

IDAHO ADMINISTRATIVE BULLETIN

January 3, 2018 - Vol. 18-1

Idaho Department of Administration
All Rights Reserved
Printed in the United States of America



The Idaho Administrative Bulletin is published monthly by the Office of the Administrative Rules Coordinator, Department of Administration, Statehouse Mail, Boise, Idaho 83720-0306, pursuant to Title 67, Chapter 52, Idaho Code.

C.L. "Butch" Otter, Governor
Robert L. Geddes, Director, Department of Administration
Dennis Stevenson, Administrative Rules Coordinator
Bradley Hunt, Administrative Rules Specialist
Jason Shaw, Regulatory Analyst and Publishing Specialist

IDAHO ADMINISTRATIVE BULLETIN

Table of Contents

January 3, 2018 -- Volume 18-1

PREFACE	8
IDAPA 02 – IDAHO SHEEP AND GOAT HEALTH BOARD	
<i>02.08.01 – Sheep and Goat Rules of the Idaho Sheep and Goat Health Board</i>	
Docket No. 02-0801-1701	
Notice of Rulemaking – Adoption of Pending Rule	17
IDAPA 08 – STATE BOARD AND STATE DEPARTMENT OF EDUCATION	
<i>08.01.11 – Registration of Post-Secondary Educational Institutions and Proprietary Schools</i>	
Docket No. 08-0111-1701	
Notice of Rulemaking – Adoption of Pending Rule	18
<i>08.01.13 – Rules Governing the Opportunity Scholarship Program</i>	
Docket No. 08-0113-1701	
Notice of Rulemaking – Adoption of Pending Rule	19
<i>08.02.02 – Rules Governing Uniformity</i>	
Docket No. 08-0202-1701	
Notice of Rulemaking – Adoption of Pending Rule	20
Docket No. 08-0202-1702	
Notice of Rulemaking – Adoption of Pending Rule	22
Docket No. 08-0202-1703	
Notice of Rulemaking – Adoption of Pending Rule	24
Docket No. 08-0202-1705	
Notice of Rulemaking – Adoption of Pending Rule	25
Docket No. 08-0202-1707	
Notice of Rulemaking – Adoption of Pending Rule	33
Docket No. 08-0202-1708	
Notice of Rulemaking – Adoption of Pending Rule	34
<i>08.02.03 – Rules Governing Thoroughness</i>	
Docket No. 08-0203-1703	
Notice of Rulemaking – Adoption of Pending Rule	36
Docket No. 08-0203-1704	
Notice of Rulemaking – Adoption of Pending Rule	37
Docket No. 08-0203-1705	
Notice of Rulemaking – Adoption of Pending Rule	38
Docket No. 08-0203-1707	
Notice of Rulemaking – Adoption of Pending Rule	39
Docket No. 08-0203-1709	
Notice of Rulemaking – Adoption of Pending Rule	40

Docket No. 08-0203-1710	
Notice of Rulemaking – Adoption of Pending Rule	41
Docket No. 08-0203-1712	
Notice of Rulemaking – Adoption of Pending Rule	42
08.02.04 – <i>Rules Governing Public Charter Schools</i>	
Docket No. 08-0204-1701	
Notice of Rulemaking – Adoption of Pending Rule	43
08.03.01 – <i>Rules of the Public Charter School Commission</i>	
Docket No. 08-0301-1701	
Notice of Rulemaking – Adoption of Pending Rule	44
08.04.01 – <i>Rules of the Idaho Digital Learning Academy</i>	
Docket No. 08-0401-1701	
Notice of Rulemaking – Adoption of Pending Rule	45
08.05.01 – <i>Rules Governing Seed and Plant Certification</i>	
Docket No. 08-0501-1701	
Notice of Rulemaking – Adoption of Pending Rule	46
IDAPA 09 – IDAHO DEPARTMENT OF LABOR	
09.01.30 – <i>Unemployment Insurance Benefits Administration Rules</i>	
Docket No. 09-0130-1701	
Notice of Rulemaking – Adoption of Pending Rule	47
IDAPA 11 – IDAHO STATE POLICE	
IDAHO STATE FORENSIC LABORATORY	
11.03.01 – <i>Rules Governing Alcohol Testing</i>	
Docket No. 11-0301-1801	
Notice of Rulemaking – Adoption of Temporary Rule.....	48
IDAHO STATE RACING COMMISSION	
11.04.06 – <i>Rules Governing Racing Officials</i>	
Docket No. 11-0406-1701	
Notice of Rulemaking – Adoption of Pending Rule	50
PEACE OFFICER STANDARDS AND TRAINING (POST) COUNCIL	
11.11.01 – <i>Rules of the Idaho Peace Officer Standards and Training Council</i>	
Docket No. 11-1101-1701	
Notice of Rulemaking – Adoption of Pending Rule	51
11.11.05 – <i>Rules of the Idaho Peace Officer Standards and Training Council</i> <i>for Idaho Department of Juvenile Corrections Direct Care Staff</i>	
Docket No. 11-1105-1701	
Notice of Rulemaking – Adoption of Pending Rule	52
IDAPA 13 – DEPARTMENT OF FISH AND GAME	
13.01.04 – <i>Rules Governing Licensing</i>	
Docket No. 13-0104-1701	
Notice of Rulemaking – Adoption of Pending Rule	53

Docket No. 13-0104-1702
 Notice of Rulemaking – Adoption of Pending Rule54

Docket No. 13-0104-1703
 Notice of Rulemaking – Adoption of Pending Rule55

13.01.06 – Rules Governing Classification and Protection of Wildlife
Docket No. 13-0106-1701
 Notice of Rulemaking – Adoption of Pending Rule56

13.01.08 – Rules Governing the Taking of Big Game Animals in the State of Idaho
Docket No. 13-0108-1704
 Notice of Rulemaking – Adoption of Pending Rule57

Docket No. 13-0108-1706
 Notice of Rulemaking – Adoption of Pending Rule58

**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. 15-0401-1701
 Notice of Rulemaking – Adoption of Pending Rule59

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.01.04 – Emergency Medical Services (EMS) – Account III Grants
Docket No. 16-0104-1701 (New Chapter)
 Notice of Rulemaking – Adoption of Pending Rule60

16.02.02 – Rules of the Idaho Emergency Medical Services (EMS) Physician Commission
Docket No. 16-0202-1701
 Notice of Rulemaking – Adoption of Pending Rule61

16.02.04 – Rules Governing Emergency Medical Services Account III Grants
Docket No. 16-0204-1701 (Chapter Repeal)
 Notice of Rulemaking – Adoption of Pending Rule62

16.02.10 – Idaho Reportable Diseases
Docket No. 16-0210-1701
 Notice of Rulemaking – Adoption of Pending Rule63

16.02.12 – Procedures and Testing to be Performed on Newborn Infants
Docket No. 16-0212-1701
 Notice of Rulemaking – Adoption of Pending Rule67

16.03.01 – Eligibility for Health Care Assistance for Families and Children
Docket No. 16-0301-1702
 Notice of Rulemaking – Adoption of Pending Rule71

16.03.05 – Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD)
Docket No. 16-0305-1701
 Notice of Rulemaking – Adoption of Pending Rule72

16.03.09 – Medicaid Basic Plan Benefits
Docket No. 16-0309-1702
 Notice of Rulemaking – Adoption of Pending Rule74

Docket No. 16-0309-1703
 Notice of Rulemaking – Adoption of Pending Rule77

16.03.10 – Medicaid Enhanced Plan Benefits
Docket No. 16-0310-1702
 Notice of Rulemaking – Adoption of Pending Rule78

Docket No. 16-0310-1703
 Notice of Rulemaking – Adoption of Pending Rule79

*16.03.15 – Rules Governing Secure Treatment Facility for People With Intellectual or
 Developmental Disabilities*
Docket No. 16-0315-1801 (New Chapter)
 Notice of Intent to Promulgate Rules – Negotiated Rulemaking81

16.03.19 – Rules Governing Certified Family Homes
Docket No. 16-0319-1701
 Notice of Rulemaking – Adoption of Pending Rule83

16.04.17 – Rules Governing Residential Habilitation Agencies
Docket No. 16-0417-1701 (Chapter Repeal)
 Notice of Rulemaking – Adoption of Pending Rule139

Docket No. 16-0417-1702 (Chapter Rewrite)
 Notice of Rulemaking – Adoption of Pending Rule140

16.05.03 – Rules Governing Contested Case Proceedings and Declaratory Rulings
Docket No. 16-0503-1701
 Notice of Rulemaking – Adoption of Pending Rule and Temporary Rule166

16.06.01 – Child and Family Services
Docket No. 16-0601-1701
 Notice of Rulemaking – Adoption of Pending Rule176

Docket No. 16-0601-1702
 Notice of Rulemaking – Adoption of Pending Rule177

16.07.15 – Behavioral Health Programs
Docket No. 16-0715-1701
 Notice of Rulemaking – Adoption of Pending Rule179

16.07.17 – Substance Use Disorders Services
Docket No. 16-0717-1701
 Notice of Rulemaking – Adoption of Pending Rule180

*16.07.50 – Minimum Standards for Nonhospital, Medically Monitored
 Detoxification/Mental Health Diversion Units*
Docket No. 16-0750-1701
 Notice of Rulemaking – Adoption of Pending Rule181

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION
*17.02.04 – Administrative Rules of the Industrial Commission
 Under the Workers’ Compensation Law -- Benefits*
Docket No. 17-0204-1701
 Notice of Rulemaking – Adoption of Pending Rule182

Docket No. 17-0204-1702
 Notice of Rulemaking – Vacation of Proposed Rulemaking 183

17.02.07 – *Procedures to Obtain Compensation*
Docket No. 17-0207-1701
 Notice of Rulemaking – Adoption of Pending Rule 184

17.02.08 – *Miscellaneous Provisions*
Docket No. 17-0208-1701
 Notice of Rulemaking – Adoption of Pending Rule 185

17.02.10 – *Administrative Rules of the Industrial Commission Under the Workers’ Compensation Law*
 -- *Security for Compensation -- Insurance Carriers*
Docket No. 17-0210-1701
 Notice of Rulemaking – Adoption of Pending Rule 186

17.02.11 – *Administrative Rules of the Industrial Commission Under the Workers’ Compensation Law*
 -- *Security for Compensation -- Self-Insured Employers*
Docket No. 17-0211-1701
 Notice of Rulemaking – Adoption of Pending Rule 187

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES

24.01.01 – *Rules of the Board of Architectural Examiners*
Docket No. 24-0101-1701
 Notice of Rulemaking – Adoption of Pending Fee Rule..... 188

24.03.01 – *Rules of the State Board of Chiropractic Physicians*
Docket No. 24-0301-1701
 Notice of Rulemaking – Adoption of Pending Fee Rule..... 189

24.06.01 – *Rules for the Licensure of Occupational Therapists*
and Occupational Therapy Assistants
Docket No. 24-0601-1701
 Notice of Rulemaking – Adoption of Pending Fee Rule..... 192

24.07.01 – *Rules of the Idaho State Board of Landscape Architects*
Docket No. 24-0701-1701
 Notice of Rulemaking – Adoption of Pending Fee Rule..... 193

24.08.01 – *Rules of the State Board of Morticians*
Docket No. 24-0801-1701
 Notice of Rulemaking – Adoption of Pending Fee Rule..... 194

24.12.01 – *Rules of the Idaho State Board of Psychologist Examiners*
Docket No. 24-1201-1701
 Notice of Rulemaking – Adoption of Pending Rule 195

24.13.01 – *Rules Governing the Physical Therapy Licensure Board*
Docket No. 24-1301-1701
 Notice of Rulemaking – Adoption of Pending Rule 196

24.18.01 – *Rules of the Real Estate Appraiser Board*
Docket No. 24-1801-1701
 Notice of Rulemaking – Adoption of Pending Fee Rule..... 197

24.23.01 – *Rules of the Speech, Hearing and Communication Services Licensure Board*
Docket No. 24-2301-1701
 Notice of Rulemaking – Adoption of Pending Rule198
Docket No. 24-2301-1702
 Notice of Rulemaking – Adoption of Pending Fee Rule.....199

24.24.01 – *Rules of the Genetic Counselors Licensing Board*
Docket No. 24-2401-1701
 Notice of Rulemaking – Adoption of Pending Fee Rule.....201

24.25.01 – *Rules of the Idaho Driving Businesses Licensure Board*
Docket No. 24-2501-1701
 Notice of Rulemaking – Adoption of Pending Fee Rule.....202

IDAPA 35 – STATE TAX COMMISSION
 35.01.02 – *Idaho Sales and Use Tax Administrative Rules*
Docket No. 35-0102-1702
 Notice of Rulemaking – Adoption of Pending Rule204

35.01.03 – *Property Tax Administrative Rules*
Docket No. 35-0103-1704
 Notice of Rulemaking – Adoption of Pending Rule207

IDAPA 47 – DIVISION OF VOCATIONAL REHABILITATION
 47.01.01 – *Rules of the Idaho Division of Vocational Rehabilitation*
Docket No. 47-0101-1701
 Notice of Rulemaking – Adoption of Pending Rule210

IDAPA 50 – COMMISSION OF PARDONS AND PAROLE
 50.01.01 – *Rules of the Commission of Pardons and Parole*
Docket No. 50-0101-1701
 Notice of Rulemaking – Adoption of Pending Rule212

IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION
 55.01.03 – *Rules of Career Technical Schools*
Docket No. 55-0103-1701
 Notice of Rulemaking – Adoption of Pending Rule213

55.01.04 – *Rules Governing Idaho Quality Program Standards Incentive Grants and
 Agricultural Education Program Start-Up Grants*
Docket No. 55-0104-1701
 Notice of Rulemaking – Adoption of Pending Rule214

IDAPA 57 – SEXUAL OFFENDER MANAGEMENT BOARD
 57.01.01 – *Rules of the Sexual Offender Management Board*
Docket No. 57-0101-1701
 Notice of Rulemaking – Adoption of Pending Rule215

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY
 58.01.01 – *Rules for the Control of Air Pollution in Idaho*
Docket No. 58-0101-1702
 Notice of Rulemaking – Adoption of Pending Rule216

58.01.02 – <i>Water Quality Standards</i> Docket No. 58-0102-1502 Notice of Rulemaking – Adoption of Pending Rule	217
Docket No. 58-0102-1701 Notice of Rulemaking – Adoption of Pending Rule	220
Docket No. 58-0102-1702 Notice of Rulemaking – Adoption of Pending Rule	236
58.01.05 – <i>Rules and Standards for Hazardous Waste</i> Docket No. 58-0105-1701 Notice of Rulemaking – Adoption of Pending Rule	238
58.01.25 – <i>Rules Regulating the Idaho Pollutant Discharge Elimination System Program</i> Docket No. 58-0125-1701 Notice of Rulemaking – Adoption of Pending Rule	240
IDAPA 59 – PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO	
59.01.03 – <i>PERSI Contribution Rules</i> Docket No. 59-0103-1702 Notice of Rulemaking – Rescission of Temporary Rule.....	241
Docket No. 59-0103-1801 Notice of Rulemaking – Adoption of Temporary Rule.....	242
IDAPA 61 – STATE PUBLIC DEFENSE COMMISSION	
61.01.06 – <i>Rules Governing Procedures for the Oversight, Implementation, Enforcement and Modification of Indigent Defense Standards</i> Docket No. 61-0106-1701 (New Chapter) Notice of Rulemaking – Adoption of Pending Rule	246
61.01.07 – <i>Rules Governing Standards for Defending Attorneys That Utilize Idaho’s Principles of an Indigent Defense Delivery System</i> Docket No. 61-0107-1701 Notice of Rulemaking – Adoption of Pending Rule	252
61.01.08 – <i>Rules Governing the Administration of Idaho’s Indigent Defense Delivery Systems – Rule Definitions</i> Docket No. 61-0108-1701 (New Chapter) Notice of Rulemaking – Adoption of Pending Rule	255
SECTIONS AFFECTED INDEX	260
LEGAL NOTICE - SUMMARY OF PROPOSED RULEMAKINGS	267
CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES	268
SUBJECT INDEX	288

PREFACE

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

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

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

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

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

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

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

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

THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

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

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.

2. 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 very specific information regarding the rulemaking including all relevant state or federal statutory authority occasioning the rulemaking, a non-technical description of the changes being made, any associated costs, guidance on how to participate through submission of written comments and requests for public hearings, and the text of the proposed rule in legislative format.

3. 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 these criteria, and with the Governor’s approval, the agency may adopt and make a temporary rule effective prior to receiving legislative authorization and without allowing for any public input. The law allows an agency to make a temporary rule immediately effective upon adoption. 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.

4. 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 statement giving the reasons for adopting the rule, a statement regarding when the rule becomes effective, a description of how it differs from the proposed rule, and identification of any fees being imposed or changed.

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.

5. 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.

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.

1. “**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 2017

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
17-1	January 2017	*November 25, 2016	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	**September 1, 2017	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

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2018

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
18-1	January 2018	*November 24, 2017	January 3, 2018	January 24, 2018
18-2	February 2018	January 5, 2018	February 7, 2018	February 28, 2018
18-3	March 2018	February 2, 2018	March 7, 2018	March 28, 2018
18-4	April 2018	March 2, 2018	April 4, 2018	April 25, 2018
18-5	May 2018	April 6, 2018	May 2, 2018	May 23, 2018
18-6	June 2018	May 4, 2018	June 6, 2018	June 27, 2018
18-7	July 2018	June 8, 2018	July 4, 2018	July 25, 2018
18-8	August 2018	July 6, 2018	August 1, 2018	August 22, 2018
18-9	September 2018	August 3, 2018	September 5, 2018	September 26, 2018
18-10	October 2018	**August 31, 2018	October 3, 2018	October 24, 2018
18-11	November 2018	October 5, 2018	November 7, 2018	November 28, 2018
18-12	December 2018	November 2, 2018	December 5, 2018	December 26, 2018

****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.***

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 01	Accountancy , Board of
IDAPA 38	Administration , Department of
IDAPA 44	Administrative Rules Coordinator , Office of the
IDAPA 02	Agriculture , Idaho Department of
IDAPA 40	Arts , Idaho Commission on the
IDAPA 03	Athletic Commission
IDAPA 04	Attorney General , Office of the
IDAPA 53	Barley Commission , Idaho
IDAPA 51	Beef Council , Idaho
IDAPA 07	Building Safety , Division of Electrical Board (07.01) Plumbing Board (07.02) Building Codes & Manufactured Homes (07.03) Building Code Advisory Board (07.03.01) Public Works Contractors License Board (07.05) Uniform School Building Safety (07.06) HVAC Board (07.07)
IDAPA 43	Canola and Rapeseed Commission , Idaho
IDAPA 55	Career-Technical Education , Division of
IDAPA 28	Commerce , Idaho Department of
IDAPA 06	Correction , Board of
IDAPA 19	Dentistry , Board of
IDAPA 08	Education , State Board of and State Department of
IDAPA 10	Engineers and Land Surveyors , Board of Professional
IDAPA 58	Environmental Quality , Department of
IDAPA 12	Finance , Department of
IDAPA 13	Fish and Game , Department of
IDAPA 14	Geologists , Board of Registration for Professional

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 15	Governor, Office of the Idaho Commission on Aging (15.01) Idaho Commission for the Blind and Visually Impaired (15.02) Idaho Forest Products Commission (15.03) Division of Human Resources and Personnel Commission (15.04) Idaho Liquor Division (15.10) Idaho Military Division (Division of Homeland Security) (15.06)
IDAPA 48	Grape Growers and Wine Producers Commission, Idaho
IDAPA 16	Health and Welfare, Department of
IDAPA 41	Health Districts, Public
IDAPA 45	Human Rights Commission
IDAPA 17	Industrial Commission
IDAPA 18	Insurance, Department of
IDAPA 05	Juvenile Corrections, Department of
IDAPA 09	Labor, Idaho Department of
IDAPA 20	Lands, Department of
IDAPA 30	Libraries, Commission for
IDAPA 52	Lottery Commission, Idaho State
IDAPA 22	Medicine, Board of
IDAPA 23	Nursing, Board of

**ALPHABETICAL INDEX OF STATE AGENCIES
AND CORRESPONDING IDAPA NUMBERS**

IDAPA 24	Occupational Licenses, Board of (24.20) Acupuncture, Board of (24.17) Architectural Examiners, Board of (24.01) Barber Examiners, Board of (24.02) Chiropractic Physicians, Board of (24.03) Contractors Board, Idaho (24.21) Cosmetology, Board of (24.04) Counselors and Marriage and Family Therapists, Licensing Board of Professional (24.15) Dentistry, Board of (24.16) Drinking Water and Wastewater Professionals, Board of (24.05) Driving Businesses Licensure Board, State (24.25) Landscape Architects, Board of (24.07) Liquefied Petroleum Gas Safety Board (24.22) Massage Therapy, Board of (24.27) Midwifery, State Board of (24.26) Morticians, Board of (24.08) Nursing Home Administrators, Board of Examiners of (24.09) Occupational Therapy Licensure Board, State (24.06) Optometry, Board of (24.10) Physical Therapy Licensure Board (24.13) Podiatry, Board of (24.11) Psychologist Examiners, Board of (24.12) Real Estate Appraiser Board (24.18) Residential Care Facility Administrators, Board of Examiners of (24.19) Social Work Examiners, Board of (24.14) Speech and Hearing Services Board (24.23)
IDAPA 25	Outfitters and Guides Licensing Board
IDAPA 50	Pardons and Parole, Commission for
IDAPA 26	Parks and Recreation, Department of
IDAPA 27	Pharmacy, Board of
IDAPA 11	Police, Idaho State
IDAPA 29	Potato Commission, Idaho
IDAPA 61	Public Defense Commission, State
IDAPA 59	Public Employee Retirement System of Idaho (PERSI)
IDAPA 31	Public Utilities Commission
IDAPA 56	Rangeland Resources Commission, Idaho
IDAPA 33	Real Estate Commission, Idaho
IDAPA 34	Secretary of State, Office of the
IDAPA 57	Sexual Offender Management Board
IDAPA 49	Shorthand Reporters Board, Idaho Certified
IDAPA 60	Soil and Water Conservation Commission, Idaho State

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 36	Tax Appeals, Board of
IDAPA 35	Tax Commission, State
IDAPA 39	Transportation Department, Idaho
IDAPA 54	Treasurer, Office of the State
IDAPA 21	Veterans Services, Division of
IDAPA 46	Veterinary Medical Examiners, Board of
IDAPA 47	Vocational Rehabilitation, Division of
IDAPA 37	Water Resources, Department of
IDAPA 42	Wheat Commission

IDAPA 02 – IDAHO SHEEP AND GOAT HEALTH BOARD

02.08.01 – SHEEP AND GOAT RULES OF THE IDAHO SHEEP AND GOAT HEALTH BOARD

DOCKET NO. 02-0801-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 Title 25, Chapter 1, Idaho Code, and Section 25-128, 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 1, 2017 Idaho Administrative Bulletin, [Vol. 17-11, pages 29-30](#).

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 Brandy Kay, (208) 334-3115.

DATED this 24th day of November, 2017.

Brandy Kay, Executive Secretary
Idaho Sheep and Goat Health Board
Hoff Building
802 W. Bannock St., Suite 205
P.O. Box 2596
Boise, ID 83702
Phone: (208) 334-3115
Fax: (208) 336-9447

IDAPA 08 – STATE BOARD OF EDUCATION

08.01.11 – REGISTRATION OF POSTSECONDARY EDUCATIONAL INSTITUTIONS AND PROPRIETARY SCHOOLS

DOCKET NO. 08-0111-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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:

The proposed amendments provide clarification that the Board does not review courses or courses of study as part of the proprietary school registration process and that those individuals who are providing training for a profession that is regulated by another state agency or Board must attest that the courses meet the licensing or certification requirements of the regulating agency or Board.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 49-55](#).

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.

DATED this 16th day of November, 2017.

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

IDAPA 08 – STATE BOARD OF EDUCATION

08.01.13 – RULES GOVERNING THE OPPORTUNITY SCHOLARSHIP PROGRAM

DOCKET NO. 08-0113-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 Article IX, Section 2, Idaho Constitution and under Sections 33-105, 33-107, and 33-4303, 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 updates the Scholastic Aptitude Test (SAT) score to realign the indicator with the ACT score used for the same purpose and makes clarifications that will allow for an equitable distribution of scholarship awards to eligible students. Proposed amendments will make technical corrections, provide clarification regarding the verification of a student's expected family contribution, in addition to updating the college entrance exam requirements scores used for determining academic eligibility for scholarship applicants that have a GED score and no high school grade point average. College entrance exam score amendments are due to the recent changes in the Scholastic Aptitude Test (SAT) scoring.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 56-61](#).

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 at (208) 332-1582 or tracie.bent@osbe.idaho.gov.

DATED this 16th day of November, 2017.

Tracie Bent, Chief Planning & Policy Officer
State Board of Education
650 W. State Street
P.O. Box 83720
Boise, Idaho 83720-0037
Tel: (208) 332-1582
Fax: (208) 334-2632

IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.02 – RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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, 33-1254 and 33-1258, 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. The following certificates and endorsements were reviewed by committees of content experts: Administrator, which includes School Principal, Superintendent, and Director of Special Education; Audiology; Bilingual; Career Technical areas, which include Agriculture Science and Technology, Business Technology, Family and Computer Sciences, Marketing Technology Education, and Technology Education; Computer Science; Engineering; English as a New Language; Speech Language-Pathology; and World Language. Additionally, the Core Teaching Standards, the basic standards which all specific teaching areas are required to meet, were reviewed.

The pending rule has been adopted with one minor change to Subsection 015.02. Additional language clarifies that the Occupational Therapist and Physical Therapist Pupil Personnel Services Certificates are optional as determined by the local educational agency.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 62-94](#).

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: 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 lcolondurham@sde.idaho.gov.

DATED this 15th day of November, 2017.

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

DOCKET NO. 08-0202-1701 - 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 17-10, October 4, 2017, pages 62-94.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 08-0202-1701

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

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 015.02]

02. 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. Persons who serve as an occupational Therapist of Physical therapist may be required, as determined by the local educational agency, to hold the Pupil Personnel Services Certificate with respective endorsements for which they qualify. (3-25-16)()

IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.02 – RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1702

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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, 33-1506, 33-1508 and 33-1511 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 amendments to Standards for Idaho School Buses and Operations reflect both these national-level changes and other changes to provide clarification or to reflect manufacturing or operational procedures.

The pending rule has been adopted with changes to the Standards for Idaho School Buses and Operations, which were approved by the Idaho State Board of Education on November 15, 2017. The changes were made to provide additional clarity to users of the manual. Changes to the document include:

- Student Transportation Personnel File: Change of definition from “original physical examination form” to “Medical Examiner’s Certificate.”
- Administrative and Program Operations Costs: Mileage related to visits to colleges and universities is considered reimbursable field trip mileage if such visits are part of the school district college advising and mentoring plan. Mileage needs to be tracked as such.
- Administrative and Program Operations Costs: For all activities reimbursable under the transportation support program described above, any costs associated with the operation of non-SDE IBUS inventoried vehicles shall be removed from the total costs. Pursuant to 33-1006, Idaho Code, section 1, non-SDE IBUS inventoried vehicles are not subject to SDE transportation program safety inspections, and therefore cannot be covered under the transportation support program. Costs associated with non-SDE IBUS inventoried vehicles shall be removed by pro-rating the percentage of total student transportation miles on non-SDE IBUS inventoried vehicles to the total student transportation fleet miles.
- Administrative and Program Operations Costs: Shuttle trip mileage for educational programs are reimbursable miles, but shuttle trips between schools for extracurricular activities or at student request are not reimbursable. Activity buses that take students and/or athletes home after regular school hours are non-reimbursable.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 95-96](#).

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:

According to the statement of purpose of 2017 Senate Bill 1123, the financial impact of the reinstatement of field trip mileage is estimated to be between \$2.25 million and \$2.5 million per year. The financial impact of the reinstatement of shuttle, training, and maintenance mileage is estimated to be approximately \$958,000.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Derek Newland, Director of Transportation, at (208) 332-6856 or dnewland@sde.idaho.gov.

DATED this 15th day of November, 2017.

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

DOCKET NO. 08-0202-1702 - 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 17-10, October 4, 2017, pages 95-96.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 08-0202-1702**

(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 State Board of Education adopts and incorporates by reference into its rules:

(5-8-09)

[Subsection 004.02]

02. Standards for Idaho School Buses and Operations as approved on ~~June 23, 2011~~ November 15, 2017. 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 <https://boardofed.idaho.gov>. ~~(3-29-12)~~ ()

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.02 – RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1703

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-119, 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:

Proposed amendments update the reference to the Northwest Accreditation Commission to recognize it is now a part of AdvancEd, removes a reference to private and parochial schools that conflicts with language in Section 33-119, Idaho Code, and adds a reference to Residential Schools. Proposed references to residential schools applies to residential schools certified as accredited by the State Board of Education. Without the additional reference to residential schools all residential schools accredited by AdvancEd would be exempt from the health and safety requirement outlined in Section 39-1210, Idaho Code that all other non-accredited residential schools must follow. Academic accreditation reviews do not include health and safety reviews. This reference applies to schools with a residential facility pursuant to Section 39-1207, Idaho code and does not apply to home schooled students.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 97-98](#).

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.

DATED this 16th day of November, 2017.

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

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.02 – RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1705

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 Article IX, Section 2, Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-1004B, 33-1201, 33-1201A, 33-1204, 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:

Proposed amendments make technical corrections to the existing definition of an institutional recommendation to differentiate between the institutional recommendation that is required for instructional staff and the one required for administrators and change existing references to professional development plans and professional learning plans to a single uniform term for consistency. Additional changes amend educator evaluation requirements to provide clarification to the existing requirements including, but not limited to, documentation requirements and school district evaluation policy requirements. Base proposed evaluation amendments are on areas identified during the annual evaluation review process. Additional technical corrections are based on areas identified during the negotiated rulemaking process. The proposed rule text has been amended to make additional technical corrections to terminology to align “pupil personnel services” to the defined term in Section 33-1001, Idaho Code “pupil service staff” and additional discrepancies in terminology identified during the public comment period. Two additional amendments requested during the public comment period were made to specify that the required credits earned for certificate renewal purposes must be earned during the validity period of the certificate being renewed (Subsection 060.01.a.iv.) and the restore Subsection 121.04.f. Communication of Results to make it consistent with the same language in Subsection 120.

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 4, 3017 Idaho Administrative Bulletin, [Vol. 17-10, page 99-122](#).

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 at (208) 332-1582 or tracie.bent@osbe.idaho.gov.

DATED this 16th day of November, 2017.

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

DOCKET NO. 08-0202-1705 - 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 17-10, October 4, 2017, page 99.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 08-0202-1705

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

007. DEFINITIONS.

[Subsections 007.06 AND 070.07]

06. **Individualized Professional Learning Plan.** An individualized professional development plan based on the Idaho framework for ~~teacher~~ teaching evaluation as outlined in Section 120 of these rules to include interventions based on the individual's strengths and areas of needed growth. (3-25-16)()

07. **Institutional Recommendation.** Signed form or written verification from an accredited institution with a ~~an~~ state board approved ~~teacher~~ educator preparation program stating that an individual has completed the program, received a basic or higher rating in all ~~twenty-two (22)~~ components of the approved Idaho framework for ~~teacher~~ teaching evaluation, has an individualized professional learning plan, has demonstrated the ability to produce measurable student achievement or ~~growth and~~ student success, has the ability to create student learning objectives, and is now being recommended for state certification. Institutional recommendations must include statements of identified competency areas and grade ranges. Institutional Recommendation for administrators must additionally include a competency statement indicating proficiency in conducting accurate evaluations of instructional practice based upon the state's framework for evaluation as outlined in Section 120 of these rules. (3-25-16)()

(BREAK IN CONTINUITY OF SECTIONS)

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)

[Subsections 015.02 AND 015.02.a.]

02. Pupil ~~Personnel~~ Services Staff 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 Staff Certificate, with the respective endorsement(s) for which they qualify. (3-25-16)()

a. Counselor Endorsement (K-12). To be eligible for a Pupil ~~Personnel~~ Services Staff Certificate-Endorsed Counselor K-12, a candidate must have satisfied the following requirements. The Pupil ~~Personnel~~ Services Staff Certificate with a Counselor endorsement is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the endorsement. (3-25-16)()

[Subsection 015.02.h.]

h. Interim Endorsement-Speech Language Pathologist. This certificate will be granted for those who do not meet the educational requirements but who hold a baccalaureate degree in speech language pathology and are pursuing a master's degree in order to obtain the ~~p~~Pupil ~~Personnel~~ Services Staff eCertificate endorsed in speech language pathology. An interim certificate will be issued for three (3) years while the applicant is meeting the educational requirements, and it is not renewable. (3-25-16)()

05. Degree Based Career Technical Certification. (3-25-16)

[Subsection 015.05.d.]

d. Career Counselor Endorsement. The endorsement for a Career Counselor may be issued to applicants who hold a current Pupil ~~Personnel~~ Services Staff Certificate-Endorsed Counselor K-12 and who have satisfied the following career technical requirement: Career Pathways and Career Technical Guidance; Principles/Foundations of Career Technical Education; and Theories of Occupational Choice. (3-25-16)()

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)

[Subsection 015.10.d.]

d. Administrator certificate renewal. In order to recertify, holders of an administrator certificate must complete a course consisting of a minimum of three (3) semester credits in the Idaho framework for teachers' evaluation pursuant to Section 33-1204, Idaho Code. Credits must be earned through an approved ~~teacher educator~~ preparation program and include a laboratory component. The laboratory component must include in-person or video observation and scoring of teacher performance using the statewide framework for teacher's evaluation. The approved course must include the following competencies: (3-29-17)()

016. IDAHO INTERIM CERTIFICATE.

The State Department of Education or the Division of Career Technical Education, as applicable to the certificate, is authorized to issue a three-year (3) interim certificate to those applicants who hold a valid certificate/license from another state or other entity that participates in the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement pursuant to Section 33-4104, Idaho Code, or engaged in an alternate route to certification as prescribed herein. (3-29-17)

[Subsection 016.07]

07. Codes of Ethics. All laws and rules governing standard certificated staff with respect to conduct, discipline, and professional standards shall apply to all certified staff serving in an Idaho public school, including those employed under an interim certificate. ()

(BREAK IN CONTINUITY OF SECTIONS)

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 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 endorsement in another area may obtain an endorsement through an alternate route as described in Subsection 021.02 of these rules. (3-29-17)

[Subsection 042.04]

04. Alternative Authorization - Pupil ~~Personnel~~ Services Staff. The purpose of this alternative authorization is to allow Idaho school districts to request endorsement/certification when a position requiring the Pupil ~~Personnel~~ Services Staff eCertificate cannot be filled with someone who has the correct endorsement/certification. The exception to this rule is the Interim School Nurse endorsement and the Interim Speech Language Pathologist endorsement. The requirements for these endorsements are defined in Subsection 015.02 of these rules. The alternate authorization 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. (3-29-17) ()

(BREAK IN CONTINUITY OF SECTIONS)

060. APPLICATION PROCEDURES / PROFESSIONAL DEVELOPMENT.

To obtain a new, renew, or reinstate an Idaho Educator Credential, the applicant must submit an application on a form supplied by the State Department of Education or the 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. (3-29-17)

01. State Board of Education Requirements for Professional Growth. (4-1-97)

a. Credits taken for recertification must be educationally related to the professional development individualized professional learning plan or related to the professional practice of the applicant. (4-1-97) ()

[Subsection 060.01.a.iv.]

iv. Credits must be taken during the validity period of the certificate. ()

02. State Board of Education Professional Development Requirements. (4-1-97)

[Subsection 060.02.c.]

c. At least three (3) semester credits will be taken for university or college credit. Verification ~~will~~ may be by official or unofficial transcript. Individuals found to have intentionally altered transcripts used for verification who would have not otherwise met this renewal requirement will be investigated for violations of the Code of Ethics for Idaho Professional Educators, which may result in disciplinary action. (4-1-97)()

(BREAK IN CONTINUITY OF SECTIONS)

[Section 120 - Header]

120. LOCAL DISTRICT EVALUATION POLICY -- ~~TEACHER~~ INSTRUCTIONAL STAFF AND PUPIL PERSONNEL SERVICE STAFF CERTIFICATE HOLDERS.

Each school district board of trustees will develop and adopt policies for teacher certified staff performance evaluation using multiple measures in which criteria and procedures for the evaluation of certificated personnel are research based. For pupil service staff, those standards shall be aligned with the profession's national standards. For instructional staff, those standards shall be 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 and must be determined based on a combination of professional practice and student achievement For all certification personnel, domain and or component ratings may be weighted based on the individual's individualized professional learning plan. The summative evaluation rating must be based on a combination of professional practice and student achievement as specified in Subsections 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. (3-29-17)()

[Subsection 120.04]

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 pPupil personnel Service Staff eCertificate holders in a way that aligns with the Charlotte Danielson Framework for Teaching Second Edition to the extent possible and aligned to the pupil service staff's applicable national standards. 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)

[Subsection 120.05.f.]

#f. Individualizing teacher evaluation rating system -- a plan for how evaluations will be used to identify proficiency and record growth over time and be used to develop individualized professional learning plans. No later than July 1, 2013, districts shall have established an individualized teacher evaluation rating system with a minimum of three (3) rankings ratings used to differentiate performance of teachers and pPupil personnel Service Staff eCertificate holders including: (3-20-14)()

[Subsection 120.05.f.iv.]

iv. A fourth evaluation rating of Distinguished, being equal to “4,” may be used in addition to the three (3) minimum ~~rankings~~ ratings at the discretion of the school district or charter school. ~~(3-29-17)~~ ()

[Subsections 120.07 through 121.01]

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~~ ratings 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~~ ratings in local school districts with fewer than five (5) teachers and by only reporting that information in the aggregate by local school district. ~~(3-29-17)~~ ()

08. Evaluation System Approval. Each school district board of trustees will develop and adopt policies for teacher and ~~p~~Pupil ~~personnel~~ Service Staff 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 and national standards for pupil service staff as applicable. 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 ADMINISTRATOR. All school and school district administrators must receive an annual evaluation. Individuals serving in the role of superintendent or its equivalent shall be evaluated by the local board of trustees. Individuals serving in the capacity of a school district superintendent shall be evaluated based on the school district evaluation policy for superintendents. For principal and other school level administrator 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 or other school level administrators 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. For Special Education Directors, standards aligned with the profession’s national standards may replace those outlined in Subsection 121.01.~~ The process of developing criteria and procedures for principal administrator evaluations 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)~~ ()

01. Standards. Each district principal and school level administrator evaluation model shall be aligned to state minimum standards based on the Interstate School Leaders Licensure Consortium (ISLLC) standards and include proof of proficiency in conducting teacher evaluations using the state’s ~~adopted model framework for evaluations~~, the Charlotte Danielson Framework for Teaching Second Edition. Proof of proficiency training in evaluating teacher performance shall be required of all individuals assigned the responsibility for ~~appraising, observing, or evaluating certificated personnel performance. Those responsible for measuring teacher performance are district leadership such as principals, assistant principals, special education directors, and superintendents. Proof of proficiency in evaluating performance shall be demonstrated by passing a proficiency assessment approved by the State Department of Education as a onetime recertification requirement prior to September 1, 2018.~~ Principal evaluation standards shall additionally address the following domains and components: ~~(4-11-15)~~ ()

[Subsections 121.03 through 121.06]

03. Student Achievement. ~~For evaluations conducted on or after July 1, 2013, a~~ Δ ~~certificated~~

~~instructional employees, principals and superintendents~~ administrators must receive an evaluation in which at least thirty-three percent (33%) part of the summative evaluation results are based in part 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 student achievement as measured by Idaho's statewide assessment for Federal accountability purposes must be included measurable student achievement, as defined in Section 33-1001, Idaho Code. 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 both years of data. Growth in student achievement may be considered as an optional measure for all other school based and district based staff administrators, as determined by the local board of trustees. (3-20-14)()

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)

~~a. Purpose — statements that identify the purpose or purposes for which the evaluation is being conducted; e.g., individual instructional leadership, personnel decisions. (3-20-14)~~

ba. Evaluation criteria -- statements of the general criteria upon which principals administrators will be evaluated. (3-20-14)()

eb. Evaluator -- identification of the individuals responsible for appraising observing or evaluating principal school level administrator performance. The individuals assigned this responsibility shall have received training in administrator evaluations based on the statewide framework for evaluations. (3-20-14)()

~~d. Sources of data — description of the sources of data used in conducting principal evaluations. Proficiency in conducting observations and evaluating effective teacher performance shall be included as one (1) source of data. (3-20-14)~~

~~e. Procedure — description of the procedure used in the conduct of principal evaluations. (3-20-14)~~

fc. Communication of results -- the method by which principals are informed of the results of evaluation. (3-20-14)

gd. 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. (3-20-14)

he. Appeal -- the procedure available to the individual for appeal or rebuttal when disagreement exists regarding the results of an evaluations. (3-20-14)

~~i. Remediation — the procedure available to provide remediation in those instances where remediation is determined to be an appropriate course of action. (3-20-14)~~

~~j. Monitoring and evaluation. — A description of the method used to monitor and evaluate the district's principal evaluation system. (3-20-14)~~

~~k. Professional development and training — a plan for ongoing training and professional learning based upon the district's evaluation standards and process. (3-20-14)~~

~~l. Funding — a plan for funding ongoing training and professional development for evaluators of principals. (3-20-14)~~

~~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 for principals. (3-20-14)~~

nf. 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, a~~ Districts shall have established an individualized principal evaluation rating system with a minimum of three rankings ratings used to differentiate

performance of principals 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~~ ratings at the discretion of the school district or charter school. ~~(3-29-17)~~()

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

05. Evaluation Policy - Frequency of Evaluation. The evaluation policy should include a provision for evaluating all ~~principals~~ administrators on a fair and consistent basis. All ~~principals~~ administrators shall be evaluated at least once annually no later than June 1 of each year. ~~(3-29-17)~~()

06. Evaluation Policy - Personnel Records. Permanent records of each principal 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~~ ratings 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~~ ratings in local school districts in accordance with the approved policies of the Idaho State Board of Education Data Management Council. ~~(3-29-17)~~()

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.02 – RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1707

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-1006, 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:

IDAPA 08.02.02, Subsections 150 through 190, outline requirements for school district pupil transportation programs as authorized by Section 33-1006, Idaho Code, Transportation Support Program. Senate Bill 1123 (2017) amended Section 33-1006, Idaho Code, removing the prohibition that only allowed reimbursement for transporting students for the purposes of regular school attendance during regular days and hours and added language allowing for the cost of the program to be based on, in part, transportation to and from approved school activities as may be approved by the rules of the State Board of Education, the proposed rule would authorize reimbursement of allowable transportation costs for the purposes of transporting students as part of structured college or university visits.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 123-124](#).

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.

DATED this 16th day of November, 2017.

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

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.02 – RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1708

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, 33-118, 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:

In addition to the standard instructional certificate, IDAPA 08.02.02.015, Educator Credential, outlines the provisions for career technical education instructors and administrators certification requirements. Three levels of occupational specialist certificates exist, Limited Occupational Specialist, Standard Occupational Specialist, and Advanced Occupational Specialist. Individuals entering the field of career technical teaching for the first time receive a Limited Occupational Specialist Certificate; this is a one-time, three-year certificate. At the conclusion of the term of this certificate, individuals may apply for either a Standard Occupational Specialist Certificate or an Advanced Occupational Specialist Certificate. The standard and advanced certificates are renewable five-year certificates.

Occupational certification may be earned either through a degree based program from one of the approved educator preparation programs in Idaho or through an industry experience based route. The proposed amendments provide clarification to the various certification requirements and provides for additional options to receive occupational specialist certification within the existing routes.

Specific amendments include:

Clarification that all occupational specialist certificates are approved through the Division of Career Technical Education and additional technical changes to allow for ease of understanding;

Add an additional option for individuals holding an Administrator Certificate with a Superintendent or Principal endorsement to earn a Career Technical Administrator certificate;

Increase the minimum age requirement to be eligible for an occupational specialist certificate from 18 to 21;

Reduce the minimum number of years and or hours of experience necessary to receive an occupational specialist certificate from eight years or 16,000 hours to six years or 12,000 hours; and

Add a second pathway using a cohort-training model for completing a limited occupational specialist certificate and earning a standard occupational specialist certificate.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 125-165](#).

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.

DATED this 16th day of November, 2017.

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

IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1703

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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(s) 33-105 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:

The Idaho Extended Content Standards, incorporated by reference into IDAPA 08.02.03.004, are amended, and a new incorporated document is added to IDAPA 08.02.03.004, the Idaho Content Standards Core Content Connectors. The pending rule replaces the English Language Arts (ELA) and Math Idaho Extended Content Standards with the Idaho Content Standards Core Content Connectors (Connectors), which identify the most salient core academic content in English Language Arts and Mathematics found in the Idaho Content Standards. The Connectors identify priorities for the instruction of students identified as having significant cognitive disabilities and align with the alternate assessment. They illustrate the necessary knowledge and skills students with significant cognitive disabilities need to reach the learning targets or critical big ideas within the state standard.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 136-139](#).

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.

DATED this 15th day of November, 2017.

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

IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1704

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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:

The Idaho State Board of Education approved amendments to the Idaho Special Education Manual, an incorporated document, on August 10, 2017. The updated manual replaces the outdated terms “deafness” and “hearing impairment” with “deaf or hard of hearing.” The definition of “deaf or hard of hearing” now includes language regarding the child’s access, comprehension, and/or use of linguistic information through hearing. In addition, state eligibility criteria for “deafness” and “hearing impairment” have been replaced by criteria for “deaf or hard of hearing.” The modified eligibility criteria, used by evaluation teams when determining the disability category for a student, compliment the updated definition of “deaf or hard of hearing.” Other changes to the manual include minor language corrections or deletions necessary to maintain document consistency and to align with Idaho’s Consolidated State Plan under the Every Student Succeeds Act, Idaho Code, or teacher certification 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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 140-142](#).

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.

DATED this 15th day of November, 2017.

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

IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1705

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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:

Idaho Content Standards describe what Idaho students should know and be able to do at each grade level in certain content areas. Content standards are adopted statewide and reviewed approximately 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. The changes in each of the content areas reflect the work of the review committees with input from Idaho stakeholders. The Idaho Content Standards reviewed include Science, Driver Education, and Information and Communication Technology. The Idaho State Board of Education (Board) approved these amended content standards on August 10, 2017. The content standards incorporated by reference will reflect the August 10, 2017, Board approval date.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 143-146](#).

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 Scott Cook, Director of Academics, at (208) 332-6927 or scook@sde.idaho.gov.

DATED this 15th day of November, 2017.

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

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1707

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, 33-118 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:

IDAPA 08.02.03 includes minimum state graduation requirements and references the term diploma in reference to these graduation requirements. While the term is used, it is not defined. Proposed amendments clarify that school districts may award diplomas to individuals who may have attended the high school in the distant past and now would like to receive a diploma from the high school they attended in their youth. Additional amendments will provide a definition for the term diploma as it relates to students meeting the state and school district graduation requirements and clarify that school districts may determine the format of the diploma issued by the school district, including the recognition of emphasis areas a student may have excelled in or locally established pathways they may have taken to graduation. The definition will also specify which graduation requirements a diploma would be based on for students that may have attended the school in the past

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 147-150](#).

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.

DATED this 17th day of November, 2017.

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

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1709

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, 33-118 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:

Proposed amendments provide a uniform definition for college and career readiness and incorporate the approved college and career competencies students need to know by the time they graduate from high school. The proposed changes do not require credits be earned in this specific area and there is no state level assessment tied to these competencies. Additionally, many of the competencies identified are consistent with outcomes embedded in various existing subject area content standards (e.g. English Language Arts, Information and Communication Technology, etc.). Additional amendments include amendments to the state graduation requirements, which allow the completion of a postsecondary certificate or degree at the time of high school graduation or an approved pre-internship or internship program to be used to meet the existing senior project graduation requirement.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 151-159](#).

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.

DATED this 17th day of November, 2017.

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

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1710

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 Article IX, Section 2 of the Idaho Constitution and Sections, 33-101, 33-105, 33-107, 33-116, 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:

Prior to 2016, the career technical education content standards were standalone documents updated and maintained by the Division of Career Technical Education. During the 2016 rulemaking process the Division of Career Technical Education started the process of bringing the career technical content standards forward for incorporation into administrative code giving them the same weight as academic content standards. The standards being considered this year add the following subcategories into the current content standard areas, create a new area for Health Sciences, and updates the previously approved Early Childhood Education Standards:

- **Agriculture and Natural Resources**
 - Plant and Soil Standards
- **Business and Marketing**
 - Business Management
 - Digital Communications
- **Engineering and Technology**
 - Digital Media Production
 - Medial Technology –
 - Commercial Photography
- **Health Sciences**
 - Dental Assisting
 - Emergency Management Technicians
 - Nursing Assistant
 - Physical Therapy Assistant
- **Skilled and Technical Sciences**
 - Cabinetry and Millwork
 - Industrial Mechanics
 - Law Enforcement
 - Small Engine Repair

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 160-163](#).

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.

DATED this 17th day of November, 2017.

Tracie Bent
Chief Planning and Policy Officer
Phone: (208) 332-1582
Fax: (208) 334-2632

Office of the State Board of Education
650 W. State Street
P.O. Box 83720
Boise, Idaho 83720-0037

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1712

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 33-133 and 33-1626, 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 State longitudinal data system for elementary and secondary data includes grade point average (GPA) on a provisional basis. GPA is used at the state level for determining acceptance at public postsecondary higher education institutions as part of the Board's Direct Admissions Initiative and in determining eligibility and ranking of students who apply for the Idaho Opportunity Scholarship. Currently, a predicted GPA is calculated for students participating in the Direct Admissions Initiative and school district counselors must verify the GPA for secondary students who apply for the Idaho Opportunity Scholarship. Allowing this data point to be collected on an ongoing basis will allow for a more consistent application of the Direct Admission requirements and streamline and speed up the process for verifying and awarding Idaho Opportunity Scholarships by eliminating the requirement that school counselors verify the GPA of all awardees.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 164-165](#).

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.

DATED this 17th day of November, 2017.

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

IDAPA 08 – STATE BOARD OF EDUCATION
08.02.04 – RULES GOVERNING PUBLIC CHARTER SCHOOLS
DOCKET NO. 08-0204-1701
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-1612, and 33-5203, 33-5205 and 33-5210, 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 2017 legislative session, House Bill 279 (2017) amended the provision regarding the petitioning process for charter schools, requiring a single application process regardless of the authorizer the petitioners are seeking approval from and streamlining the timelines for review and approval of applications. These legislative changes require amendments to IDAPA 08.02.04, “Rules Governing Public Charter Schools.” The proposed amendments add a single application process that will apply to all charter school petitioners, regardless of the chartering entity, remove sections that are no longer required due to the legislative changes or duplicate provision specified in Idaho Code, and make technical changes.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 166-178](#).

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.

DATED this 17th day of November, 2017.

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

IDAPA 08 – STATE BOARD OF EDUCATION
08.03.01 – RULES OF THE PUBLIC CHARTER SCHOOL COMMISSION
DOCKET NO. 08-0301-1701
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-1612, and 33-5203, 33-5205 and 33-5210, 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 2017 legislative session, House Bill 279 (2017) amended the provision regarding the petitioning process for charter schools, requiring a single application process regardless of the authorizer the petitioners are seeking approval from. These legislative changes require amendments to IDAPA 08.02.04, “Rules Governing Public Charter Schools,” adding the application process that will apply to all charter school petitioners. These amendments are being brought forward under Docket 08-0204-1701, and make many of the provision in IDAPA 08.03.01 redundant or outdated. Proposed amendments will remove the now redundant and outdated petition format requirements and make other technical changes, bring IDAPA 08.03.01 into compliance with the new provisions set out in Chapter 52, Title 33.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 179-184](#).

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.

DATED this 17th day of November, 2017.

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

IDAPA 08 – STATE BOARD OF EDUCATION
08.04.01 – RULES OF THE IDAHO DIGITAL LEARNING ACADEMY
DOCKET NO. 08-0401-1701
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 33-5504, 33-5505, and 33-5507, 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 amendments will update the Idaho Digital Learning Academy’s physical address and additional technical corrections will bring the accreditation requirement language into alignment with terminology used elsewhere in Idaho Code and Administrative Code and update provisions related to student work and ethical conduct.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 185-187](#).

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.

DATED this 17th day of November, 2017.

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

IDAPA 08 – STATE BOARD OF EDUCATION
08.05.01 – RULES GOVERNING SEED AND PLANT CERTIFICATION
DOCKET NO. 08-0501-1701
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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:

Through the Idaho Crop Improvement Association (ICIA) annual review process, the ICIA identified the need for an amendment to the Grain Certification Standards and Potato Standards. The pending rule will update the grain certification standards and potato certifications standards as recommended by the ICIA. The proposed amendments would update the referenced document to the new standards for Idaho Grain Standards and Potato Certification Standards. Amendment to the Idaho Grain Certification Standards change “Land Requirements” to allow irrigated fields producing certified class seeds to be used if they have not produced small grain for the previous crop year unless the small grain was of an equal or higher class of the same variety being planted. The current standard restricts the land use to fields that have not produced visually indistinguishable grain for the two prior crop years unless the grain is of an equal or higher class of the same variety or unless a seedling inspection is conducted. Amendments to the Potato Certification Standards include removing “corky ring spot” from the Seed Lot Disqualifying Conditions and specifying that seed lots with a greater than 1.0% of “Well Defined Mosaic” are not eligible for re-certification.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 188-190](#).

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.

DATED this 17th day of November, 2017.

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

IDAPA 09 – IDAHO DEPARTMENT OF LABOR

09.01.30 – UNEMPLOYMENT INSURANCE BENEFITS ADMINISTRATION RULES

DOCKET NO. 09-0130-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 72-1333(2), 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 adoption of the pending rule is necessary to clarify the misconception that leads unemployment insurance claimants to believe that in order to file for unemployment insurance benefits they must call a Boise telephone number; and the pending rule provides the department greater flexibility in the event the state needs to relocate its claims processing center for budgetary reasons or due to a natural disaster such as fire or flooding.

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 July 5, 2017 Idaho Administrative Bulletin, [Vol. 17-7, pages 34-41](#).

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 Josh McKenna, Benefits Bureau Chief, (208) 332-3577.

DATED this 4th day of December, 2017.

Josh McKenna
Benefits Bureau Chief
Unemployment Insurance, Idaho Department of Labor
317 W. Main Street
Boise, ID 83735
Phone: (208) 332 3577
Fax: (208) 334-6400

**IDAPA 11 – IDAHO STATE POLICE
IDAHO STATE FORENSIC LABORATORY**

11.03.01 – RULES GOVERNING ALCOHOL TESTING

DOCKET NO. 11-0301-1801

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is December 14, 2017.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 67-2901(6), Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

This rule is being amended to update the incorporation by reference. The National Highway Traffic Safety Administration (NHTSA) updated the conforming products list (CPL) on November 2, 2017. Idaho State Police has no notification when these updates will occur in the federal register. This new CPL posting in the federal register updates the former incorporation by reference in the IDAPA 11.03.01 document and clearly delineates that all the evidentiary breath testing instruments in Idaho are approved for use on the NHTSA CPL. A question has been raised by the courts in Idaho if the Lifeloc FC20 and FC20BT instruments are materially the same instrument. There is no difference in the instruments other than the Bluetooth ability. Idaho performed a validation of the FC20BT model to ensure that nothing impacted the quality of testing done in Idaho. The Lifeloc FC20 is listed by name on the 2010 CPL and the FC20BT does not formally appear by name on the list until the 2017 federal register posting. While ISPPS has all the documentation from NHTSA, DOT, Volpe, and Lifeloc Corporation (and our own validation study) to show that there was no change to the instrument to give it Bluetooth capability, and that the instrument was considered still on the CPL by NHTSA, the new incorporation by reference document makes it abundantly clear to the Idaho courts in a federal register document.

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

Necessary to protect the public health, safety or welfare and to conform to changes in the federal regulatory code.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Matthew Gamette, (208) 884-7217.

DATED this December 15, 2017.

Colonel Kedrick R. Wills
Director
Idaho State Police
700 S. Stratford Dr.
Meridian, ID 83642
Phone: (208) 884-7003
Fax: (208) 884-7290

FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 11-0301-1801
(Only Those Sections With Amendments Are Shown.)

004. INCORPORATION BY REFERENCE.

The following are incorporated by reference in this chapter of rules:

(4-7-11)

01. Conforming Products List of Evidential Breath Measurement Devices (revised ~~3/11/2010~~ **11/2/2017**). This document is available on the Internet at ~~<http://edocket.access.gpo.gov/2010/pdf/2010-5242.pdf>~~ <https://www.gpo.gov/fdsys/pkg/FR-2017-11-02/pdf/2017-23869.pdf>. ~~(4-7-11)~~(12-14-17)T

**IDAPA 11 – IDAHO STATE POLICE
IDAHO STATE RACING COMMISSION**

11.04.06 – RULES GOVERNING RACING OFFICIALS

DOCKET NO. 11-0406-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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, Idaho Code 54-2506.

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 adoption of the pending rule is needed to extend the Steward’s jurisdiction from 30 days to 90 days and to provide horsemen time to complete their split sample testing process, if needed.

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 1st, 2017 Idaho Administrative Bulletin, [Vol. 17-11 pages 49-50](#).

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: No impact to general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ardie Noyes (208) 884-7080.

DATED this 14th day of December, 2017.

Ardie Noyes, Business Operations Mgr.
ISP/RACING COMMISSION
700 S. Stratford Drive
MERIDIAN, ID 83642
Phone: (208) 884-7080
Fax: (208) 884-7098

**IDAPA 11 – IDAHO STATE POLICE
PEACE OFFICER STANDARDS AND TRAINING (POST) COUNCIL**

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

DOCKET NO. 11-1101-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 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:

The pending rule was adopted to align applicable IDAPA 11.11.01 rules to support House Bill 1083, which became effective July 1, 2017, mandating certification of Emergency Communications Officers by the Peace Officer's Standards and Training Council (POST). The rule, in its current form, fails to support the new statutory mandates governing Emergency Communications Officers (ECO) certification. Defines minimum age requirements at the time of application for applicants of POST certification for each respective discipline. Defines the forms of proof of military record documentation, adds language in reference to the POST Code of Ethics/Standards of Conduct. Adds disqualifier of active military service for requirement of reimbursement of Agreement to Serve requirement. Removes the POST Firearms Qualification Course from the Detention Officer certification exam requirement. A minor grammatical correction was also made to the pending rule in Section 081.

The complete text of the proposed rule was published in the November 1, 2017 Idaho Administrative Bulletin, [Vol.17-11, pages 51-73](#).

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 29th day of November, 2017.

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

**IDAPA 11 – IDAHO STATE POLICE
PEACE OFFICER STANDARDS AND TRAINING (POST) COUNCIL**

**11.11.05 – RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL
FOR IDAHO DEPARTMENT OF JUVENILE CORRECTIONS DIRECT CARE STAFF**

DOCKET NO. 11-1105-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 19-5109(6), Section 20-504(3), Section 20-504(11), Section 20-531(4), 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 pending rule adds two specific job titles to definition of Juvenile Corrections Direct Care Staff: Rehabilitation Technician Trainee and Safety and Security Supervisor.

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 1, 2017 Idaho Administrative Bulletin, [Vol.17-11, pages 74-75](#).

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 29th day of November, 2017.

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

IDAPA 13 – DEPARTMENT OF FISH AND GAME

13.01.04 – RULES GOVERNING LICENSING

DOCKET NO. 13-0104-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 36-408, 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 rules put certain limitations on use of the special big game hunt tags, create an application and draw process when eligible applications exceed the number of tags, and to designate one (1) disabled veterans big game tag to the Idaho Division of Veterans Services to sponsor a resident applicant.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 193-196](#).

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 rule, contact Sharon W. Kiefer at (208) 334-3771.

DATED this 20st day of November, 2017.

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

IDAPA 13 – DEPARTMENT OF FISH AND GAME

13.01.04 – RULES GOVERNING LICENSING

DOCKET NO. 13-0104-1702

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 36-408, 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 rules change all of Controlled Hunt Area 11 for the bighorn sheep auction and lottery tags to be consistent with the general controlled hunt tag for this hunt.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 197-199](#).

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 rule, contact Sharon W. Kiefer at (208) 334-3771.

DATED this 20st day of November, 2017.

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

IDAPA 13 – DEPARTMENT OF FISH AND GAME

13.01.04 – RULES GOVERNING LICENSING

DOCKET NO. 13-0104-1703

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 36-408, 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 allows the Fish and Game Commission the flexibility to create an outfitter allocation of big game tags for an unlimited controlled hunt when a nonresident big game tag limitation is established. The purpose of this change is to maintain nonresident clientele for outfitters participating in unlimited controlled hunts.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 200-202](#).

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 rule, contact Sharon W. Kiefer at (208) 334-3771.

DATED this 20st day of November, 2017.

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

IDAPA 13 – DEPARTMENT OF FISH AND GAME

13.01.06 – RULES GOVERNING CLASSIFICATION AND PROTECTION OF WILDLIFE

DOCKET NO. 13-0106-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 36-408, 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 reclassifies Red Squirrel from a Protected Nongame Species to an Upland Game Animal which will allow the Fish and Game Commission to set a harvest season.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 203-205](#).

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. It would have an estimated positive fiscal impact of less than five hundred dollars (\$500) to the fish and game dedicated fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Sharon W. Kiefer at (208) 334-3771.

DATED this 20st day of November, 2017.

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

IDAPA 13 – DEPARTMENT OF FISH AND GAME

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

DOCKET NO. 13-0108-1704

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 36-408, 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 change allows the Fish and Game Commission the flexibility to proportionately limit the number of non-outfitted, nonresident big game tags allocated in an unlimited controlled hunt. These restrictions would establish during the time of the Fish and Game Commission's annual season setting. The purpose is to reduce hunter crowding to support continued resident participation and quality hunt experience.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 206-212](#).

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. Potential impact to the Department of Fish and Game may occur in the form of a loss of non-resident tag revenue if nonresident tags are limited and the nonresident chooses not to purchase an Idaho tag.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Sharon W. Kiefer at (208) 334-3771.

DATED this 20st day of November, 2017.

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

IDAPA 13 – DEPARTMENT OF FISH AND GAME

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

DOCKET NO. 13-0108-1706

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 36-408, 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 changes delete reference to the Supertag drawing for hunters that comply with Mandatory Report requirements because the drawing has not been effective in increasing reporting compliance and the Department is utilizing multiple methods to collect harvest information and help hunters comply with mandatory reporting. The Department of Fish and Game has streamlined the mandatory hunter orientation process for controlled archery-only hunts that require hunter orientation and no longer requires hunters to attend a class. The rule changes also remove duplicate language regarding Mandatory Reports, update the rule to reflect current reporting procedure, and to delete reference to the Supertag drawing for hunters that comply with Mandatory Report requirements. The rule changes also delete the mandatory requirement that successful wolf hunters must report wolf harvest with a telephone report because the telephone report no longer has application for in-season management. Mandatory harvest report and animal check for successful wolf hunters are not modified by the rule changes.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 220-227](#).

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. There is no measurable impact to the fish and game dedicated fund because the proposed rules do not prescribe new actions or substantively affect license sales or fees.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Sharon W. Kiefer at (208) 334-3771.

DATED this 20st day of November, 2017.

Sharon W. Kiefer
Deputy Director
600 S. Walnut, P.O. Box 25
Idaho Department of Fish and Game
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. 15-0401-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 2018 Idaho State Legislature for final approval. The pending rules become 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 Sections 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 the change:

There are no changes to the pending rules and they are being adopted as originally proposed. The complete text of the proposed rules was published in the November 1, 2017 Idaho Administrative Bulletin, [Vol. 17-11, pages 81-90](#).

FISCAL IMPACT: There is no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Shelli Boggie, DHR Consultant, (208) 854-3083.

