

# IDAHO ADMINISTRATIVE BULLETIN

January 4, 2017 -- Volume 17-1

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# IDAHO ADMINISTRATIVE BULLETIN

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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](http://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.

### 1. 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.

## 1. 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.

## 1. 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.

## 1. 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.

## 1. 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](http://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](http://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.

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

**“05.”** refers to Title **05**, which is the Department of Administration’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**

<b>Vol. No.</b>	<b>Monthly Issue of Bulletin</b>	<b>Closing Date for Agency Filing</b>	<b>Publication Date</b>	<b>21-day Comment Period End Date</b>
16-1	January 2016	<b>*November 27, 2015</b>	January 6, 2016	January 27, 2016
16-2	February 2016	January 8, 2016	February 3, 2016	February 24, 2016
16-3	March 2016	February 5, 2016	March 2, 2016	March 23, 2016
16-4	April 2016	March 4, 2016	April 6, 2016	April 27, 2016
16-5	May 2016	April 8, 2016	May 4, 2016	May 25, 2016
16-6	June 2016	May 6, 2016	June 1, 2016	June 22, 2016
16-7	July 2016	June 3, 2016	July 6, 2016	July 27, 2016
16-8	August 2016	July 8, 2016	August 3, 2016	August 24, 2016
16-9	September 2016	August 5, 2016	September 7, 2016	September 28, 2016
16-10	October 2016	<b>**September 2, 2016</b>	October 5, 2016	October 26, 2016
16-11	November 2016	October 7, 2016	November 2, 2016	November 23, 2016
16-12	December 2016	November 4, 2016	December 7, 2016	December 28, 2016

**BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2017**

<b>Vol. No.</b>	<b>Monthly Issue of Bulletin</b>	<b>Closing Date for Agency Filing</b>	<b>Publication Date</b>	<b>21-day Comment Period End Date</b>
17-1	January 2017	<b>*November 25, 2016</b>	January 4, 2017	January 25, 2017
17-2	February 2017	January 6, 2017	February 1, 2017	February 22, 2017
17-3	March 2017	February 3, 2017	March 1, 2017	March 22, 2017
17-4	April 2017	March 3, 2017	April 5, 2017	April 26, 2017
17-5	May 2017	April 7, 2017	May 3, 2017	May 24, 2017
17-6	June 2017	May 5, 2017	June 7, 2017	June 28, 2017
17-7	July 2017	June 9, 2017	July 5, 2017	July 26, 2017
17-8	August 2017	July 7, 2017	August 2, 2017	August 23, 2017
17-9	September 2017	August 4, 2017	September 6, 2017	September 27, 2017
17-10	October 2017	<b>**September 1, 2017</b>	October 4, 2017	October 25, 2017
17-11	November 2017	October 6, 2017	November 1, 2017	November 22, 2017
17-12	December 2017	November 3, 2017	December 6, 2017	December 27, 2017

***\*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.***

<b>ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS</b>	
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<b>IDAPA 44</b>	<b>Administrative Rules Coordinator</b> , Office of the
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**ALPHABETICAL INDEX OF STATE AGENCIES  
AND CORRESPONDING IDAPA NUMBERS**

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<b>IDAPA 46</b>	<b>Veterinary Medical Examiners, Board of</b>
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<b>IDAPA 42</b>	<b>Wheat Commission</b>

# IDAPA 05 – IDAHO DEPARTMENT OF JUVENILE CORRECTIONS

## 05.01.03 – RULES OF THE CUSTODY REVIEW BOARD

DOCKET NO. 05-0103-1601

### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 20-520(1)(r), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 7, 2016 Idaho Administrative Bulletin, [Vol. 16-9, pages 40-44](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Marc Crecelius, (208) 334-5100 x. 422.

DATED this 14th Day of December, 2016.

Sharon Harrigfeld, Director  
Idaho Department of Juvenile Corrections  
954 W. Jefferson, Boise, ID 83702  
PO Box 83720, Boise, ID 83720-0285  
Phone: (208) 334-5100  
FAX: (208) 334-5120

**IDAPA 07 – DIVISION OF BUILDING SAFETY**  
**07.10.01 – RULES GOVERNING THE DAMAGE PREVENTION BOARD,**  
**DIVISION OF BUILDING SAFETY**  
**DOCKET NO. 07-1001-1601 (NEW CHAPTER)**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 55-2203, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending fee rule with an explanation of the reasons for the change:

The pending fee rule is being adopted to establish a fee to be imposed on underground facility owners to participate and cooperate with the one-number notification system each time the owner receives notice from the one-number notification service that a proposed excavation may occur within the area of their underground facility. The fee will be collected by a one-number notification service and is payable to the Board. The fee will be imposed uniformly on all owners and is intended to defray the expenses of the Board and the Division of Building Safety in supervising, regulating and administering the provisions of Title 55, Chapter 22, Idaho Code.

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the November 2, 2016 Idaho Administrative Bulletin, [Vol. 16-11, pages 17-20](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 55-2203, Idaho Code.

A fee of ten cents (\$.10) will be imposed on the owner of an underground facility required by the provision of Title 55, Chapter 22, Idaho Code, to participate and cooperate with the one-number notification system each time the owner receives notice from a one-number notification service that a proposed excavation may occur within the area of their underground facility.

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

DATED this 30th day of November, 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (877) 810-2840

## IDAPA 08 – STATE BOARD OF EDUCATION

### 08.01.02 – RULES GOVERNING THE POSTSECONDARY CREDIT SCHOLARSHIP PROGRAM

#### DOCKET NO. 08-0102-1601 (NEW CHAPTER)

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-4605, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

HB 477a (2016) created a new section of Idaho Code, Section 33-4605, which created a new state administered scholarship titled the Postsecondary Credit Scholarship. The new program provides a scholarship to all students who have earned ten (10) or more postsecondary credits at the time of high school graduation and can meet the matching scholarship requirements. Students who earn more than ten (10), but less than twenty (20) credits will be eligible for up to two thousand dollars (\$2,000) spread over two (2) years. Students who earn twenty (20) or more credits but do not earn an associate degree at the time of high school graduation are eligible for up to four thousand dollars (\$4,000) spread over two (2) years. Students who earn an associate degree at the time of high school graduation are eligible for up to eight thousand dollars (\$8,000) spread over two (2) years. The final amount of the scholarship is subject to the student having obtained a matching business or industry academic merit based scholarship.

The pending rule creates a new section of Administrative Code that sets out the administrative procedures for applying for the scholarship and provides clarification around the required business or industry matching scholarship.

Amendments have been made to the pending rule based on feedback received during the public comment period. The amendments move the application deadline from March 1 to June 1 to provide additional time for students to receive notification of the matching scholarship awards and to provide additional clarification that extension for eligibility may not be extended beyond four (4) years from the students graduation date as required by Section 33-4605, Idaho Code.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 219-222](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 5th day of December, 2016

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 W. State Street, P.O. Box 83720

Boise, ID 83720-0037  
Phone: (208) 332-1582  
Fax: (208) 334-2632

DOCKET NO. 08-0102-1601 - ADOPTION OF PENDING RULE

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

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Volume 16-10, October 5, 2016, pages 219 through 222.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR  
DOCKET NO. 08-0102-1601

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

*[Proposed Section 010 is being reprinted]*

**010. DEFINITIONS.**

For the purposes of this section the following definitions shall apply: ( )

**01. *Academic Merit Based Scholarship.*** A scholarship in which a minimum academic standard must  
be met to be eligible for the scholarship. ( )

**02. **Board.**** Idaho State Board of Education. ( )

**03. **Business Scholarship.**** A competitive scholarship awarded from a business entity registered with  
the Idaho Secretary of State or other state or federal entity that registers businesses and whose purpose is not  
postsecondary education nor is the entity affiliated with a postsecondary educational institution; or an association  
representing businesses as described herein. ( )

**04. **Executive Director.**** Executive Director for the Idaho State Board of Education. ( )

**05. **Grade Point Average (GPA).**** Average secondary grade earned by a student, figured by dividing  
the grade points earned by the number of credits attempted. ( )

**06. **Industry Scholarship.**** A competitive scholarship in which the recipient must enter into a program  
of study for a specific occupational area. ( )

**101. APPLICATION PROCESS.**

*[Subsection 101.01]*

**01. **Initial Applications.**** An eligible student must complete and submit the scholarship program  
application to the Board electronically on or before the date specified in the application, but not later than *June* 1 for  
guaranteed consideration of an award during the proceeding fall academic term. An applicant without electronic  
capabilities may submit an application on the form established by the Executive Director through the United States

Postal Service. Applications received, *or postmarked* after March 1 of each year must be received at least 60 days prior to the start of the term for which the applicant has enrolled for consideration during the next academic term. ( )

**300. SCHOLARSHIP AWARDS.**

***[Subsection 300.01]***

**01. Selection Process.** Scholarship awards will be based on the availability of scholarship program funds. In the event more eligible applications are received than funds are available, those applications received by *June* 1 of each year will be awarded based on their GPA ranking. Applications received after *June* 1 of each year will only be considered after all initial applications have been processed and awardees have accepted or rejected their awards, and will be based on their GPA ranking. ( )

**302. CONTINUING ELIGIBILITY.**

To remain eligible for the scholarship, the recipient must comply with all of the provisions of the scholarship program and these rules, in addition to the following requirements. ( )

***[Subsection 302.01]***

**01. Interruption of Continuous Enrollment.** A student may request an interruption of continuous enrollment for eligible students due to military service in the United States armed forces, medical circumstances, or extenuating circumstances approved by the Executive Director. A scholarship recipient whose continuous enrollment is interrupted for more than four (4) months but less than two (2) years for any reason *and* who intends to re-enroll in an eligible Idaho postsecondary educational institution must file a letter of intent to withdraw no later than sixty (60) days prior to the first day of the academic term of the discontinued attendance to the Office of the State Board of Education. Failure to do so may result in forfeiture of the scholarship. In addition, the individual must file a statement with the Board declaring his intent to re-enroll as a full-time student in an academic or career-technical program in an eligible Idaho postsecondary educational institution for the succeeding academic year no later than thirty (30) days prior to the first day of the academic term in which the individual intends to re-enroll and within two (2) years of the approval of the request to withdraw. Failure to do so will result in forfeiture of the scholarship unless an extension has been granted. All requests for extension must be made sixty (60) days prior to the start of the succeeding academic year. At no time may the extension extend beyond the expiration period of the scholarship. *At no time may the scholarship award eligibility be extended beyond four (4) years from the date the student graduated from high school.* ( )

# **IDAPA 08 – STATE BOARD OF EDUCATION**

## **08.01.04 – RESIDENCY**

### **DOCKET NO. 08-0104-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-3717B, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Legislative changes to Section 33-3717B, Idaho Code, streamlined the residency requirements for tuition purposes, making many of the existing provisions in administrative rule unnecessary. Amendments are being proposed to IDAPA 08.01.04 to bring it into compliance with the provisions of Section 33-3717B, Idaho Code.

Two amendments have been made to the pending rule based on feedback received during the public comment period. The two amendments add additional language to specify that in using the multiple factors for determining domicile, Subsection 102.02, multiple factors under Subparagraph 102.02.g. may be used and a new Section 103 was added to address those students that are residents of Idaho at the time they chose to attend a private college or university in Idaho and then choose to transfer to one of our public institutions. For students that need to show domicile in Idaho for at least 12 months, domicile is calculated based on time living in the state for other than educational purposes, without the clarification their time spent as a student at a private institution may have adversely affected their ability to show domicile in Idaho for at least 12 months prior to registering at one of our public institutions.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 223-229](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 5<sup>th</sup> day of December, 2016.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0037  
Phone: (208) 332-1582  
Fax: (208) 334-2632



DOCKET NO. 08-0104-1601 - 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Volume 16-10, October 5, 2016, pages 223 through 229.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE  
FOR DOCKET NO. 08-0104-1601

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

**102. FACTORS FOR DETERMINING DOMICILE.**

*Pursuant to Section 33-3717B, Idaho Code, the overriding factor for determining whether a student is a "resident student" is domicile. For these purposes, the establishment of The following, if supported by documentation, support a claim of domicile in Idaho, ~~occurs when a person is physically present in Idaho primarily for purposes other than educational and can show satisfactory proof that such person is without a present intention to return to another state or acquire a domicile at some other place outside the state and the person has met any other applicable requirements of this chapter. In determining whether a student is domiciled in Idaho primarily for purposes other than educational, the institutions shall consider the following:~~ (5-8-09) ( )*

**032. Additional Multiple Factors ~~to Determine Domiciliary Intent.~~ A student who establishes at least ~~five (5) of the seven (7)~~ following factors, if done for at least twelve (12) months before the term in which the student proposes to enroll ~~as a resident student~~, proves the establishment and maintenance of domicile in Idaho for purposes other than educational: (5-8-09) ( )**

**[Subsection 102.02.g.]**

**g. ~~And~~ Other similar factors indicating intent to be domiciled in Idaho and the maintenance of such domicile. Factors may include, but are not limited to, enrollment of dependent children in Idaho ~~primary~~ elementary or secondary schools, establishment of acceptance of an offer of permanent employment for self in Idaho, ~~or~~ documented need to care for a relative in Idaho, utility statements, or employment documentation. Multiple factors under this category may be used. (5-8-09) ( )**

**[Addition of Section 103 and renumber of Section 104]**

**103. INDEPENDENT STUDENTS AND DOMICILE.**

Domicile in the state of Idaho primarily for purposes other than education includes a domicile in Idaho that was established by the student prior to pursuing higher education in Idaho unless the student's Idaho domicile was thereafter interrupted by an intervening change of domicile. ( )

**1034. APPEALS PROCEDURE.**

Any student who contests the residency classification decision made ~~pursuant to IDAPA 08.01.04.101~~ by the institution may appeal the decision. The student ~~must~~ shall be informed of his right to appeal; by the institution at the time the student is notified of the residency classification decision. The student must request the appeal in writing and agree to the release of information provided to determine residency to the review body, and ~~must~~ comply with deadlines established by the institution for requesting such appeal. ~~(1-1-94)~~ ( )

## IDAPA 08 – STATE BOARD OF EDUCATION

### 08.01.09 – RULES GOVERNING THE GEAR UP IDAHO SCHOLARSHIP PROGRAM

#### DOCKET NO. 08-0109-1601 (CHAPTER REPEAL)

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-105, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Due to the changes in Federal requirements for the GEAR UP Idaho scholarship program it will no longer be necessary to have administrative rules governing the scholarship program. Participation and award amounts will be based on the federal program requirements. Due to these changes the existing language in administrative code is no longer necessary and the chapter is being repealed in its entirety.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5th, 2016 Idaho Administrative Bulletin, [Vol.16-10, page 230](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208) 332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 3rd day of December, 2016.

Tracie Bent, Chief Planning and Policy Officer  
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650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
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## **IDAPA 08 – STATE BOARD OF EDUCATION**

### **08.02.01 – RULES GOVERNING ADMINISTRATION**

**DOCKET NO. 08-0201-1602**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-320, 33-1212A, and 33-1616 Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

During the 2016 legislative session changes were made to the Continuous Improvement Plan requirements, Literacy Intervention Plan requirements, and College and Career Advising Plan requirements. These changes set minimum reporting requirements for the Continuous Improvement Plans and tying Literacy Improvement Plans and College and Career Advising Plan reporting to the Continuous Improvement Plans. The proposed amendments set out the statewide readiness and improvement metrics, literacy intervention plan requirements and reporting metrics, and college and career advising plan requirements and minimum metrics.

Amendments made to the pending rule add language to allow school districts and charter schools to break out the college and career readiness metric to show students participating in a career technical education tract who are working toward an industry certificate or have taken a workforce readiness exam recognized the Division of Career Technical Education. Additionally, the format of the metrics regarding students with an 8th grade plan and the number of plans reviewed annually in grades 9 through 12 was changed from the “number” of students to the “percent” of students. It is also required that the plans include how parents and students will be notified of the services available.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 231-235](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208) 332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 5th day of December, 2016

Tracie Bent, Chief Planning and Policy Officer  
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Fax: (208) 334-2632

DOCKET NO. 08-0201-1602 - 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Volume 16-10, October 5, 2016, pages 231 through 235.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR  
DOCKET NO. 08-0201-1602

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

**801. CONTINUOUS IMPROVEMENT PLANNING AND TRAINING.**

In accordance with Section 33-320, Idaho Code, every local education agency (LEA) shall develop and maintain a strategic plan that includes a continuous improvement process focused on improving student performance of the LEA. (3-25-16)

**04. Statewide Continuous Improvement Measures.** Multiple measures must be used to fully determine student readiness and improvement. At a minimum each continuous improvement plan shall include the following statewide student readiness and improvement metrics. The benchmark for each metric shall be set by the LEA. ( )

*[Subsection 801.04.a.]*

**a.** The college and career readiness metric shall be the number and percentage of students meeting the college ready benchmark in mathematics and English Language Arts on a state recognized college entrance exam. Improvement shall be measured by year over year growth in the percentage of students meeting the college readiness benchmark. This measure may be broken out by students pursuing a career technical track and non-career technical track students. Career technical track student's readiness will be measured based on students receiving an industry recognized certification or passage of a Division of Career Technical Education recognized workplace readiness assessment. ( )

*[Subsection 801.06.a.i.]*

**06. College and Career Advising and Mentoring Plans.** Annually each LEA shall submit their college and career advising and mentoring plan to the State Board of Education by October 1. ( )

**a.** Plans shall include: ( )

**i.** Description of the college and career advising or mentoring model used by the LEA, including how parents and students will be notified, the resources available to parents and students, and how they may be accessed;

( )

**[Subsection 801.06.a.v.]**

v. Required metrics and at least one (1) or more additional metrics chosen by the LEA to determine effectiveness of the college and career advising and mentoring plan, baseline data and annual benchmarks. ( )

**[Subsection 801.06.c.i. through 801.06.c.iii.]**

- c. At a minimum effectiveness metrics must include: ( )
- i. Percent of learning plans developed during grade eight (8): ( )
- ii. Percent of learning plans reviewed annually by grade level, in grade nine (9) through grade twelve (12): ( )
- iii. Number of students receiving college and career advising or mentoring services annually by grade level: ( )

**IDAPA 08 – STATE BOARD OF EDUCATION**

**08.02.01 – RULES GOVERNING ADMINISTRATION**

**DOCKET NO. 08-0201-1603**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-1616, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Pursuant to amendments to Section 33-1616, Idaho Code, this rulemaking creates statewide growth targets for improving student literacy proficiency.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5th, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 236-237](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 5th day of December, 2016.

Tracie Bent, Chief Planning and Policy Officer  
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## IDAPA 08 – STATE BOARD OF EDUCATION

### 08.02.01 – RULES GOVERNING ADMINISTRATION

DOCKET NO. 08-0201-1604

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-1004, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rulemaking establishes multiple measures for determining peer groups for school districts based on school district size, geographical location and pupil populations. The rule will also determine how the measures are combined to group school districts for determining the statewide average class size for each peer group.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5th, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 238 and 239](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 5th day of December, 2016.

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# **IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

## **08.02.02 – RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-1602**

### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-1612, 33-1631, and 33-2002, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

In order to effectively respond to the issues of bullying and harassment in Idaho schools, this rulemaking was initiated by the State Board of Education to meet the requirements set forth in Section 33-1631, Idaho Code. This statute requires school districts and public charter schools to implement measures intended to prevent, identify, and respond to bullying, harassment and intimidation.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 3, 2016 Idaho Administrative Bulletin, [Vol. 16-8, pages 17-19](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Matt McCarter, Director of Student Engagement/Career and Technical Readiness, at (208) 332-6961 or [mamccarter@sde.idaho.gov](mailto:mamccarter@sde.idaho.gov).

DATED this 30th Day of November, 2016.

Sherri Ybarra  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
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# IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

## 08.02.02 – RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1603

### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-1254, 33-1258, and 33-1612, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The Professional Standards Commission (PSC) follows a Strategic Plan of annually reviewing twenty percent (20%) of the Idaho Standards for Initial Certification of Professional School Personnel. These standards are incorporated by reference in IDAPA 08.02.02.004.01. The following certificates and endorsements were reviewed by committees of content experts: Art, Biology, Chemistry, Communication, Drama, Early Childhood/Early Childhood Special Education Blended Certificate, Earth and Space Science, Economics, Elementary, Generalist, Health, Journalism, Mathematics, Music, Natural Science, Physical Education, and School Social Worker.

Section 004 is being amended to incorporate by reference the most recently approved standards of the Idaho Standards for Initial Certification for Professional School Personnel. Section 004 remains as originally proposed in the August 3, 2016 Idaho Administrative Bulletin, **Vol. 16-8, pages 20 through 41**, however, all other amendments made in the proposed rule have been removed from the docket and incorporated into Docket 08-0202-1607, which is also published in this Bulletin. These previously proposed amendments for Sections 015, 022, 023, and 024 of this docket are, therefore, being withdrawn from this pending rule.

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Lisa Colón Durham, Director of Certification and Professional Standards, at (208) 332-6886 or [lcoldurham@sde.idaho.gov](mailto:lcoldurham@sde.idaho.gov).

DATED this 30th Day of November, 2016.

Sherri Ybarra  
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Fax: (208) 334-2228

DOCKET NO. 08-0202-1603 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
**Volume 16-8, August 3, 2016, pages 20 through 41.**

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

THE FOLLOWING IS THE COMPLETE TEXT OF THE PENDING RULE  
AS ADOPTED IN DOCKET NO. 08-0202-1603

**004. INCORPORATION BY REFERENCE.**

The State Board of Education adopts and incorporates by reference into its rules: (5-8-09)

**01. Idaho Standards for the Initial Certification of Professional School Personnel as approved on ~~August 13, 2015~~ June 16, 2016.** Copies of this document can be found on the Office of the State Board of Education website at <http://www.boardofed.idaho.gov>. ~~(3-25-16)~~( )

**02. Standards for Idaho School Buses and Operations as approved on June 23, 2011.** The Standards for Idaho School Buses and Operations are available at the Idaho State Department of Education, 650 W. State St., Boise Idaho, 83702 and can also be accessed electronically at <http://www.boardofed.idaho.gov>. (3-29-12)

**03. Operating Procedures for Idaho Public Driver Education Programs as approved on August 15, 2013.** The Operating Procedures for Idaho Public Driver Education Programs are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702 and can also be accessed electronically at <http://www.boardofed.idaho.gov>. (3-20-14)

*[Proposed changes to Sections 015, 022, 023, and 024 have been removed  
from this docket and incorporated into Docket No. 08-0202-1607.]*

# IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

## 08.02.02 – RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1604

### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105 and 33-1702, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Currently, the Operating Procedures for the Idaho Public Driver Education Programs states public driver education and training instructors shall have a medical examination that meets the Federal Motor Carriers Safety Regulations (49 CFR 391.41-391.49). In March of 2014, the Federal Motor Carriers Safety Regulations began requiring only specifically trained medical providers to perform these physicals, thereby raising the cost to the individual significantly. Department of Transportation physicals are not covered as part of the medical benefit provided by insurance. This rulemaking is intended to update the Operating Procedures for Idaho Public Driver Education Programs to remove the specific requirement to have a Federal Motor Carrier Department of Transportation physical. It would instead allow medical examinations through a physical provided by a certified medical professional. This would satisfy the need for the protection of the public's safety and would also be covered by medical insurance.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 3, 2016 Idaho Administrative Bulletin, [Vol. 16-8, pages 42-43](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Matt McCarter, Director of Student Engagement/Career and Technical Readiness, at (208) 332-6961 or [mamccarter@sde.idaho.gov](mailto:mamccarter@sde.idaho.gov).

DATED this 30th Day of November, 2016.

Sherri Ybarra  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
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# **IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

## **08.02.02 – RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-1605**

### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-1006, and 33-1501 through 33-1512, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The National School Transportation Specifications and Procedures were changed and approved at the 16th National Congress on School Transportation in May of 2015. The revised edition of the Standards for Idaho School Buses and Operations reflects the changes from the national level and this revised edition has been adopted and incorporated by reference into the rule.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 3, 2016 Idaho Administrative Bulletin, [Vol. 16-8, pages 44-45](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Doug Scott, Director of Student Transportation, at (208) 332-6856, or [ddscott@sde.idaho.gov](mailto:ddscott@sde.idaho.gov).

DATED this 30th Day of November, 2016.

Sherri Ybarra  
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## **IDAPA 08 – STATE BOARD OF EDUCATION**

### **08.02.02 – RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-1607**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-107, 33-1004A, 33-1201, 33-1201A, 33-1204, 33-1612, and 33-2211 Idaho Code, and Article IX, Section 2 of the Idaho Constitution.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

In 2014 inconsistencies were identified in current practices and administrative rule requirements regarding elementary and secondary certificates and the eligible grade ranges in which these certificate holders could teach. Since that time Board staff and various stakeholder groups have met to discuss this issue, as well as the current certification requirements in general, and possible changes to address some of the difficulties some districts experience in filling position with teachers holding a standard certificate. Through this process agreement was reached that the current non-traditional and alternate routes to certification allow districts the flexibility in hiring in situations where a properly certificated individual was not available. It was recognized that additional improvements could be made within the current structure that could be addressed through Board policy with the institutions in this area. Administrators and teachers participating in the process agreed there was not a desire to weaken the current certification requirements, however, some changes were identified that would provide more flexibility for school districts and teachers alike.

The pending changes address the issue of assigning teachers to classrooms that are outside of the grade ranges their certificates make them eligible to teach. Amendments would also make it easier for teachers to earn multiple endorsements by creating a single standard (teaching) certificate that does not limit the grade ranges. This change would allow grade ranges and subject areas to be governed by the endorsements earned. Overall the groups felt this change could result in increasing the pool of available teachers by removing the requirement of earning an additional certificate because, they already have had the training necessary to be qualified to teach the subject areas and grade ranges if they met the endorsement requirements. The changes also include the creation of additional grade ranges on some endorsements allowing teachers to earn endorsements in those grade ranges they feel comfortable teaching in. In some cases this may also allow them to earn the more limited endorsements quicker than one that covered a broader grade range. At the same time, mechanisms remain in place for teachers to earn additional endorsements for their certificates through alternate paths similar to the current process for earning additional certificates, however, the focus is on the new subject areas. Additional amendments to IDAPA 08.02.02 include the following: amending the administrator evaluation submittal timeline to align it with legislative changes made during the 2016 Legislative session; aligning the certificated staff evaluations regarding student achievement with the student achievement requirements that are part of the career ladder; creating middle school/grades endorsement grade ranges; and updating the occupational specialist certificates. The middle school/grades endorsements address the issue of individuals who have already obtained endorsements for grades 6 through 9 that did not previously exist and aligns to the single instructional certificate model.

Finally, amendments incorporate changes recommended by the Professional Standards Commission to update endorsements to align them with current/best practices. This is part of the standard annual review of endorsement requirements and were included in docket number 08-0202-1603. The Professional Standards Commission recommendations were included in the notice of proposed rulemaking, published in the October 5, 2016 Idaho Administrative Bulletin.

Amendments to the pending rule based on feedback received during the public comment period include: changes to the paraprofessional definition, aligning it with the minimum requirements for Title I under the Every Student Succeeds Act; clarification of references; technical changes such as the movement of language from one subparagraph to another for better clarity of intent; the inclusion of computer science technology under degree based career technical certification consistent with the addition under non-career technical endorsements, the retention of the one-time mathematics in-service requirement for administrators coming from out of state; the retention of language allowing for endorsements to be granted based on an official statement of competency in a teaching area or field from an accredited college or university; the retention of the consulting teacher/teacher leader endorsement; and the addition of clarifying language regarding the use of a fourth evaluation rating. Additional technical amendments included changes to the name of the Early Childhood Special Education endorsement and moving the endorsement so that it is included in alphabetical order in the endorsement section.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 240-275](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208) 332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 5th day of December, 2016

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**DOCKET NO. 08-0202-1607 - 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.**

**The text of the proposed rule was published in the Idaho Administrative Bulletin,**  
**[Volume 16-10, October 5, 2016, pages 240 through 275.](#)**

**This rule has been adopted as a pending rule by the Agency and is now awaiting**  
**review and final approval by the 2017 Idaho State Legislature.**

**THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE**  
**FOR DOCKET NO. 08-0202-1607**  
**(Only those sections or subsections that have changed from the original proposed**  
**text are printed in this Bulletin following this notice.)**

007. DEFINITIONS.

*[Subsections 007.10 through 007.10.c.]*

10. ~~Para-Educator. Aides and assistants employed by school districts to supplement instruction and provide additional assistance to students.~~ **Paraprofessional.** A noncertificated individual who is employed by a school district or charter school to support educational programming. Paraprofessionals must work under the direct supervision of a properly certificated staff member for the areas they are providing support. Paraprofessionals cannot serve as the teacher of record and may not provide direct instruction to a student unless the paraprofessional is working under the direct supervision of a teacher. (3-16-04)( )

a. To qualify as a paraprofessional the individual must have a high school diploma or general equivalency diploma (GED) and: ( )

i. demonstrate through a state approved academic assessment knowledge of and the ability to assist in instructing or preparing students to be instructed as applicable to the academic areas they are providing support in; or ( )

ii. have completed at least two (2) years of study at an accredited postsecondary educational institution.; or ( )

iii. obtained an associate degree or higher level degree; demonstrate through a state approved academic assessment knowledge of and the ability to assist in instructing or preparing students to be instructed as applicable to the academic areas they are providing support in. ( )

b. Individuals who do not meet these requirements will be considered school or classroom aides. ( )

c. Duties of a paraprofessional include, but are not limited to, one-on-one tutoring; assisting in classroom management; assisting in computer instruction; conducting parent involvement activities; providing instructional support in a library or media center; acting as a translator in instructional matters; and providing instructional support services. Non-instructional duties such as providing technical support for computers, personal care services, and clerical duties are generally performed by classroom or school aides, however, this does not preclude paraprofessionals from also assisting in these non-instructional areas. ( )

015. IDAHO EDUCATOR CREDENTIAL.

The State Board of Education authorizes the State Department of Education to issue certificates and endorsements to those individuals meeting the specific requirements for each area provided herein. (3-25-16)

*[Subsection 015.01]*

01. **Standard Elementary Instructional Certificate.** A Standard ~~Elementary~~ **Instructional** Certificate makes an individual eligible to teach ~~grades Kindergarten (K) through eight (8), and~~ **all grades, subject to the grade ranges and subject areas of the valid endorsement(s) attached to the certificate.** A standard instructional certificate may be issued to any person who has a ~~bachelor's~~ **baccalaureate** degree from an accredited college or university and who meets the following requirements: (3-25-16)( )

*[Subsections 015.01.b. through 015.01.e.]*



~~eb.~~ an Completed an approved teacher preparation program and have an institutional recommendation from an accredited college or university ~~or verification of two (2) years of teaching experience in grades Kindergarten (K) through eight (8).~~ specifying the grade ranges and subjects for which they are eligible to receive an endorsement in: (3-25-16)(    )

~~d.~~ All individuals, who begin an Idaho approved preparation program after July 1, 2013, seeking a Standard Elementary Certificate shall complete the requirements for a subject area endorsement as outlined under requirements for a Standard Secondary Certificate. An endorsement allowing teaching of that subject through grade eight (8) or a K-12 endorsement shall be added to the Standard Elementary Certificate. (3-25-16)

c. Individuals seeking endorsement in a secondary grade (pursuant to section 33-1001, Idaho Code) range must complete preparation in at least two (2) fields of teaching. One (1) of the teaching fields must consist of at least thirty (30) semester credit hours, or forty-five (45) quarter credit hours and a second field of teaching consisting of at least twenty (20) semester credit hours, or thirty (30) quarter credit hours. Preparation of not less than forty-five (45) semester credit hours, or sixty-seven (67) quarter credit hours, in a single subject area may be used in lieu of the two (2) teaching field requirements: (    )

ed. Proficiency in areas noted above is measured by completion of the credit hour requirements provided herein. Additionally, each candidate must meet or exceed the state qualifying score on the state board approved elementary or secondary content area and pedagogy assessments. (3-25-16)(    )

e. The Standard Instructional Certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the certificate. (    )

[Subsections 015.02.g.iv.]

~~052.~~ **Pupil Personnel Services Certificate.** Persons who serve as school counselors, school psychologists, speech-language pathologists, school social workers, school nurses and school audiologists are required to hold the Pupil Personnel Services Certificate, with the respective endorsement(s) for which they qualify. (3-25-16)

g. School Social Worker Endorsement. This endorsement is valid for five (5) years. Six (6) credit hours are required every five (5) years in order to renew the endorsement. Initial endorsement ~~may shall~~ be accomplished ~~through possession of a social work certificate issued by the Idaho Bureau of Occupational Licenses, an institutional recommendation, and completion of one (1) of the following options~~ by meeting the requirements of Subsections 015.02.g.i. through iii., or by meeting the requirement in Subsection 015.02.g.iv.: (3-25-16)(    )

iv. A current and valid master's degree or higher social work license pursuant to chapter 32, title 54 and the rules of the State Board of Social Work Examiners. (    )

[Subsections 015.05.a. through 015.05.b.ii.]

~~085.~~ **Degree Based Career Technical Certification.** (3-25-16)

a. Individuals graduating from an approved occupational teacher preparation degree program qualify to teach in the following five (5) disciplines: Agricultural Science and Technology and Natural Resources; Business Technology Education; Family and Consumer Sciences; Marketing Technology Education; Computer Science Technology and Engineering Technology Education. Occupational teacher preparation course work must meet the Idaho Standards for the Initial Certification of Professional School Personnel. The occupational teacher education program must provide appropriate content to constitute a major in the identified field. Student teaching shall be in an approved program and include experiences in the major field. Applicants shall have accumulated four-thousand (4,000) clock hours of related work experience or shall have completed ~~an~~ Division of Career Technical Education

approved practicum in their respective field of specialization. (3-25-16)( )

b. The Career Technical Administrator certificate is required for an individual serving as an administrator, director, manager or coordinator of career technical education at the state, secondary or postsecondary level. Individuals must meet the following prerequisites to qualify for the Career Technical Administrator Certificate. Equivalence in each area will be determined on an individual basis by the State Division of Career Technical Education. (3-25-16)( )

i. Qualify for or hold an Occupational Specialist certificate or hold an occupational endorsement on a ~~secondary teaching~~ standard instructional certificate with an applicable endorsement; (3-25-16)( )

ii. Provide evidence of a minimum of ~~three~~ four (34) years' teaching, three (3) of which must be in an ~~occupational~~ career technical discipline; (3-25-16)( )

**096. Occupational Specialist Certificate.** The Occupational Specialist Certificates ~~is an~~ are industry based career technical certifications. ~~Persons who need to hold the Occupational Specialist Certificate include: secondary educators assigned to Health Professions Education and Technical Sciences; those in specialized occupational areas where specific degree-granting career technical teacher education programs do not exist; and postsecondary career technical educators who teach courses with nine (9) to twelve (12) students per class. issued in lieu of a degree based career technical certificate. Certificate holders must meet the following eligibility requirements:~~ (3-25-16)( )

**[Subsections 015.06.c.v. through 015.06.d.iv.]**

c. Standard Occupational Specialist Certificate. This certificate is issued to individuals who have ~~completed course work equivalent to that required of the Limited Occupational Specialist Certificate.~~ ( )

v. The Standard Occupational Specialist eCertificate must be renewed every is valid for five (5) years, ~~which shall include completion of six (6) semester credit hours of approved course work or~~ and must be renewed pursuant to Section 060 of these rules. Credit equivalencies will be based on verification of ~~two hundred forty one hundred twenty (240/120)~~ two hundred forty one hundred twenty (240/120) hours of approved related work experience or ~~ninety forty-five (90/45)~~ ninety forty-five (90/45) hours of attendance participation at approved technical conferences, institutes, or workshops or any equivalent combination thereof, and having on file of a new professional development plan for the next certification period. Work experience may be prorated at the rate of forty (40) hours per credit. Technical conference, institutes, or workshop participation may be prorated at the rate of fifteen (15) hours per credit. (3-25-16)( )

d. Advanced Occupational Specialist Certificate. This certificate is issued to individuals who ~~meet all the requirements outlined below:~~ (3-25-16)( )

i. Meet the requirements for the Standard Occupational Specialist Certificate; (3-25-16)( )

ii. Can provide evidence of completion of a teacher training degree program or eighteen (18) semester credits of approved education related course work, such as educational methodology in the content area, in addition to the twelve (12) semester credits required for the Standard Occupational Specialist Certificate (a total of thirty (30) semester credits); and (3-25-16)( )

iii. File a new professional development plan for the next certification period; and (3-25-16)

iv. This The Advanced Occupational Specialist eCertificate must be renewed every is valid for five (5) years, ~~which shall include completion of six (6) semester credit hours of approved course work or submit~~ and must be renewed pursuant to Section 060. At least three (3) educationally focused semester credits must be taken for university or college credit. Verification will be based on an official transcript. In addition to the minimum of three (3) semester credits, in-service activities or related work experience may be used. Credit equivalencies will be based (3-25-16)( )

on verification of ~~two hundred forty~~ one hundred twenty (240/120) hours of approved related work experience or ~~ninety~~ forty-five (90/45) hours of attendance participation at approved technical conferences, institutes and workshops or any equivalent combination thereof, and having on file a new professional development plan for the next certification period. Work experience may be prorated at the rate of forty (40) hours per credit. Technical conference, institutes, or workshop participation may be prorated at the rate of fifteen (15) hours per credit.  
(3-25-16)(    )

[Subsection 015.10.a.v.]

