

# IDAHO ADMINISTRATIVE BULLETIN

November 7, 2018 – Vol. 18-11

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# IDAHO ADMINISTRATIVE BULLETIN

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# PREFACE

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

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

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

## CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

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

## RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

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

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

## THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

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

## **1. NEGOTIATED RULEMAKING**

Negotiated rulemaking is a process in which all interested persons and the agency seek consensus on the content of a rule through dialogue. Agencies are required to conduct negotiated rulemaking whenever it is feasible to do so. The agency files a “Notice of Intent to Promulgate - Negotiated Rulemaking” for publication in the Administrative Bulletin inviting interested persons to contact the agency if interested in discussing the agency’s intentions regarding the rule changes. This process is intended to result in the formulation of a proposed rule and the initiation of regular rulemaking procedures. One result, however, may also be that regular (proposed) rulemaking is not initiated and no further action is taken by the agency.

## **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 2018**

<b>Vol. No.</b>	<b>Monthly Issue of Bulletin</b>	<b>Closing Date for Agency Filing</b>	<b>Publication Date</b>	<b>21-day Comment Period End Date</b>
18-1	January 2018	<b>*November 24, 2017</b>	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	<b>**August 31, 2018</b>	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

**BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2019**

<b>Vol. No.</b>	<b>Monthly Issue of Bulletin</b>	<b>Closing Date for Agency Filing</b>	<b>Publication Date</b>	<b>21-day Comment Period End Date</b>
19-1	January 2019	<b>*November 30, 2018</b>	January 2, 2019	January 23, 2019
19-2	February 2019	January 4, 2019	February 6, 2019	February 27, 2019
19-3	March 2019	February 8, 2019	March 6, 2019	March 27, 2019
19-4	April 2019	March 8, 2019	April 3, 2019	April 24, 2019
19-5	May 2019	April 5, 2019	May 1, 2019	May 22, 2019
19-6	June 2019	May 3, 2019	June 5, 2019	June 26, 2019
19-7	July 2019	June 7, 2019	July 3, 2019	July 24, 2019
19-8	August 2019	July 5, 2019	August 7, 2019	August 28, 2019
19-9	September 2019	August 2, 2019	September 4, 2019	September 25, 2019
19-10	October 2019	<b>**August 30, 2019</b>	October 2, 2019	October 23, 2019
19-11	November 2019	October 4, 2019	November 6, 2019	November 27, 2019
19-12	December 2019	November 1, 2019	December 4, 2019	December 25, 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.***

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<b>IDAPA 31</b>	<b>Public Utilities Commission</b>
<b>IDAPA 56</b>	<b>Rangeland Resources Commission, Idaho</b>
<b>IDAPA 33</b>	<b>Real Estate Commission, Idaho</b>
<b>IDAPA 34</b>	<b>Secretary of State, Office of the</b>
<b>IDAPA 57</b>	<b>Sexual Offender Management Board</b>
<b>IDAPA 49</b>	<b>Shorthand Reporters Board, Idaho Certified</b>
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**IDAPA 02 – DEPARTMENT OF AGRICULTURE**  
**02.04.08 – RULES GOVERNING GRADE A MILK AND MILK PRODUCTS**  
**DOCKET NO. 02-0408-1801**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 37-303, 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 incorporate by reference the 2017 edition of the Grade A Pasteurized Milk Ordinance; 2017 edition of the Evaluation of Milk Laboratories reference document; 2017 Methods of Making Sanitation Ratings of Milk Shippers reference document and 2017 edition of Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration reference document.

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 5th, 2018 Idaho Administrative Bulletin, [Vol. 18-9, pages 37-38](#).

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does not regulate an activity not already regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

**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: ISDA does not anticipate any fiscal impact as a result of this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Mitchell Vermeer, Section Manager – Division of Animal Industries at (208) 332-8551.

Dated this 11th day of October, 2018.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
P.O. Box 790  
Boise, ID 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

## **IDAPA 02 – DEPARTMENT OF AGRICULTURE**

### **02.04.09 – RULES GOVERNING MILK AND CREAM PROCUREMENT AND TESTING**

**DOCKET NO. 02-0409-1801**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 37-506, 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 is a result of a joint petition received from the Milk Producers of Idaho, Idaho Dairymen's Association and the Idaho Milk Processors Association to clarify language in the rule regarding the definition of terms, sample tolerance standards, enforcement protocols, and the recertification process for labs that fail to meet performance 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 September 5, 2018 Idaho Administrative Bulletin, [Vol. 18-9, pages 39-44](#).

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does not regulate an activity not already regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

**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: ISDA does not anticipate any fiscal impact as a result of this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Dr. Scott Leibsle, Deputy Administrator – Division of Animal Industries at (208) 332-8540.

Dated this 11th day of October, 2018.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
P.O. Box 790  
Boise, ID 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170



## IDAPA 02 – DEPARTMENT OF AGRICULTURE

### 02.04.13 – RULES GOVERNING RAW MILK

DOCKET NO. 02-0413-1801

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 37-303, 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 incorporate by reference the 2017 edition of the Grade A Pasteurized Milk Ordinance, except those provisions establishing raw milk standards for raw milk for pasteurization.

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 5, 2018 Idaho Administrative Bulletin, [Vol. 18-9, pages 45-48](#).

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does not regulate an activity not already regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

**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: ISDA does not anticipate any fiscal impact as a result of this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Mitchell Vermeer, Section Manager – Division of Animal Industries at (208) 332-8551.

Dated this 11th day of October, 2018.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
P.O. Box 790  
Boise, ID 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

## IDAPA 02 – DEPARTMENT OF AGRICULTURE

### 02.04.29 – RULES GOVERNING TRICHOMONIASIS

DOCKET NO. 02-0429-1801

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 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:

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 5, 2018 Idaho Administrative Bulletin, [Vol. 18-9, pages 49-50](#).

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does not regulate an activity not already regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

**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 Dan Salmi, (208) 332-8526.

Dated this 4th day of October, 2018.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
P.O. Box 790  
Boise, Idaho 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

## **IDAPA 02 – DEPARTMENT OF AGRICULTURE**

### **02.06.01 – RULES GOVERNING THE PURE SEED LAW**

**DOCKET NO. 02-0601-1801**

#### **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 2019 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 22-418, Idaho Code.

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

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 5, 2018 Idaho Administrative Bulletin, [Vol. 18-9, pages 52-54](#).

**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 22-418, Idaho Code.

IDAPA 02.06.01.500-502 lists the different services and fees for seed testing. It was last updated in 2006. Based on customer demands, the services offered by the lab have changed since this rule was last updated in 2006. The tests not listed on our current fee schedule are charged based on our “Miscellaneous Fees” – \$40.00/hour rate. To provide clarity to our customers on our services and prices, we propose updating our list of services.

We are not increasing any prices for any currently offered service; however charging for newly listed services will make this a fee 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:

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does not regulate an activity not already regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

There will be no negative fiscal impact on the state general fund. The proposed service fees will cover the agencies cost to perform the work.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Dan Salmi, (208) 332-8526.

Dated this 4th day of October, 2018.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
P.O. Box 790  
Boise, Idaho 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

## IDAPA 02 – DEPARTMENT OF AGRICULTURE

### 02.06.02 – RULES PERTAINING TO THE IDAHO COMMERCIAL FEED LAW

DOCKET NO. 02-0602-1801

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 25-2710, 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 incorporate by reference information and updates contained in the 2019 Official Publication of the Association of American Feed Control Officials (AAFCO) as they pertain to the methodology and practice of conducting regulatory commercial feed registration and label review.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 5, 2018 Idaho Administrative Bulletin, [Vol. 18-9, pages 55-56](#).

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does regulate an activity not regulated by the federal government. The federal government does not regulate commercial feeds. The rule is, however, consistent with the national standards of the Association of American Feed Control Officials.

**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:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule as a result of this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jared Stuart, Agriculture Section Manager at (208) 332-8620.

Dated this 4th day of October, 2018.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
P.O. Box 790  
Boise, ID 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

**IDAPA 02 – DEPARTMENT OF AGRICULTURE**  
**02.06.12 – RULES PERTAINING TO THE IDAHO FERTILIZER LAW**  
**DOCKET NO. 02-0612-1801**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 22-604, 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 incorporate by reference information and updates contained in the 2019 Official Publication of the Association of American Plant Food Control Officials (AAPFCO) as they pertain to the methodology and practice of conducting regulatory fertilizer registration and label review.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 5, 2018 Idaho Administrative Bulletin, [Vol. 18-9, pages 57-58](#).

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does regulate an activity not regulated by the federal government. The federal government does not regulate commercial fertilizers. The rule is, however, consistent with the national standards of the Association of American Plant Food Control Officials.

**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:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule as a result of this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jared Stuart, Agriculture Section Manager at (208) 332-8620.

Dated this 4th day of October, 2018.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
P.O. Box 790  
Boise, ID 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

## IDAPA 02 – DEPARTMENT OF AGRICULTURE

### 02.06.41 – RULES PERTAINING TO THE IDAHO SOIL AND PLANT AMENDMENT ACT OF 2001

DOCKET NO. 02-0641-1801

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 22-2204, 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 incorporate by reference information and updates contained in the 2019 Official Publication of the Association of American Plant Food Control Officials (AAPFCO) as they pertain to the methodology and practice of conducting regulatory soil and plant amendment registration and label review.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 5, 2018 Idaho Administrative Bulletin, [Vol. 18-9, pages 59-60](#).

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does regulate an activity not regulated by the federal government. The federal government does not regulate soil and plant amendments. The rule is, however, consistent with the national standards of the Association of American Plant Food Control Officials.

**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:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule as a result of this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jared Stuart, Agriculture Section Manager at (208) 332-8620.

Dated this 4th day of October, 2018.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
P.O. Box 790  
Boise, ID 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

## 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. 02-0801-1801

#### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Title 25, Chapter 1, Idaho Code, and Section 25-128, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than November 21, 2018.

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule is to clarify how and when the goat assessment should be assessed and turned into the Idaho Sheep and Goat Health Board by Livestock Auction Yards and Individuals. This will provide the goat assessment with its own rules instead of trying to use wool assessment rules on goats. Since goats and wool are sold very differently, this rule will simplify the process.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: no fee changes.

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

**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 September 5, 2018 Idaho Administrative Bulletin, [Vol. 18-9, pg. 61](#).

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

The Code of Federal Regulations and the USA Scrapie Flock Certification Program are federal regulations that help keep goats and sheep healthy. The Idaho Sheep and Goat Health Board supports these regulations and wishes for all Idaho Sheep and goat owners to abide by all federal and state laws.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Brandy Kay, (208) 803-5084.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 28, 2018.

Dated this 20th day of October, 2018.

Brandy Kay, Executive Secretary  
Idaho Sheep and Goat Health Board  
112 E 6th Street  
P.O. Box 825  
Emmett, ID 83617  
(208) 803-5084

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0801-1801  
(Only Those Sections With Amendments Are Shown.)

**701. GOAT ASSESSMENTS.**

The following rules shall apply to all goats. (4-6-15)

**01. Payment of Assessment.** The owner of goat(s) shall be responsible for the payment of the assessment levied by the Board as provided for in Sections 25-130 and 25-131, Idaho Code. The rate of assessment shall be eighty cents (\$.80) per head. (4-6-15)

**02. Assessment as Resident Goats.** The assessment shall be levied and assessed to the producer at the time of the sale of said goat(s) ~~and shall be deducted by the first purchaser from the price paid to the producer at the time of such sale.~~ (4-6-15)( )

**a. Auction Yards:** Auction yards will deduct the assessment from the price paid to the producer at the time of sale. All goat assessments will be sent to the Idaho Sheep and Goat Health Board (ISGHB) from the auction yards after each sale, but no later than thirty (30) days after the sale. Assessments will be accompanied by a board approved form that includes a list of the producers (sellers) name, address, and number of head sold. ( )

**b. Private Sales:** The producer will handle assessment on private sales. The producer will send at minimum an annual assessment to the ISGHB on all private sales no later than the end of December of the current year. ( )

~~**03. Migratory Goats.** In the event that a goat, which is subject to this assessment, shall be located outside the state of Idaho during a part of the assessment year, the amount of the assessment shall be reduced on a pro rata basis. A grower will be required to request a pro rata adjustment in writing to the Board. (4-6-15)~~

**043. Costs of Collection.** All costs of collection of delinquent assessments shall be borne as an additional charge against the delinquent assessee ~~first purchaser.~~ (4-6-15)( )



**IDAPA 07 – DIVISION OF BUILDING SAFETY**  
**07.01.01 – RULES GOVERNING ELECTRICAL INSPECTION TAGS**  
**DOCKET NO. 07-0101-1801**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-1005 and 54-1006, 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.

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 5, 2018 Idaho Administrative Bulletin, [Vol. 18-9, pages 62 through 66](#).

**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 Warren Wing, Electrical Program Manager, at (208) 332-7147.

Dated this 1st day of October, 2018.

Ron Whitney, Deputy Administrator – Administration  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-7150  
Fax: (877) 810-2840

**IDAPA 07 – DIVISION OF BUILDING SAFETY**  
**07.01.02 – RULES GOVERNING FEES FOR ELECTRICAL INSPECTIONS**  
**DOCKET NO. 07-0102-1801**  
**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 2019 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 54-1005 and 54-1006, Idaho Code.

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

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 5, 2018 Idaho Administrative Bulletin, [Vol. 18-9, pages 67 through 71](#).

**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 54-1006, Idaho Code.

This rulemaking allows for and adds a fee of forty-five dollars (\$45) for transferring electrical permits. There will be a positive fiscal impact to the Electrical Board fund as a result of fees imposed for transferring electrical permits. There is no fiscal impact, positive or negative, to any other state funds, including the state general fund.

**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 Warren Wing, Electrical Program Manager, at (208) 332-7147.

Dated this 1st day of October, 2018.

Ron Whitney, Deputy Administrator – Administration  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-7150  
Fax: (877) 810-2840

## **IDAPA 07 – DIVISION OF BUILDING SAFETY**

### **07.01.03 – RULES OF ELECTRICAL LICENSING AND REGISTRATION – GENERAL**

**DOCKET NO. 07-0103-1801**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 54-1005 and 54-1006, 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:

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 5, 2018 Idaho Administrative Bulletin, [Vol. 18-9, pages 72 through 74](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Warren Wing, Electrical Program Manager, at (208) 332-7147.

Dated this 1st day of October, 2018.

Ron Whitney, Deputy Administrator – Administration  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-7150  
Fax: (877) 810-2840

## **IDAPA 07 – DIVISION OF BUILDING SAFETY**

### **07.01.03 – RULES OF ELECTRICAL LICENSING AND REGISTRATION – GENERAL**

**DOCKET NO. 07-0103-1802**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 54-1005 and 54-1006, 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:

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 5, 2018 Idaho Administrative Bulletin, [Vol. 18-9, pages 75 through 77](#).

**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 Warren Wing, Electrical Program Manager, at (208) 332-7147.

Dated this 1st day of October, 2018.

Ron Whitney, Deputy Administrator – Administration  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-7150  
Fax: (877) 810-2840

**IDAPA 07 – DIVISION OF BUILDING SAFETY**  
**07.01.04 – RULES GOVERNING ELECTRICAL SPECIALTY LICENSING**  
**DOCKET NO. 07-0104-1801**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 54-1005 and 54-1006, 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:

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 5, 2018 Idaho Administrative Bulletin, [Vol. 18-9, pages 78 through 83](#).

**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 Warren Wing, Electrical Program Manager, at (208) 332-7147.

Dated this 1st day of October, 2018.

Ron Whitney, Deputy Administrator – Administration  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-7150  
Fax: (877) 810-2840

**IDAPA 07 – DIVISION OF BUILDING SAFETY**  
**07.01.05 – RULES GOVERNING EXAMINATIONS**  
**DOCKET NO. 07-0105-1801**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 54-1003, 54-1005 and 54-1006, 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:

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 5, 2018 Idaho Administrative Bulletin, [Vol. 18-9, pages 84 through 86](#).

**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 Warren Wing, Electrical Program Manager, at (208) 332-7147.

Dated this 1st day of October, 2018.

Ron Whitney, Deputy Administrator – Administration  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-7150  
Fax: (877) 810-2840

## **IDAPA 07 – DIVISION OF BUILDING SAFETY**

### **07.01.06 – RULES GOVERNING THE USE OF NATIONAL ELECTRICAL CODE**

**DOCKET NO. 07-0106-1801**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 54-1001, 54-1005 and 54-1006, 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:

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 5, 2018 Idaho Administrative Bulletin, [Vol. 18-9, pages 87 through 90](#).

**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 Warren Wing, Electrical Program Manager, at (208) 332-7147.

Dated this 1st day of October, 2018.

Ron Whitney, Deputy Administrator – Administration  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-7150  
Fax: (877) 810-2840

**IDAPA 07 – DIVISION OF BUILDING SAFETY**  
**07.01.07 – RULES GOVERNING CONTINUING EDUCATION REQUIREMENTS**  
**DOCKET NO. 07-0107-1801**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 54-1003 and 54-1006, 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:

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 5, 2018 Idaho Administrative Bulletin, [Vol. 18-9, pages 91 through 95](#).

**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 Warren Wing, Electrical Program Manager, at (208) 332-7147.

Dated this 1st day of October, 2018.

Ron Whitney, Deputy Administrator – Administration  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-7150  
Fax: (877) 810-2840



**IDAPA 07 – DIVISION OF BUILDING SAFETY**  
**07.01.08 – RULES GOVERNING ELECTRICAL INSPECTION TAG APPEALS**  
**DOCKET NO. 07-0108-1801**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 54-1005 and 54-1006, 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:

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 5, 2018 Idaho Administrative Bulletin, [Vol. 18-9, pages 96 through 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 Warren Wing, Electrical Program Manager, at (208) 332-7147.

Dated this 1st day of October, 2018.

Ron Whitney, Deputy Administrator – Administration  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-7150  
Fax: (877) 810-2840

**IDAPA 07 – DIVISION OF BUILDING SAFETY**  
**07.01.11 – RULES GOVERNING CIVIL PENALTIES**  
**DOCKET NO. 07-0111-1801**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 54-1006, 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:

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 5, 2018 Idaho Administrative Bulletin, [Vol. 18-9, pages 99 through 101](#).

**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 Warren Wing, Electrical Program Manager, at (208) 332-7147.

Dated this 1st day of October, 2018.

Ron Whitney, Deputy Administrator – Administration  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-7150  
Fax: (877) 810-2840

**IDAPA 07 – DIVISION OF BUILDING SAFETY**  
**07.10.01 – RULES GOVERNING THE DAMAGE PREVENTION BOARD,**  
**DIVISION OF BUILDING SAFETY**

**DOCKET NO. 07-1001-1801**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 55-2203 and 55-2211, 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:

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 5, 2018 Idaho Administrative Bulletin, [Vol. 18-9, pages 102 through 105](#).

**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 Ron Whitney, Deputy Administrator – Administration, at (208) 332-7150.

Dated this 28th day of September, 2018.

Ron Whitney, Deputy Administrator – Administration  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-7150  
Fax: (877) 810-2840

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

**11.04.03 – RULES GOVERNING LICENSING AND FEES**

**DOCKET NO. 11-0403-1801**

**NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is September 17, 2018. Unless this temporary rule is rejected and not extended by concurrent resolution of the legislature, or it is rescinded by the Racing Commission prior to the following expiration date, the temporary rule shall be null, void and of no force and effect on and after September 30, 2020.

**AUTHORITY:** In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 54-2506, Idaho Code.

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

A supplemental licensing fee will be required to pay for the addition of hair testing as the cost is substantially higher than what is currently in place for the blood testing that is in use at this time.

**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:

The Commission funding into State Regulatory Fund 0229-06 will need to be increased to cover the cost of the additional testing.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), Idaho Code, 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:

Section 54-2506, Idaho Code, authorizes the Commission to prepare and promulgate rules to govern race meets and the pari-mutuel system. The Supplemental License Fee being imposed through this rulemaking will be in effect only until such time that the Commission is able to cover these additional fees as part of its operating costs.

When submitting a horse for hair testing as required in IDAPA11.04.11, “Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses,” the owner(s) must pay a supplemental license fee of two hundred twenty-five dollars (\$225) per hair test. The Racing Commission, its Executive Director, or its Business Operations Manager is authorized to and shall designate the individual(s) responsible for collecting the supplemental fee. The owner or trainer must submit payment to said designated individual prior to testing.

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

Dated this 17th day of September, 2018.

Ardie Noyes, Business Operations Mgr.  
ISP/Idaho State Racing Commission  
700 South Stratford Dr.  
Meridian, ID 83642  
Phone: (208) 884-7080  
Fax: (208) 884-7098

**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 11-0403-1801**  
**(Only Those Sections With Amendments Are Shown.)**

**330. OWNER LICENSE.**

All persons applying for an owner license must submit a completed application. All persons listed on the registration papers must obtain an owners license. (4-9-09)

**01. Financial Responsibility.** If the Racing Commission has reason to doubt the financial responsibility of an applicant for an owner's license, the applicant may be required to complete a verified financial statement. (4-9-09)

**02. Transfer of Horse Prohibited.** The Racing Commission may refuse, deny, suspend or revoke an owner's license for the spouse or member of the immediate family or household of a person ineligible to be licensed as an owner, unless there is a showing on the part of the applicant or licensed owner, and the Racing Commission determines that participation in racing will not permit a person to serve as a substitute for an ineligible person. The transfer of a horse to circumvent the intent of a Racing Commission rule or ruling is prohibited. (4-9-09)

**03. Multiple Owners.** If the legal owner of any horse is a partnership, corporation, limited liability company, syndicate or other racing association or entity, each shareholder, member or partner must be licensed as an owner. (4-9-09)

**04. Lease Agreements.** A horse may be raced under lease provided a completed breed registry or other lease form acceptable to the Racing Commission is attached to the certificate of registration and on file with the Racing Commission. The lessee must be licensed as a horse owner. (4-9-09)

**05. Supplemental License Fee.** When submitting a horse for hair testing as required in IDAPA 11.04.11, "Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses," the owner(s) must pay a supplemental license fee of two hundred twenty-five dollars (\$225) per hair test. The Racing Commission, its Executive Director, or its Business Operations Manager are authorized to, and shall designate the individual(s) responsible for collecting the supplemental fee. The owner or trainer must submit payment to said designated individual prior to testing. (9-17-18)T

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

**11.04.11 – RULES GOVERNING EQUINE VETERINARY PRACTICES, PERMITTED MEDICATIONS,  
BANNED SUBSTANCES AND DRUG TESTING OF HORSES**

**DOCKET NO. 11-0411-1802**

**NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is September 17, 2018. Unless this temporary rule is rejected and not extended by concurrent resolution of the legislature, or it is rescinded by the Racing Commission prior to the following expiration date, the temporary rule shall be null, void and of no force and effect on and after September 30, 2020.

**AUTHORITY:** In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 54-2506, Idaho Code.

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

The Racing Industry seeks to have sample defined as “A blood, urine, hair, saliva, or other specimen taken from a horse at the direction of the Commission Veterinarian.”

The industry and Commission are also requesting a section be added to address (OCT) Out-of-Competition testing. The addition of Out-of-Competition Testing will be of great importance when horsemen are entering into trial races for qualification into the higher purse and series races.

**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:

The adoption of this rule confers a benefit to the industry and the betting public as a tool for the Commission to use in preventing the use any illegal substances in racehorses.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), Idaho Code, 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:

The Commission is including a Supplemental License fee to help absorb the increased costs associated with the addition of hair testing. This fee is being promulgated under Docket No. 11-0403-1801 that is published in the Bulletin.

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

Dated this 17th day of September, 2018.

