/58-0103-1501 or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: This rule regulates an activity not regulated by the federal government. Chapters 1 and 36, Title 39, Idaho Code, grant authority to the Board to adopt rules and standards to protect the environment and health of the state of Idaho for the installation of cottage site sewage treatment facilities and for the issuance of pollution source permits.

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Tyler Fortunati at tyler.fortunati@deq.idaho.gov or (208) 373-0140.

Dated this 1st Day of June, 2016.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
(208) 373-0418 / Fax No. (208) 373-0481
paula.wilson@deq.idaho.gov

DOCKET NO. 58-0103-1501 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized red text that is *double underscored* is new text that has been added to the pending rule.

Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 16-1, January 6, 2016, pages 200 through 207.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2016 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 58-0103-1501

006. **INSTALLER'S REGISTRATION PERMIT AND SERVICE PROVIDER CERTIFICATION.**

01. **Permit and Certification Required.** Every installer and service provider shall secure from the Director, an installer's registration permit. Service providers must also obtain a service provider's certification. Two (2) types of installer permits and one (1) type of service provider certification are available. ~~(5-7-93)~~ ()

[Paragraph 006.01.b. through Paragraph 006.06.c.]

b. A complex alternative system installer's registration permit is required to install evapotranspiration systems, extended treatment package systems, lagoon systems, large soil absorption systems, pressure distribution systems, intermittent sand filters, ~~in-trench sand filter~~, sand mounds or other systems as may be specified by the Director. ~~(5-7-93)~~ ()

c. A service provider certification is required to perform operation, maintenance, or monitoring of complex alternative systems. ()

02. **Examination.** The initial issuance of the installer's permit and service provider certification shall be based on the completion of an examination, with a passing score of seventy (70) percent or more, of the applicant's knowledge of the principles set forth in ~~this chapter~~ these rules and the applicable sections of the Technical Guidance Manual. The examinations will be prepared, administered and graded by the Director. The installer examination and service provider examination shall be separate exams. ~~(5-7-93)~~ ()

03. **Permits and Certifications Required Annually.** Registration permits and service provider certifications expire annually on the first (1st) day of January, and all permits and certifications issued thereafter will be issued for the balance of the calendar year. Additionally, installers and service providers shall attend at least one (1) refresher course approved by the state of Idaho, Department of Environmental Quality, ~~be attended~~ every three (3) years. Individuals holding both a complex installer registration permit and service provider certification shall attend one refresher course for the complex installer registration permit and another course for the service provider certification. Installer and service provider refresher courses are not interchangeable. ~~(5-7-93)~~ ()

04. **Contents of Application.** ()

a. Applications for installer permits and service provider certifications shall: ()

i. ~~be~~ Be in writing: ()

ii. ~~shall be~~ Be signed by the applicant or by an officer or authorized agent of a corporation: ()

iii. ~~shall~~ e Contain the name and address of the applicant: ()

iv. ~~shall~~ i Indicate whether the permit is to be for: ()

(1) ~~i~~ Installation of standard and basic alternative systems or for: ()

- (2) ~~Installation of standard, basic and complex alternative systems;~~ or ()
- (3) Installation of standard, basic and complex alternative systems and certification as a service provider; and ()
- v. ~~shall~~ contain the expiration date of the bond required by Subsection 006.05. ()
- b. Additionally, for applicants seeking certification as a service provider, the application shall also contain annual documentation of manufacturer specific training, as required by Subsection 006.06.a. (5-7-93) ()

05. Bond Required. At the time of application, all applicants, including those seeking a service provider certification, shall deliver to the Director a bond in a form approved by the Director in the sum of five thousand dollars (\$5,000) for a standard and basic alternative system installer's registration permit, or in the sum of fifteen thousand dollars (\$15,000) for standard, basic and complex alternative system installer's registration permit. The bond will be executed by a surety company duly authorized to do business in the state of Idaho and must run concurrent with the installer's registration permit ~~to~~. The bond shall be approved by the Director and must guarantee ~~ing~~ the installer or service provider's faithful performance of all work undertaken under the provisions of the installer's registration permit or service provider certification, or both. Any person who suffers damage as the result of the negligent or wrongful acts of the ~~registrant~~ installer or service provider or by ~~his~~ the installer or service provider's failure to competently perform any of the work agreed to be done under the terms of the registration permit or certification shall, in addition to other legal remedies, have a right of action in his own name on the bond for all damages not exceeding five thousand dollars (\$5,000) for standard and basic alternative systems or required operation, maintenance, or monitoring by certified service providers. The maximum liability of the surety and/or sureties on the bond, regardless of the number of claims filed against the bond, shall not exceed the sum of five thousand dollars (\$5,000) for standard and basic alternative systems or fifteen thousand dollars (\$15,000) for complex alternative systems or required operation, maintenance, or monitoring by certified service providers. (5-7-93) ()

