

IDAHO ADMINISTRATIVE BULLETIN

July 1, 2020 – Vol. 20-7

Office of the Governor
Division of Financial Management
Office of the Administrative Rules Coordinator
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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.

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 2019

Vol. No.	Monthly Issue of Bulletin	ARRF Due to DFM	Closing Date for Agency Filing	Bulletin Publication Date	21-day Comment Period End Date
19-1	January 2019		*November 30, 2018	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	March 22, 2019	April 5, 2019	May 1, 2019	May 22, 2019
19-6	June 2019	April 19, 2019	May 3, 2019	June 5, 2019	June 26, 2019
19-7	July 2019	May 24, 2019	June 7, 2019	July 3, 2019	July 24, 2019
19-8	August 2019	June 21, 2019	July 5, 2019	August 7, 2019	August 28, 2019
19-9	September 2019	July 19, 2019	August 2, 2019	September 4, 2019	September 25, 2019
19-10	October 2019	August 16, 2019	**August 30, 2019	October 2, 2019	October 23, 2019
19-11	November 2019	September 20, 2019	October 4, 2019	November 6, 2019	November 27, 2019
19-12	December 2019	October 18, 2019	November 1, 2019	December 4, 2019	December 25, 2019

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2020

Vol. No.	Monthly Issue of Bulletin	ARRF Due to DFM	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
20-1	January 2020	November 15, 2019	*November 29, 2019	January 1, 2020	January 22, 2020
20-2	February 2020	December 20, 2019	January 3, 2020	February 5, 2020	February 26, 2020
20-3	March 2020	January 22, 2020	February 7, 2020	March 4, 2020	March 25, 2020
20-4	April 2020	February 21, 2020	March 6, 2020	April 1, 2020	April 22, 2020
20-5	May 2020	March 20, 2020	April 3, 2020	May 6, 2020	May 27, 2020
20-6	June 2020	April 24, 2020	May 1, 2020	June 3, 2020	June 24, 2020
20-7	July 2020	May 22, 2020	June 5, 2020	July 1, 2020	July 22, 2020
20-8	August 2020	June 19, 2020	July 3, 2020	August 5, 2020	August 26, 2020
20-9	September 2020	July 24, 2020	August 7, 2020	September 2, 2020	September 23, 2020
20-10	October 2020	August 21, 2020	**August 28, 2020	October 7, 2020	October 28, 2020
20-11	November 2020	September 18, 2020	October 2, 2020	November 4, 2020	November 25, 2020
20-12	December 2020	October 23, 2020	November 6, 2020	December 2, 2020	December 23, 2020

****Last day to submit a proposed rulemaking before moratorium begins and last day to submit a pending rule to be reviewed by the legislature.***

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

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THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2020-09

**ESTABLISHING A PROGRAM TO PROCURE AND DISTRIBUTE PERSONAL
PROTECTIVE EQUIPMENT TO IDAHO BUSINESSES AND NONPROFITS**

WHEREAS, I issued a proclamation on March 13, 2020, declaring a state of emergency in the State of Idaho pursuant to Chapter 10, Title 46, Idaho Code, due to the occurrence and imminent threat to public health and safety arising from the effects of the 2019 novel coronavirus (COVID-19); and

Whereas, I issued a proclamation on March 25, 2020, declaring a state of extreme emergency in the State of Idaho pursuant to Chapter 6, Title 46, Idaho Code, due to the increasing occurrence and threat to public health and safety arising from the effects of COVID19; and

Whereas, each of those Proclamations remain in effect today; and

Whereas, Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 113-136) which provided the State of Idaho \$1.25 billion through the Coronavirus Relief Fund for qualifying expenses; and

Whereas, on April 30, 2020, the Board of Examiners approved, pursuant to Idaho Code 67-3516(2), non-cognizable spending authority for the Governor's Office in fund 0345 for the \$1.25 billion for the time period of March 1, 2020 through December 30, 2020; and

Whereas, the US. Treasury stated that the funds may be used for expenditures incurred to respond to public health needs as well as to respond to second-order effects of the emergency, such as providing economic support to those suffering from employment or business interruptions due to COVID-19 related business closures; and

Whereas, the availability to Idaho businesses and non-profit organizations of non-medical personal protective supplies such as masks, gloves and sanitizer are necessary for protecting public, employee, and customer health and safety and instilling consumer confidence; and

Whereas, the supply line for non-medical protective supplies has been severely disrupted by the COVID-19 pandemic, making procurement for small business and nonprofit entities either difficult or impossible due to lack of supply or onerous cost or minimum order requirements; and

Whereas, the Military Division is authorized to distribute supplies, equipment and materials assembled or arranged to be made available relating to the disaster emergency pursuant to Idaho Code section 46-1008(3) and the Idaho Emergency Operations Plan; and

Whereas, the Idaho Emergency Operations Plan designates the Idaho Department of Health and Welfare as the coordinating agency for public health and medical services, and the Director of the Department of Health and Welfare is authorized to assist with the abatement of public health problems and to acquire and dispose of equipment beneficial to such authority pursuant to Idaho Code title 56 chapter 10; and

Whereas, the Idaho Emergency Operations Plan designates the Department of Administration as a supporting agency for resources and logistics support, including the effort and activity necessary to evaluate, locate, procure, and provide essential material resources; and

Whereas, the Governor is authorized to utilize all resources of the state, including, but not limited to, those sums in the disaster emergency account as he shall deem necessary to pay obligations and expenses incurred during a declared state of disaster emergency pursuant to Idaho Code Section 46-1008(5)(b); and

Whereas, the Governor is authorized to transfer the functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services pursuant to Idaho Code section 46-1008(5)(c); and

Whereas, the State of Idaho through the Department of Administration is able to consolidate purchasing in bulk for distribution throughout the state, providing critical economic support to Idaho small businesses and non-profits; and

Whereas, making non-medical protective supplies available to Idaho small businesses and organizations as an interim solution until the supply lines normalize is necessary to protect public, employee, and customer health and safety and instilling consumer confidence; and

Whereas, on May 4, 2020, I provided a letter to the COVID-19 Financial Advisory Committee (CFAC), agreeing with and approving its proposed funding allocations, including a proposal allocating \$2 million for non-medical personal protective supplies for small businesses to be distributed by the Department of Administration which is necessary to assist in Idaho's recovery from the COVID-19 pandemic.

NOW, THEREFORE, I Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution of the United States, the Constitution of the State of Idaho, and the laws of this State Idaho Code, including Idaho Code section 46-1008, and pursuant to the Idaho Emergency Operations Plan do hereby order:

- 1. The Department of Administration is hereby directed to procure and distribute non-medical personal protective supplies (NPPS), including but not limited to masks, gloves and sanitizer, to businesses and nonprofit entities operating in Idaho.*
- 2. The Department of Administration shall establish an application process and eligibility criteria. A decision of the Director of the Department of Administration concerning an applicant's eligibility shall be final and binding.*
- 3. Upon determination that an applicant is eligible (an "Eligible Recipient") and subject to NPPS availability, the Department of Administration may provide a thirty (30) day supply of NPPS to the Eligible Recipient. The Department of Administration is authorized to use funds from the Coronavirus Relief Fund and allocated by the COVID-19 Financial Advisory Committee (CFAC) for the acquisition of NPPS, and is authorized to charge the Eligible Recipient all or a portion of the cost to obtain and ship the NPPS to the Eligible Recipient. The Department of Administration may also reduce or waive the cost where the Eligible Recipient certifies that they cannot afford to pay for the NPPS and operate their business or organization.*
- 4. The Department of Administration may, subject to availability, provide NPPS to Eligible Recipients following the first thirty (30) days of participation. The Department of Administration may give priority to those applying for the first time.*
- 5. The NPPS is exclusively for use in the Eligible Recipient's business operation or delivery of services and shall not be offered for resale or distribution.*
- 6. The Department of Administration shall establish a procedure for allocation to maximize statewide distribution and to distribute NPPS in the instance that more applications for NPPS are received than is available.*
- 7. The Department of Administration shall account for expenditures using the reporting dashboard through Transparent Idaho established by CFAC pursuant to Executive Order No. 2020-07.*
- 8. The eligibility criteria shall include:*
 - a. The applicant is a business or non-profit with physical operations in Idaho;*
 - b. The applicant has up to 50 employees or volunteers in Idaho, as of February 15, 2020;*
 - c. The applicant certifies that they have been unable to obtain reasonable amounts of NPPE at a reasonable cost and needs the NPPE to resume or continue its operations in Idaho; and*
 - d. The applicant certifies the reasonably expected NPPS needs for the business operation or*

- delivery of services by the applicant over the thirty (30) day period.*
- e. The applicant certifies that the NPPS requested is solely for the operation of the applicant's business or non-profit organization and will not be offered for resale or distribution.*
- f. Other criteria determined by the Director of the Department of Administration in the best interests of the State of Idaho.*

9. *This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of Idaho, its departments, agencies, or entities, its officers, employees, or agents, or any other person.*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 19th day of May in the year of our Lord two thousand and twenty.

Brad Little
GOVERNOR

Lawrence Denny
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2020-10

**ENHANCING LICENSING FREEDOM:
ORGANIZATION OF THE DEPARTMENT OF SELF-GOVERNING AGENCIES**

WHEREAS, I issued Executive Order 2017-06, the Licensing Freedom Act (LFA), on May 19, 2017, to spur the first comprehensive review of occupational licensure in more than 40 years; and

WHEREAS, the LFA report found at least 442 different occupational license types in Idaho, with at least 204,000 licensees, administered by 13 executive branch agencies and 47 boards and commissions; and

WHEREAS, occupational licensing is not centralized under any one agency, but the majority of license types are organized under 11 separate agencies within the Department of Self-Governing Agencies; and

WHEREAS, the LFA report highlighted the need to improve oversight of occupational licensure, following on the heels of the Federal Trade Commission's guidance on active state supervision of regulatory boards controlled by market participants; and

WHEREAS, the LFA report also identified opportunities to enhance consistency across occupational licensure by standardizing disciplinary processes, licensure efforts for veterans and military spouses, and honoraria, among others; and

WHEREAS, the 2019 Novel Corona virus (COVID-19) pandemic has further highlighted the necessity to streamline occupational licensing. To date, the State has waived more than 150 regulations to respond to COVID-19, primarily focused on licensure regulations to expand access to care, enhance mobility of licenses, and streamline renewal requirements; and

WHEREAS, the Idaho Legislature passed House Bill 318 on March 11, 2020, which provided authority to the Governor, under title 67, chapter 26, to assign certain self-governing agencies to divisions, sections, or units to provide an orderly arrangement in the administrative organization of state government; and

WHEREAS, pursuant to 67-2601(3), Idaho Code, the Division of Occupational and Professional Licenses (formerly the Bureau of Occupational Licenses) exists within the Department of Self-Governing Agencies.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, including but not limited to 67-2601 (4), Idaho Code, do hereby order that:

1. *The following entities, as set forth in 67-2601(2), are assigned to the Division of Occupational and Professional Licenses, in addition to those assigned to it by statute:*
 - a. *Board of accountancy;*
 - b. *Board of dentistry;*
 - c. *Board of licensure of professional engineers and professional land surveyors;*
 - d. *Board of medicine;*
 - e. *Board of nursing;*
 - f. *Outfitters and guides licensing board;*
 - g. *Board of pharmacy;*
 - h. *Real estate commission;*
 - i. *Board of veterinary medicine;*
 - j. *Division of building safety and its constituent boards:*

- a. Building code board;
 - b. Electrical board;
 - c. Public works contractors license board;
 - d. Plumbing board;
 - e. Public works construction management;
 - f. Heating, ventilation and air conditioning board; and
 - g. Factory built structures advisory board.
2. *The Division of Occupational and Professional Licenses shall be organized into the following three categories each led by a section chief appointed by the Division Administrator:*
 - a. Building, Construction, and Real Estate;
 - b. Occupational Licenses; and
 - c. Health Professions.
3. *The Division Administrator, appointed by the Governor pursuant to 67-2603, Idaho Code, shall oversee the activities of the boards assigned to the Division of Occupational and Professional Licenses and shall, among other duties, be the individual responsible for submission of administrative rules request forms, budget documents, and strategic plans to the Division of Financial Management.*
4. *The Division Administrator shall establish a plan to coordinate the move of boards assigned to the Division of Occupational and Professional Licenses to a central office location so that Idahoans may access a one-stop shop for state licenses.*
5. *The Division Administrator shall establish a plan to seek efficiencies from the combined organization including, but not limited to, the consolidation of information technology systems across boards where practicable.*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at in Boise on this 3rd day of June in the year of our Lord two thousand and twenty.

Brad Little
GOVERNOR

Lawrence Denny
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2020-11

RELATED TO THE IDAHO DEPARTMENT OF LABOR

WHEREAS, I issued a proclamation on June 11, 2020, declaring a state of disaster in the State of Idaho pursuant to Chapter 10, Title 46, Idaho Code, due to the occurrence and threat to public health and safety arising from the effects of COVID-19; and

WHEREAS, that proclamation remains in effect today; and

WHEREAS, I issued a proclamation on March 13, 2020, declaring a state of emergency in the State of Idaho pursuant to Chapter 10, Title 46, Idaho Code, due to the occurrence and imminent threat to public health and safety arising from the effects of the 2019 novel coronavirus (COVID-19); and

WHEREAS, I issued a proclamation on March 25, 2020, declaring a state of extreme emergency in the State of Idaho pursuant to Chapter 6, Title 46, Idaho Code, due to the increasing occurrence and threat to public health and safety arising from the effects of COVID-19; and

WHEREAS, each of those proclamations have since been superseded by my June 11, 2020 proclamation; and

WHEREAS, Section 46-1008(5)(a), Idaho Code, states that the Governor may suspend the provisions of any regulations that would in any way prevent, hinder, or delay necessary action in coping with the disaster; and

WHEREAS, I directed all state agencies to review their regulations to identify opportunities to assist in the COVID-19 response while maintaining public safety; and

WHEREAS, the Idaho Department of Labor has identified regulations to suspend in order to more quickly, efficiently, and safely respond to the declared emergency; and

WHEREAS, the Idaho Department of Labor finds that the emergency conditions present in Idaho continue to restrict the ability of Idahoans to apply for, travel to, and interview with prospective employers. Due to the emergency, including the emergency conditions and extreme emergency conditions addressed in my March 13, March 25, and June 11, 2020 orders, and its necessary responses, the regular requirements of unemployment insurance must be altered to accommodate individuals that may not have been able, available, and actively seeking work because of COVID-19 and those emergency conditions and/or those orders.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution of the United States, the Constitution of the State of Idaho, and the laws of this State, including Section 46-1008, Idaho Code, do hereby find and therefore proclaim, declare and order:

01. The Executive Order I issued on March 27, 2020, E0-2020-04, is hereby superseded and replaced as follows:

a. Notwithstanding any provision to the contrary in the Employment Security Law, or regulations of the Idaho Department of Labor, it is hereby ordered and directed that the following regulations be suspended as follows:

i. Provisions of the Employment Security Law, Sections 72-1301 et seq., Idaho Code, that would require denial of unemployment benefits, or findings of willful misrepresentation on the sole basis that the claimant entered an incorrect reason for separation when applying for benefits, are waived or suspended in situations where the separation occurred because of the direction of a medical professional, local health authority, employer, or state or local government, that the claimant be isolated or quarantined as a consequence of COVID-19, even if not actually diagnosed with COVID-19.

ii. Claimants who are temporarily unemployed for reasons related to COVID-19, and who have a reasonable assurance from their employer that continuing employment exists shall be considered job-attached, and as having met the available for suitable work, and seeking work personal eligibility conditions of Section 72-1366(4)(a)(i), Idaho Code, and any provisions to the contrary in the Employment Security Law shall be suspended in these situations.

iii. During this state of emergency, including extensions, or until December 31, 2020, whichever date first occurs, the one-week waiting period in the Employment Security Law shall be suspended for claimants making application for unemployment benefits on or after March 8, 2020, who otherwise meet the personal eligibility requirements of the Employment Security Law, and whose separation from employment occurs during the state of emergency declared pursuant to an emergency proclamation.

iv. Claimants who become unemployed because of their quarantine or isolation related to COVID-19 at the direction of their medical professional, local health authority, employer, or state or local government, during such period of quarantine or isolation, shall be considered unemployed through no fault of their own.

v. During this state of emergency, including extensions, any benefit paid on unemployment claims described in Paragraphs 01(a)(ii)-(iv) above shall not be charged to the experience rating account of the employer who otherwise would have been charged.

vi. To effectuate the purposes of this Order, the Idaho Department of Labor shall interpret flexibly, and may suspend where appropriate to the fullest extent allowed by federal law, nonjurisdictional procedural requirements of the Employment Security Law and provisions of its rules not expressly included in the Employment Security Law.

vii. In addition, the requirements set forth in Section 72-1368, Idaho Code, may be suspended and the Idaho Department of Labor, and the Idaho Industrial Commission, will have the discretion, for good cause shown, to extend by a period not to exceed fourteen (14) days the time for filing appeals. Good cause under this provision and the Employment Security Law shall be interpreted flexibly to effectuate the purposes of this Order.

viii. This Order and the authority granted hereby shall not be construed to allow a claimant to refuse:

1. to return to work if requested by the employer and suitable work can be performed in compliance with the emergency declarations and directives; or

2. to accept suitable work if the claimant applies and is offered work that can be performed in compliance with the emergency declarations and directives.

02. Notwithstanding any provision to the contrary of the Employment Security Law, Sections 72-1301 et seq., Idaho Code, and related Department of Labor regulations, it is hereby ordered:

a. The Department of Labor shall have authority, to the fullest extent allowed by federal law, to interpret flexibly, and to suspend, as appropriate, the able to work, available for suitable work, and seeking work personal eligibility conditions of Section 72-1366(4)(a), (b), (6), and (7), Idaho Code, and as necessary to enact temporary rules to effect any such waiver.

b. By this Order, the able to work, available for suitable work, and seeking work personal eligibility conditions of Section 72-1366(4)(a), and (b), (6), and (7), Idaho Code, are suspended for claims for benefit weeks occurring on or after March 13, 2020, through Stage 4 declared by my Stay Healthy Order effective June 13, 2020, but shall only apply to such claims that as of the date of this Executive Order have not become final pursuant to section 72-1368, Idaho Code.

03. Pursuant to Section 72-1368(4)(b), Idaho Code, the Director of the Department of Labor shall have the discretion to suspend any regulation that may not allow a claimant to reapply for benefits whose claims were denied because of Section 72-1366(4)(a), (b), (6), or (7), Idaho Code, and have become final pursuant to Section 72-1368, Idaho Code, after March 13, 2020, but prior to the date of this Executive Order. The suspension effected by Section

02(b) of this Executive Order shall apply to any such reapplication approved by the Director:

04. These suspensions are not blanket waivers of these requirements, but suspensions to provide Unemployment Compensation to those individuals who were laid off because of COVID-19 with the intent to return to their employer; individuals who were quarantined due to my March 25, 2020, order with the intent to return to their employer; individuals who were quarantined by a medical provider or my March 25, 2020, order due to a reasonable risk of exposure or infection; or individuals who were caring/or a family member due to a reasonable risk of exposure or infection.

05. The action taken in this proclamation is necessary for the protection of life and property of Idaho citizens, and the authority granted hereby to the Department of Labor shall continue so long as the disaster described above remains in place.

06. The Department of Labor is directed to enact temporary rules, where appropriate, to suspend the a/ location of charges to employers' accounts for individuals who are paid benefits for reasons related to COVID-19 to the fullest extent allowed by federal law.

07. This Executive Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of Idaho, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at in Boise on this 11th day of June in the year of our Lord two thousand and twenty.





Brad Little
GOVERNOR



Lawrence Denny
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2020-12

RELATED TO RETURN TO WORK BONUSES

WHEREAS, the health and safety of all Idahoans is the greatest priority of our state and its leaders; and

WHEREAS, Idaho is committed to being prepared and protecting Idahoans from the 2019 novel coronavirus (COVID-19); and

WHEREAS, the Centers for Disease Control and Prevention has labeled COVID-19 a pandemic that poses a serious public health threat, and the Secretary of Health and Human Services has declared a public health emergency for the entire United States to aid the nation in responding to COVID-19; and

WHEREAS, on March 13, 2020, when the first case of COVID-19 was confirmed in Idaho, I issued a proclamation declaring a state of emergency in the State of Idaho pursuant to Chapter 10, Title 46, Idaho Code, due to the occurrence and imminent threat to public health and safety arising from the effects of COVID-19; and

WHEREAS, on March 13, 2020, President Trump declared a national emergency due to the outbreak of COVID-19 in the United States, and on April 9, 2020, President Trump declared a major disaster in the State of Idaho, allowing for additional federal assistance to aid in recovery efforts related to COVID-19; and

WHEREAS, on March 27, 2020, Congress passed and President Trump signed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136, which provided the State of Idaho with \$1.25 billion through the Coronavirus Relief Fund for qualifying expenses; and

WHEREAS, on April 30, 2020, the Board of Examiners approved, pursuant to Section 67- 3516(2), non-cognizable spending authority for the Governor's Office in fund 0345 for the \$1.25 billion in funds provided to Idaho by the CARES Act for the time period of March 1, 2020 through December 30, 2020; and

WHEREAS, on June 11, 2020, I declared an emergency pursuant to Section 46-1008, Idaho Code, due to the occurrence and imminent threat to public health and safety arising from the effects of COVID-19; and

WHEREAS, the COVID-19 pandemic has resulted in a significant slowdown in the American and Idaho economies and has caused a significant increase in unemployment in Idaho; and

WHEREAS, Congress has authorized significant increases in the amount of unemployment benefits available to those who are currently out of work. Those enhanced federal unemployment benefits add up to an additional \$600 per week; and

WHEREAS, recent studies have found that as many as two-thirds of those receiving enhanced unemployment benefits are making more than they did prior to the COVID-19 pandemic; and

WHEREAS, these enhanced federal unemployment benefits are due to expire on July 31, 2020, emphasizing the need to help unemployed Idahoans return to work before then; and

WHEREAS, it is crucial to Idaho's response to and recovery from the impacts of the COVID-19 pandemic that Idahoans return to work as soon as possible and that Idaho employers have the workforce needed to rebound from the economic downturn caused by the COVID-19 pandemic; and

WHEREAS, Idaho employers report trouble getting employees to return to work/or various reasons; and

WHEREAS, meaningful work not only provides financial support to Idahoans and Idaho family, it provides useful on-the-job training and experience, and strengthens one's spirit, self-worth, and contribution to this great state's success; and

WHEREAS, the measure of a welfare program's success should always be based on how many people leave the welfare program, not by how many are added; and

WHEREAS, the Workforce Development Council serves as the state's coordinating body on matters related to workforce development policy and programs and its structure, duties and functions of the council are prescribed by the Governor; pursuant to Section 72-1201, Idaho Code; and

WHEREAS, Executive Order 2019-08 sets up the structure of the Workforce Development Council and assigns it various duties; and

WHEREAS, the Idaho State Tax Commission has the resources and expertise to administer a grant program; and

WHEREAS, the Governor may suspend the provisions of any regulations that would in any way prevent, hinder, or delay necessary action in coping with the emergency pursuant to Section 46-1008(5)(a), Idaho Code; and

WHEREAS, the Governor is authorized to utilize all resources of the state, including, but not limited to, those sums in the disaster emergency account as he shall deem necessary to pay obligations and expenses incurred during a declared state of disaster emergency, pursuant to Section 46-1008(5)(b), Idaho Code; and

WHEREAS, the Governor is authorized to transfer the functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services, pursuant to Section 46-1008(5)(c), Idaho Code; and

WHEREAS, the Coronavirus Financial Advisory Committee (CFAC) convened on June 17, 2020, and determined that, in its judgment, expenditures for the Return-to-Work bonus program met the U.S. Treasury guidance for state, territorial, and tribal governments on the proper uses of the Coronavirus Relief Fund and found this use to be necessary to provide economic support to aid in Idaho's recovery from the COVID-19 pandemic;

WHEREAS, I agree with the conclusions of CFAC and find that the Idaho Return-to-Work bonus program is necessary to Idaho's response to and recovery from the COVID-19 pandemic;

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution of the United States, the Constitution of the State of Idaho, and by Section 46-1008 of the Idaho Code do hereby order:

- 1. The creation of the Idaho Return-to-Work bonus program using up to \$100 million from the Coronavirus Relief Fund. The total amount for this program will be drawn from the remainder of the \$300 million set aside from the Coronavirus Relief Fund for the Idaho Rebound Bonus Program.*
- 2. Idaho Return-to-Work bonuses of up to \$1,500 shall be made available to Idaho workers who return to work on or before July 1, 2020.*
- 3. The Return-to-Work bonus program is part of the functions of the Idaho Workforce Development Council, which has reviewed and finalized the program and set the criteria for eligibility for the bonuses at its June 11, 2020 public meeting, including:*
 - a. The worker has filed for unemployment benefits during the coronavirus pandemics, starting on or after March 1, 2020;*
 - b. The worker has started work for a non-governmental employer no later than July 1, 2020;*
 - c. The worker makes \$75,000 or less annually;*
 - d. The worker meets the part-time (20 hours) or full-time (30 hours) hour thresholds in the four weeks immediately following the return to work;*
 - e. The position for which the worker returned to work is intended to be an ongoing position beyond the four-week time period; and*

- f. The worker has not previously received a return to work bonus.*
4. *Additional eligibility criteria may be established by the Workforce Development Council, Coronavirus Financial Advisory Committee, and the Tax Commission as may be necessary to appropriately implement this program.*
5. *The Idaho State Tax Commission shall administer the Idaho Return-to-Work bonus program and distribute the funds in account 0345, pursuant to Sections 46-1008(5), 72-1201, and 67-3516(2), Idaho Code.*
- a. The Idaho State Tax Commission will process the applications from employers, ensure compliance with the criteria, and will distribute payments to the worker;*
 - b. All employer applicants shall establish a secure Taxpayer Access Point (TAP) account to protect their personal and business information on submitted applications;*
 - c. Employers must input information on the employees for whom they are seeking a return to work bonus in order to utilize the existing relationship between the employer and the Tax Commission; and*
 - d. In the instance in which more applications are received than resources are available, the Tax Commission shall award the bonuses based the date the worker returned to work with those returning the earliest given priority.*
6. *The name and city or county of residence of each bonus recipient shall be reported on the Transparent Idaho website.*
7. *That this proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of Idaho, its departments, agencies, or entities, its officers, employees, or agents, or any other person.*

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 17th day of June in the year of our Lord two thousand and twenty.