~~13~~**10. Additional Renewal Requirements.** In addition to specific certificate or endorsement renewal requirements, applicants must meet the following renewal requirements as applicable: (3-25-16)

a. Mathematics In-Service Program. In order to recertify, the state approved mathematics instruction course titled “Mathematical Thinking for Instruction”, or another State Department of Education approved alternative course, shall be required. The “Mathematical Thinking for Instruction” course consists of three (3) credits ~~(or forty-five (45) contact hours of in-service training)~~. Teachers ~~and administrators~~ must take one (1) of the three (3) courses developed that is most closely aligned with their current assignment ~~prior to September 1, 2014~~. Any teacher ~~or administrator~~ successfully completing said course shall be deemed to have met the requirement of Subsection 060.032.c. of this rule, ~~regardless of whether such course is part of any official transcript as long as said course is part of an official transcript or completed before September 1, 2013, and verified by the State Department of Education~~. Successful completion of a state approved mathematics instruction course shall be a one-time requirement for renewal of certification for those currently employed in an Idaho school district and shall be included within current requirements for continuing education for renewal. The following must successfully complete the “Mathematical Thinking for Instruction” course or another State Department of Education approved alternative course in order to recertify: (3-25-16)(    )

v. Each school administrator coming from out-of-state holding an Administrator Certificate ~~(Pre-K-12)~~ who is employed by a school district or charter school. (3-25-16)(    )

[Section 021]

**021. ENDORSEMENTS.**

Holders of a ~~Secondary Certificate or a~~ Standard Elementary Instructional Certificate, ~~Exceptional Child Certificate,~~ Standard Occupational Specialist Certificate, and Advanced Occupational Specialist Certificate may be granted endorsements in subject areas as provided herein. Instructional staff are eligible to teach in the grades and content areas of their endorsements. Idaho preparation programs shall prepare candidates for endorsements in accordance with the Idaho Standards for Initial Certification of Professional School Personnel. An official statement of competency in a teaching area or field is acceptable in lieu of ~~courses for a teaching major or minor~~ required credits if such statements originate in the department or division of the accredited college or university in which the competency is established and are approved by the director of teacher education of the recommending college or university. Statements must include the number of credits the competency evaluation is equivalent to. To add an endorsement to an existing credential, an individual shall complete the credit hour requirements as provided herein and shall also meet or exceed the state qualifying score on appropriate, state approved content, pedagogy and performance assessments. When converting semester credit hours to quarter credit hours, two (2) semester credit hours is equal to three (3) quarter credit hours. (4-4-13)(    )

[Subsection 022.03]

**022. ENDORSEMENTS A - D.**

**03.** ~~Art (K-12 or 6-12). Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Visual Arts Teachers in the area of Art to include a minimum of nine (9) semester credit hours in:~~

~~Foundation Art and Design. Additional course work must include at least two (2) Studio Areas and Secondary Arts Methods. To obtain an Art (K-12) endorsement, applicants holding a Secondary Certificate must complete an elementary methods course. **All Subjects (K-8)**. Allows one to teach in any educational setting (K-8). Twenty (20) semester credit hours, or thirty (30) quarter credit hours in the philosophical, psychological, methodological foundations, instructional technology, and professional subject matter must be in elementary education including at least six (6) semester credit hours, or nine (9) quarter credit hours, in developmental reading. This endorsement must be accompanied by at a minimum one (1) additional subject area endorsement allowing teaching of that subject through grade 9 or kindergarten through grade 12. (4-7-H)( )~~

**[Subsections 022.06 through 022.13]**

**06.** **Blended Early Childhood/Early Childhood Special Education Pre-K through Grade Six (6) Endorsement.** The Pre-K through Grade Six (6) endorsement allows one to teach in any Pre-K through grade six (6) education setting, except in a middle school setting. This endorsement may only be added to the Blended Early Childhood Education/Early Childhood Special Education endorsement in conjunction with the Birth through Grade Three (3) endorsement. To be eligible for a Blended Early Childhood Education/Early Childhood Special Education endorsement with an Early Pre-K through Grade Six (6) endorsement, a candidate must have satisfied the following requirements: ( )

**a.** Completion of a program of a minimum of twenty (20) semester credit hours in the area of Elementary Education to include coursework in each of the following areas: methodology (literacy, mathematics, science, physical education, art); content knowledge (mathematics, literacy, science, health, art); technology; assessment; and, field experiences in grades four (4) through six (6). ( )

**07.** **Blended Early Childhood Education/Early Childhood Special Education Birth through Grade Three (3)**. The Birth through Grade Three (3) endorsement allows one to teach in any educational setting birth through grade three (3). To be eligible, a candidate must have satisfied the following requirements. ( )

**a.** A minimum of thirty (30) semester credit hours, or forty-five (45) quarter credit hours, in the philosophical, psychological, and methodological foundations, in instructional technology, and in the professional subject matter of early childhood and early childhood-special education. The professional subject matter shall include course work specific to the child from birth through grade three (3) in the areas of child development and learning; curriculum development and implementation; family and community relationships; assessment and evaluation; professionalism; and, application of technologies. ( )

**b.** The required credit hours here in, shall include not less than six (6) semester credit hours, or nine (9) quarter credit hours, of early childhood student teaching (K-3) and field experiences birth to age three (3) programs, and age three (3) to age five (5) programs, and three (3) semester credit hours, or four (4) quarter credit hours, of developmental reading. ( )

**c.** Proficiency in areas noted above is measured by one (1) of the following options: ( )

**i.** Option I -- Demonstration of competency within the Idaho Standards for Blended Early Childhood Education/Early Childhood Special Education Teachers. Additionally, each candidate shall meet or exceed the state qualifying score on approved early-childhood assessments. ( )

**ii.** Option II -- Completion of a CAEP accredited program in blended early childhood education/early childhood special education birth through grade three (3). Additionally, each candidate shall meet or exceed the state qualifying score on approved early-childhood assessments. ( )

**068.** **Business Technology Education (6-12).** (3-16-04)

**a.** Twenty (20) semester credit hours to include course work in each of the following areas: accounting; computer and technical applications in business; economics; methods of teaching business education;

Career Technical Student Organization (~~PTSO~~) leadership; business communication/writing; and office procedures. Additional competencies may be satisfied through the following: entrepreneurship; finance; marketing; business law; and/or career guidance: or (4-4-13)( )

**b.** Occupational teacher preparation *that relates to the appropriate area(s) as provided in Sections 034 through 038* pursuant to Section 015.04 through 015.06. (4-4-13)( )

**079. Chemistry (5-9 or 6-12).** Twenty (20) semester credit hours in the area of chemistry, to include coursework in each of the following areas: inorganic and organic chemistry. (3-16-04)( )

**0810. Communication (5-9 or 6-12).** Follow one (1) of the following options: (3-16-04)( )

**a.** Option I -- Twenty (20) semester credit hours to include Methods of Teaching Speech/Communications plus course work in at least four (4) of the following areas: Interpersonal Communication/Human Relations; Argumentation/Personal Persuasion; Group Communications; Nonverbal Communication; Public Speaking; Journalism/Mass Communications; and Drama/Theater Arts. (3-16-04)( )

**b.** Option II -- Possess an English endorsement plus at least twelve (12) semester credit hours distributed among the following: Interpersonal Communication/Human Relations, Public Speaking, Journalism/Mass Communications, and Methods of Teaching Speech/Communication. (3-16-04)( )

**0911. Computer Science (5-9 or 6-12).**

**a.** Twenty (20) semester credit hours of course work in Computer Science, including course work in the following areas: data representation and abstraction; design, development, and testing algorithms; software development process; digital devices systems network; and the role of computer science and its impact on the modern world: or (3-25-16)( )

**b.** Occupational teacher preparation pursuant to Section 015.04 through 015.06. ( )

**102.** Consulting Teacher/Teacher Leader Endorsement. Consulting teachers provide technical assistance to teachers and other staff in the school district with regard to the selection and implementation of appropriate teaching materials, instructional strategies, and procedures to improve the educational outcomes for students. Candidates who hold this endorsement are teacher leaders who will facilitate the design and implementation of sustained, intensive, and job-embedded professional learning based on identified student and teacher needs. This endorsement is valid for five (5) years and is renewable based upon successful completion and verification of an additional four (4) semester credits beyond those required for standard certification renewal. The additional credits shall be taken for university or college credit consistent with the Individual Professional Learning Plan (IPLP). (3-25-16)

**a.** Special Education Consulting Teacher - Eligibility for Endorsement. To be eligible for a Special Education Consulting Teacher endorsement on the Standard Exceptional Child Certificate, the Early Childhood / Early Childhood Special Education Blended Certificate (Birth-Grade 3), the Standard Elementary Certificate or the Standard Secondary Teaching Certificate, a candidate must have satisfied the following requirements: (3-25-16)

**i.** Education Requirements. Qualify for or hold a Standard Exceptional Child Certificate and qualify for or hold a Standard Elementary Certificate, Standard Secondary Certificate, or Early Childhood/Early Childhood Special Education Blended Certificate (Birth-Grade 3), and hold a master's degree or an approved fifth year program as defined by the Idaho State Board of Education, and have demonstrated content competencies in the following areas: (3-25-16)

- (1) Assessment of learning behaviors; (3-25-16)
- (2) Individualization of instructional programs based on educational diagnosis; (3-25-16)
- (3) Behavioral and/or classroom management techniques; (3-25-16)

- (4) Program implementation and supervision; (3-25-16)
- (5) Knowledge in use of current methods, materials and resources available and management and operation of media centers; (3-25-16)
- (6) Ability in identifying and utilizing community or agency resources and support services; and (3-25-16)
- (7) Counseling skills and guidance of professional staff. (3-25-16)
- ii. Experience. Completion of a minimum of three (3) years' teaching experience, at least two (2) years of which must be in a special education classroom setting. (3-25-16)
- iii. Provides verification of completion of a state-approved program of at least twenty (20) semester credit hours of study at an accredited college or university or a state-approved equivalent. Program shall include: (3-25-16)
  - (1) Ninety (90) contact hours to include a combination of face-to-face and field-based professional development activities; and (3-25-16)
  - (2) The development and presentation of a culminating portfolio that provides evidence that knowledge gained and skills acquired are aligned with Idaho Teacher Leader Standards as follows: (3-25-16)
    - (a) Understanding Adults As Learners to Support Professional Learning Communities; (3-25-16)
    - (b) Accessing and Using Research to Improve Practice and Student Achievement; (3-25-16)
    - (c) Promoting Professional Learning for Continuous Improvement; (3-25-16)
    - (d) Facilitating Improvements in Instruction and Student Learning; (3-25-16)
    - (e) Using Assessments and Data for School and District Improvement; (3-25-16)
    - (f) Improving Outreach and Collaboration with Families and Community; and (3-25-16)
    - (g) Advocating for Student Learning and the Profession. (3-25-16)
- iv. Not less than one (1) semester of successful experience as a special education teacher working with classroom teachers in elementary or secondary schools. (3-25-16)
- b. Mathematics Consulting Teacher - Eligibility for Endorsement.** To be eligible for a Mathematics Consulting Teacher endorsement on the Standard Elementary Certificate, Standard Secondary Certificate, Standard Exceptional Child Certificate, or Early Childhood/Early Childhood Special Education Blended Certificate (Birth-Grade 3), a candidate must have satisfied the following requirements: (3-25-16)
  - i. Education Requirements. Qualify for or hold a Standard Elementary Certificate, Standard Secondary Certificate, Standard Exceptional Child Certificate, or Early Childhood/Early Childhood Special Education Blended Certificate (Birth-Grade 3) and have demonstrated content competencies. Coursework and content domains required include the full series of Mathematics Thinking for Instruction (MTI), Number and Operation, Geometry, Algebraic Reasoning, Measurement and Data Analysis, and Statistics and Probability which are centered on the following emphases: (3-25-16)
    - (1) Structural Components of Mathematics; (3-25-16)
    - (2) Modeling, Justification, Proof and Generalization; (3-25-16)
    - (3) Mathematical Knowledge for Teaching (Ball, Thames, & Phelps, 2008). (3-25-16)



- ii. Experience. Completion of a minimum of three (3) years' teaching experience. (3-25-16)
- iii. Provides verification of completion of a state-approved program of at least twenty (20) semester credit hours of study at an accredited college or university or a state-approved equivalent. Program shall include: (3-25-16)
  - (1) Ninety (90) contact hours to include a combination of face-to-face and field-based professional development activities; and (3-25-16)
  - (2) The development and presentation of a culminating portfolio that provides evidence that knowledge gained and skills acquired are aligned with Idaho Teacher Leader Standards as follows: (3-25-16)
    - (a) Understanding Adults As Learners to Support Professional Learning Communities; (3-25-16)
    - (b) Accessing and Using Research to Improve Practice and Student Achievement; (3-25-16)
    - (c) Promoting Professional Learning for Continuous Improvement; (3-25-16)
    - (d) Facilitating Improvements in Instruction and Student Learning; (3-25-16)
    - (e) Using Assessments and Data for School and District Improvement; (3-25-16)
    - (f) Improving Outreach and Collaboration with Families and Community; and (3-25-16)
    - (g) Advocating for Student Learning and the Profession. (3-25-16)
- iv. Not less than one (1) semester of successful experience as a mathematics teacher working with classroom teachers in elementary or secondary schools. (3-25-16)

~~**11. Drama (6-12).** Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Drama Teachers, including a minimum of sixteen (16) semester credit hours in Drama or Theater Arts, including course work in each of the following: Acting, Directing, and Technical Stage Production, and four (4) semester credit hours in Communications. To obtain a Drama (6-12) endorsement, applicants must complete a comprehensive methods course including the pedagogy of acting, directing and technical theatre. (4-7-11)~~

**13. Deaf/Hard of Hearing (K-12).** Completion of a minimum of thirty-three (33) semester credit hours in the area of deaf/hard of hearing with an emphasis on instruction for students who use sign language or completion of a minimum thirty-three (33) semester credit hours in the area of deaf/hard of hearing with an emphasis on instruction for students who use listening and spoken language. An institutional recommendation specific to this endorsement is required. To be eligible for a Deaf/Hard of Hearing endorsement, a candidate must have satisfied the following requirements: ( )

**[Section 042 and Subsection 042.01]**

**042. ALTERNATE ROUTES TO CERTIFICATION.**

The purpose of this program is to provide an alternative for individuals to become certificated teachers in Idaho without following a standard teacher education program. Alternative Routes to Certification shall allow individuals to serve as the teacher of record prior to having earned full certification status. The teacher of record is defined as the person who is primarily responsible for planning instruction, delivering instruction, assessing students formatively and summatively, and designating the final grade. Individuals who are currently employed as Para-Educators, and Paraprofessionals and, individuals with strong subject matter background but limited experience with educational methodology shall follow the alternate certification requirements provided herein. Individuals who are currently certificated to teach but who are in need of an emergency certification endorsement in another area may obtain an endorsement through an alternate route as described in subsection 021.02 of these rules. (3-25-16)( )

01. **Alternative Authorization -- Teacher To New Certification.** The purpose of this alternative authorization is to allow Idaho school districts to request ~~endorsement/~~ additional certification when a professional position cannot be filled with someone who has the correct ~~endorsement/~~ certification. Alternative authorization in this area is valid for one (1) year and may be renewed for two (2) additional years with evidence of satisfactory progress toward completion of an approved alternative route preparation program. Interim certification is valid for not more than three (3) years total. (3-25-16)( )

060. APPLICATION PROCEDURES / PROFESSIONAL DEVELOPMENT.

*[Subsection 060.01]*

~~01. Application for Idaho Certificate.~~ To obtain a new, renew, or reinstate an Idaho certificate Educator Credential, the applicant ~~will~~ must submit an application on a form supplied by the State Department of Education or the State Division of Career Technical Education as applicable to the type of certificate. All applications for new, renewed, or reinstated occupational specialist certificates must be submitted to the Division of Career-Technical Education. The following requirements must be met to renew or reinstate an Idaho Educator Credential. (3-16-04)( )

*[Section 120 is being reprinted in its entirety - additional changes that were not part of the Proposed rule have been included here.]*

120. LOCAL DISTRICT EVALUATION POLICY -- TEACHER AND PUPIL PERSONNEL CERTIFICATE HOLDERS.

Each school district board of trustees will develop and adopt policies for teacher performance evaluation using multiple measures in which criteria and procedures for the evaluation of certificated personnel are research based and aligned to Charlotte Danielson Framework for Teaching Second Edition domains and components of instruction. Individual domain and component ratings specified in Subsection 120.01 of this rule must be determined based on a combination of professional practice and student achievement as specified in Subsection 120.02 and 120.03. The process of developing criteria and procedures for certificated personnel evaluation will allow opportunities for input from those affected by the evaluation; i.e., trustees, administrators, teachers, and parents. The evaluation policy will be a matter of public record and communicated to the certificated personnel for whom it is written. (3-20-14)( )

01. **Standards.** Each district evaluation model shall be aligned to state minimum standards that are based on Charlotte Danielson's Framework for Teaching Second Edition domains and components of instruction. Those domains and components include: (3-29-10)

- a. Domain 1 - Planning and Preparation: (3-29-10)
  - i. Demonstrating Knowledge of Content and Pedagogy; (3-29-10)
  - ii. Demonstrating Knowledge of Students; (3-29-10)
  - iii. Setting Instructional Outcomes; (3-20-14)
  - iv. Demonstrating Knowledge of Resources; (3-29-10)
  - v. Designing Coherent Instruction; and (3-29-10)
  - vi. Designing Student Assessments. (3-29-12)
- b. Domain 2 - The Classroom Environment: (3-29-12)



- i. Creating an Environment of Respect and Rapport; (3-29-10)
- ii. Establishing a Culture for Learning; (3-29-10)
- iii. Managing Classroom Procedures; (3-29-10)
- iv. Managing Student Behavior; and (3-29-10)
- v. Organizing Physical Space. (3-29-10)
- c.** Domain 3 - Instruction and Use of Assessment: (3-29-10)
  - i. Communicating with Students; (3-29-12)
  - ii. Using Questioning and Discussion Techniques; (3-29-10)
  - iii. Engaging Students in Learning; (3-29-10)
  - iv. Using Assessment in Instruction; and (3-29-12)
  - v. Demonstrating Flexibility and Responsiveness. (3-29-12)
- d.** Domain 4 - Professional Responsibilities: (3-29-10)
  - i. Reflecting on Teaching; (3-29-10)
  - ii. Maintaining Accurate Records; (3-29-10)
  - iii. Communicating with Families; (3-29-10)
  - iv. Participating in a Professional Community; (3-29-12)
  - v. Growing and Developing Professionally; and (3-29-10)
  - vi. Showing Professionalism. (3-29-10)

**02. Professional Practice.** For evaluations conducted on or after July 1, 2013, all certificated instructional employees must receive an evaluation in which at least ~~sixty-seven percent (67%)~~ a majority of the evaluation ~~results are ratings must be~~ based on Professional Practice. All measures included within the Professional Practice portion of the evaluation must be aligned to the Charlotte Danielson Framework for Teaching Second Edition domains and components. ~~The measures included within the~~ Professional Practice ~~portion of the evaluation~~ shall include a minimum of two (2) documented observations annually, with at least one (1) observation being completed by January 1 of each year. In situations where certificated personnel are unavailable for two (2) documented classroom observations, due to situations such as long-term illness, late year hire, etc., one (1) documented classroom observation is acceptable. District evaluation models shall also include at least one (1) of the following as a measure to inform the Professional Practice portion of all certificated instructional employee evaluations: (4-11-15)(    )

- a.** Parent/guardian input; (3-20-14)
- b.** Student input; and/or (3-20-14)
- c.** Portfolios. (3-20-14)

**03. Student Achievement.** ~~For evaluations conducted on or after July 1, 2013, all certificated instructional employees, principals and superintendents must receive an evaluation in which at least thirty-three~~

~~percent (33%) of the evaluation results are based on multiple objective measures of growth in student achievement as determined by the board of trustees and based upon research. For evaluations conducted on or after July 1, 2014, growth in Instructional staff evaluation ratings must in part be based on measurable student achievement as measured by Idaho's statewide assessment for Federal accountability purposes must be included, as defined in Section 33-1001, Idaho Code, as applicable to the subjects and grade ranges taught by the instructional staff. All other certificated staff evaluations must include measurable student achievement or student success indicators, as defined in Section 33-1001, Idaho Code, as applicable to the position. This portion of the evaluation may be calculated using current and/or the immediate past year's data and may use one (1) ~~or multiple~~ year or both years' of data. Growth in student achievement may be considered as an optional measure for all other school based and district based staff, as determined by the local board of trustees. (3-20-14)( )~~

**04. Participants.** Each district evaluation policy will include provisions for evaluating all certificated employees identified in Section 33-1001, Idaho Code, Subsection 16. Evaluations shall be differentiated for certificated non-instructional employees and pupil personnel certificate holders in a way that aligns with the Charlotte Danielson Framework for Teaching Second Edition to the extent possible. Policies for evaluating certificated employees should identify the differences, if any, in the conduct of evaluations for nonrenewable contract personnel and renewable contract personnel. (3-20-14)

**05. Evaluation Policy - Content.** Local school district policies will include, at a minimum, the following information: (4-1-97)

**a.** Purpose -- statements that identify the purpose or purposes for which the evaluation is being conducted; e.g., individual instructional improvement, personnel decisions. (4-1-97)

**b.** Evaluation criteria -- statements of the general criteria upon which certificated personnel will be evaluated. (4-1-97)

**c.** Evaluator -- identification of the individuals responsible for appraising or evaluating certificated instructional staff and pupil personnel performance. The individuals assigned this responsibility shall have received training in evaluation and prior to September 1, 2018, shall demonstrate proof of proficiency in conducting observations and evaluating effective teacher performance by passing a proficiency assessment approved by the State Department of Education as a onetime recertification requirement. (3-20-14)

**d.** Sources of data -- description of the sources of data used in conducting certificated personnel evaluations. For certificated instructional staff, a minimum of two (2) documented classroom observations shall be included as one (1) source of data. At least one (1) of those observations must be completed prior to January 1 of each year. In situations where certificated personnel are unavailable for two (2) documented classroom observations, due to situations such as long-term illness, late year hire, etc., one (1) documented classroom observation is acceptable. Parent/guardian input, student input and/or portfolios shall be considered as sources of data to support professional practice. (4-11-15)

**e.** Procedure -- description of the procedure used in the conduct of certificated personnel evaluations. (4-1-97)

**f.** Communication of results -- the method by which certificated personnel are informed of the results of evaluation. (4-1-97)

**g.** Personnel actions -- the action available to the school district as a result of the evaluation and the procedures for implementing these actions; e.g., job status change. Note: in the event the action taken as a result of evaluation is to not renew an individual's contract or to renew an individual's contract at a reduced rate, school districts should take proper steps to follow the procedures outlined in Sections 33-513 through 33-515, Idaho Code in order to assure the due process rights of all personnel. (3-20-14)

**h.** Appeal -- the procedure available to the individual for appeal or rebuttal when disagreement exists regarding the results of certificated personnel evaluations. (4-1-97)

**i.** Remediation -- the procedure available to provide remediation in those instances where remediation is determined to be an appropriate course of action. (4-1-97)

**j.** Monitoring and evaluation. -- A description of the method used to monitor and evaluate the district's personnel evaluation system. (4-1-97)

**k.** Professional development and training -- a plan for ongoing training for evaluators/administrators and teachers on the districts evaluation standards, tool and process. (3-29-10)

**l.** Funding -- a plan for funding ongoing training and professional development for administrators in evaluation. (3-29-10)

**m.** Collecting and using data -- a plan for collecting and using data gathered from the evaluation tool that will be used to inform professional development. Aggregate data shall be considered as part of the district and individual schools Needs Assessment in determining professional development offerings. (3-20-14)

**n.** Individualizing teacher evaluation rating system -- a plan for how evaluations will be used to identify proficiency and record growth over time. No later than July 1, 2013, districts shall have established an individualized teacher evaluation rating system with a minimum of three (3) rankings used to differentiate performance of teachers and pupil personnel certificate holders including: (3-20-14)

i. Unsatisfactory being equal to "1"; (3-20-14)

ii. Basic being equal to "2"; and (3-20-14)

iii. Proficient being equal to "3". (3-20-14)

*iv. A fourth evaluation rating of Distinguished, being equal to "4," may be used in addition to the three (3) minimum rankings at the discretion of the school district or charter school.* ( )

**o.** A plan for including all stakeholders including, but not limited to, teachers, board members, administrators, and parents in the development and ongoing review of their teacher evaluation plan. (3-20-14)

**06. Evaluation Policy - Frequency of Evaluation.** The evaluation policy shall include a provision for evaluating all certificated personnel on a fair and consistent basis. (3-20-14)

**07. Evaluation Policy - Personnel Records.** Permanent records of each certificated personnel evaluation will be maintained in the employee's personnel file. All evaluation records will be kept confidential within the parameters identified in federal and state regulations regarding the right to privacy (Section 33-518, Idaho Code). Local school districts shall report the rankings of individual certificated personnel evaluations to the State Department of Education annually for State and Federal reporting purposes. The State Department of Education shall ensure that the privacy of all certificated personnel is protected by not releasing statistical data of evaluation rankings in local school districts with fewer than five (5) teachers and by only reporting that information in the aggregate by local school district. (3-20-14)

**08. Evaluation System Approval.** Each school district board of trustees will develop and adopt policies for teacher and pupil personnel certificated performance evaluation in which criteria and procedures for the evaluation are research based and aligned with the Charlotte Danielson Framework for Teaching Second Edition. By July 1, 2014, an evaluation plan which incorporates all of the above elements shall be submitted to the State Department of Education for approval. Once approved, subsequent changes made in the evaluation system shall be resubmitted for approval. (3-20-14)

**121. LOCAL DISTRICT EVALUATION POLICY - SCHOOL PRINCIPAL.**

For principal evaluations conducted on or after July 1, 2014, each school district board of trustees will develop and adopt policies for principal performance evaluation using multiple measures in which criteria and procedures for the evaluation of administratively certificated personnel serving as school principal are research based and aligned to the standards and requirements outlined in Subsections 121.01 through 121.07 of this rule. Districts must, at a minimum,

pilot such an evaluation during the 2013-2014 school year and report the results of that pilot to the State Department of Education no later than July 1, 2014, in a format determined by the Department. The process of developing criteria and procedures for principal evaluation will allow opportunities for input from those affected by the evaluation; i.e., trustees, administrators, teachers and parents. The evaluation policy will be a matter of public record and communicated to the principal for whom it is written. (3-20-14)

***[Subsection 121.04.n.iv.]***

**04. Evaluation Policy - Content.** For evaluations conducted on or after July 1, 2014, local school district policies will include, at a minimum, the following information: (3-20-14)

**n.** Individualizing principal evaluation rating system -- a plan for how evaluations will be used to identify proficiency and record growth over time. No later than July 1, 2014, districts shall have established an individualized principal evaluation rating system with a minimum of three rankings used to differentiate performance of principals including: (3-20-14)

*iv. A fourth evaluation rating of Distinguished, being equal to "4," may be used in addition to the three (3) minimum rankings at the discretion of the school district or charter school. ( )*

# IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

## 08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1601

### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105 and 33-1612, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The Idaho Content Standards reflect statements of what students should know and do in various content disciplines and grades. Content standards are adopted statewide and reviewed every six (6) years by teams of educators and stakeholders. These standards provide a consistent foundational level of academic content needed to be successful at each grade level and to graduate from Idaho's public schools. During the 2016 review cycle, the Arts and Humanities, English Language Arts/Literacy, Health, Mathematics, Physical Education, and Social Studies Content Standards were reviewed. The revisions to these Content Standards are recommended based on public comment received and by recommendations by the committees who review the standards. The Computer Science Content Standards are entirely new and build upon the 2016 draft standards put out by the Computer Science Teachers Association. They outline what it means to be literate in computer science at various grade levels.

The pending rule has been adopted with minor changes to the English Language Arts/Literacy, Social Studies, and Computer Science content standards. These changes include adding Sikhism to the list of major world religions in the Social Studies Standards, small transfer error of a few words in the English Language Arts Standards, and updating the Computer Science Standards based on changes to the core concepts and practice naming in the updated k-12 Computer Science framework.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 276-285](#).

**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:

Districts may experience some fiscal impact in the form of new curriculum to align with revised content standards. The cost would likely be cyclical.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Scott Cook, Director of Academic Services, Support and Professional Development, at (208) 332-6927 or [scook@sde.idaho.gov](mailto:scook@sde.idaho.gov).

DATED this 30th Day of November, 2016.

Sherri Ybarra, Superintendent of Public Instruction  
State Department of Education  
Phone: (208) 332-6800 / Fax: (208) 334-2228

650 W. State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027

DOCKET NO. 08-0203-1601 - 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Volume 16-10, October 5, 2016, pages 276 through 285.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE  
FOR DOCKET NO. 08-0203-1601

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

**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](http://www.boardofed.idaho.gov). (3-29-10)

*[Subsections 004.01.b. and 004.01.d.]*

**b.** Computer Science, adopted on November 28, 2016. ( )

**c.** Driver Education, as revised and adopted on August 21, 2008. (3-29-10)

**d.** English Language Arts/Literacy, as revised and adopted on ~~August 11, 2010~~ November 28, 2016. (~~4-7-11~~) ( )

*[Subsection 004.01.k.]*

**k.** Social Studies, as revised and adopted on ~~April 17, 2009~~ November 28, 2016. (~~3-29-10~~) ( )

# **IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

## **08.02.03 – RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1603**

### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105 and 33-4602, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

This rulemaking addresses changes made to the Advanced Opportunities. Separate sections of the rule previously authorized programs known as the “8 in 6” Program and the Master Advancement Program. The new provisions in Section 33-4602, Idaho Code, merge some of the opportunities from these programs with the program known as the Fast Forward Program. This rulemaking repeals the section of rule specific to the Master Advancement Pilot Program and adds provisions and clarity to the Advanced Opportunities section on the administration of the new Early Graduation Scholarship.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 286-291](#).

**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:

There is no known fiscal impact beyond what has already been identified in House Bill 458.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Matt McCarter, Director of Student Engagement/Career and Technical Readiness, at (208) 332-6961 or [mamccarter@sde.idaho.gov](mailto:mamccarter@sde.idaho.gov).

DATED this 30th Day of November, 2016.

Sherri Ybarra  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
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# IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

## 08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1604

### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-1612, and 33-2002, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rulemaking incorporates by reference the Idaho Special Education Manual into this rule that was previously only referenced in the rule. The manual meets the Individuals with Disabilities Education Act requirement of 20 US Code Section 1412, and is consistent with other state and federal regulations regarding the education of individuals with disabilities.

The pending rule has been adopted with minor changes to the Idaho Special Education Manual. These changes include removing the definition of “Modifications” and changing it to “accommodations or adaptations” to be consistent with administrative rule language. The definition and all references to “scientifically-based interventions” have been replaced with “evidence-based interventions” to be consistent with the Every Student Succeeds Act.

Changes to the pending rule were made in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August 3, 2016 Idaho Administrative Bulletin, [Vol. 16-8, pages 46-53](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Dr. Charlie Silva, Director of Special Education, at (208) 332-6806 or [csilva@sde.idaho.gov](mailto:csilva@sde.idaho.gov).

DATED this 30th Day of November, 2016.

Sherri Ybarra  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
Phone: (208) 332-6800  
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DOCKET NO. 08-0203-1604 - 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
[Volume 16-08, August 3, 2016, pages 46 through 53.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE  
FOR DOCKET NO. 08-0203-1604

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

**004. INCORPORATION BY REFERENCE.**

The following documents are incorporated into this rule:

(3-30-07)

*[Subsection 004.10]*

**10. The Idaho Special Education Manual.** The Idaho Special Education Manual as adopted by the State Board of Education on November 28, 2016. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). ( )

# **IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

## **08.02.03 – RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1605**

### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-1002, and 33-1612, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rulemaking updates the section of this chapter that governs Alternative Secondary Programs which has not been amended since 1997. Additionally, the passage of House Bill 300 in 2015 added sixth grade to the grades eligible for alternative secondary program funding.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 3, 2016 Idaho Administrative Bulletin, [Vol. 16-8, pages 54-56](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Michelle Clement Taylor, School Choice Coordinator, at (208) 332-6963 or at [mtaylor@sde.idaho.gov](mailto:mtaylor@sde.idaho.gov).

DATED this 30th Day of November, 2016.

Sherri Ybarra  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
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# **IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

## **08.02.03 – RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1606**

### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105 and 33-1612, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The State Board of Education approved a revision to the Idaho Academic Achievement Standards, which is incorporated by reference into this rule. The updated standards include the proficiency level descriptors and the ISAT achievement levels at each performance level for each grade.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the June 1, 2016 Idaho Administrative Bulletin, [Vol. 16-6, pages 24-26](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Karlynn Laraway, Director of Assessment, at (208) 332-6976 or [klaraway@sde.idaho.gov](mailto:klaraway@sde.idaho.gov).

DATED this 30th Day of November, 2016.

Sherri Ybarra  
Superintendent of Public Instruction  
State Department of Education  
650 West State Street, 2nd Floor  
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## **IDAPA 08 – STATE BOARD OF EDUCATION**

### **08.02.03 – RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1608**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-107, 33-116, 33-118, and 33-1612, Idaho Code, and Article IX, Section 2 of the Idaho Constitution.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rulemaking establishes the new accountability framework, and includes all federally required indicators, makes technical corrections, adds and amends defined terms, deletes unnecessary or outdated sections and updates language regarding the states comprehensive assessment program.

Amendments have been made to the pending rule and are based on feedback received during the public comment period. These amendments include: technical changes and additional language to provide more clarity and specificity around the accountability measures being used, the elimination of proposed accountability measures as well as replacement measures that were more widely accepted by stakeholder groups. The removal or addition of measures is largely based on discussion generated during six public forums that were held around the state as well as feedback provided during discussions held and the Idaho Association of School Administrators and Idaho School Boards Association's annual conferences. Concerns raised were largely based on a concern over the ability for some of the proposed measures to be measured consistently across school districts or in the case of those proposed around teacher quality could adversely impact districts in rural areas with limited pools of candidates to choose from. It was agreed teacher quality would be brought back for consideration at a later date when measures could be identified that could be consistently collected from all districts and charter schools and focused on those areas that school districts and charter schools could impact such as mentoring or retention.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 293-308](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208) 332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 5th day of December, 2016.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
Phone: (208) 332-1582

DOCKET NO. 08-0203-1608 - 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Volume 16-10, October 5, 2016, pages 293 through 308.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE  
FOR DOCKET NO. 08-0203-1608

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

111. ASSESSMENT IN THE PUBLIC SCHOOLS.

*[Subsections 111.06.n.]*

06. **Comprehensive Assessment Program.** The State approved comprehensive assessment program is outlined in Subsections 111.06.a. through 111.06.h. Each assessment will be comprehensive of and aligned to the Idaho State Content Standards it is intended to assess. In addition, districts are responsible for writing and implementing assessments in those standards not assessed by the state assessment program. ~~(4-2-08)~~( )

n. Students are required to take a ~~an~~ high school End of Course Assessment in science provided by the state and administered by the district as applicable to the course completed by the students. ~~(4-11-15)~~( )

112. ACCOUNTABILITY.

*The provisions in this section apply for the purposes of meeting the "No Child Left Behind" Act and the state of Idaho accountability requirements.* School district, charter school district and public charter school accountability will be based on multiple measures aimed at providing meaningful data showing progress toward interim and long-term goals set by the State Board of Education for student achievement and school improvement. The state accountability framework will be used to meet both state and federal school accountability requirements and will be broken up by school category and include measures of student academic achievement and school quality as determined by the State Board of Education. ~~(3-20-04)~~( )

*[Subsections 112.02 through 112.04]*

02. Academic Measures by School Category. ( )

a. K-8. ( )

i. Idaho Standards Achievement Tests (ISAT) Proficiency. ( )

ii. ISAT growth toward proficiency based on a trajectory model approved by the state board of

- education. ( )
- iii. ISAT proficiency gap closure. ( )
- iv. Idaho statewide reading assessment proficiency. ( )
- v. English Learners achieving English language proficiency. ( )
- vi. English Learners achieving English language growth toward proficiency. ( )
- b.** High school. ( )
- i. ISAT proficiency. ( )
- ii. ISAT proficiency gap closure. ( )
- iii. English Learners achieving English language proficiency. ( )
- iv. English Learners achieving English language growth toward proficiency. ( )
- v. Four (4) year cohort graduation rate, including students who complete graduation requirements prior to the start of the school district or charter schools next fall term. ( )
- vi. Five (5) year cohort graduation rate, including students who complete graduation requirements prior to the start of the school district or charter schools next fall term. ( )
- c.** Alternative high school. ( )
- i. ISAT proficiency. ( )
- ii. English Learners achieving English language proficiency. ( )
- iii. English Learners achieving English language growth towards proficiency. ( )
- iv. Four (4) year cohort graduation rate, including students who complete graduation requirements prior to the start of the school district or charter schools next fall term. ( )
- v. Five (5) year cohort graduation rate, including students who complete graduation requirements prior to the start of the school district or charter schools next fall term. ( )
- 03. School Quality Measures by School Category.** ( )
- a.** K-8. ( )
- i. Students in grade 8 enrolled in pre-algebra or higher. ( )
- ii. State satisfaction and engagement survey administered to parents, students, and teachers (effective starting in the 2018-2019 school year). ( )
- iii. Communication with parents on student achievement (effective starting in the 2018-2019 school year). ( )
- b.** High school. ( )
- i. College and career readiness determined through a combination of students participating in advanced opportunities, earning industry recognized certification, and/or participation in recognized high school ( )

apprenticeship programs. ( )

ii. State satisfaction and engagement survey administered to parents, students, and teachers (effective starting in the 2018-2019 school year). ( )

iii. Students in grade 9 enrolled in algebra I or higher. ( )

c. Alternative high school. ( )

i. Credit recovery and accumulation. ( )

ii. College and career readiness determined through a combination of students participating in advanced opportunities, earning industry recognized certification, and/or participation in recognized high school apprenticeship programs. ( )

iii. State satisfaction and engagement survey administered to parents, students, and teachers (effective starting in the 2018-2019 school year). ( )

iv. Communication with parents on student achievement (effective starting in the 2018-2019 school year). ( )

**04. Reporting.** Methodologies for reporting measures and determining performance will be set by the State Board of Education. ( )

**[Subsections 112.05.h.]**

**05. Annual Measurable Progress Definitions.** For purposes of calculating and reporting progress, the following definitions shall be applied. ( )

**eh.** Graduation Rate. The graduation rate will be based on the rate of the cohort of students entering grade nine (9) during the same academic year and attending or exiting the school within a four (4) year or five (5) year period as applicable to the measure being determined. In determining the graduation cohort the school year shall include the students who complete graduation requirements prior to the start of the school district or charter schools next fall term. School districts may only report students as having graduated if the student has met, at a minimum, the state graduation requirements, pursuant to Section 105, and will not be returning to the school in following years to complete required academic course work. The State Board of Education will establish a target for graduation. All high schools must meet the target or make sufficient progress toward the target each year, as determined by the State Board of Education. The graduation rate will be disaggregated by the subpopulations subgroups listed in Subsection 112.04.d. in the event the "safe harbor" is invoked by the school/district. (4-7-11)( )

**114. FAILURE TO MEET ~~ADEQUATE YEARLY PROGRESS (AYP)~~ ANNUAL MEASURABLE PROGRESS.**

**[Subsections 114.01 through 114.03]**

**01. Accountability Measures and Timelines.** Accountability measures and timelines will be determined by the state board of education for school districts and schools who fail to meet annual measurable progress. ( )

**042. Compliance with Federal Law.** All schools and local educational agencies in this state shall comply with applicable federal laws governing specific federal grants. (4-6-05)

a. With respect to schools and local educational agencies in this state that receive federal grants under title I of the Elementary and Secondary Education Act of 1965, as amended by the ~~No Child Left Behind Act of 2001~~ Every Student Succeeds Act of 2015 (Title I schools), the State Department of Education shall develop procedures for approval by the State Board of Education, consistent with federal law, that describe actions to be taken by local educational agencies and schools in this state in regard to schools that fail to meet AYP interim and long-term progress goals. ~~(4-6-05)~~( )

b. With respect to schools and local educational agencies in this state that do not receive federal grants under Title I of the Elementary and Secondary Education Act of 1965, as amended by the ~~No Child Left Behind Act of 2001~~ Every Student Succeeds Act of 2015, such non-Title I schools and local educational agencies shall be required to comply with federal law and state requirements with the procedures relating to failure to meet AYP interim and long-term progress goals as provided in Subsection 114.01.a. of this rule, as if they were Title I schools, except that any provisions relating to the use of federal grants to pay for such expenses shall not be applicable to such non-Title I schools and local educational agencies. In such event, non-title I schools shall be required to fund such compliance costs from general operating funds. ~~(4-6-05)~~( )

**023.** **State Department of Education.** With respect to the implementation of duties responsibilities described under Title I of the Elementary and Secondary Education Act of 1965, as amended by the ~~No Child Left Behind Act of 2001~~ Every Student Succeeds Act of 2015, that are applicable to a state educational agency, the State Department of Education shall perform such duties and responsibilities delegated by the State Board of Education, including, but not limited to, making technical assistance available to local educational agencies that fail to meet ~~AYP as required under federal law~~ interim and long-term goals, and for providing technical assistance, developing improvement plans, and providing for mandatory corrective actions to local educational agencies as required under federal law and state law. ~~(4-6-05)~~( )



**IDAPA 08 – STATE BOARD OF EDUCATION**

**08.02.03 – RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1609**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-107, 33-116, 33-118, 33-1612, Idaho Code, and Article IX, Section 2 of the Idaho Constitution.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rulemaking eliminates proficiency on the Idaho Standards Achievement Test (ISAT) as a graduation requirement from Idaho's public schools and clarifies the current language to allow students to earn credits toward graduation through mastery of content.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5th, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 309-313](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208) 332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 3rd day of December, 2016.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
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Fax: (208) 334-2632

**IDAPA 08 – STATE BOARD OF EDUCATION**

**08.02.03 – RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1610**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-107, 33-116, 33-1004A, 33-1201, 33-1201A, 33-1204, 33-1612, and 33-2211, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rulemaking incorporates by reference the current Career Technical Education (CTE) content standards, approved by the Board at the June 2016 Board meeting, into administrative rule in a similar fashion as the existing non-career technical (academic) content standards. The standards being incorporated are the existing CTE content standards that are currently being used by Idaho public secondary CTE programs.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5th, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 314-316](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208) 332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 3rd day of December, 2016.