Ardie Noyes  
Business Operations Mgr.  
ISP/Racing Commission  
700 South Stratford Dr.  
Meridian, ID 83642  
Phone: (208) 884-7080  
Fax: (208) 884-7098

**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 11-0411-1802**  
**(Only Those Sections With Amendments Are Shown.)**

**010. DEFINITIONS.**

- 01. Bleeder List.** A list maintained by the commission veterinarian with all horses that have demonstrated external evidence of exercise induced pulmonary hemorrhage from one (1) or both nostrils during or after a race or workout. (3-29-10)
- 02. Calendar Year.** A calendar year beginning January 1 and ending December 31. (3-29-10)
- 03. Colt.** An intact male horse under five (5) years of age. (3-29-10)
- 04. Commission Veterinarian.** A Racing Commission appointed veterinarian having authority to enforce the Racing Commission's rules relating to veterinary practices. (3-29-10)
- 05. Filly.** A female horse that has not reached five (5) years of age. (3-29-10)
- 06. Gelding.** An altered male horse of any age. (3-29-10)
- 07. Horse.** Includes filly, mare, colt, horse or gelding in general; when referring to sex, a horse is an intact male five (5) years old or older. (3-29-10)
- 08. Hypodermics.** Any hypodermic instrument, hypodermic syringe or hypodermic hollow needle used for injection of substances into the body of a horse. (3-29-10)
- 09. Inspection of Horses.** A veterinarian inspection to assess the racing condition of every horse entered in an official race. (3-29-10)
- 10. Mare.** A female horse that has reached the age of five (5) years. (3-29-10)
- 11. Medication Report Form.** A form signed by the treating veterinarian disclosing the identity of the horse, the permitted drug being used with dosage or procedure administered, the time administered and the name of the trainer. (3-29-10)
- 12. Mitigating Circumstances.** An event that constitutes detail to support a penalty to be waived or less harsh. (3-29-10)
- 13. Needle and Syringe.** See Hypodermics - Subsection 010.08 of this rule. (3-29-10)
- 14. Owner.** The person that has legal title to, or has financial control of, a horse utilized for racing in Idaho. However, an interest in the winnings of a horse does not itself constitute ownership. (3-29-10)
- 15. Paddock.** An enclosure in which horses scheduled to compete in a contest are saddled prior to racing. (3-29-10)
- 16. Penalties.** For this chapter, a penalty issued against an individual(s) found guilty of medication and drug violations. (3-29-10)
- 17. Primary Laboratory.** A laboratory approved by the Racing Commission to conduct testing and official analysis of post-race samples. (3-25-16)

18. **Prohibited Substances.** Medication and drugs that should not be administered to a horse. (3-29-10)
19. **Racing Association.** Any person licensed by the Racing Commission to conduct live or simulcast pari-mutuel wagering. (3-29-10)
20. **Racing Commission.** Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. (3-29-10)
21. **Racing Condition.** The physical ability to race of a horse determined by the commission veterinarian. (3-29-10)
22. **Referee Laboratory.** Laboratory approved by the Racing Commission to conduct split sample testing. (3-25-16)
23. **Sample.** A blood, ~~or urine,~~ sample saliva, hair, or any other acceptable specimen taken from a horse at the direction of the commission veterinarian. ~~(3-29-10)~~(9-17-18)T
24. **Split Sample.** A blood, ~~or urine,~~ sample saliva, hair, or any other acceptable specimen taken from a horse that is greater than the minimum sample requirement. ~~(3-29-10)~~(9-17-18)T
25. **Suspension.** Punishment for violation of the Racing Commission rules. The offender is denied privileges of the racing facilities for a specified period of time. (3-29-10)
26. **Test Area.** A ~~barn~~ secured testing area provided by a racing association used for taking specimens samples of urine, blood, ~~or other bodily substances or tissues~~ urine, saliva, hair, or any other acceptable specimen for testing. ~~(3-29-10)~~(9-17-18)T
27. **Trainer.** The person who conditions and prepares a race horse for racing, with the absolute responsibility to ensure the physical condition and eligibility of the race horse. (3-29-10)
28. **Veterinarian's List.** A list of all horses which are ineligible to be entered in any race due to a physical condition. (3-29-10)
29. **Veterinarians' Reports.** The Medication Report Form completed by every veterinarian who treats a racehorse at any location under the jurisdiction of the Racing Commission. (3-29-10)
30. **Veterinarian.** Practicing Private practitioner employed by owners and trainers on an individual case or contract basis. (3-29-10)

**(BREAK IN CONTINUITY OF SECTIONS)**

**110. TESTING.**

01. **Testing.** The official winning horse and any other horse ordered by the Racing Commission or the Stewards must be taken to the testing area to have a blood, ~~or urine,~~ sample saliva, hair, or any other acceptable specimen taken at the direction of the Commission Veterinarian. ~~(3-29-10)~~(9-17-18)T
02. **Examination.** Examination of the race winner or other designated horses must be made by the Commission Veterinarian or his assistant. (3-29-10)
03. **Specimens.** All specimens must be collected by the Commission Veterinarian or his assistant. (3-29-10)

**111. OUT-OF-COMPETITION TESTING.**



**01. Racing Commission Authority to Request Test.** The Racing Commission may request an out-of-competition testing (OCT) sample be collected and screened for any violation of Section 600 of these rules.

(9-17-18)T

**02. Conditions for Racing Commission Request.** The Racing Commission may request any owner or trainer currently licensed by the Racing Commission to allow for an OCT sample be collected under any of the following conditions:

(9-17-18)T

**a.** The horse is stabled on the grounds of a licensed race meet.

(9-17-18)T

**b.** The horse is nominated or eligible for a stake or handicap race.

(9-17-18)T

**c.** The registration certificate of the horse is currently on file with the racing association. If the horse selected is not currently stabled on the grounds, the owner or trainer shall present the horse to the test barn at a time designated by the commission.

(9-17-18)T

**03. Horse Selection.** Horses will be selected for OCT by a Racing Commission veterinarian, steward, or executive secretary.

(9-17-18)T

**04. Sample Collection and Split Samples.** Sample collection and split samples will be done in accordance with Sections 110 through 180 of these rules.

(9-17-18)T

**05. Refusal to Submit.** Refusal to submit to an OCT sample request will result in penalties consistent with Sections 501, 990, and 995 of these rules.

(9-17-18)T

**06. Qualified Horse.** If a horse that qualifies under Subsection 111.02 of this rule is selected for testing and is not stabled at a race meet licensed by the Racing Commission, the Racing Commission may approve a regulatory veterinarian from another jurisdiction to collect and submit the sample providing the process complies with Sections 110 through 180 of these rules.

(9-17-18)T

**07. Penalties.** Penalties for a report of a positive laboratory finding in violation of this Section 111 will be consistent with Sections 501, 990, and 995 of these rules.

(9-17-18)T

~~114.~~ -- 114. (RESERVED)

**(BREAK IN CONTINUITY OF SECTIONS)**

**120. TRAINER PRESENT.**

**01. Present During Testing.** The Trainer, or his authorized representative, must be present in the testing area when a blood, urine, saliva, hair, or any other acceptable specimen is taken from a horse.

~~(3-25-16)~~(9-17-18)T

**02. Tag Signed.** The sample tag must be signed by the Trainer or his representative, as witness to the taking of the specimen.

(3-29-10)

**03. Refusal.** Willful failure to be present at or a refusal to allow the taking of such specimen, or any act or threat to impede or prevent or otherwise interfere therewith, subjects the person or persons doing so to immediate suspension by the Stewards and the matter will be referred to the Racing Commission for such further penalty as may be determined.

(3-29-10)

**(BREAK IN CONTINUITY OF SECTIONS)**

**150. STORAGE AND SHIPMENT OF SPLIT SAMPLES.**

Split samples obtained in accordance with Subsection 140.03 of these rules, must be secured and made available for further testing in accordance with the following procedures: (3-29-10)

**01. Secured.** A split sample must be secured under the same manner as the portion of the specimen acquired for shipment to a primary laboratory until such time as specimens are packed and secured for shipment to the primary laboratory. (3-29-10)

**02. Transferred to a Freezer of Samples.** Split samples must then be transferred to a freezer or other approved storage container, at a secure location approved by the Racing Commission. ~~(3-29-10)~~ (9-17-18)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**291. HAIR TESTING.**

No hair sample taken from a horse shall contain any prohibited drug or other non-approved medication. (9-17-18)T

**01. Racing Commission Authority.** The Racing Commission is authorized to collect and submit hair samples for testing in quarter horses and mixed breed races. Hair samples shall be collected consistent with Section 111 of these rules. (9-17-18)T

**02. Presence of Prohibited Substances.** The presence of any prohibited substances that appears in a pre or post-race sample including, but not limited to, Clenbuterol, Zilpaterol, and Ractopamine in Quarter Horse and mixed breed races will constitute a violation. Any report of prohibited or non-permitted medication in a hair sample will result in the horse being placed on a stewards list for sixty (60) days. A horse must provide a negative hair test prior to removal from list. (9-17-18)T

**03. Positive Finding for Prohibited Substance.** Samples collected for out-of-competition testing in Quarter Horses and mixed breed horses that result in a positive finding for a prohibited substance as listed in Section 600 of these rules will be reported to the Board of Stewards and considered a violation. The presence of Clenbuterol in an out-of-competition test in a Quarter Horse will result in the horse being placed on the official veterinarians list for a minimum of sixty (60) days or until a sample is submitted and is reported as negative for the presence of Clenbuterol. If, at the owner's request, a sample is submitted for screening for removal from the official veterinarians list, the owner is responsible for the cost of the testing. (9-17-18)T

**04. Hair Sample.** If a horse is selected for hair testing and the mane is less than four and one-half inches (4 1/2") in length, the Racing Commission may elect to collect a hair sample using the tail. (9-17-18)T

~~291.2.~~ -- 299. (RESERVED)

**(BREAK IN CONTINUITY OF SECTIONS)**

**600. NON-APPROVED MEDICATION.**

**01. Administration by Owner or Trainer.** A horse owner or trainer found to have administered any non-approved medication substances is in violation of these rules. ~~(3-29-10)~~ (9-17-18)T

**02. Clenbuterol.** A finding of Clenbuterol is prohibited in blood, urine, saliva, hair, or any other acceptable specimen. (9-17-18)T

## IDAPA 12 – DEPARTMENT OF FINANCE

### 12.01.08 – RULES PURSUANT TO THE UNIFORM SECURITIES ACT (2004)

DOCKET NO. 12-0108-1801

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 30-14-605 and 30-14-608, 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 August 1, 2018 Idaho Administrative Bulletin, [Vol. 18-8, pages 76-79](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact [jim.burns@finance.idaho.gov](mailto:jim.burns@finance.idaho.gov), or [securitiesrules@finance.idaho.gov](mailto:securitiesrules@finance.idaho.gov).

Dated this 23rd day of August, 2018.

James A. Burns  
Securities Bureau Chief  
Department of Finance  
800 Park Blvd.  
P.O. Box 83720  
Boise, ID 83720-0031  
Office: (208) 332-8080  
Fax: (208) 332-8099

**IDAPA 12 – DEPARTMENT OF FINANCE**  
**12.01.09 – RULES PURSUANT TO THE IDAHO CREDIT CODE**  
**DOCKET NO. 12-0109-1801**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 28-46-104(1)(e), 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 references incorporated federal laws and regulations that are included within the federal Consumer Credit Protection Act and its implementing regulations.

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 5, 2018, Idaho Administrative Bulletin, [Vol. 18-9, pages 106-108](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Anthony Polidori at (208) 332-8060.

Dated this 1st day of October, 2018.

Anthony Polidori  
Consumer Finance Bureau Chief  
800 Park Blvd.  
P.O. Box 83720  
Department of Finance  
Boise, ID 83720-0031  
Office: (208) 332-8060  
Fax: (208) 332-8099

## IDAPA 12 – DEPARTMENT OF FINANCE

### 12.01.10 – RULES PURSUANT TO THE IDAHO RESIDENTIAL MORTGAGE PRACTICES ACT

DOCKET NO. 12-0110-1801

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 26-31-103(2)(b), 26-31-204(5), 26-31-302(1)(a), and 26-31-302(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 pending rule updates references to incorporated federal laws and regulations, as well as standards adopted by a nationally recognized organization (Truth in Lending and Regulation Z, Real Estate Settlement Procedures Act and Regulation X, and the NMLS Policy Guidebook).

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 5, 2018, Idaho Administrative Bulletin, [Vol. 18-9, 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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Anthony Polidori at (208) 332-8060.

Dated this 1st day of October, 2018.

Anthony Polidori  
Consumer Finance Bureau Chief  
800 Park Blvd.  
P.O. Box 83720  
Department of Finance  
Boise, ID 83720-0031  
Office: (208) 332-8060  
Fax: (208) 332-8099

## **IDAPA 12 – DEPARTMENT OF FINANCE**

### **12.01.11 – RULES PURSUANT TO THE IDAHO COLLECTION AGENCY ACT**

#### **DOCKET NO. 12-0111-1801 (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 2019 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 26-2228(4) and 26-2248, 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 references incorporated federal law (the federal Fair Debt Collection Practices Act).

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 5, 2018, Idaho Administrative Bulletin, [Vol. 18-9, pages 111-112](#).

**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 Anthony Polidori at (208) 332-8060.

Dated this 1st day of October, 2018.

Anthony Polidori  
Consumer Finance Bureau Chief  
800 Park Blvd.  
P.O. Box 83720  
Department of Finance  
Boise, ID 83720-0031  
Office: (208) 332-8060  
Fax: (208) 332-8099

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

**16.03.03 – RULES GOVERNING CHILD SUPPORT SERVICES**

**DOCKET NO. 16-0303-1801**

**NOTICE OF PUBLIC HEARING**

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing. The action is authorized pursuant to Sections 7-1206, 32-1207, 32-1209, 32-1214G, 32-1217, 56-203A, and 56-1004, Idaho Code.

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

**PUBLIC (LIVE) HEARING**

**Friday, November 9, 2018  
1:00 p.m. to 2:00 p.m. (MST)**

**450 W. State Street  
2nd floor - Room 2A  
Boise, Idaho 83720**

**TELECONFERENCE CALL-IN**

**Toll Free: 1-877-820-7831  
Participant Code: 968743**

A Question and Answers segment will immediately follow the Public Hearing from 2:00 p.m. - 3:00 p.m (MST).

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

**DESCRIPTIVE SUMMARY:** The summary of this action is found in October 3, 2018, Idaho Administrative Bulletin [Vol. 18-10, pages 157-158](#).

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this rulemaking or the hearing schedule, contact Rob Rinard, (208) 334-0620.

Anyone may submit written comments at the public hearing regarding this rulemaking. Any written comments submitted at a public hearing carry the same weight as oral testimony.

Dated this 18th day of October, 2018.

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

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

### **16.03.09 – MEDICAID BASIC PLAN BENEFITS**

**DOCKET NO. 16-0309-1809**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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(b) and 56-264, 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, regarding school-based Medicaid services, revises the definition of “personal assistant” to remove unnecessary job qualifications. The purpose of the rule is to make it easier for providers to offer services in a school-based setting. Under the new language, the job qualifications for school-based providers will be consistent with the job qualifications for community-based providers offering similar 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 August 1, 2018, Idaho Administrative Bulletin, [Vol. 18-8, pages 83 through 88](#).

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

This is a technical change to the rule, changing the requirements to be a PCS provider in school settings to match the requirements for service providers outside of the school setting. This will not change the current process or provider types. There is no anticipated fiscal impact to state general funds, or any other funds as a result of this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Angie Williams, (208) 287-1169 or e-mail [Angie.Williams@dhw.idaho.gov](mailto:Angie.Williams@dhw.idaho.gov).

Dated this 4th day of October, 2018.

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



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

### **16.03.10 – MEDICAID ENHANCED PLAN BENEFITS**

**DOCKET NO. 16-0310-1801**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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(b), Idaho Code; also House Bill 260 (2011), now codified as Sections 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:

Idaho House Bill 260 (2011) included legislative direction for the Department to develop a plan for Medicaid managed care for high-cost populations, including dual eligibles. Idaho Medicaid has offered a voluntary, integrated Medicare-Medicaid Coordinated Plan (MMCP) to Idaho's dual eligibles since 2014. With the addition of another health plan to the market, dual eligibles will have two health plans to select from for the MMCP.

This rule change will allow for Medicaid to enroll those dual eligible participants who have not elected to enroll in the coordinated MMCP into a mandatory Medicaid Managed Long-Term Services and Supports (MLTSS) product, which will administer and coordinate Medicaid benefits. The Centers for Medicare and Medicaid Services (CMS) has authorized Idaho Medicaid to develop a mandatory enrollment structure under Section 1915(b) of the Social Security Act.

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 1, 2018, Idaho Administrative Bulletin, **Vol. 18-8, pages 89 through 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:

The anticipated fiscal impact is limited to the cost of system changes, which is currently projected at \$411,000, based on the high-level design estimate from the Department's Medicaid Management Information Systems (MMIS) vendor, Molina Medicaid Solutions. Centers for Medicare and Medicaid Services (CMS) has approved an Advance Planning Document (APD) requesting federal financial participation (FFP) to offset the costs of these automation changes. The approved enhanced federal financial participation rate is 90% and the remaining 10% will be utilized from state general funds, meaning \$370,000 federal monies and \$41,000 state general funds.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Ali Fernández at (208) 287-1179.

Dated this 4th day of October, 2018.

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

## IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

### 18.01.06 – RULE TO IMPLEMENT UNIFORM COVERAGE FOR NEWBORN AND NEWLY ADOPTED CHILDREN

DOCKET NO. 18-0106-1801

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 41-211, 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 current rule applies to self-funded health plans subject to registration with the Department, as well as health insurers, and addresses coverage for congenital anomalies. There is some language in the rule that refers to premiums that denotes health insurance only and causes confusion for self-funded plans given that the term used for payments by members covered by a self-funded plan is “contribution” and not “premium.” This rulemaking modifies language in Section 012 to include contributions in addition to premiums.

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 5, 2018, Idaho Administrative Bulletin, [Vol. 18-9, pages 238-239](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Weston Trexler at [weston.trexler@doi.idaho.gov](mailto:weston.trexler@doi.idaho.gov), or (208) 334-4315.

Dated this 4th day of October, 2018.

Dean L. Cameron, Director  
Idaho Department of Insurance  
700 W. State Street, 3rd Floor  
P.O. Box 83720  
Boise, ID 83702-0043  
Phone: (208) 334-4250  
Fax: (208) 334-4398

## IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

### 18.01.23 – RULES PERTAINING TO IDAHO ACQUISITIONS OF CONTROL AND INSURANCE HOLDING COMPANY SYSTEMS

DOCKET NO. 18-0123-1801

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 41-211 and 41-3817, Idaho Code.

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

This rulemaking revises language in Subsection 027.01 regarding extraordinary dividends to be consistent with changes made to Section 41-3812, Idaho Code, following enactment of House Bill 454 in 2018.

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 5, 2018, Idaho Administrative Bulletin, [Vol. 18-9, pages 240-241](#).

**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 Nathan Faragher at [nathan.faragher@doi.idaho.gov](mailto:nathan.faragher@doi.idaho.gov), or (208) 334-4314.

Dated this 4th day of October, 2018.

Dean L. Cameron, Director  
Idaho Department of Insurance  
700 W. State Street, 3rd Floor  
P.O. Box 83720  
Boise, ID 83702-0043  
Phone: (208) 334-4250  
Fax: (208) 334-4398

## IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

### 18.01.24 – ADVERTISEMENT OF DISABILITY (ACCIDENT AND SICKNESS) INSURANCE

DOCKET NO. 18-0124-1801

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 41-211, Idaho Code.

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

Section 025 of these rules states that the Director may require the filing of “direct response” advertising regarding disability accident and sickness policies. Some carriers, typically those seeking to sell limited benefit plans, object to filing advertising materials. This results in the Department sending a separate request for this material. The Department believes that it's appropriate to review any advertising material, and this change streamlines that communication and process. This rulemaking modifies the rule to eliminate the reference to “direct response” advertising.

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 5, 2018, Idaho Administrative Bulletin, [Vol. 18-9, pages 242-243](#).

**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 Weston Trexler at [weston.trexler@doi.idaho.gov](mailto:weston.trexler@doi.idaho.gov), or (208) 334-4315.

Dated this 4th day of October, 2018.

Dean L. Cameron, Director  
Idaho Department of Insurance  
700 W. State Street, 3rd Floor  
P.O. Box 83720  
Boise, ID 83702-0043  
Phone: (208) 334-4250  
Fax: (208) 334-4398

## IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

### 18.01.49 – FIRE PROTECTION SPRINKLER CONTRACTORS

DOCKET NO. 18-0149-1801

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 41-211 and 41-254, 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 revises language in IDAPA 18.01.49 to eliminate Subsection 011.07 providing for an advisory board, a board that never formed, corrects a reference to an NFPA standard in Subsection 020.01, and eliminates language in Subsection 021.06 concerning fees that tie the fee amount to one percent (1%) of the bid amount. Language imposing fees in the amount of two dollars (\$2) per sprinkler head payable to the local department or the State Fire Marshal will be retained, including the retention of the maximum and minimum fees. The rulemaking also clarifies in Subsection 021.06 that the fee applies to each fire protection sprinkler system, which is defined in Subsection 004.01 of this rule.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 5, 2018, Idaho Administrative Bulletin, [Vol. 18-9, pages 244-246](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Knute Sandahl at [knute.sandahl@doi.idaho.gov](mailto:knute.sandahl@doi.idaho.gov), or (208) 334-4377.

Dated this 4th day of October, 2018.

Dean L. Cameron, Director  
Idaho Department of Insurance  
700 W. State Street, 3rd Floor  
P.O. Box 83720  
Boise, ID 83702-0043  
Phone: (208) 334-4250  
Fax: (208) 334-4398

## IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

### 18.01.54 – RULE TO IMPLEMENT THE NAIC MEDICARE SUPPLEMENT INSURANCE MINIMUM STANDARDS MODEL ACT

DOCKET NO. 18-0154-1801

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 41-211 and 41-4409, Idaho Code.

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

This rulemaking updates the current rule consistent with NAIC Model Regulation 651 to add definitions for the 2020 Standardized Medicare Supplement Benefit Plans and adds more detailed sections with respect to such plans.

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 5, 2018, Idaho Administrative Bulletin, [Vol. 18-9, pages 247-276](#).

**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 Weston Trexler at [weston.trexler@doi.idaho.gov](mailto:weston.trexler@doi.idaho.gov), or (208) 334-4315.

Dated this 4th day of October, 2018.

Dean L. Cameron, Director  
Idaho Department of Insurance  
700 W. State Street, 3rd Floor  
P.O. Box 83720  
Boise, ID 83702-0043  
Phone: (208) 334-4250  
Fax: (208) 334-4398

# IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

## 18.01.62 – ANNUAL FINANCIAL REPORTING

DOCKET NO. 18-0162-1801

### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 41-211, 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 pending rule updates IDAPA 18.01.62 to include NAIC Annual Financial Reporting Model Regulation #205 provisions supporting the requirement of an independent internal audit function for large insurance companies or insurance holding company groups. The requirement applies to insurance companies with over \$500 million in annual premiums written (or \$1 billion if a member of a group). This rulemaking requires a standard best corporate governance practice to assist company management and the board of large insurers by implementing sound business practices to maintain solvency and honor all policyholder obligations.

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 5, 2018, Idaho Administrative Bulletin, **Vol. 18-9, pages 277-278**.

**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 Nathan Faragher at [nathan.faragher@doi.idaho.gov](mailto:nathan.faragher@doi.idaho.gov), or (208) 334-4314.

Dated this 4th day of October, 2018.

Dean L. Cameron, Director  
Idaho Department of Insurance  
700 W. State Street, 3rd Floor  
P.O. Box 83720  
Boise, ID 83702-0043  
Phone: (208) 334-4250  
Fax: (208) 334-4398

## IDAPA 22 – BOARD OF MEDICINE

### 22.01.01 – RULES OF THE BOARD OF MEDICINE FOR THE LICENSURE TO PRACTICE MEDICINE AND SURGERY AND OSTEOPATHIC MEDICINE AND SURGERY IN IDAHO

DOCKET NO. 22-0101-1801

#### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1806(2), Idaho Code.

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

**PUBLIC HEARING**  
**Thursday, December 6, 2018 – 3:00 p.m. to 5:00 p.m.**

**345 W. Bobwhite Court, Suite 150**  
**Idaho State Board of Medicine**  
**Boise, Idaho 83706**

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the intended proposed rulemaking and the principal issues involved:

The Board of Medicine is promoting regulatory reform by streamlining and combining its rules and reducing obstacles to licensure and practice. The purpose of this proposed rulemaking is to update and clarify the Board's rules regarding physician licensure and practice, and to ensure that the physician licensure rules are consistent with the Medical Practice Act. These rules update definitions and organizational titles, and they delete unnecessary and duplicative provisions. In addition, the current provisions of IDAPA 22.01.02 regarding registration of interns and residents and the current provisions of IDAPA 22.01.04 regarding registration of supervising and directing physicians have been updated and moved into this chapter.