06. Service Provider Responsibilities. All certified service providers who provide operation, maintenance, or monitoring for any complex alternative system are responsible for compliance with each of these rules that are relevant to those services. Additionally, each certified service provider shall: ()

a. Obtain documentation of the completed manufacturer-specific training of each manufactured and packaged treatment system for which the service provider intends to provide operation, maintenance, or monitoring. Proper documentation includes a certificate or letter of training completion provided by the manufacturer. If a system manufacturer is no longer in business, that manufacturer-specific training is not required. ()

b. Maintain a comprehensive list of real property owners who contracted with the certified service provider. The list shall include the current real property owner name, service property address, real property owner contact address, and subsurface sewage disposal permit number. This list shall be provided to the Director as part of the annual operation, maintenance, and monitoring reports for individual real property owners; and ()

c. Submit all operation, maintenance, and monitoring records in the form of an annual report for each individual real property owner with whom the service provider contracts to fulfill the real property owner's operation, maintenance, or monitoring responsibilities required through the real property owner's subsurface sewage disposal installation permit as allowed in Subsection 005.14. The annual reports shall be provided to the Director by the timeframe specified in the Technical Guidance Manual for the specific complex alternative system for which operation, maintenance, or monitoring is required. ()

(BREAK IN CONTINUITY OF SECTIONS)

009. OTHER COMPONENTS.

03. Effect of Design Approval. The Director may condition a design approval by specifying

circumstances under which the component must be installed, used, operated, ~~or~~ maintained, or monitored.
~~(10-1-99)~~ ()

[Paragraph 009.03.a. 009.03.b.]

a. The Director shall specify the complex alternative systems that must undergo professionally managed operation, maintenance, service, or effluent testing. ()

b. Manufacturers shall provide training to a reasonable number of service providers to perform required operation, maintenance, or monitoring as specified by the Director. ()

Sections Affected Index

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - Rules Governing Thoroughness

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004. Incorporation By Reference. 27

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.10 - Medicaid Enhanced Plan Benefits

Docket No. **16-0310-1601**

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16.03.18 - Medicaid Cost-Sharing

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IIDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.03 - Individual/Subsurface Sewage Disposal Rules

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LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the latest publication of the state Administrative Bulletin.

*The written comment submission deadline is June 15, 2016 unless otherwise noted.
Public hearing request deadline is June 22, 2016 unless otherwise noted.
(Temp & Prop) indicates the rule is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 08 - IDAHO STATE BOARD OF EDUCATION AND THE STATE DEPARTMENT OF EDUCATION PO Box 83720, Boise, ID 83720-0036

08-0203-1606, Rules Governing Thoroughness. (Temp & Prop) Incorporates by reference the latest revisions to the Idaho Academic Achievement Standards (ISAT) that include the proficiency level descriptors and the ISAT achievement levels at each performance level for each grade; changes the term “standards” to “level descriptors” for clarity. (Eff 4/14/16)T

IDAPA 16 – IDAHO DEPARTMENT OF HEALTH AND WELFARE PO Box 83720, Boise, ID 83720-0036

***16-0310-1601, Medicaid Enhanced Plan Benefits.** (Temp & Prop) (*PH) Implements a two-tiered routine home care reimbursement for Medicaid hospice providers and adds a new service intensity add-on payment to the hospice payment methodology for Medicaid. (Eff 1/1/16)T

***16-0318-1601, Medicaid Cost-Sharing.** (Temp & Prop) (*PH) Increases the Personal Needs Allowance from 150% to 180% of the federal SSI amount for eligible waiver participants who live in the community and are responsible for their own mortgage or rent expenses. (Eff 7/1/16)T