DATED this 24th day of November, 2017.

Susan E. Buxton
Administrator
304 North 8th Street
P.O. Box 83720
Boise, ID 83720-0066
Susan.Buxton@dhr.idaho.gov
Phone: (208) 334-2263
Fax: (208) 854-3088

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.01.04 – EMERGENCY MEDICAL SERVICES (EMS) – ACCOUNT III GRANTS

DOCKET NO. 16-0104-1701 (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 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2018, 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 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 56-1018B, 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 for Emergency Medical Services (EMS) -- Account III Grants has been adopted as pending. 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 6, 2017, Idaho Administrative Bulletin, [Vol. 17-9, pages 101-108](#).

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 except the costs of the rule promulgation, which includes printing and publication. Funds that are distributed through this program are dedicated funds provided by Section 56-1018B, Idaho Code.

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

DATED this 16th day of November, 2017.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
16.02.02 – RULES OF THE IDAHO EMERGENCY MEDICAL SERVICES
(EMS) PHYSICIAN COMMISSION

DOCKET NO. 16-0202-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2018, 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 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:

To best protect the public's health and safety, the EMS Physician Commission has revised its Standards Manual that is incorporated by reference in this chapter of rules. The revision to these rules will ensure that the most recent edition of the manual has 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 4, 2017, Idaho Administrative Bulletin, [Vol. 17-10, pages 229 and 230](#).

FISCAL IMPACT: The following is a specific description, if applicable, of any 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 16th day of November, 2017.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.02.04 – RULES GOVERNING EMERGENCY MEDICAL SERVICES ACCOUNT III GRANTS

DOCKET NO. 16-0204-1701 (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 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2018, 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 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 56-1018B, 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 of rules for Emergency Medical Services Account III Grants is being repealed and has been adopted as pending. 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 6, 2017, Idaho Administrative Bulletin, [Vol. 17-9, pages 109-110](#).

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 except the costs of the rule promulgation, which includes printing and publication. Funds that are distributed through this program are dedicated funds provided by Section 56-1018B, Idaho Code.

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

DATED this 16th day of November, 2017.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.02.10 – IDAHO REPORTABLE DISEASES

DOCKET NO. 16-0210-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 39-605, 39-1603, 56-1003, 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:

The Arboviral Diseases were 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 was updated for necessary references and language as needed. Also, language that was inadvertently added in a previous rulemaking in the wrong subsection was removed. Documents incorporated by reference were updated, and pertinent portions of the Rabies - Human, Animal, and Post-Exposure Prophylaxis (rPEP) section (Section 610) were updated to align with the newly incorporated references.

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 January 4, 2017, Idaho Administrative Bulletin, [Vol. 17-1, pages 96 through 109](#).

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 except the costs of the rule promulgation, which includes printing and publication.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Kathryn Turner at (208) 334-5939.

DATED this 16th day of November, 2017.

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

DOCKET NO. 16-0210-1701 - 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 17-1, January 4, 2017, pages 96 through 109.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 16-0210-1701

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

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

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

[Subsection 610.01.b.]

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)()

[Subsections 610.04 through 610.04.b.iv.]

04. Management of Exposure to Rabies. All human exposures to a suspected or confirmed rabid animal must be managed as described under the guidelines presented in the "Human Rabies Prevention -- United States" incorporated by reference in Subsection 004.03 of these rules and "Use of Reduced (4-Dose) Vaccine Schedule for Postexposure Prophylaxis to Prevent Human Rabies: Recommendations of the Advisory Committee on Immunization Practices" incorporated by reference in Subsection 004.07 in these rules. Animals involved with bites, or themselves bitten by 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 Subsection 004.05 of these rules, and as described in Subsections 610.04.a., 610.04.b., and 610.04.c. below. In the event that a human or animal case of rabies occurs, any designated representative of the Department, Health District, or Idaho State Department of Agriculture, will establish such isolation and quarantine of animals involved as deemed necessary to protect the public health. (4-11-15)()

a. The handling management of a rabies-susceptible animal that has bitten or otherwise potentially exposed a person to rabies must be as follows: (4-2-08)()

i. Any livestock which that has bitten or otherwise potentially exposed a person must be managed to rabies will be referred to by the Idaho State Department of Agriculture for management. (4-2-08)()

ii. Any healthy domestic dog, cat, or ferret, regardless of rabies vaccination status, that has bitten or otherwise potentially exposed a person to rabies must be confined and observed for illness daily for ten (10) days following the bite exposure under the supervision of a licensed veterinarian or other person designated by the Idaho State 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. If signs suggestive of rabies develop, immediately consult the Health District or Department to discuss euthanasia and rabies testing. (4-2-08)()

iii. Any domestic dog, cat, or ferret that cannot be managed as described in Subsection 610.04.a.ii. of this rule must be destroyed by a means other than shooting in the head. The head must be submitted to an approved laboratory for rabies analysis. ()

iv. It is the animal owner's responsibility to carry out the quarantine of the biting animal and to follow instructions provided for the quarantine management 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, or 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 or otherwise potentially exposed a person to rabies without authorization from the Department or Health District. (4-2-08)()

b. The handling management 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 confirmed or suspected rabid animal must be as follows: (4-2-08)()

i. Any exposed livestock will be referred to the Idaho State Department of Agriculture for management. ()

ii. Any domestic dog, cat, or ferret, or livestock which has not never been vaccinated against rabies as recommended by the American Veterinary Medical Association, must be appropriately vaccinated in accordance with guidance in the "Compendium of Animal Rabies Prevention and Control" incorporated by reference in Subsection 004.05 of these rules as soon as possible and placed in strict quarantine for a period of six four (64) months (six (6) months for ferrets) under the observation of a licensed veterinarian or a person designated by the Idaho State 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. The strict quarantine of such an animal must be within an enclosure deemed adequate by a person designated by the Idaho State Department of Agriculture, Health District, or the Department to prevent contact with any person or rabies-susceptible animal. If signs suggestive of rabies develop, immediately consult the Health District or Department to discuss euthanasia or rabies testing. Destruction of such an animal is permitted as an alternative to strict quarantine. (4-2-08)()

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. An animal considered currently vaccinated against rabies, or overdue for rabies vaccination but

with documentation of at least one (1) prior rabies vaccination, should be revaccinated against rabies as soon as possible with an appropriate vaccine, kept under the owner's control, and observed for illness for forty-five (45) days. If signs suggestive of rabies develop, immediately consult the Health District or Department to discuss euthanasia and rabies testing. These provisions apply only to animals for which an approved rabies vaccine is available. Animals should be managed in accordance with guidance in the "Compendium of Animal Rabies Prevention and Control" incorporated by reference in Subsection 004.05 of these rules to conduct serological monitoring when a previous vaccination may have been received, but the documentation is unavailable. If evidence of previous vaccination cannot be demonstrated, the animal must be managed as described in Subsection 610.04.b.ii. of this rule.

()

iv. The owner of the animal is financially responsible for the cost of ~~isolating and quarantining~~ managing and testing of the animal as described in Subsection 610.04.b. of this rule ~~and for specimen collection and testing.~~ (1-2-08) ()

~~iv.~~ Destruction of such animal is permitted as an alternative to quarantine. (1-2-08)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.02.12 – PROCEDURES AND TESTING TO BE PERFORMED ON NEWBORN INFANTS

DOCKET NO. 16-0212-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2018, 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 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 39-605, 39-906, 39-1603, 39-4502, and 56-1003, 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:

Most of the larger hospitals in Idaho perform universal Critical Congenital Heart Disease (CCHD) screening as part of the newborn screening panel. However, some of the smaller, more rural hospitals and birthing centers do not. Idaho is the only state that does not have rules that cover the requirements for CCHD screening. This rule change adds CCHD to the uniform screening panel for all newborns in Idaho. Congenital heart defects are the most common birth defect and impact approximately 8 out of every 1,000 infants born. Of these, approximately 25% (2.4 per 1,000) are considered critical and require immediate detection and intervention. In Idaho, it is estimated that approximately 55 infants are born each year with CCHD. The goal of CCHD screening is to identify and treat newborns with structural heart defects utilizing a simple, cost-effective, and noninvasive screening test where oxygen saturation is assessed after the first 24 hours of life. Without this intervention, the rates of mortality and survival with significant disability are extremely high among infants with CCHD.

This proposed rule change adds CCHD as a required screening and mandates that all newborns receive a CCHD screening shortly after birth. If the proposed rules are approved, the Department will add CCHD screening information to their birth certificate system in Vital Records. This would allow the Idaho Newborn Screening Program to monitor screening compliance and provide assistance to families including referrals for follow-up care on positive screens.

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 6, 2017, Idaho Administrative Bulletin, [Vol. 17-9, pages 111-116](#).

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:

Federal funds will be used to cover the costs associated with implementation of these rules.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Jacquie Watson at (208) 334-5963.

DATED this 16th day of November, 2017.

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

DOCKET NO. 16-0212-1701 - 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 17-9, September 6, 2017, pages 111 through 116.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 16-0212-1701

(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.

[Subsections 001.02]

02. **Scope.** These rules specify the tests and procedures that must be performed on newborn infants for early detection of metabolic disorders, endocrine disorders, hemoglobin disorders, cystic fibrosis, critical congenital heart disease, and prevention of infant blindness. (7-1-10)()

(BREAK IN CONTINUITY OF SECTIONS)

004. INCORPORATION BY REFERENCE.

~~Under Section 67-5229, Idaho Code, this chapter incorporates by reference the following document. The Department has incorporated by reference the following documents:~~ (7-1-10)()

01. Document Blood Collection on Filter Paper for Newborn Screening Programs; Approved Standard, Fifth Edition. The Department has adopted "Blood Collection on Filter Paper for Newborn Screening Programs; Approved Standard," Fifth Edition, Clinical and Laboratory Standards Institute, 2007- (ISBN 1-56238-644-1), and hereby incorporates this standard by reference. A copy is available for review at the Department described in Section 005 of these rules, or (7-1-10)

~~02. Availability. This document is available through the Clinical and Laboratory Standards Institute, 940 West Valley Road, Suite 1400, Wayne, PA 19087-1898, telephone 610-688-0100.~~ (7-1-10)()

[Subsection 004.02]

02. Critical Congenital Heart Defects (CHDs). The Department has adopted the Critical CHD Screening Methods as recommended by the American Academy of Pediatrics, from "Strategies of Implementing Screening for Critical Congenital Heart Diseases," Kemper, et al., 2011, and hereby incorporates this material by reference. Copies may be obtained from the Department described in Section 005 of these rules, or online at: <https://www.cdc.gov/ncbddd/heartdefects/hcp.html>. ()

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

The following definitions will apply in the interpretation and enforcement of this chapter: (5-3-03)

[Subsection 010.01]

01. Critical Congenital Heart Disease (CCHD). CCHD, also known as critical congenital heart defects, is a term that refers to a group of serious heart defects, as defined by the Centers for Disease Control and Prevention (CDC), that are present from birth. ()

(BREAK IN CONTINUITY OF SECTIONS)

100. DUTIES OF THE ADMINISTRATOR OF THE RESPONSIBLE INSTITUTION AND THE PERSON REQUIRED TO REGISTER THE BIRTH OF A CHILD.

01. Conditions for Which Infants Will Be Tested. All infants born in Idaho must be tested for at least the following conditions: (7-1-10)

[Subsection 100.01.f.]

f. Critical congenital heart disease. ()

(BREAK IN CONTINUITY OF SECTIONS)

[Section 301 - Header]

301. NEWBORN CRITICAL CONGENITAL HEART DISEASE (CCHD) SCREENING.

01. Pulse Oximetry for the Screening of CCHD. ()

[Subsection 301.01.b.]

b. For births occurring outside of a hospital, the birth attendant must assure that screening for congenital heart disease is conducted through the use of pulse oximetry no sooner than twenty-four (24) hours after birth and no later than forty-eight (48) hours after birth following the algorithm on the CDC website at: <https://www.cdc.gov/ncbddd/heartdefects/hcp.html>. ()

02. Responsibility of Recording CCHD Screening Results. ()

[Subsections 301.02.a. and 301.02.b.]

a. For births occurring in a hospital, the administrator of the responsible institution or his designee must record the pulse oximetry results on the birth certificate and whether the CCHD screening was determined as “passed” or “failed” following the algorithm on the CDC website at: https://www.cdc.gov/ncbddd/heartdefects/hcp.html, or “not screened.” ()

b. For births occurring outside of a hospital, the birth attendant or his designee must record the pulse oximetry results on the birth certificate and whether the CCHD screening was determined as “passed” or “failed” following the algorithm on the CDC website at: <https://www.cdc.gov/ncbddd/heartdefects/hcp.html>, or “not screened.” ()

03. Follow Up for Abnormal CCHD Screening Results. ()

[Subsection 301.03.b.]

b. For births occurring outside of a hospital, the person performing the screening is responsible for making an immediate referral for further evaluation of the newborn whose CCHD results are abnormal and informing the parent or legal guardian of the need for appropriate intervention. ()

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.01 – ELIGIBILITY FOR HEALTH CARE ASSISTANCE FOR FAMILIES AND CHILDREN

DOCKET NO. 16-0301-1702

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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, 56-209, 56-236 through 56-240, 56-242, 56-250 through 56-257, 56-260 through 56-266, 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 rule changes clarify certain areas of eligibility for specialized populations. While the proposed changes are minor, they will greatly add to the understanding of the intent of the program administration for children under a certain adoptive category for citizenship purposes, foster children who are seeking benefits, and pregnant women needing post-partum services.

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 4, 2017, Idaho Administrative Bulletin, [Vol. 17-10, pages 233 through 236](#).

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

The average annual fiscal impact is projected to be \$53,361 (based on an average of \$441/woman x 121 women who fit into this scenario last fiscal year). This will be split into approximately \$15,300 from state general funds and \$38,100 from federal funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Camille Schiller at (208) 334-5969.

DATED this 16th day of November, 2017.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
16.03.05 – RULES GOVERNING ELIGIBILITY FOR AID TO THE AGED,
BLIND AND DISABLED (AABD)

DOCKET NO. 16-0305-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 56-202, 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 Department is amending the proposed rules to remove the Personal Needs Allowance (PNA) and Personal Needs Supplement (PNS) increases for Medicaid participants living in nursing homes. All other proposed rule changes are being adopted as proposed.

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 4, 2017, Idaho Administrative Bulletin, [Vol.17-10, pages 237 through 246](#).

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 fiscal impact for SFY 2019 regarding Personal Needs Allowance (PNA) and Personal Needs Supplement (PNS) for Medicaid participants living in nursing homes is being removed, as the increases in those rules are being removed from the pending rules. The pending changes that remain in these rules are cost-neutral and will have no fiscal impact to state or federal funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Camille Schiller at (208) 334-5969.

DATED this 16th day of November, 2017.

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

DOCKET NO. 16-0305-1701 - 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 17-10, October 4, 2017, pages 237 through 246.**

**This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.**

**SEE NOTES BELOW FOR AMENDMENTS TO THE PENDING RULE FOR
DOCKET NO. 16-0305-1701**

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

[Proposed changes to Section 723 have been withdrawn. Section remains as codified.]

[Proposed changes to Section 725 have been withdrawn. Section remains as codified.]

[Proposed changes to Section 726 have been withdrawn. Section remains as codified.]

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.09 – MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1702

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2018, 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 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, and 42 CFR Sections 438, 440, and 457.

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:

Under the CFR sections cited above, access to mental healthcare services cannot be more restrictive than access for medical/surgical services. The rule changes in this docket allow the Department flexibility to adjust requirements for authorizations and coverage to ensure that access to mental health services is consistent with the requirements in CFR. Companion Docket No. 16-0310-1702 is also publishing in this bulletin.

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 4, 2017, Idaho Administrative Bulletin, [Vol. 17-10, pages 253 through 271](#).

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:

This rulemaking will have an estimated \$121,572 impact to the State General Fund. There will be a federal fund spending authority impact of \$300,114 in the Division of Medicaid from matching federal funds through Federal Medical Assistance Percentage (FMAP). This impact is due to removing restrictions for behavioral health care services to comply with federal requirements.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact William Deseron at (208) 364-1967.

DATED this 16th day of November, 2017.

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

DOCKET NO. 16-0309-1702 - 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 17-10, October 4, 2017, pages 253 through 281.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 16-0309-1702

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

701. INPATIENT ~~PSYCHIATRIC HOSPITAL~~ BEHAVIORAL HEALTH SERVICES: PARTICIPANT
ELIGIBILITY.

~~b04.~~ b04. Intensity of Service Criteria. The child participant must meet all of the following criteria related
to the intensity of services needed ~~to for~~ for treatment ~~his mental illness~~. ~~(3-30-07)()~~

[Proposed Subsection 701.04.b. has been removed, and the following renumber subsequently]

ii.b. The services provided ~~in the hospital~~ can reasonably be expected to improve the child participant's
condition or prevent further regression so that inpatient services will no longer be needed; and ~~(3-30-07)()~~

iii.c. Treatment of the child participant's psychiatric condition requires services on an inpatient basis,
including twenty-four (24) hour nursing observation, ~~under the direction of a psychiatrist. The child requiring this
treatment must not be eligible for independent passes or unit passes without observation or being accompanied by
hospital personnel or a responsible other.~~ ~~(3-30-07)()~~

ed. Exceptions. The requirement to meet intensity of service criteria may be waived for first-time
admissions if severity of illness is met and the physician is unable to make a diagnosis or treatment decision while the
child participant is in his current living situation. The waiver of the intensity of services requirement can be for no
longer than forty-eight (48) hours and is not waivable for repeat hospitalizations. ~~(3-30-07)()~~

702. INPATIENT ~~PSYCHIATRIC HOSPITAL~~ BEHAVIORAL HEALTH SERVICES: COVERAGE AND
LIMITATIONS.

[Subsection 702.01]

01. Initial Length of Stay. An initial length of stay, or a prior authorization requirement, will be
established by the Department, or its designee, in the Idaho Medicaid Provider Handbook, Requirements for

establishing length of stay will never be more restrictive than requirements for non-behavioral health services in a general hospital. ()

703. INPATIENT ~~PSYCHIATRIC HOSPITAL~~ **BEHAVIORAL HEALTH** SERVICES: PROCEDURAL REQUIREMENTS.

Admissions must be authorized by the Department.

(3-30-07) ()

01. **Prior Authorization** ~~for Elective Admissions~~. *To qualify for reimbursement, prior authorization must be obtained from the Department prior to an elective admission. An elective admission is defined as one that is planned and scheduled in advance, and is not emergency in nature, as "emergency" is defined in Subsection 702.01 of these rules* Some services may require a prior authorization from the Department, or its designee. The Department will set documentation requirements in the Idaho Medicaid Provider Handbook to ensure quality of care and integrity of services. Requests for prior authorization must include: (3-30-07) ()

[Subsection 703.01.e. altered, and 703.01.f. completely removed]

e. Prognosis; ~~and~~.

(3-30-07) ()

~~f. Recommendation by a physician for admission, preferably the primary care physician. If the child is enrolled in the Healthy Connection (HC) program, a HC referral is required.~~ (3-30-07)

704. INPATIENT ~~PSYCHIATRIC HOSPITAL~~ **BEHAVIORAL HEALTH** SERVICES: PROVIDER QUALIFICATIONS AND DUTIES.

[Subsection 704.01]

01. **Provider Qualifications.** Inpatient hospital psychiatric services ~~for individuals under age twenty-one (21)~~ must be provided under the direction of a physician in a facility accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) and licensed by the state of Idaho or the state in which they provide services. ~~Facilities currently providing psychiatric hospital services under the authority of Family and Community Services that are certified by the Health Care Financing Administration have until October 1, 1998 to comply with this requirement.~~ To provide services beyond emergency medical screening and stabilization treatment, the hospital must have a separate psychiatric unit with staff qualified to provide psychiatric services ~~to children~~. General hospitals licensed to provide services in ~~Idaho which their state, but~~ are not JCAHO certified, may not bill for psychiatric services beyond emergency screening and stabilization. (3-30-07) ()

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.09 – MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1703

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2018, 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 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.

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's Infant Toddler and Medicaid programs are both required by federal law (Section 1905(a) of the Social Security Act) to provide access and reimbursement for early intervention services. Early intervention service requirements are being removed from IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits" and added as a new Section in this chapter. The rule text is being updated to support program eligibility, service coverage, limitations, provider, and reimbursement requirements. These changes will allow the Department more flexibility for collaboration within IDHW Divisions and ensure all Medicaid-eligible infants and toddlers receive the right preventive services, at the right time, through the best financial means for the State. Updates to references or other minor technical corrections are being made as needed. Companion Docket No. 16-0310-1703 is publishing in this bulletin.

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 4, 2017, Idaho Administrative Bulletin, [Vol. 17-10, pages 272-279](#).

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:

This proposed change impacts the Division of Medicaid and the Division of Family and Community Services. Currently both divisions support these services for children with special healthcare needs ages 0-3 through a combination of a federal grant and Medicaid benefits payments.

This rule will enable additional Medicaid coverage for these services, which will allow leveraging federal funds to support better services for Idaho. There is no overall impact to the general fund; however, a transfer of general funds between divisions will be necessary. In addition, the FACS division will require an increase of \$1,129,800 in federal spending authority and will revert \$1,126,700 in receipt spending authority.

The net impact will increase federal expenditures for these services but will not increase the general fund needs. This will allow us to increase services to children and use state general funds more efficiently.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cindy Brock at (208) 364-1983.

DATED this 16th day of November, 2017.

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

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.10 – MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1702

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2018, 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 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, and 42 CFR Sections 438, 440, and 457.

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:

Under the CFR sections cited above, access to mental healthcare services cannot be more restrictive than access for medical/surgical services. The rule changes in this docket allow the Department flexibility to adjust requirements for authorizations and coverage to ensure that access to mental health services is consistent with the requirements in CFR. Companion Docket No. 16-0309-1702 is also publishing in this Bulletin.

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 4, 2017, Idaho Administrative Bulletin, [Vol. 17-10, pages 282 and 283](#).

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:

This rulemaking will have an estimated \$121,572 impact to the State General Fund. There will be a federal fund spending authority impact of \$300,114 in the Division of Medicaid from matching federal funds through Federal Medical Assistance Percentage (FMAP). This impact is due to removing restrictions for behavioral health care services to comply with federal requirements.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact William Deseron at (208) 364-1967.

DATED this 16th day of November, 2017.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.10 – MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1703

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2018, 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 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.

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's Infant Toddler and Medicaid programs are both required by federal law (Section 1905(a) of the Social Security Act) to provide access and reimbursement for early intervention services. Early intervention service requirements will be removed from this chapter and added as a new Section in IDAPA 16.03.09, "Medicaid Basic Plan Benefits." The rule text will be updated to support program eligibility, service coverage, limitations, provider, and reimbursement requirements. These changes will allow the Department more flexibility for collaboration within IDHW Divisions and ensure all Medicaid-eligible infants and toddlers receive the right preventive services, at the right time, through the best financial means for the State. Updates to references or other minor technical corrections may be made as needed. Companion Docket No. 16-0309-1703 is publishing in this bulletin.

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 4, 2017, Idaho Administrative Bulletin, [Vol. 17-10, pages 284 through 295](#).

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:

This proposed change impacts the Division of Medicaid and the Division of Family and Community Services. Currently both divisions support these services for children with special healthcare needs ages 0-3 through a combination of a federal grant and Medicaid benefits payments.

This rule will enable additional Medicaid coverage for these services, which will allow leveraging federal funds to support better services for Idaho. There is no overall impact to the general fund; however, a transfer of general funds between divisions will be necessary. In addition, the FACS division will require an increase of \$1,129,800 in federal spending authority and will revert \$1,126,700 in receipt spending authority.

The net impact will increase federal expenditures for these services but will not increase the general fund needs. This will allow us to increase services to children and use state general funds more efficiently.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the June 7, 2017, Idaho Administrative Bulletin, [Vol. 17-6, page 41](#).

INCORPORATION BY REFERENCE: No materials are being incorporated by reference in this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cindy Brock at (208) 364-1983.

DATED this 16th day of November, 2017.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.15 – RULES GOVERNING SECURE TREATMENT FACILITY FOR PEOPLE WITH INTELLECTUAL OR DEVELOPMENTAL DISABILITIES

DOCKET NO. 16-0315-1801 (NEW CHAPTER)

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 56-202, 56-203, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code.

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

PUBLIC MEETING
Wednesday, January 24, 2018 - 1:30 p.m. (MST)
Department of Health and Welfare Medicaid Central Office 3232 Elder Street Conference Room D West/East Boise, ID 83705
TELECONFERENCE CALL-IN
Toll Free: 1-866-906-7447 Participant Code: 3586046

Individuals who wish to participate in the public meeting but are not able to attend in person can participate by teleconference.

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

1. Attend or call in to 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 January 31, 2018:

Tamara Prisock
Administrator
Division of Licensing and Certification

Idaho Department of Health and Welfare
P.O. Box 83720
Boise, ID 83720-0036

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

The Secure Treatment Facility Act approved by the 2017 Legislature, enables the Department to establish, operate, maintain, and license a secure treatment facility for individuals with intellectual or developmental disabilities who pose a threat or risk to the safety of others, both inside the facility and in the surrounding community. This chapter is needed to establish the licensing standards which will provide for the security measures and restrictions needed for this type of facility as well as for the rights and safety of the clients in the facility.

The Department is holding negotiated rulemaking on this new chapter to solicit input from all stakeholders and the general public regarding the licensing standards for the secure treatment facility.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Tamara Prisock at (208) 364-1971. Materials pertaining to the negotiated rulemaking under Docket 16-0315-1801, including any available preliminary rule drafts, can be found on the Department's web site at the following web address: <http://healthandwelfare.idaho.gov/AboutUs/Newsroom/tabid/130/Default.aspx>

All written comments on the negotiated rules must be directed to the contact person above and must be delivered on or before January 31, 2018.

DATED this 16th day of November, 2017.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.19 – RULES GOVERNING CERTIFIED FAMILY HOMES

DOCKET NO. 16-0319-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2018, 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 acted on 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:

Changes are being made to the proposed rules based on comments received from the public and advocates as well as for clarity and grammar. The changes in this rule docket are a complete rewrite of the chapter. The Department is publishing the complete chapter for the pending rules to ensure that all changes are seen in context of the full chapter rewrite. The Centers for Medicare and Medicaid Services, as a condition for approving Idaho's transition plan for implementing Home and Community Based Service standards, required the Department to develop an eviction process for residents living in Certified Family Homes that is comparable to Idaho's landlord tenant law. That required process is included in this rulemaking.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. The complete text of the proposed rule was published in the September 6, 2017, Idaho Administrative Bulletin, [Vol. 17-9, pages 117-170](#).

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 Steve Millward at (208) 334-0706.

DATED this 16th day of November, 2017.

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

DOCKET NO. 16-0319-1701 - 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 17-9, September 6, 2017, pages 117 through 170.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 16-0319-1701

(The pending rule in this Bulletin following this notice, is being printed in its entirety,
and includes changes from the original proposed text.)

000. LEGAL AUTHORITY.

The Idaho Board of Health and Welfare is authorized under Sections 56-1005 and 39-3505, Idaho Code, to adopt and enforce rules and standards for Certified Family Homes. The Department is authorized under Sections 56-264 and 56-1007, Idaho Code, to adopt and develop application and certification criteria, and to charge and collect application and certification fees. Under Sections 56-1002, 56-1003, 56-1004, 56-1004A, 56-1005, and 56-1009, Idaho Code, the Department and the Board of Health and Welfare have prescribed powers and duties to provide for the administration and enforcement of Department programs and rules. ~~(3-21-12)~~()

001. TITLE, SCOPE, AND EXCEPTIONS.

01. Title. These rules are cited as IDAPA 16.03.19, “Rules Governing Certified Family Homes.” (4-11-06)

02. Scope. These rules set the minimum standards and administrative requirements for any home that care provider who is paid to care for an adult living in the care provider’s home, when the adult is elderly or has a developmental disability, mental illness, or physical disability, and needs assistance with activities of daily living. ~~(4-11-06)~~()

03. Exceptions to These Rules. These rules do not apply to the following: (4-11-06)

a. Any home that individual who provides only housing, meals, transportation, housekeeping or recreational and social activities. ~~(4-11-06)~~()

b. Any health facility defined by Title 39, Chapter 13, Idaho Code. (4-11-06)

c. Any residential care or assisted living facility defined by Title 39, Chapter 33, Idaho Code. (4-11-06)

d. Any arrangement for care in a relative’s home that is not compensated through a federal or state publicly-funded program. ~~(4-11-06)~~()

e. Any home approved by the Department of Veterans Affairs as a “medical foster home” described in 38 CFR Part 17 and Sections 39-3502 and 39-3512, Idaho Code. Homes that Care providers who provide care to both

veterans and non-veterans living in a “medical foster home” are not exempt from these rules. (7-1-17)()

04. State Certification to Supersede Local Regulation. These rules will supersede any program of any political subdivision of the state which certifies or sets standards for certified family homes. These rules do not supersede any other local regulations. (4-11-06)

002. WRITTEN INTERPRETATIONS.
There are no written interpretations for this chapter of rule. (4-11-06)

003. ADMINISTRATIVE APPEALS.
All contested cases are governed by the provisions of IDAPA 16.05.03, “Rules Governing Contested Case Proceedings and Declaratory Rulings.” (4-11-06)

004. INCORPORATION BY REFERENCE.
The Americans with Disabilities Act Accessibility Guidelines, 28 CFR Part 36, ~~Appendix A to Part 36 - 2010 ADA Standards for Accessible Design~~, is incorporated by reference. The internet website is <http://www.ada.gov/regs2010/ADAregs2010.htm> 2010ADAstandards_index.htm. (4-11-06)()

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- INTERNET WEBSITE -- CONTACT INFORMATION.

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. (4-11-06)

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. (4-11-06)

03. Street Address.

a. The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho, 83702. (4-11-06)

b. The Division of Licensing and Certification main office is located at 3232 Elder Street, Boise, Idaho, 83705. ()

04. Telephone Numbers.

a. The ~~telephone number for the~~ business office of the Idaho Department of Health and Welfare is (208) 334-5500. (4-11-06)()

b. The business office of the Division of Licensing and Certification is (208) 364-1959. ()

c. The Program Manager of Certified Family Homes is (208) 334-0706. ()

05. Internet Website.

a. The Department Internet website is www.healthandwelfare.idaho.gov. (4-11-06)

b. The Certified Family Home Internet website is www.cfh.dhw.idaho.gov. ()

06. Regional Certifying Agent Contact Information. ()

a. Region 1 - 1120 Ironwood Drive, Coeur d'Alene, ID 83814 - (208) 665-8807; ()

b. Region 2 - 1118 F Street, Lewiston, ID 83501 - (208) 799-4438; ()

c. Region 3 - 3402 Franklin Road, Caldwell, ID 83605 - (208) 455-7120; ()

- d. Region 4 - 1720 Westgate Drive, Boise, ID 83704 - (208) 334-0700; ()
- e. Region 5 - 803 Harrison Street, Twin Falls, ID 83301 - (208) 732-1515; ()
- f. Region 6 - 1070 Hilina Road, Pocatello, ID 83201 - (208) 239-6249; and ()
- g. Region 7 - 150 Shoup Avenue, Idaho Falls, ID 83402 - (208) 528-5721. ()

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS REQUESTS.

01. Confidential Records. ~~The use of~~ Any disclosure of confidential information ~~related to used or disclosed in the course of the~~ Department's ~~client records covered by these rules~~ business is subject to the restrictions in state or federal law, and must comply with IDAPA 16.05.01, "Use and Disclosure of Department Records," ~~and federal Public Law 103-209.~~ (4-11-06)()

02. Public Records Act. The Department ~~of Health and Welfare~~ will comply with Title 74, Chapter 1, Idaho Code, when requests for examination and of copying public records are made. Unless otherwise exempted, all public records in the custody of the Department of Health and Welfare are subject to disclosure. (4-11-06)()

007. -- 008. (RESERVED)

009. MANDATORY CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.

01. ~~Compliance with~~ Department Criminal History and Background Check Clearance. The provider, substitute caregivers, and all adults living in the home are required to ~~comply~~ complete a Department criminal history and background check and receive a clearance in compliance with IDAPA 16.05.06, "Criminal History and Background Checks." The resident is exempt from criminal history check requirements. (4-11-06)()

02. When Certification Can Be Granted. Prior to certification being granted: ()

a. The provider must have a completed criminal history check, including clearance, ~~prior to certification;~~ and ()

b. Any other adult living in the home must have completed a self-declaration form, must be fingerprinted, and must not have any designated crimes listed in IDAPA 16.05.06, "Criminal History and Background Checks." (4-11-06)()

03. New Adults in the Home After Certification Is Granted. A new adult who plans to live in the home must complete a self-declaration form, must be fingerprinted, and must not have any designated crimes listed in IDAPA 16.05.06, "Criminal History and Background Checks," before moving into the home. Any adult who is a visitor in the home and leaves within thirty (30) days; is not required to have a criminal history check but must not have unsupervised contact with the resident. (4-11-06)()

04. Minor Child Turns Eighteen. A minor child turning eighteen (18) and living in the home must complete a self-declaration form, must be fingerprinted, and must not have disclosed any designated crimes listed in IDAPA 16.05.06, "Criminal History and Background Checks," within thirty (30) days following the month of his eighteenth birthday. (4-11-06)

05. Substitute Caregiver. A substitute caregiver must complete a self-declaration form, be fingerprinted, and must not have disclosed any designated crimes listed in IDAPA 16.05.06, "Criminal History and Background Checks," prior to any unsupervised contact with the resident. (4-11-06)

06. Additional Criminal Convictions, Pending Investigations, or Charges. Once criminal history clearances have been received, the provider must ~~immediately~~ report to the Department any additional criminal convictions, pending investigation or charges for himself, any other adult living in the home or a substitute caregiver as described in Section 210 of these rules. (4-11-06)()

~~07. Notice of Pending Investigations or Charges. Once criminal history clearances have been received, the provider must immediately report to the Department when he, any other adult living in the home, or a substitute caregiver is charged with or under investigation for abuse, neglect or exploitation of any vulnerable adult or child, criminal charges, or when an adult protection or child protection complaint is substantiated. (4-11-06)~~

10. DEFINITIONS AND ABBREVIATIONS -- A THROUGH K.

For the purposes of these rules, the following definitions apply: ()

01. Abuse. A nonaccidental act of sexual, physical, or mental mistreatment or injury of the resident through the action or inaction of another individual. (4-11-06)

02. Activities of Daily Living. The performance of basic self-care activities in meeting an individual's needs to sustain him in a daily living environment, including bathing, washing, dressing, toileting, grooming, eating, communication, ~~continence, managing money~~, mobility, and associated tasks. (4-11-06) ()

03. Adult. A person who has attained the age of eighteen (18) years. (4-11-06)

04. Alternate Caregiver. A certified family home provider approved by the Department to care for a resident from another certified family home for up to thirty (30) consecutive days when the original provider is temporarily absent or unable to care for the resident. (4-11-06)

05. Assessment. The conclusions reached through evaluation of functional and cognitive ability using uniform criteria ~~developed by the Department and relevant councils for determining a person's need for care and services that identifies the resident's strengths, weaknesses, risks and needs, and includes functional needs, medical needs and behavioral needs.~~ (4-11-06) ()

06. Certificate. A permit issued by the Department to operate a certified family home. (4-11-06)

07. Certified Family Home. A home certified by the Department to provide a family-styled living environment and care to one (1) or two (2) adults, who are ~~unable~~ not able to reside ~~in~~ in their own home and who require care, help with activities of daily living, help with instrumental activities of daily living, protection and security, and need supervision, personal assistance or encouragement toward independence. The certified family home is referred to as "the home" in these rules. (4-11-06) ()

08. Certified Family Home Care Provider. The adult member of the certified family home living in the home who is responsible for providing care to the residents and maintaining the home. The certified family home care provider is referred to as "the provider" in ~~this chapter of~~ these rules. (4-11-06) ()

09. Certifying Agent. A person acting under the authority of the Department to participate in the certification, inspection, and regulation of a certified family home. ()

~~10. Chemical Restraint.~~ The use of any medication that results or is intended to result in the modification of behavior for the purposes of discipline or convenience and not required to treat the resident's medical condition or symptoms. (4-11-06) ()

11. Core Issue. Abuse, neglect, exploitation, inadequate care, inoperable fire detection or extinguishing systems with no fire watch in place pending the correction of the system, and situations in which advocates, representatives, and certifying agents are denied access to records, residents, or the home according to their respective authority. ()

~~12. Criminal Offense.~~ Any crime as defined in Section 18-111, Idaho Code, in 18 U.S.C. Section 4A1.2 (o), and 18 U.S.C. Sections 1001 through 1027. (4-11-06)

13. Critical Incident. Any actual or alleged event or situation that creates a significant risk of substantial or serious harm to the physical or mental health, safety or well being of a resident. ()

- ~~14.~~ **Department.** The Idaho Department of Health and Welfare. (4-11-06)
- ~~125.~~ **Director.** The Director of the Idaho Department of Health and Welfare or his designee. (4-11-06)
- ~~136.~~ **Exploitation.** The misuse of a vulnerable adult's funds, property, or resources by another person for profit or advantage. (4-11-06)

~~17.~~ **Health Care Professional.** An individual licensed to provide health care within his respective discipline and scope of practice. ()

~~148.~~ **Immediate Jeopardy.** An immediate or substantial danger to a resident. (4-11-06)

~~19.~~ **Inadequate Care.** The provider fails to provide services required to meet the terms of the negotiated plan of service or provide for room, board, activities of daily living, supervision, first aid, assistance and monitoring of medications, emergency intervention, coordination of outside services or a safe living environment, or engages in violations of residents' rights or takes residents who have been admitted in violation of the provisions of Section 39-3507, Idaho Code. ()

~~20.~~ **Incident.** An actual or alleged minor event or situation that has impacted or has the potential to impact the resident's health or safety, but does not rise to the level of a critical incident. ()

~~1521.~~ **Incidental Supervision.** Supervision provided by an individual approved by the provider to supervise the resident, not to exceed four (4) hours per week. (4-11-06)

~~22.~~ **Instrumental Activities of Daily Living.** The performance of secondary level activities that enable a person to live independently in the community, including preparing meals, accessing transportation, shopping, laundry, money management, housework, medication management, using tools and technology, and other associated tasks. ()

011. DEFINITIONS AND ABBREVIATIONS -- I THROUGH Z.
For the purposes of these rules, the following definitions apply: ()

~~016.~~ **Level of Care.** A categorical assessment of the resident's functional ability in any given activity of daily living, instrumental activity of daily living or self-preservation and the degree of care required in ~~the that~~ areas ~~of activities of daily living, supervision, response to emergency situation, mobility, medications and behavior management~~ to sustain the resident in a daily living environment. (4-11-06)()

~~1702.~~ **Neglect.** The failure to provide food, clothing, shelter or medical care to sustain the life and health of a resident. (4-11-06)()

~~1803.~~ **Negotiated Service Agreement.** The agreement between the resident ~~and or~~ his representative, ~~if applicable,~~ and the ~~home~~ provider based on the ~~resident's~~ assessment, ~~physician's~~ health care professional's orders, ~~if any,~~ admission records, ~~if any,~~ and desires of the resident, that outlines services to be provided and the obligations of the ~~home~~ provider and the resident. This agreement is also known as a plan of service. (4-11-06)()

~~19.~~ **Owner.** ~~Any recognized legal entity, governmental unit, or person having legal ownership of the certified family home as a business operation.~~ (4-11-06)

~~04.~~ **Personal Assistance.** The provision of care to the resident by the provider of one (1) or more of the following services: ()

- ~~a.~~ Assisting the resident with activities of daily living; ()
- ~~b.~~ Assisting the resident with instrumental activities of daily living; ()
- ~~c.~~ Arranging for supportive services; ()

d. Being aware of the resident's general whereabouts; and ()

e. Monitoring the activities of the resident while on the premises of the home to ensure the resident's health, safety and well-being. ()

~~205.~~ **Plan of Service.** The generic term used in these rules to refer to the Negotiated Service Agreement, Personal Care Plan, Plan of Care, Individual Support Plan, Support and Spending Plan, or any other comprehensive service plan. (4-11-06)()

~~2106.~~ **PRN (Pro Re Nata).** A PRN is an abbreviation meaning "when necessary" used for medication or treatment ordered by a medical health care professional to an individual allowing the medication or treatment to be given as needed. (4-11-06)()

~~2207.~~ **Relative.** A person related by birth, adoption, or marriage to the first third degree, and grandparent and grandchild including spouses, parents, children, siblings, grandparents, grandchildren, aunts, uncles, nephews, nieces, great-grandparents, great-grandchildren, great-aunts, great-uncles, and first cousins. (4-11-06)()

~~2308.~~ **Resident.** An adult who lives in a Certified Family Home and who requires personal assistance or supervision and one (1) or more of the following services: protection, assistance with decision making and activities of daily living, or direction toward self-care skills. (4-11-06)()

~~2409.~~ **Substitute Caregiver.** An individual approved adult designated by the provider to provide care, services and supervision to the resident in the provider's certified family home for up to thirty (30) consecutive days. (4-11-06)()

10. **Supervision.** An administrative activity which provides the following: protection, guidance, knowledge of the resident's whereabouts and monitoring activities. ()

11. **Supportive Services.** The specific services that are provided to the resident in the community and that are required by the plan of service or reasonably requested by the resident. ()

12. **Variance.** A temporary exception not to exceed twelve (12) months issued by the Department to a certified family home allowing noncompliance with a specific standard required under these rules when the provider has shown good cause for such an exception and the variance does not endanger the health and safety of any resident. ()

13. **Vulnerable Adult.** A person eighteen (18) years of age or older who is unable to protect himself from abuse, neglect, or exploitation due to physical or mental impairment that affects the person's judgment or behavior to the extent that he lacks sufficient understanding or capacity to make or communicate or implement decisions regarding his person as defined in Section 39-5302(10), Idaho Code. ()

14. **Waiver.** A permanent exception issued by the Department to a certified family home allowing noncompliance with a specific standard required under these rules when the provider has shown good cause for such an exception and the waiver does not endanger the health and safety of any resident. ()

~~0172.~~ -- 099. (RESERVED)

100. CERTIFICATION REQUIREMENTS.

Certification is required in order to operate a certified family home in the State of Idaho. The Department will issue a certificate to a home provider when all certification requirements are met. (4-11-06)()

01. Certificate Issued in the Name of Provider. The certificate is issued in the name of the provider applying for certification, and only to the address of the home stated in the application. A new certificate is required if the provider or the location of the certified family home changes. (4-11-06)

02. **Accessibility to the Home.** The home, physical premises, and all records required under these rules, must be accessible at all times to the Department for the purposes of inspection, with or without prior notification. (4-11-06)()

03. **Number of Residents in the Home.** ~~A~~ The home cannot be certified for more than two (2) residents. ~~An~~ exception variance may be granted by the Department as described in Section 140 of these rules. (4-11-06)()

04. **Certification Limitations.** (4-11-06)

a. A home cannot be certified if it also provides room or board to any person who is not a resident or relative of the provider as defined by these rules ~~or a family member~~. A waiver variance may be granted by the Department when the individual receiving room or board is the spouse of the resident and does not require certified family home care or any higher level of care. (4-11-06)()

b. A home cannot be certified as a certified family home and a children's foster home at the same time, unless a variance is granted by the Department. (4-11-06)()

c. ~~A certified family home~~ The provider, provider's relatives, and other adults living in the home may not be the legal guardian of any the resident unless the guardian provider, provider's relative, or other adult living in the home is a parent, child, sibling, or grandparent relative of the resident. A variance may be granted by the Department when determined the guardianship is in the best interest of the resident. (4-7-11)()

d. The provider may not be absent from the certified family home for more than thirty (30) consecutive days when the home has an admitted resident. Appropriate care and supervision must be provided to the resident in the provider's absence as described in Section 300 of these rules. ()

e. The provider's primary residence must be the certified family home. ()

05. **Certification Study Required.** Following receipt of an acceptable application and other required documents, the Department will begin a certification study within thirty (30) days. The certification study, along with the application and other required material, will serve as the basis for issuing or denying a certificate. The study will include the following: (4-11-06)

a. A review of all material submitted; (4-11-06)

b. A ~~scheduled~~ home inspection; (4-11-06)()

c. An interview with the proposed provider; (4-11-06)

d. An interview with the provider's family; if relatives or other members of the household, when deemed necessary; (4-11-06)()

e. A review of the number, age, and sex of children or other adults in the home to evaluate the appropriateness of a placement to meet the needs of the resident; (4-11-06)

f. A medical or psychological examination of the provider or family other members of the household, if when the Department determines it is necessary; and including a statement from a health care professional that the provider has the ability to provide adequate care to the resident and ensure a safe living environment; (4-11-06)()

g. Proof that the provider or provider's spouse is listed on the deed, mortgage, or lease of the home; ()

~~gh.~~ Other information necessary to verify that the home is in compliance with these rules. (4-11-06)

06. **Provider Training Requirements.** As a condition of initial certification, ~~all~~ the providers must

receive training in the following areas:

(4-11-06)()

- a. Resident rights; (4-11-06)
- b. Certification in first aid and adult Cardio-Pulmonary Resuscitation (CPR) which must be kept current and include hands-on skills training; (4-11-06)()
- c. Emergency procedures; (4-11-06)
- d. Fire safety, including use and maintenance of fire extinguishers, and smoke alarms, and carbon monoxide alarms; (4-11-06)()
- e. Completion of an approved "Assistance with Medications" course available through an Idaho Professional Technical Education Program or other course approved by the Department; and (4-11-06)()
- f. Complaint investigations and inspection procedures. (4-11-06)()

07. Effect of Previous Revocation or Denial of Certificate or License. The Department is not required to consider the application of any applicant who has had a health care certificate or license denied or revoked until five (5) years have elapsed from the date of denial or revocation according to Section 39-3525, Idaho Code. (4-11-06)

101. APPLICATION FOR CERTIFICATION.

The applicant must apply for certification on forms provided by the Department, pay the application fee, and provide information required by the Department. (3-21-12)

- 01. Completed and Signed Application.** A completed application form signed by the applicant. (4-11-06)
- 02. Statement to Comply.** A written statement that the applicant has thoroughly read and reviewed this chapter and is prepared to comply with all of its provisions. (4-11-06)
- 03. Criminal History and Background Clearance Checks.** Satisfactory evidence that the applicant and all adults living in the home are of reputable and responsible character, including a criminal history clearance and background checks as provided in Section 009 of these rules. (4-11-06)()
- 04. Statement Disclosing Revocation or Disciplinary Actions.** A written statement that discloses any revocation or other disciplinary action taken or in the process of being taken against the applicant as a care provider in Idaho or any other jurisdiction, or a statement from the applicant stating he has never been involved in any such action. (4-11-06)
- 05. Electrical Inspection.** A current statement from a licensed electrician or the local/state electrical inspector that all wiring in the home complies with applicable local code. (4-11-06)
- 06. Environmental Sanitation Inspection.** If the home is not on a municipal water supply or sewage disposal system, a current statement is needed from the local environmental health agency that the water supply and sewage disposal system meet the legal standards. If the local environmental health agency cannot provide this information, the home applicant must obtain a statement to that effect. In addition, the applicant must provide a signed statement from a person in the business of servicing these systems that the water supply and sewage disposal system are in good working order. (4-11-06)()
- 07. Proof of Insurance.** Proof of homeowner's or renter's insurance on the applicant's home and the resident's belongings. For continued certification, the provider must ensure that insurance must be is kept current. (4-11-06)()
- 08. List of Individuals Living in the Home.** A list of all individuals living in the home at the time of application and their relationship to the applicant. (4-11-06)

09. **Payment of Application Fee.** Payment of the application fee required in Section 109 of these rules. (3-21-12)

10. **Other Information as Requested.** Other information that may be requested by the Department for the proper administration and enforcement of the provisions of ~~this chapter~~ these rules. (4-11-06)()

11. **Termination of Application Process.** Failure of the applicant to cooperate with the Department in the application process will result in the termination of the application process. Failure to cooperate means that the information described in Section 101 of these rules is not provided in a timely manner, or not provided in the form requested by the Department, or both. (4-11-06)

102. -- 108. (RESERVED)

109. **APPLICATION AND CERTIFICATION FEES FOR CERTIFIED FAMILY HOMES.**

01. **Application Fee Amount.** An provider applicant is required to pay to the Department at the time of application a one-time non-refundable application fee of one hundred fifty (\$150) dollars. (3-21-12)()

02. Payment of Application Fees. The application fee is required for the following: ()

a. Upon application to become a certified family home care provider; ()

b. When an application is terminated or the home closes, the applicant must pay the application fee again to reapply for certification; or ()

c. When the home will be operated by a new care provider. ()

023. Certification Fees. A ~~The~~ provider is required to pay to the Department a certification fee of twenty-five (\$25) dollars per month. This amount ~~will be~~ is billed to the provider quarterly, and is due and payable within thirty (30) days of date of the invoice. ()

a. Failure of the provider to pay certification fees when due may cause the Department to take enforcement action described in Section 913 of these rules. (3-21-12)()

b. Monthly certification fees paid in advance for the home will be refunded when the provider operates the home for less than fifteen (15) days during any given month for which payment was received by the Department. An advanced payment refund may be paid when the provider voluntarily closes the home as provided in Section 115 of these rules, or involuntarily closes the home due to an enforcement remedy imposed by the Department. ()

110. **ISSUANCE OF CERTIFICATE.**

01. **Certificate.** A certificate is valid for no more than twelve (12) months from the date of approval. The certificate ~~will~~ expires at the end of the stated period unless it is continued in effect by the Department as provided in ~~Sub~~section 1101.03.e. of these rules. (4-11-06)()

a. The initial certificate requires a scheduled home inspection by ~~the Department~~ a certifying agent. (4-11-06)()

b. The certificate is valid only for the location and person named in the application and is not transferable or assignable. (4-11-06)()

c. The certificate must be available at the home upon request. (4-11-06)()

02. Temporary Certificate. A temporary certificate may be issued to allow time for the provider to meet all certification requirements without a lapse in certification when the provider plans to relocate to a residence

within the state and plans to continue operation of a certified family home. A temporary certificate is valid for no more than sixty (60) days from the date of approval. ()

a. At least thirty (30) days prior to moving into a new residence, the provider must notify the certifying agent for the region in which the new home will be located as listed in Section 005 of these rules. Prior to moving into the new residence, the provider must submit to the certifying agent the following: ()

i. A completed application form as required in Section 101 of these rules. An application fee is not required for only a change of location of the home; ()

ii. An electrical inspection for the new residence as required in Section 101 of these rules; ()

iii. Inspection and approval of any fuel-fired heating system in the new residence as required in Section 600 of these rules; and ()

iv. Other information requested by the Department to ensure the new residence is appropriate for use as a certified family home and safe for occupation. ()

b. The Department will issue a temporary certificate upon review and approval of the information required under Subsection 110.02 of this rule. ()

c. The provider must coordinate with the certifying agent an inspection of the new residence to occur prior to the expiration of the temporary certificate and be prepared to demonstrate compliance with this chapter of rules during the home inspection. ()

d. The Department will issue a certificate as described in Subsection 110.01 of this rule when it determines that the home is in compliance with these rules. ()

023. Provisional Certificate. A provisional certificate may be issued to ~~a~~ the home as provided in Section 909 of these rules ~~that~~ when it is not in substantial compliance with these rules ~~if~~ and the deficiencies do not adversely affect the health or safety of the resident and are not likely to continue beyond six (6) months. (4-11-06)()

a. A ~~P~~provisional certificates may be issued for up to six (6) months and ~~are~~ is contingent on compliance with the conditions for the provisional certificate and implementation of an approved plan to correct all deficiencies prior to the expiration of the provisional certificate. (4-11-06)()

b. A provisional certificate may be replaced with a certificate when the Department has ~~revisited~~ determined the home is in substantial compliance with these rules prior to the expiration of the provisional certificate and has determined that the home qualifies for a certificate. (4-11-06)()

c. A certified family home will not be issued more than one (1) provisional certificate in any twelve (12) month period. (4-11-06)()

03111. RENEWAL OF CERTIFICATE.

~~To renew the certificate,~~ The provider must submit a written request on a form provided by the Department to renew the home's certificate at least thirty (30) days prior to the expiration of the existing certificate. The completed renewal application form and any required documentation must be returned to the ~~Department~~ regional certifying agent where the home is located as listed in Section 005 of these rules ~~at least thirty (30) days prior to the expiration of the existing certificate.~~ (4-11-06)()

01. Home Inspection. A home inspection by a certifying agent is required the year after the initial home certification study and at least every twenty-four (24) months thereafter. The home inspection will consist of the elements of the certification study as required in Section 100 of these rules. (4-11-06)()

02. Desk Review. ~~if~~ When the Department determines a home inspection is not required to renew the certificate, the Department may conduct a desk review by written notification to the provider. ~~if~~ The provider must

submit the renewal application to the certifying agent and copies of the following documentation to renew the certificate: (4-11-06)()

- i.a. Current first aid and adult CPR cards; (4-11-06)()
 - #b. Furnace, well, and fireplace inspection reports, as applicable; (4-11-06)
 - c. Septic system inspection or pumping report, as applicable, when the previous inspection is older than five (5) years; ()
 - ##d. Annual fire extinguisher inspection reports, or sales receipts for fire extinguishers that comply with Section 600 of these rules that are less than twelve (12) months old; (4-11-06)()
 - ivc. Fire-Log of smoke detector checks and carbon monoxide alarm tests, fire extinguisher checks examinations, emergency plan reviews, and fire drill and evacuation summaries; (4-11-06)()
 - v.f. Training logs; (4-11-06)
 - v.g. List of individuals currently living in the home and individuals who moved in and out of the home during the year; (4-11-06)
 - h. Proof that the provider or provider's spouse is listed on the deed, mortgage, or lease of the home; ()
 - vii. Proof of homeowner's or renter's insurance; (4-11-06)
 - viii. Request for a waiver, or variance, or renewal of waiver and a variance that meets the requirements in Sections 120 through 140 of these rules as applicable; and (4-11-06)()
 - ixk. Other information as requested by the Department. (4-11-06)
- e03. Validity of Existing Certificate. The existing certificate, unless suspended or revoked, remains valid until the Department has acted on the renewal application renewal when the renewal application and supporting documentation is filed in a timely manner with the certifying agent. (4-11-06)()

04112. CHANGE OF OWNERSHIP PROVIDER CERTIFICATION REQUIREMENTS OR LOCATION.

01. Change of Provider. Certificates are not transferable or assignable from one (1) individual to another or from one (1) location to another. The home must be recertified using the same procedure as a new home that has never been certified when a change of ownership, lease, or location care provider occurs. (4-11-06)()

02. Change of Location. Certificates are not transferable or assignable from one (1) location to another. When a change of location occurs, the provider's new home must be: ()

- a. Certified using the same procedure as required in Section 100 of these rules for a new home that has never been certified; or ()
- b. Temporarily certified by the procedure described in Section 110 of these rules. ()

05113. DENIAL OF APPLICATION FOR CERTIFICATE.

The Department may deny the application for issuance of a certificate when conditions exist that endanger the health, safety, or welfare of any resident or when the home is not in substantial compliance with these rules. Additional causes for denial of an application for a certificate include the following: (4-11-06)()

#01. False or Incomplete Information. The applicant or provider has willfully misrepresented or omitted information on the application or other documents pertinent to obtaining a certificate; (4-11-06)()

~~b~~**02. Convictions.** The applicant or provider has been convicted of fraud, gross negligence, abuse, assault, battery or exploitation; (4-11-06)()

~~e~~**03. Other Criminal Offense.** The applicant or provider has been convicted of a criminal offense within the past five (5) years, other than a minor traffic violation or similar minor offense; (4-11-06)()

~~#~~**04. Denial or Revocation of Health Care License.** The applicant or provider has been denied or has had revoked any health facility license, residential care or assisted living facility license, or certified family home certificate; (4-11-06)()

~~e~~**05. Operation Without a License.** The applicant or provider has been ~~convicted of operating~~ found to have operated a health facility, residential care or assisted living facility, or certified family home without a license or certificate; (4-11-06)()

~~f~~**06. Court Ordered.** A court has ordered that the applicant or provider must not operate a health facility, residential care or assisted living facility, or certified family home; (4-11-06)()

~~g~~**07. Registries or Exclusion List.** The applicant or provider is listed on the statewide Child Abuse Registry, Adult Protection Registry, Sexual Offender Registry, or Medicaid exclusion lists; or (4-11-06)()

~~#~~**08. Control or Influence.** The applicant or provider is directly under the control or influence of any person who is described in Subsections ~~110.05.a. through 110.05.g.~~ 113.01 through 113.07 of ~~these~~ this rules. (4-11-06)()

~~06. Revocation of Certificate.~~ *The Department may revoke any certificate when conditions exist which endanger the health, safety, or welfare of any resident, or when the home is not in substantial compliance with these rules as described in Section 913 of these rules.* (4-11-06)

~~079. Procedure for Appeal of Denial or Revocation of a Certificate.~~ (4-11-06)()

a. Immediately upon denial of any application for a certificate, ~~or revocation of a certificate,~~ the Department will notify the applicant or provider in writing by certified mail or by personal service of its decision, the reason for its decision, and how to appeal the decision. (4-11-06)()

b. The appeal is subject to the hearing provisions in IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (4-11-06)

~~08114. FAMILY HOME OPERATING WITHOUT A CERTIFICATE.~~

~~01. Operating Without Certificate.~~ A person found to be operating a family home without first obtaining a certificate may be referred for criminal prosecution. ()

~~02. Placement or Transfer of Resident.~~ Upon discovery of a family home operating without a certificate, the Department ~~will refer~~ may transfer residents to the appropriate placements or refer to the local adult protective services agency ~~if when~~: (4-11-06)()

a. There is an immediate threat to any resident's health and safety; or (4-11-06)

b. The individual operating the home does not cooperate with the Department to apply for certification, meet certification standards and obtain a valid certificate. (4-11-06)()

~~111.—114. (RESERVED)~~

~~115. VOLUNTARY CLOSURE OF THE HOME.~~

~~When choosing to voluntarily close the home, the provider must provide written notice to the certifying agent in the region where the home is located as listed in Section 005 of these rules. The notification must include the following:~~

- ()
- 01. Date of Notification.** ()
- 02. Provider's Certificate.** A copy of the certificate, or information from the certificate that includes: ()
- a. Provider's name;** ()
- b. Address of the home; and** ()
- c. Certificate number.** ()
- 03. Closure Date.** The written notice must include the planned closure date. The Department will not refund or prorate prepaid certification fees on retroactive closures. ()
- 04. Discharge Plans.** If applicable, discharge plans for current residents must accompany the written notice. ()

1156. REQUIRED ONGOING TRAINING.

~~All~~ The providers must document a minimum of eight (8) hours per year of ongoing, relevant training in the provision of supervision, services, and care. ~~The training must consist of at least four (4) hours of classroom training. The remaining four (4) hours may be independent study or classroom training. Up to two (2) hours of ongoing first aid or CPR will count toward the eight (8) hour requirement. The initial provider training required in Subsection 100.06 of these rules will count toward the first year's eight (8) hour training requirement.~~ (4-11-06)()

- 01. Initial Provider Training.** The initial provider training required in Section 100 of these rules satisfies the eight (8) hour training requirement for the first year of certification. ()
- 02. Type of Training.** ()
- a. Interactive training means the provider is able to ask questions of a live instructor and receive answers in real time. The instructor must be a professional or a recognized authority in his subject matter. At least half of the required ongoing training hours each year must consist of interactive training.** ()
- b. Independent study means any training not provided by a live instructor. The remaining required training hours may be independent study through books, articles, videos, online courses, and other resources.** ()
- 03. Content of Training.** ()
- a. Resident specific. At least half of the required ongoing training hours each year must be devoted to the specific conditions, diagnoses and needs of admitted residents, when residents are admitted.** ()
- b. General topics. The remaining hours may be devoted to other topics related to care giving, health or safety. Up to two (2) hours of first aid or adult CPR training will count toward the annual requirement.** ()
- 04. Documentation of Training.** The provider must document ongoing training. The documentation must include: ()
- a. Topic of the training with a brief description;** ()
- b. Source of training, including the name of the instructor or author;** ()
- c. Number of hours;** ()
- d. Type and content of training;** ()

- i. Interactive or independent; and ()
- ii. Resident specific or general. ()

~~1167.~~ -- 119. (RESERVED)

120. **WAIVERS.**

The Department may grant permanent waivers. The decision to grant a waiver ~~in one (1)~~ for a home or provider is not a precedent or applicable to any other home or provider and has no force of effect in any other proceeding. (4-11-06)()

01. Written Request. ~~A~~ The provider must submit a written request for a waiver ~~must be submitted~~ to the ~~Department~~ regional certifying agent where the home is located as listed in Section 005 of these rules prior to any planned noncompliance with any rule under this chapter. The appropriateness of granting a waiver is determined by the Department. The request must include the following: (4-11-06)()

- a. Reference to the section of the rules for which the waiver is requested; (4-11-06)
- b. Reasons that show good cause ~~why the~~ for granting the waiver ~~should be granted~~, including any extenuating circumstances and any compensating factors or conditions that may have bearing on the waiver, such as additional floor space or additional staffing; and (4-11-06)()
- c. ~~Written documentation~~ A signed statement from the provider that assures the resident's health and safety will not be jeopardized if the waiver is granted. The statement must include an agreement to implement any special conditions the Department requires. (4-11-06)()

02. Waiver Expiration Special Conditions. ~~A~~ When granting a waiver ~~may be granted for a period of no more than twelve (12) months, the Department may require the provider to meet special conditions while the waiver is in effect to ensure the health and safety of residents. (4-11-06)()~~

~~03. Waiver Renewal. If the provider wishes to renew a waiver, he must submit a written request to the Department. The appropriateness of renewing a waiver will be determined by the Department.~~ (4-11-06)

043. Waiver Not Transferable. A waiver granted under Section 120 of this rule is not transferable to any other provider, ~~address~~ home, or resident. (4-11-06)()

121. GENERAL VARIANCES.

The Department may grant temporary variances that may be effective for up to twelve (12) months at a time. The decision to grant a variance for a home or provider is not a precedent or applicable to any other home or provider and has no force of effect in any other proceeding. ()

01. Written Request. The provider must submit a written request for a variance to the regional certifying agent where the home is located as listed in Section 005 of these rules prior to any planned noncompliance with any rule under this chapter. The appropriateness of granting a variance is determined by the Department. The request must include the following: ()

- a. Reference to the section of the rules for which the variance is requested; ()
- b. Reasons that show good cause for granting the variance, including any extenuating circumstances and any compensating factors or conditions that may have bearing on the variance, such as additional floor space or additional staffing; and ()
- c. A signed statement from the provider that assures resident health and safety will not be jeopardized if the variance is granted, including an agreement to implement any special conditions the Department may require. ()

02. Special Conditions. When granting a variance, the Department may require the provider to meet

special conditions while the variance is in effect to ensure the health and safety of residents. ()

03. Variance Renewal. To renew a variance, the provider must submit a written request to the regional certifying agent where the home is located as listed in Section 005 of these rules at least thirty (30) days prior to expiration of the variance. The request for renewal must include the information required in Subsection 121.01 of this rule. The appropriateness of renewing a variance is determined by the Department. ()

04. Variance Not Transferable. A variance granted under Section 121 of this rule is not transferable to any other provider, home, or resident. ()

122. REVOKING A WAIVER OR VARIANCE.

The Department may revoke a waiver or variance. ()

01. Causes for Revocation. Revocation of a waiver or variance may occur when: ()

a. The provider has not met the special conditions associated with granting the exception; ()

b. Conditions within the home have changed such that an exception is no longer prudent; or ()

c. The health and safety of residents have otherwise been compromised. ()

02. Written Notice. The Department will provide written notice to the provider when a waiver or variance is revoked, including the reason for the revocation. ()