**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 resulting from this rulemaking: N/A

The Board of Medicine is a dedicated funds agency, and therefore, there will be no fiscal impact to the state general fund. This rule eliminates registration of medical students ("externs"), which will reduce the Board's annual income by approximately \$5500.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was conducted with interested parties, including the state association, and such negotiations shall continue through the comment period and hearing.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rules, contact Anne K. Lawler, Executive Director, (208) 327-7000.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before December 6, 2018.

Dated this 4th day of October, 2018.



Anne K. Lawler, JD, RN, Executive Director  
Idaho State Board of Medicine  
345 W. Bobwhite Court, Suite 150  
Boise, Idaho 83706  
Phone: (208) 327-7000  
Fax: (208) 327-7005

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 22-0101-1801**  
**(Only Those Sections With Amendments Are Shown.)**

**22.01.01 – RULES OF THE BOARD OF MEDICINE FOR THE LICENSURE TO PRACTICE**  
**MEDICINE ~~AND SURGERY~~ AND OSTEOPATHIC MEDICINE ~~AND SURGERY~~ IN IDAHO**

**000. LEGAL AUTHORITY.**

Pursuant to Sections 54-1806(2), 54-1806(4), ~~54-1806(11)~~, 54-1806A, ~~52-1807~~, 54-1812, 54-1813, 54-1814 and 54-1841, Idaho Code, the Idaho State Board of Medicine is authorized to promulgate rules to govern the practice of Medicine in Idaho. ~~(3-26-08)( )~~

**001. TITLE AND SCOPE.**

These rules shall be cited as IDAPA 22.01.01, “Rules of the Board of Medicine for the Licensure to Practice Medicine ~~and Surgery~~ and Osteopathic Medicine ~~and Surgery~~ in Idaho.” ~~(7-1-93)( )~~

**002. WRITTEN INTERPRETATIONS.**

~~Written interpretations of these rules in the form of explanatory comments accompanying the notice of proposed rule making that originally proposed the rules and review of comments submitted in the rulemaking process in the adoption of these rules are available for review and copying at cost from the Board of Medicine, 1755 Westgate Drive, Suite 140, Box 83720 Boise, Idaho 83720-0058. In accordance with Title 67, Chapter 52, Idaho Code, this agency may have written statements that pertain to the interpretation of, or to compliance with the rules of this chapter. Any such documents are available for public inspection and copying at cost at the Board of Medicine office.~~ ~~(5-3-03)( )~~

**003. ADMINISTRATIVE APPEAL.**

All contested cases shall be governed by the provisions of IDAPA 04.11.01, “Idaho Rules of Administrative Procedures of the Attorney General;” ~~and IDAPA 22.01.07, “Rules of Practice and Procedure of the Board of Medicine,” and this chapter.~~ ~~(3-29-10)( )~~

**004. PUBLIC RECORD ACT COMPLIANCE.**

These rules have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. Pursuant to Sections ~~74-106(9)~~ ~~and 74-106(11)~~, Idaho Code, the Board may discuss, exchange and share complaints and the details of investigations with other Idaho state agencies or with other state boards in investigation and enforcement concerning violations of the Idaho Medical Practice Act and Board rules and comparable practice acts of other states. ~~(3-29-10)( )~~

**005. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference into these rules. (3-26-08)

**006. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.**

The central office of the Board of Medicine will be in Boise, Idaho. The Board's mailing address, unless otherwise indicated, will be Idaho State Board of Medicine, P.O. Box 83720, Boise, Idaho 83720-0058. The Board's street

address is 345 W. Bobwhite Court, Suite 150, Boise, Idaho 83706. The telephone number of the Board is (208) 327-7000. The Board's facsimile (FAX) number is (208) 327-7005. The Board's web site is [www.bom.idaho.gov](http://www.bom.idaho.gov). The Board's office hours for filing documents are 8 a.m. to 5 p.m. (4-4-13)

**007. FILING OF DOCUMENTS - NUMBER OF COPIES.**

All original documents and one (1) electronic copy in rulemaking or contested case proceedings must be filed with the office of the Board. (3-4-13)

**008. SEVERABILITY.**

The sections and subsections of these rules are presumed severable unless specifically provided to the contrary. If any rule, or part thereof, or the application of such rule to any person or circumstance is declared invalid, that invalidity does not affect the validity of any remaining portion. (3-26-08)

**009. (RESERVED)**

**010. DEFINITIONS.**

**01. Acceptable School of Medicine.** A medical school or college of osteopathic medicine located within the United States accredited by the Liaison Committee on Medical Education (LCME), Joint Committee of the Association of American Medical Colleges (AAMC) and the American Medical Association (AMA), or the Commission on Osteopathic College Accreditation (COCA) of the American Osteopathic Association (AOA). A medical school or college of osteopathic medicine located within Canada accredited by the Liaison Committee on Medical Education (LCME) and by the Committee on Accreditation for of Canadian Medical Schools, as sponsored by the Canadian Medical Association and Association of Canadian Medical Colleges or the American Osteopathic Association (AOA) (CACMS). (3-26-08)(    )

**02. Acceptable International School of Medicine.** An international medical school located outside the United States or Canada that meets the standards for medical educational facilities set forth in Subsection 051.02, is accredited by the Educational Commission for Foreign Medical Graduates (ECFMG) and provides the scope and content of the education and coursework that are equivalent to acceptable schools of medicine located within the United States or Canada. (3-26-08)

**03. Accreditation Council for Graduate Medical Education (ACGME).** A nationally recognized accrediting authority responsible for accreditation of post-Medical Doctor medical training programs within the United States. (3-26-08)

**04. Applicant.** Any human person seeking a license to practice medicine from the Board. (3-26-08)

**05. Board.** The Idaho State Board of Medicine. (7-1-93)

**06. Educational Commission for Foreign Medical Graduates (ECFMG).** A nationally recognized non-profit organization that certifies international medical graduates who seek to enter United States residency and fellowship programs and conducts the Clinical Skills Assessment (CSA). (3-26-08)(    )

**07. Federation of State Medical Boards of the United States (FSMB).** A nationally recognized non-profit organization representing the seventy (70) medical and osteopathic boards of the United States and its territories. (3-26-08)(    )

**08. Liaison Committee on Medical Education (LCME).** An internationally recognized accrediting authority, sponsored by the Association of American Medical Colleges and the American Medical Association, for medical education programs leading to a Medical Doctor (MD) degree in United States and Canadian medical schools. (3-26-08)

**09. License to Practice Medicine.** A license issued by the Board to practice medicine and surgery or a license to practice osteopathic medicine and surgery in Idaho. (3-30-06)(    )

**10. Medical Practice Act.** Title 54, Chapter 18, Idaho Code. (3-30-06)

11. **Certified Original ~~Certificate or~~ Documentation.** The original document ~~itself~~ **or certificate** or a certified copy thereof issued by ~~the~~ **an** agency or institution and ~~mailed or~~ delivered directly from the source to the Board or a Board approved credential verification service. (3-26-08)(    )

**011. ABBREVIATIONS.**

- 01. AAMC. Association of American Medical Colleges. (3-26-08)
- 02. ACGME. Accreditation Council for Graduate Medical Education. (3-26-08)
- 03. AMA. American Medical Association. (3-26-08)
- 04. AOA. American Osteopathic Association. (3-26-08)
- 05. **CACMS. Committee on Accreditation of Canadian Medical Schools.** (    )
- 06. **COCA. Commission on Osteopathic College Accreditation.** (    )
- 057. ECFMG. Educational Commission for Foreign Medical Graduates. (3-26-08)
- 08. **FAIMER. Foundation for Advancement of International Medical Education.** (    )
- 069. FSMB. Federation of State Medical Boards. (3-26-08)
- 107. LCME. Liaison Committee on Medical Education. (3-26-08)
- 0811. USMLE. United States Medical Licensing Exam. (3-26-08)
- 12. **WFME. World Federation for Medical Education.** (    )

**012. -- 049. (RESERVED)**

**050. GENERAL QUALIFICATIONS FOR LICENSURE AND RENEWAL.**

01. **Residence.** No period of residence in Idaho shall be required of any applicant, however, each applicant for licensure must be legally able to work and live in the United States. Original documentation of lawful presence in the United States must be provided upon request only. The Board shall refuse licensure or renew a license if the applicant is not lawfully present in the United States. (3-26-08)

02. **Character.** The Board may refuse licensure if it finds that the applicant has engaged in conduct prohibited by Section 54-1814, Idaho Code; provided the Board shall take into consideration the rehabilitation of the applicant and other mitigating circumstances. (7-1-93)

03. **English Language.** Each applicant shall speak, write, read, understand and be understood in the English language. Evidence of proficiency in the English language must be provided upon request only. (3-26-08)

04. **Application.** Each applicant must have graduated from an acceptable school of medicine, passed an examination acceptable to the Board that demonstrates qualification for licensure or successfully completed the United States Medical Licensing Exam (USMLE) and completed one (1) year of postgraduate training approved by the ACGME, AOA or Royal College of Physicians and Surgeons of Canada **or its successor organization**, and shall submit a completed written application to the Board on forms prescribed by the Board with the nonrefundable application fee. Any certificate or document required to be submitted to the Board that is not in the English language must be accompanied by a certified translation thereof into English. The application form shall be verified and shall require the following: (5-8-09)(    )

- a. Personal identification information and education background of the applicant including ~~but~~

~~limited to, his college education,~~ medical school education and postgraduate training; (3-26-08)( )

**b.** ~~An original certificate or~~ documentation of graduation from an acceptable school of medicine, and evidence of satisfactory completion of postgraduate training of one (1) year at one (1) training program accredited for internship, residency or fellowship training by the ACGME, AOA or Royal College of Physicians and Surgeons of Canada ~~or its successor organization;~~ (3-26-08)( )

**c.** The disclosure of any criminal charges, convictions or guilty pleas against the applicant other than minor traffic offenses; (7-1-93)

**d.** The current mental and physical condition of the applicant, ~~together with disclosure of any previous physical or mental illness~~ including any issue that may impact the applicant's ability to practice medicine; (3-30-01)( )

**e.** The disclosure of any past or pending medical malpractice actions against the applicant, and the judgments or settlements, if any, of such claims exceeding ~~two-hundred~~ fifty thousand dollars (\$250,000); (5-8-09)( )

**f.** The disclosure of any disciplinary action by any board of medicine, licensing authority, medical society, professional society, hospital, medical school, or institution staff in any state or country; (3-26-08)

**g.** The disclosure of the refusal to issue or renew a license to practice medicine by any state, Canadian or international licensing authority; (3-26-08)

**h.** References to include two (2) letters of recommendation signed by licensed physicians who have known the applicant professionally for at least one (1) year; (3-30-06)

**i.** An unmounted photograph of the applicant, of adequate size and clarity to identify the applicant and no larger than four inches tall by three inches wide (4" x 3"), taken not more than one (1) year prior to the date of the application; (3-30-06)

**j.** A certified copy of a full set of the applicant's fingerprints on forms supplied by the Board that shall be forwarded to the Idaho Department of Law Enforcement and to the FBI Identification Division for the purpose of a fingerprint-based criminal history check of the Idaho central criminal database and the Federal Bureau of Investigation criminal history database; (5-3-03)

**k.** The employment history and relevant practice locations of the applicant; (3-30-06)

~~l.~~ ~~Each state, country and jurisdiction in which the applicant has applied for a license to practice medicine;~~ (3-26-08)

~~m.~~ Each state, country and jurisdiction wherein the applicant is licensed to practice medicine; (4-4-13)

~~n.~~ A copy of the applicant's birth certificate or current passport; and (4-4-13)

~~o.~~ Such other information or examinations as the Board deems necessary to identify and evaluate the applicant's credentials and competency. (4-4-13)

**05. Examination.** Each applicant must pass an examination acceptable to the Board, within the time period recommended by the examination authority, that shall thoroughly test the applicant's fitness to practice medicine or successfully completed the United States Medical Licensing Exam (USMLE). If an applicant fails to pass ~~any step of~~ the examination on two (2) separate occasions the applicant may be required to be interviewed, ~~or~~ evaluated ~~or examined~~ by the Board. (5-8-09)( )

**06. Interview.** Each applicant may be personally interviewed by the Board, ~~a Board member~~ or a designated committee of the Board. The interview shall include a review of the applicant's qualifications and professional credentials. (3-30-01)( )

**07. Applicants.** All applicants must complete their license application within one (1) year unless extended by the Board after filing an application for extension. Unless extended, applications that remain on file for more than one (1) year will be considered null and void and a new application and new fees will be required as if filing for the first time. (3-30-06)

**08. Health Care Standards.** In reviewing the application or conducting the applicant's interview, the Board shall determine whether the applicant possesses the requisite qualifications to provide the same standard of health care as provided by licensed physicians in this state. If the Board is unable to reach such a conclusion through the application and interview, it shall conduct further inquiry, to establish such qualifications. (3-30-06)

**a.** Upon inquiry, if further examination is required, the Board may require passage of the Special Purpose Examination (SPEX) administered by the FSMB, a post licensure assessment conducted by the FSMB, or an evaluation by an independent agency accepted by the Board to evaluate physician competence. (5-8-09)

**b.** The Board will require further inquiry when in its judgment the need is apparent, including but not limited to the following circumstances: (3-30-06)

**i.** Graduate of an international medical school located outside the United States and Canada and not accredited by the LCME; (5-8-09)

**ii.** Applicant whose background investigation reveals evidence of impairment, competency deficit, or disciplinary action by any licensing or regulatory agency; (3-26-08)

**iii.** An applicant has not been in active medical practice for a period exceeding one (1) year, or when practice has been significantly interrupted; (3-30-06)

**iv.** An applicant has not written a recognized examination intended to determine ability to practice medicine within a period of five (5) years preceding application; (3-30-06)

**v.** An applicant whose initial licensure was issued on the basis of an examination not recognized by the Board; or (3-30-06)

**vi.** When there is any reason whatsoever to question the identity of the applicant. (3-30-06)

**c.** Recommendations of the assessment and or evaluation acceptable to the Board related to the ability of the applicant to practice medicine and surgery will be considered by the Board in its decision whether to issue a license and the Board may limit, condition, or restrict a license based on the Board's determination and the recommendation of the assessment or evaluation. (3-30-06)

**051. LICENSURE FOR GRADUATES OF INTERNATIONAL MEDICAL SCHOOLS LOCATED OUTSIDE OF THE UNITED STATES AND CANADA.**

**01. International Medical Graduate.** In addition to meeting the requirements of Section 050, graduates of international medical schools located outside of the United States and Canada must submit to the Board: (3-26-08)

**a.** Original certificate from the ECFMG or original documentation that the applicant has passed the examination either administered or recognized by the ECFMG and passed an examination acceptable to the Board that demonstrates qualification for licensure or successfully completed the United States Medical Licensing Exam (USMLE). (5-8-09)

**b.** Original documentation directly from the international medical school that establishes to the satisfaction of the Board that the international medical school meets the standards for medical educational facilities set forth in Subsection 051.02, and that both the scope and content of the applicant's coursework and performance were equivalent to those required of students of medical schools accredited by the LCME; (3-26-08)

c. Original documentation directly from the international medical school that it has not been disapproved or has its authorization, accreditation, certification or approval denied or removed by any state, country or territorial jurisdiction and that to its knowledge no state of the United States or any country or territorial jurisdiction has refused to license its graduates on the grounds that the school fails to meet reasonable standards for medical education facilities; (3-26-08)

d. A ~~complete and original~~ transcript from the international medical school showing successful completion of all the courses taken and grades received and original documentation of successful completion of all clinical coursework; and (~~3-26-08~~)(      )

e. Original documentation of successful completion of three (3) years of progressive postgraduate training at one (1) training program accredited for internship, residency, or fellowship training by the ACGME, AOA or the Royal College of Physicians and Surgeons of Canada or its successor organization, provided however, a resident who is attending an Idaho based residency program may be licensed after successful completion of two (2) years of progressive post graduate training, if the following conditions are met: (~~3-25-16~~)(      )

i. The resident must have the written approval of the residency program director; (3-25-16)

ii. The resident must have a signed written contract with the Idaho residency program to complete the entire residency program; (3-25-16)

iii. The resident must remain in good standing at the Idaho-based residency program; (3-25-16)

iv. The residency program must notify the Board within thirty (30) days if there is a change in circumstances or affiliation with the program (for example, if the resident resigns or does not demonstrate continued satisfactory clinical progress); and (3-25-16)

v. The Idaho residency program and the Idaho Board have prescreened the applicant to ensure that the applicant has received an MD or DO degree from an approved school that is eligible for Idaho licensure after graduation. (3-25-16)

~~f. ECFMG. The certificate from the ECFMG is not required if the applicant holds a license to practice medicine which was issued prior to 1958 in one (1) of the states of the United States and which was obtained by written examination. (3-26-08)~~

**02. International Medical School Requirements. (3-26-08)**

~~a. An international medical school, as must be listed in the World Health Organization Directory of Medical Schools, ~~which issued its first doctor of medicine degree less than fifteen (15) years prior to an application for licensure, must provide documented evidence of degree equivalency acceptable to the Board including, but not limited to: a joint venture of World Federation for Medical Education (WFME) and the Foundation for Advancement of International Medical Education and Research (FAIMER).~~ (3-26-08)(      )~~

~~i. The doctor of medicine degrees issued must be substantially equivalent to the degrees issued by acceptable medical schools located within the United States or Canada. Equivalency shall be demonstrated, in part, by original documentation of a medical curriculum of not less than thirty-two (32) months, or its equivalent, of full-time classroom instruction and supervised clinical coursework. Such clinical coursework shall be in a hospital or hospitals that, at the time of the applicant's coursework, documented its evaluation of the applicant's performance in writing as a basis for academic credit by the medical school; (3-26-08)~~

~~ii. The medical school's admission requirements, including undergraduate academic subject requirements, entrance examination scores, and core curriculum are substantially equivalent to medical schools located within the United States or Canada; (3-26-08)~~

~~iii. The medical school has adequate learning facilities, class attendance, medical instruction, and clinical rotations consistent with quality medical education. (3-26-08)~~

~~iv. The medical school has not been disapproved or has its authorization, accreditation, certification, licensure, or approval denied or removed by any state, country or territorial jurisdiction; and (3-26-08)~~

~~v. The medical school does not issue diplomas, confer degrees or allow graduation based on Internet or on line courses inconsistent with quality medical education. (3-26-08)~~

~~b. An international medical school, as listed in the World Health Organization Directory of Medical Schools, which issued its first doctor of medicine degree more than fifteen (15) years prior to an application for licensure, may, in the Board's discretion, be required to provide original documented evidence of degree equivalency acceptable to the Board. (3-26-08)~~

**052. GRADUATES OF UNAPPROVED INTERNATIONAL MEDICAL SCHOOLS LOCATED OUTSIDE OF THE UNITED STATES OR CANADA.**

In addition to meeting the requirements of Section 050 of these rules, graduates of unapproved international medical schools located outside the United States or Canada that do not meet the requirements of Section 051, 02 of these rules, shall submit to the Board an original certificate or document of three (3) of the four (4) following requirements. ~~(3-26-08)( )~~

**01. Valid ECFMG Certificate.** Hold a valid certificate issued by ECFMG. (3-26-08)

**02. Three Years of Completed Post Graduate Training.** Successful completion of three (3) years of progressive post graduate training at one (1) training program accredited for internship, residency or fellowship training in an ACGME or AOA or Royal College of Physicians and Surgeons of Canada or its successor organization's approved program. ~~(3-26-08)( )~~

**03. Board Certification.** Hold current board certification by a specialty board approved by the American Board of Medical Specialties or the AOA. (3-26-08)

**04. Five Years Unrestricted Practice.** Evidence of five (5) years of unrestricted practice as a licensee of any United States or Canadian jurisdiction. (3-26-08)

**053. LICENSURE BY ENDORSEMENT.**

An applicant, in good standing with no restrictions upon or actions taken against his license to practice medicine and surgery in a state, territory or district of the United States or Canada is eligible for licensure by endorsement to practice medicine in Idaho. An applicant with any disciplinary action, whether including past, pending, public or confidential, by any board of medicine, licensing authority, medical society, professional society, hospital, medical school or institution staff in any state, territory, district or country is not eligible for licensure by endorsement. An applicant ineligible for licensure by endorsement may make a full and complete application pursuant to the requirements of Sections 050, 051, or 052 of these rules. ~~(5-8-09)( )~~

**01. Character.** An applicant is not eligible for licensure by endorsement if the Board finds the applicant has engaged in conduct prohibited by Section 54-1814, Idaho Code. (5-8-09)

**02. Residence.** No period of residence in Idaho shall be required of any applicant, however, each applicant for licensure must be legally able to work and live in the United States. Original documentation of lawful presence in the United States must be provided upon request only. The Board shall refuse licensure or renew a license if the applicant is not lawfully present in the United States. ~~(5-8-09)( )~~

**03 English Language.** Each applicant shall speak, write, read, understand and be understood in the English language. Evidence of proficiency in the English language must be provided upon request only. ~~(5-8-09)( )~~

**04. Application.** The applicant shall submit a completed written application to the Board on forms furnished by the Board with the necessary nonrefundable application fee. Any certificate or document required to be submitted to the Board that is not in the English language must be accompanied by a certified translation thereof into English. The application form shall be verified and shall require the original document itself or a certified copy thereof issued by the agency or institution and mailed or delivered directly from the source to the Board or a Board



approved credential verification service of the following: (5-8-09)

**a.** Current, valid, unrevoked, unsuspended, undisciplined license to practice medicine and surgery in a state, territory or district of the United States or Canada shall constitute prima facie evidence of graduation from an acceptable school of medicine, successful completion of the United States Medical Licensing Exam (USMLE) and completion of one (1) year of postgraduate training approved by the ACGME, AOA or Royal College of Physicians and Surgeons of Canada or its successor organization; or current board certification by a specialty board approved by the American Board of Medical Specialties or AOA; ~~(5-8-09)( )~~

~~**b.** Current board certification by a specialty board approved by the American Board of Medical Specialties or AOA;~~ ~~(5-8-09)~~

~~**c.** Five (5) years of contemporaneous active, unrestricted, clinical practice of medicine and surgery as a licensee of a state, territory or district of the United States or Canada;~~ ~~(5-8-09)~~

~~**d.** Disclosure of any ~~past or~~ current mental and/or physical condition of the applicant, ~~together with disclosure of any previous physical or mental illness~~ that may impact the applicant's ability to practice medicine;~~ ~~(5-8-09)( )~~

~~**e.** Disclosure of past or pending medical malpractice actions against the applicant within the last ten (10) years and the judgments or settlements, if any, of such claims that exceed two-hundred fifty thousand dollars (\$250,000);~~ ~~(5-8-09)( )~~

~~**f.** An unmounted photograph of the applicant, of adequate size and clarity to identify the applicant and no larger than four inches tall by three inches wide (4" x 3"), taken not more than one (1) year prior to the date of the application; and~~ (5-8-09)

~~**g.** A certified copy of a full set of the applicant's fingerprints on forms supplied by the Board that shall be forwarded to the Idaho Department of Law Enforcement and to the FBI Identification Division for the purpose of a fingerprint-based criminal history check of the Idaho central criminal database and the Federal Bureau of Investigation criminal history database.~~ (5-8-09)

**05. Affidavit.** An applicant shall provide the Board an Affidavit swearing that all the information he provides and all of his application answers are true and correct and that he is on notice that any false statement, omission, misrepresentation, or dishonest answer is a ground for denial of his application or revocation of his license. (5-8-09)

**(BREAK IN CONTINUITY OF SECTIONS)**

**078. LICENSES.**

**01. Licensure Expiration.** Each license to practice medicine shall be issued for a period of not less than one (1) year or more than five (5) years. Each license shall set forth its expiration date on the face of the certificate. Prorated fees may be assessed by the Board to bring the expiration date of the license within the next occurring license renewal period. The Board may condition the issuance of such a license for the full term upon the occurrence of events specified by the Board and the Board may extend a license for an intermediate period of time. (3-30-06)

**02. Renewal.** Each license to practice medicine may be renewed prior to its expiration date by the payment of a renewal fee to the Board and by completion of a renewal form provided by the Board. In order to be eligible for renewal, a licensee must provide a current address to the Board and must notify the Board of any change of address prior to the renewal period. Licenses not renewed by their expiration date shall be canceled. (3-30-06)

**03. Reinstatement Reactivation.** Licenses canceled for nonpayment of renewal fees may be reinstated reactivated by filing a reinstatement reactivation application on forms prescribed by the Board and upon payment of a



~~reinstatement~~ reactivation fee and applicable renewal fees for the period the license was lapsed. ~~(3-30-06)~~( )