Brad Little
GOVERNOR

Lawrence Denny
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2020-13

REGULATORY RELIEF TO SUPPORT ECONOMIC RECOVERY

WHEREAS, Idaho has made significant advancements in eliminating costly, ineffective, and outdated regulations through the Red Tape Reduction Act and Zero-Based Regulation executive orders. Through these efforts, Idaho has become the least regulated state in the United States; and

WHEREAS, in response to the 2019 novel coronavirus (COVID-19) pandemic, I directed all state agencies to review their regulations to identify opportunities to assist in the COVID-19 response while maintaining public safety pursuant to Section 46-1008(5)(a) Idaho Code; and

WHEREAS, Idaho's state agencies rose to this challenge, waiving more than 150 regulations in order to move more quickly, efficiently, and safely respond to the declared emergency. These rules focused on reducing barriers to economic recovery waiving licensing provisions, increasing telehealth access, and augmenting healthcare capacity; and

WHEREAS, if waiving these regulations was deemed necessary to improve public health and welfare during the declared emergency, there is a rebuttable presumption that the regulations are unnecessary or counterproductive outside of the declared emergency

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of the state, do hereby order that:

- 1. This executive order applies to the following regulations:
 - a. All regulations listed as temporarily suspended in the Appendix to Proclamation Sign by Governor Little on June 11, 2020; and*
 - b. All additional regulations waived, suspended, or otherwise altered by state agencies using the existing authority listed within their current administrative rules from March 1, 2020, through June 11, 2020.*
 - c. This executive order does not apply to regulations that were waived to facilitate a one-time delay to a deadline that occurred during the declared emergency, such as temporary delay to a license renewal deadline, or those that have an adverse fiscal impact on the state's General Fund.**
- 2. Each state agency responsible for such regulations shall:
 - a. If a statute, submit a legislative idea through the Executive Agency Legislation System (EALS) process to the Division of Financial Management (DFM) no later than July 10, 2020.*
 - b. If an administrative rule, submit a notice of intent to promulgate rules through the Administrative Rules Review Form (ARRF) to DFM no later than July 24, 2020 for publication in the September 2020 edition of the Idaho Administrative Bulletin.**
- 3. Regulations submitted/or publication under this executive order are exempt from the rules moratorium under Executive Order 2020-01, Zero-Based Regulation, as long as the final product is limited to removing the regulation origin waived during COVID-19.*
- 4. If a state agency determines that the regulation is required by law to remain in place or that permanently suspending the regulation would be deleterious to public health or safety the agency head shall submit a signed letter to the administrator of DFM no later than July 24, 2020 outlining the law that compels the specific regulation, or the substantiated consumer health and safety issues that arose from suspending the rule during the declared emergency, and any other information that justifies the continuation of the original regulation. For boards and commissions under the Division of Occupational and Professional Licensing, the letter shall be submitted by the section chief.*


5. *Each state agency should take the steps necessary to finalize their applicable executive agency legislation and administrative rules for presentation to the Idaho legislature in 2021.*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 22nd day of June in the year of our Lord two thousand and twenty.



Brad Little
GOVERNOR


Lawrence Denny
SECRETARY OF STATE

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR,
DIVISION OF FINANCIAL MANAGEMENT**

IDAPA 01 – IDAHO BOARD OF ACCOUNTANCY

DOCKET NO. 01-0000-2000

**NOTICE OF LEGISLATIVE AND EXECUTIVE ACTION AFFECTING THE IDAHO BOARD
OF ACCOUNTANCY UNDER THE DEPARTMENT OF SELF-GOVERNING AGENCIES –
HOUSE BILL 318, SESSION LAW 96, AND EXECUTIVE ORDER 2020-10
AND ASSIGNMENT OF NEW IDAPA DESIGNATION NUMBER
UNDER THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES**

EFFECTIVE DATE: The effective date of this action is July 1, 2020.

AUTHORITY: In compliance with Sections 67-5202(2), 67-5202(3), and 67-5203, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Sixty-fifth Legislature in the Second Regular Session – 2020, passed [House Bill 318](#) and that said bill was signed into law by Governor Brad Little, Session Law Chapter 96, and that [Executive Order 2020-10](#) was signed on June, 3, 2020, and hereby ordered by Governor Brad Little thereby assigning a new IDAPA designation number for the Idaho Board of Accountancy, under the Division of Occupational and Professional Licenses existing within the Department of Self Governing Agencies.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the notice and the legislative and executive action:

House Bill 318 established the Division of Occupational and Professional Licenses (DOPL) created in the Department of Self-Governing Agencies. Through written agreement with each specific agency, DOPL is tasked with providing administrative or other services as provided by law relative to the licensing of trades, businesses, occupations, and professions. House Bill 318 also provides the Governor the authority to orderly arrange these entities into divisions, sections, or units to help achieve the administrative organization of state government.

The Governor signed Executive Order 2020-10 on June 3, 2020, that assigned to DOPL the Idaho Board of Accountancy (Board) to help centralize, organize, and maximize efficiencies and streamline processes associated with the issuance and renewal of licenses to practice as certified or licensed public accountants. Furthermore, the Board governs the administration of the certified public accountant examination, the registration of firms, the regulation of individuals granted practice privileges, and the limitation of non-licensees. The Board will be organized under the Occupational Licenses section within DOPL to assist in carrying out these functions.

This notice, in accordance with Section 67-5203, Idaho Code, complies with the legislative intent of House Bill 318, and the Governor's action in Executive Order 2020-10, by redesignating the affected chapter of rules of the Idaho Board of Accountancy, to the Division of Occupational and Professional Licenses. The rules are now indexed as **IDAPA 24, Title 30, Chapter 1**.

Notwithstanding the provisions of Title 67, Chapter 52, Idaho Code, and further complying with the legislative intent of House Bill No. 318 and the Governor's executive action in Executive Order 2020-10, non-substantive changes will be made to update all references and citations within the rules currently under the authority of the Board and include, but are not limited to, the following:

All citations and references to **IDAPA 01, Title 01, Chapter 01**, Idaho Board of Accountancy, are hereby redesignated as:

- **24.30.01** – Idaho Accountancy Rules.

Pursuant to Sections 67-5202, 67-5203, and 67-5204, Idaho Code, the text of the above listed chapter is being published under companion docket number 24-0000-2000 in this Bulletin and will be incorporated into the current Idaho Administrative Code. All rule citations and references have been updated to reflect the transfer to the rules of the Division of Professional and Occupational Licenses.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this notice contact Dawn Hall, Occupational Licenses Section Chief at (208) 334-3233.

Dated this 1st Day of July, 2020.

Bradley A. Hunt
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Division of Financial Management
P. O. Box 83720
Boise, ID 83720-0032
Phone: (208) 854-3096

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR,
DIVISION OF FINANCIAL MANAGEMENT**

IDAPA 07 – DIVISION OF BUILDING SAFETY

DOCKET NO. 07-0000-2000

**NOTICE OF LEGISLATIVE AND EXECUTIVE ACTION AFFECTING DIVISION OF BUILDING SAFETY
AND ITS CONSTITUENT BOARDS UNDER THE DEPARTMENT OF SELF-GOVERNING AGENCIES –
HOUSE BILL 318, SESSION LAW 96, AND EXECUTIVE ORDER 2020-10
AND ASSIGNMENT OF NEW IDAPA DESIGNATION NUMBER
UNDER THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES**

EFFECTIVE DATE: The effective date of this action is July 1, 2020.

AUTHORITY: In compliance with Sections 67-5202(2), 67-5202(3), and 67-5203, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Sixty-fifth Legislature in the Second Regular Session – 2020, passed [House Bill 318](#) and that said bill was signed into law by Governor Brad Little, Session Law Chapter 96, and that [Executive Order 2020-10](#) was signed on June, 3, 2020, and hereby ordered by Governor Brad Little thereby assigning a new IDAPA designation number for the Division of Building Safety and its constituent boards to include: the Building Code Board; Electrical Board; Public Works Contractors Licensing Board; Plumbing Board; Public Works Construction Management; Heating, Ventilation and Air Conditioning Board; and Factory Built Structures Advisory Board, under the Division of Occupational and Professional Licenses existing within the Department of Self-Governing Agencies.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the notice and the legislative and executive action:

House Bill 318 established the Division of Occupational and Professional Licenses (DOPL) created in the Department of Self-Governing Agencies. Through written agreement with each specific agency, DOPL is tasked with providing administrative or other services as provided by law relative to the licensing of trades, businesses, occupations, and professions. House Bill 318 also provides the Governor the authority to orderly arrange these entities into divisions, sections, or units to help achieve the administrative organization of state government.

The Governor signed Executive Order 2020-10 on June 3, 2020, that assigned to DOPL the Division of Building Safety and its constituent boards (Division and Boards) to help centralize, organize, and maximize efficiencies and streamline industry-related processes such as installation practice, licensure and certification, registration, and educational programs for trades pertaining to electrical, plumbing, modular or manufactured/mobile homes, HVAC, and public works contracts. Furthermore, the Division and Boards administer and oversee safety programs for the purpose of protecting the public in the areas of building codes; elevators, escalators, and moving walks; uniform school buildings; standards and practices in logging; and damage prevention to underground facilities. The Division and Boards will be organized under the Building, Construction, and Real Estate section within DOPL to assist in carrying out these functions.

This notice, in accordance with Section 67-5203, Idaho Code, complies with the legislative intent of House Bill 318, and the Governor's action in Executive Order 2020-10, by redesignating the affected chapters of rules of the Division of Building Safety, to the Division of Occupational and Professional Licenses. The rules are now indexed as **IDAPA 24, Title 39, Chapter 1 through Chapter 90**.

Notwithstanding the provisions of Title 67, Chapter 52, Idaho Code, and further complying with the legislative intent of House Bill No. 318 and the Governor's executive action in Executive Order 2020-10, non-substantive changes will be made to update all references and citations within the rules currently under the authority of the Division and Boards and include, but are not limited to, the following:

All citations and references to **IDAPA 07, Title 01, Chapter 01; Title 02, Chapter 02; Title 03, Chapters 01, 03, 09, 11, 12, 13; Title 04, Chapter 02; Title 05, Chapter 01; Title 06, Chapter 01; Title 07, Chapter 01; Title 08, Chapter 01; Title 10, Chapter 01; and Title 11, Chapter 01;** Division of Building Safety and its constituent boards, are hereby redesignated as:

- [24.39.01](#) – Rules of the Division of Building Safety;
- [24.39.10](#) – Rules of the Idaho Electrical Board;

- [24.39.20](#) – Rules Governing Plumbing;
- [24.39.30](#) – Rules of Building Safety (Building Code Rules);
- [24.39.31](#) – Rules for Modular Buildings;
- [24.39.32](#) – Rules Governing Manufactured Homes – Consumer Complaints – Dispute Resolution;
- [24.39.33](#) – Rules Governing Manufactured/Mobile Home Industry Licensing;
- [24.39.34](#) – Rules Governing Manufactured or Mobile Home Installations;
- [24.39.35](#) – Rules Governing Mobile Home Rehabilitation;
- [24.39.40](#) – Safety Rules for Elevators, Escalators, and Moving Walks;
- [24.39.50](#) – Rules of the Public Works Contractors License Board;
- [24.39.60](#) – Rules Governing Uniform School Building Safety;
- [24.39.70](#) – Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems;
- [24.39.80](#) – Idaho Minimum Safety Standards and Practices for Logging; and
- [24.39.90](#) – Rules Governing the Damage Prevention Board.

Pursuant to Sections 67-5202, 67-5203, and 67-5204, Idaho Code, the text of the above listed chapters is being published under companion docket number 24-0000-2000 in this Bulletin and will be incorporated into the current Idaho Administrative Code. All rule citations and references have been updated to reflect the transfer to the rules of the Division of Professional and Occupational Licenses.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this notice contact MiChell M. Bird, Building, Construction, and Real Estate Section Chief at (208) 334-3285.

Dated this 1st Day of July, 2020.

Bradley A. Hunt
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Division of Financial Management
P. O. Box 83720
Boise, ID 83720-0032
Phone: (208) 854-3096

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR,
DIVISION OF FINANCIAL MANAGEMENT**

**IDAPA 10 – IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS**

DOCKET NO. 10-0000-2000

**NOTICE OF LEGISLATIVE AND EXECUTIVE ACTION AFFECTING THE IDAHO BOARD OF
LICENSURE OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS
UNDER THE DEPARTMENT OF SELF-GOVERNING AGENCIES –
HOUSE BILL 318, SESSION LAW 96, AND EXECUTIVE ORDER 2020-10
AND ASSIGNMENT OF NEW IDAPA DESIGNATION NUMBER
UNDER THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES**

EFFECTIVE DATE: The effective date of this action is July 1, 2020.

AUTHORITY: In compliance with Sections 67-5202(2), 67-5202(3), and 67-5203, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Sixty-fifth Legislature in the Second Regular Session – 2020, passed [House Bill 318](#) and that said bill was signed into law by Governor Brad Little, Session Law Chapter 96, and that [Executive Order 2020-10](#) was signed on June, 3, 2020, and hereby ordered by Governor Brad Little thereby assigning a new IDAPA designation number for the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors, under the Division of Occupational and Professional Licenses existing within the Department of Self-Governing Agencies.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the notice and the legislative and executive action:

House Bill 318 established the Division of Occupational and Professional Licenses (DOPL) created in the Department of Self-Governing Agencies. Through written agreement with each specific agency, DOPL is tasked with providing administrative or other services as provided by law relative to the licensing of trades, businesses, occupations, and professions. House Bill 318 also provides the Governor the authority to orderly arrange these entities into divisions, sections, or units to help achieve the administrative organization of state government.

The Governor signed Executive Order 2020-10 on June 3, 2020, that assigned to DOPL the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors (Board) to help centralize, organize, and maximize efficiencies and streamline processes associated with the licensure as a professional engineer or professional land surveyor. Furthermore, the Board oversees procedures for professional responsibility, continuing professional development, and properly completing corner perpetuation and filing forms. The Board will be organized under the Building, Construction, and Real Estate section within DOPL to assist in carrying out these functions.

This notice, in accordance with Section 67-5203, Idaho Code, complies with the legislative intent of House Bill 318, and the Governor's action in Executive Order 2020-10, by redesignating the affected chapter of rules of the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors, to the Division of Occupational and Professional Licenses. The rules are now indexed as **IDAPA 24, Title 32, Chapter 1**.

Notwithstanding the provisions of Title 67, Chapter 52, Idaho Code, and further complying with the legislative intent of House Bill No. 318 and the Governor's executive action in Executive Order 2020-10, non-substantive changes will be made to update all references and citations within the rules currently under the authority of the Board and include, but are not limited to, the following:

All citations and references to **IDAPA 10, Title 01, Chapter 01**, Board of Licensure of Professional Engineers and Professional Land Surveyors, are hereby redesignated as:

- **24.32.01** – Rules of the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors.

Pursuant to Sections 67-5202, 67-5203, and 67-5204, Idaho Code, the text of the above listed chapter is being published under companion docket number 24-0000-2000 in this Bulletin and will be incorporated into the current Idaho Administrative Code. All rule citations and references have been updated to reflect the transfer to the rules of the Division of Professional and Occupational Licenses.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this notice contact MiChell M. Bird, Building, Construction, and Real Estate Section Chief at (208) 334-3285.

Dated this 1st Day of July, 2020.

Bradley A. Hunt
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Division of Financial Management
P. O. Box 83720
Boise, ID 83720-0032
Phone: (208) 854-3096

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

DOCKET NO. 16-0000-2000F (FEE RULE)

NOTICE OF OMNIBUS RULEMAKING – AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: A temporary rule was adopted under this docket number in the April 15, 2020, Idaho Administrative Bulletin, [Vol. 20-4SE, pages 700 through 1090](#). The effective date of the amendments to the temporary rule is July 1, 2020.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has amended a temporary rule. The action is authorized pursuant to Sections 39-1105, 39-1107, 39-1111, 39-1210(10), 39-1211(4), 39-1213, 39-3137, 39-3305, 39-3505, 39-3520, 39-5604, 39-9109, 56-202(b), 56-203(2), 56-204A, 56-264, 56-1002, 56-1003, 56-1004, 56-1004A, 56-1005, 56-1007, 56-1009, 56-1028, 66-404(7), 15-5-308(4), 15-5-311(5), 15-5-316(5), and 42 USC Section 9858f.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for amending the temporary rule and a statement of any change between the text of the temporary rule and text of the amended temporary rule with an explanation for any changes:

Amendments are being made to the following four (4) temporary fee chapters:

IDAPA 16.02.01, *Idaho Time Sensitive Emergency System Council:*

To best protect the public’s health and safety, the document incorporated in this chapter, the “Time Sensitive Emergency Standards Manual,” is being revised and updated along with the corresponding citation to the manual in this chapter. The amendment to this chapter will ensure that the most recent edition of the manual has the force and effect of law.

IDAPA 16.03.19, *Certified Family Homes:*

This chapter is being amended to increase protection for vulnerable adults in certified family homes by preventing exposure to others who have criminal convictions, substantiated adult protection or child protection complaints, or have disciplinary issues regarding child care or foster care licenses.

IDAPA 16.03.22, *Residential Assisted Living Facilities:*

This chapter is being amended to strengthen certain requirements that impact resident health and safety, and clarifies, eliminates, and relaxes other requirements consistent with Governor’s Red Tape Reduction Act ([Executive Order 2019-02](#)).

IDAPA 16.05.06, *Criminal History and Background Checks:*

1. Based on stakeholder input, amendments are being made to clarify the following:
 - a. Who is subject to the background check;
 - b. Documentation recordkeeping requirements;
 - c. When an incomplete application is no longer viable for processing; and
 - d. When a new background check or state-only check is required for a rehired employee.
2. The Department has determined that the crime of “assault with intent to commit a serious felony,” Section 18-909, Idaho Code, is indicative of the inability of the applicant to care for the vulnerable. This crime is being added to the chapter’s list of disqualifying offenses.
3. At the request of the FBI, references to the federal Nation Crime Information Center and the federal Sex Offender Registry are being removed.
4. In accordance with H0114 (2019, effective 7/1/2019) and amended by H0406 (2020, effective 7/1/2020), the chapter is being amended to add a new disqualifying crime regarding female genital mutilation. This enables the Department to protect the vulnerable population by permanently disqualifying persons that have been convicted of this crime thus enhancing the Department’s disqualifying criteria.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rules is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho, confer a benefit on its citizens, and comply with enacted legislation. These temporary rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety, and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules.

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

A detailed explanation of the fees or charges associated with these rule chapters being amended can be found in the original Notice of Omnibus Rulemaking – Adoption of Temporary Rule, which published in the April 15, 2020, Idaho Administrative Bulletin, [Vol. 20-4SE, pages 700 through 1090](#).

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rules, contact the Administrative Rules Unit, dhwrules@dhw.idaho.gov, 450 W. State Street, 10 Floor, Boise, ID, 83720.

Dated this 9th day of June, 2020.

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

**THE FOLLOWING IS THE AMENDED TEXT FOR TEMPORARY FEE CHAPTERS
16.02.01, 16.03.19, 16.03.22, and 16.05.06**

**The text of the temporary rule was originally published in the Idaho Administrative Bulletin,
[Volume 20-4SE, April 15, 2020, pages 700 through 1090](#).**

**Only those sections that have changed from the original temporary text
are printed in this Bulletin following this notice.**

16.02.01 – IDAHO TIME SENSITIVE EMERGENCY SYSTEM COUNCIL

004. INCORPORATION BY REFERENCE.

The Time Sensitive Emergency System Standards Manual, Edition 20~~19~~20-1, is incorporated by reference in this chapter of rules. Copies of the manual may be obtained online at <https://tse.idaho.gov/> or from the Bureau of Emergency Medical Services and Preparedness located at 2224 East Old Penitentiary Road, Boise, ID 83712-8249.

~~(3-20-20)F~~(7-1-20)T

[BREAK IN CONTINUITY OF CHAPTERS]

16.03.19 – CERTIFIED FAMILY HOMES

009. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.

01. Department Criminal History and Background Check Clearance. The provider, substitute caregivers, and all adults living in the home are required to complete a Department criminal history and background check and receive a clearance in compliance with IDAPA 16.05.06, “Criminal History and Background Checks.” The resident is exempt from criminal history check requirements. (3-20-20)T

02. When Certification Can Be Granted. Prior to certification being granted: (3-20-20)T

a. The provider must have a completed criminal history check, including clearance; and (3-20-20)T

b. Any other adult living in the home must have completed a self-declaration form, *must* be fingerprinted, and *must* not have any designated crimes listed in IDAPA 16.05.06, “Criminal History and Background Checks.” ~~(3-20-20)F~~(7-1-20)T

03. New Adults in the Home After Certification Is Granted. A new adult who plans to live in the home must complete a self-declaration form, *must* be fingerprinted, and *must* not have any designated crimes listed in IDAPA 16.05.06, “Criminal History and Background Checks,” before moving into the home. Any adult who is a visitor in the home and leaves within thirty (30) days is not required to have a criminal history check but must not have unsupervised contact with the resident. ~~(3-20-20)F~~(7-1-20)T

04. Minor Child Turns Eighteen. A minor child turning eighteen (18) and living in the home must complete a self-declaration form, *must* be fingerprinted, and *must* not have disclosed any designated crimes listed in IDAPA 16.05.06, “Criminal History and Background Checks,” within thirty (30) days following the month of his eighteenth birthday. ~~(3-20-20)F~~(7-1-20)T

05. Substitute Caregiver. A substitute caregiver must complete a self-declaration form, be fingerprinted, and *must* not have disclosed any designated crimes listed in IDAPA 16.05.06, “Criminal History and Background Checks,” prior to any unsupervised contact with the resident. ~~(3-20-20)F~~(7-1-20)T

06. Additional Criminal Convictions, Pending Investigations, or Charges. Once criminal history clearances have been received, the provider must report to the Department any additional criminal convictions, pending investigation or charges for himself, any other adult living in the home or a substitute caregiver as described in Section 210 of these rules. (3-20-20)T

07. **Renewal of Clearance.** Any adult who needs to clear a Department criminal history and background check according to these rules must obtain a new clearance from the Department at least every five (5) years. (7-1-20)T

(BREAK IN CONTINUITY OF SECTIONS)

113. DENIAL OF APPLICATION FOR CERTIFICATE.

The Department may deny the application for issuance of a certificate when conditions exist that endanger the health, safety, or welfare of any resident or when the home or provider is not in substantial compliance with these rules. (7-1-20)T

01. Additional Causes For Denial. Additional causes for denial of an application for a certificate include the following: (3-20-20)F(7-1-20)T

~~01a. **False or Incomplete Information.** The applicant or provider has willfully misrepresented or omitted information on the application or other documents pertinent to obtaining a certificate;~~ (3-20-20)F(7-1-20)T

~~02b. **Convictions.** The applicant or provider has been convicted of fraud, gross negligence, abuse, assault, battery or exploitation;~~ (3-20-20)F(7-1-20)T

~~03c. **Other Criminal Offense.** The applicant or provider has been convicted of a criminal offense within the past five (5) years, other than a minor traffic violation or similar minor offense;~~ (3-20-20)F(7-1-20)T

~~04d. **Denial or Revocation of Health Care License.** The applicant or provider has been denied or has had revoked any child care (including foster home) or health facility license, residential ~~care or~~ assisted living facility license, or certified family home certificate;~~ (3-20-20)F(7-1-20)T

~~05e. **Operation Without a License.** The applicant or provider has been found to have operated a health facility, residential ~~care or~~ assisted living facility, or certified family home without a license or certificate;~~ (3-20-20)F(7-1-20)T

~~06f. **Court Ordered.** A court has ordered that the applicant or provider must not operate a health facility, residential ~~care or~~ assisted living facility, or certified family home;~~ (3-20-20)F(7-1-20)T

~~07g. **Registries or Exclusion List.** The applicant or provider is listed on the statewide Child Abuse Registry, Adult Protection Registry, Sexual Offender Registry, or Medicaid exclusion lists; or~~ (3-20-20)F(7-1-20)T

~~08h. **Control or Influence.** The applicant or provider is directly under the control or influence of any person who is described in Subsections 113.01 through 113.07 of this rule.~~ (3-20-20)F(7-1-20)T

~~092. **Procedure for Appeal** Notice of Denial of a Certificate. Immediately upon denial of any application for a certificate, the Department will notify the applicant or provider in writing by certified mail or by personal service of its decision, including the reason(s) for the Department's decision and how to appeal the decision. (3-20-20)F(7-1-20)T~~

~~a. Immediately upon denial of any application for a certificate, the Department will notify the applicant or provider in writing by certified mail or by personal service of its decision, the reason for its decision, and how to appeal the decision. (3-20-20)T~~

~~b. The appeal is subject to the hearing provisions in IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (3-20-20)T~~

[BREAK IN CONTINUITY OF CHAPTERS]

16.03.22 – RESIDENTIAL ~~CARE OR~~ ASSISTED LIVING FACILITIES ~~IN IDAHO~~

000. LEGAL AUTHORITY.

The Idaho Board of Health and Welfare is authorized under Sections 39-3305 and 39-3358, Idaho Code, to adopt and enforce rules to protect the health, safety, and ~~the~~ individual's rights for residents in residential ~~care or~~ assisted living facilities. ~~(3-20-20)F(7-1-20)T~~

001. TITLE, SCOPE, AND RESPONSIBILITIES.

01. Title. The title of this chapter of rules is IDAPA 16.03.22, "Residential ~~Care or~~ Assisted Living Facilities ~~in Idaho~~." ~~(3-20-20)F(7-1-20)T~~

02. Scope. The purpose of a residential ~~care or~~ assisted living facility ~~in Idaho~~ is to provide choice, dignity, and independence to residents while maintaining a safe, humane, and home-like living arrangement for individuals needing assistance with daily activities and personal care. These rules set standards for providing services that maintain a safe and healthy environment. ~~(3-20-20)F(7-1-20)T~~

03. General Provider Responsibilities. The facility must ~~assure~~ ensure quality services by providing choices, dignity, and independence to residents. The facility must have an administrator and staff who have the knowledge and experience required to provide safe and appropriate services to all residents of the facility. The facility must be operated consistent with the rules and statutes as it conducts its work. ~~(3-20-20)F(7-1-20)T~~

04. General Department Responsibilities. The Department is responsible for monitoring and enforcing the provisions of the statute and this chapter to protect residents in these facilities by providing information, education, and evaluating providers to ~~assure~~ ensure compliance with statute and these rules. This responsibility includes: licensing facilities and monitoring the condition of ~~the facility~~ facilities. ~~(3-20-20)F(7-1-20)T~~

05. Exemptions. The provisions of these rules do not apply to any of the following: (3-20-20)T

a. ~~Health Facility~~. The provisions of these rules do not apply to hospitals, nursing facilities, intermediate care facilities for persons with intellectual disabilities, or any other health facility as defined by Title 39, Chapter 13, Idaho Code. ~~(3-20-20)F(7-1-20)T~~

b. ~~Alternate Living Arrangements~~. The provisions of these rules do not apply to any house, institution, hotel, congregate housing project, retirement home, or other similar place that is limited to providing one (1) or more of the following: housing, meals, transportation, housekeeping, or recreational and social activities, or that have residents independently accessing supportive services from an entity approved to provide such services in Idaho and holding no legal ownership interest in the entity operating the facility. ~~(3-20-20)F(7-1-20)T~~

c. ~~Relatives~~. The provisions of these rules do not apply to any arrangement for the receiving and care of persons by a relative, except when the ~~caretaker~~ caregiver is paid for the care through a state or federal program, in which case the ~~caretaker~~ caregiver's relative and the care setting must meet all applicable requirements. ~~(3-20-20)F(7-1-20)T~~

002. WRITTEN INTERPRETATIONS.

~~In accordance with Section 67-5201(19)(b)(iv), Idaho Code, t~~This agency ~~may have~~ has written statements ~~that~~ which pertain to the interpretations of the rules of this chapter ~~or to the documentation of compliance with the rules of this chapter~~. These documents ~~are~~ is available for public inspection ~~as described in Sections 004, 005, and 006 of~~

~~these rules~~ on the program website <http://assistedliving.dhw.idaho.gov>.