Tracie Bent, Chief Planning and Policy Officer  
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**IDAPA 08 – STATE BOARD OF EDUCATION**

**08.02.03 – RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1611**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-1602, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rulemaking clarifies that in addition to the “civics test” defined in Section 33-1602, Idaho Code, a school district may choose an alternate path through single or multiple measures for a student to show they have met the state civics and government content standards.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5th, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 317-322](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208) 332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 2nd day of November, 2016.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
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Boise, ID 83720-0027  
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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 RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-125B, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Section 33-125B, Idaho Code, was enacted by HB 170 (2015), and provides for an alternative means of fostering innovation in Idaho's schools and allows for a method by which the state could enter into an agreement with a private entity, whereby the entity bears the sole burden of financing the cost of a program up front and the state pays based on outcomes that are negotiated prior to entering into the contract. Additionally, Section 33-125B, Idaho Code, establishes an oversight committee to review the proposal and indicate whether or not the Department of Education should commence negotiations.

Based on the first year the Pay for Success Contracting was available, it has been determined that there was a need to outline the process and timelines for proposal reviews.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5th, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 323-327](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208) 332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 2nd day of December, 2016.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
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**IDAPA 08 – STATE BOARD OF EDUCATION**  
**08.05.01 – RULES GOVERNING SEED AND PLANT CERTIFICATION**  
**DOCKET NO. 08-0501-1601**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-1504, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The Idaho Crop Improvement Association (ICIA) identified a need for the Idaho Rapeseed/Canola/Mustard certification standards to be updated. Through the ICIA's annual review process, the ICIA identified an amendment to the Rapeseed/Canola/ Mustard Certification Standards that would help to make these seeds produced in Idaho be more competitive. This rulemaking incorporates by reference the updated version of the Idaho Rapeseed/Canola/ Mustard certification standards. The new standards adds a limit for allowable sclerotinia bodies where previously there was none.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5th, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 328-330](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 3rd day of December, 2016.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
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**IDAPA 11 – IDAHO STATE RACING COMMISSION**

**11.04.02 – RULES GOVERNING SIMULCASTING**

**DOCKET NO. 11-0402-1601**

**NOTICE OF RULEMAKING – VACATION OF PROPOSED RULEMAKING**

**AUTHORITY:** In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency is vacating the proposed rulemaking previously initiated under this docket. The action is authorized pursuant to Title 54, Chapter 25, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a summary of the reasons for vacating the proposed rulemaking:

This Notice of Rulemaking hereby vacates the proposed rulemaking for the following reasons:

Further discussions must take place between the Racing Commission and the horse racing industry regarding historical horse racing before finalizing any amendments to this rule. For that reason, at this time the Commission would like to make certain that it is not impeding any efforts that may be made in the future to maintain and/or promote horse racing in the state of Idaho and is, therefore, vacating this proposed rulemaking.

The proposed rule was published in the October 2, 2016 Administrative Bulletin, [Volume 16-11, page 60](#).

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this vacation of proposed rulemaking contact, Ardie Noyes at (208) 884-7082.

DATED this 29th day of November, 2016.

Ardie E. Noyes, Management Assistant  
Idaho State Racing Commission  
700 South Stratford Drive  
Meridian, ID 83642  
Phone: (208) 884-7080  
Fax (208) 884-7098

# IDAPA 11 – IDAHO STATE POLICE

## 11.04.03 – RULES GOVERNING LICENSING AND FEES

### DOCKET NO. 11-0403-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 54-2506 and 54-2508, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending fee rule with an explanation of the reasons for the change:

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016, Idaho Administrative Bulletin, [Vol. 16-10, page 340-341](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-2508, Idaho Code. Pursuant to Section 54-2508, Idaho Code, the Idaho State Racing Commission is responsible for the licensing of any person that participates, directly or indirectly, in any race meet in the State of Idaho. Part of the licensing process provided for in Section 54-2506, Idaho Code, is to obtain the criminal history of license applicants by submitting fingerprints to Federal Bureau of Investigation via the Idaho State Police Bureau of Criminal Identification. Since 2012 the Commission has charged applicants \$15 per fingerprint card but the fee charged to the Racing Commission by the FBI is currently set at \$25 per fingerprint card. Over the past four years the Commission has paid approximately \$22,700 more in fees than they have collected. A change in the rule to allow the Commission to charge the full amount of the fee charged by the Federal Bureau of Investigation, via the Idaho State Police Bureau of Criminal Identification, to each applicant as it is changed by the FBI will eliminate future losses. The fee for the fingerprinting of license applicants that is currently set at \$12.50 per fingerprint card will be raised to the full cost charged to the Racing Commission as it is changed. The fee as of September 2, 2016, is \$25 per fingerprint card.

This fee or charge is being imposed pursuant to Section 54-2508, Idaho Code.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than \$10,000 during the fiscal year: There is no fiscal impact to the general fund as the Racing Commission is a funded by dedicated funds. If the rule is adopted the Commission would be charging applicants the full fee for fingerprinting as they are charged by Federal Bureau of Investigation via the Idaho State Police Bureau of Criminal Identification for processing fingerprint cards. The fiscal impact to the Racing Commission's dedicated funding will be positive. Since 2012 the Commission has been charging \$15 per card as allowed by rule, but the cost of the submission to the Idaho State Police Bureau of Criminal is \$25. The Commission has lost over \$22,700 in the past four years and a change in the rule will eliminate future losses.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Idaho State Racing Commission at (208) 884-7080.

DATED this 8th day of December, 2016

Ardie E. Noyes, Management Assistant  
Idaho State Racing Commission  
700 South Stratford Drive  
Meridian, ID 83642  
Phone: (208) 884-7080 / Fax (208) 884-7098

## IDAPA 11 – IDAHO STATE POLICE

### 11.11.01 – RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL

#### DOCKET NO. 11-1101-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 19-5107, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Section 010: Clarifies the definition of “Law Enforcement Profession” for the purpose of establishing and administering agreements to serve agreements with peace officers attending POST training programs.

Section 055: Establishes the minimum absolute prohibition of any marijuana use as one year, and the regular and confirmed use of marijuana as three years, prior to application for POST for training or certification.

Section 058: Simplifies the driver license status requirements for applicants for POST training or certification, with respect to suspensions which concluded within ten (10) years prior to application.

Section 081: Simplifies and clarifies the Agreement to Serve requirements of, exemptions from, and proration for reimbursement of training costs to POST for officers who do not remain in the Idaho law enforcement profession for a minimum of two (2) years.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 342-349](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Victor McCraw at (208) 884-7251.

DATED this 8th day of December, 2016.

Victor McCraw  
POST Division Administrator  
Idaho Peace Officer Standards & Training  
700 S. Stratford Dr.  
Meridian, ID 83642  
Phone (208) 884-7251  
Fax (208) 884-7295



## IDAPA 11 – IDAHO STATE POLICE

### 11.11.01 – RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL

#### DOCKET NO. 11-1101-1602

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 19-5107, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Establishes the requirement for a POST compliance review of each applicant to include a provision for inspection of the hiring agency's background investigation file for the purpose of fulfilling the requirements of Section 19-5109(1)(g), Idaho Code, which states: (1) It shall be the duty of and the council shall have the power: (g) To certify peace officers as having completed all requirements established by the council in order to be eligible for permanent employment as peace officers in this state."

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 350-352](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Victor McCraw at (208) 884-7251.

DATED this 8th day of December 2016.

Victor McCraw  
POST Division Administrator  
Idaho Peace Officer Standards & Training  
700 S. Stratford Dr.  
Meridian, ID 83642  
Phone (208) 884-7251  
Fax (208) 884-7295

## IDAPA 11 – IDAHO STATE POLICE

### 11.11.02 – RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR JUVENILE DETENTION OFFICERS

DOCKET NO. 11-1102-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 19-5107, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Simplifies language and clarifies certification requirements for part-time juvenile detention officers, and eliminated the use of non-POST certified instructors for basic training.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 353-355](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Victor McCraw at (208) 884-7251.

DATED this 8th day of December, 2016.

Victor McCraw  
POST Division Administrator  
Idaho Peace Officer Standards & Training  
700 S. Stratford Dr.  
Meridian, ID 83642  
Phone (208) 884-7251  
Fax (208) 884-7295

## IDAPA 11 – IDAHO STATE POLICE

### 11.11.04 – RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR CORRECTION OFFICERS AND ADULT PROBATION AND PAROLE OFFICERS

DOCKET NO. 11-1104-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 19-5107, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Section 037 was inadvertently omitted from the proposed rule therefore, is now being published as stricken in the pending rule.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 356-360](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Victor McCraw at (208) 884-7251.

DATED this 8th day of December 2016

Victor McCraw  
POST Division Administrator  
Idaho Peace Officer Standards & Training  
700 S. Stratford Drive  
Meridian, ID 83642  
Phone (208) 884-7251  
Fax (208) 884-7295

DOCKET NO. 11-1104-1601 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Volume 16-10, October 5, 2016, pages 356 through 360.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE  
FOR DOCKET NO. 11-1104-1601

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

*[Subsection 037 was intended to be stricken in its entirety in the Proposed rule]*

~~037. **MILITARY RECORD:**~~

~~01. **Discharge.** A “dismissal,” “bad conduct discharge” (BCD), “dishonorable discharge” (DD), or administrative discharge of other than honorable (OTH) from the military service shall disqualify the applicant. The administrative discharge of “general under honorable conditions” (GEN), a “general” discharge, or an “uncharacterized” discharge may be grounds for rejection. In the case of a “general under honorable conditions” or “uncharacterized” discharge, the applicant may be accepted upon approval of the POST Division Administrator. The Division Administrator shall have the discretion to refer the application to the POST Council. In the case of a “general” discharge, the POST Council shall review the application and determine whether the individual shall be certifiable as a correction officer in the state of Idaho. (4-7-11)~~

~~02. **Documentation.** Proof of military record shall not have been mutilated, altered, or damaged; shall indicate character of service; and shall be in the form of a photocopy of the following: (4-7-11)~~

~~a. DD-214 for any active military service; (4-7-11)~~

~~b. NGB Form 22 for any National Guard service; and (4-7-11)~~

~~c. AF-216 for any Air Force service. (4-7-11)~~

## **IDAPA 11 – IDAHO STATE POLICE**

### **11.13.01 – THE MOTOR CARRIER RULES**

**DOCKET NO. 11-1301-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 67-2901, Idaho Code and 49 CFR 386.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Idaho adopts the Federal Hazardous Material Regulations and Federal Motor Carrier Safety Regulations by reference. The Idaho Legislature approved the adoption of 49 CFR Part 386 during the 2015 session, but requested ISP reformat the rules and clarifies how the rules are adopted.

During the 2016 Legislative Session, the committees observed the need to reference Section 49-2212, Idaho Code, in Section 018, which adopts Federal Regulation changes regarding the transportation of hazardous materials, substances, and waste. Section 49-2212, Idaho Code, adopts Federal Hazardous Materials Regulations by reference as the changes occur. The Legislature adopted the other re-formatted changes.

This rule references Section 49-2212, Idaho Code, that provides for the adoption of the Federal Hazardous Materials Regulations by reference and the changes to those regulations as they occur by operation of law.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 361 through 363](#).

**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:

There is no negative fiscal impact on the state general fund or dedicated funds.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Captain Tim Horn, Idaho State Police Commercial Vehicle Safety at (208) 884-7220 or [tim.horn@isp.idaho.gov](mailto:tim.horn@isp.idaho.gov).

DATED this 1st day of December, 2016.

Colonel Ralph W. Powell, Director  
Idaho State Police  
700 S. Stratford Drive  
Meridian, ID 83642  
Phone: (208) 884-7003  
Fax: (208) 884-7090

# IDAPA 11 – IDAHO STATE POLICE

## 11.13.01 – THE MOTOR CARRIER RULES

DOCKET NO. 11-1301-1602

### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 67-2901, Idaho Code and 49 CFR Part 380.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The Idaho State Police adopts the Federal Motor Carrier Safety Regulations (FMCSR) by reference. ISP has not previously adopted 49 CFR Part 380, which identifies the necessary training for the safe operation of driver's operating long combination vehicles (LCV). LCV's are a combination of a tractor and two or three trailers, which requires a more skilled driver for safe operation. Currently, other than completing a written exam, Idaho has no driver training requirements. Upon completion of the written exam the Idaho CDL driver receives an endorsement and is allowed to begin driving LCV's with no behind the wheel training.

With the change in Idaho's over-legal weight permits of up to 129,000 pounds that are part of the Idaho Transportation Department's administrative rules, Idaho will see an increase in large LCV's. The adoption of Part 380, 49 CFR 380, will require LCV drivers and instructors to meet minimum qualification requirements. LCV drivers would be able to apply for a Grandfather Clause if they meet the requirements listed in Part 380.111, such as if they have been operating an LCV during the previous 2 years of the application. If the driver meets the Grandfather Clause requirements he/she will not need to attend the LCV training.

The adoption of this rule will assist in the safe operation of LCV's on Idaho roadways by making sure drivers have sufficient training with a qualified instructor before being released to operate LCV's. This will affect most over-legal permits that will be issued by ITD. All interstate carriers have been required to comply with Part 380 for over a decade, so many carriers are already complying.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10 pages 364 through 367](#).

**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:

There is no negative fiscal impact on the state general fund or dedicated funds.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Capt. Tim Horn, Idaho State Police Commercial Vehicle Safety (208) 884-7220 or [tim.horn@isp.idaho.gov](mailto:tim.horn@isp.idaho.gov).

DATED this 1st day of December, 2016

Colonel Ralph W. Powell, Director  
Phone: (208) 884-7003  
Fax: (208) 884-7090

Idaho State Police  
700 S. Stratford Drive  
Meridian, ID 83642

# **IDAPA 11 – IDAHO STATE POLICE**

## **11.13.01 – THE MOTOR CARRIER RULES**

**DOCKET NO. 11-1301-1603**

### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 67-2901, Idaho Code and 49 CFR 395.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

With some exceptions all motor carriers and drivers, who are currently required to complete paper logs to document record of duty status (RODS) to comply with 49 CFR 395, will be required to use ELD's no later than December 18, 2017. However, the final federal rule exempts several sectors from the ELD requirement as follows:

- 1) Drivers who use paper RODS for not more than 8 days during any 30 day period;
- 2) Drivers who conduct driveaway-towaway operations, where the vehicle being driven is the commodity being delivered; and
- 3) Drivers of vehicles manufactured before model year 2000.

These exempted drivers must still document RODS using either paper logs or ELD's, whichever they choose. There are no changes to drivers or carriers who meet the current exemptions from RODS as listed in 49 CFR 395 and Section 67-2901B(2), Idaho Code.

Idaho is required to adopt this regulation by reference to maintain compliance with Federal Motor Carrier Safety Administration (FMCSA) and remain eligible for grant and highway funds.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 368 through 370](#).

**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:

There is no negative fiscal impact on the state general fund or dedicated funds.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Captain Tim Horn, Idaho State Police Commercial Vehicle Safety at (208) 884-7220 or [tim.horn@isp.idaho.gov](mailto:tim.horn@isp.idaho.gov).

DATED this 1st Day of December, 2016

Colonel Ralph W. Powell, Director  
Phone: (208) 884-7003  
Fax: (208) 884-7090

Idaho State Police  
700 S. Stratford Drive  
Meridian, ID 83642

## IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

### 13.01.02 – RULES GOVERNING HUNTER EDUCATION AND MENTORED HUNTING

DOCKET NO. 13-0102-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 36-103, 36-104, and 36-412, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending fee rule with an explanation of the reasons for the change:

The rules implement a mandatory trapping education program for trappers who purchased their first trapping license on or after July 1, 2011, broadens the description of mandatory education, establishes fees for mandatory hunter, archery, and trapping education, integrates reference to existing archery education pursuant to Sections 36-411 and 36-412, Idaho Code, and deletes an obsolete rule about practical handling and shooting of firearms requirement for hunter education certification.

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 375 to 377](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: Pursuant to Section 36-412, Idaho Code, the fee charged to each student enrolling in Hunter Education, Archery Education, or Trapper Education Program will be eight dollars (\$8.00).

**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:

There will be no negative fiscal impact on the state general fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Brenda Beckley, (208) 287-2884.

DATED this 21st day of November, 2016.

Sharon W. Kiefer, Deputy Director  
Idaho Dept. of Fish and Game  
600 S. Walnut Street  
P.O. Box 25  
Boise, Idaho 83707  
Tel: (208) 334-3771  
Fax: (208) 334-4885



## IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

### 13.01.08 – RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO

DOCKET NO. 13-0108-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b), and 36-1101(a), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The proposed rules administer grizzly bear hunting should the Idaho Fish and Game Commission authorize hunting after grizzly bear in the Greater Yellowstone Ecosystem are taken off the federal endangered species list. The proposed rules do not make any decision to delist grizzly bears and do not propose to open any hunting season for grizzly bear in Idaho.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 379 to 390](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jon Rachel, (208) 334-2920.

DATED this 21st day of November, 2016.

Sharon W. Kiefer, Deputy Director  
Idaho Dept. of Fish and Game  
600 S. Walnut Street  
P.O. Box 25  
Boise, Idaho 83707  
Tel: (208) 334-3771  
Fax: (208) 334-4885

## IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

### 13.01.08 – RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO

DOCKET NO. 13-0108-1603

#### NOTICE OF RULEMAKING – VACATION OF PROPOSED RULEMAKING

**AUTHORITY:** In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency is vacating the rulemaking previously initiated under this docket. The action is authorized pursuant to Sections 36-104(b) and 36-1101(a), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a summary of the reasons for vacating this rulemaking:

The Commission expressed concerns over not enough improvement in drawing odds for antlered deer or elk from the extended waiting period, unintended consequences of the proposed extended waiting period, and potential effect on drawing odds for other hunts from shifting hunters into drawings for other species (such as moose, sheep and goat). Therefore, the Commission vacated the proposed rulemaking.

The proposed rule was published in the October 5, 2016, Idaho Administrative Bulletin, [Vol. 16-10, pages 391-397](#).

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this vacation of rulemaking, contact Jon Rachael, (208) 334-2920.

DATED this 21st day of November, 2016.

Sharon W. Kiefer, Deputy Director  
Idaho Dept. of Fish and Game  
600 S. Walnut Street  
P.O. Box 25  
Boise, Idaho 83707  
Tel: (208) 334-3771  
Fax: (208) 334-4885

## IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

### 13.01.09 – RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO

DOCKET NO. 13-0109-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** The pending rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-103(b), and 36-104(b), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rule modifies the current boundary of the Hagerman goose hunting closure area to remove certain private property to allow hunting to reduce goose depredation on crops.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 398 to 401](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Toby Boudreau, (208) 324-4359.

DATED this 21st day of November, 2016.

Sharon W. Kiefer, Deputy Director  
Idaho Dept. of Fish and Game  
600 S. Walnut Street  
P.O. Box 25  
Boise, Idaho 83707  
Tel: (208) 334-3771  
Fax: (208) 334-4885

## IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

### 13.01.09 – RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO

DOCKET NO. 13-0109-1602

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104, 36-409 and 36-1101, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The rule simplifies the age and mentor requirements for youth-only hunts to make them more consistent and updates rule to be consistent with legislative revision of Section 36-409(i), Idaho Code, in 2016.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 402 to 406](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Greg Wooten, (208) 334-3736.

DATED this 21st day of November, 2016.

Sharon W. Kiefer, Deputy Director  
Idaho Dept. of Fish and Game  
600 S. Walnut Street  
P.O. Box 25  
Boise, Idaho 83707  
Tel: (208) 334-3771  
Fax: (208) 334-4885

## IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

### 13.01.11 – RULES GOVERNING FISH

DOCKET NO. 13-0111-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** The pending rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104 and 36-901, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rule provides opportunity to harvest unclipped summer Chinook salmon in the Clearwater River in 2016.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 408 to 409](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Peter Hassemer, (208) 334-3791.

DATED this 21st day of November, 2016.

Sharon W. Kiefer, Deputy Director  
Idaho Dept. of Fish and Game  
600 S. Walnut Street  
P.O. Box 25  
Boise, Idaho 83707  
Tel: (208) 334-3771  
Fax: (208) 334-4885

## IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

### 13.01.17 – RULES GOVERNING THE USE OF BAIT AND TRAPPING FOR TAKING BIG GAME ANIMALS

DOCKET NO. 13-0117-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 36-104, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rule revises the distance from road and trails for placing bear baits in the Panhandle and Clearwater regions because hilly terrain and an extensive road network make the current standard infeasible in many areas of these regions.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 413 to 415](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jon Rachel, (208) 334-2920.

DATED this 21st day of November, 2016.

Sharon W. Kiefer, Deputy Director  
Idaho Dept. of Fish and Game  
600 S. Walnut Street  
P.O. Box 25  
Boise, Idaho 83707  
Tel: (208) 334-3771  
Fax: (208) 334-4885

**IDAPA 15 – OFFICE OF THE GOVERNOR  
DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION**

**15.04.01 – RULES OF THE DIVISION OF HUMAN RESOURCES  
AND IDAHO PERSONNEL COMMISSION**

**DOCKET NO. 15-0401-1601**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-5309, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for change:

The proposed text regarding DHR Rule 15.04.01, Subsection 086.05, stated that an application for promotion by an employee on entrance probation may not be filed. We are revising the pending rule to state that the application may be filed, and specifying that the employee is ineligible to be certified to a departmental or statewide hiring list until permanent status is attained.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol.16-10, pages 416-426](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Kim Toryanski, Deputy Administrator, phone number (208) 854-3077.

DATED this 25th day of November, 2016.

Susan E. Buxton  
Administrator  
Division of Human Resources  
304 N. 8th Street  
Boise, ID 83720

DOCKET NO. 15-0401-1601 - 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Volume 16-10, October 5, 2016, pages 416 through 426.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE  
FOR DOCKET NO. 15-0401-1601

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

086. APPLICATIONS.

*[Subsection 086.05]*

05. **Promotion of Entrance Probationary Employee.** Any classified employee on entrance probation may file an application for a promotional opportunity *and but is ineligible to* be ~~placed on a register but may not be appointed~~ certified to a department or statewide promotional hiring list until permanent status has been attained. (Ref. Rule Subsection 169.03.) ~~(3-16-04)~~ ( )



**IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE**  
**16.01.02 – EMERGENCY MEDICAL SERVICES (EMS) -- RULE DEFINITIONS**  
**DOCKET NO. 16-0102-1601**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2017, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-1011 through 56-1023, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This chapter defines EMS terminology that applies to all EMS chapters of rules. These rules updated definitions for “Recognition of Emergency Personnel Licensure Interstate Compact Act (REPLICA),” “EMS - Data Collection and Submission Requirements” and “EMS - Agency Licensing Requirements.”

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 7, 2016, Idaho Administrative Bulletin, [Vol. 16-9, pages 62 through 71](#).

**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:

The Emergency Medical Services (EMS) program is funded through dedicated funds. This rulemaking has no fiscal impact to those funds, or to the state general fund. This rulemaking is intended to be cost-neutral.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact John Cramer at (208) 334-4000.

DATED this 17th day of November, 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](mailto:dhwrules@dhw.idaho.gov)

## **IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE**

### **16.01.03 – EMERGENCY MEDICAL SERVICES (EMS) -- AGENCY LICENSING REQUIREMENTS**

**DOCKET NO. 16-0103-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2017, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-1011 through 56-1023, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Requirements for data collection and submission by licensed EMS Agencies are being deleted from this rule chapter. There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 7, 2016, Idaho Administrative Bulletin, **Vol. 16-9, pages 72 through 74**.

**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:

The Emergency Medical Services (EMS) program is funded through dedicated funds. This rulemaking has no fiscal impact to those funds, or to the state general fund. This rulemaking is intended to be cost-neutral.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact John Cramer at (208) 334-4000.

DATED this 17th day of November, 2016.

Tamara Prisock  
DHW - Administrative Rules Unit  
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Boise, ID 83720-0036  
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E-mail: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

## **IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE**

### **16.01.03 – EMERGENCY MEDICAL SERVICES (EMS) -- AGENCY LICENSING REQUIREMENTS**

**DOCKET NO. 16-0103-1602**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-1011 through 56-1023, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

These rules were adopted as temporary rules to add seasonal operations, hospital and air medical support licensure, as well as updating the “Minimum Equipment Standards for Licensed EMS Services,” Edition 2016-1 incorporated in these rules. There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 7, 2016, Idaho Administrative Bulletin, **Vol. 16-9, pages 75 through 79.**

**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:

The Emergency Medical Services (EMS) program is funded through dedicated funds. This rulemaking has no fiscal impact to those funds, or to the state general fund. This rulemaking is intended to be cost-neutral.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Bruce Cheeseman at (208) 334-4000.

DATED this 17th day of November, 2016.

Tamara Prisock  
DHW - Administrative Rules Unit  
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E-mail: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

## IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

### 16.01.06 – EMERGENCY MEDICAL SERVICES (EMS) -- DATA COLLECTION AND SUBMISSION REQUIREMENTS

#### DOCKET NO. 16-0106-1601 (NEW CHAPTER)

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2017, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-1011 through 56-1023, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This new chapter of rules implements and provides requirements for the collection and submission of data by licensed EMS Agencies throughout the state. These rules incorporate by reference a standards manual that provides the data elements required for reporting. There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 7, 2016, Idaho Administrative Bulletin, [Vol. 16-9, pages 80 through 84](#).

**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:

The Emergency Medical Services (EMS) program is funded through dedicated funds. This rulemaking has no fiscal impact to those funds, or to the state general fund. This rulemaking is intended to be cost-neutral.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact John Cramer at (208) 334-4000.

DATED this 17th day of November, 2016.

Tamara Prisock  
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Boise, ID 83720-0036  
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E-mail: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

## **IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE**

### **16.01.07 – EMERGENCY MEDICAL SERVICES (EMS) -- PERSONNEL LICENSING REQUIREMENTS**

**DOCKET NO. 16-0107-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-1011 through 56-1023, Idaho Code, and Senate Bill 1281 (2016), including Sections 56-1013B through 56-1013Q, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The 2016 Legislature adopted the Recognition of EMS Personnel Licensure Interstate Compact (REPLICA). These rule changes will allow EMS personnel from other states who have met the requirements under REPLICA to become licensed in Idaho.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 7, 2016, Idaho Administrative Bulletin, [Vol. 16-9, pages 85 through 89](#).

**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:

The Emergency Medical Services (EMS) program is funded through dedicated funds. This rulemaking has no fiscal impact to those funds or to the state general fund. This rulemaking is intended to be cost-neutral.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Bruce Cheeseman at (208) 334-4000.

DATED this 17th day of November, 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  
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## IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

### 16.02.01 – RULES OF THE IDAHO TIME SENSITIVE EMERGENCY SYSTEM COUNCIL

DOCKET NO. 16-0201-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2017, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-1024 through 56-1030, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

These rules incorporate by reference a standards manual that is being updated. There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016, Idaho Administrative Bulletin, [Vol. 16-10, pages 433 and 434](#).

**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:

This rulemaking has no anticipated fiscal impact to state general funds or any other funds.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Christian Surjan at (208) 334-6564.

DATED this 17th day of November, 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  
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**IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE**  
**16.02.02 – RULES OF THE IDAHO EMERGENCY MEDICAL SERVICES**  
**(EMS) PHYSICIAN COMMISSION**

**DOCKET NO. 16-0202-1601**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2017, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-1013A and 56-1023, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rulemaking revises the EMS Physician Commission Standards Manual, which is incorporated by reference in this chapter of rules. Updating the incorporation by reference ensures that the most recent standards are the enforceable standards and have the force and effect of law.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016, Idaho Administrative Bulletin, **Vol. 16-10, pages 435 and 436**.

**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:

There is no anticipated fiscal impact to the state general fund related to this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Wayne Denny at (208) 334-4000.

DATED this 17th day of November, 2016.

Tamara Prisock  
DHW - Administrative Rules Unit  
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Boise, ID 83720-0036  
Phone: (208) 334-5500 / Fax: (208) 334-6558  
E-mail: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

# **IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE**

## **16.02.10 – IDAHO REPORTABLE DISEASES**

### **DOCKET NO. 16-0210-1701**

#### **NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is January 1, 2017.

**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 39-605, 39-1603, 56-1003, and 56-1005, 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 January 18, 2017.

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 Arboviral Diseases are being added to the list of Diseases and Control Measures that are required to be reported, and includes how the diseases are to be investigated, and any restrictions necessary for facilities or individuals. The summary table for Reportable and Restrictable Diseases and Conditions will be updated for necessary references and language as needed. Also, language that was inadvertently added in a previous rulemaking in the wrong subsection will be removed. Documents that have been incorporated by reference are being updated as noted below.

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

In order to protect the public health, safety, or welfare, these rules need to add the requirement to report Arboviral Diseases, including the emerging Zika virus, to the list of Idaho Reportable Diseases.

**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 no anticipated fiscal impact to state general funds or any other funds except the costs of the rule promulgation, which includes printing and publication.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the Department determined it was not feasible since the rule is a temporary rule and is needed to protect the public health, safety, and welfare.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following documents are being incorporated by reference in this chapter of rules to give them the force and effect of law. The documents are not being reprinted due to the length, format, and/or the cost for republication.

Guidelines for the Management of Occupational Exposures to Human Immunodeficiency Virus and Recommendations for Postexposure Prophylaxis, is being updated from Morbidity and Mortality Weekly Report, September 2005, to the Infection Control and Hospital Epidemiology, September 2013.

Compendium of Animal Rabies Control is being updated from the Morbidity and Mortality Weekly Report, November 2011, to the Journal of American Veterinary Medical Association, March 2016.



Use of Reduced (4-Dose) Vaccine Schedule for Postexposure Prophylaxis to Prevent Human Rabies: Recommendations of the Advisory Committee on Immunization Practices, 2010, is being incorporated by reference.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Kathryn Turner at (208) 334-5939.

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 January 25, 2017.

DATED this 17th day of November, 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](mailto:dhwrules@dhw.idaho.gov)

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
OF DOCKET NO. 16-0210-1701  
(Only Those Sections With Amendments Are Shown.)**

**004. DOCUMENTS INCORPORATED BY REFERENCE.**

The documents referenced in Subsections 004.01 through 004.06~~7~~ of this rule are used as a means of further clarifying these rules. These documents are incorporated by reference and are available at the Idaho State Law Library or at the Department's main office listed in Section 005 of these rules. ~~(4-2-08)~~(1-1-17)T

**01. Guideline for Isolation Precautions in Hospitals.** Siegel, J.D., et al., "Guideline for Isolation Precautions in Hospitals." Health Care Infection Control Practices Advisory Committee, Atlanta, GA: Centers for Disease Control and Prevention, 2007. (4-2-08)

**02. National Notifiable Diseases Surveillance System - Case Definitions.** <http://wwwn.cdc.gov/mndss/script/casedefDefault.aspx>. (4-11-15)

~~**a.** A person, who has been diagnosed as having a specific disease or condition by a physician or other health care provider, is considered a case. The diagnosis may be based on clinical judgment, on laboratory evidence, or on both criteria. Individual case definitions are described in "National Notifiable Diseases Surveillance System Case Definitions," incorporated by reference in Section 004 of these rules. (4-11-15)~~

~~**b.** A laboratory detection of a disease or condition as listed in Section 050 of these rules and as further outlined in Sections 100 through 949 of these rules. (4-11-15)~~

**03. Human Rabies Prevention -- United States, 2008.** Morbidity and Mortality Weekly Report, May 23, 2008, Vol. 57.RR-3. Centers for Disease Control and Prevention. (4-11-15)

**04. Updated U.S. Public Health Service Guidelines for the Management of Occupational Exposures to Human Immunodeficiency Virus and Recommendations for Postexposure Prophylaxis.** ~~Morbidity and Mortality Weekly Report~~ [Infection Control and Hospital Epidemiology](#), September 30, 2005~~13~~, Vol. 5~~34~~, ~~RR09~~. ~~Centers for Disease Control and Prevention~~ [The Society for Healthcare Epidemiology of America](#). These guidelines

are found online at <http://aidsinfo.nih.gov/contentfiles/HealthCareOccupExpoGL.pdf> <http://www.jstor.org/stable/10.1086/672271>. ~~(3-29-10)~~(1-1-17)T

**05. Compendium of Animal Rabies Prevention and Control, 2014.** National Association of State Public Health Veterinarians, Inc., ~~Morbidity and Mortality Weekly Report, November 4, 2011, Vol. 60, RR-6. Centers for Disease Control and Prevention~~ [Journal of American Veterinary Medical Association Vol. 248\(5\), March 1, 2016](http://www.jstor.org/stable/10.1086/672271). This document is found online at <http://www.nasphv.org/Documents/RabiesCompendum.pdf> <http://nasphv.org/documentsCompendia.html>. ~~(4-11-15)~~(1-1-17)T

**06. Standards for Cancer Registries, Volume II, Data Standards and Data Dictionary.** North American Association of Central Cancer Registries, Eighteenth Edition, Record Layout Version 14, September 2013. (4-11-15)

**07. Use of Reduced (4-Dose) Vaccine Schedule for Postexposure Prophylaxis to Prevent Human Rabies: Recommendations of the Advisory Committee on Immunization Practices, 2010.** ~~Morbidity and Mortality Weekly Report, Recommendations and Reports, March 19, 2010/59(RR02);1-9. This document is found online at <https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5902a1.htm>.~~ (1-1-17)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**010. DEFINITIONS A THROUGH K.**

For the purposes of this chapter, the following definitions apply. (4-2-08)

**01. Airborne Precautions.** Methods used to prevent airborne transmission of infectious agents, as described in “Guideline for Isolation Precautions in Hospitals,” incorporated in Section 004 of these rules. (4-2-08)

**02. Approved Fecal Specimens.** Specimens of feces obtained from the designated person who has not taken any antibiotic orally or parenterally for two (2) days prior to the collection of the fecal specimen. The specimen must be collected and transported to the laboratory in a manner appropriate for the test to be performed. (4-2-08)

**03. Bite or Other Exposure to Rabies.** Bite or bitten means that the skin of the person or animal has been nipped or gripped, or has been wounded or pierced, including scratches, and includes probable contact of saliva with a break or abrasion of the skin. The term “exposure” also includes contact of saliva with any mucous membrane. In the case of bats, even in the absence of an apparent bite, scratch, or mucous membrane contact, exposure may have occurred, as described in “Human Rabies Prevention -- United States, 2008,” incorporated in Section 004 of these rules. ~~(4-11-15)~~(1-1-17)T

**04. Board.** The Idaho State Board of Health and Welfare as described in Section 56-1005, Idaho Code. (4-2-08)

**05. Cancer Data Registry of Idaho (CDRI).** The agency performing cancer registry services under a contractual agreement with the Department as described in Section 57-1703, Idaho Code. (4-2-08)

**06. Cancers.** Cancers that are designated reportable include the following as described in Section 57-1703, Idaho Code: (4-2-08)

**a.** In-situ or malignant neoplasms, but excluding basal cell and squamous cell carcinoma of the skin unless occurring on a mucous membrane and excluding in-situ neoplasms of the cervix. (4-2-08)

**b.** Benign tumors of the brain, meninges, pineal gland, or pituitary gland. (4-2-08)

**07. Carrier.** A carrier is a person who can transmit a communicable disease to another person, but may not have symptoms of the disease. (4-2-08)

**08. Case.** (4-2-08)

**a.** A person, who has been diagnosed as having a specific disease or condition by a physician or other health care provider, is considered a case. The diagnosis may be based on clinical judgment, on laboratory evidence, or on both criteria. Individual case definitions are described in “National Notifiable Diseases Surveillance System Case Definitions,” incorporated in Section 004 of these rules. (4-11-15)

**b.** A laboratory detection of a disease or condition as listed in Section 050 of these rules and as further outlined in Sections 100 through 949 of these rules. (4-2-08)

**09. Cohort System.** A communicable disease control mechanism in which cases having the same disease are temporarily segregated to continue to allow supervision and structured attendance in a daycare or health care facility. (4-2-08)

**10. Communicable Disease.** A disease which may be transmitted from one (1) person or an animal to another person either by direct contact or through an intermediate host, vector, inanimate object, or other means which may result in infection, illness, disability, or death. (4-2-08)

**11. Contact.** A contact is a person who has been exposed to a case or a carrier of a communicable disease while the disease was communicable, or a person by whom a case or carrier of a communicable disease could have been exposed to the disease. (4-11-15)

**12. Contact Precautions.** Methods used to prevent contact transmission of infectious agents, as described in the “Guideline for Isolation Precautions in Hospitals,” incorporated in Section 004 of these rules. (4-2-08)

**13. Daycare.** Care and supervision provided for compensation during part of a twenty-four (24) hour day, for a child or children not related by blood or marriage to the person or persons providing the care, in a place other than the child’s or children’s own home or homes as described by Section 39-1102, Idaho Code. (4-2-08)

**14. Department.** The Idaho Department of Health and Welfare or its designee. (4-2-08)

**15. Director.** The Director of the Idaho Department of Health and Welfare or his designee as described under Sections 56-1003 and 39-414(2), Idaho Code, and Section 950 of these rules. (4-2-08)

**16. Division of Public Health Administrator.** A person appointed by the Director to oversee the administration of the Division of Public Health, Idaho Department of Health and Welfare, or his designee. (4-2-08)