03. Time Frame to Comply. The provider must comply with the rule for which the waiver or variance is revoked according to the following time frames: ()

a. Immediately upon notification, when there is a threat to the life or safety of residents; or ()

b. Within thirty (30) days of notification, when there is no threat to the life or safety of residents. ()

~~123.~~ -- 129. (RESERVED)

130. NURSING FACILITY LEVEL OF CARE ~~WAIVER REQUIREMENTS~~ VARIANCE.

A certified family home may care for one (1) resident who requires nursing facility level of care as defined in Section 39-1301(b), Idaho Code, without obtaining a ~~waiver~~ variance. A home seeking to provide care to two (2) residents who require nursing facility level of care must request a ~~waiver~~ variance in writing from the Department as required in ~~Section 39-3554, Idaho Code~~ Section 121 of these rules. (4-11-06)()

01. Conditions for a ~~Waiver~~ Variance. The Department ~~will~~ may issue a written ~~waiver~~ variance permitting the arrangement when: (4-11-06)()

a. Each of the residents provides a written statement to the Department requesting the arrangement; (4-11-06)

b. Each of the residents making the request is competent, informed, and has not been coerced; (4-11-06)

c. The Department finds the arrangement safe and effective. (4-11-06)

02. Revoking a ~~Waiver~~ Variance. The Department will revoke the ~~waiver~~ variance when: (4-11-06)()

a. There is a threat to the life or safety of either resident; (4-11-06)

b. One (1) of the residents leaves the home permanently; (4-11-06)

c. One (1) of the residents notifies the Department in writing that he does not wish to live in the home with the other resident; or (4-11-06)

d. The Department finds the arrangement is no longer safe and effective. (4-11-06)

03. **Waiver Variance Not Transferable.** A waiver variance granted under Subsection 130.01 of this rule is not transferable to any other provider, address home, or resident. (4-11-06)()

131. -- 139. (RESERVED)

140. **EXCEPTION VARIANCE TO THE TWO RESIDENT LIMIT.**

01. **Application for Exception Variance.** A home The provider may apply to on forms provided by the Department for an exception variance to the two (2) resident limit in order to care for three (3) or four (4) residents on a per resident basis prior to any new admissions. The application must be submitted to the certifying agent where the home is located as listed in Section 005 of these rules. The appropriateness of granting the variance is determined by the Department. (4-11-06)()

02. **Criteria for Determination.** The Department will determine if safe and appropriate care can be provided based on residents' needs. The Department will consider, at a minimum, the following factors in making its determination: (4-11-06)()

a. Each current or prospective resident's physical, mental and behavioral status and history; (4-11-06)

b. The household composition including the number of adults, children and other family members requiring care from the provider; (4-11-06)

c. The training, education, and experience of the provider to meet each resident's needs; (4-11-06)

d. Potential barriers that might limit resident safe access to and exit from the rooms in egress from and ingress to the home; (4-11-06)()

e. The number and qualifications of care givers in the home; (4-11-06)

f. The desires of the prospective and current residents; (4-11-06)

g. The individual and collective hours of care needed by the residents; (4-11-06)

h. The physical layout of the home and the square footage available to meet the needs of all persons living in the home; and (4-11-06)

i. If an exception variance to the two (2) resident limit would result in two (2) or more residents who require nursing facility level of care living in the home, then the application for the variance must also include the information required in Section 130 of these rules. (4-11-06)()

03. **Other Employment.** A Provider of who is granted a variance to admit three (3) or four (4) bed homes residents must not have other gainful employment outside the home unless: (4-11-06)()

a. The total direct care time for all residents, as reflected by their plans of service and assessments or, if not indicated by these documents for a publicly-funded program, the time that the program bases its payment, does not exceed eight (8) hours per day; (4-11-06)()

b. The provider is immediately available to meet resident needs as they arise; and (4-11-06)

c. Each resident is supervised at all times unless the assessment or plan of service indicates the resident may be left unattended for designated periods of time. (4-11-06)

04. **Additional Training.** ~~A Provider of who is granted a variance to admit~~ three (3) or four (4) ~~bed homes residents~~ must obtain additional training to meet the needs of the residents as ~~determined necessary by the Department follows:~~ (4-11-06)()

a. ~~A provider who cares for three (3) residents must obtain twelve (12) hours per year of ongoing relevant training as required in Section 116 of these rules.~~ ()

b. ~~A provider who cares for four (4) residents must obtain sixteen (16) hours per year of ongoing relevant training as required in Section 116 of these rules.~~ ()

05. **Exception Variance Nontransferable.** ~~An exception variance~~ to care for more than two (2) residents ~~will is~~ not ~~be~~ transferable to another provider, ~~address home,~~ or resident. (4-11-06)()

06. **Reassessment of Exception Variance.** ~~An exception variance~~ to care for more than two (2) residents must be reassessed at least annually and when either of the following occurs: (4-11-06)()

a. Each time a new admission is considered; or (4-11-06)

b. When there is a significant change in any of the factors specified in Subsection 140.02 of ~~these this~~ rules. (4-11-06)()

07. **Annual Home Inspection.** A ~~certified family~~ home with an ~~exception variance~~ to care for more than two (2) residents must have a home inspection ~~by a certifying agent~~ at least annually. (4-11-06)()

08. **Shared Sleeping Rooms.** In addition to the requirements in Section 700 of these rules, ~~no the provider must not allow~~ more than two (2) residents ~~will be housed in to share~~ any ~~multi-bed one (1)~~ sleeping room. (4-11-06)()

09. **Fire Drill Frequency.** ~~A provider who is granted a variance to admit three (3) or four (4) residents must conduct fire drills as described in Section 600 of these rules, except the frequency of the fire drills must be at least monthly.~~ ()

141. -- 149. (RESERVED)

150. **INSPECTIONS OF HOMES.**

The Department will inspect ~~each~~ certified family homes at least every twenty-four (24) months, ~~beginning with calculated from~~ the first month of the most recent certification. Inspections may occur more frequently as the Department deems necessary. The Department may consider the results of previous inspections, history of compliance with rules, and complaints to determine the frequency of inspections. (4-11-06)()

01. **Notice of Inspection.** All inspections ~~and investigations,~~ except for the initial certification study, may be made unannounced and without prior notice. (4-11-06)()

02. **Inspection by Department or Its Certifying Agent.** The Department may use the services of any ~~legally~~ qualified person or organization, either public or private, to examine and inspect any home requesting certification. ~~The inspector has the authority to have full access to the home and the authority to:~~ (4-11-06)()

03a. ~~Access by Inspector. An inspector must have full access and authority to e~~Examine quality of care and services delivery; ()

b. ~~Examine home records,~~ resident records, ~~records including and~~ any records or documents pertaining to any financial transactions between residents and the home, ~~including~~ resident accounts; ()

c. ~~Examine the~~ physical premises, including the condition of the home, grounds and equipment, food service, water supply, sanitation, maintenance, ~~and~~ housekeeping practices; ~~and;~~ ()

- d.** Examine any other areas necessary to determine compliance with these rules and standards: (4-11-06)()
- ae.** ~~An inspector has the authority to~~ Interview the provider, any adults living in the home, the resident and the resident's family relatives, substitute caregivers, persons who provide incidental supervision, and any other person who is familiar with the home or its operation. Interviews with residents ~~will be~~ are confidential and conducted privately unless otherwise specified by the resident: and (4-11-06)()
- bf.** ~~The inspector has full authority to~~ Inspect the entire home, ~~accompanied by the provider,~~ including ~~the~~ personal living quarters of ~~family~~ members living in the home of the household, to check for inappropriate storage of combustibles, faulty wiring, or other conditions that may have a direct impact on the operation of the certified family home. The provider, substitute caregiver, or any other adult living in the home may accompany the inspector. (4-11-06)()
- 043.** ~~Written Report Statement of Deficiencies. Following any~~ When violations of these rules are identified through the course of an investigation or inspection, depending on the severity, the Department ~~will provide a written report~~ may send a statement of deficiencies to the provider ~~of the home~~ within thirty (30) days ~~of the completed inspection or investigation.~~ The report statement of deficiencies will include the findings of the investigation or inspection and any rules the home was found to have violated. (4-11-06)()
- 054.** **Plan of Correction.** ~~If~~ When a statement of deficiencies ~~are identified during the investigation or inspection is~~ issued, the home provider ~~will be sent a statement of deficiencies which requires~~ must develop a plan of correction and submit it to the Department for review and approval. (4-11-06)()
- a.** Depending on the severity of the deficiency, the home provider may be given up to fourteen (14) calendar days to develop a written plan of correction and to return the plan of correction to the Department regional certifying agent where the home is located as listed in Section 005 of these rules. (4-11-06)()
- b.** An acceptable plan of correction must include: ()
- i.** ~~How~~ the each deficiency identified in the statement of deficiencies was corrected or how it will be corrected: ()
- ii.** ~~What~~ steps have been taken to assure that the deficiency does not recur: ~~and~~ ()
- iii.** Acceptable time frames for correction of the deficiency: and (4-11-06)()
- iv.** Signature of the provider. ()
- c.** Follow-up inspections may be conducted to determine whether corrections to deficiencies are being made according to ~~time frames established in~~ the Department approved plan of correction. (4-11-06)()
- d.** The Department may provide consulting services to a home the provider, upon request, to assist in identifying and correcting deficiencies and upgrading the quality of care in the home. (4-11-06)()
- 05.** List of Deficiencies. A current list of deficiencies, including plans of correction, are available to the public upon request at the home or by written request to the Department according to Section 006 of these rules. ()

151. -- 159. (RESERVED)

160. COMPLAINT PROCEDURE.

Any person who believes that any rule in this chapter has been violated by a certified family home may file a complaint with the Department at the address as listed in Section 005 of these rules or at the Department's Regional Office. (4-11-06)()

01. Investigation. ()

a. The Department will investigate any complaint alleging a violation of these rules. Any complaint involving ~~the~~ abuse, neglect, or exploitation of an vulnerable adult ~~must will~~ also be referred to adult protective services ~~in accordance with the Adult Abuse, Neglect, and Exploitation Act,~~ according to Section 39-5303, Idaho Code. (4-11-06)()

b. The Department will investigate or cause to be investigated any reported critical incident affecting health and safety or change in a resident's condition, including the death of a resident, which indicates there was a violation of these rules. ()

02. Investigation Method. The nature of the complaint will determine the method used to investigate the complaint. On-site investigations at the home ~~may can~~ be unannounced and without prior notice. (4-11-06)()

03. Written Report. Following completion of an investigation, the Department will provide a written report to the provider within thirty (30) days. The report will include the findings of the investigation. ()

034. Statement of Deficiencies. ~~If~~ When violations of these rules are identified through the course of an investigation, depending on the severity, the Department may send the home a statement of deficiencies as described in Section 150 of these rules. When the Department issues a statement of deficiencies, ~~the~~ home provider must prepare and submit a plan of correction as described in Subsection 150 of these rules, ~~and return it to the Department within the time frame designated by the Department.~~ (4-11-06)()

045. Public Disclosure. Information received by the Department through filed reports, inspections, or as otherwise authorized under the law, must not be disclosed publicly in such a manner as to identify individual residents except in a proceeding involving a question of certification. (4-11-06)()

05. List of Deficiencies. ~~A current list of deficiencies including plans of correction will be available to the public upon request in the individual homes or by written request to the Department.~~ (4-11-06)

161. -- 169. (RESERVED)

170. ELEMENTS MINIMUM STANDARDS OF CARE.

~~As a condition of certification,~~ The home provider must provide adequately care for each ~~of the following to the resident~~ without additional charge: as follows: (4-11-06)()

01. Plan of Service. Provide the services required to meet the terms of the resident's plan of service as described in Section 250 of these rules, including development and implementation of the plan of service for private-pay residents and implementation of the plan of service for publicly-funded residents. ()

012. Supervision. Provide ~~A~~ appropriate; and adequate supervision for twenty-four (24) hours each day ~~unless~~ according to the resident's plan of service ~~provides for alone time.~~ (4-11-06)()

023. Daily Living Activities and Recreation. ~~Daily activities, recreational activities, maintenance of self-help skills, assistance with~~ Provide assistance to the resident at the level of care indicated on the resident's plan of service in the areas of activities of daily living and ~~provisions for trips to social functions, special diets, and arrangements for payments~~ instrumental activities of daily living. (4-11-06)()

03. Medical. ~~Arrangements for medical and dental services and monitoring of medications. If the resident is unable to give medical consent, the provider will give the name and contact information of the person holding guardianship or power of attorney for health care to any health care provider upon request.~~ (4-11-06)

04. Furnishings and Equipment. ~~Linens, towels, wash cloths, a reasonable supply of soap, shampoo, toilet paper, sanitary napkins or tampons, first aid supplies, shaving supplies, laundering of linens, housekeeping service, maintenance, and basic television in common areas. In addition, the following will apply:~~ (4-11-06)

a. ~~Resident living rooms must contain reading lamps, tables, and comfortable chairs or sofas;~~

(4-11-06)

~~b. The resident must be provided with his own bed which must be at least thirty-six (36) inches wide, substantially constructed, and in good repair. Roll-away type beds, cots, folding beds, or double bunks must not be used. The bed must be provided with springs which are in good repair, a clean and comfortable mattress which is standard for the bed, and a pillow;~~ (4-11-06)

~~e. The resident sleeping room must be equipped with a chair and dresser, substantially constructed and in good repair;~~ (4-11-06)

~~d. On request, each sleeping room must be equipped with a lockable storage cabinet for personal items for each resident, in addition to the required storage in resident sleeping rooms;~~ (4-11-06)

~~e. Adequate and satisfactory equipment and supplies must be provided to serve the residents. The amount and kind will vary according to the size of the home and type of resident; and~~ (4-11-06)

~~f. A monitoring or communication system must be provided when necessary due to the size or design of the home.~~ (4-11-06)

~~05. **Plan of Service.** Development and implementation of the plan of service for private pay residents and implementation of the plan of service for state-funded residents.~~ (4-11-06)

~~06. **Activity Supplies.** Activity supplies in reasonable amounts, that reflect the interests of the resident.~~ (4-11-06)

~~07. **Transportation.** Arrangement of transportation in reasonable amounts to community, recreational and religious activities within twenty-five (25) miles of the home. The home must also arrange for emergency transportation.~~ (4-11-06)

04. **Medication Management.** Provide assistance and monitoring of medications as described in Sections 400 through 402 of these rules, as applicable. ()

05. **Emergency Services.** Provide immediate and appropriate interventions on behalf of the resident in response to an emergency, including the following: ()

a. Developing plans in advance of an emergency as described in Section 600 of these rules and executing those plans when necessary; ()

b. Evacuating the resident from the home; ()

c. Providing first aid to the resident when seriously injured; ()

d. Administering CPR to the resident unless the resident has an order not to resuscitate; ()

e. Arranging for emergency transportation; and ()

f. Contacting 9-1-1 for involvement of law enforcement officers or the fire department when necessary for the protection of the resident. ()

06. **Supportive Services.** Coordinate paid services for the resident outside the home, including: ()

a. Medical appointments; ()

b. Dental appointments; ()

c. Other services in the community as identified in the plan of service or reasonably requested by the resident; and ()

- d. Arrange transportation to the service location and return to the home. ()
07. Resident Rights. Protect the resident's rights as listed in Section 200 of these rules. ()
08. Safe Living Environment. Provide a physical living environment that complies with Sections 500 through 710 of these rules. ()

171. -- 174. (RESERVED)

174. ACTIVITIES AND COMMUNITY INTEGRATION.

Section 39-3501, Idaho Code, requires that a certified family home provide a homelike, family-styled living environment with a focus on integrated community living. The provider must offer the following: ()

01. Activities. Recreational activities, provisions for trips to social functions, and daily activities. ()
02. Activity Supplies. Activity supplies in reasonable amounts, that reflect the interests of the resident. ()
03. Transportation. Arrangement of transportation to and from community, recreational, and religious activities within twenty-five (25) miles of the home when requested by the resident at least twenty-four (24) hours in advance. ()

175. ROOM, UTILITIES AND MEALS.

The home must provide room, utilities and three (3) daily meals to the resident. The charge for room, utilities and three (3) daily meals must be established in the admission agreement. The following are included in the charge for room, utilities and meals: ~~(4-11-06)~~ ()

01. Sleeping Room. The resident sleeping room must meet the requirements of Section 700 of these rules, must be equipped with a dresser, and when requested by the resident a chair, that are both substantially constructed and in good repair. ()
02. Bed. The resident must be provided with his own bed that is at least thirty-six (36) inches wide, substantially constructed, and in good repair. Roll-away type beds, cots, folding beds, or double bunks must not be used. The bed must have box springs kept in good repair, a clean and comfortable mattress, bedspread, sheets and pillow cases, and pillow that are standard for the size of the bed. ()
03. Monitoring or Communication System. A monitoring or communication system must be provided when necessary due to the size or design of the home or the needs of the resident. The provider must hold a written agreement with the resident or resident's representative prior to using a monitoring system that may violate the resident's right to privacy. ()
04. Secure Storage. On request, each sleeping room must be equipped with a lockable storage cabinet or drawer for personal items for each resident, in addition to the required storage in resident sleeping rooms. ()
05. Bathroom. Access to bathing and toilet facilities that meet the requirements of Section 700 of these rules. ()
06. Common Areas. Access to a common living area that contains reading lamps, tables, comfortable chairs or sofas, and basic television. The resident must be allowed to eat with the other members of the household if he so chooses. ()
07. Supplies. Bath and hand towels; wash cloths; a reasonable supply of soap, shampoo, toilet paper, and facial tissue; and first aid supplies. ()
08. Housekeeping Service. Housekeeping and maintenance as required in Section 500 of these rules, including laundering of linens and clothing. ()

- 09. Water. Potable water that meets the requirements of Section 500 of these rules. ()
- 10. Sewer. A sewage disposal system that meets the requirements of Section 500 of these rules. ()
- 11. Trash. Disposal of garbage that meets the requirement of Section 500 of these rules. ()
- 12. Heating and Cooling. Sufficient heating and cooling to meet the requirements of Section 700 of these rules. ()
- 13. Electricity. Sufficient electricity to power common household and personal devices. ()
- 14. Telephone. Access to a telephone that meets the requirements of Section 700 of these rules. ()
- 15. Meals. The provider must offer breakfast, lunch, and dinner to the resident. ()
 - a. Food must be prepared in safe and sanitary methods that conserve nutritional value, flavor and appearance, when prepared by the provider or other member of the household. ()
 - b. Meals offered by the home must meet the dietary requirements or restrictions of the resident when so ordered by a health care professional. ()

176. -- 1979. (RESERVED)

180. HOURLY ADULT CARE.

Hourly adult care, also referred to as adult day health, is a supervised, structured, paid service that may be provided in the home for up to fourteen (14) hours in any twenty-four (24) hour period to adult participants who are not residents of the home. Hourly adult care encompasses health and social services, recreation, supervision, and assistance with activities of daily living needed to ensure the optimal functioning of the participant. The standards in this section do not apply if the service does not include a payment component to the provider, or the hourly adult care participant is a relative of the provider whose care is not publicly funded. Hourly adult care may be offered in the home when the following requirements are met: ()

- 01. Participants. No individual will be admitted to the home for hourly adult care who requires ongoing skilled nursing care or for whom the provider cannot adequately provide services and supervision. ()
- 02. Records. All records of services delivered by the provider must be maintained in the home for at least five (5) years from the date of service. ()
- 03. Enrollment Contract. The provider maintains an enrollment contract with each hourly adult care participant that contains the following: ()
 - a. Full name of the participant; ()
 - b. The participant's date of birth; ()
 - c. Primary address of the participant; ()
 - d. Names and telephone numbers of the participant's responsible party and other emergency contacts; ()
 - e. Name and telephone number of the participant's primary physician; ()
 - f. List of medications, diets, allergies, services, and treatments prescribed for the participant and other pertinent health information regarding the participant's needs; ()
 - g. Services the provider must provide to the participant while in the home, which may include:

activities, meals, supervision, assistance with medications, and assistance with activities of daily living, and the level of care required for each service; ()

h. The rate charged by the provider for hourly adult care services if the participant is private pay; ()

i. The number of days the provider will give written notice to the participant's primary contact in advance of terminating the enrollment contract; ()

j. The date on which hourly adult day services will commence; and ()

k. The printed name, signature, and contact information of the individual who completed the enrollment contract and the provider's printed name, signature, and contact information. Upon entering into the contract, a copy of the enrollment information must be provided to each party. ()

04. Service Logs. Service logs that identify, on a per day basis when hourly adult care services are provided in the home, the name of each participant who received services, the times of arrival to and departure from the home for each participant, and the names of staff who provided services and their arrival and departure times. ()

05. Space and Accommodations. The provider must only accept hourly adult care participants for whom the home can provide reasonable accommodations. The home must provide the following for hourly adult care participants: ()

a. Seating on cushioned chairs or sofas positioned at least thirty-two (32) inches apart in common living areas such that all residents and participants in the home may comfortably enjoy the space; ()

b. A rest area away from the common living areas to permit privacy and to isolate participants who become ill or require rest and is equipped with furniture for napping, such as a bed, lounge chair, couch, or recliner; ()

c. Access to a bathroom that meets the requirements of Section 700 of these rules; and ()

d. When caring for participants with physical or sensory impairments, a physical environment that meets the requirements of Section 700 of these rules, as applicable. ()

06. Resident's Personal Space. The personal living space of the resident, including his sleeping room and on-suite bathroom, if equipped, must not be used by hourly adult care participants at any time. ()

07. Staffing. The provider must only accept hourly adult care participants for whom he can safely provide the level and types of service required. The provider must ensure that all staff providing hourly adult care services have been sufficiently trained in and follow universal infection control precautions and each participant's specific care plan as documented in the enrollment contract. In addition: ()

a. Each caregiver providing hourly adult care services must meet the qualifications of a substitute caregiver as described under Section 300 of these rules. ()

b. The provider must employ sufficient staff to assure safe and proper care for both residents and hourly adult care participants. Staffing must be based on: ()

i. The functional and cognitive status of each hourly adult care participant and resident; ()

ii. The size and layout of the home; and ()

iii. Staffing ratios must not fall below one (1) caregiver to four (4) residents and hourly adult care participants, combined. ()

08. Medications. Assistance with medications to hourly adult care participants must meet the requirements in Sections 400 through 402 of these rules. ()

a. The provider is responsible for safeguarding the participant's medications while the participant is receiving services at the home. ()

b. The participant's medications must not be stored at the home during hours in which the participant is not receiving hourly adult care services at the home. ()

09. Fire and Life Safety. The provider must ensure the home adheres to fire and life safety standards described in Section 600 of these rules. For fire and life safety purposes, the hourly adult care participant is considered a "resident" when that term is used in Section 600 of these rules. When offering hourly adult care, the provider must: ()

a. Prohibit smoking or unsupervised smoking in accordance with Section 600 of these rules. ()

b. Review emergency preparedness plans as required under Section 600 of these rules with the individual who completed the enrollment contract and provide a written copy of the plans to that individual. ()

c. Conduct fire drills as required in Section 600 of these rules, except that the frequency of the drills must be at least monthly. ()

181. -- 199. (RESERVED)

200. RESIDENT RIGHTS POLICY.

~~Each certified family home will develop and implement a written resident rights policy which will~~ The provider must possess, annually review, and implement a written policy designed to protect and promote the rights of each resident as provided in this section. The written ~~description of legal~~ resident rights policy must include ~~a description of the protection of personal funds and~~ a statement that ~~a~~ the resident or any other individual may file a complaint with the Department ~~at the address as described~~ in Section ~~005~~ 160 of these rules, ~~or local Regional Office regarding resident abuse and neglect and misappropriation of resident property in the home~~ when he believes that any resident's right has been violated. Resident rights policies must include the following: (4-11-06)()

01. Privacy. Each resident must be assured the right to privacy with regard to accommodations, medical and other treatment, written and telephone communications, visits and meetings of family and resident groups, including: (4-11-06)

a. The right to send and receive mail unopened, ~~either by postal service, electronically, or by other means, unless the resident's plan of service specifically calls for the provider to monitor the correspondence in order to protect the resident from abuse or exploitation;~~ (4-11-06)()

b. If the resident is married, privacy for visits by his spouse. If both are residents in the home, they are permitted to share a room unless medically inadvisable, as documented by the ~~attending physician~~ resident's health care professional; (4-11-06)()

c. The right to control the use of pictures and videos containing the resident's image. ()

02. Humane Care. Each resident has the right to humane care and a humane environment, including the following: (4-11-06)

a. The right to a diet which is consistent with any religious or health-related restrictions; (4-11-06)

b. The right to refuse a restricted diet; ~~and~~ (4-11-06)()

c. The right to a safe and sanitary living environment; ~~and~~ (4-11-06)()

d. The right to an environment free of illicit drug use or possession and other criminal activities.

- ()
03. **Respectful Treatment.** Each resident has the right to be treated with dignity and respect, including: (4-11-06)
- a. The right to be treated in a courteous manner by the provider and other individuals in the home; (4-11-06)()
 - b. The right to receive a response from the home provider to any request of the resident within a reasonable time; (4-11-06)()
 - c. Freedom from discrimination on the basis of race, color, national origin, sex, religion, age, disability, or veteran status; and (4-11-06)()
 - d. Freedom from intimidation, manipulation, and coercion, and exploitation; (4-11-06)()
 - e. The right to wear his own clothing; and (4-11-06)()
 - f. The right to determine his own dress and hair style; (4-11-06)()
04. **Basic Needs Allowance.** Each Residents whose care is paid for by publicly-funded assistance must retain, for their his personal use, the difference between their his total monthly income and the Certified Family Home basic allowance established by IDAPA 16.03.05. "Rules Governing Eligibility for Aid to the Aged, Blind and Disabled," Section 513. (4-11-06)()
05. **Resident Funds and Property.** Each Residents have has the right to manage their his personal funds and use his personal property. ()
- a. A home The provider must not require a the resident to deposit his personal funds with the home into an account controlled by any other person. (4-11-06)()
 - b. Upon accepting written authorization from the resident, or the resident's representative, allowing the provider, provider's relative, or other member of the provider's household to manage the resident's personal funds, the provider must hold, safeguard, and account for the resident's personal funds as required in Section 275 of these rules. ()
 - c. The resident has the right to retain and use his own personal property in his own living area in order to maintain his individuality and personal dignity. The storage and use of these items by the resident must not present a fire or life safety hazard. ()
06. **Access to Resident.** Each home provider and individuals living in the home must permit immediate access to any resident by any representative of the Department, by the state Ombudsman for the elderly or his designees, by an adult protection investigator or by the resident's personal physician health care professional. Each home must also permit the following: (4-11-06)()
- a. Immediate access to a resident by immediate family or other his relatives, subject to the resident's right to deny or withdraw consent at any time; (4-11-06)()
 - b. Immediate access to a resident by others who are visiting with the consent of the resident, subject to reasonable restrictions and the resident's right to deny or withdraw consent at any time; (4-11-06)
 - c. Reasonable access to a resident by any entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time; and (4-11-06)()
 - d. Reasonable access to the resident's records, medications and treatments by the resident's health care professional subject to the resident's permission. ()

07. **Freedom From Harm.** The resident has the right to be free from: ()
- a. ~~p~~Physical, mental, or sexual abuse; ()
 - b. ~~n~~Neglect; ()
 - c. Exploitation; ()
 - d. ~~e~~Corporal punishment; ()
 - e. ~~i~~Involuntary seclusion; and ()
 - f. Any physical or chemical restraints imposed for purposes of discipline or convenience and not required to treat a medical condition. (4-11-06)()
- ~~a. A certified family provider who has reasonable cause to believe that a vulnerable adult is being or has been abused, neglected, or exploited must immediately report this information to the Idaho Commission on Aging or its Area Agencies on Aging, according to Section 39-5303, Idaho Code. (4-11-06)~~
- ~~b. The home must report within four (4) hours to the appropriate law enforcement agency when there is reasonable cause to believe that abuse, neglect, misappropriation of resident's property, or sexual assault has resulted in death or serious physical injury jeopardizing the life, health, or safety of a vulnerable adult resident according to Sections 39-5303 and 39-5310, Idaho Code. (4-11-06)~~
08. **Health Services.** The resident has the right to control his health-related services, including: (4-11-06)
- a. The right to retain the services of his own personal physician and dentist; (4-11-06)
 - b. The right to select the pharmacy or pharmacist of his choice; (4-11-06)
 - c. The right to confidentiality and privacy concerning his medical or dental condition and treatment; (4-11-06)
 - d. The right to participate in the formulation of his plan of service; (4-11-06)()
 - e. The right to decline treatment for any medical condition; and ()
 - f. When the resident is unable to give medical consent, the provider will give the name and contact information of the person holding guardianship or power of attorney for health care to any health care provider upon request. ()
09. **Grievance.** ()
- a. The resident has the right to voice or file a grievance with respect to care or service that is ~~for~~ fails to be~~y~~ furnished, without discrimination or reprisal for voicing the grievance and the right to prompt efforts by the ~~home~~ provider to resolve grievances the resident may have, including those with respect to the behavior of other residents. (4-11-06)()
 - b. The provider must provide a written response to the resident or resident's representative describing how he resolved or attempted to resolve the grievance, and maintain a copy of this written response in the resident record. ()
10. **Advance Notice.** The resident must receive written advance notice at least thirty (30) calendar days prior to his non-emergency transfer or discharge unless the transfer or discharge is for a reason described in Section 260, including the following: ()

- a. The resident is transferred or discharged only for medical reasons, ~~or for~~; ()
- b. To protect his welfare or the welfare of other ~~residents, or for~~ members of the household; ()
- c. ~~Non~~payment for his stay; (7-1-17)()
- d. The resident violates any condition mutually established between the resident and the provider at the time of admission; or ()
- e. The resident engages in unlawful delivery, production, or use of a controlled substance on the premises of the home. ()

11. **Other Rights.** In addition to the rights outlined in Subsections 200.01 through 200.10 of ~~these~~ this rule, the resident has the following rights: (4-11-06)

- a. The resident has the right to refuse to perform services for the home except as contracted between the resident and the provider. The provider agrees to pay the resident for such services, and the provider pays the resident a wage consistent with state and federal law; (4-11-06)()
- b. The resident must have access to his personal records, including those described in Section 270 of these rules, and must have the right to confidentiality of personal, medical, and clinical records; (4-11-06)()
- c. The resident has the right to practice the religion of his choice or to abstain from religious practice. Residents must also be free from the imposition of the religious practices of others; (4-11-06)
- d. The resident has the right to participate in social, religious, and community activities that do not interfere with the rights of other residents in the home; (4-11-06)
- e. The resident has the right to examine, upon reasonable request, the results of the most recent inspection of the home conducted by the Department with respect to the home and any plan of correction in effect with respect to the home; (4-11-06)
- f. The resident has ~~a~~ the right to review a list of other certified family homes that may be available to meet his needs in case of transfer; (4-11-06)()
- g. The resident has the right ~~not to be required to receive~~ to refuse routine care of a personal nature from ~~a member of the opposite sex~~ any person whom the resident is uncomfortable receiving such care; (4-11-06)()
- h. The resident has the right to be informed, in writing, regarding the formulation of advance directives as described in Title 39, Chapter 45, Idaho Code; and (4-11-06)
- i. The resident must have any other right established by law. (4-11-06)

201. NOTICE OF ~~LEGAL~~ RESIDENT RIGHTS.

01. Resident Rights Notice. The ~~certified family home will~~ provider must inform the resident or his representative, verbally and in writing, at the time of admission to the home, of his legal rights during the stay at the home acknowledged by date and signatures. These rights are found in Section 200 of these rules. The provider must supply a copy of the resident rights policy to the resident or the resident's representative. (4-11-06)()

02. Annual Review of Resident Rights. The provider must review the resident rights policy with the resident or his representative at least annually including date and signature. ()

03. Documentation of Review. The provider must retain the signed and dated copy of the policy in the resident's record indicating that the resident or resident's representative has had the opportunity to review the policy.

()

202. ACCESS BY ADVOCATES AND REPRESENTATIVES.

~~A certified family home~~ The provider, substitute caregivers and adult members of the household must permit advocates and representatives of community and legal services programs, whose purposes include rendering assistance without charge to residents, to have access to the home at reasonable times. Advocates and representatives may observe all common areas of the home. Access must be permitted in order for advocates and representatives to provide the following: (4-11-06) ()

01. Inform Residents of Services. Visit, talk with and make personal, social ~~service programs~~ and legal services available to all residents. (4-11-06) ()

02. Inform Residents of Rights. Inform residents of their rights and entitlements, their corresponding obligations under state, federal, and local laws by distribution of educational materials or discussion in groups and with individuals. (4-11-06)

03. Assist Residents to Secure Rights. Assist residents in asserting their legal rights regarding claims for public assistance, medical assistance, and social security benefits, as well as in other matters in which residents are aggrieved. This assistance may be provided individually or in a group basis, and may include organizational activity, counseling, and litigation. (4-11-06)

04. Advise and Represent. Engage in other methods of assisting, advising, and representing residents so as to extend to them the full enjoyment of their rights. (4-11-06)

05. Communicate Privately. Communicate privately and without restrictions with any resident who consents to the communication. (4-11-06)

203. -- ~~2-24-09~~. (RESERVED)

210. REPORTING REQUIREMENTS.

The provider must report to the regional certifying agent where the home is located as listed in Section 005 of these rules or appropriate agency or individual for the following: ()

01. Serious Physical Injury or Death. The provider must report to the appropriate law enforcement agency within four (4) hours when there is reasonable cause to believe that abuse, neglect, or sexual assault has resulted in death or serious physical injury jeopardizing the life, health, or safety of a resident according to Sections 39-5303 and 39-5310, Idaho Code. ()

02. Abuse, Neglect, or Exploitation. When the provider has reasonable cause to believe that a vulnerable adult is being or has been abused, neglected, or exploited, he must immediately report this information to the Idaho Commission on Aging or its Area Agencies on Aging, according to Section 39-5303, Idaho Code. ()

03. Critical Incidents. The provider must notify the certifying agent when a critical incident affects the health or safety of the resident or leads to a change in the resident's condition, including serious illness, accident, elopement, death, or adult protective services or law enforcement contact and investigation. Reporting requirements are as follows: ()

a. Within twenty-four (24) hours of the resident's death or disappearance; and ()

b. Within three (3) business days following: ()

i. Contact from adult protective services or law enforcement in conjunction with an investigation; ()

ii. A visit to an urgent care clinic or emergency room; or ()

iii. Admission to a hospital. ()

04. Report of Fire. A separate report on each fire incident occurring within the home, for which a fire extinguisher was discharged or 9-1-1 was contacted, must be submitted to the certifying agent within three (3) business days of the occurrence. The report must include: ()

- a. Date of the incident; ()
- b. Origin of the fire; ()
- c. Extent of damage; ()
- d. How and by whom the fire was extinguished; and ()
- e. Injuries or deaths, if any. ()

05. Additional Criminal Convictions. The provider must immediately report any additional criminal convictions for himself, any other adult living in the home or a substitute caregiver to the certifying agent. ()

06. Notice of Investigations. The provider must immediately report to the certifying agent when he, any other adult living in the home, or a substitute caregiver is charged with or under investigation by law enforcement, adult protection services, or child protection services for: ()

- a. Abuse, neglect, or exploitation of any vulnerable adult or child; ()
- b. Other criminal conduct; or ()
- c. When an adult protection or child protection complaint is substantiated. ()

07. Reporting of Funds Managed by the Provider for a Deceased Resident. For funds managed under Section 275 of these rules, the following is required: ()

a. On the death of a private-pay resident, the provider must convey the resident's funds, with a final accounting of those funds, to the individual administering the resident's estate within thirty (30) days. ()

b. On the death of a publicly funded resident, the provider must convey the resident's funds, with a final accounting of those funds, to the Department within thirty (30) days. ()

08. Discharge of a Resident. The provider must immediately notify the certifying agent upon the discharge of any resident from the home. ()

~~203~~11. -- 224. (RESERVED)

225. UNIFORM ASSESSMENT REQUIREMENTS.

01. State Responsibility for State Publicly - Funded Residents. The Department will assess ~~State-funded~~ residents accessing services through a publicly funded program according to ~~IDAPA 16.03.23, "Rules Governing Uniform Assessments for State-Funded Clients."~~ uniform criteria developed to assess all participants within that respective program. Assessment criteria may vary from one program to another, but must be uniform within the same program. (4-11-06)()

02. Provider Responsibility for Private-Pay Residents. The provider will develop, identify, assess, or direct a uniform needs assessment of each private-pay residents. ~~The Department's Uniform Assessment Instrument may be used as the uniform needs assessment as described in IDAPA 16.03.23, "Rules Governing Uniform Assessments for State-Funded Clients."~~ The uniform needs assessment: (4-11-06)()

- a. Must be completed no later than fourteen (14) calendar days after admission; ()

- b. Must be reviewed when there is a change in condition, or every twelve (12) months, whichever occurs first: ()
- c. Must include: ()
 - i. Identification and background information; ()
 - ii. Medical diagnosis; ()
 - iii. Medical and health needs; ()
 - iv. Prescriptions, including route of administration, and all over-the-counter medications, supplements, treatments, and special diets, if applicable; ()
 - v. Historical and current behavior patterns; ()
 - vi. Cognitive function; ()
 - vii. Psychosocial and physical needs of the resident; ()
 - viii. Functional status; ()
 - ix. Assessed level of care; and ()
 - x. A statement from the resident's health care professional indicating the resident is appropriate for certified family home care. ()
- d. May be the Department's Uniform Assessment Instrument (UAI) as described in IDAPA 16.03.23, "Rules Governing Uniform Assessments for State-Funded Clients," for a private-pay resident's uniform needs assessment. Upon request by the provider, the Department will provide training in conducting uniform needs assessments. ()

03. Results of Assessment. The results of the assessment ~~may be~~ for both publicly funded and private-pay residents are used to evaluate the ability of ~~a~~ the provider to meet the identified resident's needs. The results of the assessment may also be used to determine the need for special training or licenses or certificates that may be required to care for certain residents. (4-11-06) ()

~~04. Uniform Needs Assessment for Private Pay. The uniform needs assessment used by the home for private-pay residents must include:~~ (4-11-06)

- ~~a.~~ Identification and background information; (4-11-06)
- ~~b.~~ Medical diagnosis; (4-11-06)
- ~~c.~~ Medical and health problems; (4-11-06)
- ~~d.~~ Prescription and over the counter medications; (4-11-06)
- ~~e.~~ Behavior patterns; (4-11-06)
- ~~f.~~ Cognitive function; (4-11-06)
- ~~g.~~ The psychosocial and physical needs of the resident; (4-11-06)
- ~~h.~~ Functional status; and (4-11-06)

~~i. Assessed level of care. (4-11-06)~~

~~05. Time Frames for Completing the Uniform Needs Assessment for Private Pay Residents. The assessment must be completed no later than fourteen (14) calendar days after admission. The assessment must be reviewed when there is a change in need, or every twelve (12) months, whichever comes first. Upon request, the Department may provide training in conducting a uniform needs assessment. (4-11-06)~~

226. -- 249. (RESERVED)

250. PLAN OF SERVICE.

The resident must have a plan of service. The plan must identify the resident, describe the services to be provided, and describe how the services will be delivered. (4-11-06)

01. Core Elements. A resident's plan of service ~~will~~ **must** be based on the orders of the resident's health care professionals, and: (4-11-06)()

- a. Assessment; (4-11-06)
- b. Service needs for activities of daily living; (4-11-06)
- c. Need for limited nursing services; (4-11-06)
- d. Need for medication assistance; (4-11-06)
- e. Frequency of needed services; (4-11-06)
- f. Level of ~~assistance~~ care; (4-11-06)()
- g. Habilitation and training needs; (4-11-06)
- h. Behavioral management needs, including identification of situations that trigger inappropriate behavior; (4-11-06)
- i. Physician's dated history and physical from the resident's health care professional reflecting the resident's current health status and conducted no earlier than twelve (12) months prior to admission; (4-11-06)()
- j. Admission records; (4-11-06)
- k. Community support ~~ive systems~~ services; (4-11-06)()
- l. Resident's desires; (4-11-06)
- m. Resident's need for supervision, including the degree;** ()
- ~~#n.~~ Transfer and discharge requirement; and (4-11-06)
- ~~#o.~~ Other identified needs. (4-11-06)

02. Signature and Approval. The provider and the resident, ~~his legal guardian or his conservator~~ **or the resident's representative** must sign and date the plan of service upon its completion, within fourteen (14) days after the resident's admission. ~~For homes serving state funded residents, services must be authorized by the Department prior to admission.~~ (4-11-06)()

03. Developing the Plan. The provider will consult the resident and other individuals identified by the resident in developing the plan of service. Professional staff must be involved in developing the plan if required by another program. (4-11-06)

04. Resident Choice. A resident must be given the choice and control of how and what services the provider or external vendors will provide to the extent the resident can make choices. (4-11-06)

05. Copy of the Plan. Signed copies of the plan of service must be placed in the resident's file, given to the resident, and given to his ~~legal guardian or his conservator~~ representative, if applicable, no later than fourteen (14) days after admission. ~~A For a resident receiving services through a publicly-funded program, the~~ copy of the Department approved plan must be in the resident's file, if applicable indicate that it has been approved by the Department. (4-11-06)()

06. Changes to the Plan. A record must be made of any changes to the plan or when the provider is unable to provide services outlined in the plan of service. When changes to the plan are made, the resident or resident's representative and the provider must sign and date the changes. (4-11-06)()

07. Periodic Review. The next scheduled date of review must be documented in the plan of service. The plan of service should be reviewed as necessary but must be reviewed at least every twelve (12) months. (4-11-06)

251. - 259. (RESERVED)

260. ADMISSIONS.

According to Section 39-3507, Idaho Code, the provider must only admit or retain residents in the home for whom he has the training, appropriate skills, and time to provide adequate care. The provider must be able to provide the levels of service or types of service required for each resident admitted to the home. ()

01. Prior Approval Required. The provider must obtain approval from the Department for each admission prior to the prospective resident moving into the home. The following must be provided to the regional certifying agent where the home is located as listed in Section 005 of these rules to aid the Department in making its determination: ()

- a.** Name, gender and date of birth of the prospective resident; ()
- b.** The contemplated date of admittance of the prospective resident into the home; ()
- c.** The prospective resident's history and physical from his health care professional, conducted within the previous twelve (12) month period reflecting his current health status; ()
- d.** A list of the resident's current medications and treatments from his health care professional; ()
- e.** Contact information for the resident's health care professionals; ()
- f.** Contact information for the prospective resident's representative, if applicable; ()
- g.** The resident's plan of service from another health care setting, or any such plan of service conducted for the resident within the previous six (6) months, if one exists, when the resident transfers to the home from another health care setting; and ()
- h.** Other information requested by the Department relevant to the appropriateness of the admission and the provider's ability to provide adequate care. ()

02. Notification. Within five (5) business days of receipt of the documents listed in Subsection 260.01 of this rule, the Department will notify the provider verbally or in writing whether the proposed admission is approved or denied. When verbal notification is given, the Department will provide follow-up written communication to the provider stating the approval or denial within ten (10) business days. ()

03. Emergency Admission. The provider may not accept an emergency admission without prior approval from the Department except under the following conditions: ()

a. The provider may make a conditional admission when he reasonably believes he has the ability to provide adequate care to the resident when the request for an emergency placement occurs after normal business hours and the provider is unable to contact the Department for prior approval. The provider must notify the resident or his representative that the admission is conditional upon Department approval. ()

b. The provider must notify the regional certifying agent where the home is located as listed in Section 005 of these rules the next business day after making a conditional admission. ()

c. The provider must follow the regular admission process described in Subsection 260.01 of this rule within two (2) business days of making a conditional admission. The Department may deny the placement and require the resident to transfer when there is reasonable cause to believe the provider lacks the ability to provide adequate care. ()

014. **Admission Agreement.** At the time of admission to a certified family home, the provider and the resident or resident's representative, if applicable, must enter into an admission agreement. The agreement will must be in writing and must be signed and dated by both parties. The agreement must, in itself or by reference to the resident's plan of care service, include at least the following: (4-11-06)()

a. Whether or not the resident will assume responsibility for his own medication including reporting missed medication or medication taken on a PRN basis; (4-11-06)()

b. Whether or not the resident has ongoing ability to safeguard himself against personal harm, injury or accident. The certified family home provider must have a plan in place for steps # the provider will take if the resident is not able to carry out his own self-preservation. (4-11-06)()

c. Whether or not the provider will accept responsibility for the resident's funds; (4-11-06)

d. How a partial month's refund will be managed; (4-11-06)

e. Responsibility for valuables belonging to the resident and provision for the return of a resident's valuables should the resident leave the home; (4-11-06)

f. Amount of liability coverage provided by the homeowner's or renter's insurance policy- and whether the insurance policy covers the resident's personal belongings; (4-11-06)()

g. Written notice of at least thirty (30) calendar days as agreed to in the admission agreement prior to discharge on the part of either party or transfer or discharge on the part of either party; when the transfer is not for medical reasons or for the resident's welfare or the welfare of others, or when the discharge is not for a situation described in Subsection 260.05.b. of this rule; (7-1-17)()

h. Conditions under which an emergency transfers temporary placement will be made as described under Subsection 260.06 of this rule; (4-11-06)()

i. Signed permission to transfer provide pertinent information from the resident's record to a hospital, nursing home, residential and assisted living facility, or other certified family home; (4-11-06)()

j. Responsibility to obtain consent for medical procedures including the name, address, and telephone number of the guardian or power of attorney for health care for any resident who is unable to make his own medical decisions-; (4-11-06)()

k. Resident responsibilities as appropriate; (4-11-06)

l. Amount the home provider will charge the resident for room, utilities and three (3) daily meals on a monthly basis, and if the resident is private-pay or has a share of cost, a separately listed amount the provider will charge for care on a monthly basis; and (4-11-06)()

m. Written notice of at least fifteen (15) calendar days as agreed to in the admission agreement prior to the provider changing the charges to the resident as described in Subsection 260.04.l. of this rule; ()

n. Protections that address eviction processes and appeals comparable to those provided under Idaho landlord tenant law. The admission agreement must either: ()

i. Adopt the eviction and appeal processes as described in Title 6, Chapter 3, Idaho Code; or ()

ii. Adopt the eviction and appeal processes as described in the version of the admission agreement provided by the Department; and ()

~~m.o. Other information as needed. Additional conditions as agreed upon by both parties but consistent with the requirements of these rules.~~ (4-11-06)()

025. **Termination of Admission Agreement.** The admission agreement must ~~not~~ only be terminated ~~except~~ under the following conditions: (4-11-06)()

a. ~~Giving~~ The provider or the resident, or the resident's representative, if applicable, provides the other party at least thirty (30) calendar days' written notice as agreed to in the admission agreement for any reason; or (7-1-17)()

b. ~~The resident's mental or physical condition deteriorates to a level requiring evaluation or services that cannot be provided in a certified family home;~~ A three (3) day written notice may be given by the provider to the resident or the resident's representative, if applicable, when any of the following occur, subject to the appeal process required under Subsection 260.04.n. of this rule: (4-11-06)()

ei. Nonpayment of the resident's bill identified in Subsection 260.04.l. of this rule; (4-11-06)()

~~d. Emergency conditions requiring a resident to transfer out of the home without thirty (30) calendar days' written notice to protect the resident or other residents in the home from harm; and~~ (7-1-17)

~~ei. Other~~ The resident violates written conditions as mutually established between the resident and the provider at the time of admission; or (4-11-06)()

iii. The resident engages in the unlawful delivery, production, or use of a controlled substance on the premises of the home. ()

06. **Emergency Temporary Placement.** The admission agreement will remain in force and effect, excluding the provider's responsibility for care and the charge to the resident for such care as identified in Subsection 260.04.l. of this rule, while the resident is temporarily transferred from the home to another care setting on an emergency basis unless either party terminates the agreement as described in Subsection 260.05 of this rule. An emergency temporary placement must only occur when: ()

a. The resident's mental or physical condition deteriorates to a level requiring evaluation or services that cannot be met by the provider or reasonably accommodated by the home; or ()

b. Emergency conditions requiring the resident to transfer out of the home without thirty (30) calendar days' written notice to protect the resident or other residents, the provider, or other individuals living in the home from harm. ()

07. **Discharge Procedure.** The provider must immediately notify the Department upon the transfer or discharge of the resident according to Section 210 these rules. ()

08. **Return of Resident's Possessions.** The provider must document the return of the resident's personal possessions to the resident or resident's representative as agreed in the admission agreement according to Subsection 260.04.e. of this rule: ()

- a. Return immediately upon discharge: ()
- i. All personal funds belonging to the resident; and ()
- ii. Any medication, supplement, or treatment belonging to the resident; ()
- b. Return within three (3) business days: ()
- i. If the provider, his relative, or any other member of the household was managing the resident's funds, a copy of the final accounting of the resident's funds; ()
- ii. All resident belongings as indicated on his belongings inventory; and ()
- iii. Any other items belonging solely to the resident, including personal documents. ()

261. -- 269. (RESERVED)

270. RESIDENT RECORDS.

The provider must maintain records for each resident admitted to the home as provided in this rule. ()

01. **Admission Records.** Records required for admission to a the home must be maintained, and updated, and must be kept confidential. Their availability of the records without the consent of the resident, subject to IDAPA 16.05.01, "Use and Disclosure of Department Records," is limited to the home, professional consultants resident and resident's representative, the provider, substitute caregivers, the resident's physician health care professionals, and representatives of the Department including certifying agents. All entries must be kept current, accurate and reflect updated information as changes occur, recorded legibly in ink, dated, signed and dated, and must include: (4-11-06)()

- a. The resident's full legal Nname; (4-11-06)()
- b. The resident's Ppermanent address if other than the home; (4-11-06)()
- c. The resident's Mmarital status and sex; (4-11-06)()
- d. The resident's Birth place and date of birth; (4-11-06)()
- e. The name, address, and telephone number of an individual identified by the resident or the resident's representative who should be contacted in the event of an emergency or death of the resident; (4-11-06)()
- f. The resident's Ppersonal physician and dentist health care professionals; (4-11-06)()
- g. Admission date and name of the person who completed the admission form; (4-11-06)()
- h. Results of a history and physical examination performed by a licensed physician or nurse practitioner within six (6) health care professional reflecting the resident's current health status and conducted no earlier than twelve (12) months prior to admission; (4-11-06)()
- i. For private-pay residents, the history and physical should include a description of the resident's needs for personal assistance and supervision, and indicate that the resident is appropriate for placement in a home; (4-11-06)
- ji. A list of medications, treatments, and special diets, if any, prescribed for the resident and signed and dated by the physician his health care professional; (4-11-06)()
- kj. Religious affiliation if the resident so chooses to disclose; (4-11-06)()

~~h.~~ Interested relatives and friends other than those outlined in Subsection 270.01.e. of these rules, to include names, addresses, and telephone numbers of family members, legal guardian or conservator, or significant others, or all; (4-11-06)

~~h.k.~~ Social information, obtained by the home provider from the resident, family or resident's relatives, service coordinator, legal guardian or conservator, or other knowledgeable individuals. The information must include the resident's social history, hobbies, and interests; (4-11-06)

~~h.l.~~ The written admission agreement which is signed and dated by the provider and the resident, his legal guardian or his conservator as described in Section 260 of these rules; (4-11-06)

~~h.m.~~ A signed copy of the resident's rights policy as specified described in Section 200 of these rules, or documentation that the resident, his legal guardian, or his conservator has read and understands his rights as a resident of the home; (4-11-06)

~~h.n.~~ A copy of the resident's most current uniform needs assessment for the certified family home as described in Section 225 of these rules; (4-11-06)

~~h.o.~~ A copy of the resident's signed and dated admission plan of service that contains all elements of a plan of service between the resident, his legal guardian, or his conservator and the home as described in Section 250 of these rules; (4-11-06)

~~h.p.~~ An inventory of the resident's belongings that may consist of photographs or a written descriptive list. The resident can or the resident's representative may inventory any item personal possession he so chooses and expects returned upon the resident's transfer or discharge from the home. The belongings inventory may be updated at any time but must be updated at least annually; (4-11-06)

~~h.q.~~ Information about any specific health problems of the resident which that may be useful in a medical emergency; and (4-11-06)

~~h.r.~~ Any other health-related, emergency, or pertinent information which that the resident requests the home provider to keep on record; (4-11-06)

~~h.s.~~ If the resident has a representative, a copy of the document giving the representative legal authority to act on behalf of the resident, including guardianship or power of attorney for healthcare decisions; ()

~~h.t.~~ Contact name, address, and telephone number of any individual or agency providing supportive services to the resident; and ()

~~h.u.~~ Signed copy of any care plan that is prepared for the resident by an outside service provider. ()

02. Ongoing Resident Records. Records must be kept current by the provider for services to the resident showing accurate and updated information as services are rendered, including: (4-11-06)

~~a.~~ Admission information required in Subsection 270.01 of these rules; (4-11-06)

~~b.~~ A current list of medications, diet, and treatments prescribed for the resident which is signed and dated by the physician giving the order. Current orders may be a copy of the signed doctor's order from the pharmacy; (4-11-06)

~~c.~~ Documentation of any medication refused by the resident, not given to the resident or not taken by the resident with the reason for the omission. All PRN medication must be documented with the reason for taking the medication; (4-11-06)

~~d.a.~~ Any incident or accident occurring while the resident is living in the home; and the provider's response. If the incident or accident occurs while the resident is receiving supportive services, the provider must

obtain a written report of the event from the service provider; (4-11-06)()

b. The provider's written response to any grievance as described in Section 200 of these rules; ()

ec. Notes from the licensed nurse, home health agency, physical therapist, and or any other service providers, documenting the services provided to the resident at each visit to the home; (4-11-06)()

fd. Documentation of significant changes in the resident's physical, or mental status, or both and the home's provider's response; (4-11-06)()

ge. If appropriate When the provider, a relative of the provider, or an individual living in the home other than the resident manages the resident's funds, financial accounting records for such funds as described in Section 275 of these rules; and (4-11-06)()

h. The resident's uniform needs assessment, to include the admission assessment and all assessments for the past year, for certified family home care; (4-11-06)

i. Signed and dated plan of service, to include the admission plan of service and all service agreements for the past year between the resident, his legal guardian, or his conservator and the home; (4-11-06)

j. Contact name, address, phone number of individuals or agencies providing paid supports; (4-11-06)

k. Signed copies of all care plans that are prepared by all outside service providers; and (4-11-06)

l. An inventory of resident's belongings. The resident can inventory any item he chooses. The inventory can be updated at any time but must be updated annually. (4-11-06)

f. Medication records as required in Sections 400 through 402 of these rules, as applicable. ()

03. Maintenance of Resident Records. All records of services delivered by the provider must be maintained in the home for at least five (5) years from the date of service. (4-11-06)

271. -- 274. (RESERVED)

275. RESIDENT FUNDS AND FINANCIAL RECORDS.

01. Resident Funds Policy. If a resident's funds are turned over to the provider for any purpose other than payment for services allowed under these rules, or if the provider or his relative acts as resident payee, the home is deemed to be handling the resident's funds. Each home provider must develop possess and implement a policy and procedure outlining how the resident's funds will be managed. This policy and procedure must include the following: (4-11-06)()

a. Statement of whether the home provider will or will not manage resident funds; (4-11-06)()

b. If ~~When the home manages resident funds and~~ the resident leaves the home under any circumstances, the home can provider must; ()

i. Only retain room and board funds prorated to the last day of the ~~fifteen (15) calendar day notice period, or thirty (30) calendar day~~ notice period as specified in the admission agreement, or upon the resident moving from the home, whichever is later; ()

ii. Immediately return ~~All~~ remaining resident funds must follow to the resident, or to the resident's representative as specified in the admission agreement according to Section 260 of these rules; and resident funds must ()

iii. Only ~~be~~ used the resident's funds for that resident's expenses until a new payee is appointed.

(4-11-06)()

c. Prohibit personal loans to the resident from the provider, provider's relatives, and other members of the household unless the loan is from a relative of the resident. When such a loan is made, the provider must: ()

i. Ensure the terms of the loan are described in a written contract signed by the resident or resident's representative; ()

ii. Maintain a copy of the loan contract in the resident's record; and ()

iii. Immediately update documentation of repayments towards the loan. ()

02. Managing Resident Funds. When the resident's funds are turned over to the provider for any purpose other than payment for services allowed under these rules, or if the provider, his relative, or an individual living in the home acts as the resident's payee, the provider is deemed to be managing the resident's funds. ~~A home that~~ The provider who manages a resident's funds must: (4-11-06)()

a. Establish a separate account at a financial institution for each resident. ~~There can be no commingling of resident funds with home funds. Borrowing between resident accounts is prohibited to which use of the resident's funds may be reconciled by means of a financial statement;~~ (4-11-06)()

b. Prohibit commingling of the resident's funds with the funds of any other person, including borrowing funds from the resident; ()

bc. Upon request, ~~N~~otify the resident ~~that~~ or the resident's representative the amount of the resident's funds in his account that are available for his use; (4-11-06)()

ed. ~~Bill each~~ Charge the resident the amount agreed upon in the admission agreement as described in Section 260 of these rules for his certified family home ~~care-charges~~ services on a monthly basis from his funds; (4-11-06)()

de. ~~Document on a monthly or on a weekly basis any~~ Maintain accounting documentation, including financial statements, receipts and ledgers, for all financial transactions in excess of five dollars (\$5) ~~between the resident and the home~~ in which the resident's funds were used. A separate transaction record must be maintained for each resident; (4-11-06)()

ef. Restore funds to the resident if the home provider cannot produce proper accounting records of resident's funds or property, including receipts for purchases made using the resident's personal funds. Restitution of the funds to the resident is a condition for continued operation of the home; (4-11-06)()

fg. Not require the resident to purchase goods or services from or for the home other than those designated in ~~the admission agreement~~ Section 260 of these rules; (4-11-06)()

gh. Provide the resident, his legal guardian, his representative with financial power of attorney, and conservator access to the resident's funds ~~to the resident, his legal guardian or conservator or another person of the resident's choice;~~ (4-11-06)()

hi. On the death of a private-pay resident, convey the resident's funds with a final accounting of those funds to the individual administering the resident's estate; within thirty (30) days as described in Section 210 of these rules; (4-11-06)()

ji. On the death of a ~~client of the Department~~ publicly-funded resident, convey the resident's funds, with a final accounting of those funds, to the Department within thirty (30) days as described in Section 210 of these rules. (4-11-06)()

276. -- 299. (RESERVED)

300. SHORT-TERM CARE AND SUPERVISION.

When the provider is temporarily ~~unable~~ unavailable to provide care or supervision to the resident, he may designate another adult to provide care and supervision, or only supervision ~~only~~ to the resident. The provider must assure that this short-term arrangement meets the needs of the resident and protects the resident from harm. (4-11-06)()

01. Alternate Caregiver. An alternate caregiver must be a certified family home provider. An alternate caregiver provides care and supervision in his home to a resident from another certified family home according to the resident's original plan of service and admission agreement. ~~The provider is responsible to provide or arrange for resident specific training for the alternate caregiver. Alternate care can be provided for up to thirty (30) consecutive days.~~ The following applies to an alternate care placement: (4-11-06)()

a. The Department must approve an alternate care placement using the process described in Section 260 of these rules. The alternate caregiver must: ()

i. Not exceed the number of residents for which his home is certified to provide care; ()

ii. Comply with Section 140 of these rules when the resident receiving alternate care will be the third or fourth resident in the alternate caregiver's home; ()

iii. Comply with Section 130 of these rules when the resident receiving alternate care requires nursing facility level of care and any other resident in the alternate caregiver's home requires nursing facility level of care. ()

b. Upon approval from the Department, alternate care may be provided for up to thirty (30) consecutive days; and ()

c. The provider must provide or arrange for resident-specific training to the alternate caregiver, including supplying copies of the resident's current assessment, plan of service, and admission agreement. ()

02. Substitute Caregiver. A substitute caregiver must be approved an adult designated by the provider to provide care and supervision to the resident in the provider's certified family home. The following apply to the designation of a substitute caregiver: ()

a. The provider is responsible to provide or arrange for resident-specific training for the substitute caregiver- including reviewing copies of each resident's current assessment, plan of service, and admission agreement; ()

b. Staffing levels in the home must be maintained at the same level as when the provider is available to provide care and supervision; ()

c. Substitute care can be provided for up to thirty (30) consecutive days; and ()

d. ~~In addition to~~ The substitute caregiver must have the following qualifications: (4-11-06)()

i. Current certification in first aid and adult Cardio-Pulmonary Resuscitation (CPR), that meets the standards under Section 100 of these rules; (4-11-06)()

ii. A criminal history check as provided in Section 009 of these rules; and (4-11-06)

iii. ~~Completed~~ Completion of the "Assistance with Medications" course or other Department-approved training as provided in Section ~~4~~ 100 of these rules, ~~if they will assist the resident with medications.~~ (4-11-06)()

03. Incidental Supervision. An individual providing incidental supervision must be approved by the provider to supervise the resident. Incidental supervision must not include resident care. Incidental supervision may be provided for up to four (4) hours per week. (4-11-06)

301. -- 399. (RESERVED)

400. MEDICATION ~~STANDARDS AND REQUIREMENTS~~ POLICY.

~~01. Medication Policy. The certified family home provider must develop possess and implement~~ written medication policies and procedures that outline in detail how the home will assure appropriate assistance with and handling of and safeguarding of medications. ~~This documentation~~ These policies and procedures must be maintained in the home, and include the following: (4-11-06)()

~~02. Handling of Resident's Medication. (4-11-06)~~

~~a. The medication must be in the original pharmacy-dispensed container, or in an original over-the-counter container, or placed in a unit container by a licensed nurse and be appropriately labeled with the name of the medication, dosage, time to be taken, route of administration, and any special instructions. Each medication must be packaged separately unless in a Mediset, blister pack, or similar system. (4-11-06)~~

~~b. Evidence of the written or verbal order for the medication from the physician or other practitioner of the healing arts must be maintained in the resident's record. Medisets filled and labeled by a pharmacist or licensed nurse may serve as written evidence of the order. An original prescription bottle labeled by a pharmacist describing the order and instructions for use may also serve as written evidence of an order from the physician or other practitioner of the healing arts. (4-11-06)~~

~~c. The home is responsible to safeguard the resident's medications. (4-11-06)~~

~~d. Medications that are no longer used by the resident must not be retained by the certified family home for longer than thirty (30) calendar days. (4-11-06)~~

01. Following Orders. Assistance given by the provider must only be as directed by the resident's health care professionals. ()

02. Evidence of Orders. Evidence of each resident's orders must be maintained in the home, regardless of whether the resident is able to self-administer, and may consist of the following: ()

a. Written instructions from the health care professional for the medication including the dosage, expected effects, potential adverse reactions or side effects, and actions to take in an emergency; ()

b. Medisets filled and appropriately labeled by a pharmacist or licensed nurse with the name of the medications, dosage, time to be taken, route of administration, and any special instructions; ()

c. An original prescription bottle labeled by a pharmacist describing the order and instructions for use; and ()

d. If the medication, supplement, or treatment is without a prescription, it will be listed among over-the-counter medications approved by the resident's health care professional as indicated by a signed statement. Over-the-counter medications will be given as directed on the packaging. ()

03. Alteration of Orders. The provider must not alter dosage, discontinue or add medications, including over-the-counter medications and supplements, or discontinue, alter, or add treatments or special diets without first consulting the resident's prescribing health care professional and obtaining an order for the change as required under Subsection 400.02 of this rule. ()

04. Allergies. The provider must list any known food or drug allergies for each resident and take precautions to guard against the resident ingesting such allergens. ()

05. Training. Each adult assisting with resident medications must have successfully completed the "Assistance with Medications" course, or other Department-approved training as described in Section 100 of these

rules. Additionally: ()

a. Each resident's orders must be reviewed by each staff person assisting residents with medications prior to offering assistance; and ()

b. Written instructions must be in place that outline who to notify if any of the following occur: ()

i. Doses are not taken; ()

ii. Overdoses occur; or ()

iii. Side effects are observed. ()

c. The provider must ensure any staff assisting with medications has reviewed each resident's known allergies and takes precautions against the resident ingesting such allergens. ()

06. **Self-administration.** When the provider cares for a resident who self-administers his own medications, the provider must follow the standards described under Section 401 of these rules. ()

07. **Assistance with Medication.** When the provider cares for a resident who needs assistance with medications, the provider must follow the standards described under Section 402 of these rules. ()

401. **SELF-ADMINISTRATION OF MEDICATION.**

~~03. **Self-Administration of Medication.**~~ If the resident is responsible for administering his own medication without assistance, the provider must ensure the following: ()

01. **Approval.** ~~The provider must obtain~~ written approval stating that the resident is capable of self-administration ~~must be obtained~~ from the resident's ~~primary physician or other practitioner of the healing arts~~ health care professional; otherwise, the provider must comply with the standards in Section 402 of these rules. ()

02. **Evaluation.** The resident's record must ~~also~~ include documentation that ~~a licensed nurse or other qualified professional~~ the resident's health care professional has evaluated the resident's ability to safely self-administer medication, ~~and has found that the resident~~ The evaluation must include verification of the following: (4-11-06)()

a. The resident ~~U~~ understands the purpose of ~~the~~each medication; (4-11-06)()

b. The resident is oriented to time and place and ~~K~~ knows the appropriate dosage and times to take the medication; (4-11-06)()

c. The resident ~~U~~ understands the expected effects, adverse reactions, or side effects, and knows what actions to take in case of an emergency; and (4-11-06)()

d. The resident ~~f~~ is able to take the medication without assistance or reminders. (4-11-06)()

03. **Change in Condition.** Should the condition of the resident change such that it brings into question his ability to safely continue self-administration of medications, the provider must have a reevaluation and approval of the resident to self-administer as required in Subsections 401.01 and 401.02 of this rule. ()

04. **Safeguarding Medication.** The provider must ensure that the medications of a resident who self-administers are safeguarded, including providing a lockable storage cabinet or drawer to the resident as described in Section 175 of these rules. Notwithstanding, the resident must be allowed to maintain his medications under his own control and possession. ()

402. **ASSISTANCE WITH MEDICATION.**

~~04. **Assistance with Medications.**~~ The certified family home provider must provide offer assistance

with medications to residents who need assistance; however, only a ~~licensed nurse or other licensed~~ health care professional may administer medications. Prior to assisting residents with medication, the ~~provider must ensure the~~ following conditions ~~must be~~ are in place: ~~(4-11-06)~~()

#01. Training. Each person assisting with resident medications must be an adult who successfully completed and follows the “Assistance with Medications” course available through the Idaho Professional Technical Education Program approved by the Idaho State Board of Nursing, or other Department-approved training. ~~Family members previously exempted from this requirement must complete this course before July 1, 2006.~~ ~~(4-11-06)~~()

#02. Condition of the Resident. The resident’s health condition is stable; ~~(4-11-06)~~()

#03. Nursing Assessment. The resident’s health status does not require nursing assessment before receiving the medication nor nursing assessment of the therapeutic or side effects after the medication is taken; ~~(4-11-06)~~() unless the provider is a health care professional.