~~(3-30-07)~~(7-1-20)T

003. ADMINISTRATIVE APPEALS, CONTESTED CASES, AND INFORMAL DISPUTE RESOLUTION.

01. Administrative Appeals and Contested Cases. Administrative appeals and contested cases are governed by IDAPA 16.05.03, “Contested Case Proceedings and Declaratory Rulings.” (3-20-20)T

02. Informal Dispute Resolution Meeting. If a facility disagrees with a finding of a core issue, it may request an informal dispute resolution meeting with the Residential Assisted Living Facilities Program. The policy and procedure for requesting informal dispute resolution is posted on the Residential Assisted Living Facilities Program website at <https://assistedliving.dhw.idaho.gov>. (3-20-20)T

004. INCORPORATION BY REFERENCE.

The documents, referenced in ~~Subsection 004.01 through 004.08 of these~~ this rules, are incorporated by reference as provided by Section 67-5229-(a), Idaho Code. These incorporated documents are available for public review upon request at the Department of Health and Welfare, 450 West State Street, Boise, Idaho 83702, or when available online at the websites provided in these rules. ~~(3-20-20)T~~(7-1-20)T

01. National Fire Protection Association (NFPA) Documents. ~~The NFPA documents referenced in these regulations are available from the National Fire Protection Association, 11 Tracy Drive, Avon, MA 02322-9908; 1-800-344-3555; and online at <http://www.nfpa.org>.~~ (3-20-20)T

a. National Fire Protection Association (NFPA) Standard 101, The Life Safety Code, 2018 Edition, the occupancy chapters and all mandatory referenced documents contained therein under “Mandatory References.” (7-1-20)T

b. National Fire Protection Association (NFPA) Standard 99, Health Care Facilities Code, 2018 Edition. (7-1-20)T

02. Idaho Diet Manual. ~~This~~ manual is available from the Idaho Academy of Nutrition & Dietetics Association, Ninth Eleventh Edition, 2015, online at <http://eatrightidaho.org>. ~~(3-20-20)T~~(7-1-20)T

03. Idaho Food Code. IDAPA 16.02.19, “~~Food Safety and Sanitation Standards for Idaho~~ Food Establishments Code.” These rules are available online at <http://adminrules.idaho.gov/rules/current/16/160219.pdf>. ~~(3-20-20)T~~(7-1-20)T

04. Americans with Disabilities Act Accessibility Guidelines. 28 CFR Part 36, Appendix A. This code is available online at ~~<http://www.ada.gov/publicat.htm>~~ <http://www.ada.gov/1991standards/adastd94-archive.pdf>. ~~Contact phone number is 1-800-514-0301.~~ (3-20-20)T(7-1-20)T

05. Idaho Board of Nursing Rules. IDAPA 23.01.01, “Rules of the Idaho Board of Nursing.” These rules are available online at <http://adminrules.idaho.gov/rules/current/23/230101.pdf>. (3-20-20)T

~~**06. Idaho Board of Pharmacy Rules. IDAPA 27.01.01, “Rules of the Idaho Board of Pharmacy.”** These rules are available online at <http://adminrules.idaho.gov/rules/current/27/>. (3-20-20)T~~

~~**07. International Building Code. Edition 2003.** This code is available from the International Code Council, 4051 West Flossmoor Rd., Country Club Hills, IL 60478-5795, phone: 888-422-7233 and IDAPA 07.03.01, “Rules of Building Safety.” These rules are available online at <http://www.iccsafe.org> <https://adminrules.idaho.gov/rules/current/07/070301.pdf>. (3-20-20)T(7-1-20)T~~

~~**08. Idaho Medical Assistance Program Rules. IDAPA 16.03.09, “Medicaid Basic Plan Benefits, Section 665.** These rules may be found online at <http://adminrules.idaho.gov/rules/current/16/160309.pdf>. (3-20-20)T~~

005. -- 008. (RESERVED)

009. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.

01. **Criminal History and Background Check.** A residential ~~care-of~~ assisted living facility must complete a criminal history and background check on employees and contractors hired or contracted with after October 1, 2007~~5~~, who have direct ~~patient resident~~ access to residents in the residential ~~care-of~~ assisted living facility. The Department check conducted under IDAPA 16.05.06, “Criminal History and Background Checks,” satisfies this requirement. Other criminal history and background checks may be acceptable provided they meet the criteria in Subsection 009.02 of this rule and the entity conducting the check issues written findings. The entity must provide a copy of these written findings to both the facility and the employee. ~~(3-20-20)F(7-1-20)T~~

02. **Scope of a Criminal History and Background Check.** The criminal history and background check must, at a minimum, be fingerprint-based and include a search of the following record sources: (3-20-20)T

- a. Federal Bureau of Investigation (FBI); (3-20-20)T
- b. Idaho State Police Bureau of Criminal Identification; (3-20-20)T
- c. Sexual Offender Registry; (3-20-20)T
- d. Office of Inspector General List of Excluded Individuals and Entities; and (3-20-20)T
- e. Nurse Aide Registry. (3-20-20)T

03. **Availability to Work.** Any direct ~~patient resident~~ access individual hired or contracted with on or after October 1, 2007~~5~~, must self-disclose all arrests and convictions before having access to residents. ~~(3-20-20)F(7-1-20)T~~

~~a.~~ If a disqualifying crime as described in IDAPA 16.05.06, “Criminal History and Background Checks,” is disclosed, the individual must not have direct resident access to any resident. (7-1-20)T

~~b.~~ The individual is ~~only~~ allowed to ~~only~~ work under ~~another employee who has a cleared criminal history and background check that meets the criteria in this rule.~~ The cleared employee must keep the individual waiting for clearance in line-of-sight when the individual has direct resident access ~~supervision~~ until the criminal history and background check is completed; ~~and the results are obtained by the facility,~~ unless: ~~(3-20-20)F(7-1-20)T~~

i. The individual has completed an alternative criminal history and background check that includes a search of the record sources listed in Subsections ~~009.02.b. through 009.02.e. of~~ except for Subsection 009.02.a. in this rule; ~~and~~ ~~(3-20-20)F(7-1-20)T~~

ii. The facility determines there is no potential danger to residents; ~~and~~ ~~(3-20-20)F(7-1-20)T~~

~~biii.~~ This alternative criminal history and background check is only in effect until the ~~required criminal history and background check that meets the criteria in this rule is completed.~~ The results must state whether the individual was cleared or denied ~~Department has issued a clearance or denial~~ based on the ~~Department’s~~ completed fingerprint-based background check. ~~(3-20-20)F(7-1-20)T~~

~~e.~~ If a disqualifying crime as described in IDAPA 16.05.06, “Criminal History and Background Checks,” is disclosed, the individual cannot have access to any resident. ~~(3-20-20)F~~

04. **Submission of Fingerprints.** The individual’s fingerprints must be submitted to the entity conducting the criminal history and background check within twenty-one (21) days of ~~his~~ their date of hire. ~~(3-20-20)F(7-1-20)T~~

05. **New Criminal History and Background Check.** An individual must have a criminal history and background check when: (3-20-20)T

- a. Accepting employment with a new employer; and (3-20-20)T

b. ~~His~~ The individual's last criminal history and background check was completed more than three (3) years prior to ~~his~~ their date of hire. (3-20-20)F(7-1-20)T

06. Use of Previous Criminal History and Background Check. Any employer ~~may~~ is allowed to use a previous criminal history and background check ~~subsection 009.02 of obtained under these~~ that meets the criteria in this rule if: (3-20-20)F(7-1-20)T

a. The individual has received a criminal history and background check within three (3) years of ~~his~~ their date of hire; (3-20-20)F(7-1-20)T

b. ~~The~~ Prior to the individual being granted unsupervised direct resident access, the employer ~~has documentation of the criminal history and background check findings~~ obtains and retains the individual's previous criminal history and background check results; (3-20-20)F(7-1-20)T

c. The employer completes a state-only background check of the individual through the Idaho State Police Bureau of Criminal Identification ~~and,~~ within thirty (30) days of obtaining the previous criminal history and background check results; and (3-20-20)F(7-1-20)T

d. No disqualifying crimes are found. (3-20-20)T

07. Employer Discretion. The new employer, at its discretion, may require an individual to complete a criminal history and background check at any time, even if the individual has received a criminal history and background check within three (3) years of ~~his~~ their date of hire. (3-20-20)F(7-1-20)T

010. DEFINITIONS AND ABBREVIATIONS A THROUGH E.

01. Abuse. ~~The~~ A non-accidental act of sexual, physical, or mental mistreatment, or injury of a resident through the action or inaction of another individual. (3-20-20)F(7-1-20)T

02. Accident. An unexpected, unintended event that can cause a resident injury. (3-20-20)T

03. Activities. All organized and directed social and rehabilitative services a facility provides, arranges, or cooperates with. (3-20-20)T

04. Activities of Daily Living. ~~The performance of basic self-care~~ Self-care activities in meeting actions necessary to sustain an individual's ~~needs to sustain him~~ in a daily living environment, including bathing, ~~washing,~~ dressing, toileting, grooming, eating, communicating, ~~continence, and mobility~~ and managing medications. (3-20-20)F(7-1-20)T

05. Administrator. An individual, ~~properly~~ licensed by the Idaho Bureau of Occupational Licensing Licenses as a Residential Assisted Living Facility Administrator, ~~who is responsible for day to day operation of a residential care or assisted living facility.~~ (3-20-20)F(7-1-20)T

06. Administrator's Designee. ~~An administrator's designee is a~~ person authorized in writing to act in the absence of the administrator ~~and~~ who is knowledgeable of facility operations, the residents and their needs, emergency procedures, the location and operation of emergency equipment, and how the administrator can be reached in the event of an emergency. (3-20-20)F(7-1-20)T

07. Adult. A person who has ~~attained the age of~~ reached eighteen (18) years of age. (3-20-20)F(7-1-20)T

08. Advance Directive. A written instruction, such as a living will or durable power of attorney for health care, recognized under Sstate Llaw, whether statutory or as recognized by the courts of the State, ~~and relates related~~ to the provision of medical care when the individual is unable to communicate. (3-20-20)F(7-1-20)T

09. Advocate. An authorized or designated representative of a program or organization operating

under federal or state mandate to represent the interests of a population group served by a facility. (3-20-20)T

10. Ambulatory Person. A person who, unaided by any other person, is physically and mentally capable of walking a normal path to safety, including the ascent and descent of stairs. (3-20-20)T

11. Assessment. ~~The conclusion reached using uniform criteria~~ Information gathered which that identifies resident strengths, weaknesses, risks, and needs, to include functional, social, medical, and behavioral needs. ~~(3-20-20)T~~(7-1-20)T

12. Authentication. ~~Proof of authorship~~ The process or action of proving or showing authorship to be true, genuine, or valid. ~~(3-20-20)T~~(7-1-20)T

13. Authorized Provider. An individual who is a nurse practitioner, ~~or~~ clinical nurse specialist, or physician assistant. ~~(3-20-20)T~~(7-1-20)T

14. Basement. ~~That portion of a building that is partly or completely below grade plane. A basement will be considered as a story above grade plane where the finished surface of the floor above the basement is: (1) More than six (6) feet (1829 mm) above grade plane; (2) More than six (6) feet (1829 mm) above the finished ground level for more than fifty percent (50%) of the total building perimeter; or (3) More than twelve (12) feet (3658 mm) above the finished ground level at any point. International Building Code 2003.~~ ~~(3-20-20)T~~

15. Behavior Plan. A written plan ~~which that~~ decreases the frequency, duration, or intensity of maladaptive behaviors, and increases the frequency of adaptive behaviors ~~and introduces new skills.~~ ~~(3-20-20)T~~(7-1-20)T

16. Call System. A signaling system whereby a resident can contact staff directly from their sleeping room, toilet room, and bathing area. The system may be voice communication, ~~or~~ an audible or visual signal, and may include wireless technology. The call system cannot be configured in such a way as to breach a resident's right to privacy at the facility, including ~~but not limited to,~~ in the resident's living quarters, in common areas, during medical treatments, and while receiving other services, in written and telephonic communications, or in visits with family, friends, advocates, and resident groups. ~~(3-20-20)T~~(7-1-20)T

17. Chemical Restraint. A medication used to control behavior or to restrict freedom of movement and is not a standard treatment for the resident's condition. (3-20-20)T

18. ~~Client of the Department~~Cognitive Impairment. ~~Any person who receives financial aid, or services, or both from an organized program of the Department~~ When a person experiences loss of short or long-term memory, orientation to person, place, or time, safety awareness, or loses the ability to make decisions that affect everyday life. ~~(3-20-20)T~~(7-1-20)T

19. Complaint. A formal expression of dissatisfaction, discontent, or unhappiness by, or on behalf of, a resident concerning the care or conditions at the facility. This expression could be oral, in writing, or by alternative means of communication. ~~(3-20-20)T~~(7-1-20)T

20. Complaint Investigation. A survey to investigate the validity of allegations of noncompliance with applicable state requirements. Allegations will be investigated by the Licensing Agency as described in Section 39-3355, Idaho Code. ~~(3-20-20)T~~(7-1-20)T

21. Core Issue. A core issue is any one (1) of the following: (7-1-20)T

a. ~~A~~Abuse; (7-1-20)T

b. ~~N~~Neglect; (7-1-20)T

c. ~~E~~Exploitation; (7-1-20)T

d. ~~I~~Inadequate care; (7-1-20)T

- ~~e.~~ ~~A~~ situation in which the facility has operated for more than thirty (30) days without a licensed administrator ~~designated the responsibility for~~ overseeing the day-to-day operations of the facility; (7-1-20)T
- ~~f.~~ ~~I~~noperable fire detection or extinguishing systems with no fire watch in place pending the correction of the system; or (7-1-20)T
- ~~g.~~ ~~S~~urveyors denied access to records, residents, or facilities. (3-20-20)T(7-1-20)T
- ~~221.~~ **Criminal Offense.** Any crime as defined in Section 18-111, Idaho Code, ~~in~~ 18 U.S.C. Section ~~441.2(a)~~ 4B1.2(a), and 18 U.S.C. Sections 1001 through 1027. (3-20-20)T(7-1-20)T
- ~~232.~~ **Deficiency.** A determination of noncompliance with a specific rule or part of a rule. (3-20-20)T
- ~~243.~~ **Dementia.** A chronic deterioration of intellectual function and other cognitive skills severe enough to interfere with the ability to perform activities of daily living ~~and instrumental activities of daily living.~~ (3-20-20)T(7-1-20)T
- ~~254.~~ **Department.** The Idaho Department of Health and Welfare. (3-20-20)T
- ~~265.~~ **Developmental Disability.** A developmental disability, as defined in Section 66-402, Idaho Code, means a chronic disability of a person which appears before ~~the age of~~ twenty-two (22) years of age and: (3-20-20)T(7-1-20)T
- ~~a.~~ Is attributable to an impairment, such as an intellectual disability, cerebral palsy, epilepsy, autism, or other conditions found to be closely related ~~to~~ or similar to one (1) of these impairments that requires similar treatment or services, or is attributable to dyslexia resulting from such impairments; ~~and~~ (3-20-20)T(7-1-20)T
- ~~b.~~ Results in substantial functional limitations in three (3) or more of the following areas of major life activity: ~~self-care, receptive and expressive language, learning, mobility, self-direction, capacity of independent living, or economic self-sufficiency; and~~ (3-20-20)T(7-1-20)T
- ~~c.~~ Reflects the need for a combination and sequence of special, interdisciplinary or direct care, treatment, or other services which are of life-long or extended duration, and individually planned and coordinated. (3-20-20)T(7-1-20)T
- ~~26.~~ **Direct Resident Access.** In-person access with any resident who resides at the facility, or any access to the residents' personal belongings or information. (7-1-20)T
- ~~27.~~ **Director.** The Director of the Idaho Department of Health and Welfare or ~~his~~ their designee. (3-20-20)T(7-1-20)T
- ~~28.~~ **Electronic Signature.** ~~E-Signature.~~ The system for signing electronic documents by entering a unique code or password that verifies the identity of the person signing and creates an individual "signature" on the record. (3-20-20)T(7-1-20)T
- ~~29.~~ **Elopement.** When a resident who is cognitively, physically, mentally, emotionally, or chemically impaired, physically leaves the facility premises or the secured unit or yard without personnel's knowledge. (7-1-20)T
- ~~2930.~~ **Exit Conference.** A meeting with the facility administrator or designee to: (1) provide review, discussion, and written documentation of non-core issues (~~Punch List~~), and (2) to provide preliminary findings of core issues. (3-20-20)T(7-1-20)T
- ~~301.~~ **Exploitation.** The misuse of a resident's funds, property, resources, identity, or person for profit or advantage, ~~for example:~~ This includes charging a resident for services or supplies not provided or disclosed in the written admission agreement and staff accepting gifts or money for extra services. (3-20-20)T(7-1-20)T

- ~~a. Charging a resident for services or supplies not provided; or (3-20-20)T~~
- ~~b. Charging a resident for services or supplies not disclosed in the written admission agreement between the resident and the facility. (3-20-20)T~~

011. DEFINITIONS AND ABBREVIATIONS F THROUGH ~~M~~N.

01. Follow-Up Survey. A survey conducted to confirm that the facility is in compliance and has the ability to remain in compliance. (3-20-20)T

~~02. **Functional Abilities Assessment.** An assessment of the resident's degree of independence with which the resident performs activities of daily living and instrumental activities of daily living. (3-20-20)T~~

~~03. **Governmental Unit.** The state, any county, ~~municipality, or other political subdivision~~ any city, or any ~~D~~department, division, board, or other agency ~~thereof~~. (3-20-20)T(7-1-20)T~~

~~04. **Grade Plane.** A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane will be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet (1829 mm) from the building, between the building and a point six (6) feet (1829 mm) from the building. International Building Code—2003. (3-20-20)T~~

~~05. **Hands On.** Physical assistance to the resident beyond verbal prompting. (3-20-20)T~~

~~06. **Hourly Adult Care.** Nonresident daily services and supervision provided by a facility to individuals who are in need of supervision outside of their personal residence(s) for a portion of the day. (3-20-20)T(7-1-20)T~~

~~07. **Immediate Danger.** Any resident is subject to an imminent or substantial danger. (3-20-20)T~~

~~08. **Inadequate Care.** When a facility fails to provide the services required to meet the terms of the Negotiated Service Agreement, or provide for room, board, activities of daily living, supervision, first aid, assistance and monitoring of medications, emergency intervention, coordination of outside services, a safe living environment, ~~or~~ engages in violations of resident rights, or takes residents who have been admitted in violation of the provisions of Section ~~39-3307, Idaho Code~~ 152 of these rules. (3-20-20)T(7-1-20)T~~

~~09. **Incident.** An event that can cause a resident injury. (3-20-20)T~~

~~10. **Incident, Reportable.** A situation when a facility is required to report information to the Licensing and Certification Unit. (3-20-20)T~~

~~a. Resident injuries of unknown origin. This includes any injury, the source of which was not observed by any person or the source of the injury could not be explained by the resident; or the injury includes severe bruising on the head, neck, or trunk; fingerprint bruises anywhere on the body; laceration, sprains, or fractured bones. Minor bruising and skin tears on the extremities need not be reported. (3-20-20)T~~

~~b. Resident injury resulting from accidents involving facility-sponsored transportation. Examples: falling from the facility's van lift, wheel chair belt coming loose during transport, or an accident with another vehicle. (3-20-20)T~~

~~c. Resident elopement of any duration. Elopement is when a resident who is unable to make sound decisions physically leaves the facility premises without the facility's knowledge. (3-20-20)T~~

~~d. An injury due to resident-to-resident incident. (3-20-20)T~~

~~e. An incident that results in the resident's need for hospitalization, treatment in a hospital emergency room, fractured bones, IV treatment, dialysis, or death. (3-20-20)T~~

~~107.~~ **Independent Mobility.** A ~~resident's~~ person's ability to move about freely of their own choice with or without the assistance of a mobility device such as a wheelchair, cane, crutches, or walker. (3-20-20)F(7-1-20)T

~~12. Instrumental Activities of Daily Living.~~ *The performance of secondary level of activities that enables a person to live independently in the community, including preparing meals, access to transportation, shopping, laundry, money management, housework, and medication management.* (3-20-20)F

~~108.~~ **Legal Guardian or Conservator.** A court-appointed individual ~~who~~ designated to manages the affairs or finances ~~or both~~ of another person who has been found to be incapable of handling ~~his~~ their own affairs. (3-20-20)F(7-1-20)T

~~1409.~~ **License.** A permit to operate a residential assisted living facility. (3-20-20)F(7-1-20)T

~~150. Licensing and Certification Unit Agency.~~ The ~~Department's Division of Licensing and Certification is responsible for licensing and surveying~~ Residential Assisted Living Facilities Program, a unit of the Division of Licensing and Certification within the Department of Health and Welfare, that conducts inspections and surveys of residential ~~care or~~ assisted living facilities and issues licenses based on compliance with. ~~In~~ this chapter of rules, in which "Residential Assisted Living Facilities Program" and "Licensing Agency" "Licensing and Certification Unit" and "Licensing and Survey Agency" are synonymous. (3-20-20)F(7-1-20)T

~~11. Maladaptive Behavior.~~ Any behavior that interferes with resident care, infringes on any resident's rights, or presents a danger to the resident or others. Involuntary muscle movements are not considered maladaptive behaviors. (7-1-20)T

~~162.~~ **Medication.** Any substance ~~or drug~~ used to treat a disease, condition, or symptom, which may be taken orally, injected, or used externally, and is available through prescription or over-the-counter. (3-20-20)F(7-1-20)T

~~173.~~ **Medication Administration.** ~~It is a~~ The process where a prescribed medication is given by a licensed nurse to a resident by through one (1) of several routes ~~by licensed nurses.~~ (3-20-20)F(7-1-20)T

~~184.~~ **Medication Assistance.** The process whereby a non-licensed care provider is delegated tasks by a licensed nurse, to aid a person who cannot independently self-administer medications. See IDAPA 23.01.01, "Rules of the Idaho State Board of Nursing," Section 010. (3-20-20)F(7-1-20)T

~~19. Medication Dispensing.~~ *The act of filling, labeling and providing a prescribed medication to a resident.* (3-20-20)F

~~20. Medication, Self-Administration.~~ *The act of a resident taking a single dose of his own medication from a properly labeled container and placing it internally in, or externally on, his own body as a result of an order by a authorized provider.* (3-20-20)F

~~215.~~ **Mental Disorders.** Health conditions that are characterized by alterations in thinking, mood, ~~or~~ behavior, ~~for some combination thereof,~~ that are all mediated by the brain and associated with distress ~~and~~ or impaired functioning. (3-20-20)F(7-1-20)T

~~2216.~~ **Mental Illness.** Refers collectively to all diagnosable mental disorders. (3-20-20)T

~~23. Monitoring Visit.~~ *A visit by a representative of the Licensing and Certification Unit for the purpose of assuring residents are not in immediate danger.* (3-20-20)F

~~2417.~~ **Neglect.** Failure to provide food, clothing, shelter, or medical care necessary to sustain the life and health of a resident. (3-20-20)T

~~2518.~~ **Negotiated Service Agreement.** The plan reached by the resident ~~and~~ or their representative and the facility based on the assessment, physician or authorized provider's orders, admission records, and desires of the

~~resident, and~~ which outlines services to be provided and the obligations of the facility and the resident.

~~(3-20-20)T(7-1-20)T~~

~~2619.~~ **Non-Core Issue.** Any finding of ~~deficiency~~ **deficient practice** that is not a core issue.

~~(3-20-20)T(7-1-20)T~~

20. Nursing Assessment. Information gathered related to a resident's health or medical status that has been reviewed, signed, and dated by a licensed registered nurse, as described in Section 305 of these rules. (7-1-20)T

012. DEFINITIONS AND ABBREVIATIONS O THROUGH Z.

01. Outside Services. Services provided to a resident by someone that is not a member of facility personnel. (7-1-20)T

~~042.~~ **Owner.** Any person or entity; having legal ownership of the facility as an operating business, regardless of who owns the real property. (3-20-20)T(7-1-20)T

~~023.~~ **Personal Assistance.** The provision by the staff of the facility of one (1) or more of the following services ~~as outlined in the Negotiated Service Agreement:~~ (3-20-20)T(7-1-20)T

a. Assisting the resident with activities of daily living ~~and instrumental activities of daily living;~~

~~(3-20-20)T(7-1-20)T~~

b. Arranging for ~~supportive~~ **outside** services;

~~(3-20-20)T(7-1-20)T~~

c. Being aware of the resident's general whereabouts ~~and supervision;~~ or

~~(3-20-20)T(7-1-20)T~~

d. Monitoring the activities of the resident while on the premises of the facility to ~~assure~~ **ensure** the resident's health, safety, and well-being. (3-20-20)T(7-1-20)T

~~e. Assisting residents with self-administration of medication.~~

~~(3-20-20)T~~

034. Personnel. Paid individuals assigned the responsibility of providing care, ~~and~~ supervision, and services to the facility and its residents. In this chapter of rules, "personnel" and "staff" are synonymous.

~~(3-20-20)T(7-1-20)T~~

045. Physical Restraint. Any device or physical force that restricts the free movement of, normal functioning of, or normal access to, a portion or portions of an individual's body, except for the temporary treatment of a medical condition, such as the use of a cast for a broken bone.

~~(3-20-20)T(7-1-20)T~~

056. Portable Heating Device. Any device designed to provide heat on a temporary basis; ~~that~~ is not designed as part of a building's heating system; ~~is~~ is not permanently affixed to the building; ~~and,~~ and, if electrical, is not hardwired to the building's electrical service. This does not include the use of therapeutic devices ~~of~~ such as heating pads, heated mattress pads, and electric blankets, which require a physician or authorized provider's order.