**17. Droplet Precautions.** Methods used to prevent droplet transmission of infectious agents, as described in the “Guideline for Isolation Precautions in Hospitals,” incorporated in Section 004 of these rules. (4-2-08)

**18. Exclusion.** An exclusion for a food service facility means a person is prevented from working as a food employee or entering a food establishment except for those areas open to the general public as outlined in the IDAPA 16.02.19, “The Idaho Food Code.” (4-2-08)

**19. Extraordinary Occurrence of Illness Including Clusters.** Rare diseases and unusual outbreaks of illness which may be a risk to the public are considered an extraordinary occurrence of illness. Illnesses related to drugs, foods, contaminated medical devices, contaminated medical products, illnesses related to environmental contamination by infectious or toxic agents, unusual syndromes, or illnesses associated with occupational exposure to physical or chemical agents may be included in this definition. (4-2-08)

**20. Fecal Incontinence.** A condition in which temporarily, as with severe diarrhea, or long-term, as with a child or adult requiring diapers, there is an inability to hold feces in the rectum, resulting in involuntary voiding of stool. (4-2-08)

**21. Foodborne Disease Outbreak.** An outbreak is when two (2) or more persons experience a similar illness after ingesting a common food. (4-2-08)

**22. Food Employee.** An individual working with unpackaged food, food equipment or utensils, or food-contact surfaces as defined in IDAPA 16.02.19, “The Idaho Food Code.” (4-2-08)

**23. Health Care Facility.** An establishment organized and operated to provide health care to three (3) or more individuals who are not members of the immediate family. This definition includes hospitals, intermediate care facilities, residential care and assisted living facilities. (4-2-08)

**24. Health Care Provider.** A person who has direct or supervisory responsibility for the delivery of health care or medical services. This includes: licensed physicians, nurse practitioners, physician assistants, nurses, dentists, chiropractors, and administrators, superintendents, and managers of clinics, hospitals, and licensed laboratories. (4-2-08)

**25. Health District.** Any one (1) of the seven (7) public health districts as established by Section 39-409, Idaho Code, and described in Section 030 of these rules. (4-2-08)

**26. Health District Director.** Any one (1) of the public health districts’ directors appointed by the Health District’s Board as described in Section 39-413, Idaho Code, or his designee. (4-2-08)

**27. Idaho Food Code.** Idaho Administrative Code that governs food safety, IDAPA 16.02.19, “Food Safety and Sanitation Standards for Food Establishments,” also known as “The Idaho Food Code.” These rules may be found online at <http://adminrules.idaho.gov/rules/current/16/0219.pdf>. (4-2-08)

**28. Isolation.** The separation of a person known or suspected to be infected with an infectious agent, or contaminated from chemical or biological agents, from other persons to such places, under such conditions, and for such time as will prevent transmission of the infectious agent or further contamination. The place of isolation will be designated by the Director under Section 56-1003(7), Idaho Code, and Section 065 of these rules. (4-2-08)

**011. DEFINITIONS L THROUGH Z.**

For the purposes of this chapter, the following definitions apply. (4-2-08)

**01. Laboratory Director.** A person who is directly responsible for the operation of a licensed laboratory or his designee. (4-2-08)

**02. Laboratory.** A medical diagnostic laboratory which is inspected, licensed, or approved by the Department or licensed according to the provisions of the Clinical Laboratory Improvement Act by the United States Health Care and Financing Administration. Laboratory may also refer to the Idaho State Public Health Laboratory, and to the United States Centers for Disease Control and Prevention. (4-2-08)

**03. Livestock.** Livestock as defined by the Idaho Department of Agriculture in IDAPA 02.04.03, “Rules Governing Animal Industry.” (4-11-15)

**04. Medical Record.** Hospital or medical records are all those records compiled for the purpose of recording a medical history, diagnostic studies, laboratory tests, treatments, or rehabilitation. Access will be limited to those parts of the record which will provide a diagnosis, or will assist in identifying contacts to a reportable disease or condition. Records specifically exempted by statute are not reviewable. (4-2-08)

**05. Outbreak.** An outbreak is an unusual rise in the incidence of a disease. An outbreak may consist of a single case. (4-2-08)

**06. Personal Care.** The service provided by one (1) person to another for the purpose of feeding, bathing, dressing, assisting with personal hygiene, changing diapers, changing bedding, and other services involving direct physical contact. (4-2-08)

**07. Physician.** A person legally authorized to practice medicine and surgery, osteopathic medicine and surgery, or osteopathic medicine in Idaho as defined in Section 54-1803, Idaho Code. (4-2-08)

- 08. Quarantine.** The restriction placed on the entrance to and exit from the place or premises where an infectious agent or hazardous material exists. The place of quarantine will be designated by the Director or Health District Board. (4-2-08)
- 09. Rabies Post-Exposure Prophylaxis (rPEP).** The administration of a rabies vaccine series with or without the antirabies immune globulin, depending on pre-exposure vaccination status, following a documented or suspected rabies exposure, as described in "[Human Rabies Prevention—United States, 2008, Use of Reduced \(4-Dose\) Vaccine Schedule for Postexposure Prophylaxis to Prevent Human Rabies: Recommendations of the Advisory Committee on Immunization Practices](#)," incorporated in Section 004 of these rules. (~~4-11-15~~)(1-1-17)T
- 10. Rabies-Susceptible Animal.** Any animal capable of being infected with the rabies virus. (4-2-08)
- 11. Residential Care Facility.** A commercial or non-profit establishment organized and operated to provide a place of residence for three (3) or more individuals who are not members of the same family, but live within the same household. Any restriction for this type of facility is included under restrictions for a health care facility. (4-2-08)
- 12. Restriction.** (4-2-08)
- a.** To limit the activities of a person to reduce the risk of transmitting a communicable disease. Activities of individuals are restricted or limited to reduce the risk of disease transmission until such time that they are no longer considered a health risk to others. (4-2-08)
- b.** A food employee who is restricted must not work with exposed food, clean equipment, utensils, linens, and unwrapped single-service or single-use articles. A restricted employee may still work at a food establishment as outlined in the IDAPA 16.02.19, "The Idaho Food Code." (4-2-08)
- 13. Restrictable Disease.** A restrictable disease is a communicable disease, which if left unrestricted, may have serious consequences to the public's health. The determination of whether a disease is restrictable is based upon the specific environmental setting and the likelihood of transmission to susceptible persons. (4-2-08)
- 14. Severe Reaction to Any Immunization.** Any serious or life-threatening condition which results directly from the administration of any immunization against a communicable disease. (4-2-08)
- 15. Significant Exposure to Blood or Body Fluids.** Significant exposure is defined as a percutaneous injury, contact of mucous membrane or non-intact skin, or contact with intact skin when the duration of contact is prolonged or involves an extensive area, with blood, tissue, or other body fluids as defined in "Updated U.S. Public Health Service Guidelines for the Management of Occupational Exposures to HIV and Recommendations for Postexposure Prophylaxis," incorporated in Section 004 of these rules. (3-29-10)
- 16. Standard Precautions.** Methods used to prevent transmission of all infectious agents, as described in the "Guideline for Isolation Precautions in Hospitals," incorporated in Section 004 of these rules. (4-2-08)
- 17. State Epidemiologist.** A person employed by the Department to serve as a statewide epidemiologist or his designee. (4-2-08)
- 18. Suspected Case.** A person diagnosed with or thought to have a particular disease or condition by a licensed physician or other health care provider. The suspected diagnosis may be based on signs and symptoms, or on laboratory evidence, or both criteria. Suspected cases of some diseases are reportable as described in Section 050 of these rules. (4-2-08)
- 19. Vaccination of an Animal Against Rabies.** Vaccination of an animal by a licensed veterinarian with a rabies vaccine licensed or approved for the animal species and administered according to the specifications on the product label or package insert as described in the "Compendium of Animal Rabies [Prevention and Control, 2011](#)," incorporated in Section 004 of these rules. (~~4-11-15~~)(1-1-17)T

20. **Veterinarian.** Any licensed veterinarian as defined in Section 54-2103, Idaho Code. (4-2-08)
21. **Waterborne Outbreak.** An outbreak is when two (2) or more persons experience a similar illness after exposure to water from a common source and an epidemiological analysis implicates the water as the source of the illness. (4-11-15)
22. **Working Day.** A working day is from 8 a.m. to 5 p.m., Monday through Friday, excluding state holidays. (4-2-08)

**(BREAK IN CONTINUITY OF SECTIONS)**

**050. REPORTABLE OR RESTRICTABLE DISEASES, CONDITIONS AND REPORTING REQUIREMENTS.**

Reportable diseases and conditions must be reported to the Department or Health District by those required under Section 020 of these rules. The table below identifies the reportable and restrictable diseases and conditions, the timeframe for reporting, and the person or facility required to report.

<b>REQUIREMENTS FOR REPORTABLE AND RESTRICTABLE DISEASES AND CONDITIONS</b>				
<b>TABLE 050</b>				
<b>Reportable or Restrictable Diseases and Conditions</b>	<b>Section in Rule</b>	<b>Reporting Timeframe</b>	<b>Restrictable for DC = Daycare FS = Food Service HC = Health Care Facility S = School</b>	<b>Which Facilities Must Report in Addition to Health Care Providers, Laboratory Directors, &amp; Hospital Administrators (Section 020)</b>
Acquired Immune Deficiency Syndrome (AIDS), (including CD-4 lymphocyte counts <200 cells/mm <sup>3</sup> blood or < 14%)	100	Within 3 working days	None	
Amebiasis and Free-living Amebae	110	Within 3 working days	DC, FS, HC	Food Service Facility
Anthrax ( <i>Bacillus anthracis</i> )	120	Immediately	None	
<u>Arboviral Diseases</u>	<u>125</u>	<u>Within 3 working days</u>	<u>None</u>	
Biotinidase Deficiency	130	Within 1 working day (in newborn screening)	None	
Botulism	140	Immediately	None	
Brucellosis ( <i>Brucella</i> species)	150	Within 1 working day	None	
Campylobacteriosis ( <i>Campylobacter</i> species)	160	Within 3 working days	DC, FS, HC	Food Service Facility
Cancer	170	Report to Cancer Data Registry of Idaho within 180 days of diagnosis or recurrence (including suspected cases)	None	

REQUIREMENTS FOR REPORTABLE AND RESTRICTABLE DISEASES AND CONDITIONS TABLE 050				
Reportable or Restrictable Diseases and Conditions	Section in Rule	Reporting Timeframe	Restrictable for DC = Daycare FS = Food Service Facility HC = Health Care Facility S = School	Which Facilities Must Report in Addition to Health Care Providers, Laboratory Directors, & Hospital Administrators (Section 020)
Chancroid	180	Within 3 working days	None	
<i>Chlamydia trachomatis</i> Infections	190	Within 3 working days	HC - ophthalmia neonatorum only	
Cholera ( <i>Vibrio cholerae</i> )	200	Within 1 working day	FS, HC, DC	Food Service Facility
Congenital Hypothyroidism	210	Within 1 working day (in newborn screening)	None	
Conjunctivitis	080, 090	No reporting required	DC, S	
Cryptosporidiosis ( <i>Cryptosporidium</i> species)	220	Within 3 working days	FS, HC, DC	
Cutaneous Fungal Infections	080, 090	No reporting required	DC, S	
Diarrhea (until common communicable diseases have been ruled out)	085	No reporting required	FS	
Diphtheria ( <i>Corynebacterium diphtheriae</i> )	230	Immediately	DC, FS, HC, S	School
Echinococcosis	235	Within 3 working days	None	
Encephalitis, Viral or Aseptic	240	Within 3 working days	None	
<i>Escherichia coli</i> O157:H7 and other Shiga-Toxin Producing <i>E. coli</i> (STEC)	250	Within 1 working day	DC, FS, HC	Food Service Facility School
Extraordinary Occurrence of Illness, including Clusters	260	Within 1 working day	None	
Fever	085	No reporting required	FS	
Food Poisoning, Foodborne Illness, and Waterborne Illnesses	270	Within 1 working day	None	
Galactosemia	280	Within 1 working day (in newborn screening)	None	
Giardiasis ( <i>Giardia lamblia</i> )	290	Within 3 working days	DC, FS, HC	Food Service Facility
<i>Haemophilus influenzae</i> Invasive Disease	300	Within 1 working day	DC, S	School

REQUIREMENTS FOR REPORTABLE AND RESTRICTABLE DISEASES AND CONDITIONS TABLE 050				
Reportable or Restrictable Diseases and Conditions	Section in Rule	Reporting Timeframe	Restrictable for DC = Daycare FS = Food Service Facility HC = Health Care Facility S = School	Which Facilities Must Report in Addition to Health Care Providers, Laboratory Directors, & Hospital Administrators (Section 020)
Hantavirus Pulmonary Syndrome	310	Within 1 working day	None	
Hemolytic-Uremic Syndrome (HUS) or Thrombotic thrombocytopenic purpura-HUS (TTP-HUS)	320	Within 1 working day	None	
Hepatitis A	330	Within 1 working day	DC, FS, HC	Food Service Facility
Hepatitis B	340	Within 1 working day	None	
Hepatitis C	350	Within 3 working days	None	
Human Immunodeficiency Virus (HIV)	360	Within 3 working days	None	
Human T-Lymphotropic Virus	370	Within 3 working days	None	
Jaundice	085	No reporting required	FS	
Lead Poisoning	380	Within 3 working days	None	
Legionellosis	390	Within 3 working days	None	
Leprosy (Hansen's Disease)	400	Within 3 working days	None	
Leptospirosis	410	Within 3 working days	None	
Listeriosis ( <i>Listeria</i> species)	420	Within 3 working days	None	
Lyme Disease	430	Within 3 working days	None	
Malaria ( <i>Plasmodium</i> species)	440	Within 3 working days	None	
Maple Syrup Urine Disease	450	Within 1 working day (in newborn screening)	None	
Measles (Rubeola)	460	Within 1 working day	DC, HC, S	School
Meningitis, Viral or Aseptic	470	Within 3 working days	None	
Methicillin-resistant <i>Staphylococcus aureus</i> (MRSA) Invasive Disease	475	Within 3 working days	None	<b>Note:</b> Only Laboratory Directors need to report.
Methicillin-resistant <i>Staphylococcus aureus</i> (MRSA) Non-Invasive Disease	475, 080, 090	No reporting required	DC, FS, HC, S	
Mumps	480	Within 3 working days	DC, S, HC	School



REQUIREMENTS FOR REPORTABLE AND RESTRICTABLE DISEASES AND CONDITIONS TABLE 050				
Reportable or Restrictable Diseases and Conditions	Section in Rule	Reporting Timeframe	Restrictable for DC = Daycare FS = Food Service HC = Health Care Facility S = School	Which Facilities Must Report in Addition to Health Care Providers, Laboratory Directors, & Hospital Administrators (Section 020)
Myocarditis, Viral	490	Within 3 working days	None	
<i>Neisseria gonorrhoeae</i> Infections	500	Within 3 working days	HC-ophthalmia neonatorum only	
<i>Neisseria meningitidis</i> Invasive Disease	510	Within 1 working day	DC, HC, S	School
Norovirus	520	Within 1 working day	DC, FS, HC, S	
Novel Influenza A Virus	522	Within 1 working day	DC, FS, HC, S	
Pediculosis	080, 090	No reporting required	DC, S	
Pertussis ( <i>Bordetella pertussis</i> )	530	Within 1 working day	DC, HC, S	School
Phenylketonuria (PKU)	540	Within 1 working day (in newborn screening)	None	
Plague ( <i>Yersinia pestis</i> )	550	Immediately	HC, S	School
Pneumococcal Invasive Disease in Children less than Eighteen (18) Years of Age ( <i>Streptococcus pneumoniae</i> )	560	Within 3 working days	DC, S	School
<i>Pneumocystis</i> Pneumonia (PCP)	570	Within 3 working days	None	
Poliomyelitis	580	Within 1 working day	DC	School
Psittacosis	590	Within 3 working days	None	
Q Fever	600	Within 1 working day	None	
Rabies - Human, Animal, and Post-Exposure Prophylaxis (rPEP)	610	Immediately (human), Within 1 working day (animal or rPEP)	None	
Relapsing Fever, Tick-borne and Louse-borne	620	Within 3 working days	None	
Respiratory Syncytial Virus (RSV)	630	Within 1 working day	None	<b>Note:</b> Only Laboratory Directors need to report.
Reye Syndrome	640	Within 3 working days	None	
Rocky Mountain Spotted Fever	650	Within 3 working days	None	
Rubella (including Congenital Rubella Syndrome)	660	Within 1 working day	DC, HC, S	School

<b>REQUIREMENTS FOR REPORTABLE AND RESTRICTABLE DISEASES AND CONDITIONS</b>				
<b>TABLE 050</b>				
<b>Reportable or Restrictable Diseases and Conditions</b>	<b>Section in Rule</b>	<b>Reporting Timeframe</b>	<b>Restrictable for DC = Daycare FS = Food Service Facility HC = Health Care Facility S = School</b>	<b>Which Facilities Must Report in Addition to Health Care Providers, Laboratory Directors, &amp; Hospital Administrators (Section 020)</b>
Salmonellosis (including Typhoid Fever) ( <i>Salmonella</i> species)	670	Within 1 working day	DC, FS, HC	Food Service Facility
Scabies	080, 090	No reporting required	DC, S	
Severe Acute Respiratory Syndrome (SARS)	680	Within 1 working day	DC, S	School
Severe Reaction to Any Immunization	690	Within 1 working day	None	
Shigellosis ( <i>Shigella</i> species)	700	Within 1 working day	DC, FS, HC, S	Food Service Facility School
Smallpox	710	Immediately	DC, HC, S	School
Sore Throat with Fever	085	No reporting required	FS	
Staphylococcal Infections other than MRSA	080, 085, 090	No reporting required	DC, FS, S	
Streptococcal Pharyngeal Infections	080, 090	No reporting required	DC, S	
<i>Streptococcus pyogenes</i> (group A strep), Invasive or Resulting in Rheumatic Fever	720	Within 3 working days	DC, HC, S	School
Syphilis	730	Within 3 working days	None	
Taeniasis	085	No reporting required	FS	
Tetanus	740	Within 3 working days	None	
Toxic Shock Syndrome	750	Within 3 working days	None	
Transmissible Spongiform Encephalopathies (TSE), including Creutzfeldt-Jakob Disease (CJD) and Variant CJD (vCJD)	760	Within 3 working days	None	
Trichinosis	770	Within 3 working days	None	
Tuberculosis ( <i>Mycobacterium tuberculosis</i> )	780	Within 3 working days	DC, FS, HC, S	School Food Service Facility

REQUIREMENTS FOR REPORTABLE AND RESTRICTABLE DISEASES AND CONDITIONS TABLE 050				
Reportable or Restrictable Diseases and Conditions	Section in Rule	Reporting Timeframe	Restrictable for DC = Daycare FS = Food Service HC = Health Care Facility S = School	Which Facilities Must Report in Addition to Health Care Providers, Laboratory Directors, & Hospital Administrators (Section 020)
Tularemia ( <i>Francisella tularensis</i> )	790	Immediately; Identification of <i>Francisella tularensis</i> - within 1 working day	None	
Uncovered and Open or Draining Skin Lesions with Pus, such as a Boil or Open Wound	085	No reporting required	FS	
Varicella (chickenpox)	080, 090	No reporting required	DC, S	
Vomiting (until noninfectious cause is identified)	085	No reporting required	FS	
<del>West Nile Virus (WNV)</del>	<del>800</del>	<del>Within 3 working days</del>	<del>None</del>	
Yersiniosis ( <i>Yersinia enterocolitica</i> and <i>Yersinia pseudotuberculosis</i> )	810	Within 3 working days; Identification of <i>Yersinia pestis</i> - immediately	FS	

~~(4-11-15)~~(1-1-17)T

**(BREAK IN CONTINUITY OF SECTIONS)**

~~121. -- 124.~~ (RESERVED)

**125. ARBOVIRAL DISEASES.**

**01. Reporting Requirements.** Each case of suspected or confirmed arboviral disease must be reported to the Department or Health District within three (3) working days of identification. Arboviral diseases include, but are not limited to, those caused by the following viruses: California encephalitis, chikungunya, Colorado tick fever, Crimean-Congo hemorrhagic fever, dengue (all subtypes), eastern equine encephalitis, Heartland, Jamestown Canyon, Japanese encephalitis, Keystone, La Crosse, Mayaro, O'nyong-nyong, Powassan, Rift Valley fever, Ross River, St. Louis encephalitis, snowshoe hare, tick-borne encephalitis, Toscana, trivittatus, Venezuelan equine encephalitis, West Nile, western equine encephalitis, yellow fever, and Zika. (1-1-17)T

**02. Investigation.** Each reported case of arboviral disease must be investigated to confirm the diagnosis, identify the source of infection, and determine if actions need to be taken to prevent additional cases. (1-1-17)T

~~126. -- 129.~~ (RESERVED)

**(BREAK IN CONTINUITY OF SECTIONS)**

**610. RABIES - HUMAN, ANIMAL, AND POST-EXPOSURE PROPHYLAXIS (RPEP).**

**01. Reporting Requirements.** (4-2-08)

**a.** Each case or suspected case of rabies in humans must be reported to the Department or Health District immediately, at the time of identification, day or night. (4-2-08)

**b.** Each case of rabies in animals must be reported to the Department or Health District within one (1) working day of identification. Each case of rabies in animals must also be reported to the Department of Agriculture as required in IDAPA 02.04.03, "Rules Governing Animal Industries." (3-29-10)

**c.** Each instance of rabies post-exposure prophylaxis (rPEP) series initiation must be reported to the Department or Health District within one (1) working day. (4-2-08)

**02. Investigation.** (4-2-08)

**a.** Each reported case or suspected case of rabies in humans must be investigated to confirm the diagnosis, identify the source and other persons or animals that may have been exposed to the source, and identify persons who may need to undergo rPEP. (3-29-10)

**b.** Each suspected or confirmed case of rabies in animals will be investigated to determine if potential human or animal exposure has occurred and identify persons who may need to undergo rPEP. (3-29-10)

**c.** Each reported rPEP series initiation must be investigated to determine if additional individuals require rPEP and identify the source of possible rabies exposure. (3-29-10)

**03. Handling of Report.** The Health District must notify the Department within one (1) working day of each reported case of this disease. (4-11-15)

**04. Management of Exposure to Rabies.** All exposures to a suspected or confirmed rabid animal must be managed under the guidelines in the "Compendium of Animal Rabies Prevention and Control, 2011," incorporated by reference in Section 004 of these rules. In the event that a human or animal case of rabies occurs, any designated representative of the Department, Health District, or Idaho Department of Agriculture, will establish such isolation and quarantine of animals involved as deemed necessary to protect the public health. ~~(4-11-15)~~(1-1-17)T

**a.** The handling of a rabies-susceptible animal that has bitten a person must be as follows: (4-2-08)

**i.** Any livestock which has bitten a person must be managed by the Idaho Department of Agriculture. (4-2-08)

**ii.** Any healthy domestic dog, cat, or ferret that has bitten a person must be observed for ten (10) days following the bite under the supervision of a licensed veterinarian or other person designated by the Idaho Department of Agriculture, Health District, or the Department. Such observation must be within an enclosure or with restraints deemed adequate to prevent contact with any member of the public or other animals. (4-2-08)

**iii.** It is the animal owner's responsibility to carry out the quarantine of the biting animal and to follow instructions provided for the quarantine of the animal. (4-2-08)

**iv.** Any domestic dog, cat, or ferret that has not been vaccinated against rabies by a licensed veterinarian and can not be quarantined, must be destroyed by a means other than shooting in the head. The head must be submitted to an approved laboratory for rabies analysis. (4-2-08)

**v.** Rabies susceptible animals other than domestic dogs, cats, ferrets, or livestock must be destroyed and the head submitted to an approved laboratory for rabies analysis, unless an exemption is given by the Department or Health District. (3-29-10)

vi. No person will destroy, or allow to be destroyed, the head of a rabies-susceptible animal that has bitten a person without authorization from the Department or Health District. (4-2-08)

b. The handling of a rabies-susceptible animal that has not bitten a person, but has within the past one hundred eighty (180) days been bitten, mouthed, mauled by, or closely confined in the same premises with a known rabid animal must be as follows: (4-2-08)

i. Any domestic dog, cat, ferret, or livestock which has not been vaccinated as recommended by the American Veterinary Medical Association, must be placed in quarantine for a period of ~~six~~ **four (64)** months under the observation of a licensed veterinarian or a person designated by the Idaho Department of Agriculture, Health District, or the Department and vaccinated according to the Rabies Compendium. An animal with current vaccinations, including livestock, should be revaccinated immediately with an appropriate rabies vaccine and quarantined for forty-five (45) days. These provisions apply only to animals for which an approved rabies vaccine is available. ~~(4-2-08)~~**(1-1-17)T**

ii. The quarantine of such animal must be within an enclosure deemed adequate by a person designated by the Idaho Department of Agriculture, the Department, or Health District to prevent contact with any person or rabies-susceptible animal. (4-2-08)

iii. The owner of the animal is financially responsible for the cost of isolating and quarantining the animal and for specimen collection and testing. (4-2-08)

iv. Destruction of such animal is permitted as an alternative to quarantine. (4-2-08)

c. Any rabies-susceptible animal other than domestic dogs, cats, ferrets, or livestock that are suspected of having rabies, or which have been in close contact with an animal known to be rabid, must be destroyed. The animal must be tested by an approved laboratory for rabies if a person has been bitten or has had direct contact with the animal which might result in the person becoming infected unless an exemption is granted by the Department or Health District. (3-29-10)

**05. City or County Authority.** Nothing in these rules is intended or will be construed to limit the power of any city or county in its authority to enact more stringent requirements to prevent the transmission of rabies. (4-2-08)

**(BREAK IN CONTINUITY OF SECTIONS)**

~~791. — 799. (RESERVED)~~

~~800. WEST NILE VIRUS (WNV).~~

~~01. Reporting Requirements. Each case of West Nile virus (WNV) infection must be reported to the Department or Health District within three (3) working days of identification. (3-29-10)~~

~~02. Investigation. Each reported case of WNV infection must be investigated to confirm the diagnosis, review any travel history, review any blood donations, and identify the most likely source of infection including exposure to vectors, blood transfusion, or organ receipt. (4-2-08)~~

~~807~~**91. — 809. (RESERVED)**

## IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

### 16.02.19 – FOOD SAFETY AND SANITATION STANDARDS FOR FOOD ESTABLISHMENTS (THE IDAHO FOOD CODE)

DOCKET NO. 16-0219-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 37-121 and 39-1603, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The Idaho Food Code rules were amended to update the terminology used during inspections of retail food establishments by adding definitions of “risk factor” and “good retail practices.” Based on comments received, a small change is being made to remove the word “violations” from the definition of “good retail practices.”

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 7, 2016, Idaho Administrative Bulletin, [Vol. 16-9, pages 90 through 94](#).

**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:

There is no anticipated fiscal impact to state general funds or any other funds due to this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Patrick Guzzle at (208) 334-5936.

DATED this 17th day of November, 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  
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DOCKET NO. 16-0219-1601 - 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 or indicates a change was made in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Vol. 16-9, September 7, 2016, pages 90 through 94.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2017 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE  
FOR DOCKET NO. 16-0219-1601

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

**110. DEFINITIONS AND ABBREVIATIONS -- A THROUGH K.**

The definitions defined in this section are modifications or additions to the definitions and terms provided in the 2013 Food Code. (7-1-16)

***[Subsection 110.16]***

**16. Good Retail Practice.** Good retail practice means the preventive measures that include practices and procedures that effectively control the introduction of pathogens, chemicals, and physical objects into food. ( )

# IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

## 16.03.09 – MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1601

### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2017, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202, 56-203, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code; also 42 CFR 440.70.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

These rule changes serve to better ensure program integrity, increase quality of care, and align the chapter with recent changes regarding home health services and durable medical equipment (DME) in federal regulations.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The amendments to the pending docket make consistent the use of the term “non-physician practitioner” in place of “midlevel practitioner.” Three (3) sections that contain the term “midlevel practitioner” appear in the text of the pending docket that were not in the original proposed rule that published in the October 5, 2016, Administrative Bulletin. These sections have been included so the preferred term “non-physician practitioner” is used consistently throughout the chapter. Finally, a fourth Section (725) that was not in the original Proposed text is being amended to correct the fraction of the total purchase price referred to in Subsection 725.02.b. so that it aligns with the corresponding fraction that appears in the proposed rule as amended in Subsection 753.06.c. (codified Subsection 753.01.b.iii.).

Also, a definition of “non-physician practitioner” has been added to the chapter to clarify those non-physician practitioners who may conduct face-to-face encounters and make explicit that the term “non-physician practitioner” has replaced the term “midlevel” as it had been used throughout the chapter.

The complete text of the proposed rule was published in the October 5, 2016, Idaho Administrative Bulletin, [Vol. 16-10, pages 450 through 473](#).

**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:

This rulemaking has no fiscal impact to the state general fund or any other funds. This rulemaking is intended to be cost-neutral.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Karen Westbrook at (208) 364-1960.

DATED this 18th day of November, 2016.

Tamara Prisock, DHW - Administrative Rules Unit  
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DOCKET NO. 16-0309-1601 - 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Vol. 16-10, October 5, 2016, pages 450 through 473.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE  
FOR DOCKET NO. 16-0309-1601

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

011. DEFINITIONS: I THROUGH O.

For the purposes of these rules, the following terms are used as defined below:

(3-30-07)

*[Subsections 011.23 through 011.29]*

23. ***Non-Physician Practitioner.*** *A non-physician practitioner, previously referred to as a midlevel practitioner, comprises the following practitioner types: certified registered nurse anesthetists (CRNA), nurse practitioners (NP), nurse midwives (NM), clinical nurse specialists (CNS), and physician assistants (PA), as defined in Sections 010, 011, 012 of these rules.* ( )

24. **Nurse Practitioner (NP).** A registered nurse or licensed professional nurse (RN) who meets all the applicable requirements to practice as nurse practitioner under Title 54, Chapter 14, Idaho Code, and IDAPA 23.01.01, "Rules of the Idaho Board of Nursing." (7-1-13)

25. **Nursing Facility (NF).** An institution, or distinct part of an institution, that is primarily engaged in providing skilled nursing care and related services for participants. It is an entity licensed as a nursing facility and federally certified to provide care to Medicaid and Medicare participants. Participants must require medical or nursing care, or rehabilitation services for injuries, disabilities, or sickness. (3-30-07)

26. **Orthotic.** Pertaining to or promoting the support of an impaired joint or limb. (3-30-07)

27. **Outpatient Hospital Services.** Preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services furnished by or under the direction of a physician or dentist to a patient not in need of inpatient hospital care. (3-30-07)

28. **Out-of-State Care.** Medical service that is not provided in Idaho or bordering counties is considered out-of-state. Bordering counties outside Idaho are considered out-of-state for the purpose of authorizing long term care. (3-30-07)

29. **Oxygen-Related Equipment.** Equipment which is utilized or acquired for the routine

administration of oxygen in ~~the home~~ any setting in which normal life activities take place. This includes oxygen tanks, regulators, humidification nebulizers, oxygen concentrators, and related equipment. Equipment which is used solely for the administration of medication into the lungs is excluded from this definition. ~~(3-30-07)~~( )

***[Subsection 399.04.a. (Section 399 was not amended in the Proposed rule)]***

**399. COVERED SERVICES UNDER BASIC PLAN BENEFITS.**

Individuals who are eligible for Medicaid Basic Plan Benefits are eligible for the following benefits, subject to the coverage limitations contained in these rules. Those individuals eligible for services under IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," are also eligible for the services covered under this chapter of rules, unless specifically exempted. (5-8-09)

**01. Hospital Services.** The range of hospital services covered is described in Sections 400 through 449 of these rules. (5-8-09)

- a. Inpatient Hospital Services are described in Sections 400 through 406. (3-30-07)
- b. Outpatient Hospital Services are described in Sections 410 through 416. (3-30-07)
- c. Reconstructive Surgery services are described in Sections 420 through 426. (3-30-07)
- d. Surgical procedures for weight loss are described in Sections 430 through 436. (3-30-07)
- e. Investigational procedures or treatments are described in Sections 440 through 446. (3-30-07)

**02. Ambulatory Surgical Centers.** Ambulatory Surgical Center services are described in Sections 450 through 499 of these rules. (5-8-09)

**03. Physician Services and Abortion Procedures.** Physician services and abortion procedures are described in Sections 500 through 519 of these rules. (5-8-09)

- a. Physician services are described in Sections 500 through 506. (3-30-07)
- b. Abortion procedures are described in Sections 510 through 516. (3-30-07)

**04. Other Practitioner Services.** Other practitioner services are described in Sections 520 through 559 of these rules. (5-8-09)

- a. ~~Midlevel~~ Non-physician practitioner services are described in Sections 520 through 526. ~~(3-30-07)~~( )
- b. Chiropractic services are described in Sections 530 through 536. (3-30-07)
- c. Podiatrist services are described in Sections 540 through 545. (3-29-12)
- d. Licensed midwife (LM) services are described in Sections 546 through 552. (3-29-12)
- e. Optometrist services are described in Sections 553 through 556. (3-29-12)

**05. Primary Care Case Management.** Primary care case management services are described in Sections 560 through 579 of these rules. (5-8-09)

- a. Healthy Connections services are described in Sections 560 through 566. (4-4-13)

**06. Prevention Services.** The range of prevention services covered is described in Sections 580 through 649 of these rules. (4-4-13)

- a. Child Wellness Services are described in Sections 580 through 586. (3-30-07)
- b. Adult Physical Services are described in Sections 590 through 596. (3-30-07)
- c. Screening mammography services are described in Sections 600 through 606. (3-30-07)
- d. Diagnostic Screening Clinic services are described in Sections 610 through 614. (4-4-13)
- e. Additional Assessment and Evaluation services are described in Section 615. (4-4-13)
- f. Health Questionnaire Assessment is described in Section 618. (4-4-13)
- g. Preventive Health Assistance benefits are described in Sections 620 through 626. (5-8-09)
- h. Nutritional services are described in Sections 630 through 636. (3-30-07)
- i. Diabetes Education and Training services are described in Sections 640 through 646. (3-30-07)
- 07. Laboratory and Radiology Services.** Laboratory and radiology services are described in Sections 650 through 659 of these rules. (5-8-09)
- 08. Prescription Drugs.** Prescription drug services are described in Sections 660 through 679 of these rules. (5-8-09)
- 09. Family Planning.** Family planning services are described in Sections 680 through 689 of these rules. (5-8-09)
- 10. Outpatient Behavioral Health Services.** Community-based outpatient services for behavioral health treatment are described in Sections 707 through 711 of these rules. (3-20-14)
- 11. Inpatient Psychiatric Hospital Services.** Inpatient Psychiatric Hospital services are described in Sections 700 through 706. (3-20-14)
- 12. Home Health Services.** Home health services are described in Sections 720 through 729 of these rules. (5-8-09)
- 13. Therapy Services.** Occupational therapy, physical therapy, and speech-language pathology services are described in Sections 730 through 739 of these rules. (5-8-09)
- 14. Audiology Services.** Audiology services are described in Sections 740 through 749 of these rules. (5-8-09)
- 15. Durable Medical Equipment and Supplies.** The range of covered durable medical equipment and supplies is described in Sections 750 through 779 of these rules. (5-8-09)
  - a. Durable Medical Equipment and supplies are described in Sections 750 through 756. (3-30-07)
  - b. Oxygen and related equipment and supplies are described in Sections 760 through 766. (3-30-07)
  - c. Prosthetic and orthotic services are described in Sections 770 through 776. (3-30-07)
- 16. Vision Services.** Vision services are described in Sections 780 through 789 of these rules. (5-8-09)
- 17. Dental Services.** The dental services covered under the Basic Plan are covered under a selective contract as described in Section 800 through 819 of these rules. (3-29-12)

- 18. Essential Providers.** The range of covered essential services is described in Sections 820 through 859 of these rules. (5-8-09)
- a. Rural health clinic services are described in Sections 820 through 826. (3-30-07)
  - b. Federally Qualified Health Center services are described in Sections 830 through 836. (3-30-07)
  - c. Indian Health Services Clinic services are described in Sections 840 through 846. (3-30-07)
  - d. School-Based services are described in Sections 850 through 857. (3-20-14)
- 19. Transportation.** The range of covered transportation services is described in Sections 860 through 879 of these rules. (5-8-09)
- a. Emergency transportation services are described in Sections 860 through 866. (3-30-07)
  - b. Non-emergency medical transportation services are described in Sections 870 through 876. (4-4-13)
- 20. EPSDT Services.** EPSDT services are described in Sections 880 through 889 of these rules. (5-8-09)
- 21. Specific Pregnancy-Related Services.** Specific pregnancy-related services are described in Sections 890 through 899 of these rules. (5-8-09)

***[Section 522]***

**522. ~~MIDLEVEL~~ NON-PHYSICIAN PRACTITIONER SERVICES: COVERAGE AND LIMITATIONS.** The Medicaid Program will pay for services provided by certified registered nurse anesthetists (CRNA), nurse practitioners (NP), nurse midwives (NM), clinical nurse specialists (CNS), and physician assistants (PA), as defined in Sections 010, 011, 012 of these rules and in accordance with the provisions found under Sections 523 through 525 of these rules. (~~3-30-07~~)( )

***[Section 524]***

**524. ~~MIDLEVEL~~ NON-PHYSICIAN PRACTITIONER SERVICES: PROVIDER QUALIFICATIONS AND DUTIES.**

***[Section 525]***

**525. ~~MIDLEVEL~~ NON-PHYSICIAN PRACTITIONER SERVICES: PROVIDER REIMBURSEMENT.**

***[Section 546 (Not included in the Proposed rule)]***

**546. LICENSED MIDWIFE (LM) SERVICES.** The Department will reimburse licensed midwives for maternal and newborn services performed within the scope of their practice. This section of rules does not include midlevel non-physician practitioner services provided by a nurse midwife (NM) which are described in Sections 522 through 525 of these rules. (~~3-29-12~~)( )

***[Section 725 (Not included in the Proposed rule)]***

725. HOME HEALTH SERVICES: PROVIDER REIMBURSEMENT.

01. **Mileage Included in Cost.** Payment by the Department for home health services will include mileage as part of the cost of the visit. (3-30-07)

02. **Payment Procedures.** Payment for home health services will be limited to the services authorized in Sections 720 through 722 of these rules and must not exceed the lesser of reasonable cost as determined by Medicare or the Medicaid percentile cap. (3-30-07)

a. For visits performed in the first state fiscal year for which this Subsection is in effect, the Medicaid percentile cap will be established at the seventy fifth percentile of the ranked costs per visit as determined by the Department using the data from the most recent finalized Medicare cost reports on hand in the Department on June 1, 1987. Thereafter, the percentile cap will be revised annually, effective at the beginning of each state fiscal year. Revisions will be made using the data from the most recent finalized Medicare cost reports on hand thirty (30) days prior to the effective date. (3-30-07)

b. When determining reasonable costs of rented medical equipment ordered by a physician and used for the care of the participant, the total rental cost of a Durable Medical Equipment (DME) item must not exceed ~~one-twelfth~~ one-tenth (1/10) of the total purchase price of the item. A minimum rental rate of fifteen dollars (\$15) per month is allowed on all DME items. ~~(3-30-07)~~ ( )

c. The Department may enter into lease/purchase agreements with providers in order to purchase medical equipment when the rental charges total the purchase price of the equipment. (3-30-07)

d. The Department will not pay for services at a cost in excess of prevailing Medicare rates. (3-30-07)

e. If a person is eligible for Medicare, all services ordered by the physician will be purchased by Medicare, except for the deductible and co-insurance amounts which the Department will pay. (3-30-07)

732. THERAPY SERVICES: COVERAGE AND LIMITATIONS.

Therapy services are covered under these rules when delivered by a therapy professional and provided by one (1) of the following providers: outpatient hospitals, outpatient rehabilitation facilities, comprehensive outpatient rehabilitative facilities, nursing facilities, school-based services, Idaho Infant Toddler Program, independent practitioners, and home health agencies. Therapy services provided by a home health agency under a home health plan of care must meet the requirements found in Sections 730 through 739 of these rules, and the requirements found in Sections 720 through 729 of these rules. ~~(7-1-16)~~ ( )

04. **Service Limitations.** (4-2-08)

*[Subsections 732.04.a. and 732.04.b.]*

a. Physical therapy (PT) and speech-language pathology (SLP) services are limited to a combined annual dollar amount for all PT and SLP services. The Department will set the total amount based on the annual Medicare caps. The Department may authorize additional therapy services, when the services are determined to be medically necessary and supporting documentation is provided ~~to~~ upon request of the Department. ~~(3-29-12)~~ ( )

b. Occupational therapy services are limited to an annual dollar amount set by the Department based on the annual Medicare caps. The Department may authorize additional therapy services, when the services are determined to be medically necessary and supporting documentation is provided ~~to~~ upon request of the Department. ~~(3-29-12)~~ ( )

*[Section 742 (Not included in the Proposed rule)]*

**742. AUDIOLOGY SERVICES: COVERAGE AND LIMITATIONS.**

All audiology services must be ordered by a physician or *midlevel non-physician* practitioner. The Department will pay for routine audiometric examination and testing once in each calendar year, and audiometric services and supplies in accordance with the following guidelines and limitations: (3-29-12)( )

**01. Non-Implantable Hearing Aids.** When there is a documented hearing loss of at least thirty (30) decibels based on the standard Pure Tone Average (500, 1000, 2000 hertz), the Department will cover the purchase of non-implantable hearing aids for participants under the age of twenty-one (21) with the following requirements and limitations: (3-29-12)

**a.** Covered services included with the purchase of the hearing aid include proper fitting and refitting of the ear mold or aid, or both, during the first year, instructions related to the aid's use, and extended insurance coverage for two (2) years. (3-30-07)

**b.** The following services may be covered in addition to the purchase of the hearing aid for participants under the age of twenty-one (21): batteries purchased on a monthly basis, follow-up testing, necessary repairs resulting from normal use after the second year, and the refitting of the hearing aid or additional ear molds no more often than forty-eight (48) months from the last fitting. (3-29-12)

**c.** Lost, misplaced, stolen or destroyed hearing aids are the responsibility of the participant. The Department has no responsibility for the replacement of any hearing aid. In addition, the Department has no responsibility for the repair of hearing aids that have been damaged as a result of neglect, abuse or use of the aid in a manner for which it was not intended. (3-30-07)

**02. Implantable Hearing Aids.** The Department may cover a surgically implantable hearing aid for participants under the age of twenty-one (21) when: (3-29-12)

**a.** There is a documented hearing loss as described in Subsection 742.01 of this rule; (4-2-08)

**b.** Non-implantable options have been tried, but have not been successful; and (4-2-08)

**c.** The Department has determined that a surgically implanted hearing aid is medically necessary through the prior authorization process. The Department will consider the guidelines of private and public payers, evidence-based national standards or medical practice, and the medical necessity of each participant's case. (3-29-12)

**03. Provider Documentation Requirements.** The following information must be documented and kept on file by the provider: (4-2-08)

**a.** The participant's diagnosis; (4-2-08)

**b.** The results of the basic comprehensive audiometric exam which includes pure tone, air and bone conduction, speech reception threshold, most comfortable loudness, discrimination and impedance testing; and (4-2-08)

**c.** The brand name and model type of the hearing aid needed. (4-2-08)

**04. Allowance to Waive Impedance Test.** The Department will allow a medical doctor to waive the impedance test based on his documented judgment. (4-2-08)

# **IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE**

## **16.03.09 – MEDICAID BASIC PLAN BENEFITS**

**DOCKET NO. 16-0309-1602**

### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective April 1, 2017, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202, 56-203, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code; also 42 CFR 447, Sections 500 through 522.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rulemaking clarifies the Department's use of the appropriate pricing methodologies to provide reimbursement to pharmacies, reimbursement for physician-administered drugs, and reimbursement to 340B covered entities that already receive discounts from the drug manufacturers. These rule changes also align language and definitions with recent changes to federal regulations under 42 CFR 447.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. At the request of the federal Centers for Medicare & Medicaid Services (CMS), the term "dispensing fee" is being amended to read: "professional dispensing fee." Also, the reference to "claims volume survey" is being removed.