**04. Relicensure.** Physicians whose licenses have been canceled for a period of more than five (5) years, shall be required to make application to the Board as new applicants for licensure. (3-26-08)

**079. CONTINUING MEDICAL EDUCATION (CME) REQUIRED.**

**01. Purpose.** The purpose of practice relevant CME is to enhance competence, performance, understanding of current standards of care, and patient outcomes. (5-3-03)

**02. Renewal.** Each person licensed to practice medicine and surgery or osteopathic medicine or surgery in Idaho shall complete no less than forty (40) hours of practice relevant, Category 1, CME every two (2) years. (5-3-03)

**03. Approved Programs.** All education offered by institutions or organizations accredited by the ACCME and reciprocating organizations or the AMA or AOA are considered approved. ~~(3-26-08)~~( )

**04. Verification of Compliance.** Licensees shall, at license renewal, provide a signed statement to the Board indicating compliance. The Board, in its discretion, may require such additional evidence as is necessary to verify compliance. (5-3-03)

**05. Alternate Compliance.** The Board may accept certification or recertification by a member of the American Board of Medical Specialties, the American Osteopathic Association Bureau of Professional Education, or the Royal College of Physicians and Surgeons of Canada or its successor organization in lieu of compliance with continuing education requirements during the cycle in which the certification or recertification is granted. The Board may also grant an exemption for full time participation in a residency or fellowship training at a professionally accredited institution. ~~(5-3-03)~~( )

**06. Penalties for Noncompliance.** The Board may condition, limit, suspend, or refuse to renew the license of any person whom the Board determines has failed to comply with the continuing education requirements of this chapter. (5-3-03)

**080. VOLUNTEER LICENSE.**

**01. License.** Upon completion of an application and verification of qualifications, the Board may issue a volunteer license to a physician who is retired from active practice for the purpose of providing medical service to people who, due to age, infirmity, handicap, indigence or disability, are unable to receive regular medical treatment. (3-30-06)

**02. Retired Defined.** A physician previously holding a license to practice medicine and surgery and osteopathic medicine and surgery in Idaho or another state shall be considered retired if, prior to the date of the application for a volunteer's license, he has: (3-30-06)

**a.** Surrendered or allowed his license with active status to expire with the intent of ceasing active practice for remuneration or; (3-30-06)

**b.** Converted his active license to an inactive status with the intention of ceasing to actively practice for remuneration or; (3-30-06)

**c.** Converted his license with active or inactive status to a license with retirement or similar status that proscribed the active practice of medicine. (3-30-06)

**03. Eligibility.** A physician whose license has been restricted, suspended, revoked surrendered, resigned, converted, allowed to lapse or expire as the result of disciplinary action or in lieu of disciplinary action shall not be eligible for a volunteer license. The volunteer license cannot be converted to a license with active, inactive or temporary status. (3-30-06)

**04. Application.** The application for a volunteer license shall include the requirements listed in Section 050 of these rules and: (3-30-06)

**a.** Verification that the applicant held an active license in good standing in Idaho or another state within five (5) years of the date of application for a volunteer license. (3-30-06)

**b.** The Board may at its discretion issue a volunteer license to a physician who has not held an active license in good standing for greater than five (5) years if the applicant has completed an examination acceptable to the Board that demonstrates the applicant possesses the knowledge and skills required to practice. (3-30-06)

**c.** A notarized statement from the applicant on a form prescribed by the Board, that the applicant will not provide any physician services to any person other than those permitted by the license and that the applicant will not accept any amount or form of remuneration, other than as reimbursement for the amount of actual expenses incurred as a volunteer physician, for any physician services provided under the authority of a volunteer's license. (3-30-06)

**d.** A completed *self* query of the *applicant from the* National Practitioner Databank *submitted to the Board.* (3-30-06)( )

**05. Expiration.** The volunteer license shall be valid until the expiration date printed on the license and may be renewed in accordance with these rules. (3-30-06)

**06. Discipline.** The volunteer license is subject to discipline in accordance with Section 54-1814, Idaho Code, and these rules. (3-30-06)

**(BREAK IN CONTINUITY OF SECTIONS)**

**100. FEES -- TABLE.**

**01. Fees -- Table.** Nonrefundable fees are as follows:

<b>Fees -- Table</b>	
Licensure Fee	Not more than \$600
Temporary License	Not more than \$300
<i>Reinstatement</i> <i>Reactivation</i> License Fee plus total of renewal fees not paid by applicant	Not more than \$300
Inactive License Renewal Fee	Not more than \$100
Renewal of License to Practice Medicine Fee	Not more than \$300
<i>Reactivation License Fee</i>	<i>Not more than \$200</i>
Duplicate Wallet License	Not more than \$20
Duplicate Wall License	Not more than \$50
Volunteer License Application Fee	\$0
Volunteer License Renewal Fee	\$0

(3-26-08)( )

**02. Administrative Fees for Services.** Administrative fees for services shall be billed on the basis of time and cost. (7-1-93)

**101. ADDITIONAL GROUNDS FOR SUSPENSION, REVOCATION OR DISCIPLINARY SANCTIONS.**

**01. Discipline.** In addition to the statutory grounds for medical discipline set forth in Idaho Code, Section 54-1814, every person licensed to practice medicine or registered as an ~~extern~~, intern, resident or physician assistant is subject to discipline by the Board upon any of the following grounds: (3-26-08)( )

**02. Unethical Advertising.** Advertising the practice of medicine in any unethical or unprofessional manner, includes but is not limited to: (7-1-93)

**a.** Using advertising or representations likely to deceive, defraud or harm the public. (7-1-93)

**b.** Making a false or misleading statement regarding his or her skill or the efficacy or value of the medicine, treatment or remedy prescribed by him or her at his or her direction in the treatment of any disease or other condition of the body or mind. (7-1-93)

**03. Standard of Care.** Providing health care that fails to meet the standard of health care provided by other qualified physicians in the same community or similar communities, includes but is not limited to: (7-1-93)

**a.** Being found mentally incompetent or insane by any court of competent jurisdiction. (7-1-93)

**b.** Engaging in practice or behavior that demonstrates a manifest incapacity or incompetence to practice medicine. (7-1-93)

**c.** Allowing another person or organization to use his or her license to practice medicine. (7-1-93)

**d.** Prescribing, selling, administering, distributing or giving any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug to himself or herself or to a spouse, child or stepchild. (3-19-99)

**e.** Violating any state or federal law or regulation relating to controlled substances. (7-1-93)

**f.** Directly promoting surgical procedures or laboratory tests that are unnecessary and not medically indicated. (7-1-93)

**g.** Failure to transfer pertinent and necessary medical records to another physician when requested to do so by the subject patient or by his or her legally designated representative. (7-1-93)

**h.** Failing to maintain adequate records. Adequate patient records means legible records that contain, at a minimum, subjective information, an evaluation and report of objective findings, assessment or diagnosis, and the plan of care. (3-30-06)

**i.** Engaging in a pattern of unprofessional or disruptive behavior or interaction in a health care setting that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered to a patient; provided that such behavior does not have to cause actual patient harm to be considered unprofessional or disruptive. ( )

**04. Conduct.** Engaging in any conduct that constitutes an abuse or exploitation of a patient arising out of the trust and confidence placed in the physician by the patient, includes but is not limited to: (7-1-93)

**a.** Obtaining any fee by fraud, deceit or misrepresentation. (7-1-93)

**b.** Employing abusive billing practices. (7-1-93)

**c.** Failure to transfer pertinent and necessary medical records to another physician when requested to do so by the subject patient or by his or her legally designated representative. (7-1-93)

- d. Commission of any act of sexual contact, misconduct, exploitation or intercourse with a patient or former patient or related to the licensee's practice of medicine. (7-1-93)
- i. Consent of the patient shall not be a defense. (3-19-99)
- ii. Section 101 does not apply to sexual contact between a medical care provider and the provider's spouse or a person in a domestic relationship who is also a patient. (3-19-99)
- iii. A former patient includes a patient for whom the physician has provided medical services or prescriptions within the last twelve (12) months. (3-19-99)
- iv. Sexual or romantic relationships with former patients beyond that period of time may also be a violation if the physician uses or exploits the trust, knowledge, emotions or influence derived from the prior professional relationship with the patient. (3-19-99)
- e. Accepting any reimbursement for service, beyond actual expenses, while providing physician services under a volunteer license. (3-30-06)
- f. Interfering with an investigation or disciplinary proceeding by willful misrepresentation of facts or by use of threats or harassment against any patient, Board or Committee on Professional Discipline member, Board staff, hearing officer or witness in an attempt to influence the outcome of a disciplinary proceeding, investigation or other legal action. (3-30-06)
- g. Failure to obey state and local laws and rules governing the practice of medicine. (3-26-08)
- h. Failure to be lawfully present in the United States. (3-26-08)

102. -- ~~999~~150. (RESERVED)

**151. DEFINITIONS RELATING TO SUPERVISING AND DIRECTING PHYSICIANS.**

**01. Alternate Directing Physician.** A designated Idaho licensed physician, registered with the Board pursuant to this chapter and Title 54, Chapter 39, Idaho Code, who oversees the practice of athletic training and is responsible for the athletic training services provided by the athletic trainer in the temporary absence of the directing physician. ( )

**02. Alternate Supervising Physician.** An Idaho licensed physician who is registered with the Board pursuant to this chapter and who has full responsibility for the medical acts and practice of a physician assistant or graduate physician assistant in the temporary absence of the supervising physician. ( )

**03. Alternate Supervising Physician for Interns and Residents.** A physician licensed to practice medicine or licensed to practice osteopathic medicine in Idaho who has been designated by the supervising physician and approved by and registered by the Board to supervise the intern or resident in the temporary absence of the supervising physician. ( )

**04. Alternate Supervising Physician of Medical Personnel.** An Idaho licensed physician who is registered with the Board pursuant to this chapter, who supervises and has full responsibility for cosmetic treatments using prescriptive medical/cosmetic devices and/or products provided by medical personnel in the temporary absence of the supervising physician. ( )

**05. Athletic Trainer.** A person who has met the qualifications for licensure as set forth in Title 54, Chapter 39, Idaho Code, is licensed under that chapter, and carries out the practice of athletic training under the direction of a designated Idaho licensed physician, registered with the Board. ( )

**06. Board.** The Idaho State Board of Medicine established pursuant to Section 54-1805, Idaho Code. ( )

**07. Directing Physician.** A designated Idaho licensed physician, registered with the Board pursuant to this chapter and Title 54, Chapter 39, Idaho Code, who oversees the practice of athletic training and is responsible for the athletic training services provided by the athletic trainer. This chapter does not authorize the practice of medicine or any of its branches by a person not so licensed by the Board. ( )

**08. Graduate Physician Assistant.** A person who is a graduate of an approved program for the education and training of physician assistants and who meets all the requirements in IDAPA 22.01.03, "Rules for the Licensure of Physician Assistants" for Idaho licensure but has not yet taken and passed the certification examination, and who has been authorized by the Board, as defined in IDAPA 22.01.03, Subsection 036.01, of these rules to render patient services under the direction of a supervising physician for a period of six (6) months or has passed the certification examination but who has not yet obtained a college baccalaureate degree, and who has been authorized by the Board, as defined in IDAPA 22.01.03, Subsection 036.02, to render patient services under the direction of a supervising physician for a period of not more than five (5) years. ( )

**09. Intern.** Any person who has completed a course of study at an acceptable school of medicine as defined in Subsection 010.01 or 010.02 of these rules, and who is enrolled in a postgraduate medical training program. ( )

**10. Medical Personnel.** An individual who provides cosmetic treatments using prescriptive medical/cosmetic devices and products that are exclusively non-incisive or non-ablative under the direction and supervision of a supervising physician registered with the Board, pursuant to the applicable Idaho statutes and the applicable rules promulgated by the Board. ( )

**11. Physician.** A physician who holds a current active license issued by the Board to practice medicine or osteopathic medicine in Idaho and is in good standing with no restrictions upon or actions taken against his license. ( )

**12. Physician Assistant.** Any person duly licensed with the Board as a physician assistant to render patient services under the direction of a supervising physician registered with the Board, pursuant to the applicable Idaho statutes and the applicable rules promulgated by the Board. ( )

**13. Resident.** Any person who has completed a course of study at an acceptable school of medicine as defined in Subsection 010.01 or 010.02 of these rules, and who is enrolled in a postgraduate medical training program. ( )

**14. Supervising Physician.** Any physician who is registered with the Board pursuant to this chapter and who supervises and has responsibility for the medical acts of and patient services provided by a physician assistant or graduate physician assistant. ( )

**15. Supervising Physician of Interns or Residents.** Any person approved by and registered with the Board who is licensed to practice medicine and surgery or osteopathic medicine and surgery in Idaho, who signs the application for registration of an intern or resident, and who is responsible for the direction and supervision of their activities. ( )

**16. Supervising Physician of Medical Personnel.** An Idaho licensed physician who is registered with the Board pursuant to this chapter, who supervises and has full responsibility for cosmetic treatments using prescriptive medical/cosmetic devices and products provided by medical personnel. ( )

**152. – 160. (RESERVED)**

**161. DUTIES OF DIRECTING PHYSICIANS.**

**01. Responsibilities.** The directing physician accepts full responsibility for the acts and athletic training services provided by the athletic trainer and oversees the practice of athletic training of the athletic trainer, and for the supervision of such acts which shall include, but are not limited to: ( )

**a.** An on-site visit at least semiannually to personally observe the quality of athletic training services provided; and ( )

**b.** Recording of a periodic review of a representative sample of the records, including, but not limited to, records made from the past six (6) months of the review to evaluate the athletic training services that were provided. ( )

**02.** Scope of Practice. The directing physician shall ensure the scope of practice of the athletic trainer, as set forth in IDAPA 22.01.10, "Rules for the Licensure of Athletic Trainers to Practice in Idaho," and Section 54-3903, Idaho Code, shall be limited to and consistent with the scope of practice of the directing physician and exclude any independent practice of athletic training by an athletic trainer. ( )

**03.** Directing Responsibility. The responsibilities and duties of a directing physician may not be transferred to a business entity, professional corporation, or partnership, nor may they be assigned to another physician without prior notification and Board approval. ( )

**04.** Available Supervision. The directing physician shall oversee the activities of the athletic trainer and must be available either in person or by telephone to supervise, direct, and counsel the athletic trainer. The scope and nature of the direction of the athletic trainer shall be outlined in an athletic training service plan or protocol, as set forth in IDAPA 22.01.10, "Rules for the Licensure of Athletic Trainers to Practice in Idaho," Section 013. ( )

**05.** Disclosure. It shall be the responsibility of each directing physician to ensure that each athlete who receives athletic training services is aware of the fact that said person is not a licensed physician. This disclosure requirement can be fulfilled by the use of name tags, correspondence, oral statements, office signs, or such other procedures that under the involved circumstances adequately advise the athlete of the education and training of the person rendering athletic training services. ( )

**06.** On-Site Review. The Board, by and through its designated agents, is authorized to conduct on-site reviews of the activities of the directing physicians at the locations and facilities in which the athletic trainer practices at such times as the Board deems necessary. ( )

**162. DUTIES OF SUPERVISING PHYSICIANS.**

**01.** Responsibilities. The supervising physician accepts full responsibility for the medical acts of and patient services provided by physician assistants and graduate physician assistants and for the supervision of such acts which shall include, but are not limited to: ( )

**a.** An on-site visit at least monthly to personally observe the quality of care provided; ( )

**b.** A periodic review of a representative sample of medical records to evaluate the medical services that are provided. When applicable, this review shall also include an evaluation of adherence to the delegation of services agreement between the physician and physician assistant or graduate physician assistant; and ( )

**c.** Regularly scheduled conferences between the supervising physician and such licensees. ( )

**02.** Pre-Signed Prescriptions. The supervising physician shall not utilize or authorize the physician assistant to use any pre-signed prescriptions. ( )

**03.** Supervisory Responsibility. A supervising physician or alternate supervising physician shall not supervise more than three (3) physician assistants or graduate physician assistants contemporaneously. The Board, however, may authorize a supervising physician or alternate supervising physician to supervise a total of six (6) such licensees contemporaneously if necessary to provide adequate medical care and upon prior petition documenting adequate safeguards to protect the public health and safety. The responsibilities and duties of a supervising physician may not be transferred to a business entity, professional corporation, or partnership, nor may they be assigned to another physician without prior notification and Board approval. ( )

**04.** Available Supervision. The supervising physician shall oversee the activities of the physician ( )

assistant or graduate physician assistant, and must always be available either in person or by telephone to supervise, direct, and counsel such licensees. The scope and nature of the supervision of the physician assistant and graduate physician assistant shall be outlined in a delegation of services agreement, as set forth in IDAPA 22.01.03, "Rules for the Licensure of Physician Assistants," Subsection 030.04. ( )

**05. Disclosure.** It shall be the responsibility of each supervising physician to ensure that each patient who receives the services of a physician assistant or graduate physician assistant is aware of the fact that said person is not a licensed physician. This disclosure requirement can be fulfilled by the use of nametags, correspondence, oral statements, office signs, or such other procedures that under the involved circumstances adequately advise the patient of the education and training of the person rendering medical services. ( )

**163. ON-SITE REVIEW.**

The Board, by and through its designated agents, is authorized to conduct on-site reviews of the activities of the supervising physicians at the locations and facilities in which the physician assistant or graduate physician assistant practices at such times as the Board deems necessary. ( )

**164. DUTIES OF SUPERVISING PHYSICIANS OF INTERNS AND RESIDENTS.**

**01. Responsibilities.** The supervising physician is responsible for the direction and supervision of the medical acts and patient services provided by an intern or resident. The direction and supervision of such activities shall include, but are not limited to: ( )

- a.** An on-site visit at least monthly to personally observe the quality of care provided; ( )
- b.** Recording of a periodic review of a representative sample of medical records to evaluate the medical services that are provided; and ( )
- c.** Regularly scheduled conferences between the supervising physician and the intern or resident. ( )

**02. Available Supervision.** The supervising physician shall oversee the activities of the intern or resident, and must always be available either in person or by telephone to supervise, direct and counsel the intern or resident. ( )

**03. Disclosure.** It shall be the responsibility of each supervising physician to ensure that each patient who receives the services of an intern or resident is aware of the fact that said person is not a licensed physician. This disclosure requirement can be fulfilled by the use of nametags, correspondence, oral statements, office signs, or such other procedures that under the involved circumstances adequately advise the patient of the education and training of the person rendering medical services. ( )

**04. On-Site Review.** The Board, by and through its designated agents, is authorized to conduct on-site reviews of the activities of the supervising physicians at the locations and facilities in which the intern or resident practices at such times as the Board deems necessary. ( )

**165. SUPERVISING PHYSICIANS OF MEDICAL PERSONNEL.**

Prescriptive medical/cosmetic devices and products penetrate and alter human tissue and can result in complications such as visual impairment, blindness, inflammation, burns, scarring, hypopigmentation, and hyperpigmentation. Cosmetic treatments using such prescriptive medical/cosmetic devices and products is the practice of medicine as defined in Section 54-1803(1), Idaho Code. This chapter does not authorize the practice of medicine or any of its branches by a person not so licensed by the Board. ( )

- 01. Definitions.** ( )
  - a.** Ablative. Ablative is the separation, eradication, removal, or destruction of human tissue. ( )
  - b.** Incisive. Incisive is the power and quality of cutting of human tissue. ( )



c. Cosmetic Treatment. An aesthetic treatment prescribed by a physician for a patient that uses prescriptive medical/cosmetic devices and products to alter human tissue. ( )

d. Prescriptive Medical/Cosmetic Device. A federal food and drug administration approved prescriptive device that uses waveform energy including, but not limited to, intense pulsed light or lasers, to cosmetically alter human tissue. ( )

e. Prescriptive Medical/Cosmetic Product. A federal food and drug administration approved prescriptive product whose primary intended use of the product is achieved through chemical action and cosmetically alters human tissue including, but not limited to, filler substances such as collagen or fat; lipo transfer; muscle immobilizers or sclerosing agents. ( )

**02. Duties and Responsibilities of Supervising Physicians.** The supervising physician accepts full responsibility for cosmetic treatments provided by medical personnel using prescriptive medical/cosmetic devices and products and for the supervision of such treatments. The supervising physician shall be trained in the safety and use of prescriptive medical/cosmetic devices and products. ( )

a. Patient Record. The supervising physician must document an adequate legible patient record of his evaluation and assessment of the patient prior to a cosmetic treatment. An adequate patient record must contain, at minimum, subjective information, an evaluation and report of objective findings, assessment or diagnosis, and the plan of care including, but not limited to, a prescription for prescriptive medical/cosmetic devices and products. ( )

b. Supervisory Responsibility. A supervising physician or alternate supervising physician of medical personnel shall not supervise more than three (3) such medical personnel contemporaneously. The Board, however, may authorize a supervising physician or alternate supervising physician to supervise a total of six (6) such medical personnel contemporaneously if necessary to provide adequate cosmetic treatments and upon prior petition documenting adequate safeguards to protect the public health and safety. The responsibilities and duties of a supervising physician may not be transferred to a business entity, professional corporation or partnership, nor may they be assigned to another physician without prior notification and Board approval ( )

c. Available Supervision. The supervising physician shall be on-site or immediately available to respond promptly to any questions or problems that may occur while a cosmetic treatment is being performed by medical personnel using prescriptive medical/cosmetic devices and products. Such supervision shall include, but is not limited to: ( )

i. Periodic review of the medical records to evaluate the cosmetic treatments that are provided by such medical personnel including any adverse outcomes or changes in the treatment protocol; and ( )

ii. Regularly scheduled conferences between the supervising physician and such medical personnel. ( )

d. Scope of Cosmetic Treatments. Medical personnel providing cosmetic treatments are limited to using prescriptive medical/cosmetic devices and products that are exclusively non-incisive and non-ablative. The supervising physician shall ensure cosmetic treatments using prescriptive medical/cosmetic devices and products provided by medical personnel shall be limited to and consistent with the scope of practice of the supervising physician. The supervising physician shall ensure medical personnel shall not independently provide cosmetic treatments using prescriptive medical/cosmetic devices and products. ( )

i. The supervising physician shall ensure that, with respect to each procedure performed, the medical personnel possess the proper training in cutaneous medicine, the indications for the prescribed treatment, and the pre- and post-procedure care involved; and ( )

ii. The supervising physician shall prepare a written protocol for medical personnel to follow when using prescriptive medical/cosmetic devices and products. The supervising physician is responsible for ensuring that the medical personnel use prescriptive medical/cosmetic devices and products only in accordance with the written protocol and do not exercise independent judgment when using prescriptive medical/cosmetic devices and products. ( )



- ( )
- e.** Training Requirements. Medical personnel who provide cosmetic treatments using prescriptive medical/cosmetic devices and products must have training and be certified by their supervising physicians on each device or product they will use. The training on each device or product must include the following: ( )
- i.** Physics and safety of the prescriptive medical/cosmetic devices and products; ( )
  - ii.** Basic principle of the planned procedure and treatment; ( )
  - iii.** Clinical application of the prescriptive medical/cosmetic devices and products including, but not limited to, wavelengths to be used with intense pulsed light/lasers; ( )
  - iv.** Indications and contraindications for the use of the prescriptive medical/cosmetic devices and products; ( )
  - v.** Pre-procedure and post-procedure care; ( )
  - vi.** Recognition and acute management of complications that may result from the procedure or treatment; and ( )
  - vii.** Infectious disease control procedures required for each treatment. ( )
  - viii.** The supervising physician shall assure compliance with the training and reporting requirements of this rule. ( )
  - ix.** The supervising physician shall submit verification of training upon the Medical Personnel Supervising Physician Registration form provided by the Board, to the Board for approval prior to the provision of cosmetic treatments using prescriptive medical/cosmetic devices and products by medical personnel. The Board may require the supervising physician to provide additional written information, which may include his affidavit attesting to the medical personnel's qualifications and clinical abilities to perform cosmetic treatments using prescriptive medical/cosmetic devices and products. The Medical Personnel Supervising Physician Registration Form shall be sent to the Board and must be maintained on file at each practice location and at the address of record of the supervising physician. The Board may require such changes as needed to achieve compliance with this chapter and Title 54, Chapter 18, Idaho Code, and to safeguard the public. ( )
- f.** Disclosure. It shall be the responsibility of each supervising physician to ensure that every patient receiving a cosmetic treatment using prescriptive medical/cosmetic devices and products by such medical personnel is aware of the fact that such medical personnel are not licensed physicians. This disclosure requirement can be fulfilled by the use of name tags, correspondence, oral statements, office signs, or such other procedures that under the involved circumstances adequately advise the patient of the education and training of the medical personnel rendering such cosmetic treatments. ( )
- g.** On-Site Review. The Board, by and through its designated agents, is authorized to conduct on-site reviews of the activities of the supervising physicians at the locations and facilities in which medical personnel provide cosmetic treatments using prescriptive medical/cosmetic devices and products at such times as the Board deems necessary. ( )
- h.** Patient Complaints. The supervising physician shall report to the Board of Medicine all patient complaints received against medical personnel that relate to the quality and nature of cosmetic treatments rendered. ( )
- i.** Duties and Responsibilities Nontransferable. The responsibilities and duties of a supervising physician may not be transferred to a business entity, professional corporation, or partnership, nor may they be assigned to another physician or person. ( )