~~(3-20-20)T(7-1-20)T~~

067. PRN. Indicates that a medication or treatment prescribed by a medical professional to an individual may be given as needed. (3-20-20)T

078. Pressure ~~Ulc~~ Injury. Any lesion caused by unrelieved pressure that results in damage to the underlying tissue(s). ~~Although friction and shear are not primary causes of pressure ulcers, friction and shear are important contributing factors to the development of pressure ulcers.~~

~~(3-20-20)T(7-1-20)T~~

082. Provisional License. A license which may be issued to a facility not in compliance with the rules pending the satisfactory correction of all deficiencies. (3-20-20)T

~~09. Psychosocial History. A combined summary of psychological and social histories of an individual~~

~~designed to inform a care giver of a person's abilities and limitations which will assist in identifying appropriate resources.~~ (3-20-20)T

10. Publicly Funded Programs. Any program funded in whole, or in part, by an appropriation of the U.S. Congress, the Idaho Legislature, or other governmental body. (3-20-20)T(7-1-20)T

11. Punishment. ~~Any action in which~~ The use of an adverse consequence ~~is presented to with~~ a resident, ~~that is designed to produce a decrease in the rate, intensity, duration or probability of the occurrence of a behavior; or~~ the administration of any noxious or unpleasant stimulus, or deprivation of a resident's rights or freedom ~~for the purpose of reducing the rate, intensity, duration, or probability of a particular behavior.~~ (3-20-20)T(7-1-20)T

12. Relative. A person related by birth, adoption, or marriage ~~to the first degree and grandparent and grandchild.~~ (3-20-20)T(7-1-20)T

13. Repeat Deficiency. A deficiency found on a licensure ~~re~~survey, complaint investigation, or follow-up survey that was also found on the previous survey ~~or visit.~~ (3-20-20)T(7-1-20)T

14. Reportable Incident. A situation when a facility is required to report information to the Residential Assisted Living Facilities Program, including: (7-1-20)T

a. Any resident injury of unknown origin (i.e., an injury, the source of which was not observed by any person and could not be explained by the resident); (7-1-20)T

b. Any resident injury of significant or suspicious nature (i.e., an injury that includes severe bruising, fingerprint bruises, laceration(s) larger than a minor skin tear, sprains, or fractured bones); (7-1-20)T

c. Resident injury resulting from accidents involving facility-sponsored transportation (i.e., falling from the facility's van lift, a wheelchair belt coming loose during transport, or a collision); (7-1-20)T

d. Resident elopement of any duration; (7-1-20)T

e. Any injury resulting from a resident-to-resident incident; (7-1-20)T

f. An incident that results in the resident's need for assessment or treatment outside of the facility; or (7-1-20)T

g. An incident that results in the resident's death. (7-1-20)T

145. Resident. An adult, other than the owner, administrator, their immediate families, or employees, who lives in a residential ~~care or~~ assisted living facility. (3-20-20)T(7-1-20)T

156. Residential ~~Care or~~ Assisted Living Facility. A facility or residence, however named, licensed in the state of Idaho, operated on either a profit or nonprofit basis for the purpose of providing necessary supervision, personal assistance, meals, and lodging to three (3) or more adults not related to the owner. ~~In this chapter, Residential Care or Assisted Living Facilities are referred to as "facility." Distinct segments of a facility may be licensed separately, provided each segment functions independently and meets all applicable rules.~~ (3-20-20)T(7-1-20)T

167. Room and Board. Lodging, meals, and utilities. (3-20-20)T

178. Scope. The frequency or extent of the occurrence of a deficiency in a facility. (3-20-20)T

19. Self-Administration of Medication. The act of a resident taking a single dose of their own medication from a properly labeled container and placing it internally in, or externally on, their own body as a result of an order by an authorized provider. (7-1-20)T

18. Self-Evacuating Resident. ~~A resident who is able to leave the building without one-on-one (1 on 1)~~

~~or hands-on assistance and can remain at a designated location.~~ (3-20-20)T

~~19. **Self-Preservation.** The ability of a person to independently avoid situations and circumstances in which he might be easily taken advantage of, and to protect themselves and property.~~ (3-20-20)T

~~20. **Short Term.** A treatment window designed to allow a resident to receive treatment for a short term acute episode, usually fourteen (14) days or less, as determined by a licensed registered nurse.~~ (3-20-20)T

~~210. **Story.** A level of rooms in That portion of a building, included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two (2) successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.~~ (3-20-20)T(7-1-20)T

~~22. **Story Above Grade Plane.** Any story having its finished floor surface entirely above grade plane, except that a basement will be considered as a story above grade plane where the finished surface of the floor above the basement is: (1) more than six (6) feet (1829 mm) above grade plane, (2) more than six (6) feet (1829 mm) above the finished ground level for more than fifty percent (50%) of the total building perimeter; or (3) more than twelve (12) feet (3658 mm) above the finished ground level at any point.~~ (3-20-20)T

~~231. **Substantial Compliance.** The status of Aa facility that has no core issue deficiencies is in substantial compliance with these rules when no core issues have been cited as a deficiency during any survey.~~ (3-20-20)T(7-1-20)T

~~242. **Substantial Evening Meal.** An offering of three (3) or more menu items at one time, one (1) of which includes is a high-quality protein such as meat, fish, eggs, or cheeses. The meal should represent no less than twenty percent (20%) of the day's total nutritional requirements.~~ (3-20-20)T(7-1-20)T

~~253. **Supervision.** A critical watching and directing activity which provides protection, guidance, knowledge of the resident's general whereabouts, and assistance with activities of daily living. The administrator is responsible for providing appropriate supervision based on each resident's Negotiated Service Agreement or other legal requirements.~~ (3-20-20)T

~~26. **Supportive Services.** Services provided to the resident in the community.~~ (3-20-20)T

~~274. **Survey.** A review conducted by a surveyor to determine compliance with statutes and rules. There are two (2) components to a survey: (1) health care and (2) fire, life, and safety and sanitation.~~ (3-20-20)T(7-1-20)T

~~285. **Surveyor.** A person authorized by the Department to conduct surveys or complaint investigations to determine compliance with statutes and rules.~~ (3-20-20)T

~~29. **Syringe — Oral Feeding.** Use of a syringe to deliver liquid or pureed nourishment directly into the mouth.~~ (3-20-20)T

~~3026. **Therapeutic Diet.** A diet ordered by a physician or authorized provider as part of treatment for a clinical condition or disease, or to eliminate or decrease specific nutrients in the diet; (e.g., sodium), or to increase specific nutrients in the diet (e.g., potassium), or to provide food the resident is able to eat (e.g., a mechanically altered diet).~~ (3-20-20)T(7-1-20)T

~~27. **Toxic Chemical.** A substance that is hazardous to health if inhaled, ingested, or absorbed through skin.~~ (7-1-20)T

~~3128. **Traumatic Brain Injury (TBI).** An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both. The term applies to open or closed-head injuries resulting in impairments in one (1) or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech.~~ (3-20-20)T(7-1-20)T

~~32. **Trust Account.** An account maintained by the facility separate from its own accounts, to deposit, hold, or disburse monies belonging to a resident. The facility is the trustee of such accounts and the residents are the beneficiaries. (3-20-20)T~~

~~33. **Uniform Assessment Instrument (UAI).** A set of standardized criteria to assess functional and cognitive abilities of the resident. (3-20-20)T~~

~~3429. **Unlicensed Assistive Personnel (UAP).** Unlicensed assistive personnel (UAP) Staff, with or without formal credentials, employed to perform nursing care services under the direction and supervision of licensed nurses. UAP also includes licensed or credentialed health care workers whose job responsibilities extend to health care services beyond their usual and customary roles and which activities are provided under the direction and supervision of licensed nurses. (3-20-20)T(7-1-20)T~~

~~350. **Variance.** Permission by the Department to do something contrary to rule. (3-20-20)T~~

~~36. **Waiver Services.** Home and Community Based (HCBS) Services. (3-20-20)T~~

~~37. **Waivered Level Three Small Facility.** An existing facility, licensed prior to July 1, 1992, that: (3-30-07)~~

~~a. Serves residents who require extensive assistance with mobility; (3-30-07)~~

~~b. Houses nine (9) or fewer residents on the first story only; and (3-30-07)~~

~~c. Complies with the requirements of Chapter 21, Residential Board and Care Section for Prompt Evacuation Capability, of the National Fire Protection Association (NFPA), Life Safety Code, 1988 Edition. (3-30-07)~~

(BREAK IN CONTINUITY OF SECTIONS)

050. VARIANCES.

The Licensing ~~and Survey~~ Agency may grant a variance provided the following criteria ~~in Subsection 050.01 of these rules~~ are met. (3-20-20)T(7-1-20)T

01. Written Request. A written request for a variance must be sent to the Licensing ~~and Survey~~ Agency. The request must include the following: (3-20-20)T(7-1-20)T

a. Reference to the ~~section of the rules~~ for which the variance is requested; (3-20-20)T(7-1-20)T

b. Reasons that show good cause why the variance should be granted, the extenuating circumstances which caused the need for the variance, any compensating factors or conditions that may have bearing on the variance such as additional floor space or additional staffing; and (3-20-20)T

c. Written documentation that ~~assures ensures~~ residents' health and safety will not be jeopardized if a variance is granted. (3-20-20)T(7-1-20)T

02. Temporary Variance. A temporary variance may be granted for a specific resident or situation. The variance expires when the resident no longer lives at the facility or when the situation no longer exists. (3-20-20)T

03. Continuing ~~Temporary~~ Variance. The Licensing ~~and Survey~~ Agency reviews the appropriateness of continuing a variance during the survey process. If the facility administrator wishes to continue the variance, an annual request must be submitted to the Licensing ~~and Survey~~ Agency in writing. (3-20-20)T(7-1-20)T

~~04. **Permanent Variance.** A permanent variance may be granted provided the provisions of Subsections 050.01.a. through 050.01.c. of these rules are met. (3-20-20)T~~

054. Decision to Grant a Variance. The decision to grant a variance will not be considered as a precedent or be given any force or effect in any other proceeding. (3-20-20)T

065. Revocation of Variance. The Licensing ~~and Survey~~ Agency may revoke a variance if circumstances identify a risk to resident health and safety. ~~(3-20-20)T~~(7-1-20)T

(BREAK IN CONTINUITY OF SECTIONS)

100. LICENSING REQUIREMENTS ~~FOR A LICENSE.~~

01. Current License. No person, firm, partnership, association, corporation, or governmental unit can operate, establish, manage, conduct, or maintain a residential ~~care or~~ assisted living facility in Idaho without a license issued by the Department as required in Section 39-3340, Idaho Code. Any entity found operating as a residential assisted living facility without a license is subject to Section 39-3352, Idaho Code. ~~(3-20-20)T~~(7-1-20)T

02. Issuance of License. Upon completion of the application process requirements, the Department will issue: a residential assisted living facility license. ~~(3-20-20)T~~(7-1-20)T

~~a. A residential care or assisted living license, in the name of the licensee applying for the license and to the address of the facility stated in the application; (3-20-20)T~~

~~b. The residential care or assisted living license will specify the maximum allowable number of beds. All occupants other than the owner, administrator, immediate family, or employees will be included in the licensed bed capacity of the facility. (3-20-20)T~~

03. Distinctive Business Name. Every facility must use a distinctive name, which is registered with the Idaho Secretary of State ~~of Idaho~~. If a facility decides to change its name, it will only be changed upon written notification to the Licensing ~~and Survey~~ Agency confirming the registration of the name change with the Idaho Secretary of State ~~of Idaho~~. This notification needs to be received by the Licensing ~~and Survey~~ Agency at least thirty (30) calendar days prior to the date the proposed name change is to be effective. ~~(3-20-20)T~~(7-1-20)T

04. ~~Licensed~~ Administrator. Each facility must have an administrator, ~~licensed by the Bureau of Occupational Licensing, who is responsible for the day-to-day operation of the facility.~~ ~~(3-20-20)T~~(7-1-20)T

05. Display of Facility License. The current facility license must be posted in the facility and clearly visible to the general public. (3-20-20)T

06. Change in Corporate Shares. When there is a significant change in shares held by a corporate licensee of a residential ~~care or~~ assisted living facility, which does not alter the overall ownership or operation of the business, that change must be communicated to the Licensing ~~and Survey~~ Agency within (60) days of the effective date of change. ~~(3-20-20)T~~(7-1-20)T

07. Licensee Responsibility. The licensee of the facility is responsible for the operation of the residential ~~care or~~ assisted living facility, even when a separate administrator is employed. ~~(3-20-20)T~~(7-1-20)T

(BREAK IN CONTINUITY OF SECTIONS)

105. CHANGE OF OWNERSHIP.

01. Non-Transfer of Facility License. A facility license is not transferable from one (1) individual to another, from one (1) business entity to another, or from one (1) location to another. When a change of licensee, ownership, lease, or location occurs, the facility must be re-licensed. The new licensee must follow the application

procedures, and obtain a license, before commencing operation as a facility. (3-20-20)T

02. Application for Change of Ownership. The application for a change of ownership must be submitted to the Licensing ~~and Survey~~ Agency at least ninety (90) days prior to the proposed date of change. ~~(3-20-20)T~~(7-1-20)T

03. Change of Ownership for a Facility ~~in~~ Litigation. An application for change of ownership of a facility from a person who is in litigation for failure to meet licensure standards, or who has had a license revoked, must include evidence that there is a bona fide, arms-length agreement and relationship between the two (2) parties. An entity purchasing a facility with an enforcement action acquires the enforcement action. ~~(3-20-20)T~~(7-1-20)T

(BREAK IN CONTINUITY OF SECTIONS)

110. FACILITY LICENSE APPLICATION.

01. ~~Facility~~ License Application. License application forms are available ~~upon written request or~~ online at the Licensing ~~and Survey~~ Agency's website at <http://assistedliving.dhw.idaho.gov>. The applicant must provide the following information: ~~(3-20-20)T~~(7-1-20)T

a. A written statement that the applicant has thoroughly read and reviewed the statute, Title 39, Chapter 33, Idaho Code, and IDAPA 16.03.22, ~~“Rules for “~~Residential ~~Care or~~ Assisted Living Facilities ~~in Idaho,”~~ and is prepared to comply with both; ~~(3-20-20)T~~(7-1-20)T

b. ~~The applicant must provide a~~ written statement and documentation that demonstrate no license revocation or other enforcement action has been taken, or is in the process of being taken, against a license held, or previously held, by the applicant in Idaho or any other state or jurisdiction; ~~(3-20-20)T~~(7-1-20)T

c. When the applicant is a firm, association, organization, partnership, business trust, corporation, government entity, or company, the administrator and other members of the organization who directly influence the facility's operation must provide the information contained in ~~Subsections 110.01.a. and 110.01.b. of these~~ this rules; ~~(3-20-20)T~~(7-1-20)T

d. Each shareholder or investor holding ten percent (10%) or more interest in the business must be listed on the application; (3-20-20)T

e. A copy of the Certificate of Assumed Business Name from the Idaho Secretary of State ~~of Idaho~~; ~~(3-20-20)T~~(7-1-20)T

f. A statement from the local fire authority that the facility is located in a lawfully constituted fire district or affirmation that a lawfully constituted fire authority will respond to a fire at the facility; (3-20-20)T

g. A statement from a licensed electrician or the local or state electrical inspector that all wiring in the facility complies with current electrical codes; (3-20-20)T

h. When the facility does not use an approved municipal water or sewage treatment system, a statement from a local environmental health specialist with the public health district indicating that the water supply and sewage disposal system meet the Department's requirements and standards; (3-20-20)T

i. A complete set of printed operational policies and procedures ~~as described in Sections 150 through 162 of these rules;~~ ~~(3-20-20)T~~(7-1-20)T

j. A detailed floor plan of the facility, including measurements of all rooms, or a copy of architectural drawings ~~must be submitted for evaluation by the Licensing and Survey Agency.~~ See Sections 250 through 260, and Sections 400 through ~~410, and~~ 430 of these rules. ~~(3-20-20)T~~(7-1-20)T

k. A copy of the Purchase Agreement, Lease Agreement, or Deed; and ~~(3-20-20)T~~(7-1-20)T

- I. For facilities with nine (9) beds or more, signatures must be obtained from the following: (3-20-20)T
- i. The local zoning official documenting that the facility meets local zoning codes for occupancy; (3-20-20)T
- and ii. The local building official documenting that the facility meets local building codes for occupancy; (3-20-20)T
- iii. The local fire official documenting that the facility meets local fire codes for occupancy. (3-20-20)T

02. Written Request for Building Evaluation. The applicant must request in writing to the Licensing ~~and Survey~~ Agency for a building evaluation of existing buildings. The request must include the physical address of the building that is to be evaluated; and the name, address, and telephone number of the person who is to receive the building evaluation report. ~~(3-20-20)T~~(7-1-20)T

03. Building Evaluation Fee. This application and request must be accompanied by a five hundred dollar (\$500) initial building evaluation fee. (3-20-20)T

04. Identification of the Licensed Administrator. The applicant must provide ~~the following information for the licensed administrator:~~ a copy of the administrator's license and criminal history background check, and the current address for the primary residence of the administrator. ~~(3-20-20)T~~(7-1-20)T

~~a. A copy of the administrator license; (3-20-20)T~~

~~b. A current primary residence of the administrator. (3-20-20)T~~

05. Failure to Complete Application Process. Failure of the applicant to complete the Licensing ~~and Survey~~ Agency's application process within six (6) months; of the original date of application, may result in a denial of the application. If the application is denied, the applicant is required to initiate a ~~second~~ new licensing application process. ~~(3-20-20)T~~(7-1-20)T

(BREAK IN CONTINUITY OF SECTIONS)

115. EXPIRATION AND RENEWAL OF LICENSE.

01. Application for License Renewal. The facility must submit ~~a~~ to the Licensing ~~and Survey~~ Agency an annual report and application for renewal of a license at least thirty (30) days prior to the expiration of the existing license. ~~(3-20-20)T~~(7-1-20)T

02. Existing License. The existing license, unless suspended, surrendered, or revoked, remains in force and effect until the Licensing ~~and Survey~~ Agency has acted upon the application renewal, when such application for renewal has been filed. ~~(3-20-20)T~~(7-1-20)T

116. -- ~~11925.~~ (RESERVED)

~~**120. FACILITY OPERATING WITHOUT A LICENSE.**~~

~~**01. Facility Without a License.** An operation is considered an unlicensed facility if it meets the definition of a facility stated in these rules, or is represented to provide care and serve the population of a residential or assisted living facility, is not licensed and is not exempt from licensure. (3-20-20)T~~

~~**02. Residents in Facility Without a License.** Upon discovery of a facility operating without a license,~~

~~the Department will refer residents to an appropriate placement or adult protective services agency if either of the following conditions exist:~~ (3-20-20)T

- ~~a. There is an immediate threat to the resident's health and safety; or~~ (3-20-20)T
- ~~b. The unlicensed facility does not cooperate with the Department to apply for a license and meet licensing standards requirements.~~ (3-20-20)T

~~03. Operator of a Facility Operating Without a License. A person found to be operating a facility without a license is guilty of a misdemeanor punishable by imprisonment in a county jail not to exceed six (6) months, or by a fine not to exceed five thousand dollars (\$5000), according to Section 39-3352(4), Idaho Code.~~ (3-20-20)T

~~04. Prosecution of Violators. In the event the county attorney in the county where the alleged violation occurred fails or refuses to act within thirty (30) days of notification of the violation, the Attorney General is authorized to prosecute violations under the provisions of Section 39-3352(5), Idaho Code.~~ (3-20-20)T

~~121.—125. (RESERVED)~~

126. EFFECT OF ENFORCEMENT ACTION AGAINST A LICENSE.

The Department will not review an application of an applicant who has an action, either current or in process, against a license held by the applicant either in Idaho or any other state or jurisdiction. (3-20-20)T

(BREAK IN CONTINUITY OF SECTIONS)

130. LICENSURE SURVEYS INSPECTION OF FACILITIES.

01. Surveys of Facilities. ~~As described in Section 39-3355, Idaho Code,~~ the Licensing Agency will assure that surveys are conducted ~~and Survey Agency will~~ conduct inspections and investigations at specified intervals ~~in order to determine compliance with this chapter and applicable rules and statutes of rules and Title 39, Chapter 33, Idaho Code.~~ The intervals of for surveys will be are as follows: (3-20-20)T(7-1-20)T

a. Initial surveys will be conducted ~~within~~ within ninety (90) days ~~from initial of~~ from initial of licensure, followed by a licensure survey within fifteen (15) months. ~~Facilities receiving no core issue deficiencies during both the initial and the subsequent survey will then enter the three (3) year survey cycle.~~ (3-20-20)T(7-1-20)T

b. Facilities without core issue deficiencies during two (2) consecutive surveys, either initial or licensure surveys, will be inspected at least every thirty-six (36) months. ~~Once every twelve (12) months, or more frequently at the discretion of the Licensing and Survey Agency,~~ for those facilities receiving with core issue deficiencies during any survey, surveys will be conducted at the discretion of the Licensing Agency, at least every twelve (12) months. ~~Surveys will be conducted until the facility attains two (2) consecutive surveys, excluding follow-up surveys, without a core issue deficiency.~~ (3-20-20)T(7-1-20)T

e. At least every thirty-six (36) months, for those facilities having attained no core issue deficiencies for two (2) or more consecutive surveys, regardless of survey type. (3-20-20)T

d.c. Complaint investigation surveys will occur based on the potential severity of the complaint. (3-20-20)T(7-1-20)T

02. Unannounced Surveys Inspections. Licensure, follow-up, and complaint investigation ~~S~~ surveys are made unannounced and without prior notice ~~at the discretion of the Department.~~ (3-20-20)T(7-1-20)T

03. Inspection or Survey Services. The Department may ~~use~~ accept the services of any qualified person or organization, either public or private, to examine, survey, or inspect any entity requesting or holding a facility license. including as described in Section 39-3355(7), Idaho Code. (3-20-20)T(7-1-20)T

04. Access and Authority to Entire Facility. A surveyor must have full access and ~~has the~~ authority

- to examine: (7-1-20)T
- a. ~~Quality of care;~~ (7-1-20)T
 - b. ~~Services delivery;~~ (7-1-20)T
 - c. ~~Resident records;~~ (7-1-20)T
 - d. ~~Facility's~~ records, including any records or documents pertaining to any financial transactions between residents and the facility or any of its employees; (7-1-20)T
 - e. ~~Resident accounts;~~ (7-1-20)T
 - f. The physical premises, including ~~the condition of~~ buildings, grounds, ~~and~~ equipment, food service, water supply, ~~sanitation, maintenance, and~~ housekeeping ~~practices;~~ and (7-1-20)T
 - g. ~~Any other areas necessary to determine compliance with applicable statute, rules, and standards.~~ (3-20-20)T(7-1-20)T

05. **Interview Authority.** A surveyor has the authority to interview any individual associated with the facility or the provision of care, including the license ~~holder~~, administrator, staff, residents, residents' families, ~~outside~~ service providers, ~~and~~ authorized providers ~~or physicians or other legally responsible person~~. Interviews are confidential and conducted privately unless otherwise specified by the interviewee. (3-20-20)T(7-1-20)T

06. **Access to Staff Living Quarters.** ~~The~~ ~~A~~ surveyor has full authority to inspect the facility, including personal living quarters of ~~operators~~ ~~the licensee~~, administrator, or staff living in the facility, to check for inappropriate storage of combustibles, faulty wiring, or other conditions that may have a direct impact on compliance with these rules. (3-20-20)T(7-1-20)T

07. **Written Report of Deficiencies.** The Licensing ~~and Survey~~ Agency will provide ~~the facility~~ a written report to support any deficiencies ~~found~~ ~~identified~~. (3-20-20)T(7-1-20)T

a. ~~Core Issue Deficiency. The Licensing and Survey Agency will provide, within ten (10) business days from the exit conference or from the last day of receipt of additional material, a written Statement of Deficiencies and Plan of Correction form to the facility when core deficiencies are identified during the survey. The Licensing Agency will provide the facility a written report specifying the non-core issue deficiencies at the time of the exit conference.~~ (3-20-20)T(7-1-20)T

b. ~~Non-Core Issue Deficiency. The Licensing and Survey Agency will provide the facility a written report specifying the non-core issue deficiencies at the time of the exit conference. When core issues are identified during a survey, the Licensing Agency will provide a written report within ten (10) business days of the exit conference or the last day of receipt of additional material.~~ (3-20-20)T(7-1-20)T

c. ~~If any deficiencies pose an immediate danger to the residents, the Department requires immediate correction of the deficient practice.~~ (7-1-20)T

08. **Plan of Correction for Core Issues** ~~Deficiencies~~. The facility must develop ~~a plan of correction~~ and ~~return~~ ~~submit~~ an acceptable plan of correction to the Licensing ~~and Survey~~ Agency, ~~for all core issue deficiencies,~~ within ten (10) calendar days of receipt of the ~~Statement of Deficiencies and Plan of Correction form~~ written report of identified core issues. ~~If an acceptable plan of correction is not submitted within the required time frame, the Department may initiate or extend enforcement actions as described in Sections 900 through 940 of these rules.~~ An acceptable plan of correction must include: (3-20-20)T(7-1-20)T

- a. A plan to ~~assure~~ ~~ensure~~ correction of each deficient practice and ~~to assure~~ ongoing compliance; (3-20-20)T(7-1-20)T
- b. ~~Describe~~ ~~A description of~~ how, and ~~the~~ ~~at what~~ frequency, ~~that the~~ corrective actions will be

monitored to ~~assure~~ ensure that each deficient practice is corrected and will not recur, such as what program will be put into place to monitor the continued effectiveness of the systemic change; and (3-20-20)T(7-1-20)T

c. ~~State~~ The completion date for correcting each deficiency, ~~except in unusual circumstances, and only with the written approval of the Licensing and Survey Agency.~~ No correction date may be more than ~~sixty (60) forty-five (45)~~ days from the ~~inspection~~ exit date as printed on the ~~“Statement of Deficiencies and Plan of Correction” form; and written report except in unusual circumstances and only with the written approval of the Licensing Agency.~~ (3-20-20)T(7-1-20)T

~~d. The administrator's signature and the date submitted. (3-20-20)T~~

09. ~~Evidence of Resolution for Correction of Non-Core Deficiencies Issues.~~ The facility must ~~provide evidence of resolution of correct~~ non-core issues ~~to the Licensing and Survey Agency,~~ within thirty (30) calendar days of the exit conference. ~~The facility may show evidence of resolution by providing receipts, pictures, and completed policies, training, schedules, and other records.~~ If there are non-core issues that the facility is unable to resolve due to extenuating circumstances, a written request for the delay must be submitted for Licensing ~~and Survey~~ Agency approval within thirty (30) days of the exit conference. The request must contain the following information: (3-20-20)T(7-1-20)T

- a. The reason for the delay; (3-20-20)T
- b. A plan for resolution; (3-20-20)T
- c. The date of the expected resolution, which may not exceed six (6) months; and (3-20-20)T
- d. A plan for ~~assuring~~ ensuring the safety of the residents until resolution. (3-20-20)T(7-1-20)T

10. ~~Follow-Up Surveys.~~ The Licensing ~~and Survey~~ Agency will conduct follow-up surveys to ascertain corrections to ~~core~~ issues ~~and non-core issue deficiencies~~ are made according to ~~the~~ time frames established in the plan of correction ~~and evidence of resolution for core issues and within thirty (30) days for non-core issues.~~ ~~If the Department identifies repeat deficient facility practice(s) during any follow-up survey, the Department may initiate or extend enforcement actions as described in Sections 900 through 940 of these rules.~~ (3-20-20)T(7-1-20)T

131. -- 1349. (RESERVED)

~~140. COMPLAINTS AND INVESTIGATIONS.~~

~~01. Filing a Complaint. Any person who believes that the facility has failed to meet any provision of the rules or statute may file a complaint with the Department. All complaints must have a basis in rule or statutory requirements. In the event that it does not, the complainant will be referred to the appropriate entity or agency.~~ (3-20-20)T

~~02. Investigation Survey. The Licensing and Survey Agency will investigate, or cause to be investigated the following:~~ (3-20-20)T

- ~~a. Any complaint alleging a violation of the rules or statute; and (3-20-20)T~~
- ~~b. Any reportable incident which indicates there was a violation of the rules or statute. (3-20-20)T~~

~~03. Disclosure of Complaint Information. The Department will not disclose the name or identifying characteristics of a complainant unless:~~ (3-20-20)T

- ~~a. The complainant consents in writing to the disclosure; (3-20-20)T~~
- ~~b. The investigation results in a judicial proceeding and disclosure is ordered by the court; or (3-20-20)T~~

~~e. The disclosure is essential to prosecution of a violation. The complainant is given the opportunity to withdraw the complaint before disclosure. (3-20-20)T~~

~~04. **Method of Investigation.** The nature of the complaint will determine the method used to investigate the complaint. (3-20-20)T~~

~~05. **Notification to Complainant.** The Licensing and Survey Agency will inform the complainant of the results of the investigation survey when the complainant has provided a name and address. (3-20-20)T~~

~~141. — 149. (RESERVED)~~

150. POLICIES AND PROCEDURES.

~~Each~~ The facility must develop a written, dated set of policies and procedures that are specific to the population served in the facility which and are available to all staff at all times and include the facility policies described in Sections 151 through 162 of these rules to direct and ensure compliance with these rules. Policy topics must include abuse, neglect, exploitation, incidents and accidents, activities, admissions, emergency preparedness, infection control, nursing, resident rights, staffing, and medications. (3-20-20)T(7-1-20)T

151. ACTIVITY ~~POLICIES~~ REQUIREMENTS.

~~01. **Policy and Plan.** Each facility must develop and implement~~ a written activity policy that assists, encourages, and promotes residents to maintain and develop their highest potential for independent living through their participation in planned, recreational, and other activities. The facility must provide opportunities for the following: (3-20-20)T(7-1-20)T

~~02. **Activity Opportunities.** The policy must include opportunities from the following activities:~~ (3-20-20)T

~~#01. **Socialization.** Socialization through group discussion, conversation, recreation, visiting, arts and crafts, and music;~~ (3-20-20)T(7-1-20)T

~~b. **Daily living activities to foster and maintain independent functioning;**~~ (3-20-20)T

~~e02. **Physical Activities.** Physical activities such as games, sports, and exercises which develop and maintain strength, coordination, and range of motion;~~ (3-20-20)T(7-1-20)T

~~#03. **Education.** Education through special classes or ~~activities~~ events; and~~ (3-20-20)T(7-1-20)T

~~e. **Leisure time so residents may engage in activities of their own choosing.**~~ (3-20-20)T

~~034. **Community Resources for Activities.** The facility will utilize community resources to promote resident participation in integrated activities of their choice both in and away from the facility.~~ (3-20-20)T(7-1-20)T

152. ADMISSION ~~POLICIES~~ REQUIREMENTS.

~~01. **Admissions Policies.** Each facility must develop and implement~~ written admission policies and procedures. which must include: The written admission policy must include; (3-20-20)T(7-1-20)T

~~a. The purpose, quantity, and characteristics of available services;~~ (3-20-20)T

~~b. **Any restrictions or conditions imposed because of religious or philosophical reasons.**~~ (3-20-20)T

~~eb. Limitations concerning delivery of routine personal care by persons of the opposite gender;~~ (3-20-20)T(7-1-20)T

~~dc. Notification ~~of~~ to potential and existing residents and responsible parties if the facility accepts any~~

residents who are on the sexual offender registry ~~and who live in the facility~~. The registry may be accessed online at http://isp.idaho.gov/sor_id/search.html; ~~and~~ ~~(3-20-20)T~~(7-1-20)T