The complete text of the proposed rule was published in the October 5, 2016, Idaho Administrative Bulletin, **Vol. 16-10, pages 474 through 478.**

**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:

This rulemaking has no fiscal impact to the state general fund or any other funds. This rulemaking is intended to be cost-neutral.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Karen Westbrook at (208) 364-1960.

DATED this 18th day of November, 2016.

Tamara Prisock  
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DOCKET NO. 16-0309-1602 - 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Vol. 16-10, October 5, 2016, pages 474 through 478.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR  
DOCKET NO. 16-0309-1602

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

**665. PRESCRIPTION DRUGS: PROVIDER REIMBURSEMENT.**

All medications dispensed to Idaho Medicaid participants will be reimbursed based on actual acquisition costs. All medications administered to participants by physicians or other qualified and licensed providers must be reimbursed based on Medicare rates as directed in Section 56-265, Idaho Code, or if no Medicare rate is available, based on actual acquisition cost. Idaho Medicaid may require providers to supply documentation of their acquisition costs as described in the Medicaid Pharmacy Claims Submission Manual available at: [https://idaho.fhsc.com/downloads/providers/IDRx\\_Pharmacy\\_Claims\\_Submission\\_Manual.pdf](https://idaho.fhsc.com/downloads/providers/IDRx_Pharmacy_Claims_Submission_Manual.pdf). Reimbursement is restricted to those drugs supplied from labelers that are participating in the CMS Medicaid Drug Rebate Program. ( )

**01. Pharmacy Reimbursement.** Prescriptions not filled in accordance with the provisions of Subsection 664.02 of these rules will be subject to nonpayment or recoupment. The following protocol must be followed for proper reimbursement. ~~(4-13)~~( )

**04d. Reimbursement.** Reimbursement to pharmacies is limited to the lowest of the following: (3-30-07)

*[Subsections 665.01.d.i. through 665.01.d.iii.]*

**i.** Federal Upper Limit (FUL), as established by the Centers for Medicare and Medicaid Services (CMS) of the U.S. Department of Health and Human Services, plus the professional dispensing fee assigned by the Department; ~~(3-30-07)~~( )

**ii.** State Maximum Allowable Cost (SMAC), as established by the Department, plus the assigned professional dispensing fee; ~~(3-30-07)~~( )

**iii.** Estimated Acquisition Cost (EAC), defined as the Average Actual Acquisition Cost (AAAC) based on results of the periodic state cost survey as defined in this rule, plus the assigned professional dispensing fee. In cases where no AAAC is available, reimbursement will be the Wholesale Acquisition Cost (WAC). WAC will mean the price, paid by a wholesaler for the drugs purchased from the wholesaler's supplier, typically the manufacturer of the drug as published by a recognized compendia of drug pricing on the last day of the calendar quarter that corresponds to the calendar quarter; or ~~(4-13)~~( )



*[Subsections 665.01.f.]*

~~05~~**f.** Professional Dispensing Fee. Only one (1) professional dispensing fee per month will be allowed for the dispensing of each maintenance drug to any participant as an outpatient or a resident in a care facility except: (4-4-13) ( )

*[Subsections 665.01.g. and 665.01.h.]*

~~06~~**g.** Claims Volume Survey for Tier-Based Professional Dispensing Fees. The Department will survey pharmacy providers to establish a professional dispensing fee for each provider. The professional dispensing fees will be paid based on the provider's total annual claims volume. The provider must return the claims volume survey to the Department no later than May 31st each year. Pharmacy providers who do not complete the annual claims volume survey will be assigned the lowest professional dispensing fee starting on July 1st until the next annual survey is completed. Based upon the annual claims volume of the enrolled pharmacy, the professional dispensing fee is provided online at: <http://healthandwelfare.idaho.gov/LinkClick.aspx?fileticket=iJDsiQavFLc%3d&tabid=119&mid=1111>. (4-4-13) ( )

~~07~~**h.** Remittance Advice. Claims are processed by computer, and payments are made directly to the pharmacy or its designated bank through electronic claims funds transfer. A remittance advice with detailed information of each claim transaction will accompany each payment made by the Department. (3-30-07) ( )

**02.** 340B Covered Entity Reimbursement. ( )

*[Subsections 665.02.e., through 665.02.h.]*

e. Reimbursement. Reimbursement to 340B covered entities is limited to their actual 340B drug acquisition cost submitted plus the assigned professional dispensing fee. ( )

f. Professional Dispensing Fee. Only one (1) professional dispensing fee per month will be allowed for the dispensing of each maintenance drug to any participant as an outpatient or a resident in a care facility except: ( )

i. Multiple dispensing of topical and injectable medication when dispensed in manufacturer's original package sizes, unless evidence exists, as determined by the Department, that the quantity dispensed does not relate to the prescriber's order; ( )

ii. Multiple dispensing of oral liquid maintenance medication if a reasonable quantity, as determined by the Department, is dispensed at each filling; ( )

iii. Multiple dispensing of tablets or capsules if the quantity needed for a thirty-four (34) day supply is excessively large or unduly expensive, in the judgment of the Department; or ( )

iv. When the dose is being titrated for maximum therapeutic response with a minimum of adverse effects. ( )

g. Tier-Based Professional Dispensing Fees. A professional dispensing fee for each 340B covered entity will be established in accordance with this rule. ( )

h. Remittance Advice. Claims are processed by computer, and payments are made directly to the 340B covered entity or its designated bank through electronic funds transfer. A remittance advice with detailed information of each claim transaction will accompany each payment made by the Department. ( )

~~0~~**3.** **Return of Drugs.** Drugs dispensed in unit dose packaging as defined by IDAPA 27.01.01, “Rules of the Idaho State Board of Pharmacy,” ~~Sub~~section ~~156-05~~012, must be returned to the dispensing pharmacy when the participant no longer uses the medication as follows: ~~(3-30-07)~~(    )

***[Subsections 665.03.b.]***

**b.** The pharmacy provider that receives the returned drugs must credit the Department the amount billed for the cost of the drug less the professional dispensing fee. ~~(3-30-07)~~(    )

## IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

### 16.03.19 – RULES GOVERNING CERTIFIED FAMILY HOMES

DOCKET NO. 16-0319-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2017, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 39-3505, and 56-1005, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

After the public comment period, the Department is removing the reference to Title 6, Chapter 3, Idaho Code, from Section 260.02.c. of this chapter. The new requirements for terminating an admission agreement outlined in IDAPA 16.03.19.260 protect the resident's rights and align with the spirit of Idaho's Landlord/Tenant laws found in the citation without requiring the specific legal process described in the citation.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 7, 2016, Idaho Administrative Bulletin, [Vol. 16-9, pages 95 through 99](#).

**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:

There is no anticipated fiscal impact to the State General Fund or to dedicated funds for this rule change. This rulemaking is intended to be cost neutral.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Steven Millward at (208) 334-0706.

DATED this 17th day of November, 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](mailto:dhwrules@dhw.idaho.gov)

DOCKET NO. 16-0319-1601 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
[Vol. 16-9, September 7, 2016, pages 95 through 99.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE  
FOR DOCKET NO. 16-0319-1601

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

260. ADMISSIONS.

02. **Termination of Admission Agreement.** The admission agreement must not be terminated except  
under the following conditions: (4-11-06)

*[Subsection 260.02.c. remains as codified; changes withdrawn]*

c. Nonpayment of the resident's bill; (4-11-06)

**IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE**

**16.04.17 – RULES GOVERNING RESIDENTIAL HABILITATION AGENCIES**

**DOCKET NO. 16-0417-1701**

**(SECOND) 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 39-4605, Idaho Code.

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

<b>Monday, January 30, 2017 8:30 am (Local)</b>	<b>Friday, February 3, 2017 10:30 am (Local)</b>
<b>Lewiston - DHW Office 1118 F Street 3rd Floor Conference Room Lewiston, ID</b>	<b>Northern Idaho - DHW Office 1120 Ironwood Drive, Suite 102 Large Conference Room Coeur d’Alene, ID</b>

**METHOD OF PARTICIPATION:** Persons wishing to participate in the negotiated rulemaking may do any of the following:

1. Attend the negotiated rulemaking meetings as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to this address on or before February 10, 2017:

Eric Brown  
DDA/ResHab Certification Program Manager

Idaho Department of Health and Welfare  
3232 Elder St, P.O. Box 83720  
Boise, ID 83720-0009

**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 certification requirements for Residential Habilitation Agencies operating in Idaho.

**CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this negotiated rulemaking, contact Eric Brown at (208) 334-0649. Materials pertaining to the negotiated rulemaking under Docket 16-0417-1701, including any available preliminary rule drafts, can be found on the Department’s web site at the following web address: [www.healthandwelfare.idaho.gov](http://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 Friday, February 10, 2017.

DATED this 18th day of November, 2016.

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

**16.05.06 – CRIMINAL HISTORY AND BACKGROUND CHECKS**

**DOCKET NO. 16-0506-1601**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The 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.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending fee rule with an explanation of the reasons for the change:

Changes to these rules align this chapter with those approved by the 2016 Legislature. References and classification of individuals required to have the Department's criminal history and background checks were added as temporary rules effective on July 1, 2016.

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 6, 2016, Idaho Administrative Bulletin, **Vol. 16-7, pages 62 through 65.**

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 56-1004A, Idaho Code.

The fee amount for a Department fingerprint-based criminal history and background check is \$65.00 based on the actual cost. The individuals that are required to have these checks are responsible for the cost.

**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:

There are no additional costs to be paid for by the Department or the state general fund due to this rulemaking. It is anticipated that the individuals being checked are in the same types of classifications that currently are being checked, and the fiscal impact will be cost-neutral.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Fernando Castro at (208) 332-7999.

DATED this 17th day of November, 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](mailto:dhwrules@dhw.idaho.gov)

## **IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE**

### **16.05.06 – CRIMINAL HISTORY AND BACKGROUND CHECKS**

**DOCKET NO. 16-0506-1602**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected. Pursuant to Section 67-5224(5)(b), Idaho Code, as provided herein the pending fee rule becomes final and effective on July 1, 2017.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The 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.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending fee rule with an explanation of the reasons for the change:

Changes are being made to the pending fee rule based on comments received and for clarification. Additional classes of individuals have been added to those being required to provide previous addresses in order to receive an enhanced clearance. Fees charged by other states to check child protection registries in those jurisdictions may increase the cost of the background check for individuals working with children and vulnerable adults.

The text of the pending fee rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 7, 2016, Idaho Administrative Bulletin, [Vol. 16-9, pages 100 through 112](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 56-1004A, Idaho Code.

Through the rule negotiation process, it was determined that instead of increasing the background check fee for all applicants, it would be better to only increase the fees for the background checks of the applicants that are required to have additional records searched in other states where an individual has resided in the previous five years. The cost will stay the same as it is currently for most providers, unless they choose to work with children. Those individuals' fee will increase by the amount charged by other states to check each state's registries.

**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:

The expected cost of the implementation of this rule change is \$85,150 for the computer system upgrade. This expense will be covered with the Department's existing SFY 2017 budget appropriation. Once the rule changes are implemented, there will be no further fiscal impact to the state general fund or to dedicated funds. This rulemaking is intended to be cost-neutral because the applicant is responsible for the costs unless otherwise provided by Department rule, as stated in Section 56-1004A(7), Idaho Code.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending fee rule, contact Fernando Castro at (208) 332-7999.

DATED this 17th day of November, 2016.

Tamara Prisock  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
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Boise, ID 83720-0036  
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**DOCKET NO. 16-0506-1602 - ADOPTION OF PENDING FEE RULE**

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

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
**Vol. 16-9, September 7, 2016, pages 100 through 112.**

This rule has been adopted as a pending fee rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

**THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING FEE RULE  
FOR DOCKET NO. 16-0506-1602**

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

**001. TITLE, SCOPE AND POLICY.**

***[Subsections 001.02 and 001.03]***

**02. Scope.** These rules assist the Department in the protection of children and vulnerable adults by providing requirements to conduct criminal history and background checks of individuals licensed or certified by the Department, or who provide care or services to children or vulnerable adults ~~or children~~. Individuals requiring a criminal history check are identified in Department rules. ~~(3-26-08)~~ ( )

**03. Policy.** It is the Department's policy to conduct fingerprint-based criminal history and background checks on individuals who have completed a criminal history application. The criminal history applicant is required to disclose any pertinent information ~~of regarding~~ crimes or ~~offenses findings~~ that would disqualify the individual from providing care or services to children or vulnerable ~~populations~~ adults. The Department ~~may~~ obtains information for these criminal history and background checks from the following sources: ~~(3-26-08)~~ ( )

***[Subsection 001.03.d.]***

**d.** ~~Idaho~~ Any state or federal Child Protection ~~Central~~ Registry; ~~(3-26-08)~~ ( )

**010. DEFINITIONS AND ABBREVIATIONS.**



For the purposes of this chapter of rules, the following terms apply: (7-1-12)

**[Subsection 010.11]**

**11. Enhanced Clearance.** An enhanced clearance is a clearance issued by the Department that includes a search of child protection registries in states or jurisdictions in which an applicant has resided during the preceding five (5) years. See Section 126 of these rules. ( )

**[Section 050]**

**050. FEES AND COSTS FOR CRIMINAL HISTORY AND BACKGROUND CHECKS.**

The fee for a Department fingerprint-based criminal history and background check is up to seventy dollars (\$70) for an individual. The applicant is responsible for the cost of the criminal history and background check except where otherwise provided by Department rules. An applicant is responsible for any additional costs incurred by the Department paid to agencies, judicial, or law enforcement jurisdictions in other states. The Department will collect the additional funds to cover its costs. (3-27-13) ( )

**120. APPLICATION FOR A CRIMINAL HISTORY AND BACKGROUND CHECK.**

Individuals who are subject to a criminal history and background check must complete an application and have it notarized. The application must include disclosure of any disqualifying crimes, offenses, or relevant records. (3-26-08)

**03. Failure to Disclose Information.** ( )

**[Subsection 120.03.b.]**

**b.** An applicant required to obtain a criminal history and background check under Section 126 of these rules that knowingly makes a materially false statement in connection to his background check will receive an unconditional denial as provided in Section 200 of these rules. ( )

**[Section 126]**

**126. APPLICANTS RECEIVING A DEPARTMENT ENHANCED CLEARANCE.**

The following classes of individuals are required to provide their previous residence information for the preceding five (5) years in their application for a criminal history and background check. ( )

**01. Adoptive Parent Applicants.** Described in Subsection 100.01 of these rules. ( )

**02. Behavioral Health Community Crisis Centers.** Described in Subsection 100.02 of these rules. ( )

**03. Behavioral Health Programs.** Described in Subsection 100.03 of these rules. ( )

**04. Children's Residential Care Facilities.** Described in Subsection 100.05 of these rules. ( )

**05. Children's Therapeutic Outdoor Programs.** Described in Subsection 100.06 of these rules. ( )

**06. Emergency Medical Services (EMS).** Described in Subsection 100.11 of these rules. ( )

07. Idaho Child Care Program (ICCP). Described in Subsection 100.16 of these rules. ( )
08. Licensed Foster Care. Described in Subsection 100.18 of these rules. ( )
09. Licensed Day Care. Described in Subsection 100.19 of these rules. ( )
10. Mental Health Services. Described in Subsection 100.20 of these rules. ( )
11. Nonhospital, Medically-Monitored Detoxification/Mental Health Diversion Units. Described in Subsection 100.21 of these rules. ( )

**180. CRIMINAL HISTORY AND BACKGROUND CHECK RESULTS.**

The Department will issue a clearance or denial once the criminal history and background check is completed. ( )

**[Subsection 180.01]**

**01.** ~~Department Clearance~~ **Results of Criminal History and Background Checks.** The results may be accessed by the individual on the Department's website. The employer may access the information that is provided by the applicant and information obtained from the state, county, or through registries. (3-20-14) ( )

**190. CRIMINAL HISTORY AND BACKGROUND CHECK CLEARANCE.**

**[Subsections 190.01 through 190.03]**

**01.** ~~Department~~ **Clearance.** A criminal history and background check clearance is issued by the Department once all relevant records and findings have been reviewed and the Department has cleared the applicant. The clearance will be published on the Department's website and the individual may print copies of the clearance. The employer must print the clearance within fourteen (14) calendar days of the clearance being accessible on the Department's website, and maintain a copy readily available for inspection for a period consistent with the employer's own personnel documentation retention schedule. (4-6-15) ( )

**02.** **Clearance Types.** An applicant required to pass a criminal history and background must receive a clearance as provided below: ( )

**a.** A clearance for an applicant who is not seeking an enhanced clearance for employment in classes listed in Section 126 of these rules, may receive a clearance for a criminal history and background check when a relevant record identified on any child protection registry is disclosed, but the applicant has no conviction of any crimes listed in Subsections 210.01 or 210.02 of these rules. ( )

**b.** An applicant who receives an enhanced clearance has met the criteria to have obtained a clearance as provided in Subsection 190.02.a. of this rule. An enhanced clearance is required for each of the classes listed in Section 126 of these rules and requires searches from states and jurisdictions where the applicant has resided in the previous five (5) years. A relevant record on any child protection registry will result in a denial under Subsection 200.01 of these rules and no clearance will be issued. An applicant who applies to work in any of these classes must receive or have an enhanced clearance. ( )

**023.** **Revocation of ~~Department~~ Clearance.** An individual's previously issued clearance may be revoked for the following: (7-1-14) ( )

**200. UNCONDITIONAL DENIAL.**

An individual who receives an unconditional denial is not available to provide services, have access, or to be licensed or certified by the Department. (3-26-08)

**01. Reasons for an Unconditional Denial.** Unconditional denials are issued for: (3-4-11)

***[Subsection 200.01.f.]***

**f.** A materially false statement made knowingly in connection to the Department's criminal history and background check application for the classes of individuals listed in Section 126 of these rules will result in a five-year disqualification period for the applicant. ( )

**300. UPDATING CRIMINAL HISTORY AND BACKGROUND CHECKS.**

The employer is responsible for confirming that the applicant has completed a criminal history and background check as provided in Section 190 of these rules. Once a clearance is issued by the Department, verifiable continuous employment of the applicant with the same employer eliminates the requirement for a new background check. The provisions stipulated on Subsections 300.03 and 300.04 of this rule still apply. (7-1-12)

**02. Use of Criminal History Check Within Three Years of Completion.** Any employer may use a Department criminal history and background check clearance obtained under these rules if: (3-26-08)

**c.** The employer completes a state-only background check of the individual through the Idaho State Police Bureau of Criminal Identification, and no disqualifying crimes are found. (3-26-08)

***[Subsections 300.02.c.ii. through 300.02.e.]***

**ii.** The employer must be able to provide proof of this action by maintaining a copy of the records required in Subsections 300.02.a. and 300.02.c. of this rule for a period consistent with the employer's own personnel documentation retention schedule. (4-6-15)( )

**d.** An employer not listed in Section 126 of these rules, may use an individual's Department clearance or enhanced clearance that was obtained within three (3) years from date of employment. ( )

**e.** An individual with a current clearance that is within three (3) years from date of employment, who applies to a new agency or employer identified in Section 126 of these rules, must submit an application for a new criminal history and background check to obtain an enhanced clearance. ( )

## IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

### 16.05.07 – THE INVESTIGATION AND ENFORCEMENT OF FRAUD, ABUSE, AND MISCONDUCT

DOCKET NO. 16-0507-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202(b), 56-203(1) & (2), 56-209h, 56-227, 56-227A through D, 56-1001, and 56-1003, Idaho Code, and 42 CFR 1002.214 and 1002.215, and 2016 Senate Bill 1295.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Based on provider comments, the Department is adding clarifying language to Section 236, “Civil Monetary Penalty Percentages,” and Section 237, “Civil Monetary Penalties for Criminal History Background Check Violations.” Those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the July 6, 2016, Idaho Administrative Bulletin, **Vol. 16-7, pages 66 through 69**.

**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:

There is no anticipated fiscal impact for this rulemaking. The rules are clarifying current practices for long term care and are intended to be cost neutral.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Lori Stiles, at (208) 334-0653.

DATED this 18th day of November, 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](mailto:dhwrules@dhw.idaho.gov)

DOCKET NO. 16-0507-1601 - 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Vol. 16-7, July 6, 2016, pages 66 through 69.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR  
DOCKET NO. 16-0507-1601

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

*[Sections 236 and 237 are being reprinted in their entirety]*

**236. CIVIL MONETARY PENALTY PERCENTAGES.**

The Department will determine the percentage of each penalty by the type of conduct, the frequency, and knowledge of the conduct. When more than one (1) type of conduct described in Section 230 of these rules is found per line item, the penalty percentage will be based on the most significant conduct. ( )

**01. Conduct Resulting in No Overpayment.** The Department determines civil monetary penalties to be assessed for the following types of conduct violations that did not result in an overpayment. ( )

**a. Participant Fees.** The provider collected or attempted to collect fees from participants that the provider was not entitled to collect. Violations for this type of conduct will result in a ten percent (10%) penalty. ( )

**b. Minor Rule Violations.** Services were provided and properly paid but violated rule, policy, or provider agreement. Minor rule violations will result in a ten percent (10%) penalty. Minor rule violations include, but are not limited to: ( )

**i. Incorrect date spanning;** ( )

**ii. Failure to list required provider credentials; or** ( )

**iii. Failure to obtain required client signatures.** ( )

**c. Significant Rule Violations.** Services were provided but violated rule, policy, or provider agreement. Significant rule violations will result in a fifteen percent (15%) penalty. Significant rule violations include, but are not limited to: ( )

**i. Incomplete physician referrals; or** ( )

**ii. Failure to maintain documentation once valid Healthy Connections referral is obtained.** ( )

**02. Conduct Resulting in Overpayment.** The Department determines the civil monetary penalties to be assessed for the following types of conduct violations resulting in overpayment. Civil monetary penalties will not be assessed when a provider self-reports an overpayment and the Department receives the report prior to the initiation of a Department audit. ( )

**a. Significant Rule Violations.** Services were provided but violated rule, policy, or provider agreement. Significant rule violations will result in a fifteen percent (15%) penalty. Significant rule violations include, but are not limited to: ( )

i. Billing more services than allowed; ( )

ii. Billing non-physician services as physician services; ( )

iii. Billing incorrect codes (such as Physician's Current Procedural Terminology (CPT), diagnosis, revenue, etc.) or modifiers; or ( )

iv. Inadequate documentation to support services billed. ( )

**b. Significant Rule Violations Related to Participant Care.** Services were provided but violated rule, policy, or provider agreement related to participant care. Significant rule violations related to participant care will result in a twenty percent (20%) penalty. Significant rule violations include, but are not limited to: ( )

i. Failure to obtain required Healthy Connections referrals or failure to list required core elements, such as the start and end dates on the referral; ( )

ii. No required physician or practitioner signatures; ( )

iii. No orders or inadequate orders, assessments, plans or evaluations prior to delivery of service or items; ( )

iv. Services or items provided by unqualified staff; ( )

v. Services or items provided by excluded individual; or ( )

vi. Services or items not covered by program. ( )

**c. Significant Rule Violations for No Service or Refusal of Immediate Access to Documentation.** Services were not provided, were not documented, or refusal to provide immediate access to documentation upon written request as required in Section 230.05 of these rules. Violations will result in a twenty-five percent (25%) penalty. Significant rule violations include, but are not limited to: ( )

i. Billing and receiving payment multiple times for the same service or item; ( )

ii. No documentation; ( )

iii. Cloned documentation; ( )

iv. Service not provided; ( )

v. More units billed than provided; ( )

vi. Billing laboratory services provided by independent laboratory, unless an exception applies, such as an independent laboratory that can bill for a reference laboratory; or ( )

vii. Missing required pre-authorization. ( )

**03. Penalty Enhancements.** ( )

**a. Error Rates.** The Department determines which error rate applies by comparing the number of violations to the number of similar line items audited, or to all audited line items. Penalty percentages identified in Subsections 236.01 and 236.02 of this rule may be increased by: ( )

**i.** Five percent (5%) when the error percentage of audited services is greater than twenty-five percent (25%); and ( )

**ii.** Ten percent (10%) when the error percentage of audited services is greater than thirty-five percent (35%). ( )

**b. Fraudulently or Knowingly.** When the Department determines the conduct was committed fraudulently or knowingly as defined in Subsections 010.07 and 010.08 of these rules, the penalty percentages may be increased by fifteen percent (15%). ( )

**237. CIVIL MONETARY PENALTIES FOR CRIMINAL HISTORY BACKGROUND CHECK VIOLATIONS.**

The Department may assess civil monetary penalties against a provider, any officer, director, owner, or managing employee for failing to perform required background checks or failing to meet required time lines for completion of background checks *as required by rule*. The amount of the penalty is five hundred dollars (\$500) for each month worked for each staff person or contractor for whom the background check was not performed or not performed timely. The maximum amount that may be assessed for criminal history background check violations is five thousand dollars (\$5,000) per month. A partial month is considered a full month for purposes of determining the amount of the penalty. ( )

## **IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE**

### **16.06.01 – CHILD AND FAMILY SERVICES**

#### **DOCKET NO. 16-0601-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections: 16-1629, 16-2102, 39-1209 through 1211, 39-5603, 39-7501, 56-202(b), 56-204A, 56-803, 56-1003, 56-1004, 56-1004A, and 56-1007, Idaho Code; 42 USC 675 as amended by Public Law 113-183; and Sections 16-1621 and 16-1622, Idaho Code, amended under Senate Bill 1328 (2016).

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

These proposed rule changes lower the age at which foster youth are eligible to receive independent living services funded by the John H. Chafee Foster Care Independence Program from 90 days after their 15th birthday to 90 days after their 14th birthday.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 7, 2016, Idaho Administrative Bulletin, **Vol. 16-9, pages 113 through 117**.

**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:

This rulemaking has no fiscal impact to the state general fund or any other funds as all funding related to these rule changes is federal. The John H. Chafee Foster Care Independence Program funds are capped and Idaho receives the minimum, \$500,000, each year. This rule will simply make these funds available to a larger population of foster youth.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Michelle Weir at (208) 334-5651.

DATED this 18th day of November, 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  
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## **IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE**

### **16.07.19 – BEHAVIORAL HEALTH CERTIFICATION OF PEER SUPPORT SPECIALISTS AND FAMILY SUPPORT PARTNERS**

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

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE AND TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is January 1, 2017. The pending rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and is also adopting this rule as a temporary rule. The action is authorized pursuant to Title 39, Chapter 31, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a concise explanatory statement of the reasons for adopting the pending rule:

The Department has adopted this new chapter of rule for the certification of peer support specialists and family support partners as a temporary rule. This chapter provides the qualifications and requirements needed to become certified by the Department for Behavioral Health support services.

In accordance with Section 67-5226, Idaho Code, the full text of the temporary rule is being published in this Bulletin following this notice. Changes have been made in the pending rule based on comments received and for clarification. The original text of the proposed rule was published in the October 5, 2016, Idaho Administrative Bulletin, [Vol. 16-10, pages 479 through 491](#).

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

This chapter of rules necessary to protect the public health, safety or welfare of vulnerable individuals with behavioral or mental health issues to ensure these provider types are qualified and meet the official and professional standards of these rules.

**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.

There is no anticipated fiscal impact to the state general fund or any other funds for this rule change. This rulemaking is intended to be cost neutral.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule or temporary rule, contact Treena Clark, (208) 334-6611.

DATED this 17th day of November, 2016

Tamara Prisock  
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DOCKET NO. 16-0719-1601 - ADOPTION OF PENDING AND TEMPORARY RULE

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

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Vol. 16-10, October 5, 2016, pages 479 through 491.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

Additionally, this rule has been adopted as a temporary rule and is effective January 1, 2015.

Pursuant to Section 67-5226, Idaho Code, the full text of  
the temporary rule is being published in this Bulletin.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE AND TEMPORARY RULE  
FOR DOCKET NO. 16-0719-1601

IDAPA 16  
TITLE 07  
CHAPTER 19

**16.07.19 - BEHAVIORAL HEALTH CERTIFICATION OF PEER SUPPORT SPECIALISTS  
AND FAMILY SUPPORT PARTNERS**

**000. LEGAL AUTHORITY.**

Under Title 39, Chapter 31, Idaho Code, the Idaho Legislature has delegated to the Department of Health and Welfare as the state behavioral health authority the establishment, maintenance, and oversight of the state of Idaho's behavioral health services. Section 39-3140, Idaho Code, authorizes the Department to promulgate and enforce rules to carry out the purposes and intent of the Regional Behavioral Health Services Act. Under Sections 56-1003, 56-1004, Idaho Code, the Director of the Department is authorized to adopt and enforce rules to supervise and administer mental health programs. (1-1-17)T

**001. TITLE AND SCOPE.**

**01. Title.** The title of these rules is IDAPA 16.07.19, "Behavioral Health Certification of Peer Support Specialists and Family Support Partners." (1-1-17)T

**02. Scope.** These rules establish the minimum qualifications and requirements for certification of peer support specialists and family support partners in Idaho including enforcement actions. (1-1-17)T

**002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements that pertain to the interpretations of these rules, or to the documentation of compliance with these rules. These documents are available for public inspection as described in Sections 005 and 006 of these rules. (1-1-17)T

**003. ADMINISTRATIVE APPEALS.**

Administrative appeals are governed by provisions of IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (1-1-17)T

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter of rules. (1-1-17)T

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE -- INTERNET WEBSITE.**

**01. Office Hours.** Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (1-1-17)T

**02. Mailing Address.** The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. (1-1-17)T

**03. Street Address.** The business office of the Idaho Department of Health and Welfare is located at 450 West State St., Boise, Idaho 83702. (1-1-17)T

**04. Telephone.** The telephone number for the Idaho Department of Health and Welfare is (208) 334-5500. (1-1-17)T

**05. Internet Website.** The Department's internet website at <http://www.healthandwelfare.idaho.gov>. (1-1-17)T

**06. Mental Health Services Website.** The Mental Health Services internet website at <http://www.mentalhealth.idaho.gov>. (1-1-17)T

**006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS REQUEST.**

**01. Confidentiality of Records.** Records relating to an inquiry into an individual's fitness to be granted or retain a behavioral health certification will be released in compliance with Section 74-106(9), Idaho Code, and IDAPA 16.05.01, "Use and Disclosure of Department Records." These records will otherwise be provided in redacted form as required by law or rule. (1-1-17)T

**02. Public Records.** The use or disclosure of Department records must comply with IDAPA 16.05.01, "Use and Disclosure of Department Records." Unless otherwise exempted by state or federal law, all public records in the custody of the Department are subject to disclosure. (1-1-17)T

**007. -- 009. (RESERVED)**

**010. DEFINITIONS.**

For the purposes of these rules, the following terms apply. (1-1-17)T

**01. Behavioral Health Program.** A behavioral health program refers to an organization offering mental health or substance use disorders treatment services that includes the organization's facilities, management, staffing patterns, treatment, and related activities. (1-1-17)T

**02. Certificate.** A certificate issued by the Department to an individual who is a behavioral health peer support specialist or a family support partner who the Department deems to be in compliance with these rules. (1-1-17)T

**03. Department.** The Idaho Department of Health and Welfare, or its designee. (1-1-17)T

**04. Director.** The Director of the Department of Health and Welfare, or designee. (1-1-17)T

**05. Family Support Partner.** An individual who has lived experience raising a child who has a behavioral health disorder diagnosis, *mental illness, or mental illness with a co-occurring substance use disorder*; has specialized training related to such care, and who has successfully navigated the various systems of care. (1-1-17)T

**06. Family Support Partner Services.** Family-to-family services are non-clinical support services provided by family support partners who have participated in mental health services, and who have received training in how to share their experiences with others facing similar challenges. (1-1-17)T

**07. Lived Experience.** Life experiences of an individual who has received behavioral health services or has raised a child who is living with a behavioral health diagnosis, *mental illness, or mental illness with a co-occurring substance use disorder*; and has at least one (1) year of lived experience navigating the behavioral health systems. (1-1-17)T

**08. Peer Support Services.** Non-clinical services are provided by peer support specialists who are on their own recovery journey, and who have received training in supporting others who are actively involved in their own recovery process. (1-1-17)T

**09. Peer Support Specialist.** An individual in recovery from mental illness or mental illness with a co-occurring substance use disorder who uses lived experience and specialized training to assist other individuals in recovery. (1-1-17)T

**011. -- 099. (RESERVED)**

**100. APPLICATION FOR CERTIFICATION.**

An applicant for any certification by the Department must furnish the following information prior to any certification being issued. (1-1-17)T

**01. Completed Application.** Each applicant must complete and sign an application for certification on forms approved by the Department. (1-1-17)T

**02. Verification of Education, Training, and Experience.** Each applicant must provide verification to the Department of the following: (1-1-17)T

**a.** A copy of his high school diploma, GED certificate, or a Bachelor's degree in a human services field; (1-1-17)T

**b.** Documentation of successful completion of training required for the certification being sought according to the requirements in Sections 200 and 300 of these rules; and (1-1-17)T

**c.** A summary of work or volunteer experience, including documentation of supervised hours. (1-1-17)T

**03. Code of Ethics Acknowledgment.** Each applicant must submit a signed and dated Code of Ethics Acknowledgment. (1-1-17)T

**101. -- 109. (RESERVED)**

**110. TYPES OF CERTIFICATION.**

**01. Peer Support Specialist.** (1-1-17)T

**02. Family Support Partner.** (1-1-17)T

**111. DURATION OF CERTIFICATION.**

**01. Six-Month Certification.** A six (6) month certification applies to an applicant that has completed the requirements in Sections 200 and 300 of these rules for initial certification, but may be lacking work or volunteer experience and supervised hours. (1-1-17)T

**02. Full Certification.** A full certification applies to an applicant that has completed all requirements in Sections 200 and 300 of these rules for certification, including work or volunteer experience and supervised hours. Full certification is valid for one (1) year. (1-1-17)T

**112. RENEWAL OF CERTIFICATION.**

**01. Submit Renewal Application.** Each certified peer support specialist or certified family support partner who is seeking certification renewal must submit a completed renewal application prior to expiration of current certificate. (1-1-17)T