**166 -- 200. (RESERVED)**

**201. REGISTRATION BY SUPERVISING AND DIRECTING PHYSICIANS.**

**01. Registration and Renewal.** Each supervising, directing, and alternate physician must register with the Board and such registration shall be renewed annually. ( )

**02. Notification.** The supervising and directing physician must notify the Board of any change in the status of any physician assistant, graduate physician assistant, athletic trainer, or medical personnel for whom he is responsible, including, but not limited to, changes in location, duties, responsibilities, or supervision, or termination of employment within thirty (30) days of such event. ( )

**202. DISCIPLINARY ACTION.**

Every person registered as a supervising, directing, or alternate physician in this state is subject to discipline by the Board pursuant to the procedures and powers set forth in Section 54-1806A, Idaho Code, for violation of these rules or upon any of the grounds set forth in Section 54-1814, Idaho Code. ( )

**203. -- 239. (RESERVED)**

**240. FEES.**

Necessary fees shall accompany applications for registration and shall not be refundable. ( )

**01. Supervising Physician Registration Fee.** The fee for supervising physician registration will be not more than fifty dollars (\$50) and the annual renewal fee will be not more than twenty-five dollars (\$25); provided however, alternate supervising physicians shall not be required to pay an annual renewal fee. ( )

**02. Directing Physician Registration Fee.** The fee for directing physician registration will be not more than fifty dollars (\$50) and the annual renewal fee will be not more than twenty-five dollars (\$25); provided however, alternate directing physicians shall not be required to pay an annual renewal fee. ( )

**241. (RESERVED)**

**242. DEFINITIONS RELATED TO INTERNS AND RESIDENTS.**

**01. Acceptable Training Program.** A medical training program or course of medical study that has been approved by the Liaison Committee for Medical Education (LCME), Council on Medical Education or Commission on Osteopathic College Accreditation (COCA) of the American Osteopathic Association (AOA). ( )

**02. Acceptable Post Graduate Training Program.** A post graduate medical training program or course of medical study that has been approved by the Accreditation Council for Graduate Medical Education (ACGME) or American Osteopathic Association (AOA). ( )

**03. Intern or Resident.** Any person who has completed a course of study at an acceptable school of medicine as defined in Subsection 010.01 or 010.02 of these rules, but is not yet licensed to practice medicine and who is enrolled in an acceptable postgraduate medical training program. ( )

**243. REQUIREMENTS FOR REGISTRATION OF INTERNS AND RESIDENTS.**

**01. Residence.** No period of residence in Idaho shall be required of any applicant, however, each applicant for registration must be legally able to work and live in the United States. Original documentation of lawful presence in the United States must be provided upon request only. The Board shall refuse to issue a registration or renew a registration if the applicant is not lawfully present in the United States. ( )

**02. English Language.** Each applicant shall speak, write, read, understand, and be understood in the English language. Evidence of proficiency in the English language must be provided upon request. ( )

**03. Application.** Each intern or resident intending to commence activities in the state of Idaho that may involve activities constituting the practice of medicine, must submit a completed registration application to the Board

on forms furnished by the Board and be issued a registration certificate prior to the commencement of any such activities. Any diploma or other document required to be submitted to the Board that is not in the English language must be accompanied by a certified translation thereof into English. The application form shall be verified and shall require the following information: ( )

a. Personal identification information and the educational background of the intern or resident including his medical school education and any postgraduate training programs; ( )

b. The disclosure of any criminal convictions, criminal charges, medical disciplinary actions or medical malpractice actions, whatever the outcome, naming the intern or resident; ( )

c. A complete description of the program or course of study in the acceptable post graduate training program the applicant intends to follow, including documentation of the liability coverage to be provided to the applicant; ( )

d. The name and address of the supervising physician and alternate supervising physician and the location of the program or course of study; ( )

e. The signature by the supervising physician and alternate supervising physician by which they acknowledge and accept responsibility for the activities of the intern or resident; ( )

f. Original documentation confirming ECFMG certification of the international medical graduate; ( )

g. A copy of the applicant's birth certificate or current passport; and ( )

h. Such other information as the Board deems relevant in reviewing the registration application. ( )

**244. GENERAL PROVISIONS FOR REGISTRATION.**

**01. Character.** The Board may refuse to issue or renew registration if it finds that the applicant has engaged in conduct prohibited by Section 54-1814, Idaho Code; provided the Board shall take into consideration the rehabilitation of the applicant and other mitigating circumstances. ( )

**02. No Action on Application.** An application upon which the applicant takes no further action will be held for no longer than one (1) year. ( )

**03. Registration Certificate.** Upon approval of the registration application, the Board may issue a registration certificate that shall set forth the period during which the registrant may engage in activities that may involve the practice of medicine. Each registration shall be issued for a period of not less than one (1) year and shall set forth its expiration date on the face of the certificate. Each registration shall identify the supervising physician and alternate supervising physician. Each registrant shall notify the Board in writing of any change of the supervising physician, alternate supervising physician or the program or course of study fourteen (14) days prior to any such change. If the Board deems the intern or resident qualified, and if the course study requires, the Board may additionally certify on the registration certificate that the intern or resident is qualified to write prescriptions for Class III through Class V scheduled medications. ( )

**04. Termination of Registration.** The registration of an intern or resident may be terminated, suspended, or made conditional by the Board on the grounds set forth in Section 54-1814, Idaho Code, and under the procedures set forth in Section 54-1806A, Idaho Code. ( )

**05. Annual Renewal of Registration.** Each registration shall be renewed annually prior to its expiration date. Any registration not renewed by its expiration date shall be canceled. ( )

**06. Notification of Change.** Each registrant shall notify the Board in writing of any adverse action or termination, whatever the outcome, from any post graduate training program and any name changes within fourteen

(14) days of such event. ( )

**07. Disclosure.** It shall be the responsibility of each registrant to ensure that every patient is aware of the fact that such intern and resident is currently enrolled in a post graduate training program and under the supervision of a licensed physician. This disclosure requirement can be fulfilled by the use of name tags, correspondence, oral statements, or such other procedures that under the circumstances adequately advise the patient of the education and training of the intern and resident. ( )

**245. FEES.**

**01. Registration Fee.** The nonrefundable registration issuance fee shall be no more than twenty-five dollars (\$25). ( )

**02. Registration Annual Renewal Fee.** The nonrefundable registration annual renewal fee shall be no more than twenty-five dollars (\$25). ( )

**03. Other.** Administrative fees for services, including photocopying and review of records shall be billed on the basis of time and charges. ( )

**246. -- 999. (RESERVED)**

## **IDAPA 22 – BOARD OF MEDICINE**

### **22.01.02 – RULES OF THE BOARD OF MEDICINE FOR THE REGISTRATION OF EXTERNS, INTERNS, AND RESIDENTS**

#### **DOCKET NO. 22-0102-1801 (CHAPTER REPEAL)**

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

**AUTHORITY:** In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency initiated proposed rulemaking procedures to repeal a rule. The action is authorized pursuant to Section 54-1806(2), Idaho Code.

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

**PUBLIC HEARING**  
**Thursday, December 6, 2018 – 3:00 p.m. to 5:00 p.m.**

**345 W. Bobwhite Court, Suite 150**  
**Idaho State Board of Medicine**  
**Boise, Idaho 83706**

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Board of Medicine is promoting regulatory reform by streamlining and combining its rules and reducing obstacles to licensure and practice. The purpose of this proposed rulemaking is to combine all provisions which apply to licensure and registration of physicians into IDAPA 22.01.01, Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine in Idaho. The provisions from IDAPA 22.01.02 relating to the registration of externs, interns, and residents will be merged into a IDAPA 22.01.01 to consolidate physician licensure and registration provisions. As a result, IDAPA 22.01.02 will be repealed.

**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 resulting from this rulemaking: N/A

The Board of Medicine is a dedicated funds agency, and therefore, there will be no fiscal impact to the state general fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was conducted with interested parties, including the state association, and such negotiations shall continue through the comment period and hearing.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rules, contact Anne K. Lawler, Executive Director, (208) 327-7000. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before December 6, 2018.

Dated this 4th day of October, 2018.

Anne K. Lawler, JD, RN, Executive Director  
Phone: (208) 327-7000  
Fax: (208) 327-7005

Idaho State Board of Medicine  
345 W. Bobwhite Court, Suite 150  
Boise, Idaho 83706

**IDAPA 22.01.02 IS BEING REPEALED IN ITS ENTIRETY**

## IDAPA 22 – BOARD OF MEDICINE

### 22.01.03 – RULES FOR THE LICENSURE OF PHYSICIAN ASSISTANTS

DOCKET NO. 22-0103-1801

#### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1806(2), Idaho Code.

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

**PUBLIC HEARING**  
**Thursday, December 6, 2018 – 3:00 p.m. to 5:00 p.m.**

**345 W. Bobwhite Court, Suite 150**  
**Idaho State Board of Medicine**  
**Boise, Idaho 83706**

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

The purpose of this proposed rulemaking is to update and clarify the Board's rules regarding physician assistant licensure and practice, and to ensure that the physician assistant licensure rules are consistent with the Medical Practice Act. These rules update definitions and delete unnecessary and duplicative provisions. In addition, these rules add a physician assistant member and a public member to the Physician Assistant Advisory Committee and delete registration for physician assistant trainees.

**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 resulting from this rulemaking: N/A

The Board of Medicine is a dedicated funds agency, and therefore, there will be no fiscal impact to the state general fund. This rule eliminates registration of physician assistant trainees, which will reduce the Board's annual income by approximately \$1,700.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was conducted with interested parties, including the state association, and such negotiations shall continue through the comment period and hearing.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rules, contact Anne K. Lawler, Executive Director, (208) 327-7000. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before December 6, 2018.

Dated this 4th day of October, 2018.

Anne K. Lawler, JD, RN, Executive Director  
Phone: (208) 327-7000  
Fax: (208) 327-7005

Idaho State Board of Medicine  
345 W. Bobwhite Court, Suite 150  
Boise, Idaho 83706

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 22-0103-1801**  
**(Only Those Sections With Amendments Are Shown.)**

**000. LEGAL AUTHORITY.**

Pursuant to Section 54-1806(2), Idaho Code, the Idaho State Board of Medicine is authorized to promulgate rules to govern activities of persons licensed under these rules to practice as physician assistants and graduate physician assistants under the supervision of persons licensed to practice medicine ~~and surgery~~ or osteopathic medicine ~~and surgery~~ in Idaho. (3-16-04)( )

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 22.01.03, "Rules for the Licensure of Physician Assistants." (3-19-99)

**02. Scope.** Pursuant to Idaho Code, Section 54-1807A(21), physician assistants and graduate physician assistants must be licensed with the Board prior to commencement of activities. (3-16-04)( )

**002. WRITTEN INTERPRETATIONS.**

~~Written interpretations of these rules in the form of explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules and review of comments submitted in the rulemaking process in the adoption of these rules are available for review and copying at cost from the~~ In accordance with Title 67, Chapter 52, Idaho Code, this agency may have written statements that pertain to the interpretation of, or to compliance with the rules of this chapter. Any such documents are available for public inspection and copying at cost at the Board of Medicine, ~~1755 Westgate Drive, Suite 140, P.O. Box 83720, Boise, Idaho 83720-0058~~ office. (3-16-04)( )

**003. ADMINISTRATIVE APPEAL.**

All contested cases shall be governed by the provisions of IDAPA 04.11.01, "Idaho Rules of Administrative Procedures of the Attorney General" ~~and IDAPA 22.01.07, "Rules of Practice and Procedure of the Board of Medicine."~~ (3-15-02)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**010. DEFINITIONS.**

**01. Alternate Supervising Physician.** A physician registered with the Board, as set forth in IDAPA 22.01.04, "Rules of the Board of Medicine for Registration of Supervising and Directing Physicians," under an agreement as defined in these rules, who is responsible for supervising the physician assistant or graduate physician assistant in the temporary absence of the supervising physician. ~~The alternate supervising physician shall accept full medical responsibility for the performance, practice, and activities of such licensee being supervised. An alternate supervising physician shall not supervise more than three (3) physician assistants or graduate physician assistants contemporaneously. The Board, however, may authorize an alternate supervising physician to supervise a total of six (6) such licensees contemporaneously if necessary to provide adequate medical care and upon prior petition documenting adequate safeguards to protect the public health and safety.~~ (3-16-04)( )

**02. Approved Program.** A course of study for the education and training of physician assistants that is accredited by the Accreditation Review Commission on Education for Physician Assistants (ARC-PA) or predecessor agency or equivalent agency recognized by the Board as recommended by the Committee. (3-29-17)

**03. Board.** The Idaho State Board of Medicine established pursuant to Section 54-1805, Idaho Code. (3-16-04)

**04. Delegation of Services (DOS) Agreement.** A written document mutually agreed upon and signed and dated by the licensed physician assistant or graduate physician assistant and supervising and alternate supervising physician that defines the working relationship and delegation of duties between the supervising physician and the licensee as specified by Board rule. The Board shall review the written delegation of services agreement and may review job descriptions, policy statements, or other documents that define the responsibilities of the physician assistant or graduate physician assistant in the practice setting, and may require such changes as needed to achieve compliance with these rules, and to safeguard the public. (4-9-09)

**05. Graduate Physician Assistant.** A person who is a graduate of an approved program for the education and training of physician assistants and who meets all the requirements in this chapter for Idaho licensure, but: (3-16-04)

**a.** Has not yet taken and passed the certification examination and who has been authorized by the Board, as defined in Subsection 036.01 of these rules, to render patient services under the direction of a supervising physician for a period of six (6) months; or (3-16-04)

**b.** Has passed the certification examination but who has not yet obtained a college baccalaureate degree and who has been authorized by the Board, as defined in Subsection 036.02 of these rules, to render patient services under the direction of a supervising physician for a period of not more than five (5) years. (3-16-04)

**06. Physician.** A physician who holds a current active license issued by the Board to practice medicine ~~and surgery~~ or osteopathic medicine ~~and surgery~~ in Idaho and is in good standing with no restrictions upon or actions taken against his license. (3-16-04)( )

**07. Physician Assistant.** A person who is a graduate of an approved physician assistant training program and who is qualified by specialized education, training, experience and personal character, as defined required in Section 021 of these rules, and who has been licensed by the Board to render patient services under the direction of a supervising and alternate supervising physician. (4-9-09)( )

~~**08. Physician Assistant Trainee.** A person who is undergoing training at an approved program as a physician assistant and registered with the Board. (3-16-04)~~

~~**09. Supervision.** The direction and oversight of the activities of and patient services provided by a physician assistant or graduate physician assistant by a supervising physician or alternate supervising physician who accepts full medical responsibility with respect thereto. The constant physical presence of the supervising or alternate supervising physician is not required as long as the supervisor and such licensee are or can be easily in contact with one another by radio, telephone, or other telecommunication device. The scope and nature of the supervision shall be outlined in a delegation of services agreement, as defined in Subsection 030.04 of these rules. (3-29-17)~~

~~**10. Supervising Physician.** A physician registered by the Board, as set forth in IDAPA 22.01.04, "Rules of the Board of Medicine for Registration of Supervising and Directing Physicians," and under an agreement as defined in Subsection 030.04 of these rules, who is responsible for the direction and supervision of the activities of and patient services provided by the physician assistant or graduate physician assistant. The supervising physician accepts full medical responsibility for the activities of and patient services provided by such licensee. A supervising physician shall not supervise more than a total of three (3) physician assistants or graduate physician assistants contemporaneously. The Board, however, may authorize a supervising physician to supervise a total of six (6) such licensees contemporaneously if necessary to provide adequate medical care and upon prior petition documenting adequate safeguards to protect the public health and safety. (3-29-17)( )~~

**011. PHYSICIAN ASSISTANT ADVISORY COMMITTEE.**  
A Physician Assistant Advisory Committee is hereby created and made a part of the Idaho State Board of Medicine, pursuant to adoption of Resolution 01-093. (3-16-04)

**01. Committee Appointments.** The Board shall appoint the members of the Physician Assistant Advisory Committee. In making appointments to the Committee, the Board shall give consideration to recommendations made by professional organizations of physician assistants and physicians. ~~If recommendations are not made within sixty (60) days of notification and request, the Board may make appointments of any qualified~~



~~individuals. In the event of a vacancy in one (1) of the positions, professional organizations may recommend, as soon as practical, at least two (2) and not more than three (3) persons to fill that vacancy. The Board shall appoint, as soon as practical, one (1) person, who shall fill the unexpired term. If such professional organizations do not provide a recommendation, the Board shall appoint a person to the unexpired term.~~ The Board may remove any Committee member for misconduct, incompetency, or neglect of duty after giving the member a written statement of the charges and an opportunity to be heard thereon. The Executive Director of the Idaho State Board of Medicine shall serve as the Executive Director to the Physician Assistant Advisory Committee. (3-16-04)(    )

**02. Makeup of Committee.** The Committee shall consist of ~~three~~ **five** (3~~5~~) members appointed by the Board. ~~Each Four (4) members shall be currently licensed as a physician assistants in Idaho and has been actively practicing as a physician assistant in Idaho for three (3) year immediately preceding appointment who are residents in this state and engaged in the active practice of medicine in this state, and one (1) member shall be a public member.~~ Members will serve a term of three (3) years and terms will be staggered. Members may serve two (2) successive terms. The Committee shall elect a chairman from its membership. The Committee shall meet as often as necessary to fulfill its responsibilities. Members will be compensated according to Section 59-509(~~hp~~), Idaho Code. (3-16-04)(    )

**03. Final Decisions.** The Committee shall have no authority to revoke licenses or impose limitations or conditions on licenses issued under this chapter and shall be authorized only to make recommendations to the Board. The Board shall make all final decisions with respect thereto. (3-16-04)

**04. Board Affiliation.** The Committee will work in the following areas in conjunction with and make recommendations to the Board and will perform such other duties and functions assigned to the Committee by the Board, including: (3-16-04)

- a. Evaluating the qualifications of applicants for licensure and registration; (3-16-04)
- b. Performing investigations of misconduct and making recommendations regarding discipline; (3-16-04)
- c. Maintaining a list of currently licensed physician assistants and graduate physician assistants in this state; and (3-16-04)
- d. Advising the Board on rule changes necessary to license and regulate physician assistants and graduate physician assistants in this state. (3-16-04)

**012. -- 019. (RESERVED)**

**020. APPLICATION.**

**01. License Applications.** All applications for licensure as physician assistants and graduate physician assistants shall be made to the Board on forms supplied by the Board and include the nonrefundable application fee. The application form shall be verified and shall require the following: (4-9-09)

- a. Certificate of graduation from an approved program as defined in Subsection 010.02 and evidence of having received a college baccalaureate degree from a nationally accredited school with a curriculum approved by the United States Secretary of Education, the Council for Higher Education Accreditation, or both, or from a school accredited by another such agency approved by the Board. (3-29-17)
- b. Proof of current certification by the National Commission on Certification of Physician Assistants or similar certifying agency approved by the Board; (3-29-17)
- c. The disclosure of any criminal charges, convictions or guilty pleas against the applicant other than minor traffic offenses; (4-9-09)
- d. The current mental and physical condition of the applicant, ~~together with disclosure of any previous physical or mental illness~~ **including any issue** that may impact the applicant's ability to render patient services as a

physician assistant or graduate physician assistant;

~~(4-9-09)~~( )

**e.** The disclosure of any past or pending medical malpractice actions against the applicant, and the judgments or settlements, if any, of such claims exceeding fifty thousand dollars (\$50,000); (4-9-09)

**f.** The disclosure of any disciplinary action by any country or state board of medicine, medical society, professional society, hospital or institution staff; (4-9-09)

**g.** The disclosure of the refusal to issue or renew a license to render patient services as a physician assistant or graduate physician assistant by any state, Canadian or foreign licensing authority; (4-9-09)

**h.** References to include one (1) letter of recommendation signed by a licensed physician who have known the applicant professionally for at least one (1) year; (4-9-09)

**i.** An unmounted photograph of the applicant, of adequate size and clarity to identify the applicant and no larger than four inches tall by three inches wide (4" x 3"), taken not more than one (1) year prior to the date of the application; (4-9-09)

**j.** A certified copy of a full set of the applicant's fingerprints on forms supplied by the board that shall be forwarded to the Idaho Department of Law Enforcement and to the FBI Identification Division for the purpose of a fingerprint-based criminal history check of the Idaho central criminal database and the Federal Bureau of Investigation criminal history database; (4-9-09)

**k.** The employment history and past practice locations of the applicant; (4-9-09)

~~**l.** Each state or country in which the applicant has applied for a license to practice as physician assistant or graduate physician assistant;~~ (4-9-09)

~~**m.** Each state or country wherein the applicant is licensed to practice as physician assistant or graduate physician assistant; and~~ (4-9-09)

~~**n.** Such other information or examinations as the Board deems necessary to identify and evaluate the applicant's credentials and competency.~~ (4-9-09)

**02. Reapplication.** If more than two (2) years have elapsed since a licensed physician assistant or graduate physician assistant has actively engaged in practice, reapplication to the Board as a new applicant is required. The Board may require evidence of an educational update and close supervision to assure safe and qualified performance. (3-16-04)

**03. Application Expiration.** An application for licensure that is not granted or license not issued within one (1) year from the date the application is received by the Board shall expire. However, the applicant may file an application to the Committee for an extension. In its discretion, the Committee may make a determination if extraordinary circumstances exist that justify extending the one (1) year time period up to an additional one (1) year. The Committee can recommend to the Board to grant the request for such extension of time. The Board shall make all final decisions with respect thereto. (3-29-17)

## **021. REQUIREMENTS FOR LICENSURE.**

**01. Residence.** No period of residence in Idaho shall be required of any applicant, however, each applicant for licensure must be legally able to work and live in the United States. Original documentation of lawful presence in the United States must be provided upon request ~~only~~. The Board shall refuse to issue a license or renew a license if the applicant is not lawfully present in the United States. ~~(4-9-09)~~( )

**02. English Language.** Each applicant shall speak, write, read, understand and be understood in the English language. Evidence of proficiency in the English language must be provided upon request ~~only~~. ~~(4-9-09)~~( )

**03. Educational Requirement.** Applicants for licensure shall have completed an approved program as

defined in Subsection 010.02 and shall provide evidence of having received a college baccalaureate degree from a nationally accredited school with a curriculum approved by the United States Secretary of Education, the Council for Higher Education Accreditation, or both, or from a school accredited by another such agency approved by the Board. (3-29-17)

**04. Certification.** Current certification by the National Commission on Certification of Physician Assistants or similar certifying agency approved by the Board. (3-29-17)

**05. Personal Interview.** The Board may at its discretion, require the applicant or the supervising physician or both to appear for a personal interview. (3-19-99)

**06. Completion of ~~Form~~ Application.** (3-16-04)

~~a.~~ If the applicant is to practice in Idaho, he must submit payment of the prescribed fee and a completed ~~form~~ application provided by the Board ~~indicating:~~ (3-16-04)( )

~~i.~~ *The applicant has completed a delegation of services agreement signed by the applicant, supervising physician and alternate supervising physicians; and* (3-16-04)

~~ii.~~ *The agreement is on file at each practice location and the address of record of the supervising physician and at the central office of the Board; or* (3-16-04)

~~b.~~ *If the applicant is not to practice in Idaho, he must submit payment of the prescribed fee and a completed form provided by the Board indicating the applicant is not practicing in Idaho and prior to practicing in Idaho, the applicant will meet the requirements of Subsections 021.06.a.i. and 021.06.a.ii.* (3-29-17)