~~ed. Appropriateness of placement to meet the needs of the resident, when there are~~ **Notification to potential and existing residents if** non-resident adults or children ~~residing~~ **reside** in the facility. ~~(3-20-20)T~~(7-1-20)T

~~02. Fee Description. A written description of how fees will be handled by the facility.~~ ~~(3-20-20)T~~

~~03. Resident Funds Policies. When a resident's funds are deposited with the facility or administrator, the facility must manage the residents' funds as provided in Sections 39-3316 (1), (5) & (6), Idaho Code, and Section 505 and Subsections 550.05 and 550.06 of these rules. Each facility must develop written policies and procedures outlining how residents' funds will be handled.~~ ~~(3-20-20)T~~

~~a. A statement if the facility does not manage resident funds.~~ ~~(3-20-20)T~~

~~b. If the facility manages resident funds, how funds are handled and safeguarded.~~ ~~(3-20-20)T~~

04.2. Resident Admission, Discharge, and Transfer. The facility must have policies addressing admission, discharge, and transfer of residents to, from, or within the facility. (3-20-20)T

05.3. Policies of Acceptable Admissions. Written descriptions of the conditions for admitting residents to the facility must include: (3-20-20)T

a. A resident will be admitted or retained only when: (7-1-20)T

i. ~~The facility has the capability, capacity, and services to provide appropriate care, or;~~ (7-1-20)T

ii. ~~The resident does not require a type of service for which the facility is not licensed to provide or which the facility does not provide or arrange for; or and~~ (7-1-20)T

iii. ~~if The facility does not have~~ **has** the personnel, appropriate in numbers and with appropriate knowledge and skills to provide such services; ~~(3-20-20)T~~(7-1-20)T

b. No resident will be admitted or retained who requires ongoing skilled nursing or care not within the legally licensed authority of the facility. Such residents include: (3-20-20)T

i. A resident who has a gastrostomy tube, arterial-venous (AV) shunts, or supra-pubic catheter inserted within the previous twenty-one (21) days; ~~(3-20-20)T~~(7-1-20)T

ii. A resident who is receiving continuous total parenteral nutrition (TPN) or ~~intravenous (IV)~~ therapy; ~~(3-20-20)T~~(7-1-20)T

iii. A resident who requires physical restraints, including bed rails, ~~an exception is a chair with locking wheels or chair in which the resident cannot get out of;~~ ~~(3-20-20)T~~(7-1-20)T

iv. A resident who is comatose, except for a resident who has been assessed by a physician or authorized provider who has determined that death is likely to occur within ~~fourteen (14) to~~ thirty (30) days; ~~(3-20-20)T~~(7-1-20)T

v. A resident who is on a mechanically supported breathing system, except for residents who use positive airway pressure devices only for sleep apnea, such as CPAP or BiPAP; (3-20-20)T

vi. A resident who has a tracheotomy who is unable to care for the tracheotomy independently; (3-20-20)T

vii. A resident who ~~is fed by~~ **requires the use of** a syringe **to receive liquid or pureed nourishment directly into the mouth;** ~~(3-20-20)T~~(7-1-20)T

- viii. A resident with open, draining wounds for which the drainage cannot be contained; (3-20-20)T
- ix. A resident with a Stage ~~III~~ or ~~IV~~ pressure ~~ulcer injury or a pressure injury that is unstageable~~; ~~(3-20-20)T~~(7-1-20)T
- x. A resident with any type of pressure ~~ulcer injury~~ or open wound that is not improving bi-weekly; ~~(3-20-20)T~~(7-1-20)T
- ~~e.xi.~~ For any resident who ~~has needs requiring a nurse~~ is assessed to require nursing care, the facility must ~~assure~~ ensure a licensed nurse is available to meet the needs of the resident. ~~(3-20-20)T~~(7-1-20)T
- ~~d.xii.~~ A resident ~~will not be admitted or retained~~ who has physical, emotional, or social needs that are not compatible with the other residents in the facility; ~~(3-20-20)T~~(7-1-20)T
- ~~e.xiii.~~ A resident ~~that who~~ is violent or a danger to ~~himself themselves~~ or others; ~~(3-20-20)T~~(7-1-20)T
- ~~f.xiv.~~ Any resident requiring assistance in ambulation must reside on the first story ~~unless the facility complies with~~ as described in Sections ~~401~~ 402 through 404 of these rules; ~~(3-20-20)T~~(7-1-20)T
- ~~g.xv.~~ Residents who are not capable of self-evacuation must not be admitted or retained by a facility which does not comply with ~~the~~ NFPA, Standard #101, ~~“Life Safety Code, 2000 Edition, Chapter 33, Existing Residential Board and Care Impracticable Evacuation Capability;”~~ and as referenced in Section 004 of these rules. ~~(3-20-20)T~~(7-1-20)T

153. FINANCIAL REQUIREMENTS.

Each facility must develop and implement financial policies and procedures that include: (7-1-20)T

- 01. Statement.** A statement specifying if the facility does not manage resident funds. (7-1-20)T
- 02. Safeguarding of Funds.** Policies should specify how residents' funds will be handled and safeguarded, if the facility does manage resident funds. Policies must address the following: (7-1-20)T
- a.** When a resident's funds are deposited with, or handled by the facility, the funds must be managed as described in Section 39-3316, Idaho Code, and Section 550 of these rules; (7-1-20)T
- b.** A description of how facility fees are handled; (7-1-20)T
- c.** Resident accounts and funds must be separate from any facility accounts; (7-1-20)T
- d.** The facility cannot require a resident to purchase goods or services from the facility, other than items specified in the admission agreement and facility policies; (7-1-20)T
- e.** Each transaction with resident funds must be documented at the time to include signatures of the resident and facility representative with copies of receipts; (7-1-20)T
- f.** Residents must have access to their personal funds during normal business hours; and (7-1-20)T
- g.** When a resident permanently leaves the facility, the facility can only retain room and board funds prorated to the last day of the thirty (30) day notice, except in situations described in Sections 217 and 550 of these rules. All remaining funds are the property of the resident. (7-1-20)T

154. ~~ADDITIONAL POLICIES REQUIRED~~ STAFF TRAINING REQUIREMENTS.

The facility must develop and implement policies and procedures to address the following: (7-1-20)T

- 01. Response of Staff to Accidents, Incidents, or Allegations of Abuse, Neglect, or Exploitation of Residents.** The facility must develop policies and procedures to ~~assure~~ ensure that ~~accidents, incidents, or~~ allegations

of abuse, neglect, and exploitation are identified, documented, reported, investigated, and followed-up with interventions to prevent re-occurrence and assure ensure protection, ~~and documented~~. (3-20-20)T(7-1-20)T

02. Response of Staff to Emergencies. How staff are to respond to emergency situations, including: (3-20-20)T(7-1-20)T

- a. Medical and psychiatric emergencies; (3-20-20)T
- b. Resident absence; (3-20-20)T
- c. Criminal situations; and (3-20-20)T
- d. Presence of law enforcement officials at the facility. (3-20-20)T

03. Notification of Changes to Resident Health or Mental Status. Who and how staff are to notify of any changes in residents' health or mental status. (3-20-20)T

04. Provided Care and Services by Staff. How staff are to provide care and services to residents in the following areas: (3-20-20)T

- a. Activities of daily living; (3-20-20)T
- b. Dietary and eating, including when a resident refuses to eat or follow a prescribed diet; (3-20-20)T
- c. Dignity; (3-20-20)T
- d. ~~Assuring~~ Ensuring each individual's rights; (3-20-20)T(7-1-20)T
- e. Medication assistance; (3-20-20)T
- f. Provision of privacy; (3-20-20)T
- g. Social activities; (3-20-20)T
- h. Supervision; (3-20-20)T
- i. Supporting resident independence; and (3-20-20)T
- j. Telephone access. (3-20-20)T

~~05. Resident Property Identified and Safe. Identification of resident property and assuring that personal items are kept safe and used only by the resident. (3-20-20)T~~

06.5. Intervention Procedures to ~~Assure~~ Ensure Safety of Residents and Staff. How to intervene to ~~assure ensure~~ resident and staff safety in unsafe situations- that are physical~~ly~~ or behaviorally caused. (3-20-20)T(7-1-20)T

~~07. Behavior Management for Residents.~~ The facility must have policies and procedures to assure ensure staff are trained and complete timely assessment, plan development, and documentation as described in Section 330 of these rules ~~which implements the least restrictive intervention to address the behavior and document the effect of interventions.~~ (3-20-20)T(7-1-20)T

~~08. Staff Procedures for Accidents, Incidents, and Complaints. The facility must develop policies and procedures to assure that accidents and incidents are identified, reported, investigated, and followed up with interventions to prevent reoccurrence and assure protection, and documented. (3-20-20)T~~

09.7. Facility Operations, Inspections, Maintenance, and Testing. Plans and procedures for the

operation, periodic inspection, and testing of the physical plant, which includes utilities, fire safety, and plant maintenance for all areas of the facility's campus. (3-20-20)F(7-1-20)T

~~08.~~ **Hazardous Materials.** ~~Policies and procedures for~~ The handling of hazardous materials. (3-20-20)F(7-1-20)T

~~09.~~ **Mechanical Equipment.** ~~Policies and procedures for~~ The handling of potentially dangerous mechanical equipment. (3-20-20)F(7-1-20)T

1545. EMERGENCY PREPAREDNESS ~~POLICIES~~ REQUIREMENTS.

Each facility must develop and implement an emergency preparedness plan to follow in the event of fire, explosion, flood, earthquake, high wind, or other emergency. (7-1-20)T

~~01. Emergency Preparedness Plan ~~Relocation Agreements.~~ Each facility must develop and implement an emergency preparedness plan to follow in the event of fire, explosion, flood, earthquake, high wind, or other emergency~~ Each facility must have a written agreement developed between the facility and two (2) separate locations to which residents would be relocated in the event the building is evacuated and cannot be reoccupied. The facility will review the relocation agreements annually. (3-20-20)F(7-1-20)T

02. Written Procedures. The facility must have written procedures outlining steps to be taken in the event of an emergency including: (3-20-20)T

~~a. Who is to respond;~~ (3-20-20)F

~~ba.~~ Each person's responsibilities; (3-20-20)T

~~eb.~~ Where and how residents are to be evacuated; and (3-20-20)T

~~dc.~~ Notification of emergency agencies. (3-20-20)T

03. Emergency Generators. Facilities that elect to have an emergency generator must ensure that the system is designed to meet the applicable codes in NFPA, Standard 110 (within NFPA, Standard 101 as incorporated in Section 004 of these rules). (7-1-20)T

1556. HOURLY ADULT CARE ~~POLICIES~~ REQUIREMENTS.

Facilities offering hourly adult care must develop and implement written policies and procedures which include the following: (3-20-20)F(7-1-20)T

~~01. Services Offered ~~for Hourly Adult Care.~~~~ A description of hourly adult care services ~~offered,~~ including ~~transportation services (if offered),~~ meals, activities, and supervision. (3-20-20)F(7-1-20)T

~~02. Acceptable Hourly Care Individuals ~~Accepted.~~~~ Types of individuals who may or may not be accepted for hourly adult care. See Section 152 of these rules. (3-20-20)F(7-1-20)T

~~03. Cost of Program Hourly Adult Care. ~~Cost of program to individual~~ Details of the cost of hourly adult care for the person receiving services. (3-20-20)F(7-1-20)T~~

~~04. Health and Other Individual Needs. ~~Health and other pertinent information regarding the individual's needs.~~ (3-20-20)F~~

~~05. Emergency Information. ~~Emergency telephone numbers of family members and physician or authorized provider, and other identification information.~~ (3-20-20)F~~

064. Hours for Care. The specific ~~Time~~ periods of program hourly adult care, not to exceed fourteen (14) consecutive hours in a twenty-four (24) hour period. (3-20-20)F(7-1-20)T

05. Assistance with Medications. Assistance with medications in the facility must comply with

IDAPA 23.01.01. “Rules of the Idaho Board of Nursing.” including: (7-1-20)T

a. Copies of all physician or authorized provider orders, including orders for all prescribed medications and treatments. (7-1-20)T

b. Appropriately labeled medications and treatments the facility safeguards while the person receives hourly adult care. (7-1-20)T

06. **Staffing.** Staffing must be based on the needs of the entire facility, including those receiving hourly adult care and residents. Hourly adult care may be provided to as many individuals as possible without disrupting the day-to-day operations and normal activities of the facility. (7-1-20)T

07. **Accommodations.** The facility must provide accommodations appropriate to the time frame for those receiving hourly adult care, including: (7-1-20)T

a. Daytime accommodations such as recliners and couches for napping. Napping furniture must be spaced at least (3) feet apart. (7-1-20)T

b. Evening accommodations such as beds and bedrooms that are not used by facility residents. Any bed used overnight by a person receiving hourly adult care will not be counted as a licensed bed. (7-1-20)T

08. **Documentation.** Documentation requirements described in Section 330 of these rules. (7-1-20)T

156. INFECTION CONTROL POLICIES.

Each facility must develop policies and procedures consistent with recognized standards which control and prevent infections for both staff and residents. (3-20-20)T

157. MEDICATION POLICIES.

~~01. **Medication.** Each facility must develop written medication policies and procedures that detail the following: (3-20-20)T~~

~~a. Receiving of medications; (3-20-20)T~~

~~b. Storage of medications; (3-20-20)T~~

~~c. Medication distribution system to be used; (3-20-20)T~~

~~d. How staff are to respond if: (3-20-20)T~~

~~i. A resident refuses a medication; (3-20-20)T~~

~~ii. A resident misses a medication and the reason; (3-20-20)T~~

~~iii. A resident medication is not available; (3-20-20)T~~

~~iv. Medications are missing; (3-20-20)T~~

~~v. A resident receives an incorrect medication; (3-20-20)T~~

~~e. The process for determining who can self-administer medication; (3-20-20)T~~

~~f. Unused medications; (3-20-20)T~~

- ~~i. Destruction; (3-20-20)T~~
- ~~ii. Return of medications to the pharmacy; (3-20-20)T~~
- ~~g. Documentation requirements; (3-20-20)T~~
- ~~i. Taken; (3-20-20)T~~
- ~~ii. Refused; (3-20-20)T~~
- ~~iii. Missed; (3-20-20)T~~
- ~~iv. Not available; and (3-20-20)T~~
- ~~v. For residents self medicating. (3-20-20)T~~

~~02. Nurse Delegation. The process the nurse will use to delegate assistance with medication and how it will be documented. (3-20-20)T~~

~~158. FOOD AND NUTRITIONAL CARE POLICIES.~~

~~Each facility must develop written policies and procedures for providing proper nutritional care for each resident which includes procedures to follow if the resident refuses food or to follow the prescribed diet. (3-20-20)T~~

~~159. RECORDS POLICIES.~~

~~01. Complete and Accurate Records. Each facility must develop written policies and procedures to assure complete, accurate, and authenticated records. (3-20-20)T~~

~~02. Electronic Records. Facilities that implement an electronic record or signature must have written policies in place to assure the following: (3-20-20)T~~

- ~~a. Proper security measures to protect the use of an electronic signature by anyone other than the person to which the electronic signature belongs; (3-20-20)T~~
- ~~b. The privacy and integrity of the record; (3-20-20)T~~
- ~~c. Includes which records will be maintained and signed electronically; (3-20-20)T~~
- ~~d. How an e signature code is assigned and the code and associated staff identities are protected; (3-20-20)T~~
- ~~e. How passwords are assigned and the frequency for which they are changed; (3-20-20)T~~
- ~~f. Allows resident access to his records within one (1) business day of the request; and (3-20-20)T~~
- ~~g. Allows immediate access to records by surveyors, and others who are authorized by law; (3-20-20)T~~

~~160. RESIDENT RIGHTS POLICIES.~~

~~Each facility must develop written policies and procedures which assure that resident rights will be promoted and protected in the facility. (3-20-20)T~~

157. -- 160. (RESERVED)

161. SMOKING ~~POLICIES~~ REQUIREMENTS.

The facility must develop and implement written rules governing smoking. Nothing in this rule requires a facility to permit smoking. Smoking policies must be made known to all staff, residents, and visiting public and must ensure: (7-1-20)T

~~01. **Policy on Smoking-Combustible Supplies and Flammable Items.** The facility must develop written rules governing smoking. These rules must be made known to all facility personnel, residents, and the visiting public. Smoking is prohibited in areas where combustible supplies or materials, flammable liquids, gases, or oxidizers are in use or stored.~~ (3-20-20)T(7-1-20)T

~~02. **Smoking Prohibited Smoking in Bed.** Nothing in this section requires that smoking be permitted in a facility whose admission policies prohibit smoking. Smoking in bed is prohibited.~~ (3-20-20)T(7-1-20)T

~~03. **Policy Content-Unsupervised Smoking.** The policy must include: Unsupervised smoking by residents classified as not mentally or physically responsible, sedated by medication, or taking oxygen is prohibited.~~ (3-20-20)T(7-1-20)T

~~a. Prohibiting smoking in any area where flammable liquids, gases, or oxidizers are in use or stored;~~ (3-20-20)T

~~b. Prohibiting smoking in bed by anyone;~~ (3-20-20)T

~~c. Prohibiting unsupervised smoking by residents classified as not mentally or physically responsible, and residents affected by medication;~~ (3-20-20)T

~~d. Prohibiting smoking in areas where combustible supplies or materials are stored; and~~ (3-20-20)T

~~e04. **Designated Smoking Areas.** Designating areas where smoking is permitted. If smoking is permitted, there must be designated smoking areas which are specified in policy and clearly marked. Designated smoking areas must have non-combustible disposal receptacles.~~ (3-20-20)T(7-1-20)T

~~**162. STAFFING POLICIES.**~~

~~The facility must develop written staffing policies and procedures based on the numbers of residents, resident needs, and configuration of the facility.~~ (3-20-20)T

163. -- 20914. (RESERVED)

~~**210. REQUIREMENTS FOR ACTIVITIES.**~~

~~The facility must provide an ongoing program of activities that is consistent with the facility's policies and procedures as described in Section 151 of these rules.~~ (3-20-20)T

~~**211. -- 214. (RESERVED)**~~

215. REQUIREMENTS FOR A FACILITY ADMINISTRATOR.

Under Section 39-3321, Idaho Code, Each facility must be organized and administered under have one (1) licensed administrator assigned as the person responsible for the day-to-day operation of the facility. Multiple facilities under one (1) administrator may be allowed by the Department based on an approved plan of operation described in Section 216 of these rules for up to three (3) buildings with a total of no more than fifty (50) beds, or up to two (2) buildings with a total of no more than eighty (80) beds. The criteria and procedure for requesting to have multiple facilities under one (1) administrator is posted on the Residential Assisted Living Facilities Program website. (3-20-20)T(7-1-20)T

01. Administrator Responsibility. The administrator is responsible for assuring ensuring that policies and procedures required are developed and implemented to fulfill the requirements in Title 39, Chapter 33, Idaho Code, and IDAPA 16.03.22, "Residential ~~Care or~~ Assisted Living Facilities in Idaho," are implemented. (3-20-20)T(7-1-20)T

02. **Availability of Administrator.** The facility's administrator must be on-site sufficiently to *provide for ensure* safe and adequate care of the residents *to meet the terms in the Negotiated Service Agreement*. The facility's administrator or *his their* designee must be available to be on-site at the facility within two (2) hours. The facility must continuously employ an administrator. (3-20-20)F(7-1-20)T

03. ~~**Thirty-Day Operation Limit**~~ **Lapse of Administrator.** ~~The~~ If the facility ~~may not~~ operates for more than thirty (30) days without a licensed administrator, it will result in a core issue deficiency. (3-20-20)F(7-1-20)T

04. **Representation of Residents.** The owner or administrator, their relatives, ~~or~~ and employees cannot act as, or seek to become the legal guardian of, or have power of attorney for any resident. Specific limited powers of attorney to address emergency procedures where competent consent cannot otherwise be obtained, are permitted. (3-20-20)F(7-1-20)T

05. **Responsibility for Acceptable Admissions.** The administrator must ~~assure~~ ensure that no resident is knowingly admitted or retained who requires care as defined in Section 39-3307, Idaho Code, and ~~Subsection 152-05~~ of these rules. (3-20-20)F(7-1-20)T

06. **Sexual Offender.** The administrator must ~~assure~~ ensure that a nonresident on the sexual offender registry is not allowed to live or work in the facility. ~~The registry may be accessed online at http://isp.idaho.gov/sor_id/search.html.~~ (3-20-20)F(7-1-20)T

07. **Notification of to Adult Protection and Law Enforcement.** The administrator must ~~assure~~ ensure that adult protection and law enforcement are notified in accordance with Sections ~~39-5303 and~~ 39-5310, Idaho Code. (3-20-20)F(7-1-20)T

08. **Procedures for Investigations.** The administrator must ~~assure~~ ensure the facility procedures for investigation of complaints, incidents, accidents, and allegations of abuse, neglect, or exploitation are implemented to ~~assure~~ ensure resident safety. Procedures must include: (3-20-20)F(7-1-20)T

a. **Administrator Notification.** The administrator, or person designated by the administrator, must be notified of all incidents, accidents, allegations of abuse, neglect, or exploitation immediately, and notified of complaints within one (1) business day. (7-1-20)T

b. **Investigation within Thirty Days.** The administrator or designee must complete an investigation and written report of the findings within thirty (30) calendar days for each accident, incident, complaint, or allegation of abuse, neglect, or exploitation. (7-1-20)T

c. **Resident Protection.** Any resident involved must be protected during the course of the investigation. (7-1-20)T

d. **Written Response to Complaint within Thirty Days.** The person making the complaint must receive a written response from the facility of the action taken to resolve the matter, or the reason why no action was taken within thirty (30) days of the complaint. (7-1-20)T

e. **Corrective Action.** When abuse, neglect, exploitation, incidents, and accidents occur, corrective action must be immediately taken and monitored to ensure the problem does not recur. (7-1-20)T

f. **Notification to Licensing Agency within One Business Day.** When a reportable incident occurs, the administrator or designee must notify the Licensing Agency within one (1) business day of the incident. (7-1-20)T

g. **Identify and Monitor Patterns.** The administrator or designee must identify and monitor patterns of accidents, incidents, or complaints and must develop interventions to prevent recurrences. (7-1-20)T

~~09. **Identify and Monitor Patterns of Incidents and Accidents.** The administrator must identify and monitor patterns related to incidents and accidents and develop interventions to prevent recurrences.~~ (3-20-20)F

~~10. Notification of Reportable Incidents. The administrator must assure notification to the Licensing and Certification Unit of reportable incidents. (3-20-20)T~~

~~109 Administrator's Designee. A person authorized in writing to act in the absence of the administrator. An administrator's designee may act in the absence of the administrator for no longer than thirty (30) consecutive days when the administrator is on vacation, has days off, is ill, or is away for training or meetings. (3-20-20)T(7-1-20)T~~

~~a. Is on vacation; (3-20-20)T~~

~~b. Has days off; (3-20-20)T~~

~~c. Is ill; or (3-20-20)T~~

~~d. Is away for training or meetings. (3-20-20)T~~

~~120. Ability to Reach Administrator or Designee. The administrator or his their designee must be reachable and available at all times. (3-20-20)T(7-1-20)T~~

~~131. Minimum Age of Personnel. The administrator will assure ensure that no personnel providing hands-on care or supervision services will be under eighteen (18) years of age unless they have completed a certified nursing assistant (CNA) certification course. (3-20-20)T(7-1-20)T~~

~~142. Notification to Licensing and Certification Unit Agency. The facility must notify the Licensing and Certification Unit Agency, in writing, within three (3) business days of a change of administrator. (3-20-20)T(7-1-20)T~~

~~216. REQUIREMENTS FOR A MULTIPLE FACILITY ADMINISTRATOR.~~

~~Each facility must have a Department approved plan of operation to have one (1) administrator assigned as the person responsible for the operation of multiple facilities. (3-20-20)T~~

~~01. Approved Plan of Operation. Under Section 39-3321, Idaho Code, multiple facilities under one (1) administrator may be approved when the following is provided in the plan of operation: (3-20-20)T~~

~~a. The multiple facility administrator must provide proof of a current license in Idaho with no actions or pending actions taken against licensee; (3-20-20)T~~

~~b. The plan must provide for full-time on-site supervision by trained and experienced staff, including: (3-20-20)T~~

~~i. Who is responsible for on-site management of each facility when administrator is not on-site; and (3-20-20)T~~

~~ii. How each individual responsible for on-site management of each facility is qualified to perform those duties. (3-20-20)T~~

~~02. Facility Change To An Approved Plan of Operation. A new plan of operation must be submitted to the Department and approved before any facility in the plan is changed. (3-20-20)T~~

~~03. Number of Facilities or Beds Allowed Under One Administrator. Based on an approved plan of operation, the Department will allow one (1) licensed administrator to oversee: (3-20-20)T~~

~~a. Up to three (3) facilities when each of the facilities has sixteen (16) beds or fewer; (3-20-20)T~~

~~b. Two (2) facilities when either of the facilities has more than sixteen (16) beds but less than fifty (50) beds, and the combined number of beds for both facilities cannot exceed eighty (80) beds; or (3-20-20)F~~

~~e. One (1) facility with fifty (50) beds or more. A plan of operation for a multiple facility administrator will not be approved for a facility with fifty (50) beds or more. (3-20-20)F~~

~~04. **No Unresolved Core Issues.** None of the multiple facilities operated under one (1) administrator can have any unresolved core issue deficiencies described in Section 010 of these rules. The administrator approved to oversee more than one (1) facility must have an established record of compliance, which includes: (3-20-20)F~~

~~a. No repeat deficiencies; (3-20-20)F~~

~~b. No enforcement actions; (3-20-20)F~~

~~e. A history of submitting acceptable plans of corrections within the time frame established in Subsection 130.08 of these rules; (3-20-20)F~~

~~d. A history of submitting acceptable evidence of resolution of deficiencies within the time frame established in Subsection 130.09 of these rules; and (3-20-20)F~~

~~e. The administrator's record must show that he has two (2) years or more of experience working as a licensed residential care administrator in Idaho. (3-20-20)F~~

~~05. **Administrator Hours On-site in Each Facility.** The administrator must be on site at each facility for at least: (3-20-20)F~~

~~a. Ten (10) hours per week in facilities with fewer than sixteen (16) beds; (3-20-20)F~~

~~b. Fifteen (15) hours per week in facilities with more than (16) beds; and (3-20-20)F~~

~~e. Each facility's record must include documentation of the number of hours per week the administrator is on-site. For each week the Administrator is not on-site, the documentation must include the reasons for his absence such as illness, vacation, or training. (3-20-20)F~~

~~06. **Administrator Response Time for Each Facility.** A multiple facility administrator must not have a primary residence more than seventy five (75) miles from any of the facilities. Each facility with a multiple facility administrator must be within two (2) hours driving distance from each other. (3-20-20)F~~

~~07. **On-Site Supervision in Each Facility.** The plan of operation must include full time on site supervision by trained and experienced staff. (3-20-20)F~~

~~08. **Dually Licensed Administrator.** A skilled nursing facility and an assisted living facility with less than fifty (50) beds may have a multiple facility administrator with an approved plan of operation. A dually licensed administrator, who is licensed in Idaho as both a Nursing Home Administrator and a Residential Care Facility Administrator, may be approved as a multiple facility administrator only when the two (2) facilities are on the same property or campus. (3-20-20)F~~

~~217. **RESCIND APPROVAL FOR MULTIPLE FACILITY ADMINISTRATOR.**~~

~~01. **Rescind Plan of Operation Approval.** When the conditions in the approved plan of operation are not met, the ability to have one (1) administrator for multiple facilities will be rescinded by the Department. (3-20-20)F~~

~~02. **Reasons for Rescission or Denial of a Multiple Facility Administrator.** Any and all facilities with a multiple facility administrator included in its approved plan of operation that receives repeat deficiencies, enforcement actions, or fails to submit acceptable plans of correction and evidence of resolution within the time frames established in Subsections 130.08 and 130.09 of these rules, may have its multiple facility administrator approval rescinded.~~ (3-20-20)F