**02. Continuing Education.** Each certified peer support specialist or certified family support partner must provide documentation of a minimum of ten (10) hours of continuing education as follows: (1-1-17)T

**a.** Continuing education must be obtained in competency areas listed in training requirements germane to the type of certification being renewed; and (1-1-17)T

**b.** At least one (1) hour of continuing education for each renewal period must be in ethics. (1-1-17)T

**03. Code of Ethics Acknowledgment.** Each certified peer support specialist or certified family support partner must submit a signed and dated Code of Ethics Acknowledgment. (1-1-17)T

**113. -- 119. (RESERVED)**

**120. RECIPROCITY.**

An applicant for a peer support specialist or a family support partner certificate must be a holder of a current and active license or certificate at the level for which certification is sought, and be in good standing in the profession, and with the other state who is the authorizing regulatory entity for licensure or certification. (1-1-17)T

**01. Completed Application.** Each applicant must complete and sign an application for reciprocity on forms approved by the Department. (1-1-17)T

**02. Provide Verification of Education, Training, and Experience.** Each applicant seeking reciprocity must provide the Department with the following: (1-1-17)T

**a.** Education experience summary; (1-1-17)T

**b.** Continuing education/training hours received since certification; (1-1-17)T

**c.** Statement of personal experience; and (1-1-17)T

**d.** Work or volunteer experience summary form with documentation of supervised hours. (1-1-17)T

**03. Code of Ethics Acknowledgment.** Each applicant seeking reciprocity must submit a signed and dated Code of Ethics Acknowledgment. (1-1-17)T

**04. Documentation From Other State.** Documentation of licensure or certification must be received from the other state's issuing regulatory agency. The other state's licensing or certification requirements must be substantially equivalent to, or higher than, those required in this chapter of rules. (1-1-17)T

**121. -- 149. (RESERVED)**

**150. INACTIVE STATUS.**

A certified peer specialist or certified family support partner, in good standing, may request an inactive status due to an inability to meet recertification requirements related to a decline in physical, mental health, or extenuating circumstances. (1-1-17)T

**01. Request for Inactive Status.** An individual who is certified must submit a request in writing to the Department asking for inactive status. (1-1-17)T

**02. Inactive Certification Status.** The Department may grant inactive status to a certified individual for up to one (1) year. (1-1-17)T

**03. Reactivation of Certification.** When the individual desires to reactivate status, a new application and documentation of fulfillment of continuing education requirements for the previous twelve (12) months must be submitted to the Department. (1-1-17)T

**151. -- 199. (RESERVED)**

**200. PEER SUPPORT SPECIALIST -- CERTIFICATION QUALIFICATIONS AND REQUIREMENTS.**

Each applicant must be at least eighteen (18) years of age and meet the minimum qualifications and requirements listed below to be certified as a Peer Support Specialist in Idaho. (1-1-17)T

**01. Educational Requirements.** Each applicant for a peer support specialist *certification* must have, at a minimum, a high school diploma or GED certificate. (1-1-17)T

**02. Training Requirements.** Each applicant must complete a minimum of forty (40) hours of training *that, at a minimum, includes* the following Peer Support Specialist competency areas: (1-1-17)T

- a. *Motivation and empowerment;* (1-1-17)T
- b. The stages of recovery and the role peers play within it; (1-1-17)T
- c. The state behavioral health system and the role peers play within it; (1-1-17)T
- d. Advocacy for recovery programs and for the peers they serve; (1-1-17)T
- e. The practice of recovery values: authenticity, self-determination, diversity, and inclusion; (1-1-17)T
- f. How to *tell your recovery story and* use your story to help others; (1-1-17)T
- g. Ethics; (1-1-17)T
- h. The *awareness* of risk factors in participants' behaviors and *the ability to access appropriate services;* (1-1-17)T
- i. The use of interpersonal and professional communication skills; (1-1-17)T
- j. *Stages of* change; (1-1-17)T
- k. Work place dynamics and processes; (1-1-17)T
- l. *The Certified Peer Support Specialist's roles and duties on the job;* (1-1-17)T
- m. *Relationship building;* (1-1-17)T
- n. Family dynamics; (1-1-17)T

- o.*** The effects of trauma and use of a trauma informed approach; (1-1-17)T
- p.*** Wellness and natural supports; (1-1-17)T
- q.*** *Boundaries and self-care;* (1-1-17)T
- r.*** Cultural sensitivity; (1-1-17)T
- s.*** Recovery plans; and (1-1-17)T
- t.*** Local, state, and national resources. (1-1-17)T

**03. Work or Volunteer Experience Requirements.** Each applicant must obtain supervised experience providing peer support services. A six (6) month certification may be granted according to Section 111 of these rules to an applicant who lacks the required experience. (1-1-17)T

**a.** An applicant who holds a bachelor's degree in a human services field must document one hundred (100) hours of peer support specialist experience. (1-1-17)T

**b.** An applicant who does not hold a bachelor's degree in a human support services field must document two hundred (200) hours of peer support specialist experience. (1-1-17)T

**c.** An applicant must document at a minimum twenty (20) hours of supervised *peer support services* work or volunteer experience. (1-1-17)T

**04. Supervision Requirements.** A six (6) month certification may be granted according to Section 111 of these rules to an applicant who lacks the required work or volunteer supervision hours required in Subsection 200.03 of this rule. (1-1-17)T

**05. Person Self-Identified with Lived Experience.** Each applicant must identify as an individual with lived experience in recovery from mental illness or mental illness with a co-occurring substance use disorder. (1-1-17)T

**201. -- 249. (RESERVED)**

**250. PEER SUPPORT SPECIALISTS -- CODE OF ETHICS AND PROFESSIONAL CONDUCT.**

**01. Peer Support.** Peer Support is a helping relationship between mental health clients and Certified Peer Support Specialists. The primary responsibility of Certified Peer Support Specialists is to help those they serve achieve self-directed recovery. They believe that every individual has strengths and the ability to learn and grow. (1-1-17)T

**02. Certified Peer Support Specialists.** Certified peer support specialists are committed to providing and advocating for effective recovery-based services for the people they serve in order for these individuals to meet their own needs, desires, and goals. (1-1-17)T

**03. Certified Peer Support Specialist Professional Conduct.** A certified peer support specialist must: (1-1-17)T

- a.** Seek to role-model recovery; (1-1-17)T
- b.** Respect the rights and dignity of those they serve; (1-1-17)T
- c.** Respect the privacy and confidentiality of those they serve; (1-1-17)T
- d.** Openly share their personal recovery stories with colleagues and those they serve; (1-1-17)T

- e. Maintain high standards of personal conduct and conduct themselves in a manner that fosters their own recovery; (1-1-17)T
- f. Never intimidate, threaten, or harass those they serve; never use undue influence, physical force, or verbal abuse with those they serve; and never make unwarranted promises of benefits to those they serve; (1-1-17)T
- g. Not practice, condone, facilitate, or collaborate with any form of discrimination on the basis of ethnicity, race, gender, sexual orientation, age, religion, national origin, marital status, political belief, or mental or physical disability; (1-1-17)T
- h. Never engage in sexual/intimate activities with colleagues or those they serve; (1-1-17)T
- i. Not accept gifts of significant value from those they serve; (1-1-17)T
- j. Not enter into dual relationships or commitments that conflict with the interests of those they serve; (1-1-17)T
- k. Not abuse substances under any circumstances while they are employed as a Certified Peer Support Specialist; (1-1-17)T
- l. Work to equalize the power differentials that may occur in the peer support/client relationship; (1-1-17)T
- m. Ensure that all information and documentation provided is true and accurate to the best of their knowledge; (1-1-17)T
- n. Keep current with emerging knowledge relevant to recovery, and openly share this knowledge with their colleagues and those they serve; (1-1-17)T
- o. Remain aware of their skills and limitations, and do not provide services or represent themselves as expert in areas for which they do not have sufficient knowledge or expertise; and (1-1-17)T
- p. Not hold a clinical role nor offer primary treatment for mental health issues, prescribe medicine, act as a legal representative or provide legal advice, participate in the determination of competence, or provide counseling, therapy, social work, drug testing, or diagnosis of symptoms and disorders. (1-1-17)T

**04. Ethics Training.** A certified peer support specialist must complete ethics training at least once per year, and maintain personal documentation of completed ethics training. (1-1-17)T

**05. Comply with Code of Ethics.** A certified peer support specialist must understand and comply with these rules and Idaho's Certified Peer Support Specialists Code of Ethics and Professional Conduct. (1-1-17)T

**251. -- 299. (RESERVED)**

**300. FAMILY SUPPORT PARTNER -- CERTIFICATION QUALIFICATIONS AND REQUIREMENTS.**

Each applicant must be at least eighteen (18) years of age and meet the minimum qualifications and requirements listed below to be certified as a family support partner in Idaho. (1-1-17)T

**01. Educational Requirements.** Each applicant for a family support partner *certification* must have, at a minimum, a high school diploma or GED certificate. (1-1-17)T

**02. Training Requirements.** Each applicant must complete a minimum of forty (40) hours of training *that includes, at a minimum,* the following Family Support Partner competency areas: (1-1-17)T

- a. Overview of mental illness and substance use disorders and their effects on the brain; (1-1-17)T



- b.** Advocacy skills used in multiple systems (children's behavioral health system, education and special education system, child welfare system, and juvenile court system); (1-1-17)T
- c.** Ethics; (1-1-17)T
- d.** The awareness of risk factors in participants' behaviors and the ability to access appropriate services; (1-1-17)T
- e.** The use of interpersonal and professional communication skills; (1-1-17)T
- f.** *Stages of change;* (1-1-17)T
- g.** *Motivation and empowerment;* (1-1-17)T
- h.** Parenting special needs children and family dynamics; (1-1-17)T
- i.** The recovery process; (1-1-17)T
- j.** The effects of trauma and use of a trauma-informed approach; (1-1-17)T
- k.** Wellness and natural supports; (1-1-17)T
- l.** Family-centered planning; (1-1-17)T
- m.** *Boundaries and self-care;* (1-1-17)T
- n.** Cultural sensitivity; (1-1-17)T
- o.** *The children's mental health system;* (1-1-17)T
- p.** *How to tell your story and use your story to help others;* (1-1-17)T
- q.** *The child and family team and how to be a team player;* (1-1-17)T
- r.** *Work place dynamics and process;* (1-1-17)T
- s.** *The Certified Family Support Partner's role and duties on the job;* (1-1-17)T
- t.** *Relationship building;* (1-1-17)T
- u.** Recovery plans; and (1-1-17)T
- v.** Local, state, and national resources. (1-1-17)T

**03. Work or Volunteer Experience Requirements.** Each applicant must obtain supervised experience providing family support services. A six (6) month certification may be granted according to Section 111 of these rules to an applicant who lacks required experience. (1-1-17)T

- a.** An applicant that holds a bachelor's degree in a human services field must document one hundred (100) hours of family support partner experience. (1-1-17)T
- b.** An applicant that does not hold a bachelor's degree in a human support services field must document two hundred (200) hours of family support partner experience. (1-1-17)T
- c.** An applicant must document at a minimum twenty (20) hours of supervised *family support services* work or volunteer experience. (1-1-17)T

**04. Supervision Requirements.** A six (6) month certification may be granted according to Section 111 of these rules to an applicant who lacks the required work or volunteer supervision hours required in Subsection 300.03 of this rule. (1-1-17)T

**05. Person Self-Identified with Lived Experience.** Each applicant must identify as an individual with lived experience as a parent or adult caregiver who is raising a child or has raised a child who lives with a mental illness or mental illness with a co-occurring substance use disorder. (1-1-17)T

**301. -- 349. (RESERVED)**

**350. FAMILY SUPPORT PARTNERS -- CODE OF ETHICS AND PROFESSIONAL CONDUCT.**

**01. Family Support Principles.** These family support principles are intended to serve as a guide for certified family support partners and those who are working toward full certification in their everyday professional conduct that includes various roles, relationships, and levels of responsibilities within their jobs. (1-1-17)T

**02. Certified Family Support Partner Integrity.** In order to maintain high standards of competency and integrity, a certified family support partner must: (1-1-17)T

**a.** Apply the principles of resiliency, wellness and recovery, or both, family-driven approach, youth-guided or youth-driven approach, consumer-driven approach, and peer-to-peer mutual-learning principles in every day interactions with family members; (1-1-17)T

**b.** Promote the family member's ethical decision-making and personal responsibility consistent with that family member's culture, values, and beliefs; (1-1-17)T

**c.** Promote the family members' voices and the articulation of their values in planning and evaluating children's behavioral health related issues; (1-1-17)T

**d.** Teach, mentor, coach, and support family members to articulate goals that reflect each family member's current needs and strengths; (1-1-17)T

**e.** Demonstrate respect for the cultural-based values of the family members engaged in peer support; (1-1-17)T

**f.** Communicate information in ways that are both developmentally and culturally appropriate; (1-1-17)T

**g.** Empower family members to be fully informed in preparing to make decisions and understand the implications of these decisions; (1-1-17)T

**h.** Maintain high standards of professional competence and integrity; (1-1-17)T

**i.** Abstain from discriminating against or refusing services to anyone on the basis of race, ethnicity, gender, gender identity, religion/spirituality, culture, national origin, age, sexual orientation, marital status, language preference, socioeconomic status, or disability; (1-1-17)T

**j.** Only assist family members whose concerns are within *one's* competency as determined by *one's* education, training, experience, and on-going supervision or consultation; (1-1-17)T

**k.** Abstain from establishing or maintaining a relationship for the sole purpose of financial remuneration to *self* or the agency *with which one is* associated; and (1-1-17)T

**l.** Terminate a relationship when it becomes reasonably clear that the peer relationship is no longer the desire of the family member. (1-1-17)T

**03. Certified Family Support Partner Safety.** In order to maintain the safety of all family members

involved with family support services, a certified family support partner must: (1-1-17)T

**a.** Comply with all laws and regulations applicable to the jurisdiction in which the peer support services are provided, including confidentiality; (1-1-17)T

**b.** Maintain confidentiality in personal and professional communication and ensure that family members have authorized *the* use or release of any and all information about themselves or family members for whom they have legal authority, including verbal statements, writings, or re-release of documents; (1-1-17)T

**c.** Respect the privacy of *partner* agencies and not distribute internal or draft documents or share private, internal conversations; (1-1-17)T

**d.** When complying with laws and regulations involving mandatory reporting of harm, abuse, or neglect, make every effort to involve the family members in the planning for services and ensure that no further harm is done to family members as the result of the reporting; (1-1-17)T

**e.** Discuss and explain to family members the rights, roles, expectations, benefits, and limitations of the peer support process; (1-1-17)T

**f.** Avoid ambiguity in the relationship with family members and ensure clarity of *the certified family support partner's* role at all times; (1-1-17)T

**g.** Maintain a positive relationship with family members, refraining from premature or unannounced ceasing of the relationship until a reasonable alternative arrangement is made for continuation of similar peer support services; (1-1-17)T

**h.** Abstain from engaging in intimate, emotional, or physical relationships with family members engaged in a peer support relationship; (1-1-17)T

**i.** Neither offer nor accept gifts, other than token gifts, related to the professional service of peer support, including personal barter services, payment for referrals, or other remunerations; and (1-1-17)T

**j.** Abstain from engaging in personal financial transactions with family members engaged in a peer support relationship. (1-1-17)T

**04. Certified Family Support Partner Professional Responsibility.** Through educational activities, supervision and personal commitment, a certified family support partner must: (1-1-17)T

**a.** Stay informed and up-to-date with regard to the research, policy, and developments in the field of parent/peer support and children's emotional, developmental, behavioral (including substance use), or mental health which relates to *one's* own practice area and children's general health and wellbeing; (1-1-17)T

**b.** Engage in helping relationships that include skills-building, not exceeding *one's* scope of practice, experience, training, education, or competence; (1-1-17)T

**c.** Perform or hold *oneself* out as competent to perform only peer services not beyond *one's* education, training, experience, or competence; (1-1-17)T

**d.** Seek appropriate professional supervision/consultation or assistance for *one's* personal problems or conflicts that may impair or affect work/volunteer performance or judgment; (1-1-17)T

**e.** File a complaint with the certification body for Family Support Partners when *one has* reason to believe that another family support partner is, or has been, engaged in conduct that violates the law or these rules. Making a complaint to the certification body for Family Support Partners is an additional requirement, not a substitute for, or alternative to, any duty of filing reports required by statute or regulation; (1-1-17)T

**f.** Refrain from distorting, misusing, or misrepresenting *one's* experience, knowledge, skills, or

research findings; (1-1-17)T

**g.** Refrain from financially or professionally exploiting a colleague or representing a colleague's work, associated with the provision of peer support or the profession of peer support, as *one's* own; (1-1-17)T

**h.** In the role of a supervisor/consultant, be responsible for maintaining the quality of *one's* own supervisory/consultation skills and obtaining supervision/consultation for work as a supervisor/consultant; (1-1-17)T

**i.** In the role of a researcher, be aware of and comply with federal and state laws and regulations, agency regulations, and professional standards governing the conduct of research, including ensuring the participants' complete informed consent for participating or declining to participate in a study; and (1-1-17)T

**j.** In the role as a volunteer, member, or employee of an organization, give credit to persons for published or unpublished original ideas, take reasonable precautions to ensure that *one's* employer or affiliate organization promotes and advertises materials accurately and factually. (1-1-17)T

**05. Ethics Training.** A certified family support partner must complete ethics training at least once per year, and maintain personal documentation of completed ethics training. (1-1-17)T

**06. Comply with Code of Ethics.** A certified family support partner must understand and comply with these rules and Idaho's Certified Family Support Partners Code of Ethics. (1-1-17)T

**351. -- 399. (RESERVED)**

**400. SUPERVISOR FOR PEER SUPPORT SPECIALIST OR FAMILY SUPPORT PARTNER -- QUALIFICATIONS AND REQUIREMENTS.**

An individual must meet the following requirements to provide supervision to a peer support specialist or family support partner. (1-1-17)T

**01. Bachelor's Degree or Higher.** In order to supervise a peer support specialist or family support partner, an individual must hold a bachelor's degree or higher in a human services field. (1-1-17)T

**02. Supervisory Position.** An individual must be in a supervisory position and work in that capacity within the agency. (1-1-17)T

**401. -- 499. (RESERVED)**

**500. COMPLAINTS.**

A complaint is an informal process to address the concerns of an individual. Any individual may file a written complaint or concern with the Department regarding a *certified* peer *support* specialist, *certified* family support partner, or a behavioral health program. (1-1-17)T

**01. Complaint Content.** A complaint must include: (1-1-17)T

**a.** The full name, mailing address, phone number, and email contact for the person reporting the complaint; (1-1-17)T

**b.** A description of the nature of the complaint, including the desired outcome. (1-1-17)T

**02. Department Response to Complaint.** The Department will respond to the complaint within thirty (30) days of receipt of the complaint. This process may include gathering additional information from involved parties, including the complainant. (1-1-17)T

**501. -- 509. (RESERVED)**

**510. GRIEVANCES.**

A grievance is a type of complaint about the certification decision that has been made following application to the

Department. When an applicant is denied certification, questions the results of the application review process, or is subject to an action that he deems unjustified, the applicant may submit a written grievance to the Department.

(1-1-17)T

**01. Grievance Content.** The grievance must include: (1-1-17)T

**a.** The full name, mailing address, phone number, and email contact for the person reporting the grievance; and (1-1-17)T

**b.** A detailed explanation of the decision that is being contested, from the perspective of the complainant, including any steps already taken to resolve the issue. (1-1-17)T

**02. Department Response to Grievance.** The Department will respond within sixty (60) days of receipt of the grievance. This process may include gathering additional information from involved parties. (1-1-17)T

**511. -- 519. (RESERVED)**

**520. DENIAL, REVOCATION, OR SUSPENSION OF CERTIFICATION.**

The Department may deny, suspend, or revoke an individual's application, certification, or recertification as a peer support specialist or family support partner for noncompliance with these rules. (1-1-17)T

**521. -- 524. (RESERVED)**

**525. IMMEDIATE DENIAL, REVOCATION, OR SUSPENSION.**

The Department may deny, revoke, or suspend a certification or recertification, without prior notice, when conditions exist that endanger the health and safety of any participant. (1-1-17)T

**526. -- 529. (RESERVED)**

**530. REASONS FOR DENIAL, REVOCATION, OR SUSPENSION.**

An individual may have a certification denied, revoked, or suspended for any one (1) of the reasons listed below. (1-1-17)T

**01. Failure to Comply.** Failure to comply with these rules and the code of ethics described in Sections 250 and 350 of these rules. (1-1-17)T

**02. Failure to Provide Information.** Failure to provide information requested by the Department. (1-1-17)T

**03. Failure to Perform.** Inadequate knowledge or performance that is demonstrated by repeated substandard peer or quality assurance reviews. (1-1-17)T

**04. Misrepresentation of Information Provided.** Misrepresentation by the applicant in an application, or in documents required by the Department for certification. (1-1-17)T

**05. Conflict of Interest.** Conflict of interest in which a certified individual exploits his position as a Certified Peer Support Specialist or a Certified Family Support Partner for personal benefit. (1-1-17)T

**06. Negligent Performance or Fraud.** A criminal, civil, or administrative determination that a certified individual has committed fraud or gross negligence in his capacity as a Certified Peer Support Specialist or Certified Family Support Partner. (1-1-17)T

**07. Failure to Correct.** Failure to correct within thirty (30) days of written notice, any unacceptable conduct, practice, or condition as determined by the Department. (1-1-17)T

**531. -- 534. (RESERVED)**

**535. APPEAL OF DEPARTMENT DECISION.**

An applicant or certificate holder may appeal a Department decision to deny, suspend, or revoke a certification according to IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (1-1-17)T

**536. -- 539. (RESERVED)**

**540. REAPPLICATION FOR CERTIFICATION.**

Following a denial, suspension, or revocation of certification or recertification, the same applicant may not reapply for certification for a period of six (6) months after the effective date of the action. (1-1-17)T

**541. -- 999. (RESERVED)**

## **IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE**

### **16.07.37 – CHILDREN'S MENTAL HEALTH SERVICES**

**DOCKET NO. 16-0737-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2017, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 16-2404, 16-2406, 16-2423, 16-2433, 56-202(b), 56-203B, 56-204A, 56-1003, 56-1004, 56-1004A.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The Department is adopting a new assessment tool in compliance with the Jeff D lawsuit. Language in the eligibility section of this chapter is being revised to allow for implementation of this new tool.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin.

The amendments to the pending rule clarify the requirement that a parent or guardian must sign the treatment plan, and if not, the reason must be documented. Also, regarding voluntary placement, the reference to notification of the court by the Department in the case of the revocation of a placement agreement was removed since the courts are not involved in voluntary placements. The complete text of the proposed rule was published in the October 5, 2016, Idaho Administrative Bulletin, [Vol. 16-10, pages 492 through 512](#).

**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:

This rulemaking has no fiscal impact to the state general fund or any other funds. This rulemaking is intended to be cost-neutral.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Stephanie Hoffman at (208) 334-6559.

DATED this 17th day of November, 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](mailto:dhwrules@dhw.idaho.gov)

DOCKET NO. 16-0737-1601 - 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Vol. 16-10, October 5, 2016, pages 492 through 512.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE  
FOR DOCKET NO. 16-0737-1601

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

**415. TREATMENT PLAN.**

A treatment plan will be developed by the Department, a parent or guardian, and the child, if appropriate, and may include the service provider or service providers. This plan will be specific, measurable, and realistic in the identification of the goal(s), relevant areas of concern, and desired results, and will be developed in accordance with the requirements under Section 101 of these rules. (5-8-09)(\_\_\_\_)

**[Subsection 115.01]**

**01. Development of Treatment Plan.** A treatment plan will be completed within fifteen (15) days of the date the child was determined eligible for children's mental health services. The parent or guardian must be given the opportunity to participate in the development of the treatment plan and sign it. The parent or guardian must sign the treatment plan indicating their agreement with service needs identified and their participation in its development. If these signatures, indicating participation in the development of the treatment plan are not obtained, the reason the signatures were not obtained must be documented in the record, including the reason for the parent's or guardian's refusal to sign. If the services are court-ordered and the parent or guardian refuses to sign the plan, the refusal must also be documented on the plan. If the services are voluntary and the parent or guardian refuses to sign the plan, the Department may close the case. (\_\_\_\_)

**5200. AUTHORITY FOR ALTERNATE CARE PLACEMENT.**

The Department may place a child into alternate care under either of the following conditions in Subsection 5200.01 or 5200.02 of this rule: (5-8-09)(\_\_\_\_)

**[Subsection 200.02]**

**02. Voluntary Placement.** The Department may place a child into alternate care with the Department when a parent or guardian is no longer able to maintain a child eligible for services under Section 4107 of these rules in the child's home and the Department determines that the child would benefit from alternate care and treatment services. A treatment plan, alternate care plan, and a voluntary placement agreement must be developed by the Department and the parent or guardian prior to the child's placement in alternate care. The treatment plan will identify areas of concern, goals, desired results outcomes, time frames, tasks and task responsibilities. The placement



agreement entered into between the Department and a parent or guardian may be revoked with a twenty-four (24) hour notice by the child's parent or guardian. ~~(5-8-09)~~ ( )

## 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 RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective upon the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the final rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 58-104(6), 58-105, 67-5201, et seq, Idaho Code. The Pending Rule was approved by the State Board of Land Commissioners at the November 15, 2016 meeting.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Recent policy changes from the Land Board have resulted in the department no longer presenting individual sales to the Land Board for approval unless they fall outside established land board policies. This has resulted in some of the rules becoming obsolete. Additionally, the rulemaking addresses current policy and rules that govern the sale of cedar poles.

Because of opposition to the proposed changes to Section 024 regarding the sale of cedar poles, the Proposed language is being removed from the Pending rule. Only the amending language that was added to Section 024 in the Proposed rule is being removed in the Pending rule. The deletion of the codified text in Section 024 in the Proposed rule remains as proposed and Section 024 is being deleted in its entirety. Because of this, Section 025 regarding pole specifications is also being deleted. Additionally, a new definition proposed in Section 010 that aligned to the proposed language in Section 024 is also being removed from this pending rule.

The complete text of the proposed rule was published in the August 3, 2016 Idaho Administrative Bulletin, [Vol. 16-8, pages 113-117](#).

**FISCAL IMPACT:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

These rules apply to the sale of forest products on State-Owned Endowment Lands, there will be no direct costs to the General Fund or dedicated funds that may be linked to addressing the rules. The purpose for addressing the some of the rules is to improve the efficiency, cost effectiveness and lessen the potential environmental impacts of the current timber sale program resulting in greater returns to the Endowments.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Archie Gray, CF, Sale Administration and Scaling Program Manager, Idaho Department of Lands, (208) 666-8618. Material pertaining to the rulemaking process may be found on the IDL web site at the following address: <http://www.idl.idaho.gov/rulemaking/index.html>.

DATED this 21st of November 2016.

Archie Gray, CF  
Sale Administration and Scaling Program Manager  
Idaho Department of Lands  
3284 W. Industrial Loop  
Coeur d' Alene, ID 83815  
(208) 666-8618

DOCKET NO. 20-0214-1601 - 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Volume 16-8, August 3, 2016, pages 113 through 117.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE  
FOR DOCKET NO. 20-0214-1601

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

*[Section 010 is being printed in its entirety.]*

010. DEFINITIONS.

01. **Board.** The Idaho State Board of Land Commissioners. (5-8-09)
02. **Cable Yarding.** Transportation of forest products from stump to road by means of a suspended, powered cable system. (5-8-09)
- ~~03. **Cedar.** Western Red Cedar (*Thuja plicata*). (5-8-09)~~
- ~~04. **Cedar Pole.** A segment or portion of a western red cedar tree that can be manufactured into a utility pole meeting current ANSI Specifications. (5-8-09)~~
053. **Contract.** Timber sale contract in a form prescribed by the Department. (5-8-09)
064. **Department.** The Idaho Department of Lands. (5-8-09)
075. **Development Credits.** A stumpage credit received by the purchaser for the construction or reconstruction of roads, bridges, or other permanent improvements. (5-8-09)
086. **Director.** The director of the Idaho Department of Lands or his authorized representative. (5-8-09)
097. **Extreme Circumstances.** Catastrophic circumstances including, but not limited to, fire, downed timber due to a wind event, flood, earthquake, destruction of a purchaser's milling facilities or equipment by fire, or milling operation shut down due to a court order related to compliance with state or federal environmental laws. (5-8-09)
108. **Forest Products.** Marketable forest materials. (5-8-09)
109. **Ground-Based Yarding.** Transportation of forest products from stump to road using tractors, forwarders, or rubber-tired skidders. (5-8-09)

- ~~12.~~ ~~*Length. The length of a pole in five (5) foot increments.*~~ ~~(5-8-09)~~
- ~~130.~~ **Measurement.** Weight, length, board foot volume, cubic volume, or any other means or procedure for determining quantity of forest products. (5-8-09)
- ~~141.~~ **Net Appraised Value.** The minimum estimated sale value of the forest products after deducting the development credit. (5-8-09)
- ~~152.~~ **Net Sale Value.** The final sale bid value of the forest products after deducting the development credit. (5-8-09)
- ~~163.~~ **Pulp.** Any portion of a tree that does not meet the sawlog merchantability specifications of thirty-three and one-third percent (33 1/3%) net scale. (5-8-09)
- ~~174.~~ **Purchaser.** A successful bidder for forest products from a state sale who has executed a timber sale contract. (5-8-09)
- ~~185.~~ **Roads.** Forest access roads used for the transportation of forest products. (5-8-09)
- ~~196.~~ **Scaling.** Quantitative measurement of logs or other forest products by a log rule. (5-8-09)
- ~~2017.~~ **Scribner Decimal "C" Board Foot Measure.** The measurement of forest products in accordance with the log rule described in Title 38, Chapter 12, Idaho Code, and the rules promulgated thereunder. (5-8-09)
- ~~218.~~ **State.** The State of Idaho. (5-8-09)

*[Section 011 was not included in the Proposed rule and is being reprinted here with changes.]*

**011. ABBREVIATIONS.**

- ~~01.~~ ~~*ANSI. American National Standards Institute.*~~ ~~(5-8-09)~~
- ~~021.~~ **IDAPA.** Idaho Administrative Procedures Act. (5-8-09)
- ~~032.~~ **MBF.** Thousand Board Feet. (5-8-09)

*[Sections 024 and 025 are being deleted in their entirety.]*

~~**024. Sale of Cedar Poles.**~~

- ~~01.~~ ~~*Requirements for Cedar Poles. If a proposed sale area contains at least one hundred fifty (150) cedar poles in a density of at least five (5) poles per acre on ground based yarding areas and at least ten (10) poles per acre on cable yarding areas, the pole quality cedar shall be reserved and sold separately as a pole sale or as a separate product sort in a delivered products sale. Pole quality cedar in areas with a lower density of poles may be offered as poles.*~~ ~~(3-4-11)~~
- ~~02.~~ ~~*Maximum Amount of Sawlogs. Sawlogs and other forest products shall not exceed fifty percent (50%) of the total sale volume, excluding materials generated through the construction of roads and development sites.*~~ ~~(5-8-09)~~
- ~~03.~~ ~~*Poles within Sawlog Sale. If any area within a proposed timber sale contains two hundred fifty (250) cedar poles or more in a density of at least ten (10) poles per acre, the poles shall be reserved for a pole quality cedar sale or sold as a separate product sort in a delivered products sale.*~~ ~~(3-4-11)~~

~~04. **Length Appraisal.** Cedar poles shall be appraised by length and bid on a lineal foot basis. The conversion table set out below shall be used to establish the corresponding board foot volume. (5-8-09)~~

~~05. **Length to Volume Conversion Table for Western Red Cedar Poles:**~~

<i>Pole Length</i>	<i>Board Feet Each*</i>		<i>Pole Length</i>	<i>Board Feet Each*</i>
30'	50		80'	595
35'	70		85'	736
40'	101		90'	792
45'	161		95'	892
50'	239		100'	929
55'	261		105'	1113
60'	304		110'	1132
65'	418		115'	1420
70'	462		120'	1475
75'	512			

*\* Based on Scribner Decimal "C" board-foot measure*

~~(5-8-09)~~

~~06. **Bidding Limited to Cedar.** When cedar represents eighty percent (80%) or more of the total appraised value, bidding shall be limited to cedar poles and cedar sawlogs only. (5-8-09)~~

~~07. **Purchaser's Option.** The purchaser may opt to remove cedar as poles, sawlogs, and products or as sawlogs and products. Such choice shall be made at the completion of the auction. If the purchaser opts to manufacture the cedar as poles, the poles and sawlog material shall be removed at bid prices (lineal foot basis for poles and MBF basis for sawlogs). Pole-quality cedar trees containing thirty (30) foot cedar poles may be harvested as poles or sawlogs at the purchaser's discretion unless such trees are designated reserve. If the purchaser elects to manufacture cedar poles as sawlogs, the bid values of cedar poles and cedar sawlog material shall be weighted by volume to determine the selling value for all cedar sawlogs. (5-8-09)~~

~~025. **Pole Specifications.**~~

~~Poles will conform to current ANSI Specifications and Dimensions for Wood Poles unless agreed otherwise by contract. (5-8-09)~~

**031. TIMBER SALE AUCTIONS.**

*[Subsection 031.01 (Proposed text has been withdrawn)]*

01. **Requirements.** Timber, ~~Salvage~~, and Delivered Products sales shall be sold at public auction. ~~(3-4-11)~~ ( )

## IDAPA 20 – IDAHO DEPARTMENT OF LANDS

### 20.03.16 – RULES GOVERNING OIL AND GAS LEASING ON IDAHO STATE LANDS

#### DOCKET NO. 20-0316-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Title 47, Chapter 8, Section 47-802, Idaho Code.

#### DESCRIPTIVE SUMMARY:

- Section 050.04 of IDAPA 20.03.16 identifies a setback of 200 feet from a residence for oil and gas wells, whereas, IDAPA 20.07.02 – Rules Governing the Conservation of Oil and Natural Gas in the State of Idaho identifies a 300 foot setback. To resolve the inconsistency, Section 050.04.04 has been eliminated from IDAPA 20.03.16 in the Pending Rule and the Department will use IDAPA 20.07.02 to establish a minimum setback for residences and then implement more stringent setback distances through lease stipulations, when appropriate, on a lease by lease basis.
- Section 050.08 contains a typographical error. The Department has changed the word “regarding” in the Proposed rule with “regrading” in the Pending rule.
- The Attorney General’s office determined that IDAPA 20.03.16.103 – Public Records is in conflict with the Public Records Law and recommended that this section of the rule be deleted in its entirety. It is being removed in this Pending rule.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, page 521](#).

**FEE SUMMARY:** The following fee increases reflect cost recovery levels for administrative efforts on behalf of the Department of Lands and are in line with other oil and gas producing states in the western United States. The existing fees are at 1988 dollar levels. Title 58, Chapter 1, Section 58-127, Idaho Code, and Title 47, Chapter 8, Sections 47-801, 47-802, 47-805, and 47-807, Idaho Code, authorize the Department to issue oil and gas leases and establish fees.

The existing application/nomination fee for lease tracts is \$25. The Department is proposing raising the application/nomination fee to \$250 per lease tract, which is the current application fee for all other leasing applications on state endowment trust lands (as approved by the Land Board). If approved this would result in a positive impact on Dedicated Fund (Earnings Reserve) revenues. The number of lease tracts nominated per year has been highly variable during the last 10 years, the average being approximately 20-40 lease tracts per year, with one year including more than 200.

The existing rental rate per acre for oil and gas leases is \$1.00 per acre annually. The Department is proposing raising the rental rate to \$3.00 per acre annually, consistent with other western oil and gas producing states. The Department is also proposing a minimum annual rental of \$250.00 to avoid the issuance of leases with unavoidably small acreages that would otherwise yield a rental rate that would cost more to administer than the revenue returned. This increase in rent would result in a positive impact on Dedicated Fund (Earnings Reserve) revenues. The Department currently leases approximately 70,000 acres for oil and gas. The increase in revenue would slowly be realized as oil and gas leases carrying the \$1.00 per acre rental rate expire over the next 10 years, subjecting the leases to the new rental rate (if approved).

The existing administrative fee for assignments is \$1.00 per document. The Department is proposing raising the assignment fee to \$100.00 in order to achieve cost recovery for processing. This increase in revenue would result in a positive impact on Dedicated Fund (Earnings Reserve) revenues. Request for lease assignments historically have been highly variable, with only seven lease assignments in the last three years.

The existing rule language for shut-in oil and gas wells (wells suspended from production at the request of the operator and subject to approval by the Director) does not identify a rental rate associated with the shut-in period. The Department is proposing a doubling of the existing annual rental rate in the lease for the shut-in fee which is consistent with other western oil and gas producing states and would provide revenue to the endowed beneficiary that would otherwise be generated through royalty payments. This increase in revenue would result in a positive impact on Dedicated Fund (Earnings Reserve) revenues.

**FISCAL IMPACT:** This Proposed rule will have no impact, negative or positive, on the General Fund because the oil and gas leasing program impacts only Dedicated (Earnings Reserve) Funds. The proposed fee increases (described above in the Fee Summary) will result in incremental increases in Dedicated Fund revenues, with the actual increases dependent on future oil and gas activities initiated by the industry.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Mike Murphy (208) 334-0200 ext. 0290.