#04. Containers and Labels. The medication is in the original pharmacy-dispensed container with proper label and directions or in an original over-the-counter container. ()

a. Each medication must be packaged separately unless in a Mediset, blister pack, or similar system. ()

b. ~~or the medication has been~~ may be placed in a unit container by a licensed nurse when the container is appropriately labeled with the name of the medications, dosage, time to be taken, route of administration, and any special instructions. ()

c. Proper measuring devices must be available for liquid medication that is poured from a pharmacy-dispensed container; ~~(4-11-06)~~()

e. ~~Written and oral instructions from the licensed physician or other practitioner of the healing arts, pharmacist, or nurse concerning the reason(s) for the medication, the dosage, expected effects, adverse reactions or side effects, and action to take in an emergency have been reviewed by the staff person;~~ ~~(4-11-06)~~

f. ~~Written instructions are in place that outline required documentation of medication assistance, and whom to call if any doses are not taken, overdoses occur, or actual or potential side effects are observed; and~~ ~~(4-11-06)~~

g. ~~Procedures for disposal/destruction of medications must be documented and consistent with procedures outlined in the “Assistance with Medications” course.~~ ~~(4-11-06)~~

05. Safeguarding Medications. The provider must take adequate precautions to safeguard the medications of each resident for whom he provides assistance. Safeguarding consists of the following: ()

a. Storing each resident’s medications in an area or container designated only for that particular resident including a label with the resident’s name, except for medications that must be refrigerated or over-the-counter medications; ()

b. Keeping the designated area or container for the resident’s medications under lock and key when either of the following apply: ()

i. The resident’s medications include a controlled substance; or ()

ii. Any resident in the home or other member of the household has drug-seeking behaviors. ()

c. Ensuring each resident’s designated medication area or container is clean and kept free of contamination, including disposal of loose pills in accordance with Subsection 402.08 of this rule; ()

d. Dispensing only one (1) resident’s set of medications from its designated area or container at one

(1) time, so as to mitigate medication errors; and ()

e. On at least a monthly basis, document an inventory of narcotic medications. ()

056. Administration of Medications. Only a ~~licensed nurse or other licensed~~ health care professionals working within the scope of ~~their~~ his license may administer medications. Administration of medications must comply with the Administrative Rules of the Board of Nursing, IDAPA 23.01.01, "Rules of the Idaho Board of Nursing." Some ~~services~~ procedures are of such a technical nature that they must always be performed by, or under the direct supervision of, a ~~licensed nurse or other licensed~~ health care professional. These ~~services~~ procedures are outlined in IDAPA 23.01.01, "Rules of the Idaho Board of Nursing," Section 490. (4-11-06)()

07. Documentation of Assistance. Documentation of assistance with medications must be maintained by the provider. The documentation must: ()

a. Be logged concurrent with the time of assistance; ()

b. Contain at least the following information: ()

i. The name of the resident receiving the medication; ()

ii. The name of the medication given; ()

iii. The dosage of the medication given; and ()

iv. The time and date the medication was given. ()

c. Indicate the reason for assisting with any PRN medication, including both over-the-counter and prescription medication. ()

068. ~~Written Record of Disposal of Medication.~~ Medication that has been discontinued as ordered by the resident's health care professional, or has expired, must be disposed of by the provider within thirty (30) days of the order or expiration date. A written record of all disposal of drugs must be maintained in the home and ~~will~~ must include: (4-11-06)()

a. ~~A description of the drug, including the amount~~ The name of the medication; (4-11-06)()

b. The amount of the medication, including the number of pills at each dosage, if applicable; ()

~~bc.~~ The name of the resident for whom the medication was prescribed; (4-11-06)()

~~ed.~~ The reason for disposal; (4-11-06)

e. The date on which the medication was disposed; ()

~~df.~~ The method of disposal; and (4-11-06)

~~eg.~~ ~~Signatures of responsible home personnel and a witness or the resident's family~~ A signed statement from the provider and a credible witness confirming the disposal of the medication. (4-11-06)()

~~4073.~~ -- 499. (RESERVED)

500. ENVIRONMENTAL SANITATION STANDARDS.

The ~~home~~ provider is responsible for disease prevention and maintenance of sanitary conditions in the home. (4-11-06)()

01. Water Supply. The water supply for the home must be adequate, safe, and sanitary. (4-11-06)

a. The home must use a public or municipal water supply or a Department-approved private water supply; (4-11-06)

b. If water is from a private supply, water samples must be submitted to an private accredited laboratory ~~or the District Public Health Laboratory for bacteriological examination~~ and show an absence of bacterial contamination at least annually, or more frequently if deemed necessary by the Department. Copies of the laboratory reports must be kept on file at the home; and (4-11-06)()

c. There must be enough adequate water pressure to meet ~~the~~ sanitary requirements at all times. (4-11-06)()

02. **Sewage Disposal.** The sewage disposal system must be in good working order. All sewage and liquid wastes must be discharged, collected, treated, and disposed of in a manner approved by the local municipality or the Department. (4-11-06)()

03. **Nonmunicipal Sewage Disposal.** ()

a. For homes with nonmunicipal sewage disposal, at the time of the initial certification and at least every five (5) years thereafter, the home provider must provide obtain proof that the septic tank has been pumped or that pumping was not necessary, or that the system is otherwise in good working condition. ~~In addition, at the time of initial certification:~~ (4-7-11)()

~~a.b. The home must obtain a statement from the local health district indicating that the sewage disposal system meets local requirements. The statement must be kept on file at the home; or The Department may require the provider to obtain a statement from the local or area health district indicating that the sewage disposal system meets local requirements. The statement must be kept on file at the home.~~ (4-11-06)()

~~b. If the local health district does not issue these statements, the home must obtain a statement to that effect from the health district. The statement must be kept on file at the home.~~ (4-11-06)

04. **Garbage and Refuse Disposal.** Garbage and refuse disposal must be provided by the home. (4-11-06)

a. Garbage containers outside the home used for storage of garbage and refuse must be constructed of durable, nonabsorbent materials and ~~must not leak or absorb liquids. Containers must~~ be provided with tight-fitting lids. (4-11-06)()

b. Garbage containers must be maintained in good repair and must not leak or absorb liquids. ()

c. Sufficient containers must be available to hold all garbage and refuse ~~which that~~ accumulates between periods of removal from the premises. ()

d. Storage areas must be kept clean and sanitary free of excess refuse and debris. (4-11-06)()

05. **Insect and Rodent Control.** The home must be maintained free from infestations of insects, rodents and other pests. ~~Chemicals (Pesticides)~~ used in the control program must be selected, stored, and used safely. (4-11-06)()

a. The chemical pesticide must be selected on the basis of the pest involved and used only in the manner prescribed by the manufacturer; (4-11-06)()

b. The home provider must take ~~the~~ necessary precautions to protect ~~the~~ residents from obtaining toxic chemicals, as appropriate for his functional and cognitive ability. (4-11-06)()

06. **Yard.** The yard surrounding the home must be safe and maintained. (4-11-06)

07. ~~Linen~~ **Laundry Facilities and Services.** A washing machine and dryer must be provided readily

available for the proper and sanitary washing of linen and other washable goods. Laundry services must be offered on at least a weekly basis, or more frequently when soiled linens or clothing create a noticeable odor. (4-11-06)()

08. Housekeeping and Maintenance. Sufficient housekeeping and maintenance must be provided to maintain the interior and exterior of the home in a clean, safe, and orderly manner. (4-11-06)

a. A Resident sleeping rooms must be thoroughly cleaned including the bed, bedding, and furnishings, walls, and floors. Cleaning must occur on at least a weekly basis and immediately before ~~it is~~ being occupied by a new resident. ~~and~~ (4-11-06)()

b. Deodorizers must not be used to cover odors caused by poor housekeeping or unsanitary conditions. (4-11-06)

c. Cleaners and chemicals must be stored and used appropriately and safely. The provider must take necessary precautions to protect the resident from obtaining toxic chemicals, as appropriate for his functional and cognitive ability. ()

501. -- 599. (RESERVED)

600. FIRE AND LIFE SAFETY STANDARDS.
Certified family Each home~~s~~ must meet all applicable requirements of local and state codes concerning fire and life safety. (4-11-06)()

01. General Requirements. General requirements for the fire and life safety standards for a certified family home are: (4-11-06)

a. The home must be structurally sound and equipped and maintained to assure the safety of residents; and (4-11-06)

b. When natural or man-made hazards are present, suitable fences, guards, and railings must be provided to protect the residents according to their need for supervision as documented in the plan of service; and (4-11-06)

c. The premises exterior and interior of the certified family home must be kept free from the accumulation of weeds, trash, and debris, rubbish, and clutter. (4-11-06)()

02. Fire and Life Safety Requirements. (4-11-06)

a. Smoke detectors alarms must be installed in sleeping rooms, hallways, on each level of the home, and as recommended by the local fire district. (4-11-06)()

b. Carbon monoxide (CO) alarms must be installed as recommended when: ()

i. The home is equipped with gas or other fuel-burning appliances or devices; or ()

ii. An enclosed garage is attached to the home. ()

c. Unvented combustion devices of any kind are prohibited from use inside the home. ()

~~bd.~~ Any locks installed on exit doors must be easily opened from the inside without the use of keys or any special knowledge. (4-11-06)()

~~ee.~~ An electric Pportable heating devices ~~of any kind are prohibited~~ must only be used under the following conditions: (4-11-06)()

i. The unit is maintained in good working order and without obvious damage or fraying of the cord; ()

- ii. The heating element does not exceed two hundred twelve degrees Fahrenheit (212°F); ()
- iii. The user complies with safety labels, which are to remain on the unit; ()
- iv. The unit is equipped with automatic shut-off protection when tipped over; and ()
- v. The unit is operated under direct supervision and at least thirty-six (36) inches away from combustibles including furnishings, bedding, and blankets. ()

~~ff.~~ Homes that use fuel-fired stoves must provide adequate railings or other approved protection designed to prevent the residents from coming into contact with the stove surfaces, as appropriate for his functional and cognitive ability. (4-11-06)()

~~eg.~~ Each resident's sleeping room ~~will~~ must have at least one (1) door or window that can be easily opened from the inside and leads directly to the outside. If a window is used as a means of egress/ingress, the following conditions must be met: ()

- i. The window sill height must not be more than forty-four (44) inches above the finished floor; ()
- ii. The ~~#~~ window openings must be at least twenty-~~two~~ (22) inches in width and twenty-four (24) inches in height; and (4-11-06)()
- iii. If the sleeping room is in a below-ground basement, the window must open into a window well through which the resident can easily exit. ()

~~fh.~~ Flammable or highly combustible materials must not be stored ~~in the home;~~ safely. The provider must take necessary precautions to protect the resident from obtaining flammable materials as appropriate for his functional and cognitive ability. (4-11-06)()

~~gi.~~ Boilers, hot water heaters, and unfired pressure vessels must be equipped with automatic pressure relief valves; (4-11-06)()

~~hj.~~ A ~~P~~portable fire extinguishers must be mounted throughout on each level of the home according to the configuration of the home. The ~~L~~location of fire extinguishers is subject to Department approval. All extinguishers must be at least five (5) pound dry chemical multipurpose 2A:10B:C type and; (4-11-06)()

~~fk.~~ Electrical installations and equipment must comply with the applicable local and state electrical codes; (4-11-06)()

~~fl.~~ Solid ~~f~~uel-fired heating devices must be approved by the local ~~building/~~ heating/-venting/air conditioning (HVAC) board. ~~Openings in all solid fuel heating devices must have a door constructed of heat tempered glass or other approved material;~~ (4-11-06)()

~~km.~~ Exits must be free from obstruction; (4-11-06)()

~~ln.~~ Doorways in the ~~p~~aths of travel to ~~an~~ exits and all exit doorways must be at least twenty-eight (28) inches wide; (4-11-06)()

~~no.~~ The door into each bathroom and sleeping room must unlock from ~~the outside~~ both sides, if equipped with a lock, in case of an emergency. (4-11-06)()

03. Smoking. Smoking is a fire hazard. The home provider may choose to allow or not allow smoking. If the home provider chooses to allow smoking, he must reduce the risk of fire by: (4-11-06)()

- a. Prohibiting smoking in any area where flammable liquids, gases, or oxidizers are in use or stored; (4-11-06)

- b. Prohibiting residents from smoking in bed; and (4-11-06)
- c. Prohibiting unsupervised smoking by the residents unless unsupervised smoking is specifically allowed in the his plan of service. (4-11-06)()

04. Emergency Preparedness. Each ~~certified family home will~~ provider must develop and implement a written emergency preparedness plan. ~~for emergencies including~~ The provider must review the emergency plan with the resident(s), or his representative, at admission and at least every six (6) months thereafter. The plan must address the following: ()

a. ~~e~~Evacuation of the home-, including: The emergency plan must be reviewed with residents at admission and at least every six (6) months thereafter. This review must be documented in each resident's individual file. (4-11-06)()

- i. A floor plan of the home depicting at least two (2) routes of escape from each room; ()
- ii. A designated meeting area indicated on the floor plan where all members of the household will congregate upon evacuation of the home; and ()
- iii. The person responsible to take a head-count at the designated meeting area and relay information to firefighters regarding the probable whereabouts in the home of missing individuals. ()

b. Emergency situations in which people are confined to the home for a period of at least seventy-two (72) hours and considering adequate food, water, and medications during that time; ()

c. Emergency situations in which people are ordered evacuated from the home, including pre-arranged plans to shelter within the local community and in a town outside the local community, and considering the necessary supplies that will be kept in a state of preparedness for quick evacuation; and ()

d. Procedures for any situation in which the provider is incapacitated and unable to provide services. ()

05. Fire Drills. ~~Homes~~ The provider must conduct and document fire drills at least quarterly. ()

a. The provider must demonstrate the ability to evacuate all persons from the home to a point of safety outside the home within three (3) minutes. ()

b. Residents who are physically medically unable to exit unassisted are exempt from physical participation in the drill if the provider has an effective evacuation plan for such residents and discusses the plan with the resident at the time of the drill. (4-11-06)()

c. Documentation, which may consist of video recordings or written logs, must include the following: ()

- i. The date and time of the drill; ()
- ii. The length of time for all persons able to participate in the drill to evacuate from the home; ()
- iii. The name or likeness of each caregiver who participated in the drill; and ()
- iv. The name or likeness of each resident and whether the resident participated in the drill. ()

06. Report of Fire. A separate report on each fire incident occurring within the home must be submitted to the Department ~~within thirty (30) calendar days of the occurrence~~ as described in Section 210 of these rules. The report must include date of incident, origin, extent of damage, how the fire was extinguished, and injuries, if any. (4-11-06)

07. **Maintenance of Equipment.** The ~~home provider will~~ must assure that all equipment is properly maintained. (4-11-06)()

a. ~~The sSmoke detectors and carbon monoxide alarms~~ must be tested at least monthly and a written record of the test results maintained on file. (4-11-06)()

b. If the smoke or carbon monoxide alarm has replaceable batteries, replacement of the batteries must occur at least every six (6) months or as indicated by a low battery, whichever occurs first. ()

c. A smoke or carbon monoxide alarm must be replaced at the end of its useful life as indicated by the manufacturer. ()

~~bd.~~ Portable fire extinguishers must be serviced annually every twelve (12) months by an outside servicing agency or when the quarterly examination reveals issues with the extinguisher as described under Subsection 600.07.e. of this rule, whichever occurs first. Fire extinguishers purchased in the last twelve (12) months ~~are exempt from annual~~ must be serviced within twelve (12) months if from the ~~home has a~~ dated receipt on file. ()

e. All portable fire extinguishers must be examined at least quarterly by the provider or a knowledgeable ~~family~~ member of the household, as indicated by his initials and date on a log, to determine that: (4-11-06)()

i. The extinguisher is in its designated location; (4-11-06)

ii. Seals or tamper indicators are not broken and the safety pin is in place; (4-11-06)()

iii. The extinguisher has not been physically damaged; (4-11-06)

iv. The extinguisher does not have any obvious defects, such as leaks; and (4-11-06)()

v. ~~Inspecting tags on each extinguisher show at least the initials of the person making the quarterly examinations and the date of the examinations.~~ The nozzle is unobstructed; and (4-11-06)()

vi. Chemicals are prevented from settling and clumping by repeatedly tipping the extinguisher upside down and right-side up. ()

ef. Fuel-fired heating systems must be inspected for safe operation, serviced if necessary, and approved at least annually by person(s) in the business of servicing these systems. The inspection records must be maintained on file in the home. (4-11-06)()

601. -- 699. (RESERVED)

700. **HOME CONSTRUCTION AND PHYSICAL HOME STANDARDS.**

01. **General Requirements.** Any residence used as a certified family home must be suitable for that use. Certified family homes must only be located in buildings intended for residential use. (4-11-06)()

a. Remodeling or additions to the homes must be consistent with residential use of the property and must conform to local building standards including obtaining building permits as required by the local jurisdiction. ~~Remodeling that is not consistent with the general practice of the neighborhood is not permitted. Examples may include converting garages to bedrooms or constructing large buildings which overwhelm the lot.~~ (4-11-06)()

b. All homes are subject to Department approval. (4-11-06)

02. **Walls and Floors.** Walls and floors must withstand frequent cleaning. Walls in sleeping rooms must extend from floor to ceiling. (4-11-06)

03. **Telephone.** There must ~~either~~ be a ~~landline~~ telephone ~~in the home that is accessible to all residents. The resident must have adequate privacy while using the telephone. The telephone must be immediately available in case of an emergency. Emergency numbers must be posted near the telephone.~~ or an enhanced 911-compliant cell phone available to the resident. (4-11-06)()

a. If the home provides a cell phone for the resident's use, the provider must obtain documentation from the service carrier that the cell phone is enhanced 911-compliant. ()

b. The telephone or cell phone must: ()

i. Be immediately available in case of an emergency; ()

ii. Be functional and operational at all times, including having dependable service; ()

iii. Be programmed with general emergency phone numbers and the emergency contacts for the resident, or alternatively, such numbers must be posted near the telephone; and ()

iv. Be accessible to the resident throughout the day, including night hours, with unlimited usage and adequate privacy. ()

04. **Toilet Facilities and Bathrooms.** ~~Each certified family~~ The home must contain: (4-11-06)()

a. At least one (1) flush toilet, one (1) tub or shower, and one (1) ~~lavatory~~ sink with a mirror; (4-11-06)()

b. Toilet ~~facilities~~ and shower or bathroomsing facilities must be separated from all rooms by solid walls or partitions; (4-11-06)()

c. ~~All~~ Each room containing a toilet, shower, or facilities and ~~bathrooms~~ must have either a window that is easily opened to the outside, or forced ventilation to the outside; (4-11-06)()

d. Tubs, showers, and ~~lavatories~~ sinks must be connected to hot and cold running water; and (4-11-06)()

e. Access to ~~resident~~ toilet facilities and bathrooms designated for the resident's use must not require a resident him to pass through another person's sleeping room ~~to reach the toilet or bath.~~ (4-11-06)()

05. **Accessibility for Residents with Physical and Sensory Impairments.** ~~Homes~~ A provider choosing to provide services to a residents who ~~have~~ has difficulty with mobility or who ~~have~~ has sensory impairments must assure the physical environment meets the needs of the resident and maximizes independent mobility and use of appliances, bathroom facilities, and living areas. The home must provide necessary accommodations that meet the "American With Disabilities Act Accessibility Guidelines--Standards for Accessible Design (SFAD)," as incorporated by reference in Section 004 of these rules and as described below according to the individual resident's needs: (4-11-06)()

a. A ramp that complies with ~~the Americans with Disabilities Act Accessibility Guidelines (ADAAG) 4.8~~ Section 405 of the SFAD. Elevators or lifts that comply with Sections 409 and 410, respectively, may be utilized in place of a ramp; (4-11-06)()

b. ~~Bathrooms and a~~ Doorways large enough to allow easy passage of a wheelchair and that comply with ~~the ADAAG 4.13~~ Subsection 404.2.3 of the SFAD; (4-11-06)()

c. Toilet and bathing facilities that comply with ~~the ADAAG 4.16 and 4.23~~ Sections 603 and 604 of the SFAD; (4-11-06)()

d. Sinks that comply with ~~the ADAAG 4.24~~ Section 606 of the SFAD; (4-11-06)()

- e. Grab bars in resident toilet facilities and bathrooms that comply with ~~the ADAAG 4.26~~ Section 609 of the SFAD; (4-11-06)()
- f. Bathtubs ~~and or~~ shower stalls that comply with ~~ADAAG 4.20 and 4.21~~ Sections 607 and 608 of the SFAD, respectively; (4-11-06)()
- g. Non-retractable faucet handles that comply with ~~the ADAAG 4.19 and 4.27~~ Subsection 309.4 of the SFAD. Self-closing valves are not allowed; (4-11-06)()
- h. Suitable handrails on both sides of all stairways leading into and out of the home that comply with ~~the ADAAG 4.9.4~~ Section 505 of the SFAD; and (4-11-06)()
- i. Smoke and carbon monoxide alarms that comply with Section 702 of the SFAD. ()
06. **Storage Areas.** Adequate storage must be provided in addition to the required storage in resident sleeping rooms. (4-11-06)
07. **Lighting.** Adequate lighting must be provided in all resident sleeping rooms and any other rooms accessed by the resident. (4-11-06)
08. **Ventilation.** The home must be well ventilated and the provider must take precautions to prevent offensive odors. (4-11-06)
09. **Heating and Cooling.** The temperature in the ~~certified family~~ home must be maintained ~~at between seventy-sixty-five~~ degrees Fahrenheit (~~70~~65°F) ~~or more and seventy-eighty degrees Fahrenheit (80°F) during waking hours~~ when residents ~~or adult hourly care participants~~ are at home, ~~and sixty-five degrees Fahrenheit (65°F) or more during sleeping hours or as defined in the plan of service. Wood stoves must not be the primary source of heat and~~ the thermostat for the primary source of heat must be ~~remotely~~ located away from the wood stove, if applicable. (4-11-06)()
10. **Plumbing.** All plumbing in the home must be in good working order and comply with local and state codes. All plumbing fixtures must be easily cleanable and maintained in good repair. (4-11-06)()
11. **Resident Sleeping Rooms.** (4-11-06)()
- a. The ~~resident's~~ sleeping room must not be in an attic, stairway, hall, or any room commonly used for other than bedroom purposes. ()
- b. The ~~resident's~~ sleeping rooms may be in a below-ground basement or a room located on the second story or higher only if the following conditions are met: (4-11-06)()
- i. ~~The window must not open into a window well that cannot be exited. All other fire and life safety requirements for windows must be met~~ The resident is able to independently recognize an emergency and self-evacuate from his sleeping room without physical assistance or verbal cueing as assessed and indicated in his plan of service; or (4-11-06)()
- ii. The provider's sleeping room or the sleeping room of another responsible and able-bodied individual living in the home is located on the same level with the resident's sleeping room; and ()
- iii. The ~~basement must have~~ level of the home on which the resident's sleeping room is located has floors, ceilings, and walls ~~which that~~ are finished to the same degree as the rest of the home. ~~The sleeping room must meet all other requirements of these rules; and~~ (4-11-06)()
- iii. ~~The resident must be assessed through the plan of service to be capable of evacuating from the basement without assistance in an emergency.~~ (4-11-06)

- ~~b.c.~~ Walls must run from floor to ceiling and doors must be solid. (4-11-06)()
- ~~ed.~~ The resident must not occupy the same bedroom as the provider. The resident must not occupy the same bedroom as ~~the provider's family~~ a relative of the provider unless the resident relative is also a family member sibling of the resident. (4-11-06)()
- ~~de.~~ The ~~ceiling heights~~ in the sleeping rooms must be at least seven feet, six inches (7'6"). (4-11-06)()
- ~~ef.~~ The ~~sleeping rooms~~ must have a closets that must be equipped with a doors if the resident so chooses. ()
- ~~i.~~ Closet space shared by two (2) residents, must have a substantial divider separating each resident's space. ()
- ~~ii.~~ Free-standing closets space must be deducted from the square footage in the sleeping room, ~~and.~~ (4-11-06)()
- ~~fg.~~ The ~~sleeping rooms~~ must have at least one-hundred (100) square feet of floor space in a one (1) person sleeping room and at least one-hundred and sixty (160) square feet of floor space in a two (2) person sleeping room. (4-11-06)()

701. MANUFACTURED HOMES AND MODULAR BUILDINGS.

01. Use of Manufactured Homes and Modular Buildings. Idaho Division of Building Safety (~~B~~DBS) approved modular buildings or U.S. Department of Housing and Urban Development (HUD) approved buildings may be approved for use as a certified family home when the home meets the following requirements: (4-7-06)()

- a. The manufactured or modular home meets the requirements of HUD or ~~B~~DBS requirements in accordance with state and federal regulations as of the date of manufacture. (4-7-06)()
- b. The manufactured or modular home meets the adopted standards and requirements of the local jurisdiction in which the home is located. (4-7-06)()
- c. Recreational vehicles, commercial coaches, unregulated or unapproved modifications or additions to approved manufactured housing or modular buildings, ~~and will not be approved by the Department.~~ ()
- ~~d.~~ ~~Manufactured housing constructed prior to June 15, 1976, are is~~ prohibited for use as a certified family home without ~~DHW~~ assessment and approval by the Department. (4-7-06)()

02. Previously Certified. A manufactured home approved for use as a certified family home before July 1, 2001, may continue to be certified when evaluated on a case-by-case basis. (4-7-11)

702. -- 709. (RESERVED)

710. SITE REQUIREMENTS FOR CERTIFIED FAMILY HOMES.

In addition to the requirements of Section 700 of these rules, ~~certified family~~ the homes must comply with the following site requirements: (4-11-06)()

- 01. Fire District.** The home must be in a lawfully constituted fire district. (4-11-06)
- 02. Accessible Road.** The home must be served by an all-weather road kept open to motor vehicles at all times of the year. (4-11-06)
- 03. Emergency Medical Services.** The home must be accessible to emergency medical services within thirty (30) minutes driving time; and. (4-11-06)()

04. **Accessible to Services.** The home must be accessible ~~within thirty (30) minutes driving time~~ to necessary social, medical, and rehabilitation services. (4-11-06)()

05. **House Number.** The house number must be prominently displayed and plainly visible from the street. ()

711. -- 899. (RESERVED)

900. EMERGENCY POWERS OF THE DIRECTOR.

In the event of an emergency endangering the life or safety of a resident, the Director may summarily suspend or revoke any certified family home certificate. As soon thereafter as practical, the Director will provide an opportunity for a hearing in accordance with the provisions of IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (4-11-06)

901. ENFORCEMENT PROCESS.

If the Department finds that ~~a home~~ the provider does not meet, or did not meet, a rule governing certified family homes, it may impose a remedy, independently or in conjunction with others, subject to the provisions of these rules for notice and appeal. (4-11-06)()

01. **Recommendation of Remedy.** In determining which remedy to recommend, the Department will consider the ~~home's~~ provider's compliance history, ~~change of ownership complaints,~~ and the number of deficiencies, scope, and severity of the deficiencies. Subject to these considerations, the Department may impose any of the following remedies: (4-11-06)()

- a. Ban on all admissions, ~~see in accordance with~~ Section 910 of these rules; (4-11-06)()
- b. Ban on admissions of residents with certain diagnosis, ~~see in accordance with~~ Section 911 of these rules; (4-11-06)()
- c. Summarily suspend the certificate and transfer residents, ~~see in accordance with~~ Section 912 of these rules; (4-11-06)()
- d. Issue a provisional certificate, ~~see in accordance with~~ Subsection ~~110.02~~909 of these rules; ~~or and~~ (4-11-06)()
- e. Revoke the home's certificate, ~~see in accordance with~~ Section 913 of these rules. (4-11-06)()

02. **Notice of Enforcement Remedy.** The Department will give the ~~home~~ provider written notice of an enforcement remedy by certified mail or by personal service ~~upon its decision.~~ The notice will include the decision, the reason for the Department's decision, and how to appeal the decision subject to the hearing provisions in IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (4-11-06)()

902. FAILURE TO COMPLY.

The Department may ~~institute an action to~~ revoke the ~~home's~~ provider's certificate when ~~the Department it~~ determines ~~the home is out of compliance.~~ any of the following conditions exist: (4-11-06)()

01. **Out of Compliance.** ~~A home~~ The provider has not complied with ~~a program requirement~~ any part of these rules within thirty (30) days of the date the home is found out of compliance with that requirement. (4-11-06)()

02. **Lack of Progress.** ~~A home~~ The provider has made little or no progress in correcting deficiencies within thirty (30) days from the date the Department accepted the ~~home's~~ provider's plan of correction. (4-11-06)()

903. REPEATED NONCOMPLIANCE.

When the Department ~~makes a~~ determinations of that a provider has repeated noncompliance with ~~respect to a home~~

~~any of these rules, the Department it~~ may impose any of the **enforcement** remedies listed in Sections 910 through 913 of these rules. ~~The Department will monitor the home on an as needed basis, until the home has demonstrated that it is in compliance with all program requirements governing homes and that it will remain in compliance.~~
(4-11-06)()

904. -- 908. (RESERVED)

909. ENFORCEMENT REMEDY OF PROVISIONAL CERTIFICATION.

~~When the Department finds that the provider is unable to meet a standard required under these rules because of conditions that are not anticipated to continue beyond six (6) months and do not jeopardize the health or safety of the residents, the Department may grant a provisional certificate to the provider as described under Section 110 of these rules.~~ ()

01. Conditions of Provisional Certification. ~~The Department, at its discretion, may impose conditions upon the provider, which will be included with the notice of provisional certification, if so imposed. Conditions are imposed to ensure the provider achieves compliance with the requirements of these rules and to aid the Department in monitoring the provider's performance during the provisional certification period.~~ ()

02. Failure to Meet Conditions of Provisional Certification. ~~Failure by the provider to meet the conditions of a provisional certificate is cause for the Department to revoke the provider's certificate.~~ ()

03. Certification or Revocation. ~~The Department, upon review of the provider's performance during the course of the provisional certification period, may either issue a certificate to the provider when the Department finds that the provider has achieved substantial compliance with these rules, or revoke the provider's certificate if the provider has failed to comply.~~ ()

910. ENFORCEMENT REMEDY OF BAN ON ALL ADMISSIONS.

All admissions to the home are banned pending satisfactory correction of all deficiencies. Bans will remain in effect until the Department determines that the **home provider** has achieved full compliance with all **program** requirements **of these rules**, or until a substitute remedy is imposed. (4-11-06)()

911. ENFORCEMENT REMEDY OF BAN ON ADMISSIONS OF RESIDENT WITH SPECIFIC DIAGNOSIS.

~~The Department may ban admission of into the home any resident with a specific diagnosis is banned when the Department has determined the provider lacks the skill to provide adequate care to such a resident.~~ A ban may be imposed for all prospective residents, both **state publicly** and **privately funded**, and will prevent the home from admitting ~~the kinds of~~ residents **with a specific diagnosis** for whom ~~#~~ **the provider** has shown an inability to provide adequate care **as described in Section 170 of these rules.** (4-11-06)()

912. ENFORCEMENT REMEDY OF SUMMARY SUSPENSION AND TRANSFER OF RESIDENT.

The Department may summarily suspend ~~a home's~~ **the provider's** certificate and transfer the resident when convinced by a preponderance of the evidence that the resident's health and safety are in immediate jeopardy. (4-11-06)()

913. ENFORCEMENT REMEDY OF REVOCATION OF CERTIFICATE.

01. Revocation of the Home's Certificate. The Department may institute a revocation action when persuaded by a preponderance of the evidence that the **home provider** is not in substantial compliance with ~~this chapter~~ **these rules.** (4-11-06)()

02. Causes for Revocation of the Certificate. The Department may revoke any certificate ~~to include~~ **for any of** the following causes: (4-11-06)()

a. The ~~certificate holder~~ **provider** has willfully misrepresented or omitted **any of the following:** ()

i. ~~#~~ **Information on the application or other documents pertinent to obtaining a certificate pertaining to his certification; or** (4-11-06)()

- ii.** Information obstructing an investigation. ()
- b.** The home is not in substantial compliance with these rules; (4-11-06)
- c.** When persuaded by a preponderance of the evidence that such conditions exist which endanger the health or safety of any resident; (4-11-06)
- d.** Any act adversely affecting the welfare of residents is being permitted, aided, performed, or abetted by the person or persons in charge of the home. Such acts may include, but are not limited to, neglect, physical abuse, mental abuse, emotional abuse, violation of civil rights, or exploitation; (4-11-06)
- e.** The provider has demonstrated or exhibited a lack of sound judgment essential to the operation and management of a certified family home; ~~(4-11-06)~~()
- f.** The provider has violated any of the conditions of a provisional certificate; (4-11-06)
- g.** The home provider has one (1) or more core issues. ~~A core issue is a deficiency that endangers the health, safety, or welfare of any resident;~~ (4-11-06)()
- h.** An accumulation of minor violations that, when taken as a whole, ~~would~~ constitute ~~a major deficiency~~ inadequate care; (4-11-06)()
- i.** Repeat violations of any requirement of these rules or of the Idaho Code; (4-11-06)
- j.** The home provider lacks the ability to properly care for the ~~type of residents residing at the home,~~ as required by these rules, or as directed by the Department; ~~(4-11-06)~~()
- k.** The home provider is not in substantial compliance with the provisions for services, resident rights, or admissions; ~~(4-11-06)~~()
- l.** ~~Certificate holder~~ The provider refuses to allow the certifying agent or other representative of the Department or ~~P~~rotection and ~~A~~dvocacy agencies full access to the home environment, home records, or the residents; ~~(3-21-12)~~()
- ~~**m.** Any condition exists in the home which endangers the health or safety of any resident; or (3-21-12)~~
- ~~**m.** The provider fails to pay the certification fee as specified in Subsection 109.02 of these rules. The certification fee is considered delinquent if not paid within thirty (30) days of due date on the invoice. (3-21-12)()~~

914. (RESERVED)

915. TRANSFER OF RESIDENT.

The Department may require transfer of a resident from a certified family home to an alternative placement on the following grounds: ~~(4-11-06)~~()

- 01. Violation of Rules.** As a result of a violation of a provision of these rules or standards, the home provider is unable or unwilling to provide an adequate level of meals, lodging, personal assistance, or supervision of a resident. ~~(4-11-06)~~()
- 02. Violation of Resident's Rights.** A violation of a resident's rights provided in Section 39-3516, Idaho Code, or Section 200 of these rules. (4-11-06)
- 03. Immediate Jeopardy.** A violation of a provision of ~~this chapter~~ these rules, or applicable rules or standards, results in conditions that present an immediate jeopardy. (4-11-06)

916. -- 949. (RESERVED)

950. RIGHT TO SELL.

Nothing contained in these rules limits the right of any home owner to sell, lease, mortgage, or close any certified family home in accordance with all applicable laws. ~~(4-11-06)~~()

951. -- 999. (RESERVED)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
16.04.17 – RULES GOVERNING RESIDENTIAL HABILITATION AGENCIES
DOCKET NO. 16-0417-1701 (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 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2018, 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 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 39-4605, 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:

This chapter of rules is being repealed under this docket and completely rewritten under companion Docket No. 16-0417-1702.

The companion docket 16-0417-1702, details the Residential Habilitation rules being completely rewritten to meet current best practices for residential habilitation agencies operating in Idaho and to update and revise the certification requirements for these agencies. The rules have not been updated for several years and amending these requirements for certification and removing obsolete language will make them more user-friendly.

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 2, 2017, Idaho Administrative Bulletin, [Vol. 17-8, pages 42 and 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:

There is no anticipated fiscal impact to the state general fund or any other funds related to this rulemaking. These changes are intended to be cost-neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Eric Brown at (208) 334-0649.

DATED this 16th day of November, 2017.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
16.04.17 – RULES GOVERNING RESIDENTIAL HABILITATION AGENCIES
DOCKET NO. 16-0417-1702 (CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2018, 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 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 39-4605, 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:

This chapter of rules was completely rewritten to meet current best practices for residential habilitation agencies operating in Idaho and the certification requirements for these agencies were revised and updated. Amending these requirements for certification and removing obsolete language will make these rules more user-friendly.

The current Residential Habilitation chapter is being repealed under companion Docket No. 16-0417-1701 to make way for this rewrite.

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 August 2, 2017, Idaho Administrative Bulletin, **Vol. 17-8, pages 44 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 to the state general fund or any other funds related to this rulemaking. These changes are intended to be cost-neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Eric Brown at (208) 334-0649.

DATED this 16th day of November, 2017.

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

DOCKET NO. 16-0417-1702 - 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 17-8, August 2, 2017, pages 44 through 69.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 16-0417-1702

(This Chapter is Being Reprinted in its Entirety.)

IDAPA 16
TITLE 04
CHAPTER 17

16.04.17 – RULES GOVERNING RESIDENTIAL HABILITATION AGENCIES

000. LEGAL AUTHORITY.

The Idaho Board of Health and Welfare is authorized under the Developmental Disabilities Services and Facilities Act, Sections 39-4601 et seq., Idaho Code, and under Section 56-1003, Idaho Code, to adopt and enforce rules, standards, and certification criteria for Residential Habilitation Agencies and provide for the delivery of appropriate services of habilitation and rehabilitation to the eligible population. ()

001. TITLE AND SCOPE.

01. Title. The title of these rules is IDAPA 16.04.17, “Rules Governing Residential Habilitation Agencies.” ()

02. Scope. These rules govern: ()

a. The certification of residential habilitation agencies; and ()

b. Establish standards and minimum requirements for agencies that provide *residential habilitation* services. The provisions are intended to regulate agencies so that services to participants will optimize participant opportunities for independence and self-determination while assuring adequate supports, services, participant satisfaction, and health and safety. Residential habilitation agencies will provide individualized services and supports encouraging participant choice, providing the greatest degree of independence possible, enhancing the quality of life, and maintaining community integration and participation. Services provided by such agencies are intended to be person-centered and participant-driven, and based on a person-centered plan to meet each participant’s needs for self-

sufficiency, medical care, and personal development with goals that safely encourage each participant to become a productive member of the community in which he lives. Access to these services must be authorized in accordance to the procedures of the paying entity. ()

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for these rules. ()

003. ADMINISTRATIVE APPEALS.

Contested case hearings are governed according to the provisions of IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." ()

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into this chapter of rules. ()

005. OFFICE HOURS – MAILING ADDRESS – STREET ADDRESS – TELEPHONE – 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. ()

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. ()

03. Street Address. The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. ()

04. Telephone. The telephone number for of the Idaho Department of Health and Welfare is (208) 334-5500. ()

05. Internet Website. The Department's internet website is <http://www.healthandwelfare.idaho.gov/>. ()

06. Division of Licensing and Certification. The Department's Division of Licensing and Certification Unit is located at 3232 Elder Street, Boise, ID 83705; Phone: (208) 334-6626. ()

07. Division Webpage. The Division of Licensing and Certification's website is <http://www.healthandwelfare.idaho.gov/Medical/LicensingCertification>. ()

006. PUBLIC RECORDS ACT COMPLIANCE AND REQUESTS.

Any disclosure of information obtained by the Department is subject to the restrictions contained in Idaho Department of Health and Welfare Rules, IDAPA 16.05.01, "Use and Disclosure of Department Records." ()

007. -- 008. (RESERVED)

009. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.

01. Verification of Compliance. The agency must verify that all employees and subcontractors delivering residential habilitation agency services have complied with IDAPA 16.05.06, "Criminal History and Background Checks." ()

02. Requirement to Report Additional Criminal Convictions, Pending Investigations, or Pending Charges. Once an employee or subcontractor delivering residential habilitation agency services has received a criminal history clearance, any additional criminal convictions, pending investigations, or pending charges must be reported to the Department or its designee *by the close of the next business day* when the agency learns of the convictions, investigations, or charges. ()

010. DEFINITIONS -- A THROUGH N.

For the purposes of these rules the following terms are used as defined below: ()

- 01. Abuse.** The non-accidental act of sexual, physical, verbal, or mental mistreatment, or injury of a resident through the action or inaction of another individual. ()
- 02. Administrator.** The individual who has primary responsibility for the direction and control of an agency. ()
- 03. Advocate.** An authorized or designated representative of a program or organization operating under federal or state mandate to represent the interests of a person with developmental disabilities. A participant may act as his own advocate. ()
- 04. Agency.** Any business entity that directly provides residential habilitation services. ()
- 05. Board.** The Idaho Board of Health and Welfare. ()
- 06. Certificate.** A permit to operate a residential habilitation agency. ()
- 07. Complaint.** A formal expression of dissatisfaction, discontent, or unhappiness by or on behalf of a participant concerning the services provided by the agency. This expression can be oral, in writing, or by alternative means of communication. ()
- 08. Complaint Investigation.** An investigation of an agency to determine the validity of allegations of non-compliance with applicable state rules. ()
- 09. Deficiency.** A determination of non-compliance with a specific rule, or part of a rule. ()
- 10. Department.** The Idaho Department of Health and Welfare, or a person authorized to act on behalf of the Department. ()
- 11. Direct Service Staff.** Any individual employed by the agency that provides direct services and supports to the participant. ()
- 12. Director.** Director of the Idaho Department of Health and Welfare, or his designee. ()
- 13. Exploitation.** An action that may include, but is not limited to, the unjust or improper use of a vulnerable participant's financial power of attorney, funds, property, or resources by another person for profit or advantage. ()
- 14. Functional Assessment.** An evaluation of the participant's strengths, needs, and interests that guides the development of program plans or plan of care. ()
- 15. Governing Authority.** The designated person or persons (i.e., board) who assume full responsibility for the conduct and operations of the residential habilitation services agency. ()
- 16. Guardian.** A legally-appointed person who has decision-making responsibility for the care or property of another, under *Section 15-5-301, et seq., Idaho Code, or* Section 66-404, Idaho Code. ()
- 17. Habilitation services.** Service aimed at assisting the individual to acquire, retain, or improve his ability to reside as independently as possible in the community or maintain family unity. Habilitation services include training in one (1) or more of the following areas: self-direction, money management, daily living skills, socialization, mobility, and behavior-shaping and management. ()
- 18. Immediate Jeopardy.** A situation in which the provider's non-compliance with one (1) or more requirements in this chapter of rules has caused, or is likely to cause, serious injury, harm, impairment, or death to a participant. ()
- 19. Inadequate Care.** The failure to provide the services required to meet the terms of the plan of service. ()

011. DEFINITIONS -- M THROUGH Z.

For the purposes of these rules the following terms are used as defined below: ()

01. Measurable Objective. A statement that specifically describes the skill to be acquired or the service or support to be provided, includes quantifiable criteria for determining progress towards and attainment of the service, support or skill, and identifies a projected date of attainment. ()

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

03. Neglect. The failure to provide food, clothing, shelter, or medical care reasonably necessary to sustain the life and health of a vulnerable adult. ()

04. Owner. Any person or entity, having legal ownership of the agency as an operating business, regardless of who owns the real property. ()

05. Participant. An adult who is receiving residential habilitation services. ()

06. Physical Restraint. Any manual method that restricts the free movement of, normal functioning of, or normal access to, a portion or portions of an individual's body. Excluded are physical guidance and prompting techniques of brief duration *utilized to assist a participant with completing a desired action for himself.* ()

07. Physician. Any person licensed as required by Title 54, Chapter 18, Idaho Code. ()

08. Plan of Service. An initial or annual plan that identifies all services and supports based on a planning process. Plans are authorized annually. ()

09. Program Plan. The participant's plan that details how the participant's individualized goals will be addressed. ()

10. Progress Note. A written notation, recording participant response to program objective, date, time, duration, and type of service signed and dated by the staff that provided services. ()

11. PRN (Pro Re Nata) Medication. A medication that is given "as needed" or "as the circumstances warrant" to treat a symptom of a medical or psychiatric condition that has a periodic, episodic, or breakthrough presentation. The assistance with PRN medications must be *provided* as outlined in IDAPA 23.01.01.490, "Rules for the Idaho Board of Nursing-Unlicensed Assistive personnel (UAP)." ()

12. Provisional Certificate. A certificate issued by the Department to a residential habilitation agency with deficiencies that do not adversely affect the health or safety of participants. A provisional certificate is issued contingent upon the correction of deficiencies in accordance with an agreed-upon plan. A provisional certificate is issued for a specific period of time, up to, but not to exceed, six (6) months. ()

13. Quarterly. For the purpose of these rules, quarterly is defined as every three (3) months. ()

14. Residential Habilitation. Services consisting of an integrated array of individually tailored services and supports furnished to an eligible participant that are designed to assist him to reside successfully in his own home, with his family, or alternate family home. Residential habilitation includes habilitation services, personal care services, and skill training. Individuals who provide residential habilitation services must be employed by a residential habilitation agency. ()

15. Residential Habilitation Professional. An individual who has at least one (1) year of experience working directly with individuals with intellectual disabilities or developmental disabilities, and meets the requirements in 42 CFR 483.430 (a). ()

16. Self-Neglect. The failure of a vulnerable adult to provide food, clothing, shelter, or medical care reasonably necessary to sustain the life and health for himself. ()

17. Services. Paid services authorized on the plan of service that enable the individual to reside safely and effectively in his own home. ()

18. Skill Training. To train direct service staff to teach the participant how to perform activities with greater independence and to carry out or reinforce habilitation training. Services are focused on training and are not designed to provide substitute task performance. Skills training is provided to encourage and accelerate development in independent daily living skills, self-direction, money management, socialization, mobility, and other therapeutic programs. ()

19. Substantial Compliance. An agency is in substantial compliance with these rules when none of the following issues have been cited against the agency: ()

a. Abuse; ()

b. Neglect; ()

c. Exploitation; ()

d. Inadequate care; ()

e. A situation in which the agency has operated more than thirty (30) days without an administrator or a residential habilitation professional; or ()

f. Surveyors denied access to records, participants, or agency premises. ()

20. Supervision. Initial and ongoing oversight of service and support elements by the residential habilitation professional or designee. The designee will report directly to the residential habilitation professional. ()

21. Survey. A review conducted by a surveyor to determine an agency's compliance with statutes and rules. ()

22. Surveyor. A person authorized by the Department to conduct surveys or complaint investigations to determine compliance with statutes and rules. ()

012. -- 099. (RESERVED)

100. TYPES OF CERTIFICATES ISSUED.

The Department issues certificates that are in effect for a period of no longer than three (3) years. The types of certificates issued are as follow: ()

01. Initial Certificate. When the Department determines that all application requirements have been met, an initial certificate is issued for a period of up to six (6) months from the initiation of services. The Department will survey the agency prior to the certificate expiration date to ensure the agency's ongoing capability to provide services and is in substantial compliance with these rules. When the agency is determined to be in substantial compliance, a one (1) year certificate will be granted. ()

02. One-Year Certificate. A one (1) year certificate is issued by the Department when it determines the agency is in substantial compliance with these rules, following an initial or provisional certificate, or when there may be areas of deficient practice which would impact the agency's ability to provide adequate care. An agency is prohibited from receiving consecutive one (1) year certificates. ()

03. Three-Year Certificate. A three (3) year certificate is issued by the Department when it determines the agency requesting certification is in substantial compliance with these rules. ()

04. Provisional Certificate. When an agency is found to be out of substantial compliance with these rules, but does not have deficiencies that jeopardize the health or safety of participants, a provisional certificate may

be issued by the Department for up to a six (6) month period. A provisional certificate is issued contingent upon the correction of deficiencies in accordance to a plan developed by the agency and approved by the Department. Before the end of the provisional certification period, the Department will determine whether areas of concern have been corrected and whether the agency is in substantial compliance with these rules. If the Department determines the agency is in compliance, a one (1) year certificate will be issued. If the agency is determined to be out of compliance, the certificate will be revoked. ()

101. CERTIFICATION – GENERAL REQUIREMENTS FOR AGENCIES.

01. Certificate Required. ()

a. No agency may provide services within this state until the Department has approved the application for certification and issued the agency a certificate. No agency may provide services within this state without a current certificate. ()

b. The Department is not required to consider the application of any operator, administrator, or owner of an agency whose license or certification has been revoked until five (5) years have lapsed from the date of revocation. ()

02. Application. An application for a certificate must be made to the Department on forms provided by the Department at: www.ddacertification.dhw.idaho.gov. The application must contain the following to be considered complete: ()

a. Application form that contains the name, address, and telephone number of the agency, type of services to be provided, the geographic service area of the agencies, and the anticipated date for the initiation of services; ()

b. An accurate and complete statement of all business names of the agency as filed with the Secretary of State, whether an assumed business name, partnership, corporation, limited liability company, or other entity, that identifies each owner of the agency, and the management structure of the agency; ()

c. A statement that the agency will comply with these rules and all other applicable local, state, and federal requirements, including an assurance that the agency complies with pertinent state and federal requirements governing equal opportunity and nondiscrimination; ()

d. A copy of the proposed organizational chart or plan for staffing of the agency; ()

e. Staff qualifications including resumes, job descriptions, verification of satisfactory completion of criminal history checks in accordance with IDAPA 16.05.06, “Criminal History and Background Checks,” and copies of state licenses and certificates for staff, when applicable; ()

f. Written policies and procedures for the development and implementation of staff training to meet the requirements of Section 204 of these rules. ()

g. Staff and participant illness policy, communicable disease policy, and other health-related policies and procedures required in Section 300 of these rules; ()

h. Written policies and procedures that address special medical or health care needs of participants required in Section 300 of these rules; ()

i. Written transportation safety policies and procedures required in Section 300 of these rules; ()

j. Written participant grievance policies and procedures to meet requirements in Section 300 of these rules; ()

k. Written medication policies and procedures to address medication standards and requirements to meet requirements in Section 302 of these rules; ()

l. Written policies and procedures that address the development of participants' social skills and the management of participants' maladaptive behavior to meet requirements in Section 303 of these rules; ()

m. Written termination policies and procedures in accordance with Section 400 of these rules; ()

n. Written policies and procedures for reporting incidents to the adult protection authority and to the Department to meet requirements in Section 404 of these rules; ()

o. Written description of the program records system including a completed sample of a program plan, and a monitoring record; ()

p. Written description of the fiscal record system including a sample of program billing; ()

q. Written description of the agency's quality assurance program developed to meet requirements in Section 405 of these rules; ()

r. Any other policies, procedures, or requirements as outlined in these rules; and ()

s. All referenced forms. ()

03. Applications Must Be Complete. Incomplete applications will not be considered and will be returned to the applicant. An applicant may submit an application up to three (3) times within a three hundred sixty-five (365) day period starting on the date of the first submission. If the application is incomplete upon a third submission, the application will be denied. The applicant may not resubmit an application for six (6) months from the date of the denial notice. ()

04. Conformity. Applicants for certification and certified residential habilitation agencies must conform to all applicable rules of the Department. ()

05. Inspection of Residential Habilitation Records. The agency and all records required under these rules must be accessible at any reasonable time to authorized representatives of the Department for the purpose of inspection with or without prior notice. Refusal to allow such access may result in revocation of the agency's certificate. ()

102. DENIAL OF AN APPLICATION.
The Department may deny any application. ()

01. Causes for Denial. Causes for denial of an application may include: ()

a. The application does not meet all rule requirements; or ()

b. The agency does not meet requirements for certification to the extent that it hinders its ability to provide quality services that comply with the rules for residential habilitation agencies; or ()

c. The application is incomplete; or ()

d. The applicant, owner, operator, or provider has willfully misrepresented or omitted information on the application or other documents pertinent to obtaining a certificate; ()

e. The applicant, owner, operator, or provider has been denied or has had revoked any license or certificate for a health facility, residential care or assisted living facility, certified family home, or residential habilitation agency; or ()

f. The applicant, owner, operator, or provider has been convicted of operating a health facility, residential care or assisted living facility, certified family home, or residential habilitation agency without a license or certificate; or ()

g. A court has ordered that the applicant, owner, operator, or provider must not operate a health facility, residential care or assisted living facility, certified family home, or residential habilitation agency. ()

h. The Department will not review an application of an applicant who has an action, either current or in process, against a certificate held by the applicant either in Idaho or any other state or jurisdiction. ()

02. Before Denial is Final. Before denial is final, the Department will advise the individual or provider in writing of the denial and his right and method to appeal. Contested case hearings, including denial and revocation, must be conducted under IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." ()

103. RENEWAL AND EXPIRATION OF CERTIFICATE.

An agency must request, through a Department-approved process, renewal of its certificate no less than ninety (90) days before the expiration date of the certificate, to ensure there is no lapse in certification. ()

01. Renewal of Certificate. A certificate may be renewed by the Department when it determines the agency requesting recertification is in substantial compliance with the provisions of this chapter of rules. A certificate issued on the basis of substantial compliance is contingent upon the correction of deficiencies in accordance with a plan developed by the agency and approved by the Department. ()

02. Expiration of Certificate Without Timely Request for Renewal. Expiration of a certificate without a timely request for renewal automatically rescinds the agency's certification to deliver services under these rules. ()

03. Availability of Certificate. The certificate must be available upon request by the Department, a participant, his guardian, and members of the public. ()

104. CERTIFICATE NOT TRANSFERABLE.

The certificate is issued only to the agency named in the application, only for the period specified, only for the location indicated in the application, and only to the owners or operators as expressed on the application submitted to the Department. The certificate may not be transferred or assigned to any other person or entity. The certificate is nontransferable from one (1) location to another. ()

105. RETURN OF CERTIFICATE.

The certificate is the property of the state and must be returned to the state if it is revoked or suspended or voluntarily closed. ()

106. CHANGE OF OWNERSHIP, ADMINISTRATOR, OR LOCATION.

01. Notification to Department. When a change of ownership, or locations is contemplated, the agency must be recertified and implement the same procedure as an agency that has never been certified. When a change of a certified agency's ownership, administrator, or address is contemplated, the owner or designee must notify the Division of Licensing and Certification in writing through the Department-approved process. ()

02. New Application Required. In the instance of a change of ownership or lessee the new owner must submit a new application to the Department at least sixty (60) days prior to the proposed date of change. The new application must be submitted to the Division of Licensing and Certification through the Department-approved process and must contain the required information under Section 101.02 of these rules. ()

107. -- 199. (RESERVED)

200. AGENCY GOVERNING AUTHORITY.

Each agency must be organized and administered under one governing (1) authority. The governing authority may be a named individual or a number of individuals that will assume full legal responsibility for the overall conduct of the agency. ()

01. Structure. The agency must document an organizational chart that identifies the individuals acting as its governing authority, the administrator, the residential habilitation professional, and all other agency employees with administrative responsibilities. This organizational chart must be provided at the time of the application, updated at least annually or upon significant change to the agency's organizational structure, and available to the Department upon request. ()

02. Responsibilities. The governing authority must assume responsibility for: ()

a. Adopting appropriate organizational bylaws and policies and procedures; ()

b. Appointing an administrator qualified to carry out the agency's overall responsibilities in relation to written policies and procedures and applicable state and federal laws. The administrator must participate in deliberation of policy decisions concerning all services; ()

c. Ensuring the agency administrator fulfills the duties and obligations outlined in Section 201 of these rules. Any failure on part of the Administrator is the ultimate responsibility of the agency and its governing body. ()

d. Conducting and documenting that it performed an annual review of the agency for compliance with these rules; ()

e. Developing and implementing written administrative policies and procedures that comply with applicable state and federal rules; and ()

f. Developing and implementing policies and procedures in accordance with these rules. All policies and procedures must be reviewed at least annually and revised as necessary. ()

201. AGENCY ADMINISTRATOR.

An administrator for an agency is accountable for the overall operations of the agency including ensuring compliance with these rules, overseeing and managing staff, and administering the agency's policies and procedures, and quality assurance program. ()

01. Administrator Qualifications. Each agency must employ a designated administrator who: ()

a. Is at least twenty-one (21) years of age; ()

b. Has satisfactorily completed a criminal history check in accordance with IDAPA 16.05.06, "Criminal History and Background Checks"; and ()

c. Has a minimum of three (3) years of experience in service delivery with the population served with at least one (1) year having been in an administrative role. ()

02. Absences. The administrator must designate, in writing, a qualified employee to perform the functions of the administrator to act in his absence. This document must be available upon request. ()

03. Responsibilities. The administrator must: ()

a. Document and review the overall program and general participant needs on at least a quarterly basis, or more often as necessary, to plan and implement appropriate strategies for meeting those needs; ()

b. Make all records available to the Department for review or audit; ()

c. Implement all policies addressing safety measures for the protection of participants and staff as mandated by state and federal rules; ()

d. Ensure agency personnel, including those providing services, practice within the scope of their certificate or license; ()

- e. Conduct satisfaction surveys at least annually with each participant or guardian, as applicable. ()
- f. Assure training, support services, and equipment for agency staff are provided to carry out assigned responsibilities; ()
- g. Schedule coverage to assure compliance with the Plan of Service and Program Plans. Work schedules reflecting the daily adjustments of employees must be maintained to show the personnel on duty for the scheduled shift. The agency must specify provisions and procedures to assure back-up coverage for those work schedules; and ()
- h. Coordinate with other service providers to assure continuity of the delivery of residential habilitation services in the plan of service. ()

202. QUALIFICATIONS AND RESPONSIBILITIES OF A RESIDENTIAL HABILITATION PROFESSIONAL.

01. Education and Experience. To be qualified as a residential habilitation professional, a person must: ()

- a. Have at least one (1) year of experience professionally supervised with the population served; and ()
- b. Meet the qualifications of a Qualified Intellectual Disabilities Professional (QIDP) as described in 42 CFR 483.430(a). ()
- c. Experience writing and implementing behavior and skill training program plans; or ()
 - i. The agency must provide documentation the employee received such training from an experienced residential habilitation professional; and ()
 - ii. Demonstrate the ability to write and implement behavior and skill training program plans. ()

02. Criminal History and Background Check. A residential habilitation professional must have satisfactorily completed a criminal history check in accordance with IDAPA 16.05.06, "Criminal History and Background Checks." ()

03. First Aid and CPR Certification. A residential habilitation professional must be certified in first aid and Cardio-Pulmonary Resuscitation (CPR) appropriate for the age of participants he serves prior to providing direct service to participants and maintain current certification thereafter. ()

04. Responsibilities of a Residential Habilitation Professional. A residential habilitation professional must be employed by the agency on a continuous and regularly scheduled basis. A residential habilitation professional must perform the following: ()

- a. Provide all skill training to agency direct service staff necessary to fulfill each participant's plan of service; ()
- b. Complete or obtain an age appropriate functional assessment for participants served within thirty (30) days of initiation of the service; ()
- c. Develop participant program plans according to the current authorized plan of service for each participant; and ()
- d. Supervise habilitation services of the agency at least quarterly or more often as necessary to include: ()
 - i. The review of direct services performed by direct service staff to ensure that staff are implementing

the programs as written and demonstrate the necessary skills to correctly provide the services; and ()

ii. Monitoring participant progress and documenting changes when necessary to ensure revisions are made for progress, regression, or inability to maintain independence. ()

05. Direct Service Qualifications. If a residential habilitation professional is providing any type of direct service, he must meet the qualifications of direct service staff as defined in Section 203 of these rules. ()

203. DIRECT SERVICE STAFF.

Each direct service staff person for an agency must meet all of the following minimum qualifications: ()

01. Age. Be at least eighteen (18) years of age. ()

02. Education. Be a high school graduate, or have a GED or demonstrate the ability to provide services according to a plan of service. ()

03. First Aid and CPR Certification. Be certified in first aid and Cardio-Pulmonary Resuscitation (CPR) appropriate for the age of participants he serves prior to providing direct care or services to participants and maintain current certification thereafter. ()

04. Health. Have signed a statement maintained by the agency that he is free from communicable disease, understands universal precautions, and follows agency policies and procedures regarding communicable disease. ()

05. "Assistance with Medications" Course. Each staff person assisting with participant medications must successfully have completed and follow the "Assistance with Medications" course available through the Idaho Division of Career-Technical Education, or other Department-approved training. A copy of the certificate or other verification of successful completion must be maintained by the agency in the employee record. ()

06. Criminal History Check. Have satisfactorily completed a criminal history check in accordance with IDAPA 16.05.06, "Criminal History and Background Checks." ()

07. Documentation of Job Description. Have signed and received a copy of his job description from the agency stating that the requirements of his position have been explained. ()

08. Documentation of Training Requirements. Have documentation maintained by the agency showing he has met all training requirements as outlined in Section 204 of these rules. ()

204. DIRECT SERVICE STAFF TRAINING.

Each agency must ensure that all staff who provide direct services have completed training in accordance with these rules. ()

01. Training Documentation. ()

a. Training documentation must include the following: ()

i. Direct service staff receiving the training; ()

ii. Individual conducting the training; ()

iii. Name of the participant; ()

iv. Description of the content trained; and ()

v. Date and duration of the training. ()

b. Documentation of training must be available for review by the Department, and retained in each ()

employee's record. ()

02. Orientation Training. Orientation training must be completed prior to working with participants. The orientation training must include: ()