NOTICES OF INTENT TO PROMULGATE - NEGOTIATED RULEMAKINGS

IDAPA 07 - DIVISION OF BUILDING SAFETY

07-0701-1601, Rules Governing Installation of Heating, Ventilation, and Air Conditioning System (Meeting scheduled 7/6/16)

IDAPA 08 - STATE BOARD AND DEPARTMENT OF EDUCATION

08-0109-1601, Rules Governing the GEAR UP Idaho Scholarship Program (Respond by 6/15/16)

08-0201-1601, Rules Governing Administration (Respond by 6/15/16)

[08-0202-1606 - this docket was pulled prior to publication]

08-0202-1607, Rules Governing Uniformity (Respond by 6/15/16)

08-0203-1607, 08-0203-1608 and 08-0203-1609, Rules Governing Thoroughness (Respond by 6/15/16)

08-0205-1601, Rules Governing Pay for Success Contracting (New Chapter) (Respond by 6/15/16)

IDAPA 15 - OFFICE OF THE GOVERNOR - THE IDAHO EMERGENCY COMMUNICATIONS COMMISSION

15-0602-1601, Rules Governing the Idaho Emergency Communications Commission Grants (Meeting scheduled 7/7/16)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16-0103-1601, Emergency Medical Services (EMS) -- Agency Licensing Requirements (Meetings scheduled - see Bulletin)

16-0308-1601, Rules Governing the Temporary Assistance for Families in Idaho (TAFI) Program (Meetings scheduled - see Bulletin)

16-0506-1602, Criminal History and Background Checks (Meetings scheduled - see Bulletin)

16-0612-1601, Rules Governing the Idaho Child Care Program (ICCP) (Meetings scheduled - see Bulletin)

16-0719-1601, Behavioral Health Peer Specialist and Family Support Partner Certification (New Chapter) (Meetings scheduled - see Bulletin)

IDAPA 19 - IDAHO BOARD OF DENTISTRY

19-0101-1601, Rules of the Idaho State Board of Dentistry (Respond by 6/22/16)

IDAPA 20 - IDAHO DEPARTMENT OF LANDS

20-0214-1601, Rules for Selling Forest Products on State-Owned Endowment Lands (Meetings scheduled – see Bulletin)

IDAPA 27 - BOARD OF PHARMACY

27-0101-1601, Rules of the State Board of Pharmacy (Meeting scheduled 8/4/16)

IDAPA 35 - IDAHO STATE TAX COMMISSION

35-0101-1601, Income Tax Administrative Rules (Meeting scheduled 6/8/16)

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

38-0501-1601, Rules of the Division of Purchasing (Respond by 6/30/16)

IDAPA 42 - IDAHO WHEAT COMMISSION

42-0101-1601, Rules of the Idaho Wheat Commission (Meeting scheduled 6/28/16)

IDAPA 46 - BOARD OF VETERINARY MEDICINE

46-0101-1601, Rules of the State of Idaho Board of Veterinary Medicine (Meeting scheduled 6/20/16)

IDAPA 47 - DIVISION OF VOCATIONAL REHABILITATION

47-0101-1601, Rules of the Idaho Division of Vocational Rehabilitation (Respond by 6/15/16)

47-0102-1601, Rules and Minimum Standards Governing Extended Employment Services (Respond by 6/15/16)

IDAPA 48 - IDAHO GRAPE GROWERS AND WINE PRODUCERS COMMISSION

48-0101-1601, Rules of the Idaho Grape Growers and Wine Producers Commission (Meeting scheduled 6/16/16)

IDAPA 55 - DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION

55-0103-1601, Rules of Professional-Technical Schools (Respond by 6/15/16)

Please refer to the Idaho Administrative Bulletin, **June 1, 2016, Volume 16-6**, for the notices and text of all rulemakings, public hearings schedules, information on negotiated rulemakings, executive orders of the Governor, and agency contact information.

Issues of the Idaho Administrative Bulletin can be viewed at adminrules.idaho.gov.

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CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Office of the Administrative Rules Coordinator
Idaho Department of Administration*

July 1, 1993 -- Present

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

This online index provides a history of all agency rulemakings beginning with the first Administrative Bulletin in July 1993 to the most recent Bulletin publication. It tracks all rulemaking activities on each chapter of rules by the rulemaking docket numbers and includes negotiated, temporary, proposed, pending and final rules, public hearing notices, vacated rulemaking notices, notice of legislative actions taken on rules, and executive orders of the Governor.