~~03. **Rescission Review of Department Action.** When the facility disagrees with the reasons for the rescission of the ability to have a multiple facility administrator, the administrator can request a rescission review. This request does not stay the rescission. The request must:~~ (3-20-20)F

~~a. Be in writing;~~ (3-20-20)F

~~b. Be received within fourteen (14) days of the date the Department's rescission letter was issued; and~~ (3-20-20)F

~~c. State the specific reasons for disagreement with the Department's rescission action.~~ (3-20-20)F

~~04. **Review Decision.** Within thirty (30) days from the date the review request is received, the Department will review and issue a decision. This decision is not appealable.~~ (3-20-20)F

~~218. (RESERVED)~~

~~219. **REQUIREMENTS FOR ADMISSION AGREEMENTS FOR DEPARTMENT CLIENTS.**~~

~~01. **Initial Resident Assessment.** Prior to or on the day of admission each resident must be assessed by the facility to ensure the resident is appropriate for placement in a residential care or assisted living facility.~~ (3-20-20)F

~~02. **Interim Care Plan.** The facility must develop an interim care plan to guide services until the Department's assessment outlined in Section 660 of these rules is complete. The Department will complete a resident assessment within twelve (12) business days of receiving notification that the participant is financially eligible for waiver services. The result of the assessment will determine the need for specific services and supports and establish the reimbursement rate for those services.~~ (3-20-20)F

~~03. **Written Agreement.** The admission agreement may be integrated within the Negotiated Service Agreement, provided that all requirements for the Negotiated Service Agreement in Section 320 of these rules are met.~~ (3-20-20)F

~~220~~**16. REQUIREMENTS FOR ADMISSION AGREEMENTS FOR PRIVATE PAY RESIDENTS.**

01. Initial Resident Assessment and Care Plan. Prior to ~~or on the day of~~ admission, each ~~private pay~~ resident must be assessed by the facility to ensure the resident is appropriate for placement in their residential ~~care or~~ assisted living facility. The facility must develop an interim care plan to guide services until the facility can complete the resident assessment process ~~outlined in Section 650 of these rules~~. The result of the assessment will determine the need for specific services and supports. (3-20-20)F(7-1-20)T

02. Written Agreement. Prior to, or on the day of admission, the facility and each resident or the resident's legal guardian or conservator must enter into a written admission agreement that is transparent, understandable, and is translated into a language the resident or ~~his~~ **their** representative understands. The admission agreement will provide a complete reflection of the facility's charges, commitments agreed to by each party, and the actual practices that will occur in the facility. The agreement must be signed by all involved parties, and a complete copy provided to the resident and the resident's legal guardian or conservator prior to, or on the day of admission. The

admission agreement may be integrated within the Negotiated Service Agreement (NSA), provided that all requirements for the ~~Negotiated Service Agreement~~ NSA in Section 320 of these rules and the admission agreement are met. Admission agreements must include all items described under ~~Subsections 220.03-216 through 220.18 of this rule.~~ (3-20-20)F(7-1-20)T

03. Services, Supports, and Rates. The facility must identify the following services, supports, and applicable rates: (3-20-20)T

a. Unless otherwise negotiated with the resident, ~~or~~ the resident's legal guardian or conservator, basic services must ~~at a minimum,~~ include: the items specified in Section 430 of these rules. (3-20-20)F(7-1-20)T

- ~~i. Rent; (3-20-20)T~~
- ~~ii. Utilities; (3-20-20)T~~
- ~~iii. Food; (3-20-20)T~~
- ~~iv. Activities of daily living services; (3-20-20)T~~
- ~~v. Supervision; (3-20-20)T~~
- ~~vi. First aid; (3-20-20)T~~
- ~~vii. Assistance with and monitoring of medications; (3-20-20)T~~
- ~~viii. Laundering of linens owned by the facility; (3-20-20)T~~
- ~~ix. Emergency interventions and coordination of outside services; (3-20-20)T~~
- ~~x. Routine housekeeping and maintenance of common areas; and (3-20-20)T~~
- ~~xi. Access to basic television in common areas. (3-20-20)T~~

b. The resident's monthly charges, must be including a specific and describe description of the services that are included in the basic services rate and the charged rate. (3-20-20)F(7-1-20)T

c. ~~The facility must disclose a~~ All prices, formulas, and calculations used to determine the resident's basic services rate including: (3-20-20)F(7-1-20)T

- i. Service packages; (3-20-20)T
- ii. Fee-for-service rates; (3-20-20)T
- iii. Assessment forms; (3-20-20)T
- iv. Price per assessment point; (3-20-20)T
- v. Charges for levels of care determined with an assessment; and (3-20-20)T
- vi. Move-in fees or other similar charges. (3-20-20)T

d. ~~Services or amenities that are not contained in the description of basic services are considered additional services.~~ The ~~facility must describe the~~ services and rates charged for additional or optional services, supplies, or amenities that are available through the facility or arranged for by the facility for which the resident will be charged additional fees. (3-20-20)F(7-1-20)T

e. Services or rates that are impacted by an updated assessment of the resident must be identified, as well as the assessment tool, the assessor, and the frequency of the assessment, when the facility uses this assessment

to determine rate changes.

~~(3-20-20)F~~(7-1-20)T

f. The facility may charge residents for the use of personal furnishings, equipment, and supplies provided by the facility ~~for private pay residents~~ unless paid for by a publicly funded program. The facility must provide a detailed itemization of furnishings, equipment, supplies, and the rate for those items the resident will be charged.

~~(3-20-20)F~~(7-1-20)T

04. **Staffing.** The facility agreement must identify staffing patterns and qualifications of staff on duty during a normal day.

~~(3-20-20)F~~(7-1-20)T

05. **Notification of Liability Insurance Coverage.** The administrator of a residential ~~care or~~ assisted living facility must disclose in writing at the time of admission or before a resident's admission if the facility does not carry professional liability insurance. If the facility cancels the professional liability insurance all residents must be notified of the change in writing.

~~(3-20-20)F~~(7-1-20)T

06. **Medication Responsibilities.** The agreement must identify the facility's and resident's roles and responsibilities relating to assistance with medications including the reporting of missed ~~doses~~ medications or those taken on a PRN basis.

~~(3-20-20)F~~(7-1-20)T

07. **Resident Personal Fund Responsibilities.** The agreement must identify ~~who~~ who is responsible for the resident's personal funds.

~~(3-20-20)F~~(7-1-20)T

08. **Resident Belongings Responsibility.** The agreement must identify responsibility for protection and disposition of all valuables belonging to the resident and provision for the return of the resident's valuables if the resident leaves the facility.

(3-20-20)T

09. **Emergency Transfers.** The agreement must identify conditions under which emergency transfers will be made as provided in Section 152 of these rules.

(3-20-20)T

10. **Billing Practices, Notices, and Procedures for Payments and Refunds.** The facility must provide a description of the facility's billing practices, notices, and procedures for payments and refunds. The following procedures must be included:

(3-20-20)T

a. Arrangement for payments;

(3-20-20)T

b. Under what circumstances and time frame a partial month's resident fees are to be refunded when a resident no longer resides in the facility; and

~~(3-20-20)F~~(7-1-20)T

c. Written notice to vacate the facility must be given thirty (30) calendar days prior to transfer or discharge on the part of either party, except in the case of the resident's emergency discharge or death. ~~The~~ facility may charge up to fifteen (15) days prorated rent from the date of the resident's emergency discharge or death. The agreement must disclose any charges that will result when a resident fails to provide a thirty (30) day written notice.

~~(3-20-20)F~~(7-1-20)T

11. **Resident Permission to Transfer Information.** The agreement must ~~clarify~~ specify permission for the facility to transfer information from the resident's records to any facility to which the resident transfers.

~~(3-20-20)F~~(7-1-20)T

12. **Resident Responsibilities.** The agreement must specify ~~R~~resident responsibilities, ~~as appropriate.~~

~~(3-20-20)F~~(7-1-20)T

13. **Restrictions on Choice of Care or Service Providers.** The agreement must specify ~~A~~any restriction on choice of care or service providers, such as ~~pharmacy;~~ home health agency, hospice agency, or physician or authorized provider personal care services.

~~(3-20-20)F~~(7-1-20)T

14. **Advance Directive.** The agreement must identify written documentation of the resident's preference regarding the formulation of an advance directive in accordance with Idaho state law. When a resident has an advance ~~d~~ directive, a copy must be immediately available for staff and emergency personnel.

~~(3-20-20)F~~(7-1-20)T

15. **Notification of Payee Requirements.** ~~Notification~~ The agreement must identify if the facility requires as a condition of admission that ~~the administrator or an employee of~~ the facility be named as payee.

~~(3-20-20)F(7-1-20)T~~

16. **Contested Charges.** The facility must provide the methods by which a resident may contest charges or rate increases ~~that include~~ including contacting the ~~O~~mbudsman for the ~~E~~lderly. ~~The facility must respond as provided under Section 711.02 of these rules.~~

~~(3-20-20)F(7-1-20)T~~

17. **Transition to Publicly Funded Program.** The facility must disclose the conditions under which the resident can remain in the facility if payment for the resident shifts to a publicly funded program. (3-20-20)T

18. ~~Other Information—Smoking Policy.~~ ~~The agreement must identify other information that the facility may deem appropriate~~ The admission agreement must include a copy of the facility's smoking policy.

~~(3-20-20)F(7-1-20)T~~

~~22~~17. REQUIREMENTS FOR TERMINATION OF ADMISSION AGREEMENT.

01. **Conditions for Termination of the Admission Agreement.** The admission agreement cannot be terminated, except under Section 39-3313, Idaho Code, as follows ~~the following conditions:~~

~~(3-20-20)F(7-1-20)T~~

a. Giving the other party thirty (30) calendar days written notice ~~for any reason;~~

~~(3-20-20)F(7-1-20)T~~

b. The resident's death; (3-20-20)T

c. Emergency conditions that requires the resident to be transferred to protect the resident or other residents in the facility from harm;

~~(3-20-20)F(7-1-20)T~~

d. The resident's mental or medical condition deteriorates to a level requiring care as described in Section ~~39~~-3307, Idaho Code, and ~~Sub~~section 152-05 of these rules;

~~(3-20-20)F(7-1-20)T~~

e. Nonpayment of the resident's fees; (3-20-20)T

f. When the facility cannot meet resident needs due to changes in services, in-house or contracted, or inability to provide the services; or (3-20-20)T

g. Other written conditions as may be mutually established between the resident, the resident's legal guardian or conservator, and the administrator of the facility at the time of admission.

~~(3-20-20)F(7-1-20)T~~

02. **Facility Responsibility During Resident Discharge.** The facility is responsible to assist the resident with transfer by providing a list of skilled nursing facilities, other residential ~~care or~~ assisted living facilities, and certified family homes that may meet the needs of the resident. The facility must provide a copy of the resident record, as described in Section 330 of these rules, within two (2) business days of receipt of a request signed and authorized by the resident or legal representative.

~~(3-20-20)F(7-1-20)T~~

03. **Resident's Appeal of Involuntary Discharge.** A resident may appeal all discharges, with the exception of an involuntary discharge in the case of nonpayment; ~~or~~ emergency conditions that require the resident to be transferred to protect the resident or other residents in the facility from harm.

~~(3-20-20)F(7-1-20)T~~

a. Before a facility discharges a resident, the facility must notify the resident; ~~and if known, a family member, or his legal~~ their representative of the discharge and the ~~reasons for the discharge~~ cause.

~~(3-20-20)F(7-1-20)T~~

b. This notice must be in writing and in a language and manner the resident or ~~his~~ their representative can understand.

~~(3-20-20)F(7-1-20)T~~

04. **Written Notice of Discharge.** The written notice of discharge must include the following: (3-20-20)T

- a. The specific reason for the discharge; ~~(3-20-20)T~~(7-1-20)T
 - b. The Effective date of the discharge; ~~(3-20-20)T~~(7-1-20)T
 - c. A statement that the resident has the right to appeal the discharge to the Department within thirty (30) calendar days of receipt of written notice of discharge; (3-20-20)T
 - d. The ~~name and address of~~ Residential Assisted Living Facilities Program website, where the appeal must be submitted; ~~(3-20-20)T~~(7-1-20)T
 - e. The name, address, and telephone number of the local ombudsman, ~~for residents sixty (60) years of age or older; and~~ ~~(3-20-20)T~~(7-1-20)T
 - f. The name, address, and telephone number of Disability Rights Idaho, ~~for residents with developmental disabilities or mental illness;~~ ~~(3-20-20)T~~(7-1-20)T
 - g. If the resident fails to pay fees to the facility, as agreed to in the admission agreement, during the discharge appeal process, the resident's appeal of the involuntary discharge becomes null and void and the discharge notice applies; and ~~(3-20-20)T~~(7-1-20)T
 - h. When the notice does not contain all the above required information, the notice is void and must be reissued. (3-20-20)T
- 05. Receipt of Appeal.** Request for an appeal must be received by the Department within thirty (30) calendar days of the resident's or resident's representative's receipt of written notice of discharge to stop the discharge before it occurs. (3-20-20)T

~~222~~**18.** – ~~224~~**9.** (RESERVED)

~~225.~~ **REQUIREMENTS FOR BEHAVIOR MANAGEMENT.**

~~The facility must identify and evaluate behavioral symptoms that are distressing to the resident or infringe on other residents' rights.~~ ~~(3-20-20)T~~

- ~~**01. Evaluation for Behavior Management.** The facility evaluation must include the following:~~ ~~(3-20-20)T~~
 - ~~**a.** Identification if the resident behavior is transitory or permanent;~~ ~~(3-20-20)T~~
 - ~~**b.** Review of the resident's previous behaviors and activities;~~ ~~(3-20-20)T~~
 - ~~**c.** Review of baseline data including intensity, duration and frequency of the resident behavior;~~ ~~(3-20-20)T~~
 - ~~**d.** Identification of recent changes in the resident's life, such as death in the family, change in resident's daily routine, or changes in the Resident's Negotiated Service Agreement;~~ ~~(3-20-20)T~~
 - ~~**e.** Identification of environmental causes that could contribute to the resident's behavior such as excessive heat, noise, overcrowding, hunger, staffing;~~ ~~(3-20-20)T~~
 - ~~**f.** Rule out possible medical causes such as pain, constipation, fever, infection, or medication side effects; and~~ ~~(3-20-20)T~~
 - ~~**g.** Identification of events that trigger behavioral symptoms.~~ ~~(3-20-20)T~~
- ~~**02. Intervention.** The facility must develop an intervention for each behavioral symptom.~~ ~~(3-20-20)T~~

- ~~a.~~ *All staff must be aware of and consistently implement each behavioral symptom intervention;* (3-20-20)T
- ~~b.~~ *The intervention needs to be the least restrictive; and* (3-20-20)T
- ~~c.~~ *Each intervention needs to be reviewed within seventy-two (72) hours of implementation, and from then on as appropriate, to evaluate the continued need for the intervention.* (3-20-20)T
- ~~03.~~ **Prescribing Provider.** *The resident's medication regime must be evaluated every six (6) months to assure that medications used to treat behavioral symptoms are necessary and at the lowest possible dose.* (3-20-20)T

~~226.—249.~~ (RESERVED)

250. REQUIREMENTS FOR BUILDING CONSTRUCTION AND PHYSICAL STANDARDS.

Minimum construction must meet all requirements of this rule to include codes and standards incorporated by reference in Section 004 of these rules, and all local and state codes that are applicable to residential assisted living facilities. Where there are conflicts between the requirements in the codes, the most restrictive condition must apply. (7-1-20)T

~~01.~~ **Building Character Construction Changes.** *All buildings utilized as residential care or assisted living facilities must be of such character as to be suitable for such use. Facilities must be of such character as to enhance normalization and integration of residents into the community.* For all new construction, changes of occupancy, modifications, additions, or renovations to existing buildings, the facility must submit construction drawings with specifications to the licensing authority for review and approval prior to any work being started. All new construction and conversions must install audible and visual notification devices for fire alarm systems in all common areas and resident rooms no matter the size of facility. (3-20-20)T(7-1-20)T

02. Plans and Specifications. *Plans and specifications for any proposed new facility construction, any addition or remodeling are governed by the following:* (3-20-20)T

~~a.~~ Plans must be prepared, signed, stamped, and dated by an architect or engineer licensed in the state of Idaho. A variance of this requirement may be granted by the Licensing ~~and Survey~~ Agency when the size of the project does not necessitate involvement of an architect or engineer. This must include the following: (3-20-20)T(7-1-20)T

~~ba.~~ Plans and specifications must be submitted to the Licensing ~~and Survey~~ Agency to ~~assure~~ ensure compliance with applicable construction standards, codes, and regulations; (3-20-20)T(7-1-20)T

~~eb.~~ *Newly constructed or converted buildings housing seventeen (17) or more residents must submit professionally prepared drawings or plans of the kitchen and a listing of all kitchen equipment for review and approval prior to construction.* Plans must be drawn to scale, but no less than a scale of one-eighth (1/8) inch to one (1) foot; (3-20-20)T(7-1-20)T

~~c.~~ Plans must be submitted electronically; (7-1-20)T

~~d.~~ A physical address approved by the city; (7-1-20)T

~~e.~~ Life safety plans; (7-1-20)T

~~f.~~ Fire alarm shop drawings; and (7-1-20)T

~~g.~~ Fire sprinkler system drawings and calculations. (7-1-20)T

~~03.~~ **Remodeling or Additions.** *Remodeling of or additions to a facility will be consistent with all applicable fire and life safety requirements.* (3-20-20)T

043. **Approval.** All buildings, additions, and ~~remodeling~~ renovations are subject to approval by the

Licensing ~~and Survey~~ Agency and must meet applicable requirements.

~~(3-20-20)F~~(7-1-20)T

054. Walls and Floor Surfaces. Walls and floors must be of such character to permit cleaning. Walls and ceilings in kitchens, bathrooms, and utility rooms must have washable surfaces. (3-20-20)T

065. Toilets and Bathrooms. Each facility must provide:

~~(3-20-20)F~~(7-1-20)T

a. A toilet and bathroom for resident use so arranged that it is not necessary for an individual to pass through another resident's room to reach the toilet or bath; (3-20-20)T

b. Solid walls or partitions to separate each toilet and bathroom from all adjoining rooms; (3-20-20)T

c. Mechanical ventilation to the outside from all inside toilets and bathrooms not provided with an operable exterior window; (3-20-20)T

d. Each tub, shower, and lavatory with hot and cold running water; (3-20-20)T

e. At least one (1) flushing toilet for every six (6) residents; ~~(3-20-20)F~~(7-1-20)T

f. At least one (1) tub or shower for every eight (8) residents; (3-20-20)T

g. At least one (1) lavatory with a mirror for each toilet; and (3-20-20)T

h. At least one (1) toilet, tub or shower, and lavatory in each building in which residents sleep, with additional units if required by the number of persons. (3-20-20)T

076. Accessibility for Persons with Mobility and Sensory Impairments. For residents ~~with~~ who have mobility or sensory impairments, the facility must provide a physical environment which meets the needs of the person for independent mobility and use of appliances, bathroom facilities, and living areas. New construction must meet the requirements of the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Existing facilities must comply, to the maximum extent feasible, with 28 CFR Sections 36.304 and 36.305 regarding removal of barriers under the Americans with Disabilities Act, without creating an undue hardship or burden on the facility, and must provide as required, the necessary accommodations: ~~(3-20-20)F~~(7-1-20)T

a. Ramps for residents who require assistance with ambulation ~~shall~~ must comply with the requirements of the ADAAG 4.8; ~~(3-20-20)F~~(7-1-20)T

b. Bathrooms and doors large enough to allow the easy passage of a wheelchair as provided for in the ADAAG 4.13; (3-20-20)T

c. Grab bars in resident toilet and bathrooms in compliance with ADAAG 4.26; (3-20-20)T

d. Toilet facilities in compliance with ADAAG 4.16 and 4.23; (3-20-20)T

e. Non-retractable faucet handles in compliance with ADAAG 4.19, with the exception of self-closing valves under 4.19.5, and 4.27; and (3-20-20)T

f. A suitable hand railing must be provided on both sides of all stairs leading into and out of a building for residents who require the use of crutches, walkers, or braces. ~~(3-20-20)F~~(7-1-20)T

087. Lighting. The facility must provide adequate lighting in all resident sleeping rooms, dining rooms, living rooms, recreation rooms, and hallways. (3-20-20)T

098. Ventilation. The facility must be ventilated, and precautions ~~shall be~~ taken to prevent offensive odors. ~~(3-20-20)F~~(7-1-20)T

109. Plumbing. All plumbing in the facility must comply with local and state codes. All plumbing

fixtures must be easily cleanable and maintained in good repair. The temperature of hot water at plumbing fixtures used by residents must be between one hundred five degrees Fahrenheit (105°F) and one hundred twenty degrees Fahrenheit (120°F). (3-20-20)T

170. Heating, Ventilation, and Air-Conditioning (HVAC). Equipment must be furnished, installed, and maintained to meet all requirements of current state and local mechanical, electrical, and construction codes. An HVAC ~~A heating~~ system must be provided for the facility that is capable of maintaining a minimum temperature of seventy degrees Fahrenheit (70°F) ~~Fahrenheit~~ and a maximum temperature of seventy-eight degrees Fahrenheit (78°F) during the day, and a minimum of sixty-two degrees Fahrenheit (62°F) ~~Fahrenheit~~ and a maximum temperature of seventy-five degrees Fahrenheit (75°F) during the night. Wood stoves, ~~gas fireplaces, or solid burning fireplaces~~ are not ~~be~~ permitted as the sole source of heat, and the thermostat for the primary source of heat must be remotely located away from any ~~wood stove~~ of these sources. (3-20-20)T(7-1-20)T

a. Portable heating devices of any kind are prohibited. Portable electric space heaters and movable fuel-fired heaters are considered portable comfort heating devices. Exceptions are heated mattress pads, electric blankets, and heating pads when ordered by an authorized provider or physician; (7-1-20)T

b. All fireplaces must provide a safety barrier and have heat-tempered glass fireplace enclosures equivalent to ASTM Standard; (7-1-20)T

c. Boilers, hot water heaters, and unfired pressure vessels must be equipped with automatic pressure relief valves; (7-1-20)T

d. Fire and smoke dampers must be inspected, serviced, and cleaned once every four (4) years by a person professionally engaged in the business of servicing these devices or systems. A copy of these results must be kept in the facility. (7-1-20)T

121. Dining, Recreation, Shower, Bathing, and Living Space. The total area set aside for these purposes must be no less than thirty (30) square feet per licensed bed. A hall or entry cannot be included as living or recreation space. (3-20-20)T(7-1-20)T

132. Resident Sleeping Rooms. The facility must ~~assure~~ ensure that: (3-20-20)T(7-1-20)T

a. Resident sleeping rooms are not in attics, stairs, halls, or any other room commonly used for other than bedroom purposes; (3-20-20)T

b. A room with a window that opens into an exterior window well cannot be used for a resident sleeping room; (3-20-20)T

c. Not more than four (4) residents can be housed in any multi-bed sleeping room in facilities licensed prior to July 1, 1991. New facilities or buildings converted to a licensed facility after July 1, 1992, cannot have more than two (2) residents in any multi-bed sleeping room. When there is any change in ownership of the facility, the maximum number of residents allowed in any room is two (2); (3-20-20)T(7-1-20)T

d. Square footage requirements for resident sleeping rooms must provide for not less than one hundred (100) square feet of floor space per resident in a single-bed sleeping room and not less than eighty (80) square feet of floor space per resident in a multi-bed sleeping room. For facilities constructed after January 1, 2021, square footage requirements for resident sleeping rooms must provide at least one hundred (100) square feet of floor space per resident for both single-bed and multi-bed sleeping rooms. (3-20-20)T(7-1-20)T

e. Each resident's sleeping room must be provided with an operable exterior window. An operable window is not required where there is a door directly to the outside from the sleeping room; (3-20-20)T

f. The operable window sill height must not exceed thirty-six (36) inches above the floor in new construction, additions, or remodeling; (3-20-20)T

g. The operable window sill height must not exceed forty-four (44) inches above the floor in existing

buildings being converted to a facility; (3-20-20)T

h. Each resident sleeping room must provide a total window space that equals at least eight percent (8%) of the room's total square footage; (3-20-20)T

i. Window screens must be provided on operable windows; (3-20-20)T

j. Resident sleeping rooms must have walls that run from floor to ceiling; have doors that will limit the passage of smoke; and provide the resident(s) with privacy; ~~(3-20-20)T~~(7-1-20)T

k. Ceiling heights in sleeping rooms must be at least seven (7) feet, six (6) inches; and (3-20-20)T

l. Closet space in each resident sleeping room must provide at least four (4) usable square feet per resident. Common closets used by two (2) or more residents must have substantial dividers for separation of each resident's clothing. All closets must be equipped with doors. Free-standing closets are deducted from the square footage of the sleeping room. (3-20-20)T

143. Secure Environment. If the facility accepts and retains residents who have cognitive impairment and have a history of elopement or attempted elopement, the facility must provide an interior environment and exterior yard which that is secure and safe. Because measures to secure the environment may be effective for one (1) resident, but not another, the type of the security provided must be evaluated for effectiveness in protecting each resident, based on their individual needs and abilities, and adjusted as necessary. These measures must be incorporated into the NSA of each applicable resident. ~~(3-20-20)T~~(7-1-20)T

154. Call System. The facility must have a call system available for each resident to call for assistance and still be assured ensured a resident's right to privacy at the facility, including but not limited to, in the resident's living quarters and common areas, during medical treatment, and other services, and in written and telephonic communications, or in visits with family, friends, advocates, and resident groups. The call system cannot be a substitute for supervision. For facilities licensed prior to January 1, 2006, when the current system is no longer operational or repairable the facility must install a call system as defined in Section 010 of these rules. ~~(3-20-20)T~~(7-1-20)T

165. Dietary Standards. Each facility must have a full-service kitchen to meet the needs of the residents. Any satellite kitchen must meet all applicable requirements. ~~(3-20-20)T~~(7-1-20)T

(BREAK IN CONTINUITY OF SECTIONS)

255. REQUIREMENTS FOR ADDITIONAL PHYSICAL STANDARDS.

01. Fire District. The facility site must be in a lawfully constituted fire district. (3-20-20)T

02. Roads. The facility must be served by an all-weather road and kept open to motor vehicles at all times of the year. (3-20-20)T

03. Medical Accessibility. The facility site must be accessible to authorized providers or emergency medical services within thirty (30) minutes driving time. (3-20-20)T

~~**04. Service Accessibility.** The facility site must be accessible within thirty (30) minutes driving time to necessary social, medical, and rehabilitation services. (3-20-20)T~~

(BREAK IN CONTINUITY OF SECTIONS)

260. REQUIREMENTS FOR ENVIRONMENTAL SANITATION.

01. Water Supply. The facility must have an adequate water supply that is safe and of a sanitary quality. ~~It must be from:~~ (3-20-20)F(7-1-20)T

a. ~~The water supply must be from~~ An approved private, public, or municipal water supply; (3-20-20)F(7-1-20)T

b. Water from a private supply must have water samples submitted annually to either a private accredited laboratory or to the Public Health District Laboratory for bacteriological examination. The Department may require more frequent examinations if warranted; and (3-20-20)T

c. There must be a sufficient amount of water under adequate pressure to meet sanitary and fire sprinkler system requirements of the facility at all times. (3-20-20)T

02. Sewage Disposal. All sewage and liquid waste must be discharged into a municipal sewage system where such a system is available. If a municipal sewage system is not available, sewage and liquid waste must be collected, treated, and disposed of in a manner approved by the Department. (3-20-20)F(7-1-20)T