- a. Purpose and philosophy of services; ()
- b. Policies and procedures; ()
- c. Proper conduct in working with participants; ()
- d. Handling of confidential and emergency situations that involve the participant; ()
- e. Participant rights to include personal, civil, and human rights; ()
- f. Universal Precautions; ()
- g. Body mechanics and lifting techniques; ()
- h. Housekeeping techniques; ()
- i. Maintenance of a clean, safe, and healthy environment; and ()
- j. Skills training specific to the needs of each participant served must be provided by a residential habilitation professional and include the following: ()
 - i. Instructional techniques including correct and consistent implementation of the participant's program plan or plan of care; ()
 - ii. Managing behaviors including techniques and strategies for teaching adaptive behaviors; and ()
 - iii. Accurate record keeping procedures. ()

03. Ongoing Training. The residential habilitation professional must provide and document ongoing training of direct service staff when changes are made to the participant's plan of service and corresponding program plans. Additionally, the agency will be responsible for providing on-going training to direct service staff when there are changes to the participant's physical, medical, and behavioral status. ()

205. -- 299. (RESERVED)

300. AGENCY POLICIES AND PROCEDURES.

A policy and procedure manual must be developed by the agency to effectively implement its objectives. It must be approved by the governing authority. The manual must, at a minimum, include policies and procedures reflecting the following: ()

01. Scope of Services and Area Served. The agency must define the scope of services offered and the geographic area served by the agency. ()

02. Acceptance Standards. The agency must develop and implement written policies and procedures that specify the agency will only accept and retain participants for whom the agency is adequately equipped to provide appropriate services according to the participant's plan of care. The agency will not accept or retain participants when the agency does not have the personnel appropriate in number and with appropriate knowledge and skill to provide the services needed by each participant according to each participant's plan of care. ()

03. Participant Records. Each agency must develop and implement written policies and procedures that describe the content, maintenance, and storage of participant records. Each agency must maintain accurate,

current, and complete participant records. These records must be maintained for at least five (5) years following the participant's termination of services, or to the extent required by other federal or state requirements. Each agency must have a participant records system to include past and current information and to safeguard participant confidentiality under these rules. ()

04. Required Services. Each agency must develop and implement written policies and procedures that describe how the agency will assess and provide residential habilitation services. Residential habilitation services consist of an integrated array of individually tailored services and supports. These services and supports are designed to assist the participants to reside in their own homes. Residential habilitation includes habilitation services aimed at assisting the individual to acquire, retain, or improve his ability to reside as independently as possible in the community or maintain family unity, and include training in one (1) or more of the following areas: ()

a. Self-direction, including the identification of and response to dangerous or threatening situations, making decisions and choices affecting the individual's life, and initiating changes in living arrangements or life activities; ()

b. Money management, including training or assistance in handling personal finances, making purchases, and meeting personal financial obligations; ()

c. Daily living skills, including training in accomplishing routine housekeeping tasks, meal preparation, dressing, personal hygiene, self-administration of medications, and other areas of daily living including proper use of adaptive and assistive devices, appliances, home safety, first aid, and emergency procedures; ()

d. Socialization, including training or assistance in participation in general community activities and establishing relationships with peers with an emphasis on connecting the participant to his community. ()

i. Socialization training associated with participation in community activities includes assisting the participant to identify activities of interest, working out arrangements to participate in such activities, and identifying specific training activities necessary to assist the participant to continue to participate in such activities on an on-going basis. ()

ii. Socialization training does not include participation in non-therapeutic activities that are merely diversional or recreational in nature; ()

e. Mobility, including training or assistance aimed at enhancing movement within the person's living arrangement, mastering the use of adaptive aids and equipment, accessing and using public transportation, independent travel, or movement within the community; ()

f. Behavior shaping and management includes training and assistance in appropriate expressions of emotions or desires, assertiveness, acquisition of socially appropriate behaviors; or extension of therapeutic services, which consist of reinforcing physical, occupational, speech and other therapeutic programs. ()

g. Personal Assistance Services necessary to assist the individual in daily living activities, household tasks, and such other routine activities as the participant or the participant's primary caregiver(s) are unable to accomplish on his own behalf. ()

h. Skills training conducted by direct service staff to teach the participant how to perform activities with greater independence and to carry out or reinforce habilitation training. Services are focused on training and are not designed to provide substitute task performance. Skills training is provided to encourage and accelerate development in independent daily living skills, self-direction, money management, socialization, mobility, and other therapeutic programs. ()

05. Participant Safety. Each *residential habilitation* agency must develop and implement a policy and procedure for assessing *each individual* participant's safety. *The assessment must include* environmental and structural risks *to the participant served and how those risks will be reduced or eliminated.* ()

06. Disaster/Emergency Care. Each agency must develop and implement emergency planning and

care policies and procedures that include situational and environmental emergencies. The policy and procedure must include an emergency preparedness plan to follow in the event of an emergency. ()

07. Administrative Records. Each agency must maintain all administrative records, including all written policies and procedures, for at least five (5) years or to the extent necessary to meet any other federal or state requirements. Administrative records must include, at a minimum: ()

- a. Administrative structure must include an organizational chart; ()
- b. Legal authority must be identified in organizational bylaws and other documentation of legal authority of ownership; ()
- c. Fiscal records must verify service delivery prior to request for payment. ()

08. Personnel. Each agency must develop and implement written personnel policies and procedures. The agency is responsible for the recruitment, hiring, training, supervision, scheduling, and payroll for its employees. Written personnel policies that describe the employee's rights, responsibilities, and agency's expectations must be on file and provided to employees. The record must contain documentation supporting staff qualifications. A record for each employee must be maintained from date of hire for not less than five (5) year(s) after the employee is no longer employed by the agency or as necessary to meet other requirements. ()

09. Participant Rights. Each agency must develop and implement written policies that include a clear definition of personal, civil, and human rights. Upon initiation of services, the agency must provide each participant *and* guardian, *if* applicable, with written and verbal information outlining participant rights. This information must be in easily understood terms. The policy and procedure must include the following rights: ()

- a. Humane care and treatment; ()
- b. Not be put in isolation; ()
- c. Be free of restraints, unless necessary for the safety of that person or for the safety of others;()
- d. Be free of mental and physical abuse; ()
- e. Voice grievances and recommend changes in policies or services being offered; ()
- f. Have the opportunity to participate in social, religious, and community activities of his choice; ()
- g. Wear his own clothing and retain and use personal possessions; ()
- h. Be informed of his habilitative condition, services available at the agency; ()
- i. Reasonable access to all records concerning himself; ()
- j. *Choose or* refuse services; ()
- k. Exercise all civil rights, unless limited by prior court order; ()
- l. Privacy and confidentiality; ()
- m. Receive courteous treatment; ()
- n. Receive a response from the agency to any request made within (14) business days; ()
- o. Receive services that enhance the participant's personal competencies and, whenever possible, promote inclusion in the community; ()

- p.** Refuse to perform services for the agency. If the participant is hired to perform services for the agency, the wage paid must be consistent with state and federal law; ()
- q.** Review the results of the most recent survey conducted by the Department and the accompanying plan of correction; ()
- r.** All other rights established by law; ()
- s.** Be protected from harm; ()
- t.** *Choose one's roommate;* ()
- u.** *Reside in the environment or setting that is least restrictive of personal liberties in which appropriate treatment can be provided;* ()
- v.** *Communicate by sealed mail, telephone, or otherwise with persons inside or outside of their residence, to have access to reasonable amounts of letter writing material and postage and to have access to private areas to make telephone calls and receive visitors;* ()
- w.** *Receive visitors at all reasonable times and to associate freely with persons of his own choice;* ()
- x.** *Keep and be allowed to spend a reasonable sum of his own money for personal expenses and small purchases, and have access to individual storage space for his or her own use; and* ()
- y.** *Unless limited to prior court order, exercise all civil rights, including the right to dispose of property, execute instruments, make purchases, enter into contractual arrangements, and vote.* ()
- 10. Health.** Each agency must develop and implement written policies and procedures that: ()
- a.** Define how the agency will train each direct service staff on procedures to follow for communicable diseases or infected skin lesions; ()
- b.** Describe how the agency will protect participants from exposure to individuals exhibiting symptoms of illness; ()
- c.** Address any special medical or health care needs specific to each participant; and ()
- d.** Implement medication standards and requirements in accordance with Section 302 of these rules. ()
- 11. Transportation.** Each agency must develop and implement transportation policies that include the following: ()
- a.** Preventative Maintenance Program. Establish a preventive maintenance program, including vehicle inspections and other regular maintenance, for all agency-owned vehicles used to transport participants to ensure participant safety. ()
- b.** Transportation Safety Policy. Develop and implement a written transportation safety policy. *The policy must include procedures for ensuring adequate staffing of participants who require additional supervision during transportation to ensure safety of all vehicle occupants.* ()
- c.** Licenses and Certifications for Drivers and Vehicles. Obtain and maintain licenses and certifications for drivers and vehicles required by public transportation laws, regulations, and ordinances that apply to the agency to conduct business and to operate the types of vehicles used to transport participants. Agencies must maintain documentation of appropriate licensure for all employees who operate vehicles. ()

d. Applicable Laws, Rules, and Regulations. Adhere to all laws, rules, and regulations applicable to drivers and vehicles of the type used. ()

e. Liability Insurance. Continuously maintain liability insurance that covers all passengers and meets the minimum liability insurance requirements under Idaho law. If an agency employee transports participants in the employee's personal vehicle, the agency must ensure that adequate liability insurance coverage is carried to cover those circumstances. ()

12. **Quality Assurance.** Each agency must develop and implement policies and procedures that describe the Purpose of the Quality Assurance Program that, at minimum, address the components of Section 405 of these rules. ()

13. **Grievance.** Each agency must develop and implement policies and procedures that describe the agencies methodology for accepting and responding to grievances presented by participants or their guardians.()

301. PERSONNEL RECORDS.

The record for each employee must contain at least the following: ()

01. **Name, Current Address, and Phone Number of the Employee;** ()

02. **Social Security Number;** ()

03. **Education and Experience;** ()

04. **Other Qualifications.** If licensed in Idaho, the original license number and the date the current registration expires, or if certificated, a copy of the certificate; ()

05. **Date of Employment;** ()

06. **Job Description.** Documentation that the employee signed and received a copy of his job description stating that the requirements of his position have been explained to him; ()

07. **Date of Termination of Employment and Reason for Termination, If Applicable;** ()

08. **Documentation of the Employee's Initial Orientation and Required Training;** ()

09. **Evidence of Current Age-Appropriate CPR and First Aid Certifications;** ()

10. **Current Assistance With Medications Certification, If Applicable; and** ()

11. **Criminal History Check.** Verification of satisfactory completion of criminal history checks in accordance with IDAPA 16.05.06, "Criminal History and Background Checks." ()

302. AGENCY MEDICATION STANDARDS AND REQUIREMENTS.

The agency must develop and implement written policy and procedures describing the program's system for handling participant medications that is in compliance with the IDAPA 23.01.01, "Rules of the Board of Nursing." ()

01. **Medication Policy.** Each agency must develop written medication policies and procedures that outline in detail how the agency will ensure appropriate handling and safeguarding of medications. An agency that chooses to assist participants with medications to include PRN medications must also develop specific policies and procedures to ensure this assistance is safe and is delivered by qualified, fully-trained staff. Documentation of training must be maintained in the staff personnel record. ()

02. **Handling of Participant's Medication.** ()

a. The medication must be in the original pharmacy-dispensed container, or in an original over-the-counter container, or placed in a unit container by a licensed nurse and be appropriately labeled with the name of the

medication, dosage, time to be taken, route of administration, and any special instructions. Each medication must be packaged separately, unless in a Mediset, blister pack, or similar system. ()

b. Evidence of the written order for the medication from the physician or other practitioner of the healing arts must be maintained in the participant's record. Mesisets, blister pack, or similar system filled and labeled by a pharmacist or licensed nurse can serve as written evidence of the order. An original prescription bottle labeled by a pharmacist describing the order and instructions for use can also serve as written evidence of an order from the physician or other practitioner of the healing arts. ()

c. The agency is responsible to safeguard the participant's medications when assuming the responsibility for assisting with medications. ()

d. Medications that are expired or no longer used by the participant must not be retained by the agency or agency staff for longer than thirty (30) calendar days. ()

03. Self-Administration of Medication. When the participant is responsible for administering his own medication without assistance, a written approval stating that the participant is capable of self-administration must be obtained from the participant's primary physician or other practitioner of the healing arts. The participant's record must also include documentation that a physician or other practitioner of the healing arts, or a licensed nurse has evaluated the participant's ability to self-administer medication and has found that the participant: ()

a. Understands the purpose of the medication; ()

b. Knows the appropriate dosage and times to take the medication; ()

c. Understands expected effects, adverse reactions or side effects, and action to take in an emergency; and ()

d. Is able to take the medication without assistance. ()

04. Assistance with Medication. An agency may choose to assist participants with medications; however, only a licensed nurse or other licensed health professional may administer medications. Prior to unlicensed agency staff assisting participants with medication, the following conditions must be in place: ()

a. Each staff person assisting with participant medications must successfully complete and follow the "Assistance with Medications" course available through the Idaho Division of Career-Technical Education, or other Department-approved training; ()

b. The participant's health condition is stable; ()

c. The participant's health status does not require nursing assessment, as outlined in IDAPA 23.01.01, "Rules for the Idaho Board of Nursing," before receiving the medication or nursing assessment of the therapeutic or side effects after the medication is taken; ()

d. The medication is in the original pharmacy-dispensed container with proper label and directions, or in an original over-the-counter container, or the medication has been placed in a unit container by a licensed nurse. Proper measuring devices must be available for liquid medication that is poured from a pharmacy-dispensed container; ()

e. Written and oral instructions from a licensed physician or other practitioner of the healing arts, pharmacist, or nurse concerning the reason(s) for the medication, the dosage, expected effects, adverse reactions or side effects, and action to take in an emergency have been reviewed by the staff person; ()

f. Written instructions are in place that outline required documentation of assistance and who to call if any doses are not taken, overdoses occur, or actual or potential side effects are observed; ()

g. Procedures for disposal or destruction of medications must be documented and consistent with

procedures outlined in the “Assistance with Medications” course or local medication destruction programs. ()

05. Administration of Medications. Only a licensed nurse or another licensed health professional working within the scope of his license may administer medications. Administration of medications must comply with IDAPA 23.01.01, “Rules of the Idaho Board of Nursing.” ()

303. AGENCY POLICIES AND PROCEDURES REGARDING DEVELOPMENT OF SOCIAL SKILLS AND MANAGEMENT OF MALADAPTIVE BEHAVIOR.

Each agency must develop and implement written policies and procedures that address the development of participants’ social skills and management of maladaptive behavior. These policies and procedures must include statements that address: ()

01. Adaptive and Maladaptive Behavior. The agency must address possible underlying causes or function of a behavior and identify what the participant may be attempting to communicate by the behavior. ()

02. Behavior Intervention. Positive behavior interventions must be used prior to and in conjunction with, the implementation of any restrictive intervention. Interventions must address the following: ()

a. Social Skills Development. Focus on developing or increasing participants’ social skills. ()

b. Prevention Strategies. Ensure and document the use of positive approaches to increase social skills and decrease maladaptive behavior while using least restrictive alternatives and consistent, proactive responses to behaviors. ()

c. Behavior replacement. Ensure that programs to assist participants with managing maladaptive behavior include teaching of alternative adaptive skills to replace the maladaptive behavior. ()

d. Protected Rights. Ensure the safety, welfare, and human and civil rights of participants are adequately protected. ()

e. Objectives and Programs. Ensure that objectives and intervention techniques are developed or obtained and implemented to address self-injurious behavior, aggressive behavior, inappropriate sexual behavior, and any other behaviors that significantly interfere with participants’ independence or ability to participate in the community. Ensure that reinforcement selection is individualized and appropriate to the task and not contraindicated for medical reasons. ()

f. Participant Involvement. Ensure programs developed by the agency involve the participants, to the best of their ability, in developing the plan to increase social skills and to manage maladaptive behavior. ()

g. Written Informed Consent. Ensure programs developed by an agency to assist participants with managing maladaptive behaviors are conducted only with the written informed consent of the participant, or legal guardian, where applicable. When programs used by the agency are developed by another service provider the agency must obtain a copy of the informed consent. ()

h. Review and Approval. Programs developed by an agency to manage maladaptive behavior are implemented after the review and written approval of the residential habilitation professional. If the program contains restrictive or aversive components, an individual working within the scope of his license or certification must also review and approve, in writing, the program prior to implementation. When programs implemented by the agency are developed by another service provider, the agency must obtain a copy of these reviews and approvals. ()

03. Appropriate Use of Interventions. Employees of the agency must not use physical, verbal, sexual, or psychological abuse, or punishment. For the purposes of these rules, punishment is any procedure in which an adverse consequence is presented that is designed to produce a decrease in the rate, intensity, duration, or probability of the occurrence of a behavior; or, the administration of any noxious or unpleasant stimulus or deprivation of a participant’s rights or freedom for the purpose of reducing the rate, intensity, duration, or probability of a particular behavior. Employees of the agency must not withhold food or hydration that contributes to a nutritionally adequate diet. The agency must ensure that interventions used to manage participants’ maladaptive

- behavior are never used: ()
- a. For disciplinary purposes; ()
 - b. For the convenience of staff; ()
 - c. As a substitute for a needed training program; or ()
 - d. By untrained or unqualified staff. ()

04. Use of Restraint on Participants. No restraints, other than physical restraint in an emergency, must be used on participants prior to the use of positive behavior interventions. The following requirements apply to the use of *physical* restraint on participants: ()

- a. Physical restraint. ()
 - i. Physical restraint may be used in an isolated emergency to prevent injury to the participant or others and must be documented and reviewed in the participant’s record by the direct service staff and the residential habilitation professional. *Documentation must include a debrief with the participant and staff involved focusing on strategies to avoid the occurrence of future physical restraints.* ()
 - ii. Physical restraint may be used in a non-emergency setting when a written behavior change plan is developed by the participant *and* his guardian, if applicable, his team, and a qualified residential habilitation professional. Informed participant consent is required. ()

304. -- 399. (RESERVED)

400. AGENCY PARTICIPANT RECORD REQUIREMENTS.

Each agency certified under these rules must maintain accurate, current, and complete participant and administrative records. Each participant record must clearly document the date, time, duration, and type of service, and include the signature of the individual providing the service, for each service provided. Each participant record must contain the following information: ()

- 01. Profile Sheet.** Each participant record must include a profile sheet containing the following: ()
 - a. Name, current address, and current phone number of the participant; ()
 - b. Medicaid ID number; ()
 - c. Gender and marital status; ()
 - d. Date of birth; ()
 - e. Names, addresses, and current phone numbers of legal guardian if applicable, family, advocates, friends, and persons to be contacted in case of an emergency; ()
 - f. Names, addresses, and current phone number of physician, pharmacy, dentist, and other health care providers as applicable; ()
 - g. A list, or an attached list, of current medications, diet, and all other treatments prescribed for the participant; and ()
 - h. Current diagnoses or reference to a current history and physical. ()
- 02. Authorized Plan of Service.** The agency must obtain a current authorized plan of service from the paying entity. ()

03. Participant Rights. Each agency must document upon initiation of services, that each participant and his guardian, where applicable, have been informed of his rights, access to grievance procedures, and the names, addresses, and telephone numbers of protection and advocacy services. This information must be provided in easily understood terms both verbally and in writing. ()

04. History and Physical. Results of a most current history and physical. ()

05. Functional Assessment. An age-appropriate functional assessment must be completed or obtained by the agency within thirty (30) days of the initiation of service. The functional assessment must be used for the development of program plans and include: ()

a. An assessment reflecting the person’s functional abilities in the following areas: self-direction, money management, daily living skills, socialization, mobility, behavior shaping, and other therapeutic programs; and ()

b. The results and summary signed with credentials and dated by the qualified residential habilitation professional. ()

06. Psychological or Psychiatric Assessment. When a participant has had a psychological or psychiatric assessment for the purpose of treatment, the results of the assessment must be maintained in the participant’s record and used when developing program objectives. ()

07. Program Plan. Each participant must have a program plan that includes goals and objectives specific to his authorized residential habilitation program. Program plans that include participant’s name, baseline statement, measurable objectives, start date, written instructions to staff, service environments, and target date. ()

08. Record of Significant Incidents, Accidents, Illnesses, and Treatments. ()

09. Daily Medication Log, When Applicable. ()

10. Daily Record of the Date, Time, Duration, and Type of Service Provided. ()

11. Service Delivery and Progress Notes. Documentation of service delivery and progress notes that correspond with the program plans when services are delivered to the participant. ()

12. Status Review. Residential habilitation agencies must review each participant’s progress to ensure revisions are made for progress, regression, or inability to maintain independence. The review of progress must be documented on a status review document. The status review document identifies the participant’s progress toward goals defined in the plan of service. ()

13. Termination Procedures. The agency must develop and implement termination policies and procedures that address how the agency will ensure safety of the participant and community to the extent possible in the event that emergency conditions exist or the participant no longer in need of or desires services. ()

a. Emergency conditions warranting termination of services include: ()

i. A change in the participant’s condition resulting in an increased level of care beyond the scope of the agency’s ability to provide care for the participant. ()

ii. Significant behavior concerns including physical aggression by the participant that puts the health and safety of the agency’s staff or other participants in jeopardy and behavior management techniques have failed to reduce the risk to staff or others. ()

b. In the instance where the participant is no longer in need of or desires services, the agency must ensure that the procedures include written notice of no less than thirty (30) days for termination, include a transition plan, *and a copy of the agency’s grievance process.* For the purposes of this chapter, a transition plan is an interim plan developed by the agency defining activities to assist the participant to transition out of residential habilitation

services from that agency. ()

c. Services may be terminated prior to thirty (30) days if both parties agree in writing to the termination conditions. The agency may not terminate services when to do so would pose a threat of endangerment to the participant or others. The participant is entitled to appeal the termination utilizing the agency's grievance process **regardless of the reason for termination.** ()

d. The agency must notify the participant **and** his guardian, **if applicable**, no less than thirty (30) days prior to a change of ownership to **ensure** informed choice in the services they receive. ()

401. -- 402. (RESERVED)

403. PARTICIPANT FINANCES.

01. Written Policy and Procedure. Each agency must develop and implement a written policy and procedure that describes the management of participant funds. In order for an agency to manage participant's funds, they must have written designation as a payee by either Social Security Administration or the participant's guardian or conservator if they are not a recipient of Social Security funds. ()

02. Participant's Personal Finance Records. When the agency, or its employees or contractors, are designated as the payee on behalf of the participants, the agency must establish and maintain an accounting system that assures a full and complete accounting of participants' personal funds entrusted to the agency, its employees, or contractors on behalf of participants. Records of financial transactions must be sufficient to allow a thorough audit of the participant's funds. An agency that manages participant funds must: ()

a. Not commingle of participant funds with agency funds. Borrowing between participant accounts is prohibited; ()

b. Document any financial transactions. A separate transaction record must be maintained for each participant, **including receipts for each expenditure paid for using the participant funds, except for purchases made with participant's personal funds;** ()

c. Restore funds to the participant if the agency cannot produce proper accounting records of participant's funds or property; and ()

d. Provide access to the participant's funds to the participant or his legal guardian or conservator. ()

e. **Document dispersion of participant personal spending money. Documentation must include the date and amount of the money given to the participant. The participant must acknowledge in writing receipt of the spending money at the time it is dispersed.** ()

404. AGENCY REPORTING AND COMMUNICATION REQUIREMENTS.

Each agency must develop and implement written policies and procedures outlining how the agency will document reporting and other communications for the following: ()

01. Reciprocal Communication. Communication with the legal guardian and other authorized individuals; and ()

02. Reporting Requirements. Any agency employee or contractor must report all incidents and allegations of mistreatment, abuse, neglect, injuries of unknown origin, or exploitation to the administrator and to adult protection and law enforcement officials, as required by law under Section 39-5304, Idaho Code. ()

a. The agency administrator must investigate and document in the participant's records his investigation of all alleged violations. The agency must protect the participant from the possibility of abuse while the investigation is in progress. The administrator must ensure the events and the agency response to the events are documented in the participant record. ()

b. If the agency administrator verifies the alleged violation, appropriate corrective action must be taken and reported to law enforcement, the Department, and adult protection as required by law under Section 39-5304, Idaho Code. ()

03. Participant's Condition. The agency administrator must notify the participant's legal guardian within twenty-four (24) hours, if one exists, of any significant incidents, or changes in participant's condition including serious illness, accident, death, or abuse. ()

04. Notification to Department of a Participant's Condition. Through a Department-approved process, the agency administrator must notify the Department by the close of the next business day of any significant incidents including: death, hospitalization, or if the participant is arrested or incarcerated. The Department will investigate or cause to be investigated any such incident that indicates there was a violation of the rules or statute. ()

405. AGENCY QUALITY ASSURANCE PROGRAM.

Each agency must develop and implement a quality assurance program. ()

01. What the Quality Assurance Program Verifies. The quality assurance program is an ongoing, proactive, internal review of the agency designed to verify: ()

a. Services are provided in accordance with these rules; ()

b. Sufficient staff are available to meet the needs of each person served; ()

c. Skill training activities are conducted as written in the program plans. ()

d. The rights of a person with disabilities are protected and each person is provided opportunities and training to make informed choices. ()

02. Quality Assurance Program Components. Each agency's written quality assurance program must include: ()

a. Goals and procedures to be implemented to achieve the purpose of the quality assurance program; ()

b. Person, discipline, or department responsible for each goal; ()

c. A system to ensure the correction of problems identified within a specified period of time; ()

d. A method for assessing participant satisfaction at least annually including minimum criteria for participant response and alternate methods to gather information if minimum criteria is not met; ()

e. An annual review of agency's policy and procedure manual signed and dated by the administrator that specifies content of revisions made; and ()

f. An annual review of participant and employee records for complete and current content to meet rules. ()

406. COMPLAINTS AND INVESTIGATIONS.

01. Filing a Complaint. Any person who believes that the agency has failed to meet any provision of the rules or statute may file a complaint with the *Division of Licensing and Certification*. All complaints must have a basis in rule or statutory requirements. In the event that it does not, the complainant will be referred to the appropriate entity or agency. ()

02. Investigation Survey. The *Division of Licensing and Certification* will investigate, or cause to be investigated the following: ()

- a. Any complaint alleging a violation of the rules or statute; and ()
- b. Any reportable incident which indicates there was a violation of the rules or statute. ()
- 03. Disclosure of Complaint Information.** The *Division of Licensing and Certification* will not disclose the name or identifying characteristics of a complainant unless: ()
 - a. The complainant consents in writing to the disclosure; ()
 - b. The investigation results in a judicial proceeding and disclosure is ordered by the court; or ()
 - c. The disclosure is essential to prosecution of a violation. The complainant is given the opportunity to withdraw the complaint before disclosure. ()
- 04. Method of Investigation.** The nature of the complaint will determine the method used to investigate the complaint. ()
- 05. Statement of Deficiencies.** If violations of these rules are identified, depending on the severity, the Department may send the agency a statement of deficiencies. ()
- 06. Public Disclosure.** Information received by the *Division of Licensing and Certification* through filed reports, inspection, or as otherwise authorized under the law, must not be disclosed publicly in such a manner as to identify individual residents except in a proceeding involving a question of certification. ()
- 07. List of Deficiencies.** A current list of deficiencies including plans of correction will be available to the public upon request *in accordance with IDAPA 16.05.01, "Use and Disclosure of Department Records."* ()
- 08. Notification to Complainant.** The *Division of Licensing and Certification* will inform the complainant of the results of the investigation survey when the complainant has provided a name and address. ()
- 407. -- 499. (RESERVED)**
- 500. ENFORCEMENT PROCESS.**
The Department may impose a remedy or remedies when it determines an agency is not in compliance with these rules. ()
 - 01. Determination of Remedy.** In determining which remedy or remedies to impose, the Department will consider the agency's compliance history, change of ownership, the number of deficiencies, the scope and severity of the deficiencies, and the potential risk to participants. Subject to these considerations, the Department may impose any of the remedies in Subsection 500.02 of this rule, independently or in conjunction with others, subject to the provisions of these rules for notice and appeal. ()
 - 02. Enforcement Remedies.** If the Department determines that an agency is out of compliance with these rules, it may impose any of the following remedies according to Section 500.01 of this rule. ()
 - a. Require the agency to submit a plan of correction that must be approved in writing by the Department; ()
 - b. Issue a provisional certificate with a specific date for correcting deficient practices; ()
 - c. Ban enrollment of all participants with specified diagnoses; ()
 - d. Ban any new enrollment of participants; ()
 - e. Revoke the agency's certificate; or ()

f. Summarily suspend the certificate and transfer participants. ()

03. Immediate Jeopardy. If the Department finds an agency's deficiency or deficiencies immediately jeopardize the health or safety of its participants, the Department may summarily suspend the agency's certificate. ()

04. No Immediate Jeopardy. If the Department finds that the agency's deficiency or deficiencies do not immediately jeopardize participant health or safety, the Department may impose one (1) or more of the remedies specified in Subsections 500.02.a. through 500.02.e. of this rule. ()

05. Repeat Deficiencies. If the Department finds a repeat deficiency in an agency, it may impose any of the remedies listed in Subsection 500.02 of this rule as warranted. The Department may monitor the agency on an "as needed" basis, until the agency has demonstrated to the Department's satisfaction that it is in compliance with requirements governing residential habilitation agencies and that it is likely to remain in compliance. ()

06. Failure to Comply. The Department may impose one (1) or more of the remedies specified in Subsection 500.02 of this rule if: ()

a. The agency has not complied with any requirement in these rules within three (3) months after the date it was notified of its failure to comply with such requirement; or ()

b. The agency has failed to correct the deficiencies stated in the agency's accepted plan of correction and as verified by the Department, via resurveys. ()

501. REVOCATION OF CERTIFICATE.

01. Revocation of the Agency's Certificate. The Department may revoke an agency's certificate when persuaded by the preponderance of the evidence that the agency is not in substantial compliance with the requirements in this chapter of rules. ()

02. Causes for Revocation of the Certificate. The Department may revoke any agency's certificate for any of the following causes: ()

a. The certificate holder has willfully misrepresented or omitted information on the application for certification or other documents pertinent to obtaining a certificate; ()

b. Conditions exist in the agency that endanger the health or safety of any participant; ()

c. Any act adversely affecting the welfare of participants is being permitted, performed, or aided and abetted by the person or persons supervising the provision of services in the agency. Such acts include neglect, physical abuse, mental abuse, emotional abuse, violation of civil rights, or exploitation; ()

d. The provider has demonstrated or exhibited a lack of sound judgment that jeopardizes the health, safety, or well-being of participants; ()

e. The agency has failed to comply with any of the conditions of a provisional certificate; ()

f. The agency has one (1) or more major deficiencies. A major deficiency is a deficiency that endangers the health, safety, or welfare of any participant; ()

g. An accumulation of minor deficiencies that, when considered as a whole, indicate the agency is not in substantial compliance with these rules; ()

h. Repeat deficiencies by the agency of any requirement of these rules or of the Idaho Code; ()

i. The agency lacks adequate personnel, as required by these rules or as directed by the Department, to properly care for the number and type of participants served at the agency; ()

j. The agency is not in substantial compliance with the provisions for services required in these rules or with the participants' rights under Subsection 300.09 of these rules; or ()

k. The certificate holder refuses to allow the Department or protection and advocacy agencies full access to the agency environment, agency records, or the participants. ()

502. NOTICE OF ENFORCEMENT REMEDY.

The Department will notify the following of the imposition of any enforcement remedy on an agency: ()

01. Notice to the Agency. The Department will notify the agency in writing, transmitted in a manner that will reasonably ensure timely receipt. ()

02. Notice to Public. The Department will notify the public by sending the agency printed notices to post. The agency must post all the notices on their premises in plain sight in public areas where they will readily be seen by participants and their representatives, including exits and common areas. The notices must remain in place until all enforcement remedies have been officially removed by the Department. ()

03. Notice to the Professional Licensing Boards. The Department will notify professional licensing boards, as appropriate. ()

503. -- 509. (RESERVED)

510. EMERGENCY POWERS OF THE DIRECTOR.

In the event of an emergency endangering the life or safety of a participant receiving services from an agency, the Director may summarily suspend or revoke any residential habilitation certificate. As soon thereafter as practicable, the Director must provide an opportunity for a hearing. ()

511. INJUNCTION TO PREVENT OPERATION WITHOUT CERTIFICATE.

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

512. -- 599. (RESERVED)

600. WAIVERS.

Waivers to these rules may be granted by the Department as needed provided that granting the waiver does not endanger the health or safety or rights of any participant. The decision to grant a waiver is not precedent or given any force or effect of law in any other proceeding. Any waiver granted by the Department may be renewed annually if sufficient written justification is presented to the Department. Waivers granted by the Department must be given in writing and signed by the Department's Licensing and Certification program manager. ()

601. -- 999. (RESERVED)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
16.05.03 – RULES GOVERNING CONTESTED CASE PROCEEDINGS
AND DECLARATORY RULINGS

DOCKET NO. 16-0503-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE AND TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2018. The pending rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 and is also adopting a temporary rule. The action is authorized pursuant to Sections 16-107, 56-133, 56-135, 56-202, 56-204A, 56-216, 56-1003, 56-1004, and 56-1005, Idaho Code, 42 CFR Sections 431.221, 431.223, and 431.224.

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 and a statement of any change between the text of the proposed rule and the text of the pending rule:

These rules are being adopted as temporary rules to meet court-ordered settlement agreements for the Jeff D lawsuit, to comply with federal regulations, to provide benefits to consumers, and to provide other needed internal appeals processes for divisional administrative reviews.

In accordance with Section 67-5226, Idaho Code, the full text of the temporary rule is being published in this Bulletin following this notice and includes changes made to the pending rule. The text of the pending rule has been modified in accordance with Section 67-5227, Idaho Code. The original text of the proposed rule was published in the September 6, 2017, Idaho Administrative Bulletin, [Vol. 17-9, pages 171-180](#).

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1), (b) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons to comply with governing law and to confer a benefit.

The Department needs to have a process for expedited hearings added to meet a settlement agreement ordered by the court. Other changes in this chapter are required for the Department to be in compliance with federal regulations. All changes are being adopted effective January 1, 2018, and confer a benefit for those seeking administrative reviews and hearings.

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 and temporary rule, contact Catherine Libby at (208) 334-0632.

DATED this 16th day of November, 2017.

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

DOCKET NO. 16-0503-1701 - ADOPTION OF PENDING AND TEMPORARY 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 17-9, September 6, 2017, pages 171 through 180.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

Additionally, this rule has been adopted as a temporary rule and is effective January 1, 2018.

Pursuant to Section 67-5226, Idaho Code, the full text of
the temporary rule is being published in this Bulletin.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE AND TEMPORARY RULE
FOR DOCKET NO. 16-0503-1701

005. ADMINISTRATIVE PROCEDURES SECTION.

01. Petitions. Petitions for adoption of rules; ~~and~~ petitions for declaratory rulings; ~~and appeals~~ must be filed with: Administrative Procedures Section, 10th Floor, 450 West State Street, P.O. Box 83720, Boise, ID 83720-0036. Phone: (208) 334-5564; FAX: (208) 639-5741; email: APS@dhw.idaho.gov. ~~(4-11-06)~~(1-1-18)T

02. Appeals. Appeals may be filed with the Division, Program, or the Administrative Procedures Section, as provided on the decision notice or in these rules. (1-1-18)T

006. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE NUMBER -- 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. (4-11-06)

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. (4-11-06)

03. Street Address. The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. (4-11-06)

04. Telephone. The telephone number for the Idaho Department of Health and Welfare is (208) 334-5500. (4-11-06)

05. Internet Website. The Department's internet website at <http://www.healthandwelfare.idaho.gov/>. (4-11-06)

06. Administrative Procedures Section (APS). The following is the contact information for the Administrative Procedures Coordinator: (1-1-18)T

- a.** [Telephone No.: \(208\) 334-5564;](tel:(208)334-5564) (1-1-18)T
- b.** [FAX No.: \(208\) 639-5741;](tel:(208)639-5741) and (1-1-18)T
- c.** [E-Mail Address: APS@dhw.idaho.gov.](mailto:APS@dhw.idaho.gov) (1-1-18)T

(BREAK IN CONTINUITY OF SECTIONS)

[SECTION 124 HAS BEEN MOVED AND RENUMBERED TO PROPOSED SECTION 008]

124008. REPRESENTATION ACCESS TO RECORDS OF INDIVIDUALS WITH DEVELOPMENTAL OR MENTAL DISABILITIES.

Unless an individual, authorized representative or attorney provides a written declaration to the contrary, eligible individuals with developmental disabilities or mental illness are deemed to be represented by The state Protection and Advocacy System established under 42 USC ~~6041~~ 15041, et seq., and 42 USC 10801 et seq., 29 USC 794c, et seq., and 42 USC 300d as designated by the Governor. *The protection and advocacy system* has access to records of *such* individuals who are clients of the system maintained by any program or institution of the Department if the individual has authorized or is unable to authorize the system to have such access, or does not have a legal guardian, conservator or other legal representative. *Service of documents will be made on the protection and advocacy system and the individual. Unless the protection and advocacy system provides written notification to the Department that it will not be representing the individual, the system is an authorized representative.* (4-11-06)(1-1-18)T

~~008.~~—009. (RESERVED)

010. DEFINITIONS AND ABBREVIATIONS.

For the purposes of this chapter, the following definitions and abbreviations apply. (1-1-18)T

- 01. Administrative Review.** An informal review by a Division Administrator or designee, to determine whether a Department decision is correct. (5-8-09)
- 02. Appellant.** A person or entity who files an appeal of Department action or inaction. (3-30-01)
- 03. Board.** The Idaho Board of Health and Welfare. (3-30-01)
- 04. Complainant.** A person or individual who has a grievance regarding Youth Empowerment Services (YES). (1-1-18)T
- 05. Cost Report.** A fiscal year report of provider costs required by the Medicare program and any supplemental schedules required by the Department. (1-1-18)T
- 06. Cost Settlement.** Final determinations of payment, based on cost reports, to a Medicaid-enrolled provider. (1-1-18)T
- 047. Department.** The Idaho Department of Health and Welfare. (3-30-01)
- 058. Director.** The Director of the Department of Health and Welfare. (3-30-01)
- 069. Hearing Officer.** The person designated to preside over a particular hearing and any related proceedings. (3-30-01)
- 107. IPV.** Intentional program violation. (3-30-01)
- 0811. Intervenor.** Any person, other than an appellant or the Department, who requests to be admitted as a party in an appeal. (3-30-01)

12. Managed Care Entity (MCE). An entity contracted by Medicaid to administer Medicaid services, which may be a Prepaid Ambulatory Health Plan (PAHP), Prepaid Inpatient Health Plan (PIHP), or other Managed Care Organization (MCO) as defined in 42 CFR 438.2. As used in these rules, the term does not include service brokers or entities providing non-emergency medical transportation (NEMT) services. (1-1-18)T

~~09~~**13. Party.** An appellant, the Department and an intervenor, if intervention is permitted. (3-30-01)

14. Youth Empowerment Services (YES) Program Participant. A YES program participant, is an Idaho resident with a Serious Emotional Disturbance who: (1-1-18)T

a. Is under the age of eighteen (18); (1-1-18)T

b. Has a mental health condition described in the current Diagnostic and Statistical Manual of Mental Disorders (DSM) and diagnosable by a qualified professional operating within the scope of his practice as defined by Idaho state law; and (1-1-18)T

c. Has a substantial functional impairment that is measured by and documented through the use of a standardized instrument conducted or supervised by a qualified clinician. (1-1-18)T

d. A substance use disorder or development disorder alone does not constitute an eligible diagnosis, although one (1) or more of these conditions may coexist with an eligible mental health diagnosis. (1-1-18)T

(BREAK IN CONTINUITY OF SECTIONS)

101. FILING OF APPEALS.

01. Appeals. Appeals must be filed in writing and state the appellant's name, address and phone number, and the remedy requested, ~~except that appeals of action relating to Food Stamps may be made verbally to Department staff by an individual or representative~~ unless otherwise provided in these rules. Appeals should be accompanied by a copy of the decision notice that is the subject of the appeal and state the reason for disagreement with the Department's action. (1-1-18)T

02. Time Limits for Filing Appeal. Unless otherwise provided by statute or these rules, individuals who are aggrieved by a Department decision have twenty-eight (28) days from the date the decision is mailed to file an appeal. An appeal is filed when it is received by the Department or postmarked within the time limits ~~set forth~~ provided in the decision notice, or in these rules. ~~(5-8-09)~~(1-1-18)T

(BREAK IN CONTINUITY OF SECTIONS)

103. PREHEARING CONFERENCE.

01. Prehearing Conference. The hearing officer may, upon written or other sufficient notice to all interested parties, hold a prehearing conference ~~to~~. The purpose of the prehearing conference is to: (1-1-18)T

a. ~~f~~Formulate or simplify the issues; (1-1-18)T

b. ~~o~~Obtain admissions or stipulations of fact and documents; (1-1-18)T

c. ~~i~~Identify whether there is any additional information that had not been presented to the Department with good cause; (1-1-18)T

d. ~~a~~Arrange for exchange of proposed exhibits or prepared expert testimony; (1-1-18)T

e. ~~l~~Limit the number of witnesses; (1-1-18)T

- f. ~~D~~Determine the procedure at the hearing; and ~~to~~ (1-1-18)T
- g. ~~D~~Determine any other matters which may expedite the orderly conduct and disposition of the proceeding. ~~(3-30-01)~~(1-1-18)T

02. Exception to Prehearing Conference. The prehearing conference cannot be mandatory for any Division of Welfare or Division of Medicaid benefit programs. The following apply: (1-1-18)T

a. Participation in the prehearing conference is optional for individuals seeking to appeal for any benefit through the Division of Welfare or Division of Medicaid; and (1-1-18)T

b. A default order may not be entered for cases in which an individual does not participate in the prehearing conference involving benefits through the Division of Welfare, or Division of Medicaid. (1-1-18)T

(BREAK IN CONTINUITY OF SECTIONS)

106. DEFAULT.

Unless otherwise provided by statute or rule, ~~if~~ a party fails to appear at a scheduled hearing or at any stage of a contested case, the hearing officer must enter a proposed default order against that party. The default order must be set aside if, within fourteen (14) days of the date of mailing, that party submits a written explanation for not appearing, which the hearing officer finds substantial and reasonable. ~~(4-11-06)~~(1-1-18)T

(BREAK IN CONTINUITY OF SECTIONS)

122. FILING OF DOCUMENTS IN AN APPEAL.

All documents intended to be used as exhibits must be filed with the hearing officer. Such documents will be provided to every party at the time they are filed with the hearing officer, in person, ~~or~~ by first class mail, or as otherwise ordered by the hearing officer. Service by mail is complete when the document, properly addressed and stamped, is deposited in the United States or Statehouse mail. A certificate showing delivery to all parties will accompany all documents when they are filed with the hearing officer. ~~(4-11-06)~~(1-1-18)T

(BREAK IN CONTINUITY OF SECTIONS)

[SECTION 124 HAS BEEN MOVED AND RENUMBERED TO PROPOSED SECTION 008]

150. REVIEW OF PRELIMINARY ORDERS BY DEPARTMENT.

Unless otherwise provided in these rules, ~~in~~ cases under the jurisdiction of the Department, either party may file a request for review with the Administrative Procedures Section not later than fourteen (14) days from the date the preliminary order was mailed. The request must identify all legal and factual bases of disagreement with the preliminary order. The Director or designee must allow for briefing by the parties and determines whether oral argument will be allowed. The Director or designee determines whether a transcript of the hearing is needed and if so, one will be provided by the party who requests review of the preliminary order. The Director or designee must exercise all of the decision-making power he would have had if he had presided over the hearing. ~~(4-11-06)~~(1-1-18)T

(BREAK IN CONTINUITY OF SECTIONS)

199. SPECIFIC CONTESTED CASE PROVISIONS.

The following sections set forth of this chapter provide special requirements of various Department divisions or programs, ~~which that~~ supersede the general provisions of these rules insofar as to the extent that they are different ~~or inconsistent. Sections 200 through 254 pertain to the programs in the Division of Welfare; Sections 300 and 301 pertain to the Division of Medicaid; and Sections 400 through 402 pertain to the Division of Health.~~
(3-30-01)(1-1-18)T

200. DIVISION OF WELFARE: APPEALS.

The provisions of ~~this s~~ Sections 200 through 299 of these rules govern the conduct of individual benefit hearings to determine eligibility for benefits or services in the Division of Welfare, ~~including IDAPA 16.03.05, "Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD)," IDAPA 16.03.08, "Rules Governing Temporary Assistance for Families in Idaho," IDAPA 16.03.04, "Rules Governing the Food Stamp Program in Idaho," IDAPA 16.06.12, "Rules Governing the Idaho Child Care Program (ICCP)," IDAPA 16.04.14, "Rules Governing the Low Income Energy Assistance Program," IDAPA 16.04.02, "Idaho Telecommunication Service Assistance Program Rules," IDAPA 16.04.12, "Rules Governing the Individual and Family Grant Program," and IDAPA 16.03.01, "Eligibility for Health Care Assistance for Families and Children."~~ and its programs. (5-8-09)(1-1-18)T

01. Division of Welfare Programs. The following programs are covered under the following chapter of rules: (1-1-18)T

- a.** IDAPA 16.03.01, "Eligibility for Health Care Assistance for Families and Children"; (1-1-18)T
- b.** IDAPA 16.03.03, "Rules Governing Child Support Services"; (1-1-18)T
- c.** IDAPA 16.03.04, "Rules Governing the Food Stamp Program in Idaho"; (1-1-18)T
- d.** IDAPA 16.03.05, "Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD)"; (1-1-18)T
- e.** IDAPA 16.03.08, "Rules Governing Temporary Assistance for Families in Idaho"; (1-1-18)T
- f.** IDAPA 16.04.14, "Rules Governing the Low Income Energy Assistance Program"; (1-1-18)T
- g.** IDAPA 16.04.02, "Idaho Telecommunication Service Assistance Program Rules"; (1-1-18)T
- h.** IDAPA 16.04.12, "Rules Governing the Individual and Family Grant Program"; and (1-1-18)T
- i.** IDAPA 16.06.12, "Rules Governing the Idaho Child Care Program (ICCP)."; (1-1-18)T

02. Methods for Filing Appeals. Requests for appeals may be made with the Division of Welfare as provided in Section 006 of these rules, using any one (1) of the following listed in this subsection: (1-1-18)T

- a.** Via the Department's internet website: (1-1-18)T
- b.** By telephone; (1-1-18)T
- c.** Via mail; (1-1-18)T
- d.** In person; and (1-1-18)T
- e.** Other commonly available electronic means. (1-1-18)T

201. DIVISION OF WELFARE: TIME FOR FILING APPEAL.

A decision issued by the Department in a Division of Welfare benefit program will be final and effective unless an individual or representative appeals within thirty (30) days from the date the decision was mailed, except that a recipient or applicant for Food Stamps has ninety (90) days to appeal. An individual or representative may also appeal when the Department delays in making an eligibility decision or making payment beyond the limits specified in the particular program within thirty (30) days after the action would have been taken if the Department had acted in

a timely manner.

~~(5-8-09)~~(1-1-18)T

(BREAK IN CONTINUITY OF SECTIONS)

203. DIVISION OF WELFARE: WITHDRAWAL OF AN APPEAL.

An appellant or representative may withdraw an appeal upon ~~written~~ request to the hearing officer using any one (1) of the methods listed in Section 200 of these rules. ~~(5-8-09)~~(1-1-18)T

204. DIVISION OF WELFARE: TIME LIMITS FOR COMPLETING HEARINGS.

The Department must conduct the hearing relating to an individual's benefits and take action within ninety (90) days from the date the hearing request is received, unless as provided in Subsections 204.01 through 204.03 of this rule. (1-1-18)T

01. Community Spouse Resources Allowance. When the hearing request concerns the computed amount of the Community Spouse Resource Allowance, the hearing will be held within thirty (30) days from the date the hearing request is received. (1-1-18)T

02. Food Stamps. When the hearing relates to Food Stamps, the hearing, the decision of the hearing, and the notice regarding the outcome of the hearing will be completed within sixty (60) days from the date the hearing request is received. (1-1-18)T

03. Expedited Hearings. The Department will expedite hearing requests from appellants such as for the following reasons: (1-1-18)T

a. ~~m~~Migrant farm workers who are planning to move before the hearing decision would normally be reached. ~~;~~ or ~~(5-8-09)~~(1-1-18)T

b. Individuals requesting an expedited fair hearing will be provided a hearing as required according to 42 CFR 431.224. (1-1-18)T

(BREAK IN CONTINUITY OF SECTIONS)

298. DIVISION OF WELFARE: ~~BUREAU OF~~ CHILD SUPPORT SERVICES.

~~A notice of license suspension becomes final and effective unless~~ In a child support enforcement proceeding, an individual or a representative files an appeal within twenty-one (21) days from the date the decision is mailed may request a hearing after being served notice of license suspension or notice of an asset withholding order from the Financial Institution Data Match (FIDM) process. ~~(5-8-09)~~(1-1-18)T

01. Time Limits for Requesting a Hearing. (1-1-18)T

a. License Suspension. The licensee has twenty-one (21) days from the date of service of the notice either by personal service or certified mail, to request a hearing by filing with the Department to contest the suspension of license or licenses. A timely request for a hearing stays the suspension of the license or licenses through the issuance of the order by the Department. The Department will notify the licensing authority if the suspension is vacated or stayed. (1-1-18)T

b. Financial Institution Data Match (FIDM). The obligor or co-owner has fourteen (14) days from the date of mailing the notice of asset withholding order to request a hearing in writing to contest the asset being withheld. Upon receiving a timely request for hearing, the Department will notify the financial institution that it must continue to hold the asset until an order is issued and the Department provides instructions for the disposition of the asset. If the obligor or co-owner does not file a timely request for hearing, the Department will notify the financial institution to promptly surrender the amount of the asset that has been frozen to the Department. (1-1-18)T

02. Time Limits for Completing Hearings. The Department will hold an administrative hearing within thirty (30) days from the day the Department receives the request for hearing to contest asset withholding from the FIDM process. (1-1-18)T

03. Default. (1-1-18)T

a. Licensing Authority. If the licensee fails to make a timely request for a hearing or fails to appear at the hearing without good cause, the Department will issue an order of Default suspending the license or licenses. On receipt of the final order from the Department, the licensing authority will suspend the license effective the date the order became final, without additional review or hearing. (1-1-18)T

b. Financial Institution. If the obligor or co-owner of the asset fails to appear at the hearing without good cause, the Department will issue an order of Default upholding the asset withholding order. On receipt of the final order from the Department, the financial institution will promptly surrender the amount of the asset that has been frozen to the Department. (1-1-18)T

04. Time for Filing an Appeal. An order of suspension or asset withholding order issued by a hearing officer of the Department will be final and conclusive between the parties unless a petition for review is filed within twenty-eight (28) days with the district court. (1-1-18)T

299. (RESERVED)

300. DIVISIONS OF MEDICAID ~~AND LICENSING AND CERTIFICATION~~: REQUEST FOR ADMINISTRATIVE REVIEWS FOR PROVIDERS AND FACILITIES.

01. Written Request. An action relating to ~~licensure or certification, billing or reimbursement~~ audited cost reports or Medicaid cost settlement calculations required by administrative rule is final and effective unless the provider or facility requests in writing an administrative review within ~~twenty-eight~~ thirty (2830) days after the notice is mailed. The request must: (1-1-18)T

a. ~~Be~~ signed by the licensed administrator of the facility or by the provider; (1-1-18)T

b. ~~Identify~~ the challenged decision, ~~and~~; (1-1-18)T

c. ~~State~~ specifically the grounds for its contention that the decision was erroneous; ~~and~~ (1-1-18)T

d. Include copies of any documentation on which the facility or provider intends to rely to support its position. (1-1-18)T

02. Review Conference. The parties must clarify and attempt to resolve the issues at the review conference, which must be held within ~~twenty-eight~~ thirty (2830) days after the request for the administrative review is received. The thirty (30) day requirement may be extended when both parties agree in writing to a specified later date. If the Department determines that additional documentation is needed to resolve the issues, a second session of the conference may be scheduled within thirty (30) days of the initial conference. This second session date may be extended when both parties agree in writing to a specified later date. (1-1-18)T

03. Department Decision. The Department will provide a written decision to the facility or provider. ~~(5-8-09)~~ (1-1-18)T

301. DIVISIONS OF MEDICAID ~~AND LICENSING AND CERTIFICATION~~: SCOPE OF APPEAL HEARING.

If the Department's decision after the administrative review is appealed, only issues and documentation that were presented in the administrative review will be admissible in the appeal hearing. ~~(4-11-06)~~ (1-1-18)T

302. DIVISION OF MEDICAID: APPEALS PROCESS FOR MEDICAID PARTICIPANTS.

01. Medicaid Participant Appeals. Medicaid participants whose appeals are not related to services

delivered through a Managed Care Entity (MCE), as defined in Section 010 of these rules, must use the appeals process provided in Sections 101 through 199 of these rules. (1-1-18)T

02. Medicaid Participant Appeals Related to Services Delivered Through Managed Care Entity. (1-1-18)T

a. Participants whose appeals are related to services delivered through a managed care entity must utilize the complaint, grievance, and appeal process required by the Department and the managed care contractor. (1-1-18)T

b. Participants whose appeals are related to services delivered through a Managed Care Entity (MCE) must follow the appeals process in 42 CFR 438.402 through 42 CFR 438.408. (1-1-18)T

03. Expedited Fair Hearings for Medicaid Participants. The Department will provide a process for expedited fair hearings for Medicaid participants in accordance with 42 CFR Part 438 or 431, as applicable. (1-1-18)T

3023. -- 399. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

504. -- 599. (RESERVED)

600. DIVISION OF LICENSING AND CERTIFICATION: REQUEST FOR ADMINISTRATIVE REVIEW.

01. Written Request. An action relating to licensure or certification is final and effective unless the provider or facility requests in writing an administrative review within twenty-eight (28) days after the notice is mailed. The request must: (1-1-18)T

a. Be signed by the licensed administrator of the facility, or by the provider; (1-1-18)T

b. Identify the challenged decision; and (1-1-18)T

c. State specifically the grounds for its contention that the decision was erroneous. (1-1-18)T

02. Review Conference. An administrative review conference must be held within twenty-eight (28) days of receipt of the request for the administrative review. The twenty-eight (28) day requirement may be extended when both parties agree in writing to a specified later date. The parties must clarify and attempt to resolve the issues during the administrative review conference. If the Department determines additional documentation is needed to resolve the issues, a second session of the review conference may be scheduled. (1-1-18)T

03. Department Decision. The Department will provide a written decision to the facility or provider within thirty (30) days of the conclusion of the administrative review conference. (1-1-18)T

601. -- 699. (RESERVED)

700. DIVISION OF BEHAVIORAL HEALTH: REQUEST FOR ADMINISTRATIVE REVIEW.

01. Written Request. An action relating to program approval is final and effective unless the provider or facility requests in writing an administrative review within twenty-eight (28) days after the notice is mailed. The request must: (1-1-18)T

a. Be signed by the program administrator of the facility; (1-1-18)T

b. Identify the challenged decision; and (1-1-18)T

c. State specifically the grounds for its contention that the decision was erroneous. (1-1-18)T

02. **Review Conference.** The parties must clarify and attempt to resolve the issues at the review conference, which must be held within twenty-eight (28) days after the request for the administrative review. The twenty-eight (28) day requirement may be extended when both parties agree in writing to a specified later date. If the Department determines that additional documentation is needed to resolve the issues, a second session of the conference may be scheduled. (1-1-18)T

03. **Department Decision.** The Department will provide a written decision to the facility or provider within thirty (30) days of the conclusion of the administrative review conference. (1-1-18)T

701. -- 749. **(RESERVED)**

750. **DIVISION OF BEHAVIORAL HEALTH: YOUTH EMPOWERMENT SERVICES (YES).** Contested case proceedings for non-Medicaid Youth Empowerment Services (YES) are governed by the general provisions of this chapter, unless otherwise specified in Section 751 of these rules. (1-1-18)T

751. **DIVISION OF BEHAVIORAL HEALTH: YOUTH EMPOWERMENT SERVICES (YES) GRIEVANCE PROCESS.**

01. **Grievance.** Individuals, family members, or legal guardians may choose to submit a written request to participate in this grievance process regarding non-Medicaid matters related to YES services. A grievance is a statement of dissatisfaction about any matter other than an adverse benefit determination. (1-1-18)T

02. **Grievance Content.** A grievance must include: (1-1-18)T

a. The full name, mailing address, phone numbers, and e-mail contact for the individual who is the complainant using YES services; (1-1-18)T

b. The full name, mailing address, phone numbers, and e-mail contact of the person submitting the grievance on behalf of the complainant; (1-1-18)T

c. A detailed explanation of the decision or non-Medicaid matter related to YES services that is being contested from the perspective of the complainant; and (1-1-18)T

d. Any steps that have already been taken to resolve the issue. (1-1-18)T

03. **Department Response to Grievance.** The Department will respond to the complainant within sixty (60) days of receipt of the grievance on its findings. The grievance process may include gathering additional information from involved parties and may run concurrent to the fair hearing process. (1-1-18)T

a. The Department will address concerns related to dissatisfaction with a process or a provider at the lowest or most appropriate organizational level possible. (1-1-18)T

b. The Department will document the filing of the grievance and the outcome in its response to the complainant. (1-1-18)T

04. **Expedited Hearings.** When the Division of Behavioral Health determines that an expedited fair hearing is needed using the same standards described in Section 302 of these rules, the Department will provide an expedited fair hearing for non-Medicaid eligible YES individuals in compliance with time limits for an agency found in 42 CFR 431 for YES inpatient services, or the time limits for a PAHP found in 42 CFR 438, for outpatient YES services. (1-1-18)T

752. -- 999. **(RESERVED)**

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.06.01 – CHILD AND FAMILY SERVICES

DOCKET NO. 16-0601-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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; and Senate Bill 1164 (2017).

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 puts into rule the specific increases to the foster care reimbursement rates that reflect the corresponding appropriation by the 2017 legislature. The rule changes represent a 20% increase in the foster care reimbursement rates.

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 July 5, 2017, Idaho Administrative Bulletin, [Vol. 17-7, pages 58 and 59](#).

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:

\$839,100 (\$347,800 general funds and \$491,300 federal fund authority) was appropriated by the 2017 legislature to provide for a 20% increase to the foster care reimbursement rates. These increased rates will help foster parents provide shelter, food, clothing, supervision, educational necessities, and other personal incidentals required to promote the safety and well-being of the children in their care.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Sabrina Brown at (208) 334-5648.

DATED this 16th day of November, 2017.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.06.01 – CHILD AND FAMILY SERVICES

DOCKET NO. 16-0601-1702

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 the following: 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; 45 CFR 1356.21-22, 45 CFR 1356.30, 45 CFR 233.90(b)(2); Sections 471, 472, and 479B of the Social Security Act; and Sections 403, 431, and 432 of the Personal Responsibility Work Opportunity Reconciliation Act.

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 aligns the requirements for Title IV-E funding for children in foster care with current CFR and federal law.

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 6, 2017, Idaho Administrative Bulletin, [Vol. 17-9, pages 181 through and 187](#).

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, contact Carissa Decker at (208) 334-0692.

DATED this 16th day of November, 2017.

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

DOCKET NO. 16-0601-1702 - 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 17-9, September 6, 2017, pages 181 through 187.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 16-0601-1702

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

[Section 427 - Header]

427. DETERMINATION OF ELIGIBILITY FOR ~~ADC-FC~~ TITLE IV-E.

The family services workers must ~~initiate~~ submit an application to ~~ensure that eligibility for ADC-FC is made, or that the child is clearly ineligible because of family resources. The worker must maintain documentation of the eligibility determination or ineligibility in the case record of the child, and arrangements for parental support~~ the Child Welfare Funding Team to evaluate for Title IV-E eligibility. ~~If the child is ineligible for AFDC-FC, the family services worker must determine whether the child qualifies for Medicaid as a Title XIX foster child.~~ (5-8-09) ()

(BREAK IN CONTINUITY OF SECTIONS)

430. ONGOING ELIGIBILITY.

To continue eligibility for ~~AFDC-FC~~ Title IV-E, a child must meet ~~each of the eligibility~~ the following conditions listed in ~~Table 430.~~

[Subsection 430.03]

03. Child's Residence. They must continue to live in a fully licensed or approved foster family home, or childcare institution, or on a court-ordered home visit. ()

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.07.15 – BEHAVIORAL HEALTH PROGRAMS

DOCKET NO. 16-0715-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2018, 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 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 Title 39, Chapter 31, Idaho Code, and Sections 56-1003, 56-1004, 56-1004A, 56-1007, and 56-1009, 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 clarify that an individual who is seeking to provide services as a peer, but whose Department Criminal History Check was denied, may apply for a Behavioral Health Waiver described in IDAPA 16.07.15, “Behavioral Health 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 September 6, 2017, Idaho Administrative Bulletin, [Vol. 17-9, pages 188-191](#).

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, contact Treena Clark at (208) 334-6611.

DATED this 16th day of November, 2017.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.07.17 – SUBSTANCE USE DISORDERS SERVICES

DOCKET NO. 16-0717-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2018, 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 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 Title 39, Chapter 31, Idaho Code, and Section 56-1003, 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 rules allow Recovery Support Services (RSS) to access the Behavioral Health waiver process established in rule when a Department Criminal History Check clearance is denied for an individual wanting to provide peer services. 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 6, 2017, Idaho Administrative Bulletin, **Vol. 17-9, pages 192-193**.

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, contact Treena Clark at (208) 334-6611.

DATED this 16th day of November, 2017.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.07.50 – MINIMUM STANDARDS FOR NONHOSPITAL, MEDICALLY MONITORED DETOXIFICATION/MENTAL HEALTH DIVERSION UNITS

DOCKET NO. 16-0750-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2018, 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 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 Title 39, Chapter 3, Idaho Code, “Alcoholism and Intoxication Treatment Act,” and Sections 56-1003, 56-1004, 56-1004A, 56-1007, and 56-1009, 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 allow an individual who is seeking to provide services as a peer, but whose Department Criminal History Check was denied, to apply for a Behavioral Health Waiver described in IDAPA 16.07.15, “Behavioral Health 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 September 6, 2017, Idaho Administrative Bulletin, [Vol. 17-9 pages 202-203](#).

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, contact Treena Clark at (208) 334-6611.

DATED this 16th day of November, 2017.

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

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION
17.02.04 – ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION
UNDER THE WORKERS' COMPENSATION LAW -- BENEFITS

DOCKET NO. 17-0204-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 17-508, 72-1103, and 72-1104, 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 1, 2017 Idaho Administrative Bulletin, [Vol. 17-11, pages 91-92](#).

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.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Nick Landry, Fiscal Manager, (208) 334-6042.

DATED this 22nd day of November 2017.

Mindy Montgomery, Director
Industrial Commission
700 S. Clearwater Lane
P.O. Box 83720
Boise, ID 83720-0041
Phone: (208) 334-6000
Fax: (208) 334-2321

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION
17.02.04 – ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION
UNDER THE WORKERS' COMPENSATION LAW -- BENEFITS
DOCKET NO. 17-0204-1702
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 72-505 and 72-428, Idaho Code.

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

The Commission received public testimony stating the proposed rule creates a conflict between Subsections 281.02 and 281.03, and would likely force more injured workers toward litigation for resolution of the impairment rating.

The proposed rule, presented under this docket 17-0204-1702 by the Idaho Industrial Commission, was published in the November 1, 2017 Administrative Bulletin, [Vol. 17-11, pages 93-94](#).

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation of rulemaking, contact Patti Vaughn, Benefits Administration Manager, and (208) 334-6063.

DATED this 22nd day of November 2017.