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES (Index of Current Rulemakings)

*Office of the Administrative Rules Coordinator
Idaho Department of Administration*

March 25, 2016 -- June 1, 2016

(eff. PLR) - Final Effective Date Is Pending Legislative Review And Approval

(eff. date)L - Denotes Adoption by Legislative Action

(eff. date)T - Temporary Rule Effective Date

SCR # - denotes the number of a Senate Concurrent Resolution (Legislative Action)

HCR # - denotes the number of a House Concurrent Resolution (Legislative Action)

(This Abridged Index includes rules promulgated before April 11, 2015 that are still in process and all current rulemakings promulgated after March 25, 2016 - Sine Die, 2015 Legislative Session.)

IDAPA 07 -- DIVISION OF BUILDING SAFETY

07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
(Rulemaking affects all Chapters under Title 08 - "Idaho Minimum Safety Standards and Practices for Logging")

07.01.06, Rules Governing the Use of National Electrical Code

07-0106-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

07.02.06, Rules Concerning the Idaho State Plumbing Code

07-0206-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-4

07.03.01, Rules of Building Safety

07-0301-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-3

07.07.01, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems

07-0701-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

(Rulemaking affects all Chapters under Title 08 - "Idaho Minimum Safety Standards and Practices for Logging")

07.08.01, Idaho Minimum Safety Standards and Practices for Logging - General Provisions

07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.02, Idaho Minimum Safety Standards and Practices for Logging - Health, Safety, and Sanitation

07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.03, Idaho Minimum Safety Standards and Practices for Logging - Explosives and Blasting

07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

***07.08.04, Idaho Minimum Safety Standards and Practices for Logging - Garages, Machine Shops,
and Related Work Areas***

07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.05, Idaho Minimum Safety Standards and Practices for Logging - Signals and Signal Systems

07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.06, Idaho Minimum Safety Standards and Practices for Logging - Truck Road Standards

07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.07, Idaho Minimum Safety Standards and Practices for Logging - Transportation of Employees

07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.08, Idaho Minimum Safety Standards and Practices for Logging - Falling and Bucking

07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.09, Idaho Minimum Safety Standards and Practices for Logging - Rigging, Lines, Blocks, and Shackles

07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

***07.08.10, Idaho Minimum Safety Standards and Practices for Logging - Canopy and Canopy Construction
for Logging Equipment***

07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.11, Idaho Minimum Safety Standards and Practices for Logging - Skidding and Yarding

07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.12, Idaho Minimum Safety Standards and Practices for Logging - Road Transportation

07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.13, Idaho Minimum Safety Standards and Practices for Logging - Log Dumps, Landing, Log Handling Equipment, Loading and Unloading Booms, Log Ponds, Rafting, Towing, Stiff Booms, Boom Sticks and Foot Logs, Pond Boats and Tow Boats and Trailer Loading Hoists

07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.14, Idaho Minimum Safety Standards and Practices for Logging - Helicopter Logging

07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.15, Idaho Minimum Safety Standards and Practices for Logging - Commonly Used Logging Terms

07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.16, Idaho Minimum Safety Standards and Practices for Logging - Recommended Safety Program

07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

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AND STATE DEPARTMENT OF EDUCATION**

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08.02.01, Rules Governing Administration

08-0201-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

08.02.02, Rules Governing Uniformity

08-0202-1601 Adoption of Temporary Rule, Bulletin Vol. 16-4 (eff. 2-18-16)T

08-0202-1602 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-4

08-0202-1603 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-4

08-0202-1604 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-4

08-0202-1605 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

08-0202-1606 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6 (docket pulled prior to publication)

08-0202-1607 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

08.02.03, Rules Governing Thoroughness

08-0203-1504* Temporary and Proposed Rulemaking, Bulletin Vol. 15-6 (4-16-15)T (*Temporary rule expires Sine Die 2016)

08-0203-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-4

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08-0203-1605 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-4

08-0203-1606 Temporary and Proposed Rulemaking, Bulletin Vol. 16-6 (eff. 4-14-16)T

08-0203-1607 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

08-0203-1608 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

08-0203-1609 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

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08-0205-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

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- 10-0101-1602** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

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- 10-0102-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