03. Garbage and Refuse Disposal. ~~All~~ Garbage and refuse disposal must be provided ~~by the facility to ensure that:~~ (3-20-20)F(7-1-20)T

a. The premises and all buildings must be kept free from the accumulation of weeds, trash, and rubbish; (3-20-20)F(7-1-20)T

b. Material not directly related to the maintenance and operation of the facility must not be stored on the premises; (3-20-20)F(7-1-20)T

c. All containers used for storage of garbage and refuse must be constructed of durable, nonabsorbent material, and must not leak ~~or absorb liquids~~. Containers must be provided with tight-fitting lids unless stored in a vermin-proof room ~~(s)~~ or enclosures; and (3-20-20)F(7-1-20)T

d. Garbage containers must be maintained in a sanitary manner. Sufficient containers must be afforded to hold all garbage and refuse which accumulates between periods of removal from the facility. Storage areas must be clean and sanitary. (3-20-20)T

04. Insect and Rodent Control. A pest control program must be in effect at all times. This program must effectively prevent insects, rodents, and other pests from entrance to, or infestation of, the facility. (3-20-20)F(7-1-20)T

~~a. All toxic chemicals must be properly labeled and stored under lock and key; and (3-20-20)F~~

~~b. No toxic chemicals must be stored in resident areas, where drugs are stored, or in any area where food is stored, prepared or served. (3-20-20)F~~

05. Linen and Laundry Facilities and Services. (3-20-20)T

a. The facility must have available at all times a quantity of linen essential to the proper care and comfort of residents; (3-20-20)T

b. Linen must be of good quality, not thread-bare, torn, or badly stained; (3-20-20)F(7-1-20)T

c. Linens must be handled, processed, and stored in an appropriate manner that prevents contamination; (3-20-20)F(7-1-20)T

d. Adequate facilities must be provided for the proper and sanitary washing and drying of linen and other washable goods laundered in the facility; (3-20-20)T

- e. The laundry must be situated in an area separate and apart from where food is stored, prepared, or served; ~~(3-20-20)F(7-1-20)T~~
- f. The laundry area must be well-lighted, ~~and~~ ventilated, adequate in size for the needs of the facility, maintained in a sanitary manner, and kept in good repair; ~~(3-20-20)F(7-1-20)T~~
- g. ~~When the facility sends linen and personal laundry out for laundry services,~~ Care must be taken ~~that to ensure~~ soiled linen and clothing are properly handled to prevent contamination before sending out. Clean linen and clothing received from a laundry service must be stored in a proper manner to prevent contamination; and ~~(3-20-20)F(7-1-20)T~~
- h. Residents' and personnel's personal laundry must be collected, transported, sorted, washed, and dried in a sanitary manner and cannot be washed with general linens (e.g., towels, ~~and~~ sheets). ~~(3-20-20)F(7-1-20)T~~
06. **Housekeeping ~~Services~~ and ~~Equipment Maintenance Services~~.** Housekeeping, maintenance personnel, and equipment must be provided to maintain the interior and exterior of the facility in a clean, safe, and orderly manner. Prior to occupancy of any sleeping room by a new resident, the room must be thoroughly cleaned including the bed, bedding, and furnishings. ~~(3-20-20)F(7-1-20)T~~

07. **Toxic Chemicals.** All toxic chemicals must be properly labeled. Toxic chemicals cannot be stored where food is stored, prepared, or served, where medications are stored, and where residents with cognitive impairment have access. ~~(7-1-20)T~~

(BREAK IN CONTINUITY OF SECTIONS)

300. REQUIREMENTS FOR NURSING SERVICES.

The administrator must ensure policies and procedures are developed and implemented to ensure Nursing services ~~must be~~ are performed in accordance with IDAPA 23.01.01, "Rules of the Idaho Board of Nursing," and this chapter of rules. The facility must have on staff ~~or under contract the~~ sufficient nursing personnel listed to meet the requirements in Subsections 300.01 and 300.02 of these ~~this~~ rules to provide nursing service requirements. ~~(3-20-20)F(7-1-20)T~~

01. **Licensed Registered Nurse (RN).** A licensed registered nurse (RN) must visit the facility at least once every ninety (90) days ~~or when there is a change in the resident's condition~~ to conduct initial and quarterly nursing assessments for each resident as described in Section 305 of these rules. The licensed registered nurse is responsible for delegation of ~~all~~ nursing functions, according to IDAPA 23.01.01, "Rules of the Idaho Board of Nursing ~~Rules.~~" ~~(3-20-20)F(7-1-20)T~~

02. **Licensed ~~Registered~~ Nurse.** The ~~facility must assure that a licensed registered nurse is~~ licensed nurse must be available to address changes in ~~the a~~ resident's health or mental status, ~~and to~~ review and implement new orders ~~prescribed by the resident's health care provider,~~ and notify the physician or authorized provider when a resident repeatedly refuses to follow physician orders. ~~(3-20-20)F(7-1-20)T~~

(BREAK IN CONTINUITY OF SECTIONS)

305. REQUIREMENTS FOR THE LICENSED REGISTERED ~~NURSE RESPONSIBILITY~~ REQUIREMENTS NURSING ASSESSMENT.

For each resident ~~F~~the licensed registered ~~professional~~ nurse must assess and document, including date and signature, ~~for each resident as described in Subsections 305.01 through 305.08 of these rules:~~ the following: ~~(3-20-20)F(7-1-20)T~~

01. **Resident ~~Response to~~ Medications and Therapies.** ~~Conduct a nursing assessment of~~ eEach resident's use of, and response to all medications, (including over-the-counter, and prescribed therapies), the monitoring of side effects, interactions, abuse, or other adverse effects, and ensuring the resident's physician or

~~authorized provider is notified of any identified concerns with medications and therapies.~~ (3-20-20)F(7-1-20)T

02. Current Medication Orders and Treatment Orders. ~~Assure the~~ **Each** resident's medication and treatment orders are current ~~and by verifying~~ **verified for the following:** (3-20-20)F(7-1-20)T

a. ~~That~~ the medication listed on the medication distribution container, including over-the-counter medications ~~as appropriate, are~~ **is** consistent with physician or authorized provider orders; (3-20-20)F(7-1-20)T

b. ~~That~~ the physician or authorized provider orders related to therapeutic diets, treatments, and medications for each resident are followed; and (3-20-20)F(7-1-20)T

c. A copy of the actual written, signed, and dated orders are present in each resident's care record. (3-20-20)F(7-1-20)T

03. Resident Health Status. ~~Conduct a nursing assessment of~~ **The** health status of each resident by ~~conducting a physical assessment and~~ identifying symptoms of illness, or any changes in mental or physical health status. (3-20-20)F(7-1-20)T

04. Recommendations. ~~Make~~ **R**ecommendations to the administrator regarding any medication needs, other health needs requiring follow-up, or changes needed to the ~~Negotiated Service Agreement~~ **NSA**. ~~The nurse must notify the physician or authorized provider of recommendations for medical care and services that are needed.~~ (3-20-20)F(7-1-20)T

05. Progress of Previous Recommendations. ~~Conduct a review and follow-up of~~ **The** progress ~~on of~~ previous recommendations ~~made to the administrator~~ regarding any medication needs or other health needs that require follow-up. ~~Report to the attending physician or authorized provider and state agency if recommendations for care and services are not implemented that have affected or have the potential to affect the health and safety of residents.~~ (3-20-20)F(7-1-20)T

06. Self-Administered Medication. ~~Conduct an initial nursing assessment on~~ **Each** resident participating in a self-administered medication program ~~as follows~~ **at the following times:** (3-20-20)F(7-1-20)T

a. Before the resident can self-administer medication to ~~assure~~ **ensure** resident safety; and (3-20-20)F(7-1-20)T

b. ~~Every ninety (90) days to~~ **E**valuate the continued validity of the assessment to ~~assure~~ **ensure** the resident is still capable to safely ~~continue the~~ self-administered ~~medication(s) for the next ninety (90) days.~~ (3-20-20)F(7-1-20)T

~~**07. Medication Interactions and Usage.** ~~Conduct a review of the resident's use of all prescribed and over the counter medications for side effects, interactions, abuse or a combination of these adverse effects. The nurse must notify the resident's physician or authorized provider of any identified concerns.~~ (3-20-20)T~~

~~**08. Resident and Facility Staff Education.** ~~Assess, document, and~~ **R**ecommendations for any health care-related educational needs, for both the resident and facility staff, as the result of the ~~nursing~~ assessment or at the direction of the resident's health care provider. (3-20-20)F(7-1-20)T~~

(BREAK IN CONTINUITY OF SECTIONS)

310. REQUIREMENTS FOR MEDICATION.

~~Facility policies and procedures must specify how medications will be handled.~~ (7-1-20)T

01. Medication Distribution System. Each facility must use medi-sets or blister packs for prescription medications. The facility may use multi-dose medication distribution systems that are provided for resident's receiving medications from the Veterans Administration or Railroad benefits. The medication system must be filled by a pharmacist and appropriately labeled in accordance with pharmacy standards and physician or authorized

provider instructions. ~~The facility's~~ licensed nurse may fill medi-sets, blister packs, or other Licensing ~~and Survey~~ Agency approved systems as ~~provided described~~ in Section 39-3326, Idaho Code ~~and Section 157 of these rules.~~

~~(3-20-20)F(7-1-20)T~~

- a. All medications ~~will~~ **must** be kept in a locked area such as a locked box or room; ~~(3-20-20)F(7-1-20)T~~
- b. Poisons, toxic chemicals, and cleaning agents ~~will~~ **must not** be stored ~~in separate locked areas apart from~~ **with** medications; ~~such as a locked medication cart, locked box, or room;~~ ~~(3-20-20)F(7-1-20)T~~
- c. Biologicals and other medications requiring cold storage ~~will~~ **must** be ~~refrigerated~~ **maintained at thirty-eight degrees Fahrenheit to forty-five degrees Fahrenheit (38°F-45°F), and the temperature monitored and documented daily.** ~~A covered container in a home refrigerator will be considered to be satisfactory storage if the temperature is maintained at thirty-eight to forty-five degrees (38-45°F) Fahrenheit. The temperature will be monitored and documented on a daily basis;~~ ~~(3-20-20)F(7-1-20)T~~
- d. Assistance with medication must comply with the Board of Nursing requirements; (3-20-20)T
- e. Each prescription medication must be given to the resident directly from the medi-set, blister pack, or medication container; ~~and~~ ~~(3-20-20)F(7-1-20)T~~
- f. Each resident must be observed taking the medication; ~~and~~ ~~(3-20-20)F(7-1-20)T~~
- g. **Each prescribed PRN must be available in the facility.** (7-1-20)T

02. ~~Unused Medication-Discontinued and Expired Prescriptions.~~ **Unused, discontinued, or outdated medications ~~Discontinued or outdated medications and treatments must be removed from the resident's medication supply and~~ cannot accumulate at the facility for longer than thirty (30) days. The unused medication must be disposed of in a manner that ~~assures~~ **ensures** it cannot be retrieved. The facility may enter into agreement, **a copy of which must be maintained,** with a pharmacy ~~or other authorized entity~~ to return unused, unopened medications ~~to the pharmacy~~ for proper disposition ~~and credit.~~ *See IDAPA 16.03.09, "Medicaid Basic Plan Benefits," Sections 664 and 665, and IDAPA 27.01.01, "Rules of the Idaho Board of Pharmacy."* A written record of all drug disposals must be maintained in the facility and include: ~~(3-20-20)F(7-1-20)T~~**

- a. A description of the drug, including the amount; (3-20-20)T
- b. Name of ~~the~~ resident for ~~prescription~~ **whom the** medication **is prescribed;** ~~(3-20-20)F(7-1-20)T~~
- c. The reason for disposal; (3-20-20)T
- d. The method of disposal; (3-20-20)T
- e. The date of disposal; and (3-20-20)T
- f. Signatures of responsible facility personnel and witness. (3-20-20)T

03. ~~Controlled Substances.~~ The facility must track all controlled substances entering the facility ~~in accordance with Title 37, Chapter 27, Idaho Code, and IDAPA 27.01.01, "Rules of the Idaho Board of Pharmacy," Section 495, and IDAPA 23.01.01, "Rules of the Idaho Board of Nursing Rules," Section 490,~~ **including the amount received, the date, a daily count, reconciliation of the number given or disposed, and the number remaining. ~~(3-20-20)F(7-1-20)T~~**

04. Psychotropic or Behavior Modifying Medication. (3-20-20)T

a. Psychotropic or behavior modifying medication intervention must not be the first resort to address behaviors. The facility must attempt non-drug interventions to assist and redirect the resident's behavior. (3-20-20)T

- b. Psychotropic or behavior modifying medications must be prescribed by a physician or authorized provider. (3-20-20)T
- c. The facility ~~will~~ **must** monitor the resident to determine continued need for the medication based on the resident's demonstrated behaviors. (~~3-20-20~~)T(7-1-20)T
- d. The facility ~~will~~ **must** monitor the resident for any side effects that could impact the resident's health and safety. (~~3-20-20~~)T(7-1-20)T
- e. The use of psychotropic or behavior modifying medications must be reviewed by the physician or authorized provider at least every six (6) months. The facility must provide behavior updates to the physician or authorized provider to help facilitate an informed decision on the continued use, and possible reduction, of the psychotropic or behavior modifying medication. (~~3-20-20~~)T(7-1-20)T

311. -- 319. (RESERVED)

319. COMPREHENSIVE ASSESSMENT REQUIREMENTS.

The facility must complete assessment information as described in Subsections 319.01 through 319.04 of this rule, prior to admitting the resident to the residential assisted living facility. The remainder of the comprehensive assessment must be completed within fourteen (14) days of admission. Comprehensive assessment information must be updated when there is a change, or at least every twelve (12) months. The comprehensive assessment must contain the following: (7-1-20)T

- 01. Resident Demographics.** Resident demographic information, including: (7-1-20)T
- a.** Date of birth; (7-1-20)T
- b.** Placement history; (7-1-20)T
- c.** Identification of any medical diagnoses, including any information about specific health problems, such as allergies, that may be useful in a medical emergency; (7-1-20)T
- d.** Prescription and over-the-counter medications and treatments; (7-1-20)T
- e.** Information related to cognitive function; (7-1-20)T
- f.** Legal status, to include copies of legal documents when applicable (e.g., guardianship or power of attorney); and (7-1-20)T
- g.** Names and contact information of representatives and emergency contacts. (7-1-20)T
- 02. Level of Personal Assistance Required.** The facility must assess the level of assistance required to help the resident with the following: Activities of daily living, including bathing, dressing, toileting, grooming, eating, communicating, medications, and the use of adaptive equipment, such as hearing aids, walkers, or eyeglasses. (7-1-20)T
- 03. Nursing Assessment.** Information related to the resident's health, medical status, and identification of any health services needed, including frequency and scope. (7-1-20)T
- 04. Maladaptive Behaviors.** Evaluation of maladaptive behaviors, including: (7-1-20)T
- a.** The resident's behavioral history, including any history of traumatic events; (7-1-20)T
- b.** The intensity, duration, and frequency of each maladaptive behavior; (7-1-20)T
- c.** Potential contributing environmental factors, such as heat, noise, or overcrowding; (7-1-20)T

- d. Any specific events that can trigger maladaptive behaviors; (7-1-20)T
- e. Potential contributing health factors, such as hunger, pain, constipation, infection, fever, or medication side effects; and (7-1-20)T
- f. Recent changes in the resident's life, such as a death in the family or changes in care. (7-1-20)T
- 05. Resident Preferences.** Resident preferences and historical information that includes: (7-1-20)T

 - a. Religion and church attendance, including preferred church contact information; (7-1-20)T
 - b. Historical information including significant life events, family, work, and education; and (7-1-20)T
 - c. Hobbies or preferred activities. (7-1-20)T
- 06. Outside Services.** Information related to outside services, including the service type being provided, when, and by whom. (7-1-20)T
- 07. Assessment Results.** The results of the comprehensive assessment must be used to develop the NSA, identify training needs for staff, and evaluate the ability of an administrator and facility to meet the identified resident's needs. (7-1-20)T

320. ~~REQUIREMENTS FOR THE~~ NEGOTIATED SERVICE AGREEMENT (NSA) REQUIREMENTS.
~~The Under Section 39-3309, Idaho Code, each resident must enter into an Negotiated Service Agreement NSA must be completed, and signed, and implemented~~ no later than fourteen (14) calendar days from the date of admission. ~~An written~~ interim plan must be developed and used while the ~~Negotiated Service Agreement NSA~~ is being completed as described in Section 330 of these rules. (3-20-20)T(7-1-20)T

01. Use of ~~Negotiated Service Agreement NSA.~~ ~~Each resident, regardless of the source of funding, must enter into a Negotiated Service Agreement.~~ The ~~Negotiated Service Agreement NSA~~ provides for the coordination of services and instruction to the facility staff. Upon completion, the agreement must clearly identify the resident, describe services to be provided, the frequency of such services, and how such services are to be delivered. ~~The Negotiated Service Agreement must be implemented.~~ (3-20-20)T(7-1-20)T

02. Key Elements of the ~~Negotiated Service Agreement NSA.~~ A resident's ~~NSA agreement~~ must be based on the comprehensive assessment information described in Section 319 of these rules. NSAs must incorporate information from the resident's care record, described in Section 330 of these rules, following: (3-20-20)T(7-1-20)T

- ~~a.~~ Resident's uniform assessment or assessment based on the uniform assessment criteria; (3-20-20)T
- ~~b.~~ Level of support in activities of daily living; (3-20-20)T
- ~~c.~~ Health services; (3-20-20)T
- ~~d.~~ Level of assistance for medications; (3-20-20)T
- ~~e.~~ Frequency of needed services; (3-20-20)T
- ~~f.~~ Scope of needed assistance; (3-20-20)T
- ~~g.~~ Habilitation needs, to specify the program being used if applicable; (3-20-20)T
- ~~h.~~ Training needs, to specify the program being used if applicable; (3-20-20)T
- ~~i.~~ Identification of specific behavioral symptoms, situations that trigger the behavior symptoms and

- ~~the specific interventions for each behavioral symptom;~~ (3-20-20)T
- ~~j. Physician or authorized provider's signed and dated orders;~~ (3-20-20)T
 - ~~k. Admission records;~~ (3-20-20)T
 - ~~l. Community support systems;~~ (3-20-20)T
 - ~~m. Resident's desires;~~ (3-20-20)T
 - ~~n. Transfer plans;~~ (3-20-20)T
 - ~~o. Discharge plans;~~ (3-20-20)T
 - ~~p. Identification of individual services being provided by other providers and who is providing the service; and~~ (3-20-20)T
 - ~~q. Other identified needs.~~ (3-20-20)T

03. Signature, Date, and Approval of Agreement. The administrator, ~~and~~ resident, ~~and any~~ legal guardian, or conservator, representative must sign and date the ~~service agreement~~ NSA upon its completion. (3-20-20)T(7-1-20)T

04. Review Date. The ~~Negotiated Service Agreement~~ NSA must include the next scheduled date of review. (3-20-20)T(7-1-20)T

05. Development of the ~~Service Agreement~~ NSA. The resident, and other relevant persons as identified by the resident, must be included in the development of the ~~service agreement~~ NSA. Licensed and professional staff ~~will~~ must be involved in the development of the ~~service agreement~~ NSA as applicable. (3-20-20)T(7-1-20)T

06. ~~Provision of Copy of Initial Agreement.~~ Signed copies of the agreement must be given to the resident, their representative, and their legal guardian or conservator, and a copy placed in the resident's record ~~file~~, no later than fourteen (14) calendar days from admission. (3-20-20)T(7-1-20)T

07. Resident Choice. A resident must be given the choice and control of how and what services the facility or external vendors will provide, to the extent the resident can make choices. The resident's choice must not violate the provisions of Section 39-3307(1), Idaho Code. (3-20-20)T

08. Periodic Review. The ~~Negotiated Service Agreement~~ NSA must be reviewed when there is a change in a diagnosis for ~~the a~~ resident or other change in condition requiring different, additional, or replacement services, or at least every twelve (12) months. (3-20-20)T(7-1-20)T

(BREAK IN CONTINUITY OF SECTIONS)

330. REQUIREMENTS FOR FACILITY RECORDS.

~~The facility administrator is responsible for assuring that record policies and procedures are implemented in the facility~~ The facility must maintain complete, accurate, and authentic records which are preserved in a safe location protected from fire, theft, and water damage for a minimum of three (3) years. (3-20-20)T(7-1-20)T

01. ~~Individual Resident Care~~ Paper Records. ~~An individual resident care record must be maintained for each admission with all entries kept current, dated and signed. All paper records must be recorded legibly in ink~~ All paper records must be recorded legibly in ink. (3-20-20)T(7-1-20)T

02. ~~Resident~~**Electronic Records.** ~~Records must be preserved in a safe location protected from fire, theft, and water damage for a period of not less than three (3) years. Electronic records policies and procedures must be developed and implemented that specify which records will be maintained electronically. Policy development and implementation must ensure:~~ (3-20-20)F(7-1-20)T

a. ~~The facility must print and provide paper copies of electronic records upon the request of the resident, their legal guardian or conservator, advocacy and protection agencies, and the Department.~~ (7-1-20)T

b. ~~Security measures must be taken to protect the use of an electronic signature by anyone other than the person to which the electronic signature belongs and to protect that person's identity. The policy must specify how passwords are assigned, and the frequency they are changed.~~ (7-1-20)T

c. ~~Security measures must be taken to ensure the integrity of any electronic documentation.~~ (7-1-20)T

03. ~~Resident~~**Record Confidentiality.** ~~The facility must safeguard resident information against loss, destruction, and unauthorized use~~ The facility must safeguard confidential information against loss, destruction, and unauthorized use. (3-20-20)F(7-1-20)T

04. ~~Staff Access~~**Resident Care Records.** ~~Resident care records of current residents must be available to direct care staff at all times~~ An individual care record must be maintained for each resident with all entries kept current and completed by the person providing the care. (3-20-20)F(7-1-20)T

a. ~~Entries must include the date, time, name, and title of the person making the entry. Staff must sign each entry made by them during their shift.~~ (7-1-20)T

b. ~~Care records of all current residents must be available to staff at all times.~~ (7-1-20)T

c. ~~In addition to an NSA, as described in Section 320 of these rules, each care record must include documentation of the following:~~ (7-1-20)T

i. ~~Comprehensive assessments, as described in Section 319 of these rules;~~ (7-1-20)T

ii. ~~Current medications, treatments, and diet prescribed, all signed and dated by the ordering physician or authorized provider;~~ (7-1-20)T

iii. ~~Treatments, wound care, assistance with medications, and any other delegated nursing tasks. Documentation must include any PRN medication use (if applicable), including the reason for taking the medication and the efficacy;~~ (7-1-20)T

iv. ~~Times the NSA is not followed, such as during refusal of care or services. This includes any time a medication is refused by a resident, not taken by a resident, not given to a resident, and the reason for the omission;~~ (7-1-20)T

v. ~~Calls to the resident's physician or authorized provider, including the reason for each call and the outcome;~~ (7-1-20)T

vi. ~~Notification to the facility nurse of changes in the resident's physical or mental condition;~~ (7-1-20)T

vii. ~~Nursing assessments, as described in Section 305 of these rules;~~ (7-1-20)T

viii. ~~The results of any physician or authorized provider visits;~~ (7-1-20)T

ix. ~~Copies of all signed and dated care plans prepared by outside service agencies;~~ (7-1-20)T

x. ~~Notes regarding outside services and care provided to the resident, such as home health, hospice, or physical therapy;~~ (7-1-20)T

- xi. Unusual events such as incidents, accidents, or altercations, and the facility's response; and (7-1-20)T
- xii. When a resident refuses medical treatment or physician's orders, the facility must document the resident and their legal guardian have been informed of the consequences of the refusal and the resident's physician or authorized provider has been notified of the refusal. (7-1-20)T
- 05. ~~Electronic Admission Records.~~ Behavior Documentation. ~~The facility must be able to print records maintained electronically in the facility.~~ As described in Section 39-3315, Idaho Code, resident admission documentation must include:** (3-20-20)T(7-1-20)T
- a.** The resident's preferred providers and contact information, including physician or authorized provider, optometrist, dentist, pharmacy, and outside service providers. (7-1-20)T
- b.** Results of the resident's last history and physical examination, performed by a physician or authorized provider. The examination must have been conducted no more than six (6) months prior to admission. (7-1-20)T
- c.** Physician or authorized provider orders that are current, signed, and dated, including a list of medications, treatments, diet, and any limitations. (7-1-20)T
- d.** A written admission agreement that is signed and dated by the administrator and the resident or their legal guardian or conservator, and meets the requirements of Section 216 of these rules. (7-1-20)T
- e.** If separate from the admission agreement, a copy of the payment schedule and fee structure signed and dated by the resident or their legal guardian or conservator. (7-1-20)T
- f.** If the facility manages the resident's funds, a signed and dated written agreement between the facility and the resident or their legal guardian or conservator that specifies the terms. (7-1-20)T
- g.** A signed copy of the resident's rights, as described in Sections 550 and 560 of these rules, or a signed and dated statement that the resident or their legal guardian or conservator has read and understands their rights in a residential assisted living facility. (7-1-20)T
- h.** An interim care plan signed by the resident, responsible party, and the facility, completed prior to, or on the day of, admission. (7-1-20)T
- i.** Documentation indicating the resident has been informed of the facility's emergency procedures, including resident responsibility. (7-1-20)T
- 06. ~~Accessibility of Records to Survey Staff~~ Behavior Documentation. ~~Survey staff must have complete and immediate access to resident and facility records.~~ For residents who exhibit maladaptive behaviors, behavior management records must be maintained in the resident record, including:** (3-20-20)T(7-1-20)T
- a.** An assessment of maladaptive behaviors, as described in Section 319 of these rules. (7-1-20)T
- b.** A behavior plan that includes at least one (1) intervention specific to each maladaptive behavior. (7-1-20)T
- i.** Interventions must be the least restrictive possible; and (7-1-20)T
- ii.** Each intervention must be reviewed as appropriate, based on the severity of the behavior, to evaluate the effectiveness and continued need for the intervention. (7-1-20)T
- c.** Ongoing tracking of behaviors, including documentation of the date and time each maladaptive behavior was observed, the specific behavior that was observed, what interventions were used in response to the maladaptive behavior, and the effectiveness of each intervention. (7-1-20)T

- 07. Discharge Records.** Resident discharge documentation must include: (7-1-20)T
- a.** When the discharge is involuntary, the facility's efforts to resolve the situation and a copy of the discharge notice, signed and dated by the resident and the facility. If the resident refuses, or is unable to sign the notice, the facility must maintain evidence that the notice was delivered to the resident and the responsible party; (7-1-20)T
- b.** The date and the location where the resident is discharged; and (7-1-20)T
- c.** The disposition of the resident's belongings. (7-1-20)T
- 08. Additional Resident Records.** The facility must also maintain the following for each resident: (7-1-20)T
- a.** A record of all personal property that the resident has entrusted to the facility, including documentation to identify and track the property to ensure that personal items are kept safe and used only by the resident to which the items belong; and (7-1-20)T
- b.** Any complaints or grievances voiced by the resident including the date received, the investigation with outcome, and the response to the resident. (7-1-20)T
- 09. Resident Admission and Discharge Register.** The facility must maintain an admission and discharge register listing the name of each resident, the date admitted, and the date discharged. The admission and discharge register must be produced as a separate document, apart from resident records, and kept current. (7-1-20)T
- 10. Hourly Adult Care Documentation.** A log of those who have utilized hourly adult care must be maintained, including the dates the service was provided. Individual records must be maintained for each person utilizing hourly adult care. The individual record documentation must include: (7-1-20)T
- a.** Admission identification information, including contact information for the responsible party in an emergency, and the physician or authorized provider; (7-1-20)T
- b.** Information, such as medical and social, relevant to the supervision of the person; and (7-1-20)T
- c.** Care and services provided during hourly adult care, including assistance with medications. (7-1-20)T
- 11. Dietary Records.** The facility must maintain on-site a minimum of three (3) months of dietary documentation, as follows: (7-1-20)T
- a.** Copies of planned menus, including therapeutic menus, that are approved, signed, and dated by a dietitian; and (7-1-20)T
- b.** Served menus, including therapeutic menus, which reflect substitutions made. (7-1-20)T
- 12. Records for Water Supply.** Copies of laboratory reports documenting the bacteriological examination of a private water supply must be kept on file in the facility. (7-1-20)T
- 13. Personnel Records.** A record for each employee must be maintained and available, which includes the following: (7-1-20)T
- a.** The employee's name, address, phone number, and date of hire; (7-1-20)T
- b.** A job description that includes the purpose, responsibilities, duties, and authority; (7-1-20)T
- c.** Evidence that on, or prior to hire, staff were notified in writing if the facility does or does not carry

professional liability insurance. If the facility cancels existing professional liability insurance, all staff must be notified of the change in writing; (7-1-20)T

d. A copy of a current license for all nursing staff and verification from the Board of Nursing that the license is in good standing with identification of restrictions; (7-1-20)T

e. Signed evidence of training as described in Sections 620 through 641 of these rules; (7-1-20)T

f. Copies of CPR and first aid certifications; (7-1-20)T

g. Evidence of medication training as described in Section 645 of these rules; (7-1-20)T

h. Criminal history and background check results that meet Section 009 of these rules and state-only background check results; (7-1-20)T

i. Documentation by the licensed nurse of delegation to unlicensed staff who assist residents with medications and other nursing tasks; (7-1-20)T

j. When acting on behalf of the administrator, a signed document authorizing the responsibility; and (7-1-20)T

k. Copies of contracts with outside service providers and contract staff. (7-1-20)T

14. As Worked Schedules. Work records must be maintained in written or electronic format which reflect; (7-1-20)T

a. Personnel on duty, at any given time; and (7-1-20)T

b. The first and last names of each employee and their position. (7-1-20)T

15. Fire and Life Safety Records. The administrator must ensure the facility's records for fire and life safety are maintained. The facility must maintain on file; (7-1-20)T

a. Fire detection, alarm, and communication system reports; (7-1-20)T

i. The results of the annual inspection and tests; and (7-1-20)T

ii. Smoke detector sensitivity testing results. (7-1-20)T

b. The results of any weekly, monthly, quarterly, semi-annual, and annual sprinkler system inspections, maintenance, and tests; (7-1-20)T

c. Records of the monthly examination of the portable fire extinguishers, documenting the following; (7-1-20)T

i. Each extinguisher is in its designated location; (7-1-20)T

ii. Each extinguisher seal or tamper indicator is not broken; (7-1-20)T

iii. Each extinguisher has not been physically damaged; (7-1-20)T

iv. Each extinguisher gauge shows a charged condition; and (7-1-20)T

v. The inspection tag or documentation for the extinguisher must show at least the initials of the person making the monthly examination and the date of the examination. (7-1-20)T

d. Documentation for when a fire watch is instituted and a fire watch log for each round of patrol,

identifying who conducted the fire watch, date, time, and situations encountered.