Mindy Montgomery, Director
Industrial Commission
700 S. Clearwater Lane
P.O. Box 83720
Boise, ID 83720-0041
Phone: (208) 334-6000
Fax: (208) 334-2321

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION
17.02.07 – PROCEDURES TO OBTAIN COMPENSATION
DOCKET NO. 17-0207-1701
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 17-508, 72-1103, and 72-1104, 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 1, 2017 Idaho Administrative Bulletin, [Vol. 17-11, pages 95-97](#).

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.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Patti Vaughn, Benefits Administration Manager, (208) 334-6063.

DATED this 22nd day of November 2017.

Mindy Montgomery, Director
Industrial Commission
700 S. Clearwater Lane
P.O. Box 83720
Boise, ID 83720-0041
Phone: (208) 334-6000
Fax: (208) 334-2321

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION

17.02.08 – MISCELLANEOUS PROVISIONS

DOCKET NO. 17-0208-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 17-508, 72-1103, and 72-1104, 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 1, 2017 Idaho Administrative Bulletin, [Vol. 17-11, pages 98-99](#).

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 negative fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Patti Vaughn, Benefits Administration Manager, (208) 334-6063.

DATED this 22nd day of November 2017.

Mindy Montgomery, Director
Industrial Commission
700 S. Clearwater Lane
P.O. Box 83720
Boise, ID 83720-0041
Phone: (208) 334-6000
Fax: (208) 334-2321

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION

17.02.10 – ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION UNDER THE WORKERS' COMPENSATION LAW -- SECURITY FOR COMPENSATION -- INSURANCE CARRIERS

DOCKET NO. 17-0210-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 17-508, 72-1103, and 72-1104, 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 1, 2017 Idaho Administrative Bulletin, [Vol. 17-11, pages 100-103](#).

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.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Patti Vaughn, Benefits Administration Manager, (208) 334-6063.

DATED this 22nd day of November 2017.

Mindy Montgomery, Director
Industrial Commission
700 S. Clearwater Lane
P.O. Box 83720
Boise, ID 83720-0041
Phone: (208) 334-6000
Fax: (208) 334-2321

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION

17.02.11 – ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION UNDER THE WORKERS' COMPENSATION LAW -- SECURITY FOR COMPENSATION -- SELF-INSURED EMPLOYERS

DOCKET NO. 17-0211-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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(s) 17-508, 72-1103 and 72-1104, 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 1, 2017 Idaho Administrative Bulletin, [Vol. 17-11, pages 104-107](#).

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.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Patti Vaughn, Benefits Administration Manager, and (208) 334-6063.

DATED this 22nd day of November 2017.

Mindy Montgomery, Director
Industrial Commission
700 S. Clearwater Lane
P.O. Box 83720
Boise, ID 83720-0041
Phone: (208) 334-6000
Fax: (208) 334-2321

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES
24.01.01 – RULES OF THE BOARD OF ARCHITECTURAL EXAMINERS
DOCKET NO. 24-0101-1701
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 2018 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 54-304 and 54-312, 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 Board of Architectural Examiners operates primarily on fees collected from licensees. It is recommended that boards maintain a balance equivalent to 100-150% of their annual budget. The Board of Architectural Examiners' balance exceeds that amount. Accordingly, the rule lowers fees and leaves more money in the hands of licensees.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 342-343](#).

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 54-304 and 54-312, Idaho Code.

Rule 200 reduces the annual license renewal fee from \$75 to \$50, the endorsement license fee from \$150 to \$50, and sets the temporary license fee at \$50.

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 Dicsie Gullick at (208) 334-3233.

DATED this 22nd day of November, 2017.

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

24.03.01 – RULES OF THE STATE BOARD OF CHIROPRACTIC PHYSICIANS

DOCKET NO. 24-0301-1701

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 2018 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 54-707 and 54-707A, Idaho Code and Sections 54-708, 54-716 and 54-717, 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:

This pending fee rule implements HB 195, which was signed into law during the 2017 legislative session, and establishes a set of standards and educational requirements for a chiropractic certification in clinical nutrition for those licensed chiropractic physicians who wish to utilize vitamins and minerals, via intravenous or injectable routes of administration, in the treatment of their patients. This pending fee rule establishes fees for clinical nutrition certification and practice, instructions for certification application, recertification, cancellation and reissuance, standards of practice, rules for obtaining and administering clinical nutrition prescription drug products, and a clinical nutrition formulary.

The changes to the pending fee rule change the title of Rule 020, remove references to Advanced Cardiac Life Support (ACLS), and change “chiropractic premises” to “premises.”

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 344-352](#).

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 54-5404, Idaho Code.

The rule establishes an application fee and a certification fee of \$150 each, which is within the authority granted by Section 54-707A, Idaho Code.

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 Dicsie Gullick at (208) 334-3233.

DATED this 22nd day of November, 2017.

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. 24-0301-1701 - 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 17-10, October 4, 2017, pages 344 through 352.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING FEE RULE FOR
DOCKET NO. 24-0301-1701**

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

[Section 020 – Section header only]

020. ~~SCOPE OF~~ NON-CERTIFIED CLINICAL NUTRITIONAL PRACTICE (RULE 20).

Clinical nutritional methods as referenced in Section 54-704(1), Idaho Code, include, but are not limited to, the clinical use, administration, recommendation, compounding, prescribing, selling, and distributing non-prescription vitamins, minerals, botanical medicine, herbals, homeopathic, phytonutrients, antioxidants, enzymes and glandular extracts, and durable and non-durable medical goods and devices. Nothing herein shall allow any deviation from Section 54-704(23), Idaho Code. ~~(3-25-16)~~ ()

(BREAK IN CONTINUITY OF SECTIONS)

702. REQUIREMENTS FOR CLINICAL NUTRITION CERTIFICATION.

The Board may grant clinical nutrition certification to a licensee who completes an application, pays the applicable fees and meets the following requirements: ()

01. General. ()

[Subsection 702.01.e. through 702.01.e.iii.]

e. Certify that the chiropractic physician has BLS equipment on the premises where clinical nutrition treatment is being performed. BLS equipment shall include at a minimum: ()

i. Rescue breathing equipment. ()

ii. Oxygen. ()

iii. Epinephrine. ()

(BREAK IN CONTINUITY OF SECTIONS)

704. REISSUANCE OF CANCELLED CLINICAL NUTRITION CERTIFICATION.

01. Reissuance. Clinical nutrition certification canceled pursuant to Subsection 703.03 may be reissued within three (3) years of cancellation as follows: ()

b. Submission of any other documents required by the Board for reissuance including but not limited to: ()

[Subsection 704.01.b.iii.]

iii. Documentation of current health care provider CPR and BLS certification and certification that the chiropractic physician has BLS equipment on the premises where clinical nutrition treatment is performed and that informed consent and voluntary permission to perform the proposed therapy are being used in accordance with Section 702. ()

(BREAK IN CONTINUITY OF SECTIONS)

706. CLINICAL NUTRITION RECERTIFICATION REQUIREMENT.

02. Annual Verification of Meeting Requirements. In order to maintain clinical nutrition certification pursuant to Section 54-717, Idaho Code, and Section 700, chiropractic physicians having clinical nutrition certification must annually verify, along with their chiropractic license renewal, pursuant to Subsection 706.01 by attesting to the Board they are in compliance with the requirements to recertify in clinical nutrition the following: ()

[Subsection 706.02.c.]

c. Current health care provider CPR and BLS certification and that BLS equipment is maintained on the premises where clinical nutrition treatment is performed pursuant to Section 702. ()

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES

24.06.01 – RULES FOR THE LICENSURE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

DOCKET NO. 24-0601-1701

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 2018 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 54-3712, 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 Occupational Therapy Licensure Board operates primarily on fees collected from licensees. It is recommended that boards maintain a balance equivalent to 100-150% of their annual budget. The Occupational Therapy Licensure Board's balance exceeds that amount. Accordingly, the rule lowers fees and leaves more money in the hands of licensees.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 353-354](#).

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 54-3712, Idaho Code.

Rule 41 reduces the initial licensure fee for occupational therapists from \$100 to \$80 and occupational therapy assistants from \$75 to \$60. It reduces the active license renewal fee for occupational therapists from \$55 to \$40 and occupational therapy assistants from \$35 to \$30. It also reduces the inactive license renewal fee for occupational therapists and occupational therapy assistants from \$25 to \$20.

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 Dicsie Gullick at (208) 334-3233.

DATED this 22nd day of November, 2017.

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

24.07.01 – RULES OF THE IDAHO STATE BOARD OF LANDSCAPE ARCHITECTS

DOCKET NO. 24-0701-1701

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 2018 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 54-3003, 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 Board of Landscape Architects operates primarily on licensing fees. It is recommended that boards maintain a cash balance of 100-150% of their annual budget. The cash balance of the Board of Landscape Architects exceeds that amount. Accordingly, the Board wants to lower its balance and leave more money in the hands of its licensees. This rule will also update the name of the landscape architect accrediting body from the American Society of Landscape Architects (ASLA) to the more precise Landscape Architectural Accreditation Board (LAAB).

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 355-356](#).

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 54-3003, Idaho Code.

Rule 400 reduces the license application fee from \$100 to \$75 and the original license and annual renewal fees from \$150 to \$125.

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 Dicsie Gullick at (208) 334-3233.

DATED this 22nd day of November, 2017.

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

24.08.01 – RULES OF THE STATE BOARD OF MORTICIANS

DOCKET NO. 24-0801-1701

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 2018 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 54-1106 and 54-1110, 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 2017 Legislature passed House Bill 120 that created inactive licenses for morticians and funeral directors. The bill directed the Board to specify in rule the terms, procedures, and fees necessary to maintain an inactive license. That is what this proposed fee rule does.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 357-359](#).

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 54-1106, Idaho Code.

Rule 500 establishes an inactive license fee and a renewal fee of \$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 fee rule, contact Dicsie Gullick at (208) 334-3233.

DATED this 22nd day of November, 2017.

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

24.12.01 – RULES OF THE IDAHO STATE BOARD OF PSYCHOLOGIST EXAMINERS

DOCKET NO. 24-1201-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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:

This proposed rule will ensure that temporary licensees hold a certification of prescriptive authority issued by the Board before issuing a prescription. It shortens the length of face-to-face supervision time required for category III service extenders, and it amends the telepsychology rules to refine the definition of telepsychology and clarify the informed consent provisions.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 360-366](#).

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 Dicsie Gullick at (208) 334-3233.

DATED this 22nd day of November, 2017.

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

24.13.01 – RULES GOVERNING THE PHYSICAL THERAPY LICENSURE BOARD

DOCKET NO. 24-1301-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 54-2206, 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 proposed rule outlines the number of hours of continuing education (“CE”) required for reinstatement of a physical therapy license. This proposed rule requires 1 year of CE (or 16 hours) for licenses expired for one year or less; 2 years of CE (or 32 hours) for licenses expired for more than a year and up to 2 years; and 3 years of CE (or 48 hours) for licenses expired for more than 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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 367-370](#).

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: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dicsie Gullick at (208) 334-3233.

DATED this 22nd day of November, 2017.

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

24.18.01 – RULES OF THE REAL ESTATE APPRAISER BOARD

DOCKET NO. 24-1801-1701

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 2018 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 54-4113, Idaho Code and Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, United States Code (“FIRREA”).

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:

In 2017, the Legislature passed H119, which allows the Real Estate Appraiser Board to collect and pass-through fees to the federal government for appraisal management companies (“AMCs”). This rule implements that legislation. This rule also updates the incorporated “Uniform Standards of Professional Appraisal Practice (USPAP)” from the 2016-2017 edition to the 2018-2019 edition.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 371-373](#).

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 54-4106, Idaho Code.

This fee rule will have no impact on the general fund or the Bureau of Occupational Licenses’ dedicated fund because the Real Estate Appraiser Board passes through an amount equal to any federal fee that will apply to AMCs, which is currently projected to be between \$25-\$50 multiplied by the number of appraisers working for or contracting with an AMC per year.

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 Dicsie Gullick at (208) 334-3233.

DATED this 22nd day of November, 2017.

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

24.23.01 – RULES OF THE SPEECH, HEARING AND COMMUNICATION SERVICES LICENSURE BOARD

DOCKET NO. 24-2301-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 54-2910, 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 pending rule clarifies that the practice of audiology does not include the operation of automated newborn hearing screening machines. It also increases flexibility for licensees in completing continuing education (CE) by moving from a 1-year CE cycle (completion of 10 hours of CE within a one-year period) to a 3-year CE cycle (completion of 30 hours of CE within a three-year period).

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 374-376](#).

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 Dicsie Gullick at (208) 334-3233.

DATED this 22nd day of November, 2017.

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

24.23.01 – RULES OF THE SPEECH, HEARING AND COMMUNICATION SERVICES LICENSURE BOARD

DOCKET NO. 24-2301-1702

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 2018 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 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-2905, 54-2916A, 54-2917, 67-2614, 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:

The pending rule implements H47 from the 2017 Legislature, which added sign language interpreters to the Speech and Hearing Services Practice Act. The change to the pending rule clarifies the provisions relating to registration for out of state licensees and makes the rule more easily understood.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 377-384](#).

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 54-2916A, Idaho Code.

Rule 175 adds a \$10 registration fee for out of state licenses and clarifies that fees relating to reinstatement and dual licensure are as set in the law. Sign language interpreters will pay the same fees that are charged to other licensees under the Speech and Hearing Services Practice Act and already established in rule. No change is being made to those fees in this proposed 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 Dicsie Gullick at (208) 334-3233.

DATED this 7th day of December, 2017.

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. 24-2301-1702 - 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 17-10, October 4, 2017, pages 377 through 384.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING FEE RULE FOR
DOCKET NO. 24-2301-1702**

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

[Section 270 - Section header only]

270. REGISTRATION FOR OUT OF STATE LICENSEES (RULE 270).

A person licensed or certified as sign language interpreter in another state, territory, or the District of Columbia may practice sign language interpreting in this state without a license issued by the board for a period not to exceed in the aggregate thirty (30) days in any calendar year provided that they fulfill the following requirements: ()

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES
24.24.01 – RULES OF THE GENETIC COUNSELORS LICENSING BOARD
DOCKET NO. 24-2401-1701
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 2018 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 54-5607, 54-5613 and 54-5713, 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 Genetic Counselors Licensing Board operates primarily on licensing fees. It is recommended that boards maintain a cash balance of 100-150% of their annual budget. The cash balance of the Genetic Counselors Licensing Board exceeds that amount. Accordingly, the Board wants to lower its balance and leave more money in the hands of its licensees.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 385-386](#).

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 54-5607, Idaho Code.

Rule 250 reduces the fees for application, original license, annual renewal, provisional license, and license by endorsement from \$500 each to \$200 each.

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 Dicsie Gullick at (208) 334-3233.

DATED this 22nd day of November, 2017.

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

24.25.01 – RULES OF THE IDAHO DRIVING BUSINESSES LICENSURE BOARD

DOCKET NO. 24-2501-1701

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 2018 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 54-5403 and 54-5404, 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:

As a result of a law change in 2015, the Idaho Department of Transportation distributes to the Board a portion of the money collected for driver training permits. Therefore, the Board can lower its fees for licensees. The change to the pending rule lowers the fees for an original business license and renewal to \$125.00. The reduction in fees for other licenses issued by Board is the same as in the proposed 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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 387-388](#).

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 54-5404, Idaho Code.

Rule 175 reduces the initial application processing fee from \$50 to \$25, the original instructor license and renewal fee from \$50 to \$25, the instructor apprentice permit fee from \$50 to \$25, and the original business license and renewal fee from \$500 to \$125.

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 Dicsie Gullick at (208) 334-3233.

DATED this 22nd day of November, 2017.

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. 24-2501-1701 - 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 17-10, October 4, 2017, pages 387 through 388.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING FEE RULE FOR
DOCKET NO. 24-2501-1701**

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

175. FEES (RULE 175).

01. Fees. The following fees are established by the Board: (4-7-11)

[Subsection 175.01.d.]

d. Original business license fee and renewal fee - ~~five~~ one hundred twenty-five dollars (~~\$500~~ 125).
(4-7-11) ()

IDAPA 35 – STATE TAX COMMISSION

35.01.02 – IDAHO SALES AND USE TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0102-1702

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 63-105 and 63-2427, 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:

Rule 048

No change will be made to Rule 048. It will remain as it is currently codified.

Rule 079

The descriptive summary for the proposed rule stated that Subsections 079.05.m. and 079.05.n. were being modified; Subsection 079.05.n. was removed; Subsection 079.05.m. used the word “defined,” this was changed to “described.”

Rule 107

Subsection 107.10.f. was changed to separately state a park model recreational vehicle from a trailer or a utility trailer

Rule 128

Subsection 128.07 used the word “defined,” this was changed to “describe.”

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 6, 2017 Idaho Administrative Bulletin, [Vol. 17-9, pages 251-273](#).

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 Leah Parsons (208) 334-7531 or e-mail leah.parsons@tax.idaho.gov.

DATED this 22nd day of November 2017.

Leah Parsons
Tax Policy Specialist
Idaho State Tax Commission
800 Park Blvd, Plaza IV
P.O. Box 36
Boise, ID 83722-0410
Phone: (208) 334-7531

DOCKET NO. 35-0102-1702 - 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 17-9, September 6, 2017, pages 251 through 273.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 35-0102-1702

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

[Proposed changes to Section 048 have been withdrawn; section remains as currently codified]

079. PRODUCTION EXEMPTION (RULE 079).
Sections 63-3622, & 63-3622D, & 63-3622HH, Idaho Code.

05. Taxable Purchases. The production exemption does not include any of the following: (4-11-06)

[Subsections 079.05.m.]

m. ~~Recreation related vehicles regardless of use. Recreation related vehicles are: snowmobiles; off highway motorbikes and dual purpose motorcycles (a dual purpose motorcycle is designed for use off developed roadways and highways, but is also equipped to be operated legally on public roads and highways); motorcycles, motor scooters and motorized bikes; all terrain vehicles (ATVs), not including tractors (a tractor is a motorized vehicle designed and used primarily as a farm implement for drawing plows, tillage equipment, and other farm implements); portable truck campers designed for temporary living quarters; camping, park, travel, and fifth wheel travel type trailers designed to provide temporary living quarters; motor homes; buses and van type vehicles converted to recreational use as temporary living quarters. Buses and vans are considered recreational vehicles if they have at least four (4) of the following facilities: cooking, refrigeration or icebox, self-contained toilet, heating or air conditioning, a portable water supply system including a faucet and sink, and separate one hundred ten to one hundred twenty five (110-125) volt electrical power supply or LP gas supply.~~ Recreation-related vehicles as described in 63-3622HH, Idaho Code, regardless of use. (7-1-93) ()

(BREAK IN CONTINUITY OF SECTIONS)

107. VEHICLES AND VESSELS -- GIFTS, MILITARY PERSONNEL, NONRESIDENT, NEW RESIDENT, TAX PAID TO ANOTHER STATE, SALES TO FAMILY MEMBERS, SALES TO AMERICAN INDIANS, AND OTHER EXEMPTIONS (RULE 107).

Sections [49-117](#), [49-121](#), [49-122](#), [63-3606B](#), & [63-3622R](#), & [67-7101](#), Idaho Code

10. Vehicles and Vessels Purchased in Idaho by Nonresidents for Use Outside Idaho. (5-3-03)

[Subsection 107.10.f.]

f. For the purposes of Subsection 107.10 of this rule a trailer must meet the definition of either a park model recreational vehicle, a “trailer” or “utility trailer” found in Sections [49-117](#), [49-121](#), and [49-122](#) Idaho Code, which is a vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle. The term “trailer” includes the specific types of trailers or park model recreational vehicles defined in Sections [49-117](#), and [49-121\(6\)\(a\) through 49-121\(6\)\(h\)](#), Idaho Code. ~~(4-2-08)~~ ()

(BREAK IN CONTINUITY OF SECTIONS)

128. CERTIFICATES FOR RESALE AND OTHER EXEMPTION CLAIMS (RULE 128).

Sections [63-3622](#), & [63-3622HH](#), Idaho Code

07. Seller's Responsibility -- Purchases Claimed Exempt from Sales Tax for Reasons Other Than Resale. A seller is not liable for the collection of sales tax on items sold to a customer from whom a properly executed Sales Tax Resale and Exemption Certificate, Form ST-101, has been received if the nature of the exemption claimed is available to the purchaser as a matter of law or the nature of the goods purchased qualify for the particular exemption claimed on the certificate. (3-4-10)

a. A retailer must collect tax on the sale of any goods that are specifically excluded from an exemption as a matter of law. For example, a purchaser claiming the production exemption provided by Section [63-3622D](#), Idaho Code, may not claim an exemption on the sale of items that are specifically excluded from the exemption as a matter of law, such as: (3-6-00)

[Subsections 128.07.a.ix.]

ix. Recreational-related vehicles as described in Section 63-3622HH, Idaho Code. ~~(3-6-00)~~ ()

IDAPA 35 – STATE TAX COMMISSION

35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1704

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 pending rules. The action is authorized pursuant to Sections 63-105 and 63-2427, 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:

RULES 314, 404, and 612 are being adopted as proposed with no changes.

RULES 631 and 803 are being adopted with the noted changes:

RULE 631 - The published version of the rule was changed by adding a new sentence to Subsection 631.02 which reads “Real property improvements owned or leased, and personal property owned, by the taxpayer applying for the exemption may be granted the exemption” and by striking the word non-residential from Paragraph 631.02.c. This change was made in response to an assessor who pointed out that amended Idaho Code Section 63-602NN (HB 235,2017) did not extend the property tax exemption to leased personal property. These changes were supported by those who attended the Nov. 7, 2017 public hearing.

RULE 803 - The published version of the rule was changed by deleting the words “from the immediate prior year’s amount” and by adding the words “The following table illustrates calculations of the maximum forgone amount that may be disclaimed in 2018.” A table explaining that amount of forgone which may be disclaimed is limited to the forgone generated in the current budget year was added. The change from allowing the disclaiming of the current budget’s forgone from allowing the disclaiming of the prior year budget’s forgone was suggested by a county commissioner and supported by those who attended the Nov. 7, 2017 public hearing.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 478-491](#).

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 Alan Dornfest (208) 334-7742 or e-mail alan.dornfest@tax.idaho.gov.

DATED this 20th day of November, 2017

Alan Dornfest
Tax Policy Supervisor
Idaho State Tax Commission
800 Park Blvd., Plaza IV
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7742

DOCKET NO. 35-0103-1704 - 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 17-10, October 4, 2017, pages 478 through 491.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 35-0103-1704

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

631. TAX EXEMPTION FOR INVESTMENT IN NEW OR EXISTING PLANT AND BUILDING
FACILITIES UPON COUNTY COMMISSIONERS' APPROVAL (RULE 631).

Section 63-602NN, Idaho Code

[Subsection 631.02]

02. **The Exemption.** The board of county commissioners may agree to exempt all or a portion of the market value of non-retail commercial and industrial real property improvements and associated personal property that would otherwise be in excess of the base value for property designated as the defined project for a period of up to five (5) years. Real property improvements owned or leased, and personal property owned, by the taxpayer applying for the exemption may be granted the exemption. Land is not eligible to be included in this exemption. See Section 63-602NN(2), Idaho Code. (3-29-17)()

[Subsection 631.02.c.]

c. Mixed use properties. Non-retail portions of any mixed use building or structure otherwise used for commercial or industrial purposes may qualify. ()

(BREAK IN CONTINUITY OF SECTIONS)

803. BUDGET CERTIFICATION -- DOLLAR CERTIFICATION FORM (L-2 FORM) (RULE 803).

Sections 63-602G(5), 63-802, 63-803, 63-3029B(4), 63-3502B, 50-2903A, 50-2913, 63-3638(11), and (13), Idaho Code

[Subsection 803.03.b.]

b. Forgone increase disclaimer. Any resolution to disclaim the right to recover an annual increase in the forgone amount must state the amount of such forgone increase being disclaimed and must be submitted to the board of county commissioners representing each county in which the district is located along with the L-2 Form. The board of county commissioners must attach a copy of the resolution to be submitted to the State Tax Commission along with the L-2 Form. Such submittal will constitute submittal to the State Tax Commission. The following table illustrates calculation of the maximum forgone amount that may be disclaimed in 2018:

<u>Step</u>	<u>Description</u>	<u>Comments</u>
<u>1</u>	<u>2017 maximum property tax \$10,000. This is an increase of \$1,000 from 2016.</u>	<u>The district has no prior forgone balance.</u>
<u>2</u>	<u>The district certifies \$9,800 in 2017.</u>	<u>The district now has \$200 in forgone balance.</u>
<u>3</u>	<u>2018 maximum property tax \$11,000 (not including \$200 forgone).</u>	
<u>4</u>	<u>2018 property tax budgeted (to be submitted for certification) is \$10,600.</u>	<u>This amount is approved to be levied and would generate \$400 in additional forgone balance.</u>
<u>5</u>	<u>2018 maximum amount of forgone increase that may be disclaimed by the district is \$400.</u>	<u>If the district disclaims the full \$400, their forgone balance remains at \$200.</u>

()

IDAPA 47 – DIVISION OF VOCATIONAL REHABILITATION

47.01.01 – RULES OF THE IDAHO DIVISION OF VOCATIONAL REHABILITATION

DOCKET NO. 47-0101-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 33-2301 and 33-2303, Idaho Code, and the rehabilitation Act of 1973 and all subsequent amendments and the Workforce Innovation and Opportunity Act.

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:

Proposed amendments make technical amendment and improvements to this section and amends the Division of Vocational Rehabilitation's Field Services Policy Manual, incorporated by reference, to further align the program's policies with the Rehabilitation Act of 1973, P.L. 93-112, as amended by the Workforce Innovation and Opportunity Act (WIOA) of 2014, P.L. 113-128. Furthermore, the Division is proposing substantive changes specifically to the Supported Employment and Transition Services policies to be in alignment with WIOA. WIOA requires Vocational Rehabilitation to provide pre-employment transition services to students and youth with disabilities as well as extended services to youth with disabilities who do not immediately have funding for such services, up to a specified period of time. Comments received during the public comment period resulted in amendments to the Field Services Manual incorporated by reference. The pending rule has been amended to incorporate the new approval date of the Field Services Manual incorporated these amendments. Specific changes to the manual were to update requirements and references imposed by the Workforce Innovation and Opportunity Act (WIOA) and changes to policies supporting employment, pre-employment transition and transition services for students and youth, and services for individuals employed or seeking employment at sub-minimum wage were substantially modified/created to meet federal compliance and best 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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, page 529](#).

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.

DATED this 17th day of November, 2017.

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

DOCKET NO. 47-0101-1701 - 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 17-10, October 4, 2017, page 529.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 47-0101-1701**

(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.

02. Documents Incorporated by Reference. The following documents are incorporated by reference
into these rules: (3-30-01)

[Subsection 004.02.b.]

b. Idaho Division of Vocational Rehabilitation Field Services Policy Manual, approved August
November 17, 2016, available for review on the website at <http://www.vr.idaho.gov/>. ~~(3-29-17)~~ ()

IDAPA 50 – COMMISSION OF PARDONS AND PAROLE
50.01.01 – RULES OF THE COMMISSION OF PARDONS AND PAROLE
DOCKET NO. 50-0101-1701
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 20-223, 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 amendments change the structure of the Commission, including decision making; update alternative placement options for parole violators; provide for the review of firearm restoration applications in executive session; clarify victim's services; update definitions; address technological advancements for use in hearings; establish the number of commissioners required for parole proceedings and decisions. Adding language to the Foreign National Treaty giving the Commission discretion to make recommendations to the Governor, and implement statutory amendments from the 2016-2017 session.

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 1, 2017 Idaho Administrative Bulletin, **Vol. 17-11, pages 123-155**.

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 Mary Schoeler (208) 334-2520.

DATED this 27th day of November, 2017.

Sandy Jones, Executive Director
Idaho Commission of Pardons and Parole
3056 Elder Street
Boise, ID 83705
Phone: (208) 334-2520
Fax: (208) 334-3501

IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION

55.01.03 – RULES OF CAREER TECHNICAL SCHOOLS

DOCKET NO. 55-0103-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 33-2205, 33-2211 and 33- 1002G.

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:

Proposed amendments will update the rule language with current terminology, remove outdated language that no longer conforms to Idaho Code, streamline requirements for more efficient administration and make technical changes, like alphabetizing the definition section. The proposed changes will also clarify the process for calculating and distributing funds to career technical schools.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 531-535](#).

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.

DATED this 17th day of November, 2017.

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

IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION

55.01.04 – RULES GOVERNING IDAHO QUALITY PROGRAM STANDARDS INCENTIVE GRANTS AND AGRICULTURAL EDUCATION PROGRAM START-UP GRANTS

DOCKET NO. 55-0104-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 33-1629, 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:

Proposed amendments will create a “carry forward” function within the incentive grant program that will allow qualified teachers priority consideration for a subsequent grant cycle, in the event that a qualified teacher does not receive funds in the first year they are eligible. In years that the number of qualified teachers exceeds available funds, those teachers would be placed at the top of the consideration list the following year. The second amendment expands the window of time that a new career technical education program is eligible for the start-up grant from one year to three years. Additional amendments will change the disbursement of grant funds structure, rather than using a reimbursement process, districts will receive their entire grant award in October of each year and then file an annual report with the Division of Career Technical Education documenting the appropriate use of funds at the end of the award cycle.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 536-540](#).

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.

DATED this 17th day of November, 2017.

Tracie Bent, Chief Planning and Policy Officer
Office of the State Board of Education
650 W. State Street
P.O. Box 83720
Boise, Idaho 83720-0037
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. 57-0101-1701
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 Sections 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 18-8314, 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 and reasoning was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 541-544](#).

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 resulting from this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Nancy Volle at (208) 658-2002.

DATED this 20th day of November, 2017.

Nancy Volle, Program Manager
Sexual Offender Management Board
1299 N. Orchard St., Ste 110
Boise, ID 83706
(208) 658-2002
E-mail: somb@idoc.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-1702

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Sixty-fourth Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105 and 39-107, Idaho Code. This rulemaking updates federal regulations incorporated by reference as mandated by the U.S. Environmental Protection Agency (EPA) for approval of Idaho's Title V Operating Permit Program pursuant to 40 CFR Part 70 and fulfilling the requirements of Idaho's delegation agreement with EPA under Section 112(l) of the Clean Air Act. It also updates citations to other federal regulations necessary to retain state primacy of Clean Air Act programs.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 2, 2017, [Vol. 17-8, pages 125 through 127](#). After consideration of public comments, the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at www.deq.idaho.gov/58-0101-1702 or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Carl Brown at carl.brown@deq.idaho.gov or (208) 373-0206.

DATED this 3rd day of January, 2018.

Paula J. Wilson
DEQ Administrative Rules Coordinator
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706
Phone: (208) 373-0418
Fax: (208) 373-0481
paula.wilson@deq.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 – WATER QUALITY STANDARDS

DOCKET NO. 58-0102-1502

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Sixty-fourth Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105, 39-107, and 39-3601 et seq., Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, September 6, 2017, [Vol. 17-9, pages 294 through 309](#). After consideration of public comments, Subsections 004.01 and 210.03.c.v. have been revised. The remainder of the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at www.deq.idaho.gov/58-0102-1502 or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Jason Pappani at Jason.pappani@deq.idaho.gov, (208) 373-0515.

DATED this 3rd day of January, 2018.

Paula J. Wilson
DEQ Administrative Rules Coordinator
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706
Phone: (208) 373-0418
Fax: (208) 373-0481
paula.wilson@deq.idaho.gov

DOCKET NO. 58-0102-1502 - 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 17-9, September 6, 2017, pages 294 through 309.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 58-0502-1702

(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.

Codes, standards and regulations may be incorporated by reference in these rules pursuant to Section 67-5229, Idaho Code. Such incorporation by reference shall constitute full adoption by reference, including any notes or appendices therein, unless expressly provided otherwise in these rules. Copies of the codes, standards or regulations adopted by reference throughout these rules are available in the following locations: (8-24-94)

[Subsection 004.01]

01. Department. Idaho Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706-1255, www.deq.idaho.gov; and ~~(4-5-00)~~ ()

(BREAK IN CONTINUITY OF SECTIONS)

210. NUMERIC CRITERIA FOR TOXIC SUBSTANCES FOR WATERS DESIGNATED FOR AQUATIC LIFE, RECREATION, OR DOMESTIC WATER SUPPLY USE.

03. Applicability. The criteria established in Section 210 are subject to the general rules of applicability in the same way and to the same extent as are the other numeric chemical criteria when applied to the same use classifications. Mixing zones may be applied to toxic substance criteria subject to the limitations set forth in Section 060 and set out below. (3-25-16)

c. Application of aquatic life metals criteria. (3-25-16)

v. Copper Criteria for Aquatic Life. ()

[Subsection 210.03.c.v.(4)]

(4) A criterion derived under Subsection 210.03.c.v.(1)(a) shall supersede any criterion derived under Subsection 210.03.c.v.(1)(b). Acceptable BLM software includes the "US EPA WQC Calculation" for copper in BLM Version 3.1.2.37 (October 2015). ()

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 – WATER QUALITY STANDARDS

DOCKET NO. 58-0102-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Sixty-fourth Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105, 39-107, and 39-3601 et seq., Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, September 6, 2017, [Vol. 17-9, pages 311 through 331](#). After consideration of public comments, Subsection 210.01., table footnote r, and Section 287 have been revised. The remainder of the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at www.deq.idaho.gov/58-0102-1701 or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Stephanie Jenkins at stephanie.jenkins@deq.idaho.gov or (208) 373-0407.

DATED this 3rd day of January, 2018.

Paula J. Wilson
DEQ Administrative Rules Coordinator
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706
Phone: (208) 373-0418
Fax: (208) 373-0481
paula.wilson@deq.idaho.gov

DOCKET NO. 58-0102-1701 - 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 17-9, September 6, 2017, pages 311 through 331.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 58-0102-1701

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

210. NUMERIC CRITERIA FOR TOXIC SUBSTANCES FOR WATERS DESIGNATED FOR
AQUATIC LIFE, RECREATION, OR DOMESTIC WATER SUPPLY USE.

01. Criteria for Toxic Substances. The criteria of Section 210 apply to surface waters of the state as
follows. (5-3-03)

[Subsection 210.01.c. (Table line "r." numbers 1. through 4.)]

c. Column C1 of the following table applies to waters designated for domestic water supply use.

A		B Aquatic life			C Human health for consumption of:			
(Number) Compound	a CAS Number	b CMC (µg/L)	b CCC (µg/L)	Carcinogen?	Water & fish (µg/L)		Fish only (µg/L)	
		B1	B2		C1		C2	
1 Antimony	7440360				5.2	c	190	c
2 Arsenic	7440382	340 e	150 e	Y	10	dfq	10	dfq

A		B Aquatic life				C Human health for consumption of:	
(Number) Compound	a CAS Number	b CMC (µg/L)	b CCC (µg/L)	Carcinogen?	Water & fish (µg/L)	Fish only (µg/L)	
		B1	B2		C1	C2	
<p>Note: In 2008, Idaho adopted 10 µg/L as its CWA arsenic criterion for both exposure through fish consumption only and exposure through drinking water+fish consumption, choosing the SDWA MCL due to concerns about background levels that exceed EPA's 304(a) criteria (docket 58-0102-0801). EPA approved this action in 2010. In June 2016, Northwest Environmental Advocates challenged EPA's 2010 approval. Court remanded action back to EPA. On September 15, 2016 EPA disapproved Idaho's adoption of 10 µg/L. Until new criteria are adopted, EPA will use criteria of 6.2 µg/L for exposure through fish consumption only and 0.02 µg/L for exposure through both drinking water + consumption of fish in its NPDES permitting actions. These criteria are published in 1996 Idaho Administrative Code (Subsections 250.01.c, 250.02.a.iv, 250.03.a.i). For more information, go to http://www.deq.idaho.gov/epa-actions-on-proposed-standards.</p>							
3	Beryllium	7440417				h	h
4	Cadmium	7440439	1.3 i	0.6 i		h	h
5a	Chromium III	16065831	570 i	74 i		h	h
5b	Chromium VI	18540299	16 e	11 e		h	h
6	Copper	7440508	17 i	11 i		1,300 q	
7	Lead	7439921	65 i	2.5 i		h	h
8a	Mercury	7439976		g			
<p>Note: In 2005, Idaho adopted EPA's recommended methylmercury fish tissue criterion for protection of human health (docket 58-0102-0302). The decision was made to remove the old tissue-based aquatic life criteria and rely on the fish tissue criterion to provide protection for aquatic life as well as human health. Thus, current Idaho water quality standards do not have mercury water column criteria for the protection of aquatic life. While EPA approved Idaho's adoption of the fish tissue criterion in September 2005, it had withheld judgment on Idaho's removal of aquatic life criteria. On December 12, 2008, EPA disapproved Idaho's removal of the old aquatic life criteria. The water column criteria for total recoverable mercury published in 2004 Idaho Administrative Code continue to apply and are effective for CWA purposes. For more information go to http://www.deq.idaho.gov/epa-actions-on-proposed-standards.</p>							
8b	Methylmercury	22967926					0.3 mg/kg p
9	Nickel	7440020	470 i	52 i		58 c	100 c
10	Selenium ¹	7782492	20 f	5 f		29 c	250 c
<p>¹Effective for CWA purposes. The CMC value and footnote and the CCC value are effective for CWA purposes until the date EPA issues written notification that the revisions adopted under Rule Docket No. 58-0102-1701 have been approved.</p>							
10	Selenium ²	7782492	20 s f	5 r f		29 c	250 c
<p>²Not yet effective for CWA purposes. CMC footnote s, and CCC footnote r, are not effective for CWA purposes until the date EPA issues written notification that the revisions adopted under Rule Docket No. 58-0102-1701 have been approved.</p>							
11	Silver	7440224	3.4 i				
12	Thallium	7440280				0.017 c	0.023 c

A		B Aquatic life				C Human health for consumption of:				
(Number) Compound	a CAS Number	b CMC (µg/L)		b CCC (µg/L)		Carcinogen?	Water & fish (µg/L)		Fish only (µg/L)	
		B1		B2			C1		C2	
13	Zinc	7440666	120 i	120 i			870 c		1,500 c	
14	Cyanide	57125	22 j	5.2 j			3.9 c		140 c	
15	Asbestos	1332214					7,000,000 fibers/L q			
16	2, 3, 7, 8-TCDD Dioxin	1746016				Y	1.8E-08 cl		1.9E-08 cl	
17	Acrolein	107028					3.2 c		120 c	
18	Acrylonitrile	107131				Y	0.60 cl		22 cl	
19	Benzene	71432					3.0 cl		28 c	
20	Bromoform	75252				Y	62 cl		380 cl	
21	Carbon Tetrachloride	56235				Y	3.6 cl		15 cl	
22	Chlorobenzene	108907					89 c		270 c	
23	Chlorodibromomethane	124481				Y	7.4 cl		67 cl	
24	Chloroethane	75003						h		h
25	2-Chloroethylvinyl Ether	110758						h		h
26	Chloroform	67663					61 c		730 c	
27	Dichlorobromomethane	75274				Y	8.8 cl		86 cl	
28	1,1-Dichloroethane	75343						h		h
29	1,2-Dichloroethane	107062				Y	96 cl		2,000 cl	
30	1,1-Dichloroethylene	75354					310 c		5,200 c	
31	1,2-Dichloropropane	78875				Y	8.5 cl		98 cl	
32	1,3-Dichloropropene	542756				Y	2.5 cl		38 cl	
33	Ethylbenzene	100414					32 c		41 c	
34	Methyl Bromide	74839					130 c		3,700 c	
35	Methyl Chloride	74873						h		h
36	Methylene Chloride	75092					38 c		960 c	
37	1,1,2,2-Tetrachloroethane	79345				Y	1.4 cl		8.6 cl	
38	Tetrachloroethylene	127184					15 c		23 c	
39	Toluene	108883					47 c		170 c	
40	1,2-Trans-Dichloroethylene	156605					120 c		1,200 c	

A		B Aquatic life			C Human health for consumption of:				
(Number) Compound	a CAS Number	b CMC (µg/L)	b CCC (µg/L)	Carcinogen?	Water & fish (µg/L)		Fish only (µg/L)		
		B1	B2		C1		C2		
41	1,1,1-Trichloroethane	71556				11,000	c	56,000	c
42	1,1,2-Trichloroethane	79005			Y	4.9	cl	29	cl
43	Trichloroethylene	79016				2.6	c	11	c
44	Vinyl Chloride	75014			Y	0.21	cl	5.0	cl
45	2-Chlorophenol	95578				30	c	260	c
46	2,4-Dichlorophenol	120832				9.6	c	19	c
47	2,4-Dimethylphenol	105679				110	c	820	c
48	2-Methyl-4,6-Dinitrophenol	534521				1.6	c	8.6	c
49	2,4-Dinitrophenol	51285				12	c	110	c
50	2-Nitrophenol	88755					h		h
51	4-Nitrophenol	100027					h		h
52	3-Methyl-4-Chlorophenol	59507				350	c	750	c
53	Pentachlorophenol	87865	20 m	13 m	Y	0.11	cl	0.12	cl
54	Phenol	108952				3,800	c	85,000	c
55	2,4,6-Trichlorophenol	88062				1.5	c	2.0	c
56	Acenaphthene	83329				26	c	28	c
57	Acenaphthylene	208968					h		h
58	Anthracene	120127				110	c	120	c
59	Benzidine	92875			Y	0.0014	cl	0.033	cl
60	Benzo(a)Anthracene	56553			Y	0.0042	cl	0.0042	cl
61	Benzo(a)Pyrene	50328			Y	0.00042	cl	0.00042	cl
62	Benzo(b)Fluoranthene	205992			Y	0.0042	cl	0.0042	cl
63	Benzo(ghi)Perylene	191242					h		h
64	Benzo(k)Fluoranthene	207089			Y	0.042	cl	0.042	cl
65	Bis(2-Chloroethoxy) Methane	111911					h		h
66	Bis(2-Chloroethyl)Ether	111444			Y	0.29	cl	6.8	cl
67	Bis(2-Chloroisopropyl) Ether	108601				220	c	1,200	c

A		B Aquatic life			C Human health for consumption of:				
(Number) Compound	a CAS Number	b CMC (µg/L)	b CCC (µg/L)	Carcinogen?	Water & fish (µg/L)		Fish only (µg/L)		
		B1	B2		C1		C2		
68	Bis(2-Ethylhexyl) Phthalate	117817			Y	1.2	cl	1.2	cl
69	4-Bromophenyl Phenyl Ether	101553					h		h
70	Butylbenzyl Phthalate	85687				0.33	c	0.33	c
71	2-Chloronaphthalene	91587				330	c	380	c
72	4-Chlorophenyl Phenyl Ether	7005723					h		h
73	Chrysene	218019			Y	0.42	cl	0.42	cl
74	Dibenzo (a,h) Anthracene	53703			Y	0.00042	cl	0.00042	cl
75	1,2-Dichlorobenzene	95501				700	c	1,100	c
76	1,3-Dichlorobenzene	541731				3.5	c	4.8	c
77	1,4-Dichlorobenzene	106467				180	c	300	c
78	3,3'-Dichlorobenzidine	91941			Y	0.29	cl	0.48	cl
79	Diethyl Phthalate	84662				200	c	210	c
80	Dimethyl Phthalate	131113				600	c	600	c
81	Di-n-Butyl Phthalate	84742				8.2	c	8.3	c
82	2,4-Dinitrotoluene	121142			Y	0.46	cl	5.5	cl
83	2,6-Dinitrotoluene	606202					h		h
84	Di-n-Octyl Phthalate	117840					h		h
85	1,2-Diphenylhydrazine	122667			Y	0.25	cl	0.65	cl
86	Fluoranthene	206440				6.3	c	6.4	c
87	Fluorene	86737				21	c	22	c
88	Hexachlorobenzene	118741			Y	0.00026	cl	0.00026	cl
89	Hexachlorobutadiene	87683			Y	0.031	cl	0.031	cl
90	Hexachloro-cyclopentadiene	77474				1.3	c	1.3	c
91	Hexachloroethane	67721				0.23	c	0.24	c
92	Ideno (1,2,3-cd) Pyrene	193395			Y	0.0042	cl	0.0042	cl
93	Isophorone	78591			Y	330	cl	6,000	cl

A		B Aquatic life			C Human health for consumption of:			
(Number) Compound	a CAS Number	b CMC (µg/L)	b CCC (µg/L)	Carcinogen?	Water & fish (µg/L)		Fish only (µg/L)	
		B1	B2		C1		C2	
94	Naphthalene	91203				h		h
95	Nitrobenzene	98953				12 c	180	c
96	N-Nitrosodimethylamine	62759			Y	0.0065 cl	9.1	cl
97	N-Nitrosodi-n-Propylamine	621647			Y	0.046 cl	1.5	cl
98	N-Nitrosodiphenylamine	86306			Y	3.14 cl	18	cl
99	Phenanthrene	85018				h		h
100	Pyrene	129000				8.1 c	8.4	c
101	1,2,4-Trichlorobenzene	120821				0.24 c	0.24	c
102	Aldrin	309002	3		Y	2.5E-06 cl	2.5E-06	cl
103	alpha-BHC	319846			Y	0.0012 cl	0.0013	cl
104	beta-BHC	319857			Y	0.036 cl	0.045	cl
105	gamma-BHC (Lindane)	58899	2	0.08		1.4 c	1.4	c
106	delta-BHC	319868				h		h
107	Chlordane	57749	2.4	0.0043	Y	0.0010 cl	0.0010	cl
108	4,4'-DDT	50293	1.1	0.001	Y	9.8E-05 cl	9.8E-05	cl
109	4,4'-DDE	72559			Y	5.5E-05 cl	5.5E-05	cl
110	4,4'-DDD	72548			Y	0.00042 cl	0.00042	cl
111	Dieldrin	60571	2.5	0.0019	Y	4.2E-06 cl	4.2E-06	cl
112	alpha-Endosulfan	959988	0.22	0.056		7.0 c	8.5	c
113	beta-Endosulfan	33213659	0.22	0.056		11 c	14	c
114	Endosulfan Sulfate	1031078				9.9 c	13	c
115	Endrin	72208	0.18	0.0023		0.011 c	0.011	c
116	Endrin Aldehyde	7421934				0.38 c	0.40	c
117	Heptachlor	76448	0.52	0.0038	Y	2.0E-05 cl	2.0E-05	cl
118	Heptachlor Epoxide	1024573	0.52	0.0038	Y	0.00010 cl	0.00010	cl
119	Polychlorinated Biphenyls PCBs:	n		0.014 n	Y	0.00019 clo	0.00019	clo
120	Toxaphene	8001352	0.73	0.0002	Y	0.0023 cl	0.0023	cl
121	Chlorine		19 k	11 k				

A		B Aquatic life			C Human health for consumption of:	
(Number) Compound	a CAS Number	b CMC (µg/L)	b CCC (µg/L)	Carcinogen?	Water & fish (µg/L)	Fish only (µg/L)
		B1	B2		C1	C2
122	1,2,4,5-Tetrachlorobenzene	95943			0.0093 c	0.0094 c
123	2,4,5-Trichlorophenol	95954			140 c	190 c
124	Bis (Chloromethyl) Ether	542881		Y	0.0015 cl	0.055 cl
125	Chlorophenoxy Herbicide (2,4,5-TP) [Silvex]	93721			82 c	130 c
126	Chlorophenoxy Herbicide (2,4-D)	94757			1,000 c	3,900 c
127	Dinitrophenols	25550587			13 c	320 c
128	Hexachlorocyclohexane (HCH)-Technical	608731		Y	0.027 cl	0.032 cl
129	Methoxychlor	72435			0.0054 c	0.0055 c
130	Pentachlorobenzene	608935			0.035 c	0.036 c

Table Footnotes

a. Chemical Abstracts Service (CAS) registry numbers which provide a unique identification for each chemical.

b. See definitions of Acute Criteria (CMC) and Chronic Criteria (CCC), Section 010 of these rules.

A		B Aquatic life			C Human health for consumption of:	
(Number) Compound	a CAS Number	b CMC (µg/L)	b CCC (µg/L)	Carcinogen?	Water & fish (µg/L)	Fish only (µg/L)
		B1	B2		C1	C2
<p>c. This criterion is based on input values to human health criteria calculation specified in Idaho's Technical Support Document (TSD) for Human Health Criteria Calculations - 2015. Criteria for non-carcinogens are calculated using the formula:</p> $AWQC = RfD * RSC * \left(\frac{BW}{DI + (FI * BAF)} \right)$ <p>and criteria for carcinogens are calculated using the formula:</p> $AWQC = RSD * \left(\frac{BW}{DI + (FI * BAF)} \right)$ <p>Where: AWQC = Ambient water quality criterion (mg/L)</p> <p>BW = Human Body Weight (kg), 80 is used in these criteria DI = Drinking Water Intake, (L/day), 2.4 is used in these criteria FI = Fish Intake, (kg/day), 0.0665 is used in these criteria</p> <p>BAF = Bioaccumulation Factor, L/kg, chemical specific value, see TSD RfD = Reference dose (mg/kg-day), chemical specific value, see TSD</p> $RSD = \frac{\text{Target Incremental Cancer Risk}}{\text{Cancer Potency Factor}} \text{ (mg/kg-day), chemical specific value, see TSD}$ <p>RSC = Relative Source Contribution, chemical specific value, see TSD</p>						
d. Inorganic forms only.						
e. Criteria for these metals are expressed as a function of the water effect ratio, WER, as defined in Subsection 210.03.c.iii. CMC = column B1 value X WER. CCC = column B2 value X WER.						
f. Criterion expressed as total recoverable (unfiltered) concentrations.						
g. No aquatic life criterion is adopted for inorganic mercury. However, the narrative criteria for toxics in Section 200 of these rules applies. The Department believes application of the human health criterion for methylmercury will be protective of aquatic life in most situations.						
h. No numeric human health criteria has been established for this contaminant. However, permit authorities should address this contaminant in NPDES permit actions using the narrative criteria for toxics from Section 200 of these rules.						

A		B Aquatic life			C Human health for consumption of:	
(Number) Compound	a CAS Number	b CMC (µg/L)	b CCC (µg/L)	Carcinogen?	Water & fish (µg/L)	Fish only (µg/L)
		B1	B2		C1	C2
i. Aquatic life criteria for these metals are a function of total hardness (mg/L as calcium carbonate), the pollutant's water effect ratio (WER) as defined in Subsection 210.03.c.iii. and multiplied by an appropriate dissolved conversion factor as defined in Subsection 210.02. For comparative purposes only, the example values displayed in this table are shown as dissolved metal and correspond to a total hardness of one hundred (100) mg/L and a water effect ratio of one (1.0).						
j. Criteria are expressed as weak acid dissociable (WAD) cyanide.						
k. Total chlorine residual concentrations.						
l. EPA guidance allows states to choose from a range of 10 ⁻⁴ to 10 ⁻⁶ for the incremental increase in cancer risk used in human health criteria calculation. Idaho has chosen to base this criterion on carcinogenicity of 10 ⁻⁵ risk.						
m. Aquatic life criteria for pentachlorophenol are expressed as a function of pH, and are calculated as follows. Values displayed above in the table correspond to a pH of seven and eight tenths (7.8). CMC = exp(1.005(pH)-4.830) CCC = exp(1.005(pH)-5.290)						
n. PCBs are a class of chemicals which include Aroclors, 1242, 1254, 1221, 1232, 1248, 1260, and 1016, CAS numbers 53469219, 11097691, 11104282, 11141165, 12672296, 11096825 and 12674112 respectively. The aquatic life criteria apply to this set of PCBs.						
o. This criterion applies to total PCBs, (e.g. the sum of all congener, isomer, or Aroclor analyses).						
p. This fish tissue residue criterion (TRC) for methylmercury is based on a human health reference dose (RfD) of 0.0001 mg/kg body weight-day; a relative source contribution (RSC) estimated to be 27% of the RfD; a human body weight (BW) of 70 kg (for adults); and a total fish consumption rate of 0.0175 kg/day for the general population, summed from trophic level (TL) breakdown of TL2 = 0.0038 kg fish/day + TL3 = 0.0080 kg fish/day + TL4 = 0.0057 kg fish/day. This is a criterion that is protective of the general population. A site-specific criterion or a criterion for a particular subpopulation may be calculated by using local or regional data, rather than the above default values, in the formula: TRC = [BW x {RfD - (RSCxRfD)}] / Σ TL. In waters inhabited by species listed as threatened or endangered under the Endangered Species Act or designated as their critical habitat, the Department will apply the human health fish tissue residue criterion for methylmercury to the highest trophic level available for sampling and analysis.						
q. This criterion is based on the drinking water Maximum Contaminant Level (MCL).						
L						

Chronic			Short-term		
<u>Egg-Ovary (mg/kg dw)</u>	<u>Fish Tissue (mg/kg dw)</u>		<u>Water Column (µg/L)</u>		<u>Water Column (µg/L)</u>
<u>Egg-Ovary</u>	<u>Whole-Body</u>	<u>Muscle</u>	<u>Water Lentic</u>	<u>Water Lotic</u>	<u>Water</u>
<u>151¹</u>	<u>8.5²</u>	<u>11.3²</u>	<u>1.5 (30 day average)³</u>	<u>3.1 (30 day average)³</u>	<u>Intermittent Exposure Equation^{3,4}</u>
<u>mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter</u>					

1. Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element.

2. Fish whole-body or muscle tissue supersedes water column element when both fish tissue and water concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species where the smallest individual is no less than seventy-five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole body or muscle data to determine compliance with this criterion element.

3. Water column values are based on dissolved total selenium in water and are derived from fish tissue values via bioaccumulation modeling. Water column values are the applicable criterion element in the absence of steady-state condition fish tissue data. In fishless waters, selenium concentrations in fish from the nearest downstream waters may be used to assess compliance using methods provided in Aquatic Life Ambient Water Quality Criterion for Selenium – Freshwater, EPA-822-R-16-006, Appendix K: Translation of a Selenium Fish Tissue Criterion Element to a Site-Specific Water Column Value (June 2016).

4. Intermittent Exposure Equation=

$$\frac{WQC - C_{bkg\text{r}nd}(1 - f_{int})}{f_{int}}$$

where WQC is the applicable water column element, for either lentic or lotic waters; $C_{bkg\text{r}nd}$ is the average background selenium concentration, and f_{int} is the fraction of any 30-day period during which elevated selenium concentrations occur, with f_{int} assigned a value ≥ 0.033 (corresponding to one day).

s. There is no specific acute criterion for aquatic life; however, the aquatic life criterion is based on chronic effects of selenium on aquatic life and is expected to adequately protect against acute effects

Footnotes r. and s. are not effective for CWA purposes until the date EPA issues written notification that the revisions adopted under Rule Docket No. 58-0102-1701 have been approved.

(3-25-16)()

03. Applicability. The criteria established in Section 210 are subject to the general rules of applicability in the same way and to the same extent as are the other numeric chemical criteria when applied to the same use classifications. Mixing zones may be applied to toxic substance criteria subject to the limitations set forth in Section 060 and set out below. (3-25-16)

d. Application of toxics criteria. (3-25-16)

[Subsection 210.03.d.i.]

i. Frequency and duration for aquatic life toxics criteria. Column B1 criteria are concentrations not to be exceeded for a one-hour average more than once in three (3) years unless otherwise specified. Column B2 criteria are concentrations not to be exceeded for a four-day average more than once in three (3) years unless otherwise specified. (3-25-16)()

(BREAK IN CONTINUITY OF SECTIONS)

287. SITE-SPECIFIC AQUATIC LIFE CRITERIA FOR SELENIUM.

Site-specific water column values (30-day average) are based on dissolved total selenium in water and are derived using a performance-based approach from fish tissue values via either the mechanistic modeling or empirical bioaccumulation factor (BAF) method in Aquatic Life Ambient Water Quality Criterion for Selenium – Freshwater, EPA-822-R-16-006, Appendix K: Translation of a Selenium Fish Tissue Criterion Element to a Site-Specific Water Column Value (June 2016). ()

[Subsection 287.01 (Table included)]

01. Subsection of Blackfoot Subbasin. Blackfoot River - confluence of Lanes and Diamond Creeks to Blackfoot Reservoir (unit US-10), and all tributaries thereof. Site-specific egg-ovary, whole-body, and muscle criterion elements for these water bodies are set out in the following table. The lentic and short-term exposure water column criterion elements set out in Subsection 210.01., table footnote r, are also applicable to the water bodies identified in this subsection.

Chronic			
<u>Egg-Ovary (mg/kg dw)</u>	<u>Fish Tissue (mg/kg dw)</u>		<u>Water Column (µg/L)</u>
<u>Egg-Ovary</u>	<u>Whole-Body</u>	<u>Muscle</u>	<u>Water Lotic</u>
<u>24.5¹</u>	<u>12.5²</u>	<u>12.8²</u>	<u>11.9^{3,4,5}</u>
<i>mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter</i>			
<p><u>1. Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element.</u></p> <p><u>2. Fish whole-body or muscle tissue supersedes water column element when both fish tissue and water concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species where the smallest individual is no less than seventy-five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole-body or muscle data to determine compliance with this criterion element.</u></p> <p><u>3. Water column values are derived using the empirical BAF method. For comparative purposes only, the example value displayed in this table represents the lotic water column value for Sheep Creek based on the average BAF for Cutthroat Trout among all sampling locations and years.</u></p> <p><u>4. Lotic Water Column Equation=</u></p> $\frac{\text{Tissue}_{\text{criterion}}}{\text{BAF}}$ <p><u>where Tissue_{criterion} is the fish tissue element (whole-body), and BAF is the bioaccumulation factor derived by dividing site-specific field-collected samples of fish tissue (whole-body) by site-specific field-collected samples of water.</u></p> <p><u>5. Water column values are the applicable criterion element in the absence of steady-state condition fish tissue data. In fishless waters, surface water from the fishless waters and fish tissue from the nearest downstream waters are used for bioaccumulation modeling. Fish tissue supersedes any site-specific water column values when fish are sampled downstream of fishless waters.</u></p>			

()

[Subsection 287.02 through 287.04]

02. Subsection of Bear Lake Subbasin. Georgetown Creek - source to mouth (unit B-22), and all tributaries thereof. Site-specific egg-ovary, whole-body, and muscle criterion elements for these water bodies are set out in the following table. The lentic and short-term water column criterion elements set out in Subsection 270.01., table footnote r, are also applicable to the water bodies identified in this subsection.

Chronic			
Egg-Ovary (mg/kg dw)	Fish Tissue (mg/kg dw)		Water Column (µg/L)
<i>Egg-Ovary</i>	<i>Whole-Body</i>	<i>Muscle</i>	<i>Water Lotic</i>
<i>21.0¹</i>	<i>12.5²</i>	<i>12.8²</i>	<i>3.8^{3,4,5}</i>
<i>mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter</i>			
<p><u>1. Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element.</u></p> <p><u>2. Fish whole-body or muscle tissue supersedes water column element when both fish tissue and water concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species where the smallest individual is no less than seventy-five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole-body and muscle data to determine compliance with this criterion element.</u></p> <p><u>3. Water column values are derived using the empirical BAF method. For comparative purposes only, the example displayed in this table represents the lotic water column value for Georgetown Creek, upstream of the intermittent reach, based on the average BAF for Brook Trout in all sampling locations and years.</u></p> <p><u>4. Lotic Water Column Equation=</u></p> $\frac{\text{Tissue}_{\text{criterion}}}{\text{BAF}}$ <p><u>where Tissue_{criterion} is the fish tissue element (whole-body), and BAF is the bioaccumulation factor derived by dividing site-specific field-collected samples of fish tissue (whole-body) by site-specific field-collected samples of water.</u></p> <p><u>5. Water column values are the applicable criterion element in the absence of steady-state condition fish tissue data. In fishless waters, surface water from the fishless waters and fish tissue from the nearest downstream waters are used for bioaccumulation modeling. Fish tissue supersedes any site-specific water column values when fish are sampled downstream of fishless waters.</u></p>			

()

03. Subsection of Salt Subbasin — Sage Creek. Sage Creek – source to mouth (unit US-9) including, Hoopes Spring channel downstream of the spring complex, South Fork Sage Creek downstream of the spring complex, Sage Creek downstream of the confluence of Hoopes Spring with Sage Creek to its confluence with Crow Creek, North Fork Sage Creek and tributaries (including Pole Canyon Creek). Site-specific egg-ovary and whole-body criterion elements for these water bodies are set out in the following table. The muscle, lentic water column, and short-term water column criterion elements set out in Subsection 210.01., table footnote r, are also applicable to the water bodies identified in this subsection.

Chronic		
<u>Egg-Ovary (mg/kg dw)</u>	<u>Fish Tissue (mg/kg dw)</u>	<u>Water Column (µg/L)</u>
<u>Egg-Ovary</u>	<u>Whole-Body</u>	<u>Water Lotic</u>
<u>20.5¹</u>	<u>13.6²</u>	<u>16.7³</u>
<u>mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter</u>		
<p><u>1. Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element.</u></p> <p><u>2. Fish tissue supersedes water column element when both fish tissue (whole-body) and water concentrations are measured. Fish tissue elements are expressed as a single arithmetic average of tissue concentrations from at least five (5) individuals of the same species where the smallest individual is no less than seventy-five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole-body data to determine compliance with this criterion element.</u></p> <p><u>3. Water column values are derived using the empirical BAF method. Water column values are the applicable criterion element in the absence of steady-state condition fish tissue data. In fishless waters, selenium concentrations in fish from the nearest downstream waters may be used to assess compliance.</u></p>		

()

04. Subsection of Salt Subbasin — Crow Creek. Crow Creek – Downstream of Sage Creek confluence to Wyoming state line (US-8). Site-specific egg-ovary and whole-body criterion elements for these water bodies are set out in the following table. The muscle, lotic water column, and short-term water column criterion elements set out in Subsection 210.01., table footnote r, are also applicable to the water bodies identified in this subsection.

Chronic		
<u>Egg-Ovary (mg/kg dw)</u>	<u>Fish Tissue (mg/kg dw)</u>	<u>Water Column (µg/L)</u>
<u>Egg-Ovary</u>	<u>Whole-Body</u>	<u>Water Lotic</u>
<u>20.5¹</u>	<u>12.5²</u>	<u>4.2³</u>
<u>mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter</u>		
<p><u>1. Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element.</u></p> <p><u>2. Fish tissue supersedes water column element when both fish tissue (whole-body) and water concentrations are measured. Fish tissue elements are expressed as a single arithmetic average of tissue concentrations from at least five (5) individuals of the same species where the smallest individual is no less than seventy-five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole-body data to determine compliance with this criterion element.</u></p> <p><u>3. Water column values are derived using the empirical BAF method. Water column values are the applicable criterion element in the absence of steady-state condition fish tissue data. In fishless waters, selenium concentrations in fish from the nearest downstream waters may be used to assess compliance.</u></p>		

()

05. Portions of Idaho. ()

[Subsection 287.05.a. AND 287.05.b.]

a. This site-specific criterion applies in the HUC subbasins set out in the following table. ()

<u>HUC</u>	<u>Subbasin</u>	<u>HUC</u>	<u>Subbasin</u>
<u>16010102</u>	<u>Central Bear</u>	<u>17040208</u>	<u>Portneuf</u>
<u>16010201</u>	<u>Bear Lake</u>	<u>17040209</u>	<u>Lake Walcott</u>
<u>16010202</u>	<u>Middle Bear</u>	<u>17040210</u>	<u>Raft</u>
<u>16010203</u>	<u>Little Bear-Logan</u>	<u>17040211</u>	<u>Goose</u>
<u>16010204</u>	<u>Lower Bear-Malad</u>	<u>17040214</u>	<u>Beaver-Camas</u>
<u>16020309</u>	<u>Curlew Valley</u>	<u>17040215</u>	<u>Medicine Lodge</u>
<u>17010302</u>	<u>South Fork Coeur d Alene</u>	<u>17040216</u>	<u>Birch</u>
<u>17010306</u>	<u>Hangman</u>	<u>17040218</u>	<u>Big Lost</u>
<u>17010308</u>	<u>Little Spokane</u>	<u>17040220</u>	<u>Camas</u>
<u>17040104</u>	<u>Palisades</u>	<u>17040221</u>	<u>Little Wood</u>
<u>17040105</u>	<u>Salt</u>	<u>17050104</u>	<u>Upper Owyhee</u>
<u>17040201</u>	<u>Idaho Falls</u>	<u>17050105</u>	<u>South Fork Owyhee</u>
<u>17040202</u>	<u>Upper Henrys</u>	<u>17050106</u>	<u>East Little Owyhee</u>
<u>17040203</u>	<u>Lower Henrys</u>	<u>17050107</u>	<u>Middle Owyhee</u>
<u>17040204</u>	<u>Teton</u>	<u>17050108</u>	<u>Jordan</u>
<u>17040205</u>	<u>Willow</u>	<u>17060109</u>	<u>Rock</u>
<u>17040206</u>	<u>American Falls</u>		
<u>17040207</u>	<u>Blackfoot</u>		

b. Site-specific egg-ovary, whole-body, and muscle criterion elements for the water bodies identified in Subsection 287.05.a. are set out in the following table. The water column criterion elements set out in Subsection 210.01., table footnote r, are also applicable to the water bodies identified in Subsection 287.05.a.