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- 12-0108-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

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15.06.02, Rules Governing the Idaho Emergency Communications Commission Grants

- 15-0602-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

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- 16-0101-1501** Proposed Rulemaking, Bulletin Vol. 15-8
- 16-0101-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0101-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

16.01.02, Emergency Medical Services (EMS) - Rule Definitions

- 16-0102-1501** Proposed Rulemaking, Bulletin Vol. 15-8
- 16-0102-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0102-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

16.01.03, Emergency Medical Services (EMS) -- Agency Licensing Requirements

- 16-0103-1501** Proposed Rulemaking, Bulletin Vol. 15-8
- 16-0103-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0103-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)
- 16-0103-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

16.01.05, Emergency Medical Services (EMS) -- Education, Instructor, & Examination Requirements

- 16-0105-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 15-3
- 16-0105-1501** (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 15-4
- 16-0105-1501** (Third) Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 15-5
- 16-0105-1501** Proposed Rulemaking (New Chapter), Bulletin Vol. 15-8
- 16-0105-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0105-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

16.01.07, Emergency Medical Services (EMS) -- Personnel Licensing Requirements

- 16-0107-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-1 (eff. 1-1-15)T
- 16-0107-1502** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4
- 16-0107-1501** OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 127, Bulletin Vol. 15-5 (eff. 1-1-15)T
- 16-0107-1502** (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5
- 16-0107-1501** Vacation of Proposed Rulemaking, Bulletin Vol. 15-8
- 16-0107-1502** Proposed Rulemaking, Bulletin Vol. 15-8
- 16-0107-1502** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0107-1501** OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 154, Bulletin Vol. 16-5 (eff. 1-1-15)T
- 16-0107-1502** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

16.01.12, Emergency Medical Services (EMS) -- Complaints, Investigations, and Disciplinary Actions

- 16-0112-1501** Proposed Rulemaking, Bulletin Vol. 15-8
- 16-0112-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0112-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

16.02.02, Rules of the Idaho Emergency Medical Services (EMS) Physician Commission

- 16-0202-1501** Proposed Rulemaking, Bulletin Vol. 15-10
- 16-0202-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0202-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

16.02.03, Emergency Medical Services

- 16-0203-1501** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 15-8
- 16-0203-1501** Adoption of Pending Rule (Repeal), Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0203-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

16.02.19, Food Safety and Sanitation Standards for Food Establishments (The Idaho Food Code)

- 16-0219-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4
- 16-0219-1501** (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5
- 16-0219-1501** Proposed Rulemaking, Bulletin Vol. 15-9
- 16-0219-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0219-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

16.03.04, Rules Governing the Food Stamp Program in Idaho

- 16-0304-1501** Proposed Rulemaking, Bulletin Vol. 15-10
- 16-0304-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0304-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

16.03.08, Rules Governing the Temporary Assistance for Families in Idaho (TAFI) Program

- 16-0308-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

16.03.09, Medicaid Basic Plan Benefits

- 16-0309-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6
- 16-0309-1501** Proposed Rulemaking, Bulletin Vol. 15-10
- 16-0309-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0309-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

16.03.10, Medicaid Enhanced Plan Benefits

- 16-0310-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6
- 16-0310-1501** Proposed Rulemaking, Bulletin Vol. 15-10
- 16-0310-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0310-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)
- 16-0310-1601** Temporary and Proposed Rulemaking, Bulletin Vol. 16-6 (eff. 1-1-16)T

16.03.13, Consumer-Directed Services

- 16-0313-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6
- 16-0313-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 16-0313-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0313-1501 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

16.03.18, Medicaid Cost-Sharing

- 16-0318-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-6 (eff. 7-1-16)T

16.03.19, Rules Governing Certified Family Homes

- 16-0319-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-4
- 16-0319-1601 (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

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- 16-0322-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-4
- 16-0322-1601 (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

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- 16-0417-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-4
- 16-0417-1601 (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

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- 16-0501-1501 Proposed Rulemaking, Bulletin Vol. 15-8
- 16-0501-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0501-1501 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

16.05.06, Criminal History and Background Checks

- 16-0506-1602 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

16.05.07, The Investigation and Enforcement of Fraud, Abuse, and Misconduct

- 16-0507-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-4

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- 16-0602-1501 Proposed Rulemaking, Bulletin Vol. 15-9
- 16-0602-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0602-1501 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