**(BREAK IN CONTINUITY OF SECTIONS)**

**028. SCOPE OF PRACTICE.**

**01. Scope.** The scope of practice of physician assistants and graduate physician assistants shall be defined in the delegation of services and may include a broad range of diagnostic, therapeutic and health promotion and disease prevention services. (3-16-04)

**a.** The scope of practice shall include only those duties and responsibilities delegated to the licensee by their supervising and alternate supervising physician and in accordance with the delegation of services agreement and consistent with the expertise and regular scope of practice of the supervising and alternate supervising physician. (3-29-17)

**b.** The scope of practice may include prescribing, administering, and dispensing of medical devices and drugs, including the administration of a local anesthetic injected subcutaneously, digital blocks, or the application of topical anesthetics, while working under the supervision of a licensed medical physician. (3-29-17)

**c.** Physician assistants and graduate physician assistants are agents of their supervising and alternate supervising physician in the performance of all practice-related activities and patient services. (4-9-09)

**d.** A supervising physician ~~or alternate supervising physician~~ shall ~~each~~ not supervise more than a total of three (3) physician assistants or graduate physician assistants contemporaneously. ( )

~~e.~~ The Board, however, may authorize a supervising physician to supervise a total of six (6) such licensees contemporaneously if necessary to provide adequate medical care and upon prior petition documenting adequate safeguards to protect the public health and safety. ~~An alternate supervising physician shall not supervise more than three (3) physician assistants or graduate physician assistants contemporaneously. The Board, however, may authorize an alternate supervising physician to supervise a total of six (6) such licensees contemporaneously if necessary to provide adequate medical care and upon prior petition documenting adequate safeguards to protect the~~

~~public health and safety.~~

~~(3-16-04)( )~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**030. PRACTICE STANDARDS.**

**01. Identification.** The physician assistant; ~~or~~ graduate physician assistant ~~and physician assistant trainee~~ must at all times when on duty wear a placard or plate so identifying himself. ~~(3-16-04)( )~~

**02. Advertise.** No physician assistant; ~~or~~ graduate physician assistant ~~or physician assistant trainee~~ may advertise or represent himself either directly or indirectly, as a physician. ~~(3-16-04)( )~~

**03. Supervising Physician.** Each licensed physician assistant and graduate physician assistant shall have a Board-approved supervising physician prior to practice. (3-29-17)

**04. Delegation of Services Agreement.** Each licensed physician assistant and graduate physician assistant shall maintain a current copy of a Board-approved Delegation of Services (DOS) Agreement between the licensee and each of his supervising and alternate supervising physicians. The delegation of services agreement, made upon a form provided by the Board, shall include a listing of the licensee's training, experience and education, and ~~defines the~~ patient services to be delegated. It is the responsibility of the licensee and supervising physician to maintain a current delegation of services agreement. ~~All specialized procedures that need prior review and approval by the Board will be listed on the delegation of services agreement form supplied by the Board. Prior to provision, all licensees requesting to provide any of the listed services will be required to send their delegation of services agreement to the Board for approval. The Board may require the supervising physician to provide written information, which will include his affidavit attesting to the licensee's qualifications and clinical abilities to perform the specific procedures listed in the delegation of services agreement.~~ The primary supervising physician(s) must submit an affidavit attesting to the physician assistant's education, qualifications, and clinical abilities to perform specialized procedures as well as their own qualifications. This agreement shall be sent to the Board and must be maintained on file at each practice location and at the address of record of the supervising and alternate supervising physician. The Committee will review this agreement in conjunction with and make recommendations to the Board. The Board may require such changes as needed to achieve compliance with this chapter and Title 54, Chapter 18, Idaho Code, and to safeguard the public. This agreement shall include: ~~(3-29-17)( )~~

- a. Documentation of the licensee's education, training, and experience and a listing of the specific patient services that will be performed by the licensee; (4-9-09)
- b. The specific locations and facilities in which the licensee will function; and (3-16-04)
- c. The written plans and methods to be used to ensure responsible direction and control of the activities and patient services rendered by the licensee that shall provide for: (3-16-04)
  - i. An on-site visit at least monthly; (3-19-99)
  - ii. Regularly scheduled conferences between the supervising physician and the licensee; (3-16-04)
  - iii. Periodic review of a representative sample of records and a periodic review of the patient services being provided by the licensee. This review shall also include an evaluation of adherence to the delegation of services agreement; (3-16-04)
  - iv. Availability of the supervising and alternate supervising physician to the licensee in person or by telephone and procedures for providing backup and supervision in emergency situations; and (4-9-09)
  - v. Procedures for addressing situations outside the scope of practice of the licensee. (3-16-04)
- d. The drug categories or specific legend drugs and controlled drugs, Schedule II through V that will

be prescribed provided that the legend drugs and controlled drugs shall be consistent with the regular prescriptive practice of the supervising physician. (3-15-02)

**05. Notification of Change or Addition of Supervising or Alternate Supervising Physician.** A physician assistant or graduate physician assistant must notify the Board when adding, changing, or deleting a supervising physician or alternate supervising physician. Such notification shall comply with the requirements of Subsection 030.04 of this rule, and include: ~~(3-29-17)~~( )

**a.** The name, business address and telephone number of the new or additional supervising physician(s) or alternate supervising physician(s); (3-29-17)

**b.** The name, business address, and telephone number of the physician assistant or graduate physician assistant; and (3-29-17)

~~**c.** Comply with the requirements of Subsection 030.04. (3-29-17)~~

~~**d.** All supervising physicians and alternate supervising physicians must comply with the requirements of IDAPA 22-01-04, "Rules of the Board of Medicine for Registration of Supervising and Directing Physicians." (3-29-17)~~

**06. On-Site Review.** The Board, by and through its designated agents, is authorized to conduct on-site reviews of the activities of physician assistants or graduate physician assistants and the locations and facilities in which the licensees practice at such times as the Board deems necessary. (3-16-04)

**(BREAK IN CONTINUITY OF SECTIONS)**

**036. GRADUATE PHYSICIAN ASSISTANT.**

**01. Licensure Prior to Certification Examination -- Board Consideration.** Any person who has graduated from an approved physician assistant training program and meets all Idaho requirements, including achieving a college baccalaureate degree, but has not yet taken and passed the certification examination, may be considered by the Board for licensure as a graduate physician assistant for six (6) months when an application for licensure as a graduate physician assistant has been submitted to the Board on forms supplied by the Board and payment of the prescribed fee, provided: ~~(3-16-04)~~( )

~~**a.** An application for licensure as a graduate physician assistant has been submitted to the Board on forms supplied by the Board and payment of the prescribed fee. (3-16-04)~~

**ba.** The applicant shall submit to the Board, within ten (10) business days of receipt, a copy of acknowledgment of sitting for the national certification examination. The applicant shall also submit to the Board, within ten (10) business days of receipt, a copy of the national certification examination results. (4-9-09)

**eb.** After the graduate physician assistant has passed the certification examination, the Board must receive verification of national certification directly from the certifying entity. Once the verification is received by the Board, the graduate physician assistant's license will be converted to a permanent license and he may apply for prescribing authority pursuant to Section 042 of these rules. (3-16-04)

**ec.** The applicant who has failed the certification examination one (1) time, may petition the Board for a one-time extension of his graduate physician assistant license for an additional six (6) months. (3-16-04)

**ed.** If the graduate physician assistant fails to pass the certifying examination on two (2) separate occasions, the graduate physician assistant's license shall automatically be canceled upon receipt of the second failing certification examination score. (3-16-04)

**fe.** The graduate physician assistant applicant shall agree to execute an authorization for the release of

information, attached to his application as Exhibit A, authorizing the Board or its designated agents, having information relevant to the application, including but not limited to the status of the certification examination, to release such information, as necessary, to his supervising physician. (3-16-04)

**02. Licensure Prior to College Baccalaureate Degree -- Board Consideration.** Licensure as a graduate physician assistant may also be considered upon application made to the Board on forms supplied by the Board and payment of the prescribed fee when all application requirements have been met as set forth in Section 021 of these rules, except receipt of documentation of a college baccalaureate degree, provided: ~~(3-16-04)~~(\_\_\_\_)

**a.** ~~All application requirements have been met as set forth in Section 021, except receipt of documentation of a college baccalaureate degree.~~ A college baccalaureate degree from a nationally accredited school with a curriculum approved by the United States Secretary of Education, the Council for Higher Education Accreditation, or both, or from a school accredited by another such agency approved by the Board shall be completed within five (5) years of initial licensure in Idaho; ~~(3-16-04)~~(\_\_\_\_)

**b.** A personal interview with the applicant or the supervising physician or both may be required and will be conducted by a designated member of the Board; and (3-16-04)

**c.** A plan for the completion of the college baccalaureate degree shall be submitted with the application and shall be approved by the Board ~~for the completion of the college baccalaureate degree.~~ ~~(3-16-04)~~(\_\_\_\_)

**03. No Prescribing Authority.** Graduate physician assistants shall not be entitled to issue any written or oral prescriptions unless granted an exemption by the Board. Application for an exemption must be in writing and accompany documentation of a minimum of five (5) years of recent practice as a physician assistant in another state. ~~(3-29-17)~~(\_\_\_\_)

**04. Weekly Record Review.** Graduate physician assistants shall be required to have a weekly record review by their supervising physician, unless subject to an exemption as granted in Subsection 036.03. (3-29-17)

### **037. DISCIPLINARY PROCEEDINGS AND NOTIFICATION OF CHANGE.**

**01. Discipline.** Every person licensed as a physician assistant or graduate physician assistant is subject to discipline pursuant to the procedures and powers established by and set forth in Section 54-1806A, Idaho Code and the Administrative Procedures Act. (3-16-04)

**02. Grounds for Discipline.** In addition to the grounds for discipline set forth in Section 54-1814, Idaho Code and IDAPA 22.01.01, "Rules of the Board of Medicine for the Licensure to Practice Medicine ~~and Surgery~~ and Osteopathic Medicine ~~and Surgery~~ in Idaho," Section 101, persons licensed under these rules are subject to discipline upon the following grounds if that person: ~~(3-16-04)~~(\_\_\_\_)

**a.** Held himself out, or permitted another to represent him, to be a licensed physician; (3-16-04)

**b.** Had in fact performed otherwise than at the discretion and under the supervision of a physician licensed by and registered with the Board; (3-16-04)

**c.** Performed a task or tasks beyond the scope of activities allowed by Section 028 of these rules; (3-16-04)

**d.** ~~Is a habitual or excessive user of~~ Excessively or abusively uses intoxicants or drugs; ~~(3-16-04)~~(\_\_\_\_)

**e.** Demonstrated manifest incapacity to carry out the functions of a physician assistant or graduate physician assistant; (3-16-04)

**f.** Failed to have a Board-approved supervising physician prior to practice; (3-29-17)



**g.** Failed to complete or maintain a current copy of the Board-approved delegation of services agreement as specified by Section 030 of these rules; (3-29-17)

**h.** Aided or abetted a person not licensed in this state who directly or indirectly performs activities requiring a license; (3-16-04)

**i.** Failed to report to the Board any known act or omission of a licensee, applicant, or any other person, that violates any provision of these rules; or (3-16-04)

**j.** Interfered with an investigation or disciplinary proceeding by willful misrepresentation of facts or by use of threats or harassment against any patient, Board or Physician Assistant Advisory Committee, Board staff, hearing officer, or witness ~~to prevent them from providing evidence~~ in an attempt to influence the outcome of a disciplinary proceeding, investigation or other legal action. (3-16-04)(    )

**k.** Failed to submit to the Board, within ten (10) business days of receipt, a copy of acknowledgment of sitting for the national certification examination, and failed to submit a copy of the national certification examination results within ten (10) business days of receipt. (4-9-09)

**l.** Engaging in a pattern of unprofessional or disruptive behavior or interaction in a health care setting that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered to a patient; provided that such behavior does not have to cause actual patient harm to be considered unprofessional or disruptive. (    )

**03. Notification of Change or Addition of Supervising or Alternate Supervising Physician.** A physician assistant or graduate physician assistant must notify the Board prior to changing supervising physicians or alternate supervising physicians or adding an additional supervising physician. Such notification shall comply with the requirements of Subsection 030.03 of these rules, and include: (3-29-17)(    )

**a.** The name, business address and telephone of the new or additional supervising physician or alternate supervising physician(s); and (3-16-04)(    )

**b.** The name, business address, and telephone number of the physician assistant or graduate physician assistant; ~~and.~~ (3-16-04)(    )

~~**c.** Comply with the requirements of Subsection 030.03. (3-16-04)~~

~~**d.** All supervising physicians and alternate supervising physicians must comply with the requirements of IDAPA 22.01.041, "Rules of the Board of Medicine for Registration of Supervising and Directing Physicians the Licensure to Practice Medicine and Osteopathic Medicine in Idaho." (3-16-04)(    )~~

**038. -- 0401. (RESERVED)**

~~**041. PHYSICIAN ASSISTANT TRAINEE.**~~

~~**01. Registration in Training.** Any person undergoing training at an approved program as a physician assistant must register with the Board as a trainee, and must comply with the rules as set forth herein. All applications for registration shall be made to the Board on forms supplied by the Board and include payment of the prescribed fee. All registrations shall be dependent upon the length of an approved program and shall be issued for a period of not more than two (2) years. All registrations shall expire on the expiration date printed on the face of the certificate and shall become invalid after that date. All applications for an extension of not more than two (2) years of current registration as a physician assistant trainee shall be made to the Board on forms supplied by the Board and include payment of the prescribed fee. (3-16-04)~~

~~**02. Approved Program.** Notwithstanding any other provision of these rules, a trainee may perform patient services when such services are rendered within the scope of an approved program. (7-1-93)~~

~~**03. Registration Fees.** The nonrefundable fee for registration as physician assistant trainee shall be no~~

~~more than one hundred dollars (\$100). The nonrefundable fee for a one (1) time extension of a current registration as physician assistant trainee shall be no more than one hundred dollars (\$100).~~ (4-9-09) (4-9-09)

**042. PRESCRIPTION WRITING.**

**01. Approval and Authorization Required.** A physician assistant may issue written or oral prescriptions for legend drugs and controlled drugs, Schedule II through V only in accordance with approval and authorization granted by the Board and in accordance with the current delegation of services agreement and shall be consistent with the regular prescriptive practice of the supervising or alternate supervising physician. (4-9-09)

**02. Application.** A physician assistant who wishes to apply for prescription writing authority shall submit to the Board an application for such purpose on forms supplied by the Board. In addition to the information contained in the general application for physician assistant approval, the application for prescription writing authority shall include the following information: (3-16-04)

**a.** Documentation of all pharmacology course content completed, the length and whether a passing grade was achieved (at least thirty (30) hours). (7-1-93)

**b.** A statement of the frequency with which the supervising physician will review prescriptions written or issued. (3-16-04)

**c.** A signed affidavit from the supervising physician certifying that, in the opinion of the supervising physician, the physician assistant is qualified to prescribe the drugs for which the physician assistant is seeking approval and authorization. (3-16-04)

**d.** The physician assistant to be authorized to prescribe Schedule II through V drugs shall be registered with the Federal Drug Enforcement Administration and the Idaho Board of Pharmacy. (3-15-02)

**03. Prescription Forms.** Prescription forms used by the physician assistant must ~~be printed with the name, address, and telephone number of the physician assistant and of the supervising physician. A physician assistant shall not write prescriptions or complete or issue prescription blanks previously signed by any physician~~ comply with Idaho Board of Pharmacy Rule, IDAPA Section 27.01.03.302, Prescription Drug Order: Minimum Requirements. (3-16-04)( )

**04. Record Keeping.** The physician assistant shall maintain accurate records, accounting for all prescriptions issued and medication delivered. (3-16-04)

**05. Pharmaceutical Samples.** The physician assistant who has prescriptive authority may request, receive, sign for and distribute professional samples of drugs and devices in accordance with his current delegation of services agreement and consistent with the regular prescriptive practice of the supervising physician. (3-16-04)

**06. Prescriber Drug Outlet.** The physician assistant who has prescriptive authority may dispense prescriptive drugs or devices directly to patients ~~under the direction of the supervising physician and~~ in accordance with IDAPA 27.01.01, "Rules of the Idaho State Board of Pharmacy." (3-20-14)( )

**07. Controlled Substances for Office Use.** The physician assistant who has prescriptive authority may order controlled substances for office use or distribution in accordance with the regulations of the Drug Enforcement Administration and the Idaho Board of Pharmacy and under the direction of the supervising physician. (3-29-17)

**043. -- 050. (RESERVED)**

**051. FEES -- LICENSE ISSUANCE, RENEWAL, CANCELLATION AND REINSTATEMENT.**

All licenses to practice as a physician assistant or graduate physician assistant shall be issued for a period of not more than five (5) years. All licenses shall expire on the expiration date printed on the face of the certificate and shall become invalid after that date unless renewed. The Board shall collect a fee for each renewal year. The failure of any person to renew his license shall not deprive such person of the right to renewal, except as provided for herein and Title 67, Chapter 52, Idaho Code. All Fees are nonrefundable. (3-27-13)



**01. Licensure Fee.** The fee for initial licensure shall be no more than two hundred fifty dollars (\$250) for a physician assistant and graduate physician assistant. (4-9-09)

**02. License Renewal Fee.** The Board shall collect a fee of no more than one hundred fifty dollars (\$150) for each renewal year of a license. (4-9-09)

**03. License Cancellation.** (3-16-04)

**a.** Failure to renew a license to practice as a physician assistant and pay the renewal fee shall cause the license to be canceled. However, such license can be renewed up to two (2) years following cancellation by payment of past renewal fees, plus a penalty fee of fifty dollars (\$50). After two (2) years, an initial application for licensure with payment of the appropriate fee shall be filed with the Board. In addition, the Board may require evidence of an educational update and close supervision to assure safe and qualified performance. (4-9-09)

**b.** Failure to renew a license to practice as a graduate physician assistant and pay the renewal fee shall cause the license to be canceled. However, such license can be renewed up to six (6) months following cancellation by payment of the past renewal fee, plus a penalty fee of no more than one hundred dollars (\$100). After six (6) months, an original application for licensure with payment of the appropriate fee shall be filed with the Board. (4-9-09)

**04. Inactive License.** (3-16-04)

**a.** A person holding a current license issued by the Board to practice as a physician assistant may be issued, upon written application provided by the Board and payment of required fees to the Board, an inactive license on the condition that he will not engage in the provision of patient services as a physician assistant in this state. An initial inactive license fee of no more than one hundred fifty dollars (\$150) shall be collected by the Board. (3-16-04)

**b.** Inactive licenses shall be issued for a period of not more than five (5) years and such licenses shall be renewed upon payment of an inactive license renewal fee of no more than one hundred dollars (\$100) for each renewal year. The inactive license certificate shall set forth its date of expiration. (3-16-04)

**c.** An inactive license may be converted to an active license to practice as a physician assistant upon written application and payment of required conversion fees of no more than one hundred fifty dollars (\$150) to the Board. The applicant must account for the time during which an inactive license was held and document continuing competence. The Board may, in its discretion, require a personal interview to evaluate the applicant's qualifications. In addition, the Board may require evidence of an educational update and close supervision to assure safe and qualified performance. (3-16-04)

**05. Volunteer License.** (4-9-09)

**a.** License. Upon completion of an application and verification of qualifications, the Board may issue a volunteer license to a physician assistant who is retired from active practice for the purpose of providing physician assistant service to people who, due to age, infirmity, handicap, indigence or disability, are unable to receive regular medical treatment. (4-9-09)

**b.** Retired Defined. A physician assistant previously holding a license to practice as a physician assistant in Idaho or another state shall be considered retired if, prior to the date of the application for a volunteer's license, he has: (4-9-09)

**i.** Allowed his license with active status to expire with the intent of ceasing active practice as a physician assistant for remuneration; or (4-9-09)

**ii.** Converted his active license to an inactive status with the intention of ceasing to actively practice physician assistant for remuneration; or (4-9-09)

**iii.** Converted his license with active or inactive status to a license with retirement or similar status that

proscribed the active practice as a physician assistant. (4-9-09)

c. Eligibility. A physician assistant whose license has been restricted, suspended, revoked, surrendered, resigned, converted, allowed to lapse or expire as the result of disciplinary action or in lieu of disciplinary action shall not be eligible for a volunteer license. The volunteer license cannot be converted to a license with active, inactive or temporary status. (4-9-09)

d. Application. The application for a volunteer license shall include the requirements listed in Section 021 of these rules, except for the certification requirement in Subsection 021.04 of these rules. In addition, the application shall include ~~the following:~~ (3-29-17)

~~i.~~ ~~V~~erification that the applicant held an active physician assistant license in good standing in Idaho or another state within five (5) years of the date of application for a volunteer license. (4-9-09)( )

~~ii.~~ The Board may at its discretion issue a volunteer license to a physician assistant who has not held an active license in good standing for greater than five (5) years if the applicant has completed an examination acceptable to the Board that demonstrates the applicant possesses the knowledge and skills required to practice as a physician assistant. (4-9-09)

06. **Temporary Licensure Fee.** The fee for temporary licensure, which may be prorated pursuant to Section 54-1808, Idaho Code, shall be no more than one hundred eighty dollars (\$180). (3-27-13)

~~052. **EFFECTIVE DATE.**~~

~~These rules shall be effective May 5, 1982. Prescriptive privileges and further amendments effective March 24, 1989. Protocols and further amendments shall be effective after March 30, 1992. Amendments providing graduate physician's assistant registration effective April 2, 1993. (7-1-93)~~

~~053. **DELEGATION OF SERVICES AGREEMENT.**~~

~~Within one hundred twenty (120) days of the effective date of these rules, all currently licensed physician assistants and graduate physician assistants shall have a written delegation of services agreement as specified in Section 030 of these rules. (3-16-04)~~

0542. -- 999. (RESERVED)

## **IDAPA 22 – BOARD OF MEDICINE**

### **22.01.04 – RULES OF THE BOARD OF MEDICINE FOR REGISTRATION OF SUPERVISING AND DIRECTING PHYSICIANS**

**DOCKET NO. 22-0104-1801 (CHAPTER REPEAL)**

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

**AUTHORITY:** In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency initiated proposed rulemaking procedures to repeal a rule. The action is authorized pursuant to Section 54-1806(2), Idaho Code.

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

**PUBLIC HEARING**  
**Thursday, December 6, 2018 – 3:00 p.m. to 5:00 p.m.**

**345 W. Bobwhite Court, Suite 150**  
**Idaho State Board of Medicine**  
**Boise, Idaho 83706**

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Board of Medicine is promoting regulatory reform by streamlining and combining its rules and reducing obstacles to licensure and practice. The purpose of this proposed rulemaking is to combine all provisions which apply to licensure and registration of physicians into IDAPA 22.01.01, Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine in Idaho. The provisions from IDAPA 22.01.04 relating to the registration of supervising and directing physicians will be merged into IDAPA 22.01.01 to consolidate physician licensure and registration provisions. As a result, IDAPA 22.01.04 will be repealed.

**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 resulting from this rulemaking: N/A

The Board of Medicine is a dedicated funds agency, and therefore, there will be no fiscal impact to the state general fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was conducted with interested parties, including the state association, and such negotiations shall continue through the comment period and hearing.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rules, contact Anne K. Lawler, Executive Director, (208) 327-7000. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before December 6, 2018.

Dated this 4th day of October, 2018.

Anne K. Lawler, JD, RN, Executive Director  
Phone: (208) 327-7000  
Fax: (208) 327-7005

Idaho State Board of Medicine  
345 W. Bobwhite Court, Suite 150  
Boise, Idaho 83706

**IDAPA 22.01.04 IS BEING REPEALED IN ITS ENTIRETY**

## IDAPA 22 – BOARD OF MEDICINE

### 22.01.05 – GENERAL PROVISIONS OF THE BOARD OF MEDICINE

#### DOCKET NO. 22-0105-1801 (NEW CHAPTER)

#### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1806(2), Idaho Code.

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

**PUBLIC HEARING**  
**Thursday, December 6, 2018 – 3:00 p.m. to 5:00 p.m.**

**345 W. Bobwhite Court, Suite 150**  
**Idaho State Board of Medicine**  
**Boise, Idaho 83706**

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the intended proposed rulemaking and the principal issues involved:

The purpose of this proposed rulemaking is to combine the general provisions of the Board of Medicine and its allied health boards and committee into one section. The current provisions regarding complaint investigation from IDAPA 22.01.14 and telehealth practice from IDAPA 22.01.15 will be moved into this section to consolidate provisions that apply to all licensees of the Board of Medicine into one section.