<u>Chronic</u>		
<u>Egg-Ovary (mg/kg dw)</u>	<u>Fish Tissue (mg/kg dw)</u>	
<u>Egg-Ovary</u>	<u>Whole-Body</u>	<u>Muscle</u>
<u>19.0¹</u>	<u>9.5²</u>	<u>13.1²</u>
<u>mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter</u>		

1. Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element.

2. Fish whole-body or muscle tissue supersedes water column element when both fish tissue and water concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species where the smallest individual is no less than seventy-five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole-body or muscle data to determine compliance with this criterion element.

()

Section 287 is not effective for CWA purposes until the date EPA issues written notification that the revisions adopted under Rule Docket No. 58-0102-1701 have been approved.

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 – WATER QUALITY STANDARDS

DOCKET NO. 58-0102-1702

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Sixty-fourth Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105, 39-107, and 39-3601 et seq., Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 2, 2017, [Vol. 17-8, pages 128 through 159](#). After consideration of public comments, Section 007 has been revised. The remainder of the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at www.deq.idaho.gov/58-0102-1702 or by contacting the undersigned.

In addition, as a result of public comments received, the information regarding arsenic criteria effective for Clean Water Act (CWA) purposes has been revised. This notation is inserted in the Subsection 210.01 table immediately below the row that contains the arsenic criteria for protection of human health. While the information provided in the note box is not rule text, the revisions were included in the final proposal for consideration by the Idaho Board of Environmental Quality as part of the rulemaking record.

Note: In 2008, Idaho adopted 10 µg/L as its CWA arsenic criterion for both exposure through fish consumption only and exposure through drinking water+fish consumption, choosing the SDWA MCL due to concerns about background levels that exceed EPA's 304(a) criteria (docket 58-0102-0801). EPA approved this action in 2010. In June 2015, Northwest Environmental Advocates challenged EPA's 2010 approval. Court remanded action back to EPA. On September 15, 2016, EPA disapproved Idaho's adoption of 10 µg/L. Neither EPA nor the state of Idaho has promulgated replacement criteria. For more information, go to <http://www.deq.idaho.gov/epa-actions-on-proposed-standards>.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Paula Wilson at paula.wilson@deq.idaho.gov, (208) 373-0418.

DATED this 3rd day of January, 2018.

Paula J. Wilson
DEQ Administrative Rules Coordinator
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706
Phone: (208) 373-0418 /
Fax: (208) 373-0481
paula.wilson@deq.idaho.gov

DOCKET NO. 58-0102-1702 - 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 17-8, August 2, 2017, pages 128 through 159.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 58-0102-1702

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

[Section 007 is reprinted in its entirety]

007. EFFECTIVE FOR CLEAN WATER ACT PURPOSES.

01. Alaska Rule. Water quality standards adopted and submitted to EPA since May 30, 2000, are not effective for federal Clean Water Act (CWA) purposes until EPA approves them (see 40 CFR 131.21). This is known as the Alaska Rule. The process for revising the Idaho water quality standards subject to EPA review and approval, while also retaining the rules effective for CWA purposes, is set out in Subsections 007.02 and 007.03. ()

02. Existing Rule Retained for Clean Water Act Purposes Until EPA Approval of Rule Revisions. ()

a. When proposing revisions, the Department will make the proposed revisions using legislative format and, in the same rule docket, retain the existing rule that continues to be effective for CWA purposes until the date EPA issues written notification that the rule revisions have been approved. ()

b. Notations explaining the effectiveness of both versions of the rule will be included along with the rule text. ()

c. Upon the date EPA issues written notification that the rule revisions have been approved, the revised rule will become effective for CWA purposes and the previous rule and notations will be deleted from the Idaho Administrative Code. ()

d. In the event EPA issues written notification that the rule revisions have been disapproved, the existing rule effective for CWA purposes will continue to apply. The disapproved rule revisions and notations will be deleted from the Idaho Administrative Code. ()

03. Previously Approved Rules. Pursuant to 40 CFR 131.21(e), previously approved rules remain in effect for CWA purposes until a replacement water quality standard is promulgated by the state and approved by EPA or a more stringent federal standard is promulgated.

04. Information Regarding the Status of EPA Review. Information regarding the status of EPA review will be posted at <http://www.deq.idaho.gov/epa-actions-on-proposed-standards>. ()

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.05 – RULES AND STANDARDS FOR HAZARDOUS WASTE

DOCKET NO. 58-0105-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Sixty-fourth Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapters 44 and 58, Title 39, Idaho Code. In addition, 40 CFR 271.21(e) and Section 39-4404, Idaho Code, require DEQ to adopt amendments to federal law.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 2, 2017, **Vol. 17-8, pages 160 through 166**. DEQ received one public comment but did not revise the rule in response to the comment. However, the rule has been revised at Section 006 to correct an error in the published proposed rule. In the last sentence of Section 006, the “H” in the list of Subparts for 40 CFR Part 262 was unintentionally struck out. The remainder of the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at www.deq.idaho.gov/58-0105-1701 or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning the rulemaking, contact Matt Alvarado at matt.alvarado@deq.idaho.gov or (208) 373-0554.

DATED this 3rd day of January, 2018.

Paula J. Wilson
DEQ Administrative Rules Coordinator
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706
Phone: (208) 373-0418
Fax: (208) 373-0481
paula.wilson@deq.idaho.gov

DOCKET NO. 58-0105-1701 - 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 17-8, August 2, 2017, pages 160 through 166.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 58-0105-1701

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

006. STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE.

[Subsection 006.01]

01. **Incorporation by Reference.** 40 CFR Part 262 and all Subparts ~~(excluding Subparts I and J and 40 CFR 262.10(j), 262.34(j), (k), (l))~~, except for the language “for the Region in which the generator is located” in 40 CFR 262.42(a)(2) and 40 CFR 262.42(b), are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2016. For purposes of 40 CFR 262.5382, 262.5583, and 262.5684, “EPA” shall be defined as the U.S. Environmental Protection Agency. Copies of advance notification, annual reports, and exception reports, required under those sections, shall also be provided to the Director. For purposes of 40 CFR 262.20, 262.21, 262.24, and 262.25, ~~262.51, 262.54(e), 262.54(g)(1), 262.55, 262.56, 262.60, and 262.85(g)~~; EPA or Environmental Protection Agency shall be defined as the U.S. Environmental Protection Agency. For purposes of 40 CFR Part 262, Subparts ~~E, F, H, and 40 CFR 262.41(a)(4)~~, “United States or U.S.” shall be defined as the United States. ~~(3-29-17)()~~

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

**58.01.25 – RULES REGULATING THE IDAHO POLLUTANT DISCHARGE
ELIMINATION SYSTEM PROGRAM**

DOCKET NO. 58-0125-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Sixty-fourth Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105, 39-107, and 39-175C, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 2, 2017, [Vol. 17-8, pages 167 through 252](#). After consideration of public comments, the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at www.deq.idaho.gov/58-0125-1701 or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Paula Wilson at paula.wilson@deq.idaho.gov, (208) 373-0418.

DATED this 3rd day of January, 2018.

Paula J. Wilson
DEQ Administrative Rules Coordinator
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706
Phone: (208) 373-0418
Fax: (208) 373-0481
paula.wilson@deq.idaho.gov

IDAPA 59 – PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO

59.01.03 – PERSI CONTRIBUTION RULES

DOCKET NO. 59-0103-1702

NOTICE OF RULEMAKING – RESCISSION OF TEMPORARY RULE

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given that this agency has rescinded the temporary rule previously adopted under this docket. The action is authorized pursuant to Section 59-1314(1) and 72-1405, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for rescinding the temporary rule.

The temporary rule, adopted by the PERSI Board under this docket 59-103-1702, was published in the May 17, 2017 Administrative Bulletin, **Vol. 17-5, pages 94 through 97**. This Notice of Rulemaking hereby rescinds the temporary rules, effective December 5, 2017.

The PERSI Board has determined, based on actuarial valuation, that the increases can be delayed for one year. That delay is being done simultaneously with this rescission in a notice of temporary rule promulgation effective December 5, 2017.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the rescission of this temporary rule, contact Cheryl George, (208) 287-9231.

DATED this 7th day December, 2017.

Don Drum
Executive Director
Public Employee Retirement System of Idaho
607 N. 8th Street, Boise, ID 83702
P.O. Box 83720, Boise, ID 83720-0078
Phone: (208) 287-9230
Fax: (208) 334-3408

IDAPA 59 – PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO

59.01.03 – PERSI CONTRIBUTION RULES

DOCKET NO. 59-0103-1801

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is December 5th 2017.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 59-1314(1) and 72, 1405, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

To delay the scheduled contribution rate increases.

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

Actuarial valuation indicates it is appropriate to delay the scheduled increase.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Cheryl George, (208) 287-9231.

DATED this 7th day December, 2017.

Don Drum
Executive Director
Public Employee Retirement System of Idaho
607 N. 8th Street, Boise, ID 83702
P.O. Box 83720, Boise, ID 83720-0078
Phone: (208) 287-9230
Fax: (208) 334-3408

**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 59-0103-1801
(Only Those Sections With Amendments Are Shown.)**

026. PERSI EMPLOYER GENERAL MEMBER CONTRIBUTION RATE (RULE 26).

The PERSI employer contribution rate as provided in Section 59-1322, Idaho Code, shall be nine point seventy-seven percent (9.77%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point thirty-nine percent (10.39%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be eleven point thirty-two percent (11.32%) of payroll until June 30, 2019. Beginning July 1, 2019, the rate shall be eleven point ninety-four percent (11.94%) until next determined by the Board.

Statutory Reference: Sections 59-1302(16), 59-1391, 59-1394, and 59-1397, Idaho Code. Cross References: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 3-20-04) ~~(10-21-14)~~(12-5-17)T

027. FIREFIGHTER RETIREMENT FUND EMPLOYER RATE (RULE 27).

The Firefighter Retirement Fund employer rate shall be: (10-1-94)

01. Option I and II Firefighters. For option I and II firefighters hired before October 1, 1980, as follows:

Option I And II Firefighters	
PERSI Employer Contribution Rate:	Ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be eleven point sixty-six percent (11.66%) of payroll until next determined by the Board <u>The employer contribution rate as provided in Rule 28.</u>
Additional Employer Rate:	One percent (1%)
Social Security Rate:	Seven point sixty-five percent (7.65%)
Excess Merger Costs Rate:	Seventeen point twenty-four percent (17.24%) through December 31, 2014. Beginning January 1, 2015, five percent (5%) until next determined by the Board.
TOTAL Contribution Rate:	The total contribution rate is the sum of the PERSI employer contribution rate, the additional employer rate, the social security rate and the excess merger costs rate.

~~(10-21-14)~~(12-5-17)T

02. Class D Firefighters. For class D firefighters (firefighters employed on or after October 1, 1980, by a city or fire district that employs paid firefighters who are participating in the Firefighters' Retirement Fund), as follows:

Class D Firefighters	
PERSI Employer Contribution Rate:	Ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be eleven point sixty-six percent (11.66%) of payroll until next determined by the Board <u>The employer contribution rate as provided in Rule 28.</u>
Excess Merger Costs Rate:	Seventeen point twenty-four percent (17.24%) through December 31, 2014. Beginning January 1, 2015, five percent (5%) until next determined by the Board.
TOTAL Contribution Rate:	The total contribution rate is the sum of the PERSI employer contribution rate and the excess merger costs rate.

Statutory References: Sections 59-1302(16), 59-1391, 59-1394, 59-1397, 72-1403, and 72-1434, Idaho Code. Cross References: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 7-1-03) (Amended 3-20-04) ~~(10-21-14)~~ (12-5-17)T

03. Class E Members. For class E members (general members who meet the definition of paid firefighter under Section 59-1391(f), Idaho Code, but are not firefighters as defined in Section 59-1302(16), Idaho Code) the employer general member contribution rate as provided in Rule 26, plus the excess merger costs specified in Subsection 027.01. (3-20-04)

028. PERSI EMPLOYER CLASS II CONTRIBUTION RATE (RULE 28).

The PERSI employer contribution rate as provided in Section 59-1322, Idaho Code, for an employee classified as a police officer member excluding those listed in Rule 29 of this chapter when applicable, and firefighters excluding those listed in Rule 27 of this chapter, shall be ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be eleven point sixty-six percent (11.66%) of payroll through June 30, 2019. Beginning July 1, 2019, the rate shall be twelve point twenty-eight percent (12.28%) until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 7-1-03) (Amended 3-20-04) ~~(10-21-14)~~ (12-5-17)T

(BREAK IN CONTINUITY OF SECTIONS)

100. PERSI EMPLOYEE GENERAL MEMBER CONTRIBUTION RATE (RULE 100).

The PERSI employee contribution rate as provided in Section 59-1333, Idaho Code, for all members not classified as police members or firefighters, shall be five point eighty-six percent (5.86%) of salary through June 30, 2004. Beginning July 1, 2004, the rate shall be six point twenty-three percent (6.23%) of salary through June 30, 2013. Beginning July 1, 2013, the rate shall be six point seventy-nine percent (6.79%) through June 30, 2019. Beginning July 1, 2019, the rate shall be seven point sixteen percent (7.16%) of salary until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-

1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 3-20-04)

~~(10-21-14)~~(12-5-17)T

101. PERSI EMPLOYEE CLASS II CONTRIBUTION RATE (RULE 101).

The employee contribution rate as provided in Section 59-1334, Idaho Code, for an employee classified as a police officer member is seven point twenty-one percent (7.21%) of salary through June 30, 2004. Beginning July 1, 2004, the rate shall be seven point sixty-five percent (7.65%) of salary through June 30, 2013. Beginning July 1, 2013, the rate shall be eight point thirty-two percent (8.32%) of salary through June 30, 2019. Beginning July 1, 2019, the rate shall be eight point seventy-seven percent (8.77%) of salary until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 3-20-04) ~~(10-21-14)~~(12-5-17)T

IDAPA 61 – STATE PUBLIC DEFENSE COMMISSION

61.01.06 – RULES GOVERNING PROCEDURES FOR THE OVERSIGHT, IMPLEMENTATION, ENFORCEMENT, AND MODIFICATION OF INDIGENT DEFENSE STANDARDS

DOCKET NO. 61-0106-1701 (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 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective May 1, 2018, 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 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)(vi).

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 Public Defense Commission has been directed to create procedures for the oversight, implementation, enforcement and modification of indigent defense standards. The PDC intends on focusing on the portion of this rule that provides for the oversight and enforcement of the standards. The Public Defense Commission must ensure compliance through these two mechanisms so that the representation of indigent persons in Idaho is constitutionally sound.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 545-553](#).

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 at (208) 332-1735.

DATED this November 24, 2017.

Kimberly J. Simmons, Executive Director
State Public Defense Commission
816 West Bannock St., Suite 201
Boise, ID 83702
Phone: (208) 332-1735
Fax: (208) 364-6147
Kimberly.simmons@pdc.idaho.gov

DOCKET NO. 61-0106-1701 - 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 17-10, October 4, 2017, pages 545 through 553.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 61-0106-1701

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

[Section 005]

**005. OFFICE – OFFICE HOURS – MAILING AND STREET ADDRESSES – TELEPHONE –
INTERNET WEBSITE.**

The location and mailing address of the PDC is 816 West Bannock Street, Suite 201, Boise, Idaho 83702. The offices
are open daily from 9 a.m. to 5 p.m., except Saturday, Sunday, legal holidays, and when closed because staffing levels
do not permit *operation*. The PDC's telephone number is (208) 332-1735 and the facsimile number is (208) 364-
6147. The PDC's official website is: <https://pdc.idaho.gov>. ()

(BREAK IN CONTINUITY OF SECTIONS)

021. PARTICIPANTS AND ROLES.

[Subsection 021.01]

01. The PDC. It is the responsibility of the PDC to oversee compliance with Indigent Defense
Standards. The PDC is required to develop and adopt such standards to establish an indigent defense delivery system
in Idaho that *ensures constitutional representation*. Other responsibilities of the PDC include, but are not limited to
the following: ()

02. PDC Staff. PDC staff shall: ()

[Subsection 021.02.a.]

a. Review Indigent Defense Providers, defending attorneys and counties for compliance *with Indigent
Defense Standards*; ()

[Subsection 021.02.f.]

f. Review *Defending Attorney* Annual Reports and prepare recommendations for PDC; ()

03. Indigent Defense Providers and Defending Attorneys. Indigent Defense Providers and defending attorneys are subject to the oversight program described herein. It is the responsibility of indigent defense providers and defending attorneys to cooperate and participate in compliance review. See Section 19-862A(1), Idaho Code. Other responsibilities of indigent defense providers and defending attorneys include but are not limited to the following: ()

[Subsections 021.03.a. and 021.03.b.]

- a. Participate meaningfully in the PDC *oversight* review process; ()
- b. Report to the PDC all compliance *issues* as soon as reasonably practicable *and without violating any attorney-client privilege*; ()

04. Counties. Counties, through each board of county commissioners, and other county staff necessary for the administration of indigent defense services, including but not limited to elected county clerks, are subject to the oversight program described herein. It is the responsibility of counties to cooperate and participate in compliance review. See Section 19-862A(1), Idaho Code. Other responsibilities of the counties include but are not limited to: ()

[Subsection 021.04.b.]

- b. Report to the PDC all compliance *issues* as soon as reasonably practicable; ()

[Section 022 and Section 023]

022. MINIMUM STANDARDS.

The minimum standards for review are *Indigent Defense Standards, promulgated pursuant to Section 19-850(1)(a), Idaho Code, and* contained in IDAPA 61.01.01 through IDAPA 61.01.08 and all documents incorporated by reference. *The PDC does not have the authority to enforce compliance with any standard other than current Indigent Defense Standards.* ()

023. OVERSIGHT PROGRAM MANAGEMENT.

At a minimum, the oversight program must determine if *Indigent Defense Standards* are being met, determine if deficiencies are being identified in a timely manner, and determine if deficiencies are being cured in a timely manner or by a schedule implemented by the PDC. ()

01. Applicability of Oversight Program. The PDC shall monitor the provision of indigent defense services in Idaho. Pursuant to Section 19-850(1)(a), Idaho Code, the PDC has the duty and authority to monitor the following entities: counties, indigent defense providers and defending attorneys, and other stakeholders, as allowed by law. Such monitoring shall include, but is not limited to a review of indigent defense contracts, Compliance Proposals, indigent defense budgets, annual reports of defending attorneys, court proceedings, court and defending attorney meeting facilities, defending attorney compliance with membership in the Idaho State Bar and “Standards for Defending Attorneys,” current edition, to ensure compliance with Indigent Defense Standards. ()

[Subsection 023.01.a.]

- a. The PDC delegates such duty and authority to PDC staff, however, the ultimate *determination* of compliance is *solely* the responsibility of the PDC. ()

02. Ongoing Coordination with Counties, Indigent Defense Providers, and Defending Attorneys. PDC staff will conduct meetings and correspond with counties, indigent defense providers, defending attorneys and other indigent defense stakeholders as needed. PDC staff will conduct formal status meetings with counties once each

quarter (every three months) and defending attorneys once a year (every twelve months). More frequent meetings may be conducted if needed. ()

[Subsection 023.02.a. through 023.03]

a. *Institutional Public Defender Office meetings:* If a defending attorney is an employee of an institutional public defender office, a formal status meeting with the chief public defender of that office satisfies the formal status meeting requirement as to that defending attorney. ()

b. *Contract Public Defender meetings:* If a county contracts with a law firm or more than one defending attorney on a single contract, a formal status meeting with one of the defending attorneys working under that contract satisfies the formal status meeting requirement as to every defending attorney working under that contract. ()

c. Meetings and correspondence are intended to ensure ongoing communications between the PDC and Stakeholders to ensure the best possible Indigent Defense Delivery System is in place to *ensure* constitutional *representation*. ()

03. PDC Staff Reporting to PDC. PDC staff must make regular reports to the PDC. All reports must be submitted electronically using a reporting system specified by the executive director, as approved by the PDC. The objective of these reporting requirements is to provide the PDC with information regarding the *compliance status* of *each* of Idaho’s Indigent Defense Delivery Systems. ()

a. Periodic Reviews. ()

[Subsection 023.03.a.ii. through 023.03.b.]

ii. Other periodic reviews. If significant compliance issues arise within a county or upon request of the PDC, PDC staff shall conduct a review. A periodic review report should be submitted to the PDC within thirty (30) days of notice of the *compliance issue* or of request and must include: ()

(1) Date the PDC became aware of the *compliance issue*, or date request was made by the PDC for the review; ()

(2) Parties contacted during the review; ()

(3) Reason the review was conducted; ()

(4) Steps taken to resolve the issue; ()

(5) The *corrective action plan*, if one was created; ()

(6) Date of next review or follow-up. ()

b. Annual Reviews. *On or before* April 15 of each year, PDC staff must submit to the PDC a report for each county that must include: ()

[Subsection 023.05]

05. PDC Reporting to Counties. The PDC will provide ongoing feedback to counties through PDC staff regarding information collected during reviews, compliance issues or concerns discussed by the PDC, or other relevant items related to county provision of indigent defense services. All reports created by PDC staff and submitted as the result of a review *of the county or a defending attorney providing services within that county*, shall also be issued to an authorized official of the county that is the subject of the report. ()

[Subsection 023.07 through 023.09]

07. Indigent Defense Providers and Defending Attorneys Reporting to PDC Staff. On an ongoing basis, indigent defense providers and defending attorneys shall report to PDC staff any compliance issues that relate to Indigent Defense Standards. PDC staff shall review such reports and may forward such reports to the PDC. The ultimate assessment of compliance is the responsibility of the PDC. Additionally, indigent defense providers and defending attorneys shall follow requirements of Section 025: Corrective Action *Plans* and Compliance Verification. ()

08. Counties Reporting to PDC Staff. On an ongoing basis, counties shall report to PDC staff any compliance issues or observed deficiencies that relate to indigent defense standards. PDC staff shall review such reports and may forward such reports to the PDC. The ultimate assessment of compliance is the responsibility of the PDC. Additionally, counties shall follow requirements of Section 025: Corrective Action *Plans* and Compliance Verification. ()

09. Other Stakeholders Reporting to PDC Staff. The PDC and PDC staff will seek and accept reports of compliance issues from stakeholders, though the PDC has no authority to mandate such reporting. Stakeholders may report whether or not a county, indigent defense provider or defending attorney are in compliance with Indigent Defense Standards. PDC staff shall review such reports and may pass such reports on to the PDC. The ultimate assessment of compliance is the responsibility of the PDC. ()

(BREAK IN CONTINUITY OF SECTIONS)

[Section 025 through Subsection 025.01.b.]

025. CORRECTIVE ACTION *PLANS* AND COMPLIANCE VERIFICATION.

Corrective Action Plans and Compliance Verification forms are to address how Indigent Defense Standards are to be met and how any deficiencies will be cured. ()

01. Corrective Action Plans. Upon report of *compliance issue* by PDC staff or PDC *finding* of non-compliance, a county or defending attorney shall describe a proposed corrective action to be taken. The plan shall be submitted to the PDC electronically using a reporting system specified by the executive director, as approved by the PDC. ()

a. County Response. Within sixty (60) days of the date of a report issued by PDC staff *in which the county is the subject*, the county shall respond in writing to each finding of non-compliance or finding of compliance with recommendation. The county shall describe a corrective action to be taken by the county. The county may request from the PDC an extension of up to sixty (60) days in which to describe a corrective action and submit it to the PDC. ()

b. Indigent Defense Provider and Defending Attorney Response. Within sixty (60) days of the date of a report issued by a PDC Staff *in which an attorney is the subject*, *the* indigent defense provider or defending attorney shall respond in writing to each finding of non-compliance or finding of compliance with recommendation. The attorney shall describe a corrective action to be taken. The attorney may request from the PDC an extension of up to sixty (60) days in which to describe a corrective action and submit it to the PDC. ()

026. ENFORCEMENT.

Pursuant to Section 19-862A(1), Idaho Code, all counties, indigent defense providers and defending attorneys shall cooperate and participate with the PDC in the review of their indigent defense services. ()

[Subsection 026.02 through 026.08]

02. Failure to Respond to Report. If a county, indigent defense provider, or defending attorney fails to respond to a report within the required time, *the PDC will be notified. If the PDC finds no just cause for the failure to respond to the report*, a certified letter will be sent to the subject of the report *indicating the subject has failed to comply*. The PDC may *then* take action *pursuant to* Section 19-862A(11), Idaho Code. ()

03. County Non-compliance. If a county fails to take steps to correct a *finding of non-compliance*, the PDC may act pursuant to Section 19-862A(11), Idaho Code. ()

04. Defending Attorney Non-compliance. If a defending attorney fails to take steps to correct a Finding of Non-compliance, the following actions will be taken: ()

a. The county or counties for which the defending attorney provides indigent defense services will be notified via certified letter as to the non-compliance. ()

b. The defending attorney will be removed from the *Public Defense Roster*. The defending attorney may re-apply for inclusion on the public defense roster after the *finding of non-compliance* is corrected. The defending attorney may still provide indigent defense services during this time. ()

c. If the defending attorney continues to be deemed non-compliant after a period of six (6) months, the defending attorney will be prohibited from accepting any additional indigent defense cases in any county in which said attorney has been deemed non-compliant. Such prohibition shall remain in place until the PDC makes a finding that the defending attorney is compliant. ()

05. Designation of a Deficiency. The designation of a deficiency is a formal *finding* made by the PDC *that* a county or defending attorney *has failed to comply with Indigent Defense Standards within the timeline as required by Section 19-862A(9), Idaho Code*. The PDC will maintain a list of designated deficiencies that will be made available upon request. When a deficiency exists for a period of more than six (6) months or persists through the IDG application process without a compliance proposal that sufficiently addresses such deficiency, *the PDC will assess whether the party responsible has willfully and materially failed to comply. Upon such a finding*, the PDC will take action *pursuant to* Section 19-862A(11), Idaho Code, *which may include the withholding of Indigent Defense Grant funds or the PDC takeover of an indigent defense delivery system*. ()

06. Material Non-compliance. *Established standards are deemed crucial to the constitutional representation of indigent defendants and the effective provision of indigent defense services. A violation of an established standard is material non-compliance.* ()

07. Willful Non-compliance. *The violation of an established standard that is done voluntarily with either an intentional disregard of, or indifference to, the requirements of these rules will be deemed willful non-compliance.* ()

08. Final Determination of Non-compliance. The PDC is ultimately responsible for the determination that a county or defending attorney has willfully and materially failed to comply with Indigent Defense Standards. Pursuant to Section 19-862A(11), Idaho Code, the PDC may upon review of PDC staff reports, stakeholder reports, Indigent Defense Grant applications, Compliance Verification reports, information received relevant to the provision of indigent defense services, or observation by PDC staff or the PDC, deem a county or defending attorney has willfully and materially failed to comply. Upon such determination, the PDC will take action *pursuant to* Section 19-862A, Idaho Code, as allowed by law. ()

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. 61-0107-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective May 1, 2018, 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 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).

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 amendment to this rule will create standards for defending attorneys who represent indigent defendants in capital cases and standards related to investigation and the use of experts. Standards related to capital counsel will be derived from Idaho’s Principles of an Indigent Defense Delivery System (IPIDDS) principle number 5, Idaho Code 19-850(1)(a)(vii)(5), and take into account ABA’s Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases, revised edition, February 2003. Defending attorneys will be required to conform to such performance standards if handling capital cases. Standards related to investigation and the use of experts are supported by IPIDDS as a whole, Idaho Code 19-850(1)(a). All defending attorneys will be required to conform to investigation standards.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 554-558](#).

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 at (208) 332-1735.

DATED this 24th day of November, 2017.

Kimberly J. Simmons, Executive Director
State Public Defense Commission
816 West Bannock St., Suite 201
Boise, ID 83702
Phone: (208) 332-1735
Fax: (208) 364-6147
Kimberly.simmons@pdc.idaho.gov

DOCKET NO. 61-0107-1701 - 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 17-10, October 4, 2017, pages 554 through 558.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 61-0107-1701

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

020. PUBLIC DEFENSE ROSTERS.

01. **Public Defense 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 who are compliant with current Indigent Defense Standards.* (5-1-17)()

[Subsections 020.01.b. through 020.02]

b. **Public Defense Roster Contents.** The public defense roster will include the name of each compliant defending attorney or non-attorney staff, their Idaho State Bar Number, and professional contact information, including email address, physical address, and telephone number. The roster will also indicate the county or counties within which the defending attorney provides indigent defense services. (5-1-17)()

c. **Secondary Roster.** The PDC will create and maintain a secondary roster of all non-compliant indigent defense providers and defending attorneys who continue to provide indigent defense services. The contents of the secondary roster will be the same as the Public Defense Roster but will include information as to how the attorney is not meeting established standards and the date on which the attorney was removed from the Public Defense Roster for such non-compliance. ()

d. **Former Defending Attorneys Roster.** The PDC will create and maintain a roster of all attorneys who have provided indigent defense services for a county, but are no longer providing those services. The FDA Roster will include the same contents as the Public Defense Roster but will include the information regarding when they stopped providing indigent defense services and the reason why. ()

ee. **Availability of Public Defense Roster.** The rosters will be made are available from the PDC office upon request. (5-1-17)()

02. **Application for Public Defense 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, or who has become compliant after a period of non-compliance with Indigent Defense Standards, may apply to the PDC for inclusion on the Public Defense Roster. The application is available on the PDC website: <https://pdc.idaho.gov/forms>. ~~(S-1-17)~~ ()

[Subsection 020.05]

05. Application for Capital Counsel Roster Inclusion. Any defending attorney who represents indigent defendants at public expense in defense of a capital crime shall apply for inclusion on the capital counsel roster. The application is available on the PDC website: <https://pdc.idaho.gov/forms>. ()

IDAPA 61 – STATE PUBLIC DEFENSE COMMISSION

61.01.08 – RULES GOVERNING THE ADMINISTRATION OF IDAHO'S INDIGENT DEFENSE DELIVERY SYSTEMS – RULE DEFINITIONS

DOCKET NO. 61-0108-1701 (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 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective May 1, 2018, 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 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 19-850(1) and 19-862A, 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 chapter will serve as a single location to incorporate documents and define terms used in all rules promulgated by the PDC. Documents and terms defined will be used in rules and standards that help improve the provision of indigent defense services in Idaho.

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 November 1, 2017 Idaho Administrative Bulletin, [Vol. 17-11, pages 156-161](#).

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 at (208) 332-1735.

DATED this 27th day of November, 2017.

Kimberly J. Simmons, Executive Director
State Public Defense Commission
816 West Bannock St., Suite 201
Boise, ID 83702
Phone: (208) 332-1735
Fax: (208) 364-6147
Kimberly.simmons@pdc.idaho.gov

DOCKET NO. 61-0108-1701 - 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 17-11, November 1, 2017, pages 156 through 161.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 61-0108-1701**

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

000. LEGAL AUTHORITY.

Sections 19-849 through 19-866, Idaho Code, give the State Public Defense Commission (PDC) authority to adopt rules and standards to improve the delivery of trial-level indigent defense services in Idaho. The PDC is authorized under Sections 19-850(1)(a) and 19-862A, Idaho Code, to supervise and administer the indigent defense delivery system. ()

(BREAK IN CONTINUITY OF SECTIONS)

004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into these rules: ()

[Subsections 004.02 and 004.03]

02. Standards for Defending Attorneys. “Standards for Defending Attorneys, edition 2017,” revised as of November 27, 2017, is herein incorporated by reference and is available from the PDC’s office and on the PDC website: <https://pdc.idaho.gov/rules>. ()

03. Application for Capital Defense Roster. “Application for Capital Defense Roster, edition 2017,” revised as of November 27, 2017, is herein incorporated by reference and is available from the PDC’s office and on the PDC website: <https://pdc.idaho.gov/rules>. ()

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

For the purposes of the Indigent Defense Delivery System chapters of rules, the following definitions apply: ()

[Subsection 010.11]

11. **Corrective Action Plan.** A plan developed by a county or defending attorney with the assistance of PDC staff that addresses any *reported violation of established standards* and how those *violations* will be corrected. ()

[Addition of Subsection 010.13, edits to Subsections 010.15, 010.16, 010.21, 010.29, 010.33. addition of Subsection 010.39]

13. **Deficiency.** *The violation of an established standard for which the timeline for compliance has passed pursuant to Section 19-862A(9), Idaho Code.* ()

14. **Eligible Applicant – Indigent Defense Grant.** To be considered for an award of an IDG, an applicant must meet the requirements of IDAPA 61.01.04, Section 024, “Award Eligibility Requirements.” ()

15. **Established Standards.** *Rules promulgated by the PDC* pursuant to Section 19-850(1)(a), Idaho Code. ()

16. **Finding of Compliance with Recommendation.** A finding of compliance with recommendation refers to a condition whereby a county or defending attorney may be in compliance with Indigent Defense Standards; however, the provision of indigent defense services could be improved to ensure constitutionally-sound representation or achieve compliance with indigent defense standards yet to be promulgated. This finding is not a PDC determination of deficiency or non-compliance. *The PDC does not have the authority to enforce compliance with a recommendation.* ()

17. **Finding of Non-Compliance.** A finding of non-compliance refers to an instance where a county or defending attorney is not in compliance with applicable Indigent Defense Standards and may be related to a deficiency in the provision of indigent defense services. This finding is not necessarily a PDC determination of a deficiency and still requires a finding of material and willful non-compliance before the take-over provisions of Section 19-862A, Idaho Code, are invoked. ()

18. **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. ()

19. **Formal Status Meeting.** A meeting between PDC staff and a county or defending attorney conducted in accordance with IDAPA 61.01.06, section 023.02. ()

20. **Indigent Defense Budget.** The funds appropriated each fiscal year by the board of county commissioners that is used to provide representation under the Idaho Public Defense Act, Sections 19-848 through 19-866, Idaho Code, that includes the expenses of investigation, other preparation and trial, but does not include amounts received from the Capital Crimes Defense Fund or the Public Defense Commission. The appropriated funds shall not be less than a county's local share for that fiscal year. ()

21. **Indigent Defense Contract.** A written contract between the board of county commissioners and a defending attorney or existing office of public defender that provides representation of indigent persons and other individuals who are entitled to be represented by an attorney at county expense. Such contracts *shall* not include a pricing structure that charges or pays a single fixed fee for the services and expenses of the attorney. ()

22. **Indigent Defense Delivery System.** The system created by the board of county commissioners that is used to provide representation under the Idaho Public Defense Act, Sections 19-848 through 19-866, Idaho Code. The system includes the county, indigent defense provider, defending attorneys, and any other county staff necessary for the administration of indigent defense services. ()

23. **Indigent Defense Expenditures.** Any monies expended for indigent defense services within a county that do not include amounts received from the public defense commission or amounts expended for capital cases by those counties participating in the capital crimes defense program in excess of premiums and deductibles required by guidelines approved by the Idaho capital crimes defense fund board of directors. ()

24. Indigent Defense Grant. Pursuant to Section 19-862A, Idaho Code, any sum of money awarded by the PDC to a county to support compliance with Indigent Defense Standards or for other improvements to its delivery of indigent defense services if compliance can be achieved with county monies. ()

25. Indigent Defense Grant Application. An application created by the PDC each year requesting information related to the provision of indigent defense services in an Applicant's county. This application will be updated each year and be provided by February 28, initiating the grant cycle. Counties are required to use this application when requesting an IDG award. ()

26. Indigent Defense Provider. Any agency, entity, organization or person selected by a board of county commissioners in accordance with Section 19-859, Idaho Code, or designee of the commission if the commission's actions to remedy specific deficiencies pursuant to Section 19-862A(11)(b), Idaho Code, involve the direct provision of indigent defense services, as a means to provide for the representation of indigent persons and other individuals who are entitled to be represented by an attorney at public expense. ()

27. Indigent Defense Services. County services provided to indigent persons and other individuals who are entitled to be represented by an attorney at public expense pursuant to Section 19-859, Idaho Code. ()

28. Indigent Defense Stakeholders ("Stakeholders"). A person, agency, entity or other organization with an interest or concern in the delivery of indigent defense in Idaho. ()

29. Indigent Defense Standard. Defined in Section 19-851, Idaho Code, as any rule promulgated by the commission pursuant to Section 19-850(1)(a), Idaho Code. ()

30. Joint Incentive Indigent Defense Grant. Pursuant to Section 19-862A, Idaho Code, a sum of money awarded by the PDC to counties who join together to establish and maintain a joint office of public defender pursuant to Section 19-859(2), Idaho Code. ()

31. Local Share. Defined in Section 19-851, Idaho Code, as the benchmark figure calculated by the commission to determine the minimum amount of funding that shall be maintained by a county and to determine the award amount of state indigent defense grants for which a county may be eligible pursuant to Section 19-862A, Idaho Code. For any given county fiscal year, a county's local share shall be the median of the annual amount in county funds expended by that county for indigent defense during each of the first three (3) of the preceding five (5) county fiscal years, as certified by the county clerk. ()

32. Oversight Review. An annual or periodic review of a county or defending attorney, completed by PDC staff, that considers whether indigent defense standards are being met and if deficiencies are being identified and cured in a timely fashion. ()

33. Public Defense Roster. A roster of *complaint* defending attorneys who may be appointed to represent indigent defendants or other persons entitled to be represented by an attorney at public expense. *The roster may also include non-attorney staff under the regular employ or supervision of a defending attorney.* ()

34. Scholarship. Any amount of training funds granted by the PDC to be used toward the costs of attending a training program. ()

35. Staff. Any individual employed by the PDC. ()

36. Submission Date. The date upon which one mails or digitally submits a document, form or application to the PDC. ()

37. Training Program. Any program, class, conference, seminar, or educational opportunity whose purpose includes the training of persons servicing indigent clients as designated by law, statute, court rule, or appointment. ()

38. Training Funds. An amount designated in the annual budget of the PDC designated for the benefit

of defending attorneys and those under their employ or supervision. These funds are dedicated to provide training and education for persons servicing indigent clients as designated by law, statute, court rule, or appointment. ()

39. Vertical Representation. *Continuous representation by the same attorney from assignment through completion of the case. Assignment shall occur immediately following an initial appearance to ensure that the constitutionally required level of advocacy necessary to mount a meaningful defense commences as soon as possible.* ()

40. Workload. The term workload recognizes that a caseload generally consists of a mix of case types that each require differing amounts of time and resources. ()

Sections Affected Index

IDAPA 08 – STATE BOARD AND STATE DEPARTMENT OF EDUCATION

08.02.02 – Rules Governing Uniformity

Docket No. 08-0202-1701

015. Idaho Educator Credential.	21
--------------------------------------	----

Docket No. 08-0202-1702

004. Incorporation By Reference.	23
---------------------------------------	----

Docket No. 08-0202-1705

007. Definitions.	26
015. Idaho Educator Credential.	26
016. Idaho Interim Certificate.	27
042. Alternate Routes To Certification.	28
060. Application Procedures / Professional Development.	28
120. Local District Evaluation Policy -- Instructional Staff And Pupil Service Staff Certificate Holders.	29
121. Local District Evaluation Policy – School Administrator.	30

IDAPA 11 – IDAHO STATE POLICE IDAHO STATE FORENSIC LABORATORY

11.03.01 – Rules Governing Alcohol Testing

Docket No. 11-0301-1801

004. Incorporation by Reference.	49
---------------------------------------	----

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.02.10 – Idaho Reportable Diseases

Docket No. 16-0210-1701

610. Rabies - Human, Animal, And Post-Exposure Prophylaxis (rPEP).	64
---	----

16.02.12 – Procedures and Testing to be Performed on Newborn Infants

Docket No. 16-0212-1701

001. Title And Scope.	68
004. Incorporation By Reference.	68
010. Definitions.	69
100. Duties Of The Administrator Of The Responsible Institution And The Person Required To Register The Birth Of A Child.	69
301. Newborn Critical Congenital Heart Disease (CCHD) Screening.	69

16.03.09 – Medicaid Basic Plan Benefits

Docket No. 16-0309-1702

701. Inpatient Behavioral Health Services: Participant Eligibility.	75
702. Inpatient Behavioral Health Services: Coverage And Limitations.	75
703. Inpatient Behavioral Health Services: Procedural Requirements.	76
704. Inpatient Behavioral Health Services: Provider Qualifications And Duties.	76

Docket No. 16-0315-1801 (New Chapter)

16.03.19 – Rules Governing Certified Family Homes

Docket No. 16-0319-1701

000. Legal Authority.	84
001. Title, Scope, And Exceptions.	84
002. Written Interpretations.	85
003. Administrative Appeals.	85

004.	Incorporation By Reference	85
005.	Office -- Office Hours -- Mailing Address -- Street Address -- Internet Website -- Contact Information.	85
006.	Confidentiality Of Records And Public Records Requests	86
007. -- 008.	(Reserved)	86
009.	Criminal History And Background Check Requirements	86
010.	Definitions And Abbreviations -- A Through K.	87
011.	Definitions And Abbreviations -- L Through Z.	88
012. -- 099.	(Reserved)	89
100.	Certification Requirements	89
101.	Application For Certification	91
102. -- 108.	(Reserved)	92
109.	Application And Certification Fees For Certified Family Homes	92
110.	Issuance Of Certificate	92
111.	Renewal Of Certificate	93
112.	Change Of Provider Or Location	94
113.	Denial Of application for Certificate	94
114.	Family Home Operating Without A Certificate	95
115.	Voluntary Closure Of The Home	95
116.	Required Ongoing Training	96
117. -- 119.	(Reserved)	97
120.	Waivers	97
121.	General Variances	97
122.	Revoking A Waiver Or Variance	98
123. -- 129.	(Reserved)	98
130.	Nursing Facility Level Of Care Variance	98
131. -- 139.	(Reserved)	99
140.	Variance To The Two Resident Limit	99
141. -- 149.	(Reserved)	100
150.	Inspections Of Homes	100
151. -- 159.	(Reserved)	101
160.	Complaint Procedure	101
161. -- 169.	(Reserved)	102
170.	Minimum Standards Of Care	102
171. -- 173.	(Reserved)	104
174.	Activities And Community Integration	104
175.	Room, Utilities And Meals	104
176. -- 179.	(Reserved)	105
180.	Hourly Adult Care	105
181. -- 199.	(Reserved)	107
200.	Resident Rights Policy	107
201.	Notice Of Resident Rights	110
202.	Access By Advocates And Representatives	111
203. -- 209.	(Reserved)	111
210.	Reporting Requirements	111
211. -- 224.	(Reserved)	112
225.	Uniform Assessment Requirements	112
226. -- 249.	(Reserved)	114
250.	Plan Of Service	114
251. - 259.	(Reserved)	115
260.	Admissions	115

261. -- 269. (Reserved).....	118
270. Resident Records.....	118
271. -- 274. (Reserved).....	120
275. Resident Funds And Financial Records.....	120
276. -- 299. (Reserved).....	122
300. Short-Term Care And Supervision.....	122
301. -- 399. (Reserved).....	123
400. Medication Policy.....	123
401. Self-Administration Of Medication.....	124
402. Assistance With Medication.....	124
403. -- 499. (Reserved).....	126
500. Environmental Sanitation Standards.....	126
501. -- 599. (Reserved).....	128
600. Fire And Life Safety Standards.....	128
601. -- 699. (Reserved).....	131
700. Home Construction And Physical Home Standards.....	131
701. Manufactured Homes And Modular Buildings.....	134
702. -- 709. (Reserved).....	134
710. Site Requirements For Certified Family Homes.....	134
711. -- 899. (Reserved).....	135
900. Emergency Powers Of The Director.....	135
901. Enforcement Process.....	135
902. Failure To Comply.....	135
903. Repeated Noncompliance.....	135
904. -- 908. (Reserved).....	136
909. Enforcement Remedy Of Provisional Certification.....	136
910. Enforcement Remedy Of Ban On All Admissions.....	136
911. Enforcement Remedy Of Ban On Admissions Of Resident With Specific Diagnosis.....	136
912. Enforcement Remedy Of Summary Suspension And Transfer Of Resident.....	136
913. Enforcement Remedy Of Revocation Of Certificate.....	136
914. (Reserved).....	137
915. Transfer Of Resident.....	137
916. -- 949. (Reserved).....	138
950. Right To Sell.....	138
951. -- 999. (Reserved).....	138
16.04.17 – Rules Governing Residential Habilitation Agencies	
Docket No. 16-0417-1701 (Chapter Repeal)	
Docket No. 16-0417-1702 (Chapter Rewrite)	
000. Legal Authority.....	141
001. Title And Scope.....	141
002. Written Interpretations.....	142
003. Administrative Appeals.....	142
004. Incorporation By Reference.....	142
005. Office Hours – Mailing Address – Street Address – Telephone – Website.....	142
006. Public Records Act Compliance And Requests.....	142
007. -- 008. (Reserved).....	142
009. Criminal History And Background Check Requirements.....	142
010. Definitions -- A Through N.....	142
011. Definitions -- M Through Z.....	144
012. -- 099. (Reserved).....	145

100.	Types Of Certificates Issued.....	145
101.	Certification – General Requirements For Agencies.....	146
102.	Denial Of An Application.....	147
103.	Renewal And Expiration Of Certificate.....	148
104.	Certificate Not Transferable.....	148
105.	Return Of Certificate.....	148
106.	Change Of Ownership, Administrator, Or Location.....	148
107. -- 199.	(Reserved).....	148
200.	Agency Governing Authority.....	148
201.	Agency Administrator.....	149
202.	Qualifications And Responsibilities Of A Residential Habilitation Professional.....	150
203.	Direct Service Staff.....	151
204.	Direct Service Staff Training.....	151
205. -- 299.	(Reserved).....	152
300.	Agency Policies And Procedures.....	152
301.	Personnel Records.....	156
302.	Agency Medication Standards And Requirements.....	156
303.	Agency Policies And Procedures Regarding Development Of Social Skills And Management Of Maladaptive Behavior.....	158
304. -- 399.	(Reserved).....	159
400.	Agency Participant Record Requirements.....	159
401. -- 402.	(Reserved).....	161
403.	Participant Finances.....	161
404.	Agency Reporting And Communication Requirements.....	161
405.	Agency Quality Assurance Program.....	162
406.	Complaints And Investigations.....	162
407. -- 499.	(Reserved).....	163
500.	Enforcement Process.....	163
501.	Revocation Of Certificate.....	164
502.	Notice Of Enforcement Remedy.....	165
503. -- 509.	(Reserved).....	165
510.	Emergency Powers Of The Director.....	165
511.	Injunction To Prevent Operation Without Certificate.....	165
512. -- 599.	(Reserved).....	165
600.	Waivers.....	165
601. -- 999.	(Reserved).....	165
16.05.03 – Rules Governing Contested Case Proceedings and Declaratory Rulings		
Docket No. 16-0503-1701		
005.	Administrative Procedures Section.....	167
006.	Office -- Office Hours -- Mailing Address -- Street Address -- Telephone Number -- Internet Website.....	167
008.	Access To Records Of Individuals With Developmental Or Mental Disabilities.....	168
009.	(Reserved).....	168
010.	Definitions And Abbreviations.....	168
101.	Filing Of Appeals.....	169
103.	Prehearing Conference.....	169
106.	Default.....	170
122.	Filing Of Documents In An Appeal.....	170
150.	Review Of Preliminary Orders By Department.....	170
199.	Specific Contested Case Provisions.....	170
200.	Division Of Welfare: Appeals.....	171

201. Division Of Welfare: Time For Filing Appeal.....	171
203. Division Of Welfare: Withdrawal Of An Appeal.....	172
204. Division Of Welfare: Time Limits For Completing Hearings.....	172
298. Division Of Welfare: Child Support Services.....	172
299. (Reserved).....	173
300. Division Of Medicaid: Administrative Reviews For Providers And Facilities.....	173
301. Division Of Medicaid: Scope Of Appeal Hearing.....	173
303. -- 399. (Reserved).....	174
504. -- 599. (Reserved).....	174
600. Division Of Licensing And Certification: Request For Administrative Review.....	174
601. -- 699. (Reserved).....	174
700. Division Of Behavioral Health: Request For Administrative Review.....	174
701. -- 749. (Reserved).....	175
750. Division Of Behavioral Health: Youth Empowerment Services (YES).....	175
751. Division Of Behavioral Health: Youth Empowerment Services (YES) Grievance Process.....	175
752. -- 999. (Reserved).....	175
16.06.01 – Child and Family Services	
Docket No. 16-0601-1702	
427. Determination Of Eligibility For Title IV-E.....	178
430. Ongoing Eligibility.....	178

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES

24.03.01 – Rules of the State Board of Chiropractic Physicians	
Docket No. 24-0301-1701	
020. Non-Certified Clinical Nutritional Practice (Rule 20).....	190
702. Requirements For Clinical Nutrition Certification.....	190
704. Reissuance Of Cancelled Clinical Nutrition Certification.....	191
706. Clinical Nutrition Recertification Requirement.....	191
24.23.01 – Rules of the Speech, Hearing and Communication Services Licensure Board	
Docket No. 24-2301-1702	
270. Registration For Out Of State Licensees (Rule 270).....	200
24.25.01 – Rules of the Idaho Driving Businesses Licensure Board	
Docket No. 24-2501-1701	
175. Fees (Rule 175).....	203

IDAPA 35 – STATE TAX COMMISSION

35.01.02 – Idaho Sales and Use Tax Administrative Rules	
Docket No. 35-0102-1702	
079. Production Exemption (Rule 079).....	205
107. Vehicles And Vessels -- Gifts, Military Personnel, Nonresident, New Resident, Tax Paid To Another State, Sales To Family Members, Sales To American Indians, And Other Exemptions (Rule 107).....	205
128. Certificates For Resale And Other Exemption Claims (Rule 128).....	206

35.01.03 – Property Tax Administrative Rules

Docket No. 35-0103-1704

631. Tax Exemption For Investment In New Or Existing Plant And Building Facilities Upon County Commissioners' Approval (Rule 631).	208
803. Budget Certification -- Dollar Certification Form (L-2 Form) (Rule 803).	208

IDAPA 47 – DIVISION OF VOCATIONAL REHABILITATION

47.01.01 – Rules of the Idaho Division of Vocational Rehabilitation

Docket No. 47-0101-1701

004. Incorporation By Reference.	211
---------------------------------------	-----

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 – Rules for the Control of Air Pollution in Idaho

Docket No. 58-0101-1702

58.01.02 – Water Quality Standards

Docket No. 58-0102-1502

004. Incorporation By Reference.	218
210. Numeric Criteria For Toxic Substances For Waters Designated For Aquatic Life, Recreation, Or Domestic Water Supply Use.	218

Docket No. 58-0102-1701

210. Numeric Criteria For Toxic Substances For Waters Designated For Aquatic Life, Recreation, Or Domestic Water Supply Use.	221
287. Site-specific Aquatic Life Criteria For Selenium.	231

Docket No. 58-0102-1702

007. Effective For Clean Water Act Purposes.	237
---	-----

58.01.05 – Rules and Standards for Hazardous Waste

Docket No. 58-0105-1701

006. Standards Applicable To Generators Of Hazardous Waste.	239
--	-----

IDAPA 59 – PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO

59.01.03 – PERSI Contribution Rules

Docket No. 59-0103-1801

026. PERSI Employer General Member Contribution Rate (Rule 26).	243
027. Firefighter Retirement Fund Employer Rate (Rule 27).	243
028. PERSI Employer Class II Contribution Rate (Rule 28).	244
100. PERSI Employee General Member Contribution Rate (Rule 100).	244
101. PERSI Employee Class II Contribution Rate (Rule 101).	245

IDAPA 61 – STATE PUBLIC DEFENSE COMMISSION

*61.01.06 – Rules Governing Procedures for the Oversight, Implementation,
Enforcement and Modification of Indigent Defense Standards*

Docket No. 61-0106-1701 (New Chapter)

005. Office – Office Hours – Mailing And Street Addresses – Telephone –Internet Website.	247
021. Participants And Roles.	247

022. Minimum Standards	248
023. Oversight Program Management	248
025. Corrective Action Plans And Compliance Verification.....	250
026. Enforcement.....	250
<i>61.01.07 – Rules Governing Standards for Defending Attorneys That Utilize Idaho’s Principles of an Indigent Defense Delivery System</i>	
<i>Docket No. 61-0107-1701</i>	
020. Public Defense Rosters.....	253
<i>61.01.08 – Rules Governing the Administration of Idaho’s Indigent Defense Delivery Systems – Rule Definitions</i>	
<i>Docket No. 61-0108-1701 (New Chapter)</i>	
000. Legal Authority.....	256
004. Incorporation By Reference.....	256
010. Definitions.....	256

LEGAL NOTICE

Summary of Proposed Rulemakings

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

*THERE ARE NO PROPOSED RULES PUBLISHED
IN THE JANUARY, 2018 IDAHO ADMINISTRATIVE BULLETIN, VOL. 18-1.*

Please refer to the Idaho Administrative Bulletin, [January 3, 2018, Volume 18-1](#), for the notices and text of all rulemakings, public hearings schedules, information on negotiated rulemakings, executive orders of the Governor, and agency contact information.

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

Office of the Administrative Rules Coordinator, Dept. of Administration, P.O. Box 83720, Boise, ID 83720-0306
Phone: 208-332-1820; Email: 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.

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

(Index of Current and Active Rulemakings)

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

March 29, 2017 — January 3, 2018

(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**

- 01-0101-1701** Proposed Rulemaking, Bulletin Vol. 17-9
- 01-0101-1702** Proposed Rulemaking, Bulletin Vol. 17-9
- 01-0101-1703** Proposed Rulemaking, Bulletin Vol. 17-9
- 01-0101-1704** Proposed Rulemaking, Bulletin Vol. 17-9
- 01-0101-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)
- 01-0101-1702** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)
- 01-0101-1703** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)
- 01-0101-1704** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

IDAPA 02 -- IDAHO DEPARTMENT OF AGRICULTURE**02.01.01, Idaho Rules of Practice and Procedure of the Department of Agriculture**

- 02-0101-1701** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 17-7
- 02-0101-1702*** Proposed Rulemaking (Chapter Rewrite), Bulletin Vol. 17-7 (*Changes chapter name to "Rules of Procedure")
- 02-0101-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)
- 02-0101-1702*** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

02.02.14, Rules for Weights and Measures

- 02-0214-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 02-0214-1702** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 02-0214-1703** Proposed Rulemaking, Bulletin Vol. 17-7
- 02-0214-1701** Proposed Rulemaking, Bulletin Vol. 17-9
- 02-0214-1702** Proposed Rulemaking, Bulletin Vol. 17-9
- 02-0214-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)
- 02-0214-1702** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)
- 02-0214-1703** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

02.04.14, Rules Governing Dairy Byproduct

- 02-0414-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 02-0414-1702** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 02-0414-1702** Proposed Rulemaking, Bulletin Vol. 17-10
- 02-0414-1702** Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

02.06.02, Rules Pertaining to the Idaho Commercial Feed Law

- 02-0602-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 02-0602-1701** Proposed Rulemaking, Bulletin Vol. 17-9
- 02-0602-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

02.06.12, Rules Pertaining to the Idaho Fertilizer Law

- 02-0612-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 02-0612-1701** Proposed Rulemaking, Bulletin Vol. 17-9
- 02-0612-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

02.06.17, Rules Governing the Disposal of Cull Onions and Potatoes

- 02-0617-1701** Adoption of Temporary Rule, Bulletin Vol. 17-3 (eff. 2-8-17)T
- 02-0617-1701** Notice of Rescission of Temporary Rule, Bulletin Vol. 17-5 (Rescission effective 4-17-17)

02.06.21, Rules for Voluntary Public Services of the Idaho Department of Agriculture Laboratories

- 02-0621-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 02-0621-1701** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 17-9
- 02-0621-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

02.06.22, Noxious Weed Rules

02-0622-1701 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 17-5

02.06.41, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001

02-0641-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7

02-0641-1701 Proposed Rulemaking, Bulletin Vol. 17-9

02-0641-1701 Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

02.08.01, Sheep and Goat Rules of the Idaho Board of Sheep Commissioners

02-0801-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-8

02-0801-1701 Proposed Rulemaking, Bulletin Vol. 17-11

02-0801-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

IDAPA 05 -- DEPARTMENT OF JUVENILE CORRECTIONS***05.01.02, Rules and Standards for Secure Juvenile Detention Centers***

05-0102-1701 Proposed Rulemaking, Bulletin Vol. 17-10

05-0102-1701 Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

IDAPA 07 -- DIVISION OF BUILDING SAFETY***07.01.06, Rules Governing the Use of National Electrical Code***

07-0106-1701 Proposed Rulemaking, Bulletin Vol. 17-9

07-0106-1701 Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

07.02.04, Rules Governing Plumbing Safety Inspections

07-0204-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4

07-0204-1701 Proposed Rulemaking, Bulletin Vol. 17-9

07-0204-1701 Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

07.02.06, Rules Concerning the Idaho State Plumbing Code

07-0206-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4

07-0206-1701 Proposed Rulemaking, Bulletin Vol. 17-9

07-0206-1702 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-10

07-0206-1701 Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

07.03.01, Rules of Building Safety

07-0301-1701 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 17-3

07-0301-1701 Proposed Rulemaking, Bulletin Vol. 17-9

07-0301-1701 Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

07.03.11, Rules Governing Manufactured/Mobile Home Industry Licensing

07-0311-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4

07-0311-1701 Proposed Rulemaking, Bulletin Vol. 17-9

07-0311-1701 Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

07.03.12, Rules Governing Manufactured or Mobile Home Installations

07-0312-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4

07-0312-1701 Proposed Rulemaking, Bulletin Vol. 17-9

07-0312-1701 Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

07.04.01, Rules Governing Safety Inspections - General

- 07-0401-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4
- 07-0401-1701** Proposed Rulemaking, Bulletin Vol. 17-9
- 07-0401-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

07.04.02, Safety Rules for Elevators, Escalators, and Moving Walks

- 07-0402-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4
- 07-0402-1701** Proposed Rulemaking, Bulletin Vol. 17-9
- 07-0402-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

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

- 07-0701-1701** Proposed Rulemaking, Bulletin Vol. 17-9
- 07-0701-1702** Proposed Rulemaking, Bulletin Vol. 17-9
- 07-0701-1703** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-10
- 07-0701-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)
- 07-0701-1702** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

07.08.17, Idaho Minimum Safety Standards and Practices for Logging -- Cable Assisted Logging Systems

- 07-0817-1701** Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 17-6 (eff. 5-1-17)T
- 07-0817-1701** Adoption of Pending Rule, Bulletin Vol. 17-9 (PLR 2018)

07.09.01, Safety and Health Rules for Places of Public Employment

- 07-0901-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4
- 07-0901-1701** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 17-9
- 07-0901-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

07.10.01, Rules Governing the Damage Prevention Board

- 07-1001-1701** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 17-3
- 07-1001-1701** Temporary and Proposed Rulemaking, Bulletin Vol. 17-9 (eff. 9-1-17)T
- 07-1001-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

***IDAHO 08 -- IDAHO STATE BOARD OF EDUCATION
AND STATE DEPARTMENT OF EDUCATION***

08.01.11, Registration of Postsecondary Educational Institutions and Proprietary Schools

- 08-0111-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5
- 08-0111-1701** Proposed Rulemaking, Bulletin Vol. 17-10
- 08-0111-1701** Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

08.01.13, Rules Governing the Idaho Opportunity Scholarship Program

- 08-0113-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5
- 08-0113-1701** Temporary and Proposed Rulemaking, Bulletin Vol. 17-10 (eff. 8-31-17)T
- 08-0113-1701** Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

08.02.01, Rules Governing Administration

- 08-0201-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5

08.02.02, Rules Governing Uniformity

- 08-0202-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4
- 08-0202-1702** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4
- 08-0202-1703** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5
- 08-0202-1704** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5
- 08-0202-1705** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5
- 08-0202-1706** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5
- 08-0202-1707** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-6

- 08-0202-1708 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 08-0202-1709 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 08-0202-1701 Proposed Rulemaking, Bulletin Vol. 17-10
- 08-0202-1702 Proposed Rulemaking, Bulletin Vol. 17-10
- 08-0202-1703 Proposed Rulemaking, Bulletin Vol. 17-10
- 08-0202-1705 Temporary and Proposed Rulemaking, Bulletin Vol. 17-10 (eff. 8-31-17)T
- 08-0202-1707 Temporary and Proposed Rulemaking, Bulletin Vol. 17-10 (eff. 8-31-17)T
- 08-0202-1708 Proposed Rulemaking, Bulletin Vol. 17-10
- 08-0202-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
- 08-0202-1702 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
- 08-0202-1703 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
- 08-0202-1705 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
- 08-0202-1707 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
- 08-0202-1708 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

08.02.03, Rules Governing Thoroughness

- 08-0203-1612 Adoption of Temporary Rule, Bulletin Vol. 16-12 (eff. 10-20-16)T
- 08-0203-1701 Adoption of Temporary Rule, Bulletin Vol. 17-2 (eff. 12-15-16)T
- 08-0203-1702 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4
- 08-0203-1703 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4
- 08-0203-1704 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4
- 08-0203-1705 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4
- 08-0203-1612 OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 121, Bulletin Vol. 17-5
- 08-0203-1701 OAR Omnibus Notice of Legislative Action - Partial Rejection of Temporary Rule by SCR 121, Bulletin Vol. 17-5
- 08-0203-1706 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5
- 08-0203-1707 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5
- 08-0203-1708 Temporary and Proposed Rulemaking, Bulletin Vol. 17-6 (eff. 4-20-17)T
- 08-0203-1709 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 08-0203-1710 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 08-0203-1702 Proposed Rulemaking, Bulletin Vol. 17-8
- 08-0203-1711 Proposed Rulemaking, Bulletin Vol. 17-8
- 08-0203-1703 Proposed Rulemaking, Bulletin Vol. 17-10
- 08-0203-1704 Proposed Rulemaking, Bulletin Vol. 17-10
- 08-0203-1705 Proposed Rulemaking, Bulletin Vol. 17-10
- 08-0203-1707 Proposed Rulemaking, Bulletin Vol. 17-10
- 08-0203-1709 Proposed Rulemaking, Bulletin Vol. 17-10
- 08-0203-1710 Proposed Rulemaking, Bulletin Vol. 17-10
- 08-0203-1712 Proposed Rulemaking, Bulletin Vol. 17-10
- 08-0203-1702 Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)
- 08-0203-1708 Adoption of Pending and Amendment to Temporary Rule, Bulletin Vol. 17-12 (eff. (10-8-17)T, PLR 2018)
- 08-0203-1711 Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)
- 08-0203-1703 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
- 08-0203-1704 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
- 08-0203-1705 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
- 08-0203-1707 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
- 08-0203-1709 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
- 08-0203-1710 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
- 08-0203-1712 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