16.06.12, Rules Governing the Idaho Child Care Program (ICCP)

- 16-0612-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

16.07.01, Behavioral Health Sliding Fee Schedules

- 16-0701-1501 Proposed Rulemaking, Bulletin Vol. 15-9
- 16-0701-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0701-1501 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

16.07.10, Behavioral Health Development Grants

- 16-0710-1501 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 15-9
- 16-0710-1501 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 15-12 (eff. PLR 2016)
- 16-0710-1501 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

16.07.15, Behavioral Health Programs

- 16-0715-1501 Proposed Rulemaking (New Chapter - Fee Rule), Bulletin Vol. 15-9
- 16-0715-1501 Adoption of Pending Fee Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0715-1501 OAR Omnibus Notice of Legislative Action - Approval of Pending Fee Rule by SCR 153, Bulletin Vol. 16-5 (eff. 7-1-16)

16.07.17, Alcohol and Substance Use Disorders Services

- 16-0717-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5
- 16-0717-1501** Proposed Rulemaking, Bulletin Vol. 15-9
- 16-0717-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0717-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

16.07.19, Behavioral Health Peer Specialist and Family Support Partner Certification

- 16-0719-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

16.07.20, Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs

- 16-0720-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5
- 16-0720-1501** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 15-9
- 16-0720-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0720-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

IDAPA 17 -- INDUSTRIAL COMMISSION

17.02.09, Medical Fees

- 17-0209-1502** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5
- 17-0209-1503** Adoption of Temporary Rule, Bulletin Vol. 15-7 (eff. 7-1-15)T (Expires 7-1-16)
- 17-0209-1502** Proposed Rulemaking, Bulletin Vol. 15-10
- 17-0209-1502** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 17-0209-1502** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)
- 17-0209-1503** OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 154, Bulletin Vol. 16-5 (eff. 7-1-15)T

IDAPA 19 -- BOARD OF DENTISTRY

19.01.01, Rules of the Idaho State Board of Dentistry

- 19-0101-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

IDAPA 20 -- DEPARTMENT OF LANDS

20.02.14, Rules for Selling Forest Products on State-Owned Endowment Lands

- 20-0214-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

20.07.02, Rules Governing Conservation of Crude Oil and Natural Gas in the State of Idaho

- 20-0702-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

IDAPA 24 -- BUREAU OF OCCUPATIONAL LICENSES

24.18.01, Rules of the Real Estate Appraiser Board

- 24-1801-1601** Adoption of Temporary Rule, Bulletin Vol. 16-5 (eff. 4-1-16)T

IDAPA 27 -- BOARD OF PHARMACY

27.01.01, Rules of the Idaho State Board of Pharmacy

- 27-0101-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

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35.01.01, Income Tax Administrative Rules

35-0101-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

35.01.02, Idaho Sales and Use Tax Administrative Rules

35-0102-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

35.01.03, Property Tax Administrative Rules

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35-0103-1602 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

35.01.05, Motor Fuels Tax Administrative Rules

35-0105-1601 Proposed Rulemaking, Bulletin Vol. 16-5

35-0105-1602 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

35.01.10, Idaho Cigarette and Tobacco Products Tax Administrative Rules

35-0110-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

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37.03.13, The Water Management Rules

37-0313-9701 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 97-12

37-0313-9701 Proposed Rulemaking, Bulletin Vol. 98-10

37-0313-9701 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (2nd Notice), Bulletin Vol. 00-11

IDAPA 38 -- IDAHO DEPARTMENT OF ADMINISTRATION

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38-0501-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

IDAPA 39 -- IDAHO TRANSPORTATION DEPARTMENT

39-0300-1601 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 16-5
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IDAPA 42 -- IDAHO WHEAT COMMISSION

42.01.01, Rules of the Idaho Wheat Commission

42-0101-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

IDAPA 46 -- BOARD OF VETERINARY MEDICAL EXAMINERS

46.01.01, Rules of the State of Idaho Board of Veterinary Medicine

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IDAPA 47 -- DIVISION OF VOCATIONAL REHABILITATION

47.01.01, Rules of the Idaho Division of Vocational Rehabilitation

47-0101-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

47.01.02, Rules and Minimum Standards Governing Extended Employment Services

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