**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 resulting from this rulemaking: N/A

The Board of Medicine is a dedicated funds agency, and therefore, there will be no fiscal impact to the state general fund. This rule also has no fiscal impact on the Board of Medicine funds.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was conducted with interested parties, including the state association, and such negotiations shall continue through the comment period and hearing.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rules, contact Anne K. Lawler, Executive Director, (208) 327-7000. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before December 6, 2018.

Dated this 4th day of October, 2018.

Anne K. Lawler, JD, RN, Executive Director  
Phone: (208) 327-7000  
Fax: (208) 327-7005

Idaho State Board of Medicine  
345 W. Bobwhite Court, Suite 150  
Boise, Idaho 83706

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 22-0105-1801**  
**(New Chapter)**

**IDAPA 22**  
**TITLE 01**  
**CHAPTER 05**

**22.01.05 – GENERAL PROVISIONS OF THE BOARD OF MEDICINE**

**000. LEGAL AUTHORITY.**

This chapter is adopted under the legal authority of Sections 54-1806(2), and 54-5713, Idaho Code. ( )

**001. TITLE AND SCOPE.**

The title of this chapter is IDAPA 22.01.05, “General Provisions of the Board of Medicine.” This chapter has the following scope: these rules govern general aspects of Board of Medicine operations, complaint investigation and telehealth services. ( )

**002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES.**

In accordance with Title 67, Chapter 52, Idaho Code, this agency may have written statements that pertain to the interpretation of, or to compliance with the rules of this chapter. Any such documents are available for public inspection and copying at cost at the Board of Medicine office. ( )

**003. ADMINISTRATIVE APPEAL.**

All contested cases shall be governed by the provisions of IDAPA 04.11.01, “Idaho Rules of Administrative Procedures of the Attorney General.” ( )

**004. PUBLIC RECORD ACT COMPLIANCE.**

These rules have been adopted in accordance with Title 67, Chapter 52, Idaho Code and are public records. ( )

**005. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.**

The central office of the Board of Medicine will be in Boise, Idaho. The Board's mailing address, unless otherwise indicated, will be Idaho State Board of Medicine, P.O. Box 83720, Boise, Idaho 83720-0058. The Board's street address is 345 W. Bobwhite Court, Suite 150, Boise, ID 83706. The telephone number of the Board is (208) 327-7000. The Board's facsimile (FAX) number is (208) 377-7005. The Board's office hours for filing documents are 8:00 a.m. to 5:00 p.m. ( )

**006. FILING OF DOCUMENTS – NUMBER OF COPIES.**

All original documents and one (1) electronic copy in rulemaking or contested case proceedings must be filed with the office of the Board. ( )

**007. -- 149. (RESERVED)**

**150. COMPLAINTS.**

All received complaints, related to allegations against health care providers regulated by the Board, shall be referred to the appropriate Medical Investigator (MI). ( )

**151. FORMAT FOR SUBMISSION OF COMPLAINT.**

Complaints shall be submitted in writing to the Board, and include, but not limited to, the name of the provider, the approximate date of the incident or care, the concerns regarding the incident or care, e-mail address, telephone

number, and mailing address. ( )

**152. DETERMINATION OF AUTHORITY.**

After preliminary investigation, the MI shall determine if the complaint falls within the Board’s statutory authority as defined in the appropriate practice act and rules. Questions related to jurisdiction shall be referred to the Executive Director and/or Board Counsel. ( )

**01. Outside Statutory Authority.** If the complaint falls outside of the Board’s statutory authority, the MI shall notify the complainant in writing and may offer referral to an appropriate agency, if indicated. The Board shall maintain a copy of the complaint, response, and the preliminary investigation file for a period of one (1) year. Each complaint determined to be outside the Board’s statutory authority shall be reviewed by the Committee on Professional Discipline at its next scheduled meeting. ( )

**02. Within Statutory Authority.** If the complaint falls within the Board’s authority, the MI shall: ( )

**a.** Establish a complaint file; ( )

**b.** Assign a case number; ( )

**c.** Enter the complaint information into the Board’s database. ( )

**d.** Correspond in writing to the complainant within ten (10) business days, when possible, and provide written information regarding the complaint process; ( )

**e.** Correspond in writing to the provider within ten (10) business days, when possible, explaining the nature of the complaint and provide written information regarding the complaint process; ( )

**f.** Monitor the case to insure the provider has replied and correspond in writing to the complainant and the provider advising of the case’s status at least every forty-five (45) to sixty (60) days. ( )

**g.** The MI may request any additional information deemed necessary to fully investigate the complaint, including, but not limited to: ( )

**i.** Interviewing the complainant and the respondent; ( )

**ii.** Requesting additional records, documents, or statements; and ( )

**iii.** Collecting collateral information. ( )

**153. COMPLAINT AUTHORITY.**

At the time the case is opened, the MI shall assign a priority rating\* (\*rating may change at any point in the investigation as new information is received) to the investigation according to the following table:

CATEGORY	DESCRIPTION
1	Imminent, or current danger to the public.
2	Threat to the public, currently monitored or controlled.
3	Identified as having practice, skills, or judgment concern considered a potential threat to the public.

CATEGORY	DESCRIPTION
4	Medium to low risk to public.
5	Low risk to public.

( )

**01. Category One.** Cases assigned as Category one (1) shall be immediately reported to the Executive Director for appropriate action. ( )

**02. Category Two.** Cases assigned as Category two (2) shall be reported to the Executive Director for appropriate action. ( )

**154. REPORT OF INVESTIGATION.**

Upon receipt of the response and documentation obtained from the investigation, the MI shall prepare a report containing the following: ( )

**01. Provider Information.** The name of the provider, address, specialty, and date of Board meeting. ( )

**02. Previous Complaints.** A summary of previous complaints lodged against the provider. ( )

**03. Complaint Concerns.** A copy and summary of the complainant's concerns. ( )

**04. Provider's Response.** A copy and summary of the provider's response. ( )

**05. MI Review.** A summary of the MI review of medical records/documentation. ( )

**06. Other Relevant Documentation.** Additional relevant documentation may be attached as appropriate based on the nature of the complaint, response, and summary. ( )

**07. Summary of Additional Information.** A copy and written summary of any additional interviews or information collected in the course of the investigation. ( )

**155. TRACKING.**

The Board, upon review and consideration of the recommendation made by the Committee on Professional Discipline (COPD) or respective Board or Committee, makes a determination upon the merits of the case and may take action to impose sanctions or limitations or conditions on licenses or permits issued: ( )

**01. Case is Closed.** If the Board determines to close, the MI shall correspond in writing to the complainant and provider notifying each of the Board's final determination and action subject to federal and state law. ( )

**02. Further Investigation is Requested.** If the Board determines further investigation is necessary to fully adjudicate the case, the MI shall obtain the requested information and prepare a summary as described in Section 020 of these rules. The complainant and provider shall be notified in writing of the Board determination and the case's status. ( )

**03. Consultant is Requested.** If the Board determines a medical consultant is necessary to fully adjudicate the case, the MI shall engage an appropriate medical consultant to review the case and submit a written report of findings to the Board. Such medical consultant may be recently retired from or currently in a clinical practice similar to the named provider. The Board shall define the focus, scope and depth of the medical consultant's review. The medical consultant shall be: ( )

- a. Board certified; ( )
- b. Free from current Board review such as no open complaints or pending formal action; and ( )
- c. Free from conflicts and disqualification. Medical consultants shall disqualify themselves and, on motion of any interested party may, on proper showing, be disqualified in any proceeding concerning which they have an actual conflict of interest or bias which interferes with their fair and impartial service. ( )
- d. The medical consultant must sign an independence statement before commencing the review. ( )

**04. Stipulation and Order is Issued.** If the Board determines the case warrants issuance of a stipulation and order, a Board attorney shall generate the stipulation and order and submit to the named provider for signature. The MI shall complete the stipulation checklist as indicated by the nature of the stipulation, identify the monitoring requirements and establish a monitoring plan for the provider. ( )

**05. Other Disciplinary Action Directed.** If the Board determines other disciplinary actions are warranted, the MI shall act under the guidance of the Executive Director and/or Board counsel. ( )

**06. Opportunity to Meet with Committee.** The named provider shall be provided an opportunity to meet with the COPD or Board staff prior to the initiation of formal disciplinary proceedings. ( )

**07. Recording of Board Action.** The MI shall update the database and the case file to reflect the Board's determination and action on the reviewed cases. ( )

**156. AUTHORITY TO CLOSE COMPLAINTS/CASES.**  
The Board is solely authorized to close complaints and cases. All complaints and cases must be presented to the respective Board for consideration and recommendation to the Board. ( )

**157. OTHER INDICATORS FOR INVESTIGATION.**

**01. Board Investigations.** The Board may commence any investigation on its own initiative or on the basis on performance indicators. ( )

- 02. Performance Indicators.** Performance indicators that may be used include, but are not limited to: ( )
- a. Frequent changes in geographical practice location. ( )
  - b. Number of inactive licenses held. ( )
  - c. Number of malpractice complaints. ( )
  - d. Number of complaints lodged with the Board. ( )
  - e. Failure to receive specialty board certification. ( )
  - f. Changes in area/specialty of practice without formal retraining. ( )
  - g. Health status. ( )
  - h. Illness. Mental or physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill; or excessive use or abuse of drugs, including alcohol. ( )
  - i. Prescribing practices. ( )



- j.** Physicians without hospital privileges or medical practice affiliation who are not routinely subject to peer review. ( )
- k.** Provider performance and outcome data received from sources such as Professional Review Organizations. ( )
- l.** Disciplinary reports from managed care organizations. ( )
- m.** Disciplinary reports by other state and government agencies. ( )
- n.** Reports from outside sources of a pattern of unprofessional or disruptive behavior that could adversely affect patient care. ( )

**158. -- 200. (RESERVED)**

**201. DEFINITIONS PERTAINING TO TELEHEALTH SERVICES IN IDAHO.**

- 01. Asynchronous Store and Forward Transfer.** “Asynchronous store and forward transfer” means the transmission of a patient’s health care information from an originating site to a provider at a distant site over a secure connection that complies with state and federal security and privacy laws. ( )
- 02. Distant Site.** “Distant site” means the site at which a provider delivering telehealth services is located at the time the service is provided. ( )
- 03. Originating Site.** “Originating site” means the location of a patient at the time telehealth services are provided. ( )
- 04. Provider.** “Provider” means a person who is licensed, required to be licensed, or, if located outside of Idaho, would be required to be licensed if located in Idaho, pursuant to Title 54, Idaho Code, to deliver health care consistent with his or her license. ( )
- 05. Synchronous Interaction.** “Synchronous interaction” means real-time communication through interactive technology that enables a provider and a patient at two (2) locations separated by distance to interact simultaneously through two-way video and audio or audio transmission. ( )
- 06. Telehealth Services.** “Telehealth services” means health care services provided by a provider to a person through the use of electronic communications, information technology, asynchronous store and forward transfer or synchronous interaction between a provider at a distant site and a patient at an originating site. Such services include, but are not limited to, clinical care, health education, home health and facilitation of self-managed care and caregiver support. ( )

**202. IDAHO LICENSE REQUIRED.**

Any physician, physician assistant, respiratory therapist, polysomnographer, dietitian, or athletic trainer who provides any telehealth services to patients located in Idaho must hold an active Idaho license issued by the Idaho State Board of Medicine for their applicable practice. ( )

**203. PROVIDER-PATIENT RELATIONSHIP.**

In addition to the requirements set forth in Section 54-5705, Idaho Code, during the first contact with the patient, a provider licensed by the Idaho State Board of Medicine who is providing telehealth services shall: ( )

- 01. Verification.** Verify the location and identity of the patient; ( )
- 02. Disclose.** Disclose to the patient the provider's identity, their current location and telephone number and Idaho license number; ( )
- 03. Consent.** Obtain appropriate consents from the patient after disclosures regarding the delivery models and treatment methods or limitations, including a special informed consent regarding the use of telehealth

technologies; and ( )

**04. Provider Selection.** Allow the patient an opportunity to select their provider rather than being assigned a provider at random to the extent possible. ( )

**204. STANDARD OF CARE.**

A provider providing telehealth services to patients located in Idaho must comply with the applicable Idaho community standard of care. The provider shall be personally responsible to familiarize themselves with the applicable Idaho community standard of care. If a patient's presenting symptoms and conditions require a physical examination, lab work or imaging studies in order to make a diagnosis, the provider shall not provide diagnosis or treatment through telehealth services unless or until such information is obtained. ( )

**205. INFORMED CONSENT.**

In addition to the requirements of Section 54-5708, Idaho Code, evidence documenting appropriate patient informed consent for the use of telehealth technologies must be obtained and maintained at regular intervals consistent with the community standard of care. Appropriate informed consent should, at a minimum, include the following terms: ( )

**01. Verification.** Identification of the patient, the provider and the provider's credentials; ( )

**02. Telehealth Determination.** Agreement of the patient that the provider will determine whether or not the condition being diagnosed and/or treated is appropriate for telehealth services; ( )

**03. Security Measures Information.** Information on the security measures taken with the use of telehealth technologies, such as encrypting data, password protected screen savers and data files, or utilizing other reliable authentication techniques, as well as potential risks to privacy and notwithstanding such measures; ( )

**04. Potential Information Loss.** Disclosure that information may be lost due to technical failures. ( )

**206. MEDICAL RECORDS.**

As required by Section 54-5711, Idaho Code, any provider providing telehealth services as part of his or her practice shall generate and maintain medical records for each patient. The medical record should include copies of all patient-related electronic communications, including patient-physician communications, prescriptions, laboratory and test results, evaluations and consultations, relevant information of past care, and instructions obtained or produced in connection with the utilization of telehealth technologies. Informed consents obtained in connection with the provision of telehealth services should also be documented in the medical record. The patient record established during the provision of telehealth services must be accessible and documented for both the physician and the patient, consistent with all established laws and regulations governing patient healthcare records. ( )

**207. -- 999. (RESERVED)**

## **IDAPA 22 – BOARD OF MEDICINE**

### **22.01.07 – RULES OF PRACTICE AND PROCEDURE OF THE BOARD OF MEDICINE**

#### **DOCKET NO. 22-0107-1801 (CHAPTER REPEAL)**

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

**AUTHORITY:** In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency initiated proposed rulemaking procedures to repeal a rule. The action is authorized pursuant to Section 54-1806(2), Idaho Code.

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

**PUBLIC HEARING**  
**Thursday, December 6, 2018 – 3:00 p.m. to 5:00 p.m.**

**345 W. Bobwhite Court, Suite 150**  
**Idaho State Board of Medicine**  
**Boise, Idaho 83706**

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Board of Medicine is promoting regulatory reform by streamlining and combining its rules and reducing obstacles to licensure and practice. The purpose of this proposed rulemaking is to combine provisions which apply to the Board of Medicine and its allied health boards and committee into one section, entitled “General Provisions.” The provisions from IDAPA 22.01.07 will be combined with the provisions regarding complaint investigation from IDAPA 22.01.14 and telehealth practice from IDAPA 22.01.15 and merged into a new IDAPA 22.01.05 to consolidate provisions that apply to all licensees of the Board of Medicine. As a result, IDAPA 22.01.07 will be repealed.

**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 resulting from this rulemaking: N/A

The Board of Medicine is a dedicated funds agency, and therefore, there will be no fiscal impact to the state general fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was conducted with interested parties, including the state association, and such negotiations shall continue through the comment period and hearing.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rules, contact Anne K. Lawler, Executive Director, (208) 327-7000. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before December 6, 2018.

Dated this 4th day of October, 2018.

Anne K. Lawler, JD, RN, Executive Director  
Phone: (208) 327-7000  
Fax: (208) 327-7005

Idaho State Board of Medicine  
345 W. Bobwhite Court, Suite 150  
Boise, Idaho 83706

**IDAPA 22.01.07 IS BEING REPEALED IN ITS ENTIRETY**

## IDAPA 22 – BOARD OF MEDICINE

### 22.01.14 – RULES RELATING TO COMPLAINT INVESTIGATION

#### DOCKET NO. 22-0114-1801 (CHAPTER REPEAL)

#### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency initiated proposed rulemaking procedures to repeal a rule. The action is authorized pursuant to Section 54-1806(2), Idaho Code.

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

**PUBLIC HEARING**  
**Thursday, December 6, 2018 – 3:00 p.m. to 5:00 p.m.**

**345 W. Bobwhite Court, Suite 150**  
**Idaho State Board of Medicine**  
**Boise, Idaho 83706**

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Board of Medicine is promoting regulatory reform by streamlining and combining its rules and reducing obstacles to licensure and practice. The purpose of this proposed rulemaking is to combine provisions which apply to the Board of Medicine and its allied health boards and committee into one section, entitled “General Provisions.” The provisions of IDAPA 22.01.14 regarding complaint investigation will be combined with the general provisions from IDAPA 22.01.07 and the provisions regarding telehealth practice from IDAPA 22.01.15 and merged into a new IDAPA 22.01.05 to consolidate provisions that apply to all licensees of the Board of Medicine. As a result, IDAPA 22.01.14 will be repealed.

**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 resulting from this rulemaking: N/A

The Board of Medicine is a dedicated funds agency, and therefore, there will be no fiscal impact to the state general fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was conducted with interested parties, including the state association, and such negotiations shall continue through the comment period and hearing.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rules, contact Anne K. Lawler, Executive Director, (208) 327-7000. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before December 6, 2018.

Dated this 4th day of October, 2018.

Anne K. Lawler, JD, RN, Executive Director  
Phone: (208) 327-7000  
Fax: (208) 327-7005

Idaho State Board of Medicine  
345 W. Bobwhite Court, Suite 150  
Boise, Idaho 83706

**IDAPA 22.01.14 IS BEING REPEALED IN ITS ENTIRETY**

## **IDAPA 22 – BOARD OF MEDICINE**

### **22.01.15 – RULES RELATING TO TELEHEALTH SERVICES**

#### **DOCKET NO. 22-0115-1801 (CHAPTER REPEAL)**

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

**AUTHORITY:** In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency initiated proposed rulemaking procedures to repeal a rule. The action is authorized pursuant to Section 54-1806(2), Idaho Code.

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

**PUBLIC HEARING**  
**Thursday, December 6, 2018 – 3:00 p.m. to 5:00 p.m.**

**345 W. Bobwhite Court, Suite 150**  
**Idaho State Board of Medicine**  
**Boise, Idaho 83706**

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Board of Medicine is promoting regulatory reform by streamlining and combining its rules and reducing obstacles to licensure and practice. The purpose of this proposed rulemaking is to combine provisions which apply to the Board of Medicine and its allied health boards and committee into one section, entitled “General Provisions.” The provisions of IDAPA 22.01.15 regarding telehealth practice will be combined with the general provisions from IDAPA 22.01.07 and the provisions regarding complaint investigation from IDAPA 22.01.14 and merged into a new IDAPA 22.01.05 to consolidate provisions that apply to all licensees of the Board of Medicine. As a result, IDAPA 22.01.15 will be repealed.

**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 resulting from this rulemaking: N/A

The Board of Medicine is a dedicated funds agency, and therefore, there will be no fiscal impact to the state general fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was conducted with interested parties, including the state association, and such negotiations shall continue through the comment period and hearing.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rules, contact Anne K. Lawler, Executive Director, (208) 327-7000. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before December 6, 2018.

Dated this 4th day of October, 2018.

Anne K. Lawler, JD, RN, Executive Director  
Phone: (208) 327-7000  
Fax: (208) 327-7005

Idaho State Board of Medicine  
345 W. Bobwhite Court, Suite 150  
Boise, Idaho 83706

**IDAPA 22.01.15 IS BEING REPEALED IN ITS ENTIRETY**

**IDAPA 35 – IDAHO STATE TAX COMMISSION**

**35.01.01 – INCOME TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0101-1805**

**NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is January 1, 2018.

**AUTHORITY:** In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 63-105 and 63-3039, Idaho Code.

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

Rule 291T — TAX PAID BY PASS-THROUGH ENTITIES FOR OWNERS OR BENEFICIARIES -- COMPUTATION OF IDAHO TAXABLE INCOME FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2014:

This change is to give guidance on how to report the deemed repatriation income on the Idaho tax return.

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

Compliance with deadlines in amendments to governing law or federal programs.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), Idaho Code, 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 Cynthia Adrian (208) 334-7670.

Dated this 18th day of September, 2018.

Cynthia Adrian, Tax Policy Specialist  
Idaho State Tax Commission  
800 Park Blvd., Plaza IV  
P.O. Box 36  
Boise, ID 83722-0410  
(208) 334-7670  
[Cynthia.Adrian@tax.idaho.gov](mailto:Cynthia.Adrian@tax.idaho.gov)

**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 35-0101-1805  
(Only Those Sections With Amendments Are Shown.)**

**291. TAX PAID BY PASS-THROUGH ENTITIES FOR OWNERS OR BENEFICIARIES -- COMPUTATION OF IDAHO TAXABLE INCOME FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2014 (RULE 291).**  
Sections 63-3022L and 63-3026A, Idaho Code

**01. In General.** A pass-through entity is responsible for reporting and paying the tax for nonresident individuals or withholding tax on the individual's share of income from the pass-through entity required to be included in Idaho taxable income as prescribed in Section 63-3036B, Idaho Code. For purposes of this rule, pass-through entity means "pass-through entity" as defined in Section 63-3006C, Idaho Code. (4-4-13)

**02. Income Reportable to Idaho.** The following items must be included in the computation of Idaho taxable income for an individual: (4-4-13)

**a.** Pass-through items that are income from Idaho sources of an owner as determined pursuant to Rule 263 of these rules. (4-7-11)

**b.** Distributable net income from an estate or trust that is income from Idaho sources as determined pursuant to Rule 261 of these rules. (4-7-11)

**03. Deductions.** Pass-through entities paying the tax under Section 63-3022L, Idaho Code, are not entitled to claim the following deductions on behalf of an individual. (4-7-11)

**a.** Capital Loss. As provided in Section 63-3022(i), Idaho Code, S corporations and partnerships are not allowed to carry over or carry back any capital loss provided for in Section 1212, Internal Revenue Code. (3-30-07)

**b.** Net Operating Loss. As provided in Section 63-3022(i), Idaho Code, S corporations and partnerships are not allowed to carry over or carry back any net operating loss provided for in Section 63-3022(c), Idaho Code. (3-30-07)

**c.** Idaho Capital Gains Deduction. As provided in Section 63-3022H, Idaho Code, the Idaho capital gains deduction may only be claimed by individual taxpayers on an individual income tax return. (4-7-11)

**d.** Informational Items. Amounts provided to owners of pass-through entities and beneficiaries of trusts and estates on the federal Schedule K-1 that are informational only may not be used as a deduction in computing the taxable income reportable under Section 63-3022L, Idaho Code. Informational items include the domestic production activities information and net earnings from self-employment. (4-7-11)

**e.** Items Not Deductible Under the Internal Revenue Code. A deduction is not allowed for items disallowed under the Internal Revenue Code. For example, a deduction is not allowed for items disallowed as a deduction in Sections 162(c) and 262 through 280E, Internal Revenue Code, unless specifically allowed by Idaho law. Items allowed by Idaho law include expenses related to tax-exempt income under Section 265, Internal Revenue Code, which are allowed to be deducted as a result of Section 63-3022M, Idaho Code. (4-7-11)

**f.** Items Not Reported as a Pass-Through Deduction. Amounts not reported from the pass-through entity to the pass-through owner are not allowed as a deduction under Section 63-3022L, Idaho Code. These include: (4-7-11)

i. The standard deduction; (4-7-11)

ii. Personal exemptions; (4-7-11)

iii. Itemized deductions that result from activity of the pass-through owner. For example, a deduction is not allowed for charitable contributions made personally by the pass-through owner, but is allowed for the pass-through owner's share of charitable contributions made by the pass-through entity. (4-7-11)

**g.** Items Reported as a Pass-Through Deduction. Amounts reported from the pass-through entity to the pass-through owner in their distributive share are allowed as a deduction under Section 63-3022L, Idaho Code, unless otherwise disallowed under this rule. These include but are not limited to: (3-25-16)

i. Section 179, Internal Revenue Code, deduction; (3-25-16)

- ii. Charitable contributions made by the pass-through entity; (3-25-16)
- iii. Investment interest expense; (3-25-16)
- iv. Section 59(e)(2), Internal Revenue Code, expenditures (qualified research expenditures); (3-25-16)
- v. Amounts paid for medical insurance; (3-25-16)
- vi. Educational assistance benefits; (3-25-16)
- vii. Payments to a pension or IRA; (3-25-16)
- viii. Sections 965(b) or 965(c), Internal Revenue Code, dividend deductions or adjustments. (1-1-18)T

**04. Double Deductions Disallowed.** A pass-through owner may not deduct amounts that previously have been deducted by a pass-through entity paying the tax on his behalf. If the pass-through owner files an Idaho individual income tax return reporting federal taxable income that includes amounts previously deducted by a pass-through entity on his behalf, the pass-through owner must add back the duplicated deduction amounts in computing his Idaho taxable income on his individual income tax return. (4-7-11)



**IDAPA 38 – DEPARTMENT OF ADMINISTRATION**

**38.04.09 – RULES GOVERNING USE OF THE CHINDEN OFFICE COMPLEX**

**DOCKET NO. 38-0409-1802 (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 2019 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 67-5708, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 5, 2018, Idaho Administrative Bulletin, [Vol. 18-9, pages 401 through 409](#).