08.02.04, Rules Governing Public Charter Schools

- 08-0204-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5
- 08-0204-1701 Temporary and Proposed Rulemaking, Bulletin Vol. 17-10 (eff. 8-31-17)T
- 08-0204-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

08.03.01, Rules of the Public Charter School Commission

- 08-0301-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5
- 08-0301-1701 Temporary and Proposed Rulemaking, Bulletin Vol. 17-10 (eff. 8-31-17)T

08-0301-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

08.04.01, Rules of the Idaho Digital Learning Academy - State Board of Education Rules

08-0401-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-6

08-0401-1701 Proposed Rulemaking, Bulletin Vol. 17-10

08-0401-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

08.05.01, Rules Governing Seed and Plant Certification - Regents of the University of Idaho

08-0501-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7

08-0501-1701 Proposed Rulemaking, Bulletin Vol. 17-10

08-0501-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

IDAPA 09 -- IDAHO DEPARTMENT OF LABOR

09.01.30, Unemployment Insurance Benefits Administration Rules

09-0130-1701 Temporary and Proposed Rulemaking, Bulletin Vol. 17-7 (eff. 6-2-17)T

09-0130-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

***IDAPA 10 -- IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS***

10.01.01, Rules of Procedure

10-0101-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-6

10-0101-1701 Proposed Rulemaking, Bulletin Vol. 17-8

10-0101-1701 Adoption of Pending Rule, Bulletin Vol. 17-11 (PLR 2018)

10.01.02, Rules of Professional Responsibility

10-0102-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-11

10-0102-1701 Proposed Rulemaking, Bulletin Vol. 17-7

10-0102-1701 Adoption of Pending Rule, Bulletin Vol. 17-9 (PLR 2018)

10.01.04, Rules of Continuing Professional Development

10-0104-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-6

10-0104-1701 Proposed Rulemaking, Bulletin Vol. 17-8

10-0104-1701 Adoption of Pending Rule, Bulletin Vol. 17-11 (PLR 2018)

IDAPA 11 -- IDAHO STATE POLICE

Idaho State Brand Board

11.02.01, Rules of the Idaho State Brand Board

11-0201-1701 Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 17-11 (eff. 10-2-17)T

Idaho State Forensic Laboratory

11.03.01, Rules Governing Alcohol Testing

11-0301-1801 Adoption of Temporary Rule, Bulletin Vol. 18-1 (eff. 12-14-17)T

Idaho State Racing Commission

11.04.06, Rules Governing Racing Officials

11-0406-1701 Proposed Rulemaking, Bulletin Vol. 17-11

11-0406-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

Peace Officer Standards and Training (POST) Council**11.11.01, Rules of the Idaho Peace Officer Standards and Training Council**

- 11-1101-1701** Proposed Rulemaking, Bulletin Vol. 17-11
11-1101-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

11.11.05, Rules of the Idaho POST Council for Idaho Department of Juvenile Corrections Direct Care Staff

- 11-1105-1701** Proposed Rulemaking, Bulletin Vol. 17-11
11-1105-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

IDAPA 12 -- DEPARTMENT OF FINANCE**12.01.10, Rules Pursuant to the Idaho Residential Mortgage Practices Act**

- 12-0110-1701** Proposed Rulemaking, Bulletin Vol. 17-10
12-0110-1701 Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

IDAPA 13 -- IDAHO FISH AND GAME COMMISSION**13.01.04, Rules Governing Licensing**

- 13-0104-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
13-0104-1702 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
13-0104-1703 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
13-0104-1701 Proposed Rulemaking, Bulletin Vol. 17-10
13-0104-1702 Proposed Rulemaking, Bulletin Vol. 17-10
13-0104-1703 Proposed Rulemaking, Bulletin Vol. 17-10
13-0104-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
13-0104-1702 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
13-0104-1703 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

13.01.06, Rules Governing Classification and Protection of Wildlife

- 13-0106-1701** Proposed Rulemaking, Bulletin Vol. 17-10
13-0106-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

13.01.08, Rules Governing the Taking of Big Game Animals in the State of Idaho

- 13-0108-1701P** Notice of Proclamation, Bulletin Vol. 17-5
13-0108-1702 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
13-0108-1703 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
13-0108-1704 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
13-0108-1704 Proposed Rulemaking, Bulletin Vol. 17-10
13-0108-1705 Temporary and Proposed Rulemaking, Bulletin Vol. 17-10 (eff. 12-1-17)T (Rescinded eff 12-1-17)
13-0108-1706 Proposed Rulemaking, Bulletin Vol. 17-10
13-0108-1705 Notice of Vacation of Proposed Rulemaking and Rescission of Temporary Rule, Bulletin Vol. 17-12 (eff.12-1-17)
13-0108-1704 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
13-0108-1706 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

13.01.09, Rules Governing the Taking of Game Birds in the State of Idaho

- 13-0109-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-3
13-0109-1702P Notice of Proclamation, Bulletin Vol. 17-5
13-0109-1703P Notice of Proclamation, Bulletin Vol. 17-7
13-0109-1704P Notice of Proclamation, Bulletin Vol. 17-10

13.01.11, Rules Governing Fish

- 13-0111-1701P** Notice of Proclamation, Bulletin Vol. 17-5
13-0111-1702P Notice of Proclamation, Bulletin Vol. 17-7

13-0111-1703P Notice of Proclamation, Bulletin Vol. 17-11

13-0111-1704P Notice of Proclamation, Bulletin Vol. 17-11

13.01.13, Rules Governing the Taking of American Crow in the State of Idaho

13-0113-1701P Notice of Proclamation, Bulletin Vol. 17-5

13.01.17, Rules Governing the Use of Bait and Trapping for Taking Big Game Animals

13-0117-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7

IDAPA 15 -- OFFICE OF THE GOVERNOR

Executive Orders of the Governor

Executive Order No. **2017-01** Bulletin Vol. 17-2

Executive Order No. **2017-02** Bulletin Vol. 17-2

Executive Order No. **2017-03** Bulletin Vol. 17-6

Executive Order No. **2017-04** Bulletin Vol. 17-6

Executive Order No. **2017-05** Bulletin Vol. 17-6

Executive Order No. **2017-06** Bulletin Vol. 17-6

Executive Order No. **2017-07** Bulletin Vol. 17-12

Executive Order No. **2017-08** Bulletin Vol. 17-12

Executive Order No. **2017-09** Bulletin Vol. 17-12

Executive Order No. **2017-10** Bulletin Vol. 17-12

Executive Order No. **2017-11** Bulletin Vol. 17-12

Executive Order No. **2017-12** Bulletin Vol. 17-12

Idaho Commission On Aging

15.01.03, Rules Governing Ombudsman for the Elderly Program

15-0103-1701 Proposed Rulemaking, Bulletin Vol. 17-9

15-0103-1701 Adoption of Pending Rule, Bulletin Vol. 17-11 (PLR 2018)

Idaho Commission for the Blind and Visually Impaired

15.02.02, Vocational Rehabilitation Services

15-0202-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7

15-0202-1701 Proposed Rulemaking, Bulletin Vol. 17-9

15-0202-1701 Adoption of Pending Rule, Bulletin Vol. 17-11 (PLR 2018)

Division of Human Resources and Personnel Commission

15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission

15-0401-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-9

15-0401-1701 Proposed Rulemaking, Bulletin Vol. 17-11

15-0401-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

IDAPA 16 -- DEPARTMENT OF HEALTH AND WELFARE

16.01.04, Emergency Medical Services (EMS) -- Account III Grants

16-0104-1701 Proposed Rulemaking (New Chapter), Bulletin Vol. 17-9

16-0104-1701 Adoption of Pending Rule (New Chapter), Bulletin Vol. 18-1 (eff. PLR 2018)

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

- 16-0202-1701 Proposed Rulemaking, Bulletin Vol. 17-10
16-0202-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

16.02.04, Rules Governing Emergency Medical Services Account III Grants

- 16-0204-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5
16-0204-1701 (Second) Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-6
16-0204-1701 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 17-9
16-0204-1701 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 18-1 (eff. PLR 2018)

16.02.10, Idaho Reportable Diseases

- 16-0210-1701 Temporary and Proposed Rulemaking, Bulletin Vol. 17-1 (eff. 1-1-17)T
16-0210-1701 OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 121, Bulletin Vol. 17-5
16-0210-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

16.02.12, Procedures and Testing to be Performed on Newborn Infants

- 16-0212-1701 Proposed Rulemaking, Bulletin Vol. 17-9
16-0212-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

16.03.01, Eligibility for Health Care Assistance for Families and Children

- 16-0301-1701 Proposed Rulemaking, Bulletin Vol. 17-10
16-0301-1702 Proposed Rulemaking, Bulletin Vol. 17-10
16-0301-1701 Adoption of Pending and Temporary Rule, Bulletin Vol. 17-12 (eff. (1-1-18)T, PLR 2018)
16-0301-1702 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

16.03.05, Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD)

- 16-0305-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
16-0305-1701 Proposed Rulemaking, Bulletin Vol. 17-10
16-0305-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

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

- 16-0308-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
16-0308-1701 Proposed Rulemaking, Bulletin Vol. 17-10
16-0308-1701 Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

16.03.09, Medicaid Basic Plan Benefits

- 16-0309-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5
16-0309-1702 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-6
16-0309-1703 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-6
16-0309-1701 Temporary and Proposed Rulemaking, Bulletin Vol. 17-8 (eff. 8-1-17)T
16-0309-1702 Proposed Rulemaking, Bulletin Vol. 17-10
16-0309-1703 Proposed Rulemaking, Bulletin Vol. 17-10
16-0309-1704 Proposed Rulemaking, Bulletin Vol. 17-10
16-0309-1701 Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)
16-0309-1704 Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)
16-0309-1702 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
16-0309-1703 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

16.03.10, Medicaid Enhanced Plan Benefits

- 16-0310-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5
16-0310-1702 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-6
16-0310-1703 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-6
16-0310-1704 1st Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-6
16-0310-1705 Temporary and Proposed Rulemaking, Bulletin Vol. 17-7 (eff. 7-1-17)T
16-0310-1701 Temporary and Proposed Rulemaking, Bulletin Vol. 17-8 (eff. 9-1-17)T
16-0310-1702 Proposed Rulemaking, Bulletin Vol. 17-10
16-0310-1703 Proposed Rulemaking, Bulletin Vol. 17-10

- [16-0310-1706](#) Proposed Rulemaking, Bulletin Vol. 17-10
- [16-0310-1707](#) Proposed Rulemaking, Bulletin Vol. 17-10
- [16-0310-1701](#) Adoption of Pending and Amendment to Temporary Rule, Bulletin Vol. 17-12 (eff. (9-1-17)T, PLR 2018)
- [16-0310-1704](#) 2nd Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-12
- [16-0310-1705](#) Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)
- [16-0310-1706](#) Adoption of Pending and Temporary Rule, Bulletin Vol. 17-12 (eff. (1-1-18)T, PLR 2018)
- [16-0310-1707](#) Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)
- [16-0310-1702](#) Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
- [16-0310-1703](#) Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

16.03.15, Rules Governing Secure Treatment Facility for People with Intellectual or Developmental Disabilities

- [16-0315-1801](#) Notice of Intent to Promulgate a Rule (New Chapter) - Negotiated Rulemaking, Bulletin Vol. 18-1

16.03.18, Medicaid Cost-Sharing

- [16-0318-1701](#) Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-6
- [16-0318-1701](#) Proposed Rulemaking (Fee Rule), Bulletin Vol. 17-10
- [16-0318-1701](#) Adoption of Pending Fee Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

16.03.19, Rules Governing Certified Family Homes

- [16-0319-1701](#) Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5
- [16-0319-1701](#) Proposed Rulemaking, Bulletin Vol. 17-9
- [16-0319-1701](#) Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

16.04.17, Rules Governing Residential Habilitation Agencies

- [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
- [16-0417-1701](#) 3rd Notice of Intent to Promulgate a Rule (3rd Notice) - Negotiated Rulemaking, Bulletin Vol. 17-2
- [16-0417-1701](#) Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 17-8
- [16-0417-1702](#) Proposed Rulemaking (Chapter Rewrite), Bulletin Vol. 17-8
- [16-0417-1701](#) Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 18-1 (eff. PLR 2018)
- [16-0417-1702](#) Adoption of Pending Rule (Chapter Rewrite), Bulletin Vol. 18-1 (eff. PLR 2018)

16.05.03, Rules Governing Contested Cases Proceedings and Declaratory Rulings

- [16-0503-1701](#) Proposed Rulemaking, Bulletin Vol. 17-9
- [16-0503-1701](#) Adoption of Pending Rule and Temporary Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

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

- [16-0507-1701](#) Proposed Rulemaking, Bulletin Vol. 17-10
- [16-0507-1701](#) Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

16.06.01, Child and Family Services

- [16-0601-1701](#) Temporary and Proposed Rulemaking, Bulletin Vol. 17-7 (eff. 7-1-17)T
- [16-0601-1702](#) Proposed Rulemaking, Bulletin Vol. 17-9
- [16-0601-1701](#) Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
- [16-0601-1702](#) Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

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

- [16-0612-1701](#) Proposed Rulemaking, Bulletin Vol. 17-10
- [16-0612-1701](#) Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

16.07.15, Behavioral Health Programs

- [16-0715-1701](#) Proposed Rulemaking, Bulletin Vol. 17-9
- [16-0715-1701](#) Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

16.07.17, Substance Use Disorders Services

- 16-0717-1701 Proposed Rulemaking, Bulletin Vol. 17-9
16-0717-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

16.07.30, Behavioral Health Community Crisis Centers

- 16-0730-1701 Proposed Rulemaking, Bulletin Vol. 17-9
16-0730-1701 Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

16.07.33, Adult Mental Health Services

- 16-0733-1701 Proposed Rulemaking, Bulletin Vol. 17-9
16-0733-1701 Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

16.07.37, Children's Mental Health Services

- 16-0737-1701 Proposed Rulemaking, Bulletin Vol. 17-10
16-0737-1701 Adoption of Pending and Temporary Rule, Bulletin Vol. 17-12 (eff. (1-1-18)T, PLR 2018)

**16.07.50, Minimum Standards for Non-hospital, Medically-Monitored Detoxification/
Mental Health Diversion Units**

- 16-0750-1701 Proposed Rulemaking, Bulletin Vol. 17-9
16-0750-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

IDAPA 17 -- INDUSTRIAL COMMISSION**17.02.04, Administrative Rules of the IC Under the Worker's Compensation Law - Benefits**

- 17-0204-1701 Proposed Rulemaking, Bulletin Vol. 17-11
17-0204-1702 Proposed Rulemaking, Bulletin Vol. 17-11
17-0204-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
17-0204-1702 Vacation of Proposed Rulemaking, Bulletin Vol. 18-1

17.02.07, Procedures to Obtain Compensation

- 17-0207-1701 Adoption of Temporary Rule, Bulletin Vol. 17-5 (eff. 3-1-17)T
17-0207-1701 Proposed Rulemaking, Bulletin Vol. 17-11
17-0207-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

17.02.08, Miscellaneous Provisions

- 17-0208-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-6
17-0208-1701 Proposed Rulemaking, Bulletin Vol. 17-11
17-0208-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

17.02.09, Medical Fees

- 17-0209-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-6

**17.02.10, Administrative Rules of the Industrial Commission Under the Workers' Compensation Law --
Security for Compensation -- Insurance Carriers**

- 17-0210-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-6
17-0210-1701 Proposed Rulemaking, Bulletin Vol. 17-11
17-0210-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

**17.02.11, Administrative Rules of the Industrial Commission Under the Workers' Compensation Law --
Security for Compensation -- Self-Insured Employers**

- 17-0211-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-6
17-0211-1701 Proposed Rulemaking, Bulletin Vol. 17-11
17-0211-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

IDAPA 18 -- DEPARTMENT OF INSURANCE***18.01.02, Insurance Policy Titles***

- 18-0102-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 18-0102-1701** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 17-9
- 18-0102-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (PLR 2018)

18.01.08, Filing of Life Policy Forms

- 18-0108-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 18-0108-1701** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 17-9
- 18-0108-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (PLR 2018)

18.01.20, Cancellation of, or Refusal to Renew Automobile Insurance Policies

- 18-0120-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 18-0120-1701** Proposed Rulemaking, Bulletin Vol. 17-9
- 18-0120-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (PLR 2018)

18.01.22, Sale of Insurance by Vending Machines

- 18-0122-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 18-0122-1701** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 17-9
- 18-0122-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (PLR 2018)

18.01.25, Title Insurance and Title Insurance Agents and Escrow Officers

- 18-0125-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 18-0125-1701** Proposed Rulemaking, Bulletin Vol. 17-9
- 18-0125-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (PLR 2018)

18.01.30, Individual Disability and Group Supplemental Disability Insurance Minimum Standards Rule

- 18-0130-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 18-0130-1701** Proposed Rulemaking, Bulletin Vol. 17-9
- 18-0130-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (PLR 2018)

18.01.35, Guidelines Respecting the Use of Claim Forms for Disability Insurance Claims

- 18-0135-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 18-0135-1701** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 17-9
- 18-0135-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (PLR 2018)

18.01.56, Rebates and Illegal Inducements to Obtaining Title Insurance Business Rules

- 18-0156-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 18-0156-1701** Proposed Rulemaking, Bulletin Vol. 17-9
- 18-0156-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (PLR 2018)

18.01.73, Rule to Implement the Individual Health Insurance Availability Act Plan Design

- 18-0173-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 18-0173-1701** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 17-9
- 18-0173-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (PLR 2018)

18.01.75, Credit for Reinsurance Rules

- 18-0175-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-6
- 18-0175-1701** Proposed Rulemaking, Bulletin Vol. 17-8
- 18-0175-1701** Notice of Adoption of Pending Rule, Bulletin Vol. 17-10 (PLR 2018)

18.01.81, Rules Governing Corporate Governance

- 18-0181-1701** Notice of Intent to Promulgate a Rule (New Chapter) - Negotiated Rulemaking, Bulletin Vol. 17-6
- 18-0181-1701** Proposed Rulemaking (New Chapter), Bulletin Vol. 17-8
- 18-0181-1701** Notice of Adoption of Pending Rule (New Chapter), Bulletin Vol. 17-10 (PLR 2018)

IDAPA 19 -- BOARD OF DENTISTRY

19.01.01, Rules of the Idaho State Board of Dentistry

- 19-0101-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 19-0101-1702** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 19-0101-1703** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 19-0101-1701** Proposed Rulemaking, Bulletin Vol. 17-9
- 19-0101-1702** Proposed Rulemaking, Bulletin Vol. 17-9
- 19-0101-1703** Proposed Rulemaking, Bulletin Vol. 17-9
- 19-0101-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (PLR 2018)
- 19-0101-1702** Adoption of Pending Rule, Bulletin Vol. 17-11 (PLR 2018)
- 19-0101-1703** Adoption of Pending Rule, Bulletin Vol. 17-11 (PLR 2018)

IDAPA 20 -- DEPARTMENT OF LANDS

20.04.01, Rules Pertaining to Forest Fire Protection

- 20-0401-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-10

IDAPA 21 -- DIVISION OF VETERANS SERVICES

21.01.01, Rules Governing Admission, Residency, and Maintenance Charges in Idaho State Veterans Homes and Division of Veterans Services Administrative Procedure

- 21-0101-1701** Temporary and Proposed Rulemaking, Bulletin Vol. 17-7 (eff. 7-1-17)T
- 21-0101-1701** Adoption of Pending Rule, Bulletin Vol. 17-9 (PLR 2018)

IDAPA 22 -- BOARD OF MEDICINE

22.01.13, Rules for the Licensure of Dietitians

- 22-0113-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-8
- 22-0113-1701** Proposed Rulemaking, Bulletin Vol. 17-10
- 22-0113-1701** Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

IDAPA 23 -- BOARD OF NURSING

23.01.01, Rules of the Idaho Board of Nursing

- 23-0101-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 23-0101-1701** Proposed Rulemaking, Bulletin Vol. 17-9
- 23-0101-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (PLR 2018)

IDAPA 24 -- BUREAU OF OCCUPATIONAL LICENSES

24.01.01, Rules of the Board of Architectural Examiners

- 24-0101-1701** Proposed Rulemaking (Fee Rule), Bulletin Vol. 17-10
- 24-0101-1701** Adoption of Pending Fee Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

24.03.01, Rules of the State Board of Chiropractic Physicians

- 24-0301-1701** Proposed Rulemaking (Fee Rule), Bulletin Vol. 17-10
24-0301-1701 Adoption of Pending Fee Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

24.06.01, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants

- 24-0601-1701** Proposed Rulemaking (Fee Rule), Bulletin Vol. 17-10
24-0601-1701 Adoption of Pending Fee Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

24.07.01, Rules of the Idaho State Board of Landscape Architects

- 24-0701-1701** Proposed Rulemaking (Fee Rule), Bulletin Vol. 17-10
24-0701-1701 Adoption of Pending Fee Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

24.08.01, Rules of the State Board of Morticians

- 24-0801-1701** Proposed Rulemaking (Fee Rule), Bulletin Vol. 17-10
24-0801-1701 Adoption of Pending Fee Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

24.12.01, Rules of the State Board of Psychologist Examiners

- 24-1201-1701** Proposed Rulemaking, Bulletin Vol. 17-10
24-1201-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

24.13.01, Rules Governing the Physical Therapy Licensure Board

- 24-1301-1701** Proposed Rulemaking, Bulletin Vol. 17-10
24-1301-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

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
24-1801-1601 OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 121, Bulletin Vol. 17-5
24-1801-1701 Proposed Rulemaking (Fee Rule), Bulletin Vol. 17-10
24-1801-1701 Adoption of Pending Fee Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

24.23.01, Rules of the Speech and Hearing Services Licensure Board

- 24-2301-1701** Proposed Rulemaking, Bulletin Vol. 17-10
24-2301-1702 Proposed Rulemaking (Fee Rule), Bulletin Vol. 17-10
24-2301-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
24-2301-1702 Adoption of Pending Fee Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

24.24.01, Rules of the Genetic Counselors Licensing Board

- 24-2401-1701** Proposed Rulemaking (Fee Rule), Bulletin Vol. 17-10
24-2401-1701 Adoption of Pending Fee Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

24.25.01, Rules of the Idaho Driving Businesses Licensure Board

- 24-2501-1701** Proposed Rulemaking (Fee Rule), Bulletin Vol. 17-10
24-2501-1701 Adoption of Pending Fee Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

IDAPA 26 -- DEPARTMENT OF PARKS AND RECREATION***26.01.10, Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation***

- 26-0110-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-10

26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities

- 26-0120-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-10

26.01.23, Rules Governing Filming Within Idaho State Parks

- 26-0123-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-10

IDAPA 27 -- BOARD OF PHARMACY**27.01.01, Rules of the Idaho State Board of Pharmacy**

- 27-0101-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-6
27-0101-1701 2nd Notice of Intent to Promulgate a Rule - Negotiated Rulemaking (2nd Notice), Bulletin Vol. 17-8
27-0101-1701 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 17-10
27-0101-1701 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 17-12 (eff. PLR 2018)

27.01.01, General Provisions

- 27-0101-1702** Proposed Rulemaking (New Chapter), Bulletin Vol. 17-10
27-0101-1702 Adoption of Pending Rule (New Chapter), Bulletin Vol. 17-12 (eff. PLR 2018)

27.01.02, Rules Governing Licensure and Registration

- 27-0102-1701** Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 17-10
27-0102-1701 Adoption of Pending Fee Rule (New Chapter), Bulletin Vol. 17-12 (eff. PLR 2018)

27.01.03, Rules Governing Pharmacy Practice

- 27-0103-1701** Proposed Rulemaking (New Chapter), Bulletin Vol. 17-10
27-0103-1701 Adoption of Pending Rule (New Chapter), Bulletin Vol. 17-12 (eff. PLR 2018)

27.01.04, Rules Governing Pharmacist Prescriptive Authority

- 27-0104-1701** Proposed Rulemaking (New Chapter), Bulletin Vol. 17-10
27-0104-1701 Adoption of Pending Rule (New Chapter), Bulletin Vol. 17-12 (eff. PLR 2018)

27.01.05, Rules Governing Drug Compounding

- 27-0105-1701** Proposed Rulemaking (New Chapter), Bulletin Vol. 17-10
27-0105-1701 Adoption of Pending Rule (New Chapter), Bulletin Vol. 17-12 (eff. PLR 2018)

27.01.06, Rules Governing DME, Manufacturing, and Distribution

- 27-0106-1701** Proposed Rulemaking (New Chapter), Bulletin Vol. 17-10
27-0106-1701 Adoption of Pending Rule (New Chapter), Bulletin Vol. 17-12 (eff. PLR 2018)

IDAPA 31 -- IDAHO PUBLIC UTILITIES COMMISSION**31.11.01, Safety and Accident Reporting Rules for Utilities Regulated by the Idaho Public Utilities Commission**

- 31-1101-1701** Proposed Rulemaking, Bulletin Vol. 17-10
31-1101-1701 Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

IDAPA 35 -- STATE TAX COMMISSION**35.01.01, Income Tax Administrative Rules**

- 35-0101-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
35-0101-1701 Proposed Rulemaking, Bulletin Vol. 17-7
35-0101-1701 Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

35.01.02, Idaho Sales and Use Tax Administrative Rules

- 35-0102-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5
35-0102-1702 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
35-0102-1703 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7

- [35-0102-1701](#) Proposed Rulemaking, Bulletin Vol. 17-8
- [35-0102-1702](#) Proposed Rulemaking, Bulletin Vol. 17-9
- [35-0102-1703](#) Proposed Rulemaking, Bulletin Vol. 17-9
- [35-0102-1701](#) Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)
- [35-0102-1703](#) Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)
- [35-0102-1702](#) Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

35.01.03, Property Tax Administrative Rules

- [35-0103-1606](#) Adoption of Temporary Rule, Bulletin Vol. 16-11 (eff. 10-1-16)T
- [35-0103-1701](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 17-3
- [35-0103-1606](#) OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 121, Bulletin Vol. 17-5
- [35-0103-1702](#) Adoption of Temporary Rule, Bulletin Vol. 17-5 (eff. 1-1-17)T
- [35-0103-1703](#) Adoption of Temporary Rule, Bulletin Vol. 17-6 (eff. 7-1-17)T
- [35-0103-1704](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 17-6
- [35-0103-1705](#) Adoption of Temporary Rule, Bulletin Vol. 17-7 (eff. 7-1-17)T
- [35-0103-1706](#) Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- [35-0103-1707](#) Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- [35-0103-1708](#) Adoption of Temporary Rule, Bulletin Vol. 17-8 (eff. 7-1-17)T
- [35-0103-1701](#) Proposed Rulemaking, Bulletin Vol. 17-10
- [35-0103-1704](#) Proposed Rulemaking, Bulletin Vol. 17-10
- [35-0103-1706](#) Proposed Rulemaking, Bulletin Vol. 17-10
- [35-0103-1707](#) Proposed Rulemaking, Bulletin Vol. 17-10
- [35-0103-1709](#) Proposed Rulemaking, Bulletin Vol. 17-10
- [35-0103-1704](#) Notice of Public Hearing and Extension of Written Comment Period, Bulletin Vol. 17-11
- [35-0103-1701](#) Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)
- [35-0103-1706](#) Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)
- [35-0103-1707](#) Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)
- [35-0103-1709](#) Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)
- [35-0103-1704](#) Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

35.01.05, Motor Fuels Tax Administrative Rules

- [35-0105-1701](#) Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- [35-0105-1702](#) Proposed Rulemaking, Bulletin Vol. 17-9
- [35-0105-1701](#) Proposed Rulemaking, Bulletin Vol. 17-10
- [35-0105-1701](#) Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)
- [35-0105-1702](#) Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

35.01.06, Hotel/Motel Room and Campground Sales Tax Administrative Rules

- [35-0106-1701](#) Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- [35-0106-1702](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 17-8
- [35-0106-1701](#) Proposed Rulemaking, Bulletin Vol. 17-9
- [35-0106-1702](#) Proposed Rulemaking, Bulletin Vol. 17-10
- [35-0106-1701](#) Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)
- [35-0106-1702](#) Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

35.01.09, Idaho County Option Kitchen and Table Wine Tax Administrative Rules

- [35-0109-1701](#) Proposed Rulemaking, Bulletin Vol. 17-7
- [35-0109-1702](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 17-8
- [35-0109-1702](#) Proposed Rulemaking, Bulletin Vol. 17-10
- [35-0109-1701](#) Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)
- [35-0109-1702](#) Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

35.01.10, Idaho Cigarette and Tobacco Products Tax Administrative Rules

- [35-0110-1701](#) Proposed Rulemaking, Bulletin Vol. 17-7
- [35-0110-1701](#) Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

35.01.12, Idaho Beer Tax Administrative Rules

- 35-0112-1701** Proposed Rulemaking, Bulletin Vol. 17-7
- 35-0112-1702** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 17-8
- 35-0112-1702** Proposed Rulemaking, Bulletin Vol. 17-10
- 35-0112-1701** Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)
- 35-0112-1702** Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

35.02.01, Tax Commission Administration and Enforcement Rules

- 35-0201-1701** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 17-6
- 35-0201-1702** Adoption of Temporary Rule, Bulletin Vol. 17-6 (eff. 7-1-17)T
- 35-0201-1701** Proposed Rulemaking, Bulletin Vol. 17-10
- 35-0201-1703** Proposed Rulemaking, Bulletin Vol. 17-10
- 35-0201-1701** Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)
- 35-0201-1703** Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

IDAPA 37 -- DEPARTMENT OF WATER RESOURCES***37.03.13, The Water Management Rules***

- 37-0313-9701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 97-12
- 37-0313-9701** Proposed Rulemaking, Bulletin Vol. 98-10
- 37-0313-9701** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (2nd Notice), Bulletin Vol. 00-11

IDAPA 39 -- IDAHO TRANSPORTATION DEPARTMENT***39.02.02, Rules Governing Vehicle Dealer License Requirements - Motor Vehicles***

- 39-0202-1701** Temporary and Proposed Rulemaking, Bulletin Vol. 17-9 (eff. 7-21-17)T
- 39-0202-1701** Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

39.02.71, Rules Governing Drivers License Violation Point Count System

- 39-0271-1701** Temporary and Proposed Rulemaking, Bulletin Vol. 17-9 (eff. 7-21-17)T
- 39-0271-1701** Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

39.03.10, Rules Governing When An Overlegal Permit Is Required

- 39-0310-1701** Temporary and Proposed Rulemaking, Bulletin Vol. 17-9 (eff. 7-21-17)T
- 39-0310-1701** Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

39.03.16, Rules Governing Oversize Permits For Non-Reducible Vehicles And/Or Loads

- 39-0316-1701** Temporary and Proposed Rulemaking, Bulletin Vol. 17-9 (eff. 7-21-17)T
- 39-0316-1701** Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

IDAPA 42 -- IDAHO WHEAT COMMISSION***42.01.01, Rules of the Idaho Wheat Commission***

- 42-0101-1701** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 17-6
- 42-0101-1701** Proposed Rulemaking, Bulletin Vol. 17-10
- 42-0101-1701** Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

IDAPA 46 -- BOARD OF VETERINARY MEDICAL EXAMINERS***46.01.01, Rules of the State of Idaho Board of Veterinary Medicine***

- 46-0101-1602** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

IDAPA 47 -- DIVISION OF VOCATIONAL REHABILITATION***47.01.01, Rules of the Idaho Division of Vocational Rehabilitation***

- 47-0101-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5
- 47-0101-1701** Proposed Rulemaking, Bulletin Vol. 17-10
- 47-0101-1701** Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

IDAPA 50 -- COMMISSION FOR PARDONS AND PAROLE***50.01.01, Rules of the Commission of Pardons and Parole***

- 50-0101-1602** Adoption of Temporary Rule, Bulletin Vol. 16-10 (eff. 8-8-16)T
- 50-0101-1602** OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule, Bulletin Vol. 17-5
- 50-0101-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-9
- 50-0101-1701** Proposed Rulemaking, Bulletin Vol. 17-11
- 50-0101-1701** Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

IDAPA 55 -- DIVISION OF CAREER TECHNICAL EDUCATION

(Senate Bill 1210 enacted 7/1/16 changed the name of the Division from Professional Technical Education to Career Technical Education)

55.01.03, Rules of Career Technical Schools

- 55-0103-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4
- 55-0103-1701** Proposed Rulemaking, Bulletin Vol. 17-10
- 55-0103-1701** Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

***55.01.04, Rules Governing Idaho Quality Program Standards Incentive Grants
and Agricultural Education Program Start-Up Grants***

- 55-0104-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4
- 55-0104-1701** Proposed Rulemaking, Bulletin Vol. 17-10
- 55-0104-1701** Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

55.01.05, Rules Governing Industry Partner Fund

- 55-0105-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

IDAPA 57 -- SEXUAL OFFENDER MANAGEMENT BOARD***57.01.01, Rules of the Sexual Offender Management Board***

- 57-0101-1701** Proposed Rulemaking, Bulletin Vol. 17-10
- 57-0101-1701** Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

IDAPA 58 -- DEPARTMENT OF ENVIRONMENTAL QUALITY

- 58-0000-1701** Camas Creek Subbasin Total Maximum Daily Load (TMDL): 2016 Temperature Addendum - (HUC ID 17040220) Bulletin Vol. 17-1
- 58-0000-1702** Jim Ford Creek Watershed Total Maximum Daily Load (TMDL): 2017 Temperature Addendum and 2016 Five-Year Review (HUC ID 17060306), Bulletin Vol. 17-4
- 58-0000-1703** Middle Salmon-Chamberlain Creek Subbasin and Crooked Creek Total Maximum Daily Load (TMDL): 2017 Temperature TMDL and Five-Year Review (HUC ID 17060207), Bulletin Vol. 17-12
- 58-0000-1704** Middle Palouse River Subbasin: 2017 Temperature Total Maximum Daily Load (TMDL) (HUC ID 17060108), Bulletin Vol. 17-12

58.01.01, Rules for the Control of Air Pollution in Idaho

- 58-0101-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5
58-0101-1601 Proposed Rulemaking, Bulletin Vol. 16-9
58-0101-1604* *Proposed Rulemaking, Bulletin Vol. 16-9*
58-0101-1701 *Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4*
58-0101-1601 Notice of Adoption of Pending Rule and Temporary Rule, Bulletin Vol. 17-5 (eff. PLR 2018) - (2-28-18)T
58-0101-1604* *Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 17-5*
58-0101-1604 Adoption of Temporary Rule, Bulletin Vol. 17-5 (eff. 2-28-18)T
58-0101-1701 *Notice of Termination of Negotiated Rulemaking, Bulletin Vol. 17-7*
58-0101-1702 Proposed Rulemaking, Bulletin Vol. 17-8
58-0101-1702 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

58.01.02, Water Quality Standards

- 58-0102-1502** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 15-10
58-0102-1502 Notice of Rescheduling - Negotiated Rulemaking Meeting, Bulletin Vol. 15-11
58-0102-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4
58-0102-1702 Proposed Rulemaking, Bulletin Vol. 17-8
58-0102-1502 Proposed Rulemaking, Bulletin Vol. 17-9
58-0102-1502 Notice of Public Meeting, Bulletin Vol. 17-9
58-0102-1701 Proposed Rulemaking, Bulletin Vol. 17-9
58-0102-1701 Notice of Public Meeting, Bulletin Vol. 17-9
58-0102-1703 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-12
58-0102-1502 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
58-0102-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
58-0102-1702 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

58.01.05, Rules and Standards for Hazardous Waste

- 58-0105-1701** Proposed Rulemaking, Bulletin Vol. 17-8
58-0105-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

58.01.25, Rules Regulating the Idaho Pollutant Discharge Elimination System Program

- 58-0125-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5
58-0125-1701 Proposed Rulemaking, Bulletin Vol. 17-8
58-0125-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

IDAPA 59 -- PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)**59.01.02, PERSI Rules for Eligibility**

- 59-0102-1701** Proposed Rulemaking, Bulletin Vol. 17-6
59-0102-1701 Adoption of Pending Rule, Bulletin Vol. 17-8 (eff. PLR 2018)

59.01.03, PERSI Contribution Rules

- 59-0103-1701*** *Adoption of Temporary Rule, Bulletin Vol. 17-2 (eff. 2-1-17)T*
59-0103-1701* *Notice of Rescission of Temporary Rule, Bulletin Vol. 17-5 (eff. 4-18-17 - Null & Void)*
59-0103-1702 Temporary and Proposed Rulemaking, Bulletin Vol. 17-5 (eff. 2-1-17)T
59-0103-1702 Adoption of Pending Rule, Bulletin Vol. 17-8 (eff. PLR 2018)
59-0103-1702 Rescission of Temporary Rule, Bulletin Vol. 18-1
59-0103-1801 Adoption of Temporary Rule, Bulletin Vol. 18-1 (eff. 12-5-17)T

IDAPA 61 -- STATE PUBLIC DEFENSE COMMISSION**61.01.04, Rules Governing Procedures and Forms for the Application and Disbursement of Indigent Defense Grants**

- 61-0104-1701** Adoption of Temporary Rule (New Chapter), Bulletin Vol. 17-4 (eff. 3-3-17)T

61.01.06, Rules Governing Procedures for the Oversight, Implementation, Enforcement, and Modification of Indigent Defense Standards

- 61-0106-1701** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 17-4
- 61-0106-1701** Proposed Rulemaking (New Chapter), Bulletin Vol. 17-10
- 61-0106-1701** Adoption of Pending Rule (New Chapter), Bulletin Vol. 18-1 (eff. PLR 2018)

61.01.07, Rules Governing the Standards for Defending Attorneys that Utilize Idaho's Principles of an Indigent Defense Delivery System

- 61-0107-1701** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 17-4
- 61-0107-1702*** *Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 17-7 (Rulemaking has been terminated)*
- 61-0107-1701** Proposed Rulemaking, Bulletin Vol. 17-10
- 61-0107-1701** Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

61.01.08, Rules Governing the Administration of Idaho's Indigent Defense Delivery Systems - Rule Definitions

- 61-0108-1701** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 17-9
- 61-0108-1701** Proposed Rulemaking (New Chapter), Bulletin Vol. 17-11
- 61-0108-1701** Adoption of Pending Rule (New Chapter), Bulletin Vol. 18-1 (eff. PLR 2018)

Subject Index

- A**
- Access By Advocates & Representatives 111
 - Advise & Represent 111
 - Assist Residents to Secure Rights 111
 - Communicate Privately 111
 - Inform Residents of Rights 111
 - Inform Residents of Services 111
 - Access To Records Of Individuals With Developmental Or Mental Disabilities 168
 - Activities & Community
 - Integration 104
 - Activities 104
 - Activity Supplies 104
 - Transportation 104
 - Administrative Procedures Section 167
 - Appeals 167
 - Petitions 167
 - Admissions 115
 - Admission Agreement 116
 - Discharge Procedure 117
 - Emergency Admission 115
 - Emergency Temporary Placement 117
 - Notification 115
 - Prior Approval Required 115
 - Return of Resident's Possessions 117
 - Termination of Admission Agreement 117
 - Agency Administrator 149
 - Absences 149
 - Administrator Qualifications 149
 - Responsibilities 149
 - Agency Governing Authority 148
 - Responsibilities 149
 - Structure 149
 - Agency Medication Standards & Requirements 156
 - Administration of Medications 158
 - Assistance with Medication 157
 - Handling of Participant's Medication 156
 - Medication Policy 156
 - Self-Administration of Medication 157
 - Agency Participant Record
 - Requirements 159
 - Authorized Plan of Service 159
 - Daily Medication Log, When Applicable 160
 - Daily Record of the Date, Time, Duration, & Type of Service Provided 160
 - Functional Assessment 160
 - History & Physical 160
 - Participant Rights 160
 - Profile Sheet 159
 - Program Plan 160
 - Psychological or Psychiatric Assessment 160
 - Record of Significant Incidents, Accidents, Illnesses, & Treatments 160
 - Service Delivery & Progress Notes 160
 - Status Review 160
 - Termination Procedures 160
 - Agency Policies & Procedures 152
 - Acceptance Standards 152
 - Administrative Records 154
 - Disaster/Emergency Care 153
 - Grievance 156
 - Health 155
 - Participant Records 152
 - Participant Rights 154
 - Participant Safety 153
 - Personnel 154
 - Quality Assurance 156
 - Required Services 153
 - Scope of Services & Area Served 152
 - Transportation 155
 - Agency Policies & Procedures Regarding Development Of Social Skills & Management Of Maladaptive Behavior 158
 - Adaptive & Maladaptive Behavior 158
 - Appropriate Use of Interventions 158
 - Behavior Intervention 158
 - Use of Restraint on Participants 159
 - Agency Quality Assurance Program 162
 - Quality Assurance Program Components 162
 - What the Quality Assurance Program Verifies 162
 - Agency Reporting & Communication Requirements 161
 - Notification to Department of a Participant's Condition 162
 - Participant's Condition 162
 - Reciprocal Communication 161
 - Reporting Requirements 161
 - Alternate Routes To Certification 28
 - Alternative Authorization - Pupil Service Staff 28
 - Application & Certification Fees For Certified Family Homes 92
 - Application Fee Amount 92
 - Certification Fees 92
 - Payment of Application Fees 92
 - Application For Certification 91
 - Completed & Signed Application 91
 - Criminal History & Background Checks 91
 - Electrical Inspection 91
 - Environmental Sanitation Inspection 91
 - List of Individuals Living in the Home 91
 - Other Information as Requested 92
 - Payment of Application Fee 92
 - Proof of Insurance 91
 - Statement Disclosing Revocation or Disciplinary Actions 91
 - Statement to Comply 91
 - Termination of Application Process 92
 - Application Procedures / Professional Development 28
 - State Board of Education Professional Development Requirement 28
 - State Board of Education Requirements for Professional Growth 28
 - Assistance With Medication 124
 - Condition of the Resident 125
 - Containers and Labels 125
 - Disposal of Medication 126
 - Documentation of Assistance 126
 - Nursing Assessment 125
 - Safeguarding Medications 125
 - Training 125
- B**
- Budget Certification - Dollar Certification Form (L-2 Form) 208
- C**
- Certificate Not Transferable 148
 - Certificates For Resale & Other Exemption Claims 206
 - Seller's Responsibility - Purchases Claimed Exempt From Sales Tax for Reasons Other Than Resale 206
 - Certification -- General Requirements For Agencies 146
 - Application 146
 - Applications Must Be Complete 147
 - Certificate Required 146
 - Conformity 147
 - Inspection of Residential Habilitation Records 147
 - Certification Requirements 89
 - Accessibility to the Home 90
 - Certificate Issued in the Name of Provider 89
 - Certification Limitations 90
 - Certification Study Required 90
 - Effect of Previous Revocation or Denial of Certificate or License 91
 - Number of Residents in the Home 90
 - Provider Training Requirements 90
 - Change Of Ownership, Administrator, Or Location 148
 - New Application Required 148
 - Notification to Department 148
 - Change Of Provider Or Location 94

- Change of Location 94
 - Change of Provider 94
 - Clinical Nutrition Recertification Requirement 191
 - Annual Verification of Meeting Requirements 191
 - Complaint Procedure 101
 - Investigation 101
 - Investigation Method 102
 - Public Disclosure 102
 - Statement of Deficiencies 102
 - Written Report 102
 - Complaints & Investigations 162
 - Disclosure of Complaint Information 163
 - Filing a Complaint 162
 - Investigation Survey 162
 - List of Deficiencies 163
 - Method of Investigation 163
 - Notification to Complainant 163
 - Public Disclosure 163
 - Statement of Deficiencies 163
 - Confidentiality Of Records & Public Records Requests 86
 - Confidential Records 86
 - Public Records Act 86
 - Corrective Action Plans & Compliance Verification 250
 - Corrective Action Plans 250
 - Criminal History & Background Check Requirements 86, 142
 - Additional Criminal Convictions, Pending Investigations, or Charges 86
 - Department Criminal History and Background Check Clearance 86
 - Minor Child Turns Eighteen 86
 - New Adults in the Home After Certification Is Granted 86
 - Requirement to Report Additional Criminal Convictions, Pending Investigations, or Pending Charges 142
 - Substitute Caregiver 86
 - Verification of Compliance 142
 - When Certification Can Be Granted 86
- D**
- Default 170
 - Definitions 256
 - Corrective Action Plan 257
 - Deficiency 257
 - Eligible Applicant – Indigent Defense Grant 257
 - Established Standards 257
 - Finding of Compliance with Recommendation 257
 - Finding of Non-Compliance 257
 - Fiscal Year 257
 - Formal Status Meeting 257
 - Indigent Defense Budget 257
 - Indigent Defense Contract 257
 - Indigent Defense Delivery System 257
 - Indigent Defense Expenditures 257
 - Indigent Defense Grant 258
 - Application 258
 - Indigent Defense Provider 258
 - Indigent Defense Services 258
 - Indigent Defense Stakeholders (“Stakeholders”) 258
 - Indigent Defense Standard 258
 - Joint Incentive Indigent Defense Grant 258
 - Local Share 258
 - Oversight Review 258
 - Public Defense Roster 258
 - Scholarship 258
 - Staff 258
 - Submission Date 258
 - Training Funds 258
 - Training Program 258
 - Vertical Representation 259
 - Workload 259
 - Definitions -- A Through N 142
 - Abuse 143
 - Administrator 143
 - Advocate 143
 - Agency 143
 - Board 143
 - Certificate 143
 - Complaint 143
 - Complaint Investigation 143
 - Deficiency 143
 - Department 143
 - Direct Service Staff 143
 - Director 143
 - Exploitation 143
 - Functional Assessment 143
 - Governing Authority 143
 - Guardian 143
 - Habilitation services 143
 - Immediate Jeopardy 143
 - Inadequate Care 143
 - Definitions -- M Through Z 144
 - Measurable Objective 144
 - Medication 144
 - Neglect 144
 - Owner 144
 - Participant 144
 - Physical Restraint 144
 - Physician 144
 - Plan of Service 144
 - PRN (Pro Re Nata) Medication 144
 - Program Plan 144
 - Progress Note 144
 - Provisional Certificate 144
 - Quarterly 144
 - Residential Habilitation 144
 - Residential Habilitation Professional 144
 - Self-Neglect 144
 - Services 145
 - Skill Training 145
 - Substantial Compliance 145
 - Supervision 145
 - Survey 145
 - Surveyor 145
 - Definitions & Abbreviations -- A Through K 87
 - Abuse 87
 - Activities of Daily Living 87
 - Adult 87
 - Alternate Caregiver 87
 - Assessment 87
 - Certificate 87
 - Certified Family Home 87
 - Certified Family Home Care Provider 87
 - Certifying Agent 87
 - Chemical Restraint 87
 - Core Issue 87
 - Criminal Offense 87
 - Critical Incident 87
 - Department 88
 - Director 88
 - Exploitation 88
 - Health Care Professional 88
 - Immediate Jeopardy 88
 - Inadequate Care 88
 - Incident 88
 - Incidental Supervision 88
 - Instrumental Activities of Daily Living 88
 - Definitions & Abbreviations -- L Through Z 88
 - Level of Care 88
 - Neglect 88
 - Negotiated Service Agreement 88
 - Personal Assistance 88
 - PRN (Pro Re Nata) 89
 - Relative 89
 - Resident 89
 - Substitute Caregiver 89
 - Supervision 89
 - Supportive Services 89
 - Variance 89
 - Vulnerable Adult 89
 - Waiver 89
 - Definitions, IDAPA 08.02.02 26
 - Individualized Professional Learning Plan 26
 - Institutional Recommendation 26
 - Definitions, IDAPA 16.02.12 69
 - Critical Congenital Heart Defects (CCHD) 69
 - Definitions, IDAPA 16.05.03, Rules Governing Contested Case Proceedings & Declaratory Rulings 168
 - Administrative Review 168
 - Appellant 168
 - Board 168
 - Complainant 168
 - Cost Report 168
 - Cost Settlement 168
 - Department 168
 - Director 168

- Hearing Officer 168
 Intervenor 168
 IPV 168
 Managed Care Entity (MCE) 169
 Party 169
 Youth Empowerment Services (YES)
 Program Participant 169
 Denial Of An Application 147
 Before Denial is Final 148
 Causes for Denial 147
 Denial of Application for
 Certificate 94
 Control or Influence 95
 Convictions 95
 Court Ordered 95
 Denial or Revocation of Health Care License 95
 False or Incomplete Information 94
 Operation Without a License 95
 Other Criminal Offense 95
 Procedure for Appeal of Denial of a Certificate 95
 Registries or Exclusion List 95
 Determination Of Eligibility For Title IV-E 178
 Direct Service Staff 151
 "Assistance with Medications" Course 151
 Age 151
 Criminal History Check 151
 Documentation of Job Description 151
 Documentation of Training Requirements 151
 Education 151
 First Aid & CPR Certification 151
 Health 151
 Direct Service Staff Training 151
 Ongoing Training 152
 Orientation Training 152
 Training Documentation 151
 Division Of Behavioral Health
 Request For Administrative Review
 Department Decision 175
 Review Conference 175
 Written Request 174
 Youth Empowerment Services (YES) 175
 Youth Empowerment Services (YES)
 Grievance Process 175
 Department Response to Grievance 175
 Expedited Hearings 175
 Grievance 175
 Grievance Content 175
 Division Of Medicaid
 Administrative Reviews For Providers And Facilities 173
 Department Decision 173
 Review Conference 173
 Written Request 173
 Appeals Process For Medicaid Participants 173
 Expedited Fair Hearings for Medicaid Participants 174
 Medicaid Participant Appeals 173
 Medicaid Participant Appeals Related to Services Delivered Through Managed Care Entity 174
 Scope Of Appeal Hearing 173
 Division Of Welfare
 Appeals 171
 Division of Welfare Programs 171
 Methods for Filing Appeals 171
 Child Support Services 172
 Default 173
 Time for Filing an Appeal 173
 Time Limits for Completing Hearings 173
 Time Limits for Requesting a Hearing 172
 Time For Filing Appeal 171
 Time Limits For Completing Hearings 172
 Community Spouse Resources Allowance 172
 Expedited Hearings 172
 Food Stamps 172
 Withdrawal Of An Appeal 172
 Divisions Of Behavioral Health
 Request For Administrative Review 174
 Divisions Of Licensing & Certification
 Request For Administrative Review 174
 Department Decision 174
 Review Conference 174
 Written Request 174
 Duties Of The Administrator Of The Responsible Institution & Person Required To Register The Birth Of A Child 69
 Conditions for Which Infants Will be Tested 69
- E**
- Effective For Clean Water Act
 Purposes 237
 Alaska Rule 237
 Existing Rule Retained for Clean Water Act Purposes Until EPA Approval of Rule Revisions 237
 Information Regarding the Status of EPA Review 237
 Previously Approved Rules 237
 Emergency Powers Of The Director 135, 165
 Enforcement 250
 County Non-compliance 251
 Defending Attorney Non-compliance 251
 Designation of a Deficiency 251
 Failure to Respond to Report 251
 Final Determination of Non-compliance 251
 Material Non-compliance 251
 Willful Non-compliance 251
 Enforcement Process 135, 163
 Determination of Remedy 163
 Enforcement Remedies 163
 Failure to Comply 164
 Immediate Jeopardy 164
 No Immediate Jeopardy 164
 Notice of Enforcement Remedy 135
 Recommendation of Remedy 135
 Repeat Deficiencies 164
 Enforcement Remedy Of Ban On Admissions Of Resident With Specific Diagnosis 136
 Enforcement Remedy Of Ban On All Admissions 136
 Enforcement Remedy Of Provisional Certification 136
 Certification or Revocation 136
 Conditions of Provisional Certification 136
 Failure to Meet Conditions of Provisional Certification 136
 Enforcement Remedy Of Revocation Of Certificate 136
 Causes for Revocation of the Certificate 136
 Revocation of the Certificate 136
 Enforcement Remedy Of Summary Suspension & Transfer Of Resident 136
 Environmental Sanitation Standards 126
 Garbage & Refuse Disposal 127
 Housekeeping & Maintenance 128
 Insect & Rodent Control 127
 Laundry Facilities and Services 127
 Nonmunicipal Sewage Disposal 127
 Sewage Disposal 127
 Water Supply 126
 Yard 127
 Exception To The Two Resident Limit Variance To The Two Resident Limit Determination 99
- F**
- Failure To Comply 135
 Lack of Progress 135
 Out of Compliance 135
 Family Home Operating Without A Certificate 95
 Operating Without Certificate 95
 Placement or Transfer of Resident 95
 Fees 203
 Filing Of Appeals 169
 Appeals 169
 Time Limits for Filing Appeal 169
 Filing Of Documents In An Appeal 170
 Fire & Life Safety Standards 128
 Emergency Preparedness 130
 Fire and Life Safety Requirements 128

- Fire Drills 130
 - General Requirements 128
 - Maintenance of Equipment 131
 - Report of Fire 130
 - Smoking 129
 - Firefighter Retirement Fund Employer Rate (Rule 27) 243
 - Class D Firefighters 243
 - Class E Members 244
 - Option I & II Firefighters 243
- G**
- General Variances 97
 - Special Conditions 97
 - Variance Not Transferable 98
 - Variance Renewal 98
 - Written Request 97
- H**
- Home Construction & Physical Home Standards 131
 - Accessibility for Residents with Physical & Sensory Impairments 132
 - General Requirements 131
 - Heating and Cooling 133
 - Lighting 133
 - Plumbing 133
 - Resident Sleeping Rooms 133
 - Storage Areas 133
 - Telephone 132
 - Toilet Facilities & Bathrooms 132
 - Ventilation 133
 - Walls & Floors 131
 - Hourly Adult Care 105
 - Enrollment Contract 105
 - Fire and Life Safety 107
 - Medications 107
 - Participants 105
 - Records 105
 - Resident's Personal Space 106
 - Service Logs 106
 - Space and Accommodations 106
 - Staffing 106
- I**
- Idaho Educator Credential 21, 26
 - Additional Renewal Requirements 27
 - Degree Based Career-Technical Certification 27
 - Pupil Personnel Services Certificate 21
 - Pupil Service Staff Certificate 27
 - Idaho Interim Certificate 27
 - Codes of Ethics 28
 - Incorporation By Reference 23, 142, 211
 - Documents Incorporated by Reference 211
 - Standards for Idaho School Buses and Operations as approved on August 10, 2017 23
- Incorporation by Reference 49
 - Injunction To Prevent Operation Without Certificate 165
 - Inpatient Behavioral Health Services Coverage & Limitations 75
 - Initial Length of Stay 75
 - Participant Eligibility 75
 - Procedural Requirements 76
 - Prior Authorization 76
 - Provider Qualifications & Duties 76
 - Provider Qualifications 76
 - Inpatient Psychiatric Hospital Services Participant Eligibility
 - Intensity of Service Criteria 75
 - Inspections Of Homes 100
 - Inspection by Department or Certifying Agent 100
 - List of Deficiencies 101
 - Notice of Inspection 100
 - Plan of Correction 101
 - Statement of Deficiencies 101
 - Issuance Of Certificate 92
 - Certificate 92
 - Provisional Certificate 93
 - Temporary Certificate 92
- L**
- Local District Evaluation Policy -- Instructional State & Pupil Service Staff Certificate Holders 29
 - Local District Evaluation Policy - School Administrator 30
 - Evaluation Policy - Content 31
 - Evaluation Policy - Frequency of Evaluation 32
 - Evaluation Policy - Personnel Records 32
 - Standards 30
 - Student Achievement 30
 - Local District Evaluation Policy -- Teacher & Pupil Personnel Certificate Holders
 - Evaluation Policy - Content 29
 - Evaluation Policy - Personnel Records 30
 - Evaluation System Approval 30
 - Participants 29
- M**
- Manufactured Homes & Modular Buildings 134
 - Previously Certified 134
 - Use of Manufactured Homes & Modular Buildings 134
 - Medication Policy 123
 - Allergies 123
 - Alteration of Orders 123
 - Assistance with Medication 124
 - Evidence of Orders 123
 - Following Orders 123
 - Self-administration 124
 - Training 123
 - Medication Standards & Requirements Administration of Medications 126
- Handling of Resident's Medication 123
 - Minimum Standards 248
 - Minimum Standards Of Care 102
 - Daily Living Activities 102
 - Emergency Services 103
 - Medication Management 103
 - Plan of Service 102
 - Resident Rights 104
 - Safe Living Environment 104
 - Supervision 102
 - Supportive Services 103
- N**
- Newborn Critical Congenital Heart Disease (CCHD) Screening 69
 - Follow Up for Abnormal CCHD Screening Results 70
 - Pulse Oximetry for the Screening of CCHD 69
 - Responsibility of Recording CCHD Screening Results 69
 - Non-Certified Clinical Nutritional Practice 190
 - Notice Of Enforcement Remedy 165
 - Notice to Public 165
 - Notice to the Agency 165
 - Notice to the Professional Licensing Boards 165
 - Notice Of Resident Rights 110
 - Annual Review of Resident Rights 110
 - Documentation of Review 110
 - Resident Rights Notice 110
 - Numeric Criteria For Toxic Substances For Waters Designated For Aquatic Life, Recreation, Or Domestic Water Supply Use 218, 221
 - Applicability 218, 230
 - Criteria for Toxic Substances 221
 - Nursing Facility Level Of Care Variance 98
 - Conditions for a Variance 98
 - Revoking a Variance 98
 - Variance Not Transferable 99
- O**
- Office – Office Hours – Mailing & Street Addresses – Telephone – Internet Website 247
 - Office Hours – Mailing Address – Street Address – Telephone – Website 142
 - Ongoing Eligibility 178
 - Child's Residence 178
 - Oversight Program Management 248
 - Applicability of Oversight Program 248
 - Counties Reporting to PDC Staff 250
 - Indigent Defense Providers & Defending Attorneys Reporting to PDC Staff 250

- Ongoing Coordination with Counties, Indigent Defense Providers, & Defending Attorneys 248
Other Stakeholders Reporting to PDC Staff 250
PDC Reporting to Counties 249
PDC Staff Reporting to PDC 249
- P**
- Participant Finances 161
Participant's Personal Finance Records 161
Written Policy & Procedure 161
Participants & Roles 247
Counties 248
Indigent Defense Providers & Defending Attorneys 248
PDC Staff 247
The PDC 247
PERSI Employee Class II Contribution Rate (Rule 101) 245
PERSI Employee General Member Contribution Rate (Rule 100) 244
PERSI Employer Class II Contribution Rate (Rule 28) 244
PERSI Employer General Member Contribution Rate (Rule 26) 243
Personnel Records 156
Criminal History Check 156
Current Assistance With Medications Certification, If Applicable 156
Date of Employment 156
Date of Termination of Employment & Reason for Termination, If Applicable 156
Documentation of the Employee's Initial Orientation & Required Training 156
Education & Experience 156
Evidence of Current Age-Appropriate CPR & First Aid Certifications 156
Job Description 156
Name, Current Address, & Phone Number of the Employee 156
Other Qualifications 156
Social Security Number 156
Plan Of Service 114
Changes to the Plan 115
Copy of the Plan 115
Core Elements 114
Developing the Plan 114
Periodic Review 115
Resident Choice 115
Signature & Approval 114
Prehearing Conference 169
Exception to Prehearing Conference 170
Prehearing Conference 169
Production Exemption 205
Taxable Purchases 205
Public Defense Rosters 253
Application for Capital Counsel Roster Inclusion 254
- Application for Public Defense Roster Inclusion 253
Public Defense Roster Membership 253
- Q**
- Qualifications & Responsibilities Of A Residential Habilitation Professional 150
Criminal History & Background Check 150
Direct Service Qualifications 151
Education & Experience 150
First Aid & CPR Certification 150
Responsibilities of a Residential Habilitation Professional 150
- R**
- Rabies - Human, Animal, & Post-Exposure Prophylaxis (rPEP) 64
Management of Exposure to Rabies 64
Reporting Requirements 64
Registration For Out Of State Licensees 200
Reissuance Of Cancelled Clinical Nutrition Certification 191
Reissuance 191
Renewal & Expiration Of Certificate 148
Availability of Certificate 148
Expiration of Certificate Without Timely Request for Renewal 148
Renewal of Certificate 148
Renewal of Certificate 93
Desk Review 93
Home Inspection 93
Validity of Existing Certificate 94
Repeated Noncompliance 135
Reporting Requirements 111
Abuse, Neglect, or Exploitation 111
Additional Criminal Convictions 112
Critical Incidents 111
Discharge of a Resident 112
Notice of Investigations 112
Report of Fire 112
Reporting of Funds Managed by the Provider for a Deceased Resident 112
Serious Physical Injury or Death 111
Required Ongoing Training 96
Content of Training 96
Documentation of Training 96
Initial Provider Training 96
Type of Training 96
Requirements For Clinical Nutrition Certification 190
General 190
Resident Funds & Financial Records 120
Managing Resident Funds 121
Resident Funds Policy 120
- Resident Records 118
Admission Records 118
Maintenance of Resident Records 120
Ongoing Resident Records 119
Resident Rights Policy 107
Access to Resident 108
Advance Notice 109
Basic Needs Allowance 108
Freedom From Harm 109
Grievance 109
Health Services 109
Humane Care 107
Other Rights 110
Privacy 107
Resident Funds 108
Respectful Treatment 108
Return Of Certificate 148
Review Of Preliminary Orders By Department 170
Revocation Of Certificate 164
Causes for Revocation of the Certificate 164
Revocation of the Agency's Certificate 164
Revoking A Waiver Or Variance 98
Causes for Revocation 98
Time Frame to Comply 98
Written Notice 98
Right To Sell 138
Room, Utilities & Meals 104
Bathroom 104
Bed 104
Common Areas 104
Electricity 105
Heating and Cooling 105
Housekeeping Service 104
Meals 105
Monitoring or Communication System 104
Secure Storage 104
Sewer 105
Sleeping Room 104
Supplies 104
Telephone 105
Trash 105
Water 105
- S**
- Self-Administration Of Medication 124
Approval 124
Change in Condition 124
Evaluation 124
Safeguarding Medication 124
Short-Term Care & Supervision 122
Alternate Caregiver 122
Incidental Supervision 122
Substitute Caregiver 122
Site Requirements For Certified Family Homes 134
Accessible Road 134
Accessible to Services 135
Emergency Medical Services 134

Fire District 134
House Number 135
Site-specific Aquatic Criteria For
Selenium
Subsection of Salt Subbasin — Crow
Creek 233
Site-specific Aquatic Life Criteria For
Selenium
Portions of Idaho 234
Subsection of Bear Lake
Subbasin 232
Subsection of Blackfoot
Subbasin 231
Subsection of Salt Subbasin — Sage
Creek 232
Site-specific Aquatic Life Criteria For
Selenium. 231
Specific Contested Cases
Provisions 170
Standards Applicable To Generators Of
Hazardous Waste 239
Incorporation by Reference 239

T

Tax Exemption For Investment In New
Or Existing Plant & Building
Facilities Upon County
Commissioners' Approval 208
Tax Exemption For Investment In New
Plant & Building Facilities Upon
County Commissioners' Approval
The Exemption 208
Transfer Of Resident 137
Immediate Jeopardy 137
Violation of Resident's Rights 137
Violation of Rules 137
Types Of Certificates Issued 145
Initial Certificate 145
One-Year Certificate 145
Provisional Certificate 145
Three-Year Certificate 145

U

Uniform Assessment
Requirements 112
Provider Responsibility for Private-
Pay Residents 112
Results of Assessment 113
State Responsibility for Publicly
Funded Residents 112

V

Variance To The Two Resident
Limit 99
Additional Training 100
Annual Home Inspection 100
Application for Variance 99
Fire Drill Frequency 100
Other Employment 99
Reassessment of Variance 100
Shared Sleeping Rooms 100
Variance Nontransferable 100

Vehicles & Vessels - Gifts, Military
Personnel, Nonresident, New
Resident, Tax Paid To Another State,
Sales To Family Members, Sales To
American Indians, & Other
Exemptions 206
Vehicles & Vessels Purchased in
Idaho by Nonresidents for Use
Outside Idaho 206
Voluntary Closure Of The Home 95
Closure Date 96
Date of Notification 96
Discharge Plans 96
Provider's Certificate 96

W

Waivers 97, 165
Special Conditions 97
Waiver Not Transferable 97
Written Request 97