DATED this 18th of November 2016

Mike Murphy, Bureau Chief - Endowment Leasing  
Idaho Department of Lands  
300 N. 6th Street, Suite 103  
P.O. Box 83720  
Boise, ID 83720-0050  
Phone: (208) 334-0290 /Fax: (208) 334-5342

**DOCKET NO. 20-0316-1601 - 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.**

**The text of the proposed rule was published in the Idaho Administrative Bulletin,**  
**Volume 16-10, October 5, 2016, pages 521.**

**This rule has been adopted as a pending rule by the Agency and is now awaiting**  
**review and final approval by the 2017 Idaho State Legislature.**

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR**  
**DOCKET NO. 20-0316-1601**

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

*[Section 050 is being printed in its entirety, with changes, as it was not included in the Proposed rule]*

**050. LAND USE, SURFACE RIGHTS AND OBLIGATIONS.**

**01. Use and Occupancy.** Notwithstanding other leases for other uses of state lands, the lessee shall be entitled to use and occupy so much of the surface of the leased lands as may be required for all purposes reasonably incident to exploration, drilling and production and marketing of oil and gas produced from the leased land, including the right to construct and maintain all works, buildings, plants, waterways, roads, communication lines, pipelines, reservoirs, tanks pumping stations or other structures necessary to full enjoyment and development; provided that lessee's operation shall not unreasonably interfere with or endanger operations under any lease, license, claim, permit or other authorized, lawful use. (10-11-88)

**02. Prevention of Injury or Damage.** The lessee, its assignees, agents, and/or contractors shall take all reasonable precautions to prevent injury or damage to persons, real and personal property and to prevent waste or damage to the oil, gas and other surface and subsurface natural resources and the surrounding environment, including but not limited to, vegetation, livestock, fish and wildlife and their natural habitat, streams, rivers, lakes, timber, forest and agricultural resources. The Lessee, his assignees, agents and/or contractors shall compensate the Board, his surface lessees, grantees or contract purchasers for any damage resulting by reason of their operations or any damage resulting from their failure to take all reasonable precautions to prevent injury or damage to persons, real and personal property and to prevent waste or damage to the oil, gas and other surface and subsurface natural resources and surrounding environment as set forth above. The lessee, its assignees, agents and/or contractors shall comply with all environmental laws, rules and regulations as they pertain to its operation. (10-11-88)

**03. Blowout or Spill.** The lessee shall report to the director any blowout, fire, uncontrolled venting, or oil spill on the leased land within twenty-four (24) hours and shall confirm this report in writing within ten (10) days. (10-11-88)

~~**04. Distance From Residence.** No well shall be drilled within two hundred (200) feet of any occupied residence or barn without the written consent of the owner of such building. (10-11-88)~~

**054. Fences.** The lessee shall not at any time fence any watering place upon leased lands where it is the only accessible and feasible watering place upon the lands within a radius of one (1) mile, without first having secured the written consent of the director. (10-11-88)

**065. Timber Removal.** The lessee shall not unreasonably interfere with the removal of timber purchased prior or subsequent to the issuance of an oil and gas lease. The lessee may remove any timber required for ingress or egress or necessary for operations. The lessee shall pay for any timber cut or removed on a current stumpage price basis as determined by the director, and proceeds therefrom shall accrue to the state agency that has custody and control over the leased lands. (10-11-88)

**076. Potable Water Discovery.** If the lessee finds only potable water in any well drilled for exploration or production of oil and gas, and the water is of such quality and quantity as to be valuable and usable for agricultural, domestic, or other purposes, the Board may acquire the well with whatever casing is installed in the well at the fair market value of the casing upon the assumption by its surface lessee, grantee, or contract purchaser of all future liabilities and responsibilities for the well, with the approval of the commission and in compliance with Section 058; provided that the surface lessee, grantee, or contract purchaser shall also comply with applicable laws and rules of the Department of Water Resources. (10-11-88)

**087. Reclamation.** The lessee shall reclaim all state lands disturbed by its exploration and operations at least consistent with previous use by the surface owner, including segregating and protecting topsoil and regrading to approximate previous contour. If substantial removal of topsoil has occurred as determined by the director, the lessee shall replace the topsoil and revegetate to the extent necessary to minimize erosion. (10-11-88) ( )

**098. Entry by Director.** The director shall be permitted at all reasonable times to go in and upon the leased lands and premises to inspect the operations and the products obtained and to post any lawful notice. The



director may at any time require that reasonable tests, surveys, samples, etc., be taken in accord with his instruction, without cost to the state of Idaho, to assure compliance with these rules. The director may at any reasonable time inspect and copy at his own expense all of lessee's books and records pertaining to a lease under these rules. Upon failure of lessee to take timely, corrective measures ordered by the director or the Board or the commission, the director may shut down lessee's operations if he determines they are unsafe or are causing or can cause waste or pollution, to oil, gas or other resources; or the director may terminate the lease in accord with these rules, and may cause damage or unsafe conditions to be repaired or corrected at the expense of the lessee and forfeiture of bond under these rules. (10-11-88)

**409. Other Uses.** Subject to Subsection 050.01, the director may issue leases for other uses of state lands leased under these rules. All lessees shall have the right of reasonable ingress and egress at all times during the term of the lease. (10-11-88)

**140. Disposal of Leased Lands.** The Board reserves the right to sell or otherwise dispose of the surface of the leased lands; provided that any sale of surface rights made subsequent to execution of the lease shall be subject to all terms and provisions of the oil and gas lease during its life including extensions and continuations under Rule 040. (10-11-88)

***[Section 103 is being deleted (This Section was not part of the Proposed rule)]***

**~~103. PUBLIC RECORDS:~~**

~~Applications are not public records until the day after the next regularly scheduled auction. Leases, assignments and relinquishments, after approval by the Board or the director as required by these rules, are public records available for public inspection during regular business hours. (10-11-88)~~

**103. (RESERVED)**

## IDAPA 20 – IDAHO DEPARTMENT OF LANDS

### 20.07.02 – RULES GOVERNING CONSERVATION OF OIL AND NATURAL GAS IN THE STATE OF IDAHO

DOCKET NO. 20-0702-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 47-317(8), Idaho Code, 47-319(8), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

A detailed descriptive summary of the proposed rule was published in the October 5, 2016 Administrative Bulletin, [Volume 16-10, pages 536-584](#). Consistent terminology is added and Incorporations by Reference are updated. Seismic exploration is better defined and requirements are clarified. Requirements for spacing units are modified to better explain how exceptional wells and spacing unit changes are handled. Drill pad construction prior to permit approval is conditionally authorized. A setback of wells from occupied structures is added. Tank battery and processing facility standards are modified to add flexibility. Reporting requirements for active wells are increased to provide information critical to Commission authorities. Well logging and reporting requirements are modified to improve information gathering and retention. Production reporting requirements are modified to get the information to the Department sooner and reduce the need for corrected reports. Meter calibration is modified to increase transparency. The following items are modified to conform to current statutes:

- Role of Commission and Department.
- Appeals process.
- Permit requirements and processing.
- Processes for integration, unitization, and other applications that require hearings.

A few changes were made to the proposed rule in response to comments received. These changes include:

- Public Records Act compliance. A change to Section 006 was made to add a missing word. A change was made in Section 100 to clarify records exempt from disclosure.
- Permit processing, amendment, and denial. Changes to Sections 010, 040, 100, 120, 140, 200, 310, 314 clarify these processes and align better with statutory authority.
- Processes for exceptional well locations and spacing unit changes. These changes to Section 120 include removing redundant language and clarifying who should be noticed outside of proposed unit boundaries. Notification of proposed spacing unit changes will be sent to lessees, uncommitted owners, and applicant's lessors within 660 feet of the proposed unit boundary. This will more effectively target the potentially affected persons adjacent to the proposed unit.
- Requirements for well logging and reporting. Changes in Section 341 eliminate excessive reporting and clarify other requirements.
- Meter calibration frequency. Section 410 was changed to increase meter calibration to quarterly for more accuracy in reporting and to conform with standard practices.
- Daily production potential testing. A change to Section 500 decreased testing to twice per year to conform with standard industry practices.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 536-584](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Eric Wilson at (208) 334-0261. Materials pertaining to the rulemaking can be found on the Idaho Department of Lands web site at the following web address: <http://www.idl.idaho.gov/rulemaking/index.html>.

DATED this 23rd day of November, 2016.

Eric Wilson  
Resource Protection and Assistance Bureau Chief  
P.O. Box 83720  
Boise, Idaho 83720  
(208) 334-0261

**DOCKET NO. 20-0702-1601 - 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
**Volume 16-10, October 5, 2016, pages 536 through 584.**

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR  
DOCKET NO. 20-0702-1601**

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

***[Section 006]***

**006. PUBLIC RECORDS ACT COMPLIANCE.**

All records relating to this chapter are public records except to the extent such records are by law exempt from disclosure. Information obtained by the Department under these rules is subject to public disclosure pursuant to the provisions of Title 74, Chapter 1, Idaho Code. ~~Upon request in any application or material submitted to the Department, confidentiality protection shall be provided for information by law exempt from disclosure, and only those parts of an application or other materials that are by law exempt from disclosure can be held as confidential~~ All claims of exemption from disclosure must include a specific citation under which the Department should withhold the information from a public records request, and how the information meets the standards for being withheld from disclosure. When a portion of a record or a portion of a page in that record is subject to disclosure and the other portion is subject to a claim that it is a trade secret exempt from disclosure under Title 74, Chapter 1, Idaho Code, the person making the claim must clearly identify the two portions at the time of submittal. (4-11-15)( )

010. DEFINITIONS.

*[Subsection 010.24]*

24. Exceptional Well Location. An oil or gas well that does not meet the well location requirements in Section 120.01 of these rules or any spacing order. ( )

*[Section 040]*

040. ~~PUBLIC COMMENT~~ PERMIT PROCESSING.

Applications submitted under *Sections 100, 200, 210, 230 and 330 of these rules Idaho Code § 47-320(1)(a)* will be posted on the Department's website for a fifteen day (15) written comment period. The Department will also send an electronic copy of the application to the respective county, and city if applicable, where the proposed operation is located. The purpose of the comment period is to receive written comments on whether a proposed application complies with these rules. These comments will be considered by the Department prior to permit approval or denial. Relevant comments will be posted on the Department's website following the comment period. processed as follows: (4-11-15) ( )

*[Subsection 040.02 and 040.03]*

02. Resubmittal. The applicant may amend applications that are denied due to incompleteness. The applicant may submit an amended application without an additional fee within fifteen (15) business days of the applicant receiving notice of a denied application. New fees may be required if the Department receives the amended application past that fifteen (15) day deadline and the operator does not request an extension for good cause; ( )

03. Appeals. The applicant may appeal the Department's decision to the Commission pursuant to Idaho Code § 47-324(d), (e), and (f). ( )

*[Section 100]*

100. ~~GEOPHYSICAL OPERATIONS~~ SEISMIC OPERATIONS.

01. Permit Required. Before beginning seismic operations *in the state of Idaho, a representative of the client company and the seismic contractor shall meet with the staff of the Department, file an application for a permit to conduct seismic operations, and pay an application fee for oil and gas a person must obtain a permit from the Department.* No seismic operation shall be conducted without such a permit. *The Department has discretion to waive the requirement of the pre-permit meeting for the client company. The permit for seismic operations may be revoked or suspended or the application for the permit denied by the Department for failure to comply with the Commission's rules, statutes, and orders.* The Department may revoke, suspend, or deny *the application for* a seismic permit without a hearing; provided that the seismic contractor shall be given an opportunity for a hearing at the next regularly scheduled Commission meeting. *The fact that a permit is revoked or suspended does not excuse the seismic contractor or client company from properly plugging existing seismic holes but does prohibit the person(s) from drilling any more.* The application for a permit for seismic operations permit will be processed under Section 040 of these rules and must include all of the following: (3-29-12) ( )

**078. Reports and Notices Required.**

(10-21-92)

**[Subsections 100.08.a.]**

a. Activity Report. Upon completion of the seismic ~~activity operations~~ or at thirty (30) day intervals after the work has commenced, whichever occurs first, the seismic contractor shall file with the Department a ~~report of the completion or progress of the seismic project report~~. The final completion report shall be in affidavit form ~~and shall~~ include a ~~map, and must be submitted to the Department within thirty (30) days of completing the seismic operations. The map in the completion report must be on a~~ seven and one-half (7.5) - or fifteen (15) minute United States Geological Survey topographic quadrangle map (at a scale of one (1) inch equals two thousand (2,000) feet ~~for the seven and one-half (7.5) minute map~~ or one (1) inch equals ~~four thousand (4,000) feet that shows approximately one (1) mile for the fifteen (15) minute map, and each showing~~ section, township, and range) and the location of each survey so that the shot holes and other potential impacts can be easily located. ~~Maps must be dated and labeled with the permit number and the names of the contractor and client companies.~~ The final completion report shall also include a statement that all work ~~has been performed in compliance has complied~~ with the ~~application for a seismic permit to perform seismic activity, and~~ Section 100 of these rules, ~~and permit provisions. Said The~~ maps, ~~applications,~~ and reports shall be kept confidential by the Department for a period of one (1) year from the date of receipt, subject to the needs of the Department to use them to enforce these regulations, the Act, and the orders of the Commission or the Department. Also, the ~~owner of the Department may advise the surface of the land may be advised~~ owner of the location of seismic lines, ~~source points, receiver locations,~~ or ~~seismic shot~~ holes on his land and of the exploration method used. (4-11-15)( )

**120. WELL SPACING.**

**[Subsection 120.04]**

04. ~~Exceptions al Well to Locations of Wells and Well Spacing Orders. Upon proper application therefore, the Department may approve, as an administrative matter, an exception to Subsections 120.01 and 120.02 or any order of the Commission establishing well spacing for a pool. An operator may apply for an exceptional well location, and the application will be processed as described in Idaho Code § 47-324(c).~~ The application for an exceptional ~~al well location~~ shall ~~state fully the reasons why such an exception is necessary or desirable, include the consent of the owners of all drilling units directly or diagonally offsetting the drilling unit for which an exception is requested, and shall be accompanied by a plat showing~~ include the following: (4-11-15)( )

**[Subsection 120.04.c.]**

c. ~~Affidavit that the applicant has notified applicant's lessors and uncommitted owners in the proposed unit, and lessees, uncommitted owners, and applicant's lessors in offset units. This notice must include a copy of the application and instructions for responding to the application.~~ ( )

**[Subsection 120.05]**

05. ~~Applicant Notification of Exceptional Well Location. After the applicant files their application and the Department determines a hearing date, the applicant will send any notice of hearing and response deadline as follows:~~ ( )

057. ~~Spacing Unit Changes. The Commission will review applications to change the size or shape of spacing units. An operator may apply for changes to the size or shape of spacing units established by Subsections 120.01 or 120.02 of these rules or an order by the Commission. Changes to spacing units may be authorized if the change would assist in preventing waste of oil or gas, avoid the drilling of unnecessary wells, or protect correlative rights. Spacing units will be rectangular in shape and described using geographic boundaries in the United States~~

Public Land Surveys. The size and shape of the units may be adjusted as reasonably required due to geologic or other circumstances affecting the orderly development of a pool. (4-11-15)( )

**[Subsection 120.07.b. and Subsection 120.07.c.i.]**

b. An application to change the size or shape of a spacing unit must include an affidavit that the applicant has notified applicant's lessors and uncommitted owners in the proposed unit, and lessees, uncommitted owners, and applicant's lessors within 660 feet of the proposed unit boundary. This notice must include a copy of the application and instructions for responding to the application. ( )

c. Applications will be processed according to the procedures in Section 140 of these rules. After the Department determines the application is complete, the applicant will send any notice of hearing and response deadline as follows: ( )

i. Within 660 feet of the proposed unit boundary send to lessees, uncommitted owners, and the applicant's lessors: ( )

**[Subsection 120.07.e.]**

e. An exceptional well location may be included in the request to establish spacing units if, upon application, the Department finds that the spacing unit is located on the edge of a pool or field and adjacent to a producing unit, or that the required well location on the spacing unit would not be likely to produce in paying quantities, or that surface conditions would substantially add to the burden or hazard of drilling the well, or for other good cause shown. The Department may act to offset any advantage that the person securing the exceptional well location may have over other producers by reason of drilling the well as an exception. The order must include provisions to prevent production from the spacing unit from being more than its just and equitable share of the producible oil and gas in the pool. ( )

**[Section 140]**

**140. PROCESSING APPLICATIONS NOT LISTED IN IDAHO CODE § 47-320(1)(A).**

**[Subsection 140.04]**

04. Application Amendment. The applicant may amend submitted applications with additional materials. The noticed parties must be forwarded the application amendments. ( )

**200. PERMIT TO DRILL, DEEPEN, OR ~~PLUG-BACK~~RE-ENTER.**

045. Application. The Application for Permit to Drill shall include a Department approved form and the following: (3-29-12)

**[Subsection 200.05.a.]**

a. An accurate plat A map with a surveyed well location at a scale of one (1) inch to one thousand (1,000) feet showing the location of the proposed well with reference to the nearest lines of an established public survey and with reference to the boundaries of the proposed spacing unit that conforms to the requirements in Subsection 120.01, or any spacing requirement in an order. (3-29-12)( )

**[Subsection 200.06]**

- 056. Permit Denial.** Applications may be denied *for the following reasons:* (3-29-12)
- ~~a. Application fee was not submitted.~~ (3-29-12)
  - ~~b. Application is incomplete.~~ (3-29-12)
  - ~~c. Failure to post required bonds.~~ (3-29-12)
  - ~~d. Proposed if the application does not contain the information required in 200.05 or if the proposed well will result in a waste of oil or gas, a violation of correlative rights, or the pollution of fresh water supplies.~~ (3-29-12) ( )

**310. GENERAL DRILLING RULES.**

**[Subsection 310.06]**

- 06. Requirements for BOP Equipment.** Unless altered, modified, or changed *for a particular pool(s) upon hearing before the Commission through application to the Department*, BOP and related equipment shall be installed and maintained during the drilling of all wells in accordance with the following rules: (3-29-12) ( )

**[Subsection 314]**

**314. VACUUM PUMPS PROHIBITED.**

The use of vacuum pumps or other devices for the purpose of placing a vacuum on any gas- or oil-bearing stratum is prohibited; however, the Department may upon application *and hearing* and for good cause shown permit the use of vacuum pumps. Applications will be processed as described in Section 140 of these rules. (3-29-12) ( )

**341. DRILLING WELL LOGS.**

**[Subsection 341.01]**

- 01. Minimum Required Logs.** All wells shall have a *lithologic mud* log from the bottom of the hole to the top, to the extent practicable. (3-29-12) ( )

- 07. Cuttings and Sidewall Cores.** ( )

**[Subsections 314.07.a. and 314.07.b.]**

a. If cutting samples are taken during oil and gas drilling, then the operator will collect duplicate samples. The operator will wash and dry the duplicate samples, and package each sample in standard sample envelopes. These envelopes will be placed in order by depth in a corresponding standard sample box that is labeled with the same information required for the envelopes. The operator will send the box to the Department within thirty (30) days after drilling operations are complete. ( )

b. If sidewall core is taken, and if the operator in possession of the sidewall core intends to dispose of it, the operator will notify the Department at least sixty (60) days prior to disposal. The Department will then have the option of obtaining the sidewall core prior to disposal. ( )

410. METERS.

*[Subsections 410.02]*

02. **Meter Calibration.** All required meters ~~shall~~ **must** be calibrated ~~by an independent third party~~ at least ~~once per quarterly in each~~ calendar year. The records of such calibration ~~shall~~ **must** be maintained ~~or made available~~ by the owner or operator of the well and ~~shall~~ **copies must** be ~~available for inspection by~~ **submitted to** the Department. Such records shall be maintained by the owner or operator for ~~a period of~~ at least five (5) years. ~~(3-29-12)~~ ( )

500. ACTIVE WELLS.

*[Section 500.04]*

04. **Biannual Reporting.** All wells will be tested at least biannually for daily production potential. Test results will be entered on a Department form and submitted to the Department within thirty (30) days of the test. These test results must include the following: ( )



**IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES**

**24.10.01 – RULES OF THE STATE BOARD OF OPTOMETRY**

**DOCKET NO. 24-1001-1601**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-1509, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending fee rule with an explanation of the reasons for the change:

The rules are being amended to align the reinstatement section with 67-2614, Idaho Code. They also increase continuing education credit allowed for correspondence courses, individual home study and observation from six (6) to nine (9) hours per year. The change made to the pending rule is to correct a clerical error that appeared in the published Notice of Rulemaking – Proposed Fee Rule.

The text of the pending fee rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 622-624](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 54-1509, 54-1522, and 67-2614, Idaho Code.

Rule 250 is being amended to align the reinstatement rule with 67-2614, Idaho Code. This amendment will also reduce the reinstatement fee from \$150 to \$35.00

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Mitchell Toryanski at (208) 334-3233.

DATED this 21st day of November, 2016.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W. State St.  
P O Box 83720  
Boise, ID 83720-0063  
Phone: (208) 334-3233  
Fax: (208) 334-3945

**DOCKET NO. 24-1001-1601 - ADOPTION OF PENDING FEE 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Volume 16-10, October 5, 2016, pages 622 through 624.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

**THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING FEE RULE  
FOR DOCKET NO. 24-1001-1601**

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

***[Subsection 300.02.c. (proposed changes removed) and Subsection 300.03]***

**300. CONTINUING EDUCATION IN OPTOMETRY (RULE 300).**

**02. Additional Hours Required to Use Therapeutic Pharmaceutical Agents. (4-11-15)**

**c.** This six (6) hours of continuing education must be in courses involving ocular pharmacology and/or advanced ocular disease and are in addition to the twelve (12) hours of continuing education required under Subsection 300.01. (4-11-15)

**03. Correspondence/Home Study Courses/Observation.** The Board allows credit for correspondence courses, individual home study and observation that is germane to the practice of optometry. No more than ~~six (6)~~ nine (9) hours of continuing education shall be permitted each year in correspondence courses or other continuing education obtained from "home study" courses or observation. ~~(3-30-07)~~ ( )

## **IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES**

### **24.12.01 – RULES OF THE IDAHO STATE BOARD OF PSYCHOLOGIST EXAMINERS**

**DOCKET NO. 24-1201-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-2305 and 54-5713, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 625-631](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Mitchell Toryanski at (208) 334-3233.

DATED this 18th day of November, 2016.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W State St.  
P.O. Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233  
Fax: (208) 334-3945

**IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES**

**24.18.01 – RULES OF THE REAL ESTATE APPRAISER BOARD**

**DOCKET NO. 24-1801-1602**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 54-4106 and 54-4132, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending fee rule with an explanation of the reasons for the change:

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 640-653](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 54-4124 and 54-4132, Idaho Code.

The proposed rules establish fees which will be deposited in the Bureau of Occupational Licenses dedicated fund. They are \$1200 for original AMC registration and \$1200 for registration renewal which includes up to \$50 as determined by the Appraisal Subcommittee of the Appraisal Foundation multiplied by the number of appraisers working for or contracting with an AMC which the state is annually required to pass through to a federal agency or instrumentality.

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Mitchell Toryanski at (208) 334-3233.

DATED this 2nd day of November, 2016.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W. State St.  
P.O. Box 83720  
Boise, ID 83720-0063  
Phone: (208) 334-3233  
Fax: (208) 334-3945

**IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES**  
**24.27.01 – RULES OF THE IDAHO STATE BOARD OF MASSAGE THERAPY**  
**DOCKET NO. 24-2701-1601**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-4007, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending fee rule with an explanation of the reasons for the change:

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 674-677](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-4008, Idaho Code.

Rule 250 lowers the original license fee and the annual license renewal fee from \$75 to \$65 and adds a temporary license and provisional permit fee of \$25.

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Mitchell Toryanski at (208) 334-3233.

DATED this 1st day of November, 2016.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W State St.  
P.O. Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233  
Fax: (208) 334-3945

**IDAPA 26 – IDAHO DEPARTMENT OF PARKS AND RECREATION**

**26.01.20 – RULES GOVERNING THE ADMINISTRATION OF PARK AND RECREATION AREAS AND FACILITIES**

**DOCKET NO. 26-0120-1601**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 67-4210, 67-4223, and 67-4249, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the November 2, 2016 Idaho Administrative Bulletin, [Vol. 16-11, pages 29 – 33](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Keith Hobbs, (208) 514-2450.

DATED this December 6, 2016.

Keith Hobbs, Operations Administrator  
Idaho Department of Parks and Recreation  
5657 Warm Springs Avenue  
PO Box 83720  
Boise, ID 83720-0065  
Phone: (208) 514-2450  
Fax: (208) 334-5232

## IDAPA 28 – DEPARTMENT OF COMMERCE

### 28.02.07 – RULES GOVERNING THE ADMINISTRATION OF THE IGEN GRANT PROGRAM

DOCKET NO. 28-0207-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 67-4702 and 67-4729, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 681-683](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Bobbi-Jo Meuleman, Chief Operating Officer, Idaho Department of Commerce at (208) 334-2470.

DATED this 30th day of November, 2016.

Bobbi-Jo Meuleman  
Chief Operating Officer  
Idaho Department of Commerce  
700 W. State Street  
Boise, ID 83702  
Phone: (208) 334-2470  
Fax: (208) 334-2631

**IDAPA 35 – IDAHO STATE TAX COMMISSION**

**35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0103-1605**

**NOTICE OF CORRECTION TO PENDING RULE**

**RULES COORDINATOR’S NOTE:** This notice corrects an error that occurred during the publication of the pending rule promulgated under docket number 35-0103-1605. An amendment to Section 006, Subsection 03 was inadvertently left in the rule when the Commission intended that it would be removed to avoid confusion regarding the effective date of the amended subsections. The notice of adoption of pending rule did not specify that the requested effective date for this rulemaking docket is January 1, 2017. This notice corrects that error and removes Subsection 006.03 from the codified rule as part of this rulemaking.

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2017 Idaho State Legislature for final approval. The pending rules become final and effective on January 1, 2017, unless the rules are approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5227, Idaho Code, notice is hereby given that this agency has corrected the previously adopted pending rule. The action is authorized pursuant to Sections 63-105 and 63-2427, Idaho Code.

**DESCRIPTIVE SUMMARY:** The changes to the pending rules are described above and the subsection is reprinted here in legislative format following this notice. There are no additional changes to the pending rule. The complete text of the proposed rule was published in the September 7, 2016 Idaho Administrative Bulletin, **Vol. 16-9, pages 259 through 261.**

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning these pending rules, contact Alan Dornfest (208) 334-7742 or e-mail [alan.dornfest@tax.idaho.gov](mailto:alan.dornfest@tax.idaho.gov).

DATED this 2nd day of November 2016.

Alan Dornfest  
Tax Policy Supervisor  
Idaho State Tax Commission  
(208) 334-7742

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

**THE FOLLOWING IS THE CORRECTION MADE TO THE PENDING RULE  
FOR DOCKET NO. 35-0103-1605**

**006. INCORPORATION BY REFERENCE (RULE 006).**

Unless provided otherwise, any reference in these rules to any document identified in Rule 006 of these rules shall constitute the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term “documents” includes codes, standards, or rules adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (5-3-03)

*[Subsection 006.03 is being amended as follows:]*

~~03. **Effective Date.** The effective date of this rule is January 1, 2016. (3-25-16)~~



## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.03.11 – RULES GOVERNING OVERLEGAL PERMITTEE RESPONSIBILITY AND TRAVEL RESTRICTIONS

DOCKET NO. 39-0311-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 40-312, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The modifications being made to this rule address truck permitting for non-reducible, oversized loads traveling on U.S. 12 in northern Idaho between milepost 74 and milepost 174. Specifically, loads that fall under one of the following criteria: 1) exceeds sixteen (16) feet wide and/or one hundred and fifty (150) feet in length; 2) load movement requires longer than twelve (12) hours to travel through the designated mileposts; or 3) load movement requires physical modification of the roadway or adjacent vegetation to facilitate passage beyond normal highway maintenance.

Recent federal litigation raised new considerations for certain oversize vehicles and loads traveling through the Nez Perce Forest on U.S. 12. The federal district court held that the United States Forest Service has concurrent jurisdiction of vehicles and loads traveling through the Nez Perce Forest. The Forest Service responded and stated it would review all oversize vehicles/loads greater than 16 feet wide and/or 150 feet in length when such vehicles or loads travel on US 12 between milepost 74 and milepost 174.

Based on public comments received during the rulemaking process, there is an additional change to section 200.09 – Delaying Movement. As originally written, the word ‘may’ modifies both enforcement actions for violations and delaying movement. The change makes enforcement actions for violations non-discretionary.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 7, 2016, Idaho Administrative Bulletin, [Vol. 16-9, pages 264-267](#).

**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 resulting from this rulemaking: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, please contact Reymundo Rodriguez, Motor Carrier Manager, (208) 334-8699.

DATED this 23rd day of November, 2016.

Ramón S. Hobdey-Sánchez  
Governmental Affairs Program Specialist  
Idaho Transportation Department  
3311 W. State Street  
P.O. Box 7129  
Boise ID 83707-1129  
Phone: (208) 334-8810  
E-mail: [ramon.hobdey-sanchez@itd.idaho.gov](mailto:ramon.hobdey-sanchez@itd.idaho.gov)

**DOCKET NO. 39-0311-1601 - 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Volume 16-09, September 7, 2016, pages 264 through 267.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

**THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR  
DOCKET NO. 39-0311-1601**

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

**200. TIME OF TRAVEL RESTRICTIONS FOR OVER LEGAL LOADS.**

Oversize loads may be transported on Idaho Highways subject to the following conditions:

(10-2-89)

***[Proposed Subsection 200.09]***

**089. Delaying Movement.** Enforcement personnel responsible for any section of highway ~~may delay~~  
~~movements and~~ shall carry out enforcement action for violations involving overlegal permit operations and may delay  
movements. ~~(7-5-00)~~ ( )

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.03.15 – RULES GOVERNING EXCESS WEIGHT PERMITS FOR REDUCIBLE LOADS

DOCKET NO. 39-0315-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 40-312, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The modifications to this rule address truck permitting and 129,000 pound commercial motor vehicles (129K trucks) on the state's Interstate system. With the Idaho legislature's passage of SB1229 (2016), 129K trucks are now able to use the Interstates as they are now 129K designated routes. SB1229 was brought forward after the passage of the Federal Omnibus Appropriations Bill for FY16 in December 2015. SB1229 created a new section in code: §49-1004B, Idaho Code.

Furthermore, this rule proposes to establish a statewide permitting system. To promote intrastate surface transportation safety, intermodal commerce, law enforcement efficiencies and reduced administrative costs to local highway jurisdictions, commercial vehicle combinations in excess of eighty thousand (80,000) pounds will be permitted by the Idaho Transportation Department's Division of Motor Vehicles on local highways when a local highway jurisdiction authority has agreed to participate in the Department's permitting process.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016, Idaho Administrative Bulletin, **Vol. 16-10, pages 748-749**.

**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 resulting from this rulemaking: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, please contact Reymundo Rodriguez, Motor Carrier Manager, (208) 334-8699.

DATED this 23rd day of November, 2016.

Ramón S. Hobdey-Sánchez  
Governmental Affairs Program Specialist  
Idaho Transportation Department  
3311 W. State Street  
P.O. Box 7129  
Boise ID 83707-1129  
Phone: (208) 334-8810  
E-mail: [ramon.hobdey-sanchez@itd.idaho.gov](mailto:ramon.hobdey-sanchez@itd.idaho.gov)

## IDAPA 42 – IDAHO WHEAT COMMISSION

### 42.01.01 – RULES OF THE IDAHO WHEAT COMMISSION

#### DOCKET NO. 42-0101-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-3309, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The changes clarify how the first purchaser of wheat reports compliance with the statute and the amount of wheat tax collected. The rulemaking clarifies that the first purchaser of wheat shall complete and return the Report of Tax on Wheat, or equivalent, to the Commission office at the end of each production year (July 1 – June 30). The report shall include the name and address of the grower and seller.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the November 2, 2016 Idaho Administrative Bulletin, [Vol. 16-11, pages 37-38](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Blaine Jacobson, Executive Director, at (208) 332-1612.

DATED this 1st day of December, 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 42 – IDAHO WHEAT COMMISSION

### 42.01.01 – RULES OF THE IDAHO WHEAT COMMISSION

#### DOCKET NO. 42-0101-1602

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-3309, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The changes clarify how the first purchaser of wheat reports compliance with the statute and the amount of wheat tax collected. The rulemaking clarifies that the first purchaser of wheat shall complete and return the Report of Tax on Wheat, or equivalent, to the Commission office at the end of each production year (July 1 – June 30). The report shall include the number of bushels of wheat purchased, and the total wheat tax withheld from each purchase.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the November 2, 2016 Idaho Administrative Bulletin, [Vol. 16-11, pages 39-40](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Blaine Jacobson, Executive Director, at (208) 332-1612.

DATED this 1st day of December, 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 47 – DIVISION OF VOCATIONAL REHABILITATION**

### **47.01.01 – RULES OF THE IDAHO DIVISION OF VOCATIONAL REHABILITATION**

**DOCKET NO. 47-0101-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-2211, and 33-2301, Idaho Code, and the Rehabilitation Act of 1973 and all subsequent amendments.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The Idaho Division of Vocational Rehabilitation (IDVR) Field Services Policy Manual contains internal processes to IDVR, as well as eligibility and program requirements for the people and agencies IDVR serves. This rulemaking incorporates by reference the updated manual as approved by the State Board of Education on August 11, 2016.

Additional amendments are being made to update references to the Workforce Innovation and Opportunity Act and update the Order of Selection procedures with federal guidelines and best practices.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5th, 2016 Idaho Administrative Bulletin, [Vol.16-10, pages 752-755](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208) 332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 3rd day of December, 2016

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
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 RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-2211 and 33-2303, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The Extended Employment Services Program is a program housed within the Idaho Division of Vocational Rehabilitation (IDVR). This rulemaking clarifies that the Extended Employment Services are a specific program separate from federal program managed by IDVR.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5th, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 756-764](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208) 332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 3rd day of December, 2016.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
Phone: (208) 332-1582  
Fax: (208) 334-2632

**IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION**

**55.01.03 - RULES OF CAREER TECHNICAL SCHOOLS**

**DOCKET NO. 55-0103-1601**

**NOTICE OF RULEMAKING - VACATION OF PROPOSED RULEMAKING**

**AUTHORITY:** In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency is vacating the rulemaking previously initiated under this docket. The action is authorized pursuant to Section(s) 33-1002G, and sections 33-2202 through 33-2212, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a summary of the reasons for vacating this rulemaking:

The agency has determined that additional work with stakeholders and other interested parties is needed prior to finalizing amendments to these rules.

The proposed rule was published in the October 5, 2016, Idaho Administrative Bulletin, [Vol. 16-10, pages 391-397](#).

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this vacation of rulemaking, contact Tracie Bent, Chief Planning and Policy Officer, at (208) 332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 5th day of December, 2016.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 West State Street, 2nd Floor  
P.O. Box 83720  
Boise, ID 83720-0027  
Phone: (208) 332-1582  
Fax: (208) 334-2632



## **IDAPA 57 – SEXUAL OFFENDER MANAGEMENT BOARD**

### **57.01.01 – RULES OF THE SEXUAL OFFENDER MANAGEMENT BOARD**

**DOCKET NO. 57-0101-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 18-8314, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending fee rule with an explanation of the reasons for the change:

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 775-786](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 18-8314, Idaho Code.

With this rulemaking, the current single level of post-conviction sexual offender polygraph examiner certification will be replaced by two (2) certification levels. The existing application processing fee structure will be applicable to both certification levels as follows:

Seventy-five dollars (\$75) for initial senior/approved or associate/supervised level post-conviction sexual offender polygraph examiner certification applications and fifty dollars (\$50) for biennial certification renewal applications for both certification levels.

This fee structure is consistent with that already imposed by the SOMB for senior/approved and associate/supervised level psychosexual evaluator as well as senior/approved and associate/supervised level sexual offender treatment provider certification applicants.

**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:

The SOMB does not anticipate any fiscal impact to the state general fund from the Rule changes resulting from this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Aileen Lucas at (208) 658-2146.

DATED this 5th day of December, 2016.

Aileen Lucas, Administrative Assistant  
Sexual Offender Management Board  
1299 N. Orchard Street, Ste. 110  
Boise, ID 83706  
Phone: (208) 658-2146  
Fax: (208) 287-3322  
E-mail: [somb@idoc.idaho.gov](mailto:somb@idoc.idaho.gov)

## **IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **CAMAS CREEK SUBBASIN TOTAL MAXIMUM DAILY LOAD (TMDL): 2016 TEMPERATURE ADDENDUM (HUC ID 17040220)**

**DOCKET NO. 58-0000-1701**

#### **NOTICE OF FINAL DECISION**

**AUTHORITY:** In compliance with Section 39-3611, Idaho Code, notice is hereby given that this agency has issued a final decision on the Camas Creek Total Maximum Daily Load (TMDL): 2016 Temperature Addendum.

**DESCRIPTIVE SUMMARY:** The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Camas Creek Subbasin TMDL: 2016 Temperature Addendum. The final decision may be appealed to the Board of Environmental Quality by initiating a contested case in accordance with Sections 39-107(5), 67-5240 et seq., Idaho Code, and IDAPA 58.01.23, “Rules of Administrative Procedure Before the Board of Environmental Quality.” The petition initiating a contested case must be filed with the undersigned hearing coordinator within thirty-five (35) days of the publication date of this notice in the Idaho Administrative Bulletin.

The area covered by the Camas Creek Subbasin TMDL: 2016 Temperature Addendum (Hydrologic Unit Code 17040220) establishes fifteen (15) temperature TMDLs, thirteen (13) of which are revised TMDLs previously approved, and two (2) new temperature TMDLs on water quality impaired stream reaches (assessment units). DEQ has submitted this TMDL to the U.S. Environmental Protection Agency for approval under the Clean Water Act.

**AVAILABILITY OF THE TMDL:** Electronic copy of the TMDL can be obtained at <http://www.deq.idaho.gov/water-quality/surface-water/tmdls/table-of-sbas-tmdls/camas-creek-subbasin/> or by contacting Mark Shumar, TMDL Program Coordinator, (208) 373-0132, [mark.shumar@deq.idaho.gov](mailto:mark.shumar@deq.idaho.gov).

Dated this 4th day of January, 2017.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton  
Boise, Idaho 83706-1255  
Tel: (208) 373-0418/ Fax: (208) 373-0481  
[paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov)

## **IDAPA 61 – STATE PUBLIC DEFENSE COMMISSION**

### **61.01.01 – RULES GOVERNING TRAINING REQUIREMENTS FOR DEFENDING ATTORNEYS AND THE ADMINISTRATION OF TRAINING FUNDS**

**DOCKET NO. 61-0101-1601 (NEW CHAPTER)**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the amendment to the temporary rule is November 22, 2016. This pending rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Sections 19-850(1)(a)(i) and 19-850(2)(d), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The State Public Defense Commission has been granted the authority and obligation to provide training to defending attorneys throughout the State. The legislature has appropriated training funds so the Commission may accomplish this task. It is necessary for the Commission to operate under temporary rules at this time to begin immediately providing the requisite training to ensure that defending attorneys are providing constitutional representation. Changes have been made to the rule to clarify some unclear language and cite the proper section of the statute that gives the Commission the authority to provide such training.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule as previously adopted while the pending rule awaits legislative approval, the Commission amended the temporary rule with the same revisions made to the pending rule.

Only the sections that differ from the proposed rule text are printed in this Bulletin. The original text of the temporary and proposed rule was published in the August 3, 2016 Idaho Administrative Bulletin, [Vol. 16-8, pages 156-162](#).

**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:

Promulgation of this rule will have no negative ongoing fiscal impact, but will allow the Commission to disburse appropriated funds immediately, conferring a benefit.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule and the amendment to temporary rule, contact Kimberly Simmons at (208) 332-1735.

DATED this November 25, 2016.

Kimberly J. Simmons, Executive Director  
State Public Defense Commission  
816 W. Bannock St., Suite 201  
Boise, ID 83702  
Phone: (208) 332-1735  
Fax: (208) 364-6147

DOCKET NO. 61-0101-1601 - ADOPTION OF PENDING RULE  
AND AMENDMENT TO TEMPORARY RULE

Substantive changes have been made to the pending rule.  
Red text that is **underscored** is new text that has been added to the rule.  
Italicized blue text that is ~~struck through~~ is codified temporary text that is being removed from the temporary rule. This is also an amendment to the pending rule text.