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

Funding for management of the property has been legislatively provided. Existing resources will be used to implement the administrative rules governing use of the property.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Keith Reynolds, Deputy Director, at (208) 332-1812 or via email at [keith.reynolds@adm.idaho.gov](mailto:keith.reynolds@adm.idaho.gov).

Dated this 4th day of October, 2018.

Keith Reynolds  
Deputy Director  
Department of Administration  
650 W. State St.  
P. O. Box 83720  
Boise, ID 83720-0013  
Phone: (208) 332-1812  
Fax: (208) 334-2307

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.02.46 – RULES GOVERNING TEMPORARY MOTOR VEHICLE REGISTRATION PERMIT

DOCKET NO. 39-0246-1801

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 40-312, 49-201, and 49-523(2-4), 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:

IDAPA 39.02.46 conflicts with current business needs and practices of allowing the issuance of 30-day temporary registration permits by dealers for sales of commercial, farm and non-commercial vehicles over 8,000 lbs. This change clarifies current practice and removes outdated business rules. It aligns the rule with the needs for dealers to provide retail purchasers, needing to move 8,000lb.+ vehicles back to their home states for titling and registration, with a noticeable permit to display on their vehicle or trailer.

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 5, 2018, Idaho Administrative Bulletin, [Vol. 18-9, pages 410-411](#).

**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 impact to the state general fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, please contact Brendan Floyd, DMV Policy Program Specialist, at (208) 334-8474.

Dated this 5th day of October, 2018.

Ramon S. Hobdey-Sanchez  
Governmental Affairs Program Specialist  
Idaho Transportation Department  
3311 W. State Street  
P.O. Box 7129  
Boise, ID 83707-1129  
Phone: (208) 334-8810  
[ramon.hobdey-sanchez@itd.idaho.gov](mailto:ramon.hobdey-sanchez@itd.idaho.gov)

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.03.48 – RULES GOVERNING ROUTES EXEMPT FROM LOCAL PLANS AND ORDINANCES

DOCKET NO. 39-0348-1801

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 40-312 and 49-201, 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 strikes the proper noun referencing an old computer system that is no longer in use by the Idaho Transportation Department. The corresponding records referenced in this rule are now maintained and housed in the Idaho Transportation Department's other systems and are still available to the public upon request.

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 5, 2018, Idaho Administrative Bulletin, [Vol. 18-9, pages 414-415](#).

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There is no impact to the state general fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, please contact Jezmyne Arroway, ETS Program Manager, at (208) 334-8013.

Dated this 5th day of October, 2018.

Ramon S. Hobdey-Sanchez  
Governmental Affairs Program Specialist  
Idaho Transportation Department  
3311 W. State Street  
P.O. Box 7129  
Boise, ID 83707-1129  
Phone: (208) 334-8810  
[ramon.hobdey-sanchez@itd.idaho.gov](mailto:ramon.hobdey-sanchez@itd.idaho.gov)

**IDAPA 40 – COMMISSION ON THE ARTS**  
**40.01.01 – RULES OF THE IDAHO COMMISSION ON THE ARTS**  
**DOCKET NO. 40-0101-1801**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 67-5605, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 5, 2018 Idaho Administrative Bulletin, [Vol. 18-9, pages 416 through 430](#).

**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 Michael Faison, Executive Director, at (208) 334-2119.

Dated this 4th day of October, 2018.

Michael Faison  
Executive Director  
Idaho Commission on the Arts  
The Warden's Residence  
2410 Old Penitentiary Rd. N.  
P. O. Box 83720  
Boise, ID 83720-0008  
Phone: (208) 334-2119  
Fax: (208) 334-2488

## IDAPA 52 – IDAHO STATE LOTTERY COMMISSION

### 52.01.03 – RULES GOVERNING OPERATIONS OF THE IDAHO STATE LOTTERY

DOCKET NO. 52-0103-1801

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2019 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 67-7408, 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 August 1, 2018 Idaho Administrative Bulletin, [Vol. 18-8, pages 185-191](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jeffrey Anderson, Executive Director, at (208) 334-2600.

Dated this 24th day of September, 2018.

Jeffrey R. Anderson  
Executive Director  
Idaho State Lottery  
1199 Shoreline Ln., Ste. 100  
P. O. Box 6537  
Boise, ID 83707-6537  
Phone: (208) 334-2600

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**Docket No. 02-0801-1801**

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**Docket No. 22-0101-1801**

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*35.01.01 – Income Tax Administrative Rules*

**Docket No. 35-0101-1805**

291. Tax Paid By Pass-Through Entities For Owners Or Beneficiaries --  
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# LEGAL NOTICE

## Summary of Proposed Rulemakings

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

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

*The proposed rule public hearing request deadline is November 21, 2018, unless otherwise posted.  
The proposed rule written comment submission deadline is November 28, 2018, unless otherwise posted.  
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.  
(\*PH) indicates that a public hearing has been scheduled.*

#### IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701

*02-0801-1801, Sheep and Goat Rules of the Idaho Sheep and Goat Health Board.* Clarifies and simplifies goat assessment rules and removes provision regarding migratory goats.

#### IDAPA 22 – IDAHO STATE BOARD OF MEDICINE 245 W. Bobwhite Ct., Suite 150, Boise, ID 83706

*\*22-0101-1801, Rules of the Board of Medicine for the Licensure to Practice Medicine and Surgery and Osteopathic Medicine and Surgery in Idaho.* (\*PH) Updates and clarifies rules regarding physician licensure and practice to ensure physician licensure rules are consistent with the Medical Practice Act; updates definitions and organizational titles; deletes unnecessary and duplicative provisions; moves and updates provisions from IDAPA 22.01.02 regarding registration of interns and residents and from IDAPA 22.01.04 regarding registration of supervising and directing physicians into this chapter.

*\*22-0102-1801, Rules of the Board of Medicine for the Registration of Externs, Interns, and Residents.* (\*PH) Chapter repeal.

*\*22-0103-1801, Rules for the Licensure of Physician Assistants.* (\*PH) Updates and clarifies rules regarding physician assistant licensure and practice to ensure consistency with the Medical Practice Act; updates definitions and deletes unnecessary provisions; adds a physician assistant member and a public member to the Physician Assistant Advisory Committee and deletes registration for physician assistant trainees.

*\*22-0104-1801, Rules of the Board of Medicine for Registration of Supervising and Directing Physicians.* (\*PH) Chapter repeal.

*\*22-0105-1801, General Provisions of the Board of Medicine.* (\*PH) New chapter combines the general provisions of the Board of Medicine and its allied health boards and committee into one section; provisions regarding complaint investigation from IDAPA 22.01.14 and telehealth practice from IDAPA 22.01.15 have been moved into this rule to consolidate provisions that apply to all licensees of the Board of Medicine.

*\*22-0107-1801, Rules of Practice and Procedure of the Board of Medicine.* (\*PH) Chapter repeal.

*\*22-0114-1801, Rules Relating to Complaint Investigation.* (\*PH) Chapter repeal.

*\*22-0115-1801, Rules Relating to Telehealth Services.* (\*PH) Chapter repeal.

**NOTICE OF ADOPTION OF TEMPORARY RULE ONLY**

**IDAPA 11 – Idaho State Police / Idaho State Racing Commission**

*11-0403-1801*, Rules Governing Licensing and Fees

*11-0411-1802*, Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses

**IDAPA 35 – IDAHO STATE TAX COMMISSION**

*35-0101-1805*, Income Tax Administrative Tax

**NOTICE OF PUBLIC HEARING**

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

*16-0303-1801*, Rules Governing Child Support Services (Hearing date: 11/9/18)

Please refer to the Idaho Administrative Bulletin, **November 7, 2018, Volume 18-11**, 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](http://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](mailto:rulescoordinator@adm.idaho.gov)

# **CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES**

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

*July 1, 1993 – Present*

## **CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES**

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

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## **ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES**

**(Index of Current and Active Rulemakings)**

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

*March 28, 2018 – November 7, 2018*

*(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***

- 01-0101-1801** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 01-0101-1802** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 01-0101-1801** Proposed Rulemaking, Bulletin Vol. 18-9
- 01-0101-1802** Proposed Rulemaking, Bulletin Vol. 18-9

***IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE***

***02.01.04, Rules Governing the Idaho Preferred<sup>®</sup> Promotion Program***

- 02-0104-1801** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-6

***02.02.14, Rules for Weights and Measures***

- 02-0214-1801** Proposed Rulemaking, Bulletin Vol. 18-6
- 02-0214-1801** Adoption of Pending Rule, Bulletin Vol. 18-9 (PLR 2019)

***02.04.08, Rules Governing Grade A Milk and Milk Products***

- 02-0408-1801** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 02-0408-1801** Proposed Rulemaking, Bulletin Vol. 18-9
- 02-0408-1801** Adoption of Pending Rule, Bulletin Vol. 18-11 (PLR 2019)

***02.04.09, Rules Governing Milk and Cream Procurement and Testing***

- 02-0409-1801** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-6
- 02-0409-1801** Proposed Rulemaking, Bulletin Vol. 18-9
- 02-0409-1801** Adoption of Pending Rule, Bulletin Vol. 18-11 (PLR 2019)

***02.04.13, Rules Governing Raw Milk***

- 02-0413-1801** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 02-0413-1801** Proposed Rulemaking, Bulletin Vol. 18-9
- 02-0413-1801** Adoption of Pending Rule, Bulletin Vol. 18-11 (PLR 2019)

***02.04.14, Rules Governing Dairy Byproduct***

- 02-0414-1801** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-6
- 02-0414-1801** 2nd Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-10

***02.04.29, Rules Governing Trichomoniasis***

- 02-0429-1801** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 02-0429-1801** Proposed Rulemaking, Bulletin Vol. 18-9
- 02-0429-1801** Adoption of Pending Rule, Bulletin Vol. 18-11 (PLR 2019)

***02.05.01, Rules Governing Produce Safety***

- 02-0501-1801** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking (New Chapter), Bulletin Vol. 18-5
- 02-0501-1801** Proposed Rulemaking (New Chapter), Bulletin Vol. 18-7
- 02-0501-1801** Adoption of Pending Rule (New Chapter), Bulletin Vol. 18-9 (PLR 2019)

***02.06.01, Rules Governing the Pure Seed Law***

- 02-0601-1801** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 02-0601-1801** Proposed Rulemaking (Fee Rule), Bulletin Vol. 18-9
- 02-0601-1801** Adoption of Pending Fee Rule, Bulletin Vol. 18-11 (PLR 2019)

***02.06.02, Rules Pertaining to the Idaho Commercial Feed Law***

- 02-0602-1801** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-6

- 02-0602-1801 Proposed Rulemaking, Bulletin Vol. 18-9
- 02-0602-1801 Adoption of Pending Rule, Bulletin Vol. 18-11 (PLR 2019)

**02.06.12, Rules Pertaining to the Idaho Fertilizer Law**

- 02-0612-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-6
- 02-0612-1801 Proposed Rulemaking, Bulletin Vol. 18-9
- 02-0612-1801 Adoption of Pending Rule, Bulletin Vol. 18-11 (PLR 2019)

**02.06.41, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001**

- 02-0641-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-6
- 02-0641-1801 Proposed Rulemaking, Bulletin Vol. 18-9
- 02-0641-1801 Adoption of Pending Rule, Bulletin Vol. 18-11 (PLR 2019)

**02.08.01, Sheep and Goat Rules of the Idaho Sheep and Goat Health Board**

- 02-0801-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-9
- 02-0801-1801 Proposed Rulemaking, Bulletin Vol. 18-11

**IDAPA 07 – DIVISION OF BUILDING SAFETY**

**07.01.01, Rules Governing Electrical Inspection Tags**

- 07-0101-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 07-0101-1801 Proposed Rulemaking, Bulletin Vol. 18-9
- 07-0101-1801 Adoption of Pending Rule, Bulletin Vol. 18-11 (PLR 2019)

**07.01.02, Rules Governing Fees for Electrical Inspections**

- 07-0102-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 07-0102-1801 Proposed Rulemaking (Fee Rule), Bulletin Vol. 18-9
- 07-0102-1801 Adoption of Pending Fee Rule, Bulletin Vol. 18-11 (PLR 2019)

**07.01.03, Rules of Electrical Licensing and Registration – General**

- 07-0103-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-4
- 07-0103-1802 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 07-0103-1801 Proposed Rulemaking, Bulletin Vol. 18-9
- 07-0103-1802 Proposed Rulemaking, Bulletin Vol. 18-9
- 07-0103-1801 Adoption of Pending Rule, Bulletin Vol. 18-11 (PLR 2019)
- 07-0103-1802 Adoption of Pending Rule, Bulletin Vol. 18-11 (PLR 2019)

**07.01.04, Rules Governing Electrical Specialty Licensing**

- 07-0104-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 07-0104-1801 Proposed Rulemaking, Bulletin Vol. 18-9
- 07-0104-1801 Adoption of Pending Rule, Bulletin Vol. 18-11 (PLR 2019)

**07.01.05, Rules Governing Examinations**

- 07-0105-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 07-0105-1801 Proposed Rulemaking, Bulletin Vol. 18-9
- 07-0105-1801 Adoption of Pending Rule, Bulletin Vol. 18-11 (PLR 2019)

**07.01.06, Rules Governing the Use of National Electrical Code**

- 07-0106-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 07-0106-1801 Proposed Rulemaking, Bulletin Vol. 18-9
- 07-0106-1801 Adoption of Pending Rule, Bulletin Vol. 18-11 (PLR 2019)

**07.01.07, Rules Governing Continuing Education Requirements**

- 07-0107-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7

- 07-0107-1801 Proposed Rulemaking, Bulletin Vol. 18-9
- 07-0107-1801 Adoption of Pending Rule, Bulletin Vol. 18-11 (PLR 2019)

**07.01.08, Rules Governing Electrical Inspection Tag Appeals**

- 07-0108-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 07-0108-1801 Proposed Rulemaking, Bulletin Vol. 18-9
- 07-0108-1801 Adoption of Pending Rule, Bulletin Vol. 18-11 (PLR 2019)

**07.01.11, Rules Governing Civil Penalties**

- 07-0111-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 07-0111-1801 Proposed Rulemaking, Bulletin Vol. 18-9
- 07-0111-1801 Adoption of Pending Rule, Bulletin Vol. 18-11 (PLR 2019)

**07.02.06, Rules Concerning the Idaho State Plumbing Code**

- 07-0206-1702 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 17-10
- 07-0206-1702 2nd (Second) Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-2
- 07-0206-1702 3rd (Third) Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-5
- 07-0206-1702 Proposed Rulemaking, Bulletin Vol. 18-8
- 07-0206-1702 Adoption of Pending Rule, Bulletin Vol. 18-10 (eff. PLR 2019)

**07.03.01, Rules of Building Safety**

- 07-0301-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-4
- 07-0301-1801 Proposed Rulemaking, Bulletin Vol. 18-10

**07.04.01, Rules Governing Safety Inspections – General**

- 07-0401-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-5

**07.05.01, Rules of the Public Works Contractors License Board**

- 07-0501-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-6
- 07-0501-1801 Proposed Rulemaking, Bulletin Vol. 18-8
- 07-0501-1801 Adoption of Pending Rule, Bulletin Vol. 18-10 (eff. PLR 2019)

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

- 07-0701-1703 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 17-10
- 07-0701-1703 2nd (Second) Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-2
- 07-0701-1703 Proposed Rulemaking, Bulletin Vol. 18-8
- 07-0701-1703 Adoption of Pending Rule, Bulletin Vol. 18-10 (eff. PLR 2019)

**07.09.01, Safety and Health Rules for Places of Public Employment**

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- 20-0304-1801** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-6  
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- 20-0401-1701** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 17-10  
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***22.01.01, Rules of the Board of Medicine for Licensure to Practice Medicine and Surgery and Osteopathic Medicine and Surgery in Idaho***

- 22-0101-1801** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-9  
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***22.01.02, Rules of the Board of Medicine for the Registration of Externs, Interns, and Residents***

- 22-0102-1801** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-11

***22.01.03, Rules for the Licensure of Physician Assistants***

- 22-0103-1801** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-9  
**22-0103-1801** Proposed Rulemaking, Bulletin Vol. 18-11

***22.01.04, Rules for the Board of Medicine for Registration of Supervising and Directing Physicians***

- 22-0104-1801** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-11

***22.01.05, General Provisions of the Board of Medicine***

- 22-0105-1801** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking (New Chapter), Bulletin Vol. 18-9  
**22-0105-1801** Proposed Rulemaking (New Chapter), Bulletin Vol. 18-11

***22.01.07, Rules of Practice and Procedure of the Board of Medicine***

- 22-0107-1801** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-11

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- 22-0114-1801** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-11

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- 22-0115-1801** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-11

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- 23-0101-1801** Proposed Rulemaking, Bulletin Vol. 18-9

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- 24-0000-1800** OAR Omnibus Notice of Legislative Action - Abolishing the Board of Barber Examiners and the Board of Cosmetology and Establishing the Barber and Cosmetology Services Licensing Board (IDAPA 24.28.01) – Senate Bill No. 1324, Bulletin Vol. 18-8 (eff. 7-1-18)

***24.01.01, Rules of the Board of Architectural Examiners***

- 24-0101-1801** Proposed Rulemaking, Bulletin Vol. 18-8



***(Rule Repealed) 24.02.01, Rules of the Board of Barber Examiners***

**24-0000-1800** OAR Omnibus Notice of Legislative Action - Abolishing the Board of Barber Examiners and the Board of Cosmetology and Establishing the Barber and Cosmetology Services Licensing Board (IDAPA 24.28.01) – Senate Bill No. 1324, Bulletin Vol. 18-8 (eff. 7-1-18)

***(Rule Repealed) 24.04.01, Rules of the Idaho Board of Cosmetology***

**24-0000-1800** OAR Omnibus Notice of Legislative Action - Abolishing the Board of Barber Examiners and the Board of Cosmetology and Establishing the Barber and Cosmetology Services Licensing Board (IDAPA 24.28.01) – Senate Bill No. 1324, Bulletin Vol. 18-8 (eff. 7-1-18)

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***24.05.01, Rules of the Board of Drinking Water and Wastewater Professionals***

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***24.09.01, Rules of the Board of Examiners of Nursing Home Administrators***

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**24-0901-1802** Proposed Rulemaking, Bulletin Vol. 18-10

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***24.14.01, Rules of the State Board of Social Work Examiners***

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***24.15.01, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists***

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**24-1801-1802** Proposed Rulemaking (Fee Rule), Bulletin Vol. 18-10

***24.19.01, Rules of the Board of Residential Care Facility Administrators***

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**24.25.01, Rules of the Idaho Driving Businesses Licensure Board**

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27-0102-1802 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7

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27-0103-1802 Adoption of Temporary Rule, Bulletin Vol. 18-10 (eff. 9-28-18)T



**27.01.04, Rules Governing Pharmacist Prescriptive Authority**

- 27-0104-1801 Adoption of Temporary Rule, Bulletin Vol. 18-6 (eff. 7-1-18)T
- 27-0104-1802 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 27-0104-1802 Proposed Rulemaking, Bulletin Vol. 18-10

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- 27-0105-1801 Proposed Rulemaking, Bulletin Vol. 18-10

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- 27-0106-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
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- 28-0203-1802 Proposed Rulemaking, Bulletin Vol. 18-10

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- 35-0101-1804** Proposed Rulemaking, Bulletin Vol. 18-10
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- 35-0103-1803** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 35-0103-1804** Adoption of Temporary Rule, Bulletin Vol. 18-7 (eff. 5-23-18)T
- 35-0103-1805** Adoption of Temporary Rule, Bulletin Vol. 18-7 (eff. 1-1-18)T
- 35-0103-1801** Proposed Rulemaking, Bulletin Vol. 18-9
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- 35-0105-1801** Proposed Rulemaking, Bulletin Vol. 18-8

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- 35-0106-1801** Proposed Rulemaking, Bulletin Vol. 18-9

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- 35-0110-1802** Proposed Rulemaking, Bulletin Vol. 18-6
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- 38-0409-1801** Adoption of Temporary Rule (New Chapter), Bulletin Vol. 18-2 (eff. 12-21-17)T
- 38-0409-1801** OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule by SCR 150, Bulletin Vol. 18-5 (eff. 12-21-17)T
- 38-0409-1801** Notice of Amendment to Temporary Rule (New Chapter), Bulletin Vol. 18-9 (eff. 9-5-18)AT
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- 38-0501-1801** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-6
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- 38-0601-1800** Notice of Legislative Action Creating the Office of Information Technology Service (ITS) and Transferring Rulemaking Authority from the Department of Administration’s Office of the Chief Information Officer to ITS – House Bill 607 (2018), Bulletin Vol. 18-6 (eff. 7-1-18)

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- 39-0246-1801** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 39-0246-1801** Proposed Rulemaking, Bulletin Vol. 18-9
- 39-0246-1801** Adoption of Pending Rule, Bulletin Vol. 18-11 (eff. PLR 2019)

***39.02.61, Rules Governing License Plates for Governmental Agencies and Taxing Districts***

- 39-0261-1801** Temporary and Proposed Rulemaking, Bulletin Vol. 18-7 (eff. 6-21-18)T
- 39-0261-1801** Notice of Adoption of Pending Rule, Bulletin Vol. 18-9 (PLR 2019)

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***Rules that Regulate Vehicles and/or Loads that are Required to Operate Under an Overlegal Permit***

- 39-0300-1801** Notice of Intent to Promulgate Rules – Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5

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- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0301-1801** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-10

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- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0301-1802** Proposed Rulemaking (New Chapter), Bulletin Vol. 18-10

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- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0302-1801** Proposed Rulemaking (New Chapter), Bulletin Vol. 18-10

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- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0303-1801** Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 18-10

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- 39-0300-1801 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0304-1801 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-10

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- 39-0300-1801 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0304-1802 Proposed Rulemaking (New Chapter), Bulletin Vol. 18-10

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- 39-0300-1801 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0305-1801 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-10

**39.03.05, Rules Governing Special Permits - Oversize Non-Reducible (New Chapter)**

- 39-0300-1801 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0305-1802 Proposed Rulemaking (New Chapter), Bulletin Vol. 18-10

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- 39-0300-1801 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0306-1801 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-10

**39.03.06, Rules Governing Special Permits for Extra-Length/Excess Weight, Up to 129,000 Pound Vehicle Combinations (New Chapter)**

- 39-0300-1801 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0306-1802 Proposed Rulemaking (New Chapter), Bulletin Vol. 18-10

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- 39-0300-1801 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0307-1801 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-10

**39.03.07, Rules Governing Special Permits for Reducible Loads (New Chapter)**

- 39-0300-1801 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0307-1802 Proposed Rulemaking (New Chapter), Bulletin Vol. 18-10

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- 39-0300-1801 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
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- 39-0300-1801 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
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- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5  
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- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5  
**39-0314-1801** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-10

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- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5  
**39-0315-1801** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-10

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- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5  
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- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5  
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- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5  
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- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5  
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- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5  
**39-0320-1801** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-10

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- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5  
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- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5  
**39-0322-1801** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-10

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- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5  
**39-0323-1801** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-10

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- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5  
**39-0324-1801** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-10

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- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5  
**39-0325-1801** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-10

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- 39-0341-1801** Temporary and Proposed Rulemaking, Bulletin Vol. 18-7 (eff. 6-21-18)T  
**39-0341-1801** Notice of Adoption of Pending Rule, Bulletin Vol. 18-9 (PLR 2019)

**39.03.48, Rules Governing Routes Exempt from Local Plans and Ordinances**

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