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

The text of the temporary/proposed rule was published in the Idaho Administrative Bulletin, Vol. 16-8, August 3, 2016, 16-8, pages 156 through 162.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2017 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEMPORARY RULE AND THE  
AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 61-0101-1601

61.01.01 - RULES GOVERNING **TRAINING REQUIREMENTS FOR DEFENDING ATTORNEYS AND THE ADMINISTRATION OF TRAINING FUNDS** ~~ALLOCATION FOR DEFENDING ATTORNEYS~~

*[Section 000]*

**000. LEGAL AUTHORITY.**

Section 19-850 (1)(a)(i), Idaho Code, gives the State Public Defense Commission (PDC) authority to promulgate rules regarding the training and continuing legal education requirements for defending attorneys. Further, Section 19-850(a)(2)(d), Idaho Code, gives the PDC the authority to provide training and continuing legal education for indigent defense providers and defending attorneys in order to assist them in satisfying requirements promulgated pursuant to subsection (1)(a)(i) of 19-850, Idaho Code, and use moneys received from a grant or trust or otherwise received and appropriated to provide such training and continuing legal education. ~~(7-1-16)T(11-22-16)T~~

*[Subsection 001.01]*

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 61, Title 01, Chapter 01, "Rules Governing ~~the Administration of Training Funds Allocation for Defending Attorneys~~ Training Requirements for Defending Attorneys and the Administration of Training Funds." ~~(7-1-16)T(11-22-16)T~~

*[Subsection 010.05]*

**010. DEFINITIONS AND ABBREVIATIONS.**

**05. Scholarship.** Any amount of training funds granted by the PDC ~~to a defending attorney or staff~~

~~member~~ to be used toward the costs of attending a training program ~~not hosted by the PDC.~~ (7-1-16)T(11-22-16)T

*[Subsection 020.01]*

**020. RECIPIENTS OF TRAINING FUNDS.**

**01. Intended Recipients.** Training ~~money allocated in any given fiscal year through the PDC Budget is designated funds shall be used~~ to train defending attorneys, and those under their regular employ or supervision. With the approval of the PDC, non-attorney staff of ~~Defending Attorneys~~ or other persons engaged in work related to the representation of indigent defendants. may qualify ~~for~~ to attend training programs or for scholarships. (7-1-16)T(11-22-16)T

*[Subsections 021.01 through 020.01.b.]*

**021. PUBLIC DEFENSE ROSTER.**

**01. Roster Membership.** The PDC will create and maintain a roster of all ~~institutional defender attorneys, and defending attorneys included in primary or conflict contracts with the counties in the State~~ indigent defense providers, defending attorneys and non-attorney staff under their regular employ or supervision. (7-1-16)T(11-22-16)T

**a.** Maintenance of Roster. ~~The roster will be updated whenever there is a change, in May and may be updated more frequently in order to accurately reflect anytime there are staff changes at the county level~~ The roster will be updated in May of each year, but may be updated more frequently in order to accurately reflect staff changes at the county level. (7-1-16)T(11-22-16)T

**b.** Roster Contents. The roster will include the name of each ~~individual~~ defending attorney or non-attorney staff, along with their professional contact information, including email address, physical address, and telephone number. (7-1-16)T(11-22-16)T

**02. Application for Roster Inclusion.** Any attorney who is not employed by an indigent defense provider, or who does not work under an existing indigent defense services contract may apply to the PDC for inclusion on the Public Defense Roster. (7-1-16)T

**a.** Approval. Inclusion on the Public Defense Roster must be approved by the Executive Director. (7-1-16)T

~~021.2.~~ -- 029. (RESERVED)

*[Subsection 030.02.b.ii.]*

**030. PDC TRAINING PROGRAMS.**

**02. Types of Training Programs.** PDC Training Programs may be designated as (a) open enrollment, (b) restricted enrollment, (c) targeted enrollment, or (d) application enrollment. Notification will be by email for all training programs. (7-1-16)T

**b.** Restricted Enrollment. The PDC may host a training program open to all qualifying defending attorney or staff, but impose a registration limit. Targeted invitations may be extended prior to the notification of members of the Public Defense Roster. (7-1-16)T

ii. Registration. The PDC will impose a registration deadline and may require advance registration. The PDC will honor the registration of any qualifying recipient in the order ~~it~~ receives ~~and the registration materials~~ until the enrollment limit is reached. Any registration received by the PDC, either after the deadline or after the enrollment limit is reached, may be ~~notified by the PDC that they cannot be accommodated~~ ~~declined~~.  
(7-1-16)T(11-22-16)T

**[Subsections 030.03 through 030.03.b.ii.]**

**03. Non-Attorney Staff.** Staff and others employed or supervised by a ~~D~~defending ~~A~~attorney may qualify as a recipient of ~~training funds~~ ~~a scholarship~~. Where a person is not on the Public Defense Roster, that person may still either be identified as a targeted recipient of training funds or apply to attend a ~~PDC~~ training program.  
(7-1-16)T(11-22-16)T

a. Application Necessary. ~~If training funds are desired,~~ ~~the~~ non-attorney individual must make an application to the PDC for ~~qualification of training funds~~ ~~a scholarship, in addition to other enrollment requirements in Subsection 030.03.b.~~  
(7-1-16)T(11-22-16)T

b. Application criteria. The PDC will consider (1) whether the individual is full-time staff, (2) the position they hold and the type of assistance they provide in the representation of indigent clients, and (3) the relevance of the materials presented at the training program to their ability to fulfill their duties. (7-1-16)T

i. Open Enrollment. Where a non-attorney's application for ~~qualification of benefits~~ ~~a scholarship~~ is approved by the PDC in advance of the registration deadline, a completed registration will be treated if the registration was for an attorney.  
(7-1-16)T(11-22-16)T

ii. Restricted Enrollment. Where a non-attorney's application for ~~qualification of benefits~~ ~~a scholarship~~ is approved by the PDC in advance of the registration deadline, a completed registration of an attorney will be given priority over a non-attorney.  
(7-1-16)T(11-22-16)T

**[Subsections 031.01 and 031.02.a.]**

**031. JOINT TRAINING PROGRAMS.**

**01. Joint Training Programs Permitted.** The PDC may choose to partner with other organizations or agencies (~~hereinafter referred to as "partner"~~) in hosting and providing training programs to qualifying individuals. The nature of these designated training programs may ~~allow for~~ ~~result in~~ non-qualifying individuals ~~to also register and attend~~ ~~being in attendance~~.  
(7-1-16)T(11-22-16)T

a. Qualifying Individuals. In determining whether training funds can be used, the qualification for receipt of benefits will be the same as established in Sections 020 and 021. (7-1-16)T

b. Application of training funds. Qualified recipients will be treated in accordance with Subsection 030.01. (7-1-16)T

**02. Exclusive Use of Training Funds.** Where non-qualifying individuals register to attend a Joint Training Program, the PDC shall not use training funds to subsidize the cost of registration, ~~or~~ travel, ~~lodging or per diem~~, other than unavoidable costs of operation.  
(7-1-16)T(11-22-16)T

a. Training Program Fees and Costs. The PDC will ~~determine the~~ ~~negotiate a reasonable~~ approximate cost per individual of the training program ~~with the partner and agree to pay that cost for all qualifying individuals to attend. If the PDC is responsible for collecting registration fees,~~ ~~Each~~ non-qualifying individual will be assessed the ~~pre-determined~~ ~~negotiated~~ cost of attendance at the time of registration. ~~If the partner is responsible for collecting registration fees, the partner organization may set the cost of attendance for non-qualifying individuals.~~  
(7-1-16)T(11-22-16)T

*[Subsections 032.02.c.]*

032. SCHOLARSHIPS.

02. **Application.** The PDC will post on its website an application for scholarship funding. (7-1-16)T

c. Non-Attorney ~~Staff~~ **Persons.** Applications for scholarship will be accepted for non-attorneys in accordance with Subsections 030.03.a. and b. ~~(7-1-16)T~~**(11-22-16)T**

## **IDAPA 61 – STATE PUBLIC DEFENSE COMMISSION**

### **61.01.07 – RULES GOVERNING STANDARDS FOR DEFENDING ATTORNEYS THAT UTILIZE IDAHO’S PRINCIPLES OF AN INDIGENT DEFENSE DELIVERY SYSTEM**

**DOCKET NO. 61-0107-1601 (NEW CHAPTER)**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective May 1, 2017, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 19-850(1)(a)(vii), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The rule creates standards for attorneys who are appointed to represent indigent persons and other individuals who are entitled to be represented by an attorney at public expense. The standards take into account Idaho’s Principles of an Indigent Defense Delivery System, Idaho Code 19-850(1)(a)(vii). The standards include requirements that such attorneys conform to performance standards, carry a caseload that permits constitutional and effective representation, and appear at initial appearances.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. Changes made to the pending rule result from comments received during the proposed rule comment period. Comments included significant concern over the recommended maximum caseload figures without specific Idaho data being acquired to inform appropriate figures as well as the definition of a case.

The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 787-792](#).

**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:

There is no fiscal impact on the state general fund as a result of this rulemaking

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Kimberly Simmons, Executive Director, at (208) 332-1735 or [Kimberly.Simmons@pdc.idaho.gov](mailto:Kimberly.Simmons@pdc.idaho.gov).

DATED this November 23, 2016.

Kimberly Simmons, Executive Director  
State Public Defense Commission  
816 W. Bannock St., Suite 201  
Boise, ID 83702  
Phone: (208) 332-1735  
Fax: (208) 364-6147  
[Kimberly.Simmons@pdc.idaho.gov](mailto:Kimberly.Simmons@pdc.idaho.gov)



DOCKET NO. 61-0107-1601 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.  
Red text that is *italicized* is new text that has been added to the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Volume 16-10, October 5, 2016, pages 787 through 792.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE  
FOR DOCKET NO. 61-0107-1601

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

001. TITLE AND SCOPE.

*[Subsection 001.02]*

02. **Scope.** These rules establish the standards and guidelines for Indigent Defense Providers and defending attorneys practicing in the State of Idaho. *As section 19-859, Idaho Code, establishes that the board of county commissioners of each county shall provide for the representation of indigent persons and other individuals who are entitled to be represented by an attorney, these rules also apply to the delivery of such services by the county, section 19-862A(9), Idaho Code.* ( )

010. DEFINITIONS

*[Subsections 010.01 through 010.01.d.]*

01. **Case.** ( )

*a. A case consists of all related charges from a single incident, transaction or occurrence filed within a single case number, handled by one defending attorney. A probation violation or motion for contempt is counted as a separate case.* ( )

*b. A felony case is counted as follows:* ( )

*i. A case filed as a felony is counted as one felony, whether it is dismissed, remanded, pled, or tried to completion.* ( )

*ii. A case filed as a felony that is remanded to magistrate court is counted once as a felony assuming vertical representation occurs.* ( )

iii. *A case filed as a misdemeanor that is subsequently amended to a felony is counted once as a felony, assuming vertical representation occurs.* ( )

c. *Post-judgment motions, such as those requesting early termination of probation or a reduction in sentence pursuant to Idaho Criminal Rule 35, are not counted as a case.* ( )

d. *If two or more cases are consolidated prior to significant representation being undertaken on each individual case, then the consolidated case is counted as one case. If significant representation has occurred prior to consolidation, the cases in which such representation has occurred shall be counted as separate cases.* ( )

**[Subsection 010.05]**

05. **Fiscal Year.** As referred to in this chapter, fiscal year refers to a county fiscal year beginning on October 1 and ending on September 30 of the following *calendar* year. ( )

**020. PUBLIC DEFENSE ROSTER.**

01. **Roster Membership.** The PDC will create and maintain a roster of all institutional defender attorneys, and defending attorneys included in primary or conflict contracts with the counties in the State. ( )

**[Subsection 020.01.b.]**

b. **Roster Contents.** The roster will include the name of each *defending attorney or non-attorney staff*, their Idaho State Bar Number, and professional contact information, including email address, physical address, and telephone number. ( )

**[Section 021]**

**021. APPLICATION OF ESTABLISHED STANDARDS.**

The established standards *detailed in the incorporated document, "Standards for Defending Attorneys,"* shall apply to all Indigent Defense Providers, defending attorneys, members of the Public Defense Roster, or any attorney who is assigned to represent at least one indigent defendant or is otherwise assigned to represent an adult or juvenile at public expense in state courts in a fiscal year. *Additionally, as Section 19-859, Idaho Code, establishes that the board of county commissioners of each county shall provide for the representation of indigent persons and other individuals who are entitled to be represented by an attorney, these standards also apply to the delivery of such services by the county, Section 19-862A(9), Idaho Code.* ( )

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# LEGAL NOTICE

## Summary of Proposed Rulemakings

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### **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.

#### **IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE PO Box 83720, Boise, Idaho 83720-0036**

**16-0210-1701, Idaho Reportable Diseases.** (Temporary and Proposed) The Arboviral Diseases are being added to the list of Diseases and Control Measures that are required to be reported, and includes how the diseases are to be investigated, and any restrictions necessary for facilities or individuals; updates documents incorporated by reference. Comment by 1/25/2017

#### **NOTICE OF INTENT TO PROMULGATE - NEGOTIATED RULEMAKING**

##### **IDAPA 16 – Department of Health and Welfare**

**16-0210-1701, Rules Governing Residential Habilitation Agencies.** (See Bulletin for scheduled meetings)

Please refer to the Idaho Administrative Bulletin, **January 4, 2017, Volume 17-1**, for the notices and text of all rulemakings, proclamations, negotiated rulemaking information and schedules, public hearing information, executive orders of the Governor, and contact information.

*Issues of the Idaho Administrative Bulletin can be viewed at [adminrules.idaho.gov](http://adminrules.idaho.gov).*

Office of the Administrative Rules Coordinator, Dept. of Administration, PO Box 83720, Boise, ID 83720-0306  
Phone: 208-332-1820; Email: [rulescoordinator@adm.idaho.gov](mailto:rulescoordinator@adm.idaho.gov)



# **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.

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## **ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES**

**(Index of Current and Active Rulemakings)**

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

*March 25, 2016 -- January 4, 2017*

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

*(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 all active rulemakings.)*

***IDAPA 01 -- IDAHO BOARD OF ACCOUNTANCY******01.01.01, Idaho Accountancy Rules***

- 01-0101-1601** Proposed Rulemaking, Bulletin Vol. 16-9
- 01-0101-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***IDAPA 02 -- IDAHO DEPARTMENT OF AGRICULTURE******02.02.14, Rules for Weights and Measures***

- 02-0214-1601** Proposed Rulemaking, Bulletin Vol. 16-7
- 02-0214-1601** Adoption of Pending Rule, Bulletin Vol. 16-9 (eff. PLR 2017)

***02.04.08, Rules Governing Grade A Milk and Milk Products***

- 02-0408-1601** Proposed Rulemaking, Bulletin Vol. 16-7
- 02-0408-1601** Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)

***02.04.14, Rules Governing Dairy Waste***

- 02-0414-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 02-0414-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 02-0414-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***02.04.15, Rules Governing Beef Cattle Animal Feeding Operations***

- 02-0415-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 02-0415-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 02-0415-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***02.04.16, Rules Governing Agriculture Odor Management***

- 02-0416-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 02-0416-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 02-0416-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***02.04.18, Rules Governing CAFO Site Advisory Team***

- 02-0418-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

***02.04.19, Rules Governing Domestic Cervidae***

- 02-0419-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 02-0419-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 02-0419-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***02.04.21, Rules Governing the Importation of Animals***

- 02-0421-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 02-0421-1602** Adoption of Temporary Rule, Bulletin Vol. 16-8 (Eff. 7-1-16)T
- 02-0421-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 02-0421-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

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- 02-0430-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

***02.04.31, Rules Governing the Stockpiling of Agricultural Waste***

- 02-0431-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

***02.04.32, Rules Governing Poultry Operations***

- 02-0432-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

- 02-0432-1601** Proposed Rulemaking, Bulletin Vol. 16-10  
**02-0432-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***02.06.02, Rules Pertaining to the Idaho Commercial Feed Law***

- 02-0602-1601** Proposed Rulemaking, Bulletin Vol. 16-7  
**02-0602-1601** Adoption of Pending Rule, Bulletin Vol. 16-9 (PLR 2017)

***02.06.12, Rules Pertaining to the Idaho Fertilizer Law***

- 02-0612-1601** Proposed Rulemaking, Bulletin Vol. 16-7  
**02-0612-1601** Adoption of Pending Rule, Bulletin Vol. 16-9 (PLR 2017)

***02.06.21, Rules for Voluntary Public Services of the Idaho Department of Agriculture Laboratories***

- 02-0621-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

***02.06.22, Noxious Weed Rules***

- 02-0622-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7  
**02-0622-1601** Proposed Rulemaking, Bulletin Vol. 16-9  
**02-0622-1601** Adoption of Pending Rule, Bulletin Vol. 16-11 (PLR 2017)

***02.06.31, Noxious Weed Free Forage and Straw Certification Rules***

- 02-0631-1601** Adoption of Temporary Rule, Bulletin Vol. 16-7 (Eff. 6-1-16)T  
**02-0631-1602** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7  
**02-0631-1602** Proposed Rulemaking, Bulletin Vol. 16-9  
**02-0631-1601** Adoption of Pending Rule, Bulletin Vol. 16-11 (PLR 2017)

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- 02-0641-1601** Proposed Rulemaking, Bulletin Vol. 16-7  
**02-0641-1601** Adoption of Pending Rule, Bulletin Vol. 16-9 (PLR 2017)

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- 05-0103-1601** Proposed Rulemaking, Bulletin Vol. 16-9  
**05-0103-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

***IDAPA 06 -- STATE BOARD OF CORRECTION******06.01.02, Rules of Correctional Industries***

- 06-0102-1601** Notice of Proclamation of Rulemaking, Bulletin Vol. 16-9 (eff. 10-7-16)

***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 a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5  
**07-0106-1601** Proposed Rulemaking, Bulletin Vol. 16-10  
**07-0106-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***07.02.02, Rules Governing Plumbing Permits***

- 07-0202-1601** Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-10

**07-0202-1601** Adoption of Pending Fee Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***07.02.05, Rules Governing Plumbing Safety Licensing***

**07-0205-1601** Proposed Rulemaking, Bulletin Vol. 16-9

**07-0205-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***07.02.06, Rules Concerning the Idaho State Plumbing Code***

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

**07-0206-1601** Proposed Rulemaking, Bulletin Vol. 16-10

**07-0206-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***07.02.07, Rules Governing Civil Penalties***

**07-0207-1601** Proposed Rulemaking, Bulletin Vol. 16-9

**07-0207-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***07.03.01, Rules of Building Safety***

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

**07-0301-1601** Proposed Rulemaking, Bulletin Vol. 16-10

**07-0301-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***07.05.01, Rules of the Public Works Contractors License Board***

**07-0501-1601** Proposed Rulemaking, Bulletin Vol. 16-10

**07-0501-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

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

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

**07-0701-1601** Proposed Rulemaking, Bulletin Vol. 16-10

**07-0701-1602** Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-10

**07-0701-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**07-0701-1602** Adoption of Pending Fee Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**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

**07-0801-1601** Proposed Rulemaking, Bulletin Vol. 16-10

**07-0801-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***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

**07-0802-1601** Proposed Rulemaking, Bulletin Vol. 16-10

**07-0802-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

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

**07-0803-1601** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 16-10

**07-0803-1601** Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 16-12 (eff. PLR 2017)

***07.08.04, Idaho Minimum Safety Standards and Practices for Logging -- Garages, Machine Shops,  
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**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

**07-0804-1601** Proposed Rulemaking, Bulletin Vol. 16-10

**07-0804-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**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
- 07-0805-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0805-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**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
- 07-0806-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0806-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**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
- 07-0807-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0807-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**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
- 07-0808-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0808-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**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
- 07-0809-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0809-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**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
- 07-0810-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0810-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**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
- 07-0811-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0811-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

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- 07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
- 07-0812-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0812-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**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
- 07-0813-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0813-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**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
- 07-0814-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0814-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**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
- 07-0815-1601 Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0815-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

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- 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
- 07-0816-1601 Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0816-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

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- 07-1001-1601 Temporary and Proposed Rulemaking (New Chapter - Fee Rule), Bulletin Vol. 16-11 (eff. 12-1-16)T
- 07-1001-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

**IDAHA 08 -- IDAHO STATE BOARD OF EDUCATION  
AND STATE DEPARTMENT OF EDUCATION****08.01.02, Rules Governing Postsecondary Credit Scholarship Program**

- 08-0102-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking (New Chapter), Bulletin Vol. 16-7
- 08-0102-1601 Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 16-10 (eff. 8-11-16)T
- 08-0102-1601 Adoption of Pending Rule (New Chapter), Bulletin Vol. 17-1 (eff. PLR 2017)

**08.01.04, Residency**

- 08-0104-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 08-0104-1601 Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 16-10 (eff. 8-11-16)T
- 08-0104-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

**08.01.09, Rules Governing the GEAR UP Idaho Scholarship Program**

- 08-0109-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 08-0109-1601 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 16-10
- 08-0109-1601 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 17-1 (eff. PLR 2017)

**08.02.01, Rules Governing Administration**

- 08-0201-1601\* Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6 (*\*Rulemaking Terminated*)
- 08-0201-1602 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 08-0201-1603 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 08-0201-1604 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 08-0201-1602 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-11-16)T
- 08-0201-1603 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-11-16)T
- 08-0201-1604 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-11-16)T
- 08-0201-1605 Adoption of Temporary Rule, Bulletin Vol. 16-12 (eff. 10-19-16)T
- 08-0201-1602 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
- 08-0201-1603 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
- 08-0201-1604 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

**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 a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
- 08-0202-1603 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
- 08-0202-1604 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
- 08-0202-1605 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5
- 08-0202-1606 *Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6 (docket pulled prior to publication)*
- 08-0202-1607 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 08-0202-1602 Proposed Rulemaking, Bulletin Vol. 16-8
- 08-0202-1603 Proposed Rulemaking, Bulletin Vol. 16-8
- 08-0202-1604 Proposed Rulemaking, Bulletin Vol. 16-8



- 08-0202-1605 Proposed Rulemaking, Bulletin Vol. 16-8
- 08-0202-1607 Proposed Rulemaking, Bulletin Vol. 16-10
- 08-0202-1602 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
- 08-0202-1603 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
- 08-0202-1604 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
- 08-0202-1605 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
- 08-0202-1607 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

**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)
- 08-0203-1504 Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 16-10
- 08-0203-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
- 08-0203-1602\* *Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4 (Rulemaking terminated, promulgated incorrectly under wrong chapter, replaced by docket number 08-0202-1605)*
- 08-0203-1603 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
- 08-0203-1604 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
- 08-0203-1605 Notice of Intent to Promulgate a Rule - 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 a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6 (\*Rulemaking Terminated)*
- 08-0203-1608 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 08-0203-1609 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 08-0203-1610 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 08-0203-1611 Notice of Intent to Promulgate a Rule- Negotiated Rulemaking, Bulletin Vol. 16-7
- 08-0203-1604 Proposed Rulemaking, Bulletin Vol. 16-8
- 08-0203-1605 Proposed Rulemaking, Bulletin Vol. 16-8
- 08-0203-1601 Proposed Rulemaking, Bulletin Vol. 16-10
- 08-0203-1603 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-11-16)T
- 08-0203-1608 Proposed Rulemaking, Bulletin Vol. 16-10
- 08-0203-1609 Proposed Rulemaking, Bulletin Vol. 16-10
- 08-0203-1610 Proposed Rulemaking, Bulletin Vol. 16-10
- 08-0203-1611 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-11-16)T
- 08-0203-1612 Adoption of Temporary Rule, Bulletin Vol. 16-12 (eff. 10-20-16)T
- 08-0203-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
- 08-0203-1603 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
- 08-0203-1604 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
- 08-0203-1605 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
- 08-0203-1606 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
- 08-0203-1608 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
- 08-0203-1609 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
- 08-0203-1610 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
- 08-0203-1611 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

**08.02.05, Rules Governing Pay for Success Contracting**

- 08-0205-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 08-0205-1601 Proposed Rulemaking (New Chapter), Bulletin Vol. 16-10
- 08-0205-1601 Adoption of Pending Rule (New Chapter), Bulletin Vol. 17-1 (eff. PLR 2017)

**08.05.01, Rules Governing Seed and Plant Certification - Regents of the University of Idaho**

- 08-0501-1601 Proposed Rulemaking, Bulletin Vol. 16-10
- 08-0501-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

**IDAPA 09 -- IDAHO DEPARTMENT OF LABOR****09.01.30, Unemployment Insurance Benefits Administration Rules**

- 09-0130-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

- 09-0130-1601 Proposed Rulemaking, Bulletin Vol. 16-9
- 09-0130-1601 Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

***09.01.35, Unemployment Insurance Tax Administration Rules***

- 09-0135-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 09-0135-1601 Proposed Rulemaking, Bulletin Vol. 16-9
- 09-0135-1601 Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

***IDAPA 10 -- IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS******10.01.01, Rules of Procedure***

- 10-0101-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5
- 10-0101-1602 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5
- 10-0101-1603 Adoption of Temporary Rule, Bulletin Vol. 16-7 (Eff. 7-6-16)T
- 10-0101-1601 Proposed Rulemaking, Bulletin Vol. 16-8
- 10-0101-1602 Proposed Rulemaking, Bulletin Vol. 16-8
- 10-0101-1601 Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)
- 10-0101-1602 Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)

***10.01.02, Rules of Professional Responsibility***

- 10-0102-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5
- 10-0102-1601 Proposed Rulemaking, Bulletin Vol. 16-8
- 10-0102-1601 Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)
- 10-0102-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-11

***IDAPA 11 -- IDAHO STATE POLICE******Idaho State Racing Commission******11.04.02, Rules Governing Simulcasting***

- 11-0402-1601 Proposed Rulemaking, Bulletin Vol. 16-10
- 11-0402-1601 *Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 17-1*

***11.04.03, Rules Governing Licensing and Fees***

- 11-0403-1601 Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-10
- 11-0403-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

***Peace Officer Standards and Training (POST) Council******11.11.01, Rules of the Idaho Peace Officer Standards and Training Council***

- 11-1101-1601 Proposed Rulemaking, Bulletin Vol. 16-10
- 11-1101-1602 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 9-1-16)T
- 11-1101-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
- 11-1101-1602 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

***11.11.02, Rules of the Idaho POST Council for Juvenile Detention Officers***

- 11-1102-1601 Proposed Rulemaking, Bulletin Vol. 16-10
- 11-1102-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

***11.11.04, Rules of the Idaho POST Council for Correctional Officers and Adult Probation and Parole Officers***

- 11-1104-1601 Proposed Rulemaking, Bulletin Vol. 16-10
- 11-1104-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)



**Idaho State Police Commercial Vehicle Safety****11.13.01, The Motor Carrier Rules**

- 11-1301-1601** Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 9-15-16)T
- 11-1301-1602** Proposed Rulemaking, Bulletin Vol. 16-10
- 11-1301-1603** Proposed Rulemaking, Bulletin Vol. 16-10
- 11-1301-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
- 11-1301-1602** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
- 11-1301-1603** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

**IDAPA 12 -- DEPARTMENT OF FINANCE****12.01.08, Rules Pursuant to the Uniform Securities Act (2004)**

- 12-0108-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5
- 12-0108-1601** Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-8
- 12-0108-1601** Adoption of Pending Fee Rule, Bulletin Vol. 16-10 (eff. PLR 2017)

**12.01.10, Rules Pursuant to the Idaho Residential Mortgage Practices Act**

- 12-0110-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 12-0110-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**IDAPA 13 -- IDAHO FISH AND GAME COMMISSION****13.01.02, Rules Governing Hunter Education and Mentored Hunting**

- 13-0102-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 13-0102-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

**13.01.07, Rules Governing the Taking of Upland Game Animals**

- 13-0107-1601P** Notice of Proposed Proclamation, Bulletin Vol. 16-10

**13.01.08, Rules Governing the Taking of Big Game Animals in the State of Idaho**

- 13-0108-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 13-0108-1602P** Notice of Proposed Proclamation, Bulletin Vol. 16-8
- 13-0108-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 13-0108-1603\*** Proposed Rulemaking, Bulletin Vol. 16-10
- 13-0108-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
- 13-0108-1603\*** Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 17-1 (Rulemaking Terminated)

**13.01.09, Rules Governing the Taking of Game Birds in the State of Idaho**

- 13-0109-1601** Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-8-16)T
- 13-0109-1602** Proposed Rulemaking, Bulletin Vol. 16-10
- 13-0109-1603P** Notice of Proposed Proclamation, Bulletin Vol. 16-10
- 13-0109-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
- 13-0109-1602** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

**13.01.11, Rules Governing Fish**

- 13-0111-1601** Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-8-16)T
- 13-0111-1602P** Notice of Proposed Proclamation, Bulletin Vol. 16-10
- 13-0111-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

**13.01.13, Rules Governing the Taking of American Crow in the State of Idaho**

- 13-0113-1601P** Notice of Proposed Proclamation, Bulletin Vol. 16-10

**13.01.16, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals**

**13-0116-1601P** Notice of Proposed Proclamation, Bulletin Vol. 16-10

***13.01.17, Rules Governing the Use of Bait and Trapping for Taking Big Game Animals***

**13-0117-1601** Proposed Rulemaking, Bulletin Vol. 16-10

**13-0117-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

***IDAPA 15 -- OFFICE OF THE GOVERNOR***

***Executive Orders of the Governor***

Executive Order No. **2015-13** Bulletin Vol. 16-2

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***Division of Human Resources and Personnel Commission***

***15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission***

**15-0401-1601** Proposed Rulemaking, Bulletin Vol. 16-10

**15-0401-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

***Idaho Military Division***

***Idaho Public Safety Communications Commission***

***15.06.01, Rules Governing the Idaho Public Safety Communications Commission***

**15-0601-1601\*** Temporary and Proposed Rulemaking, Bulletin Vol. 16-8 (eff. 7-1-16)T

\*Rulemaking changes name of chapter from: “*Rules Governing the Idaho Emergency Communications Commission*”  
to: “*Rules Governing the Idaho Public Safety Communications Commission*”

**15-0601-1601\*** Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)

***15.06.02, Rules Governing the Idaho Public Safety Communications Commission Grants***

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

**15-0602-1601** Proposed Rulemaking, Bulletin Vol. 16-8

**15-0602-1602\*** Temporary and Proposed Rulemaking, Bulletin Vol. 16-8 (eff. 7-1-16)T

\*Rulemaking changes name of chapter from: “*Rules Governing the Idaho Emergency Communications Commission Grants*”  
to: “*Rules Governing the Idaho Public Safety Communications Commission Grants*”

**15-0602-1601** Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)

**15-0602-1602\*** Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)

***Idaho Office of Emergency Management***

***15.06.06, Rules Governing Use of Disaster Emergency Account Funds***

**15-0606-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking (New Chapter), Bulletin Vol. 16-8

**15-0606-1601** Proposed Rulemaking, Bulletin Vol. 16-10

**15-0606-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***IDAPA 16 -- DEPARTMENT OF HEALTH AND WELFARE***

***16.01.02, Emergency Medical Services (EMS) - Rule Definitions***

**16-0102-1601** Proposed Rulemaking, Bulletin Vol. 16-9

**16-0102-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

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

- 16-0103-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 16-0103-1601** Proposed Rulemaking, Bulletin Vol. 16-9
- 16-0103-1602** Temporary and Proposed Rulemaking, Bulletin Vol. 16-9 (eff. 8-18-16)T
- 16-0103-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
- 16-0103-1602** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

**16.01.06, Emergency Medical Services (EMS) -- Date Collection and Submission Requirements**

- 16-0106-1601** Proposed Rulemaking, Bulletin Vol. 16-9
- 16-0106-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

**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 (Expired 6-30-16)
- 16-0107-1501\*** OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 127, Bulletin Vol. 15-5
- 16-0107-1501\*** Vacation of Proposed Rulemaking, Bulletin Vol. 15-8
- 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
- 16-0107-1601** Proposed Rulemaking, Bulletin Vol. 16-9
- 16-0107-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

**16.02.01, Rules of the Idaho Time Sensitive Emergency System Council**

- 16-0201-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 16-0201-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

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

- 16-0202-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 16-0202-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

**16.02.10, Idaho Reportable Diseases**

- 16-0210-1701** Temporary and Proposed Rulemaking, Bulletin Vol. 17-1 (eff. 1-1-17)T

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

- 16-0219-1601** Proposed Rulemaking, Bulletin Vol. 16-9
- 16-0219-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

**16.03.03, Rules Governing Child Support Services**

- 16-0303-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 16-0303-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 16-0303-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**16.03.04, Rules Governing the Food Stamp Program in Idaho**

- 16-0304-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 16-0304-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**16.03.05, Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD)**

- 16-0305-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 16-0305-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

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

- 16-0308-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 16-0308-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 16-0308-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**16.03.09, Medicaid Basic Plan Benefits**

- 16-0309-1601** Proposed Rulemaking, Bulletin Vol. 16-10

- 16-0309-1602 Proposed Rulemaking, Bulletin Vol. 16-10  
16-0309-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)  
16-0309-1602 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

**16.03.10, Medicaid Enhanced Plan Benefits**

- 16-0310-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-6 (eff. 1-1-16)T  
16-0310-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**16.03.18, Medicaid Cost-Sharing**

- 16-0318-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-6 (eff. 7-1-16)T  
16-0318-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**16.03.19, Rules Governing Certified Family Homes**

- 16-0319-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4  
16-0319-1601 (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5  
16-0319-1601 Proposed Rulemaking, Bulletin Vol. 16-9  
16-0319-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

**16.03.22, Residential Care or Assisted Living Facilities in Idaho**

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

**16.04.17, Rules Governing Residential Habilitation Agencies**

- 16-0417-1601\* Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4  
16-0417-1601\* (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5 (Rulemaking Terminated)  
16-0417-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-12  
16-0417-1701 2nd Notice of Intent to Promulgate a Rule (2nd Notice) - Negotiated Rulemaking, Bulletin Vol. 17-1

**16.05.06, Criminal History and Background Checks**

- 16-0506-1602 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6  
16-0506-1601 Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-7 (eff. 7-1-16)T  
16-0506-1602 Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-9  
16-0506-1601 Adoption of Pending Fee Rule, Bulletin Vol. 17-1 (eff. PLR 2017)  
16-0506-1602 Adoption of Pending Fee Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

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

- 16-0507-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4  
16-0507-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-7 (eff. 7-1-16)T  
16-0507-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

**16.06.01, Child and Family Services**

- 16-0601-1601 Proposed Rulemaking, Bulletin Vol. 16-9  
16-0601-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

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

- 16-0612-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6  
16-0612-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-9 (eff. 10-1-16)T  
16-0612-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**16.07.19, Behavioral Health Peer Specialist and Family Support Partner Certification**

- 16-0719-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6  
16-0719-1601 Proposed Rulemaking, Bulletin Vol. 16-10  
16-0719-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

**16.07.37, Children's Mental Health Services**

- 16-0737-1601** Proposed Rulemaking, Bulletin Vol. 16-10  
**16-0737-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

### ***IDAPA 18 -- DEPARTMENT OF INSURANCE***

#### ***18.01.10, Producers Handling of Fiduciary Funds***

- 18-0110-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7  
**18-0110-1601** Proposed Rulemaking, Bulletin Vol. 16-9  
**18-0110-1601** Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

#### ***18.01.29, Restrictions on Discretionary Clauses in Health Insurance Contracts***

- 18-0129-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7.

#### ***18.01.48, Rule to Implement the Privacy of Consumer Financial Information***

- 18-0148-1601** Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 9-1-16)T  
**18-0148-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

#### ***18.01.50, Adoption of the International Fire Code***

- 18-0150-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7  
**18-0150-1601** Proposed Rulemaking, Bulletin Vol. 16-9  
**18-0150-1601** Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

#### ***18.01.54, Rule to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act***

- 18-0154-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7  
**18-0154-1601** Proposed Rulemaking, Bulletin Vol. 16-9  
**18-0154-1601** Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

#### ***18.01.56, Rebates and Illegal Inducements to Obtaining Title Insurance Business Rules***

- 18-0156-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-8  
**18-0156-1601** Proposed Rulemaking, Bulletin Vol. 16-10  
**18-0156-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

### ***IDAPA 19 -- BOARD OF DENTISTRY***

#### ***19.01.01, Rules of the Idaho State Board of Dentistry***

- 19-0101-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6  
**19-0101-1601** Proposed Rulemaking, Bulletin Vol. 16-9  
**19-0101-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

### ***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 a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6  
**20-0214-1601** Proposed Rulemaking, Bulletin Vol. 16-8  
**20-0214-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

#### ***20.03.16, Rules Governing Oil and Gas Leasing on Idaho State Lands***

- 20-0316-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7  
**20-0316-1601** Proposed Rulemaking, Bulletin Vol. 16-10  
**20-0316-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

#### ***20.07.01, Rules of Practice and Procedure Before the Idaho Oil And Gas Conservation Commission***

- 20-0701-1601** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 16-8  
**20-0701-1601** Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 16-11 (eff. PLR 2017)

***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 a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5  
**20-0702-1601** Proposed Rulemaking, Bulletin Vol. 16-10  
**20-0702-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

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- 22-0103-1601** Proposed Rulemaking, Bulletin Vol. 16-10  
**22-0103-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

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- 23-0101-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7  
**23-0101-1601** Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-10  
**23-0101-1602** Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-1-16)T  
**23-0101-1601** Adoption of Pending Fee Rule, Bulletin Vol. 16-12 (eff. PLR 2017)  
**23-0101-1602** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

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- 24-0101-1601** Proposed Rulemaking, Bulletin Vol. 16-10  
**24-0101-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***24.03.01, Rules of the State Board of Chiropractic Physicians***

- 24-0301-1601** Proposed Rulemaking, Bulletin Vol. 16-10  
**24-0301-1601** Adoption of Pending Fee Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***24.08.01, Rules of the State Board of Morticians***

- 24-0801-1601** Temporary and Proposed Rulemaking, Bulletin Vol. 16-9 (eff. 7-12-16)T  
**24-0801-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***24.10.01, Rules of the State Board of Optometry***

- 24-1001-1601** Proposed Rulemaking, Bulletin Vol. 16-10  
**24-1001-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

***24.12.01, Rules of the State Board of Psychologist Examiners***

- 24-1201-1601** Proposed Rulemaking, Bulletin Vol. 16-10  
**24-1201-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

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- 24-1601-1601** Proposed Rulemaking, Bulletin Vol. 16-10  
**24-1601-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

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- 24-1701-1601** Proposed Rulemaking, Bulletin Vol. 16-10  
**24-1701-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***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
- 24-1801-1602** Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-10
- 24-1801-1602** Adoption of Pending Fee Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

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- 24-1901-1601** Adoption of Pending Fee Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***24.22.01, Rules of the Idaho State Liquefied Petroleum Gas Safety Board***

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- 24-2201-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

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- 24-2301-1601** Adoption of Pending Fee Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

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- 24-2701-1601** Adoption of Pending Fee Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

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- 26-0120-1601** Proposed Rulemaking, Bulletin Vol. 16-11
- 26-0120-1601** Adoption of Pending Fee Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

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- 27-0101-1601** Proposed Rulemaking, Bulletin Vol. 16-9
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- 46-0101-1601** Proposed Rulemaking, Bulletin Vol. 16-9
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- 50-0101-1602** Adoption of Temporary Rule, Bulletin Vol. 16-10 (eff. 8-8-16)T

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