(7-1-20)T

(BREAK IN CONTINUITY OF SECTIONS)

335. REQUIREMENTS FOR INFECTION CONTROL.

The administrator is responsible for assuring ensuring that ~~infection control policy and procedure are implemented. policies and procedures consistent with recognized standards that control and prevent infections for both staff and residents are developed and implemented throughout the facility, to include:~~ (3-20-20)T(7-1-20)T

~~01. Implementation of Policies. Staff must implement facility policy and procedure. (3-20-20)T~~

~~021. Staff with an Infectious Disease. Staff with an infectious disease must not work until the infectious stage ~~is corrected~~ no longer exists or must be reassigned to a work area where contact with others is not expected and likelihood of transmission of infection is absent. (3-20-20)T(7-1-20)T~~

~~032. Standard Precautions. Standard precautions must be used in the care of residents to prevent transmission of infectious disease according to the Centers for Disease Control and Prevention (CDC) guidelines. These guidelines may be accessed on the CDC website at <http://www.cdc.gov/hai/>. (3-20-20)T~~

~~043. Reporting of Individual with an Infectious Disease. The name of any resident or facility personnel with a reportable disease listed in IDAPA 16.02.10, "Idaho Reportable Diseases," will must be reported immediately to the local Hhealth District authority and with appropriate infection control procedures must be immediately implemented as directed by that local health authority. (3-20-20)T(7-1-20)T~~

336. -- ~~339~~2. (RESERVED)

~~340. REQUIREMENTS FOR MENTAL HEALTH CONTRACT BEDS.~~

~~A facility may enter into an agreement with the Department to provide short-term care to certain residents designated by the mental health program of the Department. These residents are temporarily distressed and unable to fully meet their basic needs. They require strong support, supervision, and while nonviolent nor a danger to self or others, could regress without these supports. (3-20-20)T~~

~~01. License and Personnel. The facility must be on a full license and must be staffed with at least one (1) staff member up and awake at night to assure the safety of all residents. (3-20-20)T~~

~~02. Written Contract. The facility must have a written contract with the Department outlining the responsibilities of both parties and lists the names and telephone numbers of individuals who may be contacted if questions arise regarding the residents' care. (3-20-20)T~~

~~03. Resident Assessment. The facility must have on file the results of a Department assessment which clearly assures that the resident is not a danger to them self or others. (3-20-20)T~~

~~04. Personnel Orientation and Training. Personnel providing direct resident care, including contract staff must have documented evidence on file at the facility of appropriate orientation and training in providing care for residents with mental illness. (3-20-20)T~~

~~341. — 344. (RESERVED)~~

~~345. REQUIREMENTS FOR HOURLY ADULT CARE.~~

~~If the facility provides hourly adult care, the administrator must assure that the facility's policies and procedures are implemented. (3-20-20)T~~

~~01. Medication and Treatment Orders. All medications and treatments must be ordered by a physician or authorized provider. (3-20-20)T~~

~~02. Assistance With Medication. Assistance with medication by unlicensed assistive personnel in the facility must follow IDAPA 23.01.01, "Rules of the Idaho Board of Nursing." (3-20-20)T~~

~~a. Each hourly adult care individual is responsible for bringing appropriately labeled medications for the stay; and (3-20-20)T~~

~~b. The facility is responsible for the safeguarding hourly adult care individual's medications while at the facility. (3-20-20)T~~

~~03. Restrictions for Hourly Adult Care. The facility must assure that the restrictions for hourly adult care in Subsections 345.03.a. through 345.03.f. of these rules are followed. (3-20-20)T~~

~~a. Hourly adult care services may be provided to such number of individuals that the facility can handle without interference with the normal activities of the facility; staffing must be based upon the needs of all residents in the facility to include full-time residents and hourly adult care individuals; (3-20-20)T~~

~~b. Provision of time appropriate accommodations will be made available for the individual, to include napping furniture for day time hours, 6 a.m. through 10 p.m., such as lounge chairs, recliners, and couches; (3-20-20)T~~

~~c. The facility will have the ability to space napping furniture at least three (3) feet apart; (3-20-20)T~~

~~d. Beds and bedrooms will be available for the sleeping hours when needed by the hourly adult care individual. This bed will not be counted as a licensed bed if the individual sleeps over; (3-20-20)T~~

~~e. Beds, and bedrooms of non hourly residents will not be utilized by hourly adult care individuals; and (3-20-20)T~~

~~f. No individual will be admitted to the hourly adult care program that requires skilled nursing or for whom the facility cannot adequately provide services and supervision. (3-20-20)T~~

~~346.—349. (RESERVED)~~

~~350. REQUIREMENTS FOR HANDLING ACCIDENTS, INCIDENTS, OR COMPLAINTS. The administrator must assure that the facilities policies and procedures are implemented. (3-20-20)T~~

~~01. Notification of Accidents, Incidents, and Complaints. The administrator or person designated by the administrator must be notified of all accidents, incidents, reportable, or complaints according to the facility's policies and procedures. (3-20-20)T~~

~~02. Administrator or Designee Investigation Within Thirty Days. The administrator or designee must complete an investigation and written report of the finding within thirty (30) calendar days for each accident, incident, complaint, or allegation of abuse, neglect or exploitation. (3-20-20)T~~

~~03. Resident Protection. Any resident involved must be protected during the course of the investigation. (3-20-20)T~~

~~04. Written Response to Complaint Within Thirty Days. The person making the complaint must receive a written response from the facility of the action taken to resolve the matter or reason why no action was taken within thirty (30) days of the complaint. (3-20-20)T~~

~~05. Facility Notification to Appropriate Agencies. The facility must notify the Idaho Commission on Aging or its Area Agencies on Aging, and law enforcement in accordance with Section 39-5303, Idaho Code. (3-20-20)T~~

~~06. Corrective Action for Known Allegations. When an allegation of abuse, neglect or exploitation is known by the facility, corrective action must be immediately taken and monitored to assure the problem does not~~

~~recur.~~

~~(3-20-20)T~~

~~07. **Notification of Licensing and Survey Agency Within Twenty Four Hours.** When a reportable incident occurs, the administrator or designee must notify the Licensing and Survey Agency within twenty-four (24) hours of the incident.~~ ~~(3-20-20)T~~

~~08. **Identify and Monitor Patterns.** The administrator or person designated by the administrator must identify and monitor patterns of accidents, incidents, or complaints to assure the facility's policies and procedures protect the safety of the residents.~~ ~~(3-20-20)T~~

~~351.—399. (RESERVED)~~

400. REQUIREMENTS FOR FIRE AND LIFE SAFETY STANDARDS.

A facility's buildings must meet all requirements of the local and state codes that are applicable to residential ~~care or~~ assisted living facilities for fire and life safety standards. Facilities' evacuation capability is considered "impractical" as defined by NFPA, Standard 101. ~~(3-20-20)T(7-1-20)T~~

401. FIRE AND LIFE SAFETY STANDARDS FOR NEW BUILDINGS HOUSING THREE THROUGH SIXTEEN RESIDENTS.

A newly constructed facility, change of ownership, or a building converted to a residential assisted living facility on or after January 1, 2021, housing three (3) to sixteen (16) residents on the first story only must comply with NFPA, Standard 101, Chapter 32, Small Facilities. ~~or a building converted to a residential care or assisted living facility after January 1, 2006, housing three (3) through sixteen (16) residents on the first story only must comply with one (1) of the following:~~ ~~(3-20-20)T(7-1-20)T~~

~~01. **NFPA, Standard #101.** NFPA, Standard #101, Life Safety Code, 2000 Edition, Chapter 32, New Residential Board and Care Occupancies, Small Facilities, Impractical Evacuation Capability. Exceptions:~~ ~~(3-20-20)T~~

~~a. The minimum water supply for a residential sprinkler system can be equal to the water demand rate times ten (10) minutes, and~~ ~~(3-20-20)T~~

~~b. Section 32.7, Operational Features do not apply.~~ ~~(3-20-20)T~~

~~02. **NFPA, Standard 101A.** NFPA Standard 101A, 2001 Edition, Fire Safety Evaluation System for Board and Care Occupancies, Chapter 7, Impractical Evacuation Capability.~~ ~~(3-20-20)T~~

402. FIRE AND LIFE SAFETY STANDARDS FOR NEW BUILDINGS HOUSING SEVENTEEN OR MORE RESIDENTS AND MULTI-STORY BUILDINGS.

A newly constructed facility, or a building converted to a residential care or assisted living facility after January 1, 2006, housing seventeen (17) residents or more, or any building housing residents on stories other than the first story must comply with requirements of NFPA, Standard #101, Life Safety Code, 2000 Edition, Chapter 18, New Health Care/Limited Care Occupancies change of ownership, or a building converted to a residential assisted living facility on or after January 1, 2021, housing seventeen (17) residents or more, or any building housing residents on stories other than the first story must comply with requirements of NFPA, Standard 101, Chapter 32, Large Facilities. ~~(3-20-20)T(7-1-20)T~~

403. FIRE AND LIFE SAFETY STANDARDS FOR EXISTING BUILDINGS LICENSED FOR THREE THROUGH SIXTEEN RESIDENTS ~~PRIOR TO JANUARY 1, 2006.~~

Existing facilities licensed prior to January 1, 2021, housing three (3) to sixteen (16) residents on the first story only, must comply with the requirements of the NFPA, Standard 101, Chapter 33, Small Facilities. Existing buildings that are not sprinklered may continue to operate, except when Section 401 of these rules apply. ~~(7-1-20)T~~

~~01. **Existing Buildings Housing Three Through Nine Residents.** Existing facilities licensed prior to January 1, 2006, and housing three (3) through nine (9) residents on the first story only, can continue to comply with the requirements of the NFPA, Standard #101, Life Safety Code, 1988 Edition, Chapter 21, Residential Board and Care Occupancies, Small Facilities, Prompt Evacuation Capability. With the exception, of the requirement for a door~~

~~closure on the sleeping room door, which will not apply.~~

~~(3-20-20)T~~

~~02. **Existing Buildings Housing Ten Through Sixteen Residents for Facilities.** Existing facilities licensed prior to January 1, 2006, and housing ten (10) through sixteen (16) residents on the first story only, can continue to comply with the requirements of the NFPA, Standard #101, Life Safety Code, 1988 Edition, Chapter 21, Residential Board and Care Occupancies, Small Facilities, Impractical Evacuation Capability. With the exception, of the requirement for a door closure on the sleeping room door, which will not apply.~~

~~(3-20-20)T~~

~~03. **Any Change in Ownership of Facility.** When there is any change in ownership, existing buildings housing three (3) through sixteen (16) beds will be required to comply with NFPA Standard #101, Life Safety Code, 2000 Edition, Chapter 33, Existing Residential Board and Care Occupancies, Impractical Evacuation Capability.~~

~~(3-20-20)T~~

404. FIRE AND LIFE SAFETY STANDARDS FOR EXISTING BUILDINGS LICENSED FOR SEVENTEEN OR MORE RESIDENTS AND MULTI-STORY BUILDINGS ~~PRIOR TO JANUARY 1, 2006.~~

Existing facilities licensed prior to January 1, 2021 housing seventeen (17) or more residents and multi-story buildings or any building housing residents on stories other than the first story must comply with NFPA, Standard 101, Chapter 33, Large Facilities.

~~(3-20-20)T(7-1-20)T~~

~~01. **Existing Buildings Housing Seventeen or More Residents and Multi-Story Buildings.** Existing facilities with buildings housing seventeen (17) or more residents or any building housing residents on stories other than the first story licensed prior to January 1, 2006, can continue to comply with NFPA, Standard #101, Life Safety Code, 1988 Edition, Chapter 13, Existing Health Care/Limited Care Occupancies.~~

~~(3-20-20)T~~

~~02. **Any Change in Ownership of Facility.** When there is any change in ownership, existing buildings housing seventeen (17) residents or more or any building housing residents on stories other than the first story will be required to comply with NFPA, Standard #101, Life Safety Code, 2000 Edition, Chapter 19, Existing Health Care/Limited Care Occupancies.~~

~~(3-20-20)T~~

405. ADDITIONAL FIRE AND LIFE SAFETY STANDARDS FOR ALL BUILDINGS AND FACILITIES.

01. Electrical Installations and Equipment. Electrical installations and equipment must comply with applicable local or state electrical requirements ~~to include the following:~~ in NFPA, Standard 101, Mandatory References.

~~(3-20-20)T(7-1-20)T~~

a. ~~Equipment designed to be grounded must be maintained in a grounded condition; and~~ Extension cords and multi-plug adapters are prohibited;

~~(3-20-20)T(7-1-20)T~~

b. ~~Extension cords and multiple electrical adapters are prohibited, with the exception of approved grounded multiple electrical adapters with a built in breaker.~~ Relocatable Power Taps (RPTs) must be Underwriter Laboratories (UL) approved with the following requirements:

~~(3-20-20)T(7-1-20)T~~

i. RPTs must be directly connected to a wall outlet; and

~~(7-1-20)T~~

ii. Have a built-in surge protector.

~~(7-1-20)T~~

02. ~~Fire Alarm Smoke Detection System Prohibited Applications.~~ The following are prohibited uses of an RPT: An electrically supervised, manually operated fire alarm smoke detection system must be installed throughout each building housing residents. The system must have a control panel, manual pull stations, smoke detectors, sounding devices, power backup and any sprinkler flow or alarm devices. The system, including devices, their location, and installation must be approved by the Licensing and Survey Agency prior to installation.

~~(3-20-20)T(7-1-20)T~~

a. Medical equipment;

~~(7-1-20)T~~

b. Daisy chain or plugging one (1) plug strip into a second plug strip;

~~(7-1-20)T~~

- ~~c. Appliances; (7-1-20)T~~
- ~~d. As a convenience, in lieu of permanent installed receptacles; and (7-1-20)T~~
- ~~e. Extend through walls, ceilings, floors, under doors or floor coverings, or be subject to environmental or physical damage. (7-1-20)T~~

~~03. Medical Gases. Handling, use, and storage of medical gas must be according to NFPA, Standard 99, *Standard for Health Care Facilities, 2003 Edition* Chapter 11, Performance, Maintenance, and Testing as referenced in Section 004 of these rules. (3-20-20)T(7-1-20)T~~

~~04. **Solid-Fuel-Fired Heating Devices.** Solid fuel-fired heating devices and systems must be installed according to standards in NFPA Standard #211, *Standard for Chimneys, Fireplaces, Vents, and Solid Burning Appliances, 2000 Edition* inspected, serviced, and cleaned at least annually by a person professionally engaged in the business of servicing these devices or systems. (3-20-20)T(7-1-20)T~~

~~05. **Structure, Maintenance, Equipment to Assure Safety.** The facility must be structurally sound, maintained, and equipped to assure the safety of residents, personnel, and the public including: (3-20-20)T~~

~~a. Furnishings, decorations, or other objects cannot be placed so as to obstruct exit access or exits; (3-20-20)T~~

~~b. All ramps, open porches, sidewalks, and open stairs must be maintained free of snow and ice buildup; (3-20-20)T~~

~~c. Wood stoves must have railings or other protection designed to prevent residents from coming into contact with the stove surfaces; (3-20-20)T~~

~~d. All fireplaces must have heat tempered glass fireplace enclosures or its equivalent; (3-20-20)T~~

~~e. Boilers, hot water heaters, and unfired pressure vessels must be equipped with automatic pressure relief valves; (3-20-20)T~~

~~f. Portable heating devices of any kind are prohibited; Portable electric space heaters and moveable fuel-fired heaters are considered portable comfort heating devices. Exceptions: Heated mattress pads, electric blankets and heating pads when ordered by an authorized provider, physician; (3-20-20)T~~

~~g. Flammable and highly combustible materials deemed hazardous by the Licensing and Survey Agency cannot be stored in the facility unless the building is protected throughout by an approved automatic fire extinguishing system. (3-20-20)T~~

~~06. **Natural or Man-Made Hazards.** When natural or man-made hazards are present on the facility property or border the facility property, suitable fences, guards, railing, or a combination must be installed to provide protection for the residents. (3-20-20)T~~

~~07. **Exit Door Locks.** Any locks on exit doors must be single action and easily operable from the inside without the use of keys or any special knowledge. Special locking arrangements as permitted in Chapter 7 of the NFPA, Standard 101, *Life Safety Code, 2000 Edition*, can be used. (3-20-20)T~~

~~08. **Portable Fire Extinguishers.** Portable fire extinguishers must be installed throughout each building used as a facility. Each extinguisher must be installed according to the standards in NFPA Standard #10, *Standard for Portable Fire Extinguishers, 2002 Edition.* (3-20-20)T~~

~~09. **Resident Placement.** Any resident requiring assistance in ambulation must reside on the first story, unless the facility complies with Sections 401 through 404 of these rules. (3-20-20)T~~

~~406.~~ **Telephone.** The facility must have a telephone on the premises available for staff use in the event of an emergency. Emergency telephone numbers must be posted near the telephone. (3-20-20)T

~~41.~~ **Weeds and Trash.** *The premises and all buildings used as a facility must be maintained free from the accumulation of weeds and trash.* (3-20-20)T

(BREAK IN CONTINUITY OF SECTIONS)

410. REQUIREMENTS FOR EMERGENCY PREPAREDNESS ACTIONS AND FIRE DRILLS.
Each facility must implement its emergency preparedness plan in the event of fire, explosion, flood, earthquake, high wind, or other emergency. Fire drills must be conducted not less than six (6) times a year on a bimonthly basis, with not less than two (2) conducted during the night when residents are sleeping. Records must be maintained on file at the facility and contain a description, date, and time of the drill, response of the personnel and residents, problems encountered, and recommendations for improvement. (3-20-20)T(7-1-20)T

~~01.~~ **Written Agreement for Relocation.** *The facility must have a written agreement developed between the facility and the location to which residents would be relocated in the event the building cannot be reoccupied.* (3-20-20)T

~~02.~~ **Fire Drills.** *All personnel and residents must participate in a minimum of one (1) fire drill per shift per quarter. Fire drills must be unannounced.* (3-20-20)T

~~031.~~ **Report of Fire.** A separate report on each fire incident occurring within the facility must be submitted to the Licensing ~~and Survey~~ Agency within thirty (30) days of the occurrence. The reporting form, "Facility Fire Incident Report," issued by the Licensing ~~and Survey~~ Agency is used to secure specific data concerning date, origin, extent of damage, method of extinguishment, and injuries, if any. A fire incident is considered any activation of the building's fire alarm system other than a false alarm, during testing of the fire alarm system, or during a fire drill. (3-20-20)T(7-1-20)T

~~02.~~ **Fire Watch.** *Where a required fire alarm system or fire sprinkler system is out of service for more than four (4) hours in a twenty-four (24) hour period, the authority having jurisdiction must be notified, and the building evacuated, or an approved fire watch provided for all parties left unprotected by the shutdown until the fire alarm system has been returned to service.* (7-1-20)T

411. -- ~~4129.~~ (RESERVED)

~~415. MAINTENANCE OF EQUIPMENT AND SYSTEMS FOR FIRE AND LIFE SAFETY.~~

~~01.~~ **Maintenance of Equipment and Systems.** *The facility must assure that all equipment and systems are properly maintained to assure the safety of the residents.* (3-20-20)T

~~02.~~ **Fuel-Fired Heating.** *Fuel-fired heating devices and systems, including wood stoves, must be inspected/serviced/cleaned at least annually by a person professionally engaged in the business of servicing these devices or systems.* (3-20-20)T

~~03.~~ **Portable Fire Extinguisher Service and Testing.** *Portable fire extinguishers must be serviced in accordance with NFPA Standard #10, Standard for Portable Fire Extinguishers, 2002 Edition. In addition, portable fire extinguishers must be examined at least monthly by a designated person in the facility to determine that:* (3-20-20)T

~~a.~~ *Each extinguisher is in its designated location;* (3-20-20)T

~~b.~~ *Each extinguisher seal or tamper indicator is not broken;* (3-20-20)T

~~c.~~ *Each extinguisher has not been physically damaged;* (3-20-20)T

- ~~d. Each extinguisher gauge, if provided, shows a charged condition; and (3-20-20)T~~
- ~~e. The inspection tag attached to the extinguisher shall show at least the initials of the person making the monthly examination and the date of the examination. (3-20-20)T~~
- ~~04. **Fire Alarm Smoke Detection System Service and Testing.** (3-20-20)T~~
- ~~a. The facility's fire alarm smoke detection system must be inspected, tested, and serviced at least annually by a person or business professionally engaged in the servicing of such systems; and (3-20-20)T~~
- ~~b. The fire alarm smoke detection system must be inspected and tested at least monthly by a designated facility employee. (3-20-20)T~~
- ~~05. **Automatic Fire Extinguishing System Service and Testing.** All automatic fire extinguishing systems must be inspected, tested, and serviced at least annually by a sprinkler system contractor licensed by the Idaho State Fire Marshal's office. (3-20-20)T~~
- ~~06. **Fire Watch.** The facility must institute a fire watch during any time the fire alarm, smoke detection, or sprinkler system is inoperable for greater than four (4) hours. (3-20-20)T~~
- ~~416.—419. (RESERVED)~~
- ~~420. **USE OF MODULAR (I.E., FACTORY BUILT) BUILDINGS AND MANUFACTURED HOMES.** Modular Buildings as defined in Section 39-4105, Idaho Code, must conform to the requirements of the International Building Code unless approved for use as a facility prior to July 1, 1999, and may continue to be licensed when evaluated on a case-by-case basis for fire and life safety issues. Manufactured Homes as defined in Section 39-4105, Idaho Code, that meet International Building Code requirements can be considered for use as residential care or assisted living facilities. (3-20-20)T~~
- ~~421.—429. (RESERVED)~~
- 430. REQUIREMENTS FOR FURNISHINGS, EQUIPMENT, SUPPLIES, AND BASIC SERVICES.**
Each facility must provide to the resident: (3-20-20)T
- 01. Common Shared Furnishings.** Appropriately designed and constructed furnishings to meet the needs of each resident, including reading lamps, tables, ~~and~~ comfortable chairs, or sofas. All items must be in good repair, clean, safe, and provided at no additional cost to the resident. (3-20-20)T(7-1-20)T
- 02. Resident Sleeping Room Furnishings.** Comfortable furnishings and individual storage, such as a dresser, for personal items for each resident in each sleeping room. All items must be in good repair, clean, and safe. (3-20-20)T
- 03. Resident Bed.** Each resident must be provided ~~his~~ their own bed, which will be at least thirty-six (36) inches wide, substantially constructed, clean, and in good repair. Roll-away beds, cots, futons, folding beds, or double bunks are prohibited. Bed springs must be in good repair, clean, and comfortable. Bed mattresses must be standard for the bed, clean, and odor-free. A pillow must be provided. (3-20-20)T(7-1-20)T
- 04. Resident Telephone Privacy.** The facility must have at least one (1) telephone that is accessible to all residents, and provide local calls at no additional cost. The telephone must be placed in such a manner as to provide the resident privacy while using the telephone. (3-20-20)T
- 05. Basic Services.** The following are basic services to be provided to the resident by the facility within the basic services rate: (3-20-20)T
- a. Rent;** (3-20-20)T

- b. Utilities; (3-20-20)T
- c. Food; (3-20-20)T
- d. Activities of daily living services; (3-20-20)T
- e. Supervision; (3-20-20)T
- f. First aid; (3-20-20)T
- g. Assistance with and monitoring of medications; (3-20-20)T
- h. Laundering of linens owned by the facility; (3-20-20)T
- i. Emergency interventions and coordination of outside services; (3-20-20)T
- j. Routine housekeeping and maintenance of common areas; and (3-20-20)T
- k. Access to basic television in common areas. (3-20-20)T

06. Basic Supplies. The following are to be supplied by the facility at no additional cost to the resident: linens, towels, wash cloths, liquid hand soap, non-sterile exam gloves, toilet paper, and first aid supplies, unless the resident chooses to provide ~~his~~ their own. ~~(3-20-20)T~~(7-1-20)T

07. Personal Supplies. Soap, shampoo, hair brush, comb, electric razor or other means of shaving, toothbrush, toothpaste, sanitary napkins, and incontin~~ce~~ supplies must be provided by the facility unless the resident chooses to provide ~~his or her~~ their own. The facility may charge the resident for personal supplies the facility provides and must itemize each item being charged to the resident. ~~(3-20-20)T~~(7-1-20)T

08. Resident Supplies and Furnishings. If a resident chooses to provide ~~his or her~~ their own supplies or furnishings, the facility must ~~assure~~ ensure that the resident's supplies or furnishings meet the minimum standards as identified in ~~Subsections 430.01 through 430.06 of~~ this rule. ~~(3-20-20)T~~(7-1-20)T

(BREAK IN CONTINUITY OF SECTIONS)

450. REQUIREMENTS FOR FOOD AND NUTRITIONAL CARE SERVICES.

The facility food services must meet the standards in ~~the Idaho Food Code~~, IDAPA 16.02.19, "~~Food Safety and Sanitation Standards for Idaho~~ Food Establishments Code," as incorporated in Section 004 of these rules. The facility must also implement ~~the~~ operational policies ~~as described in Section 158 of these rules~~ for providing proper nutritional care for each resident, which includes procedures to follow if the resident refuses food or to follow a prescribed diet. ~~(3-20-20)T~~(7-1-20)T

451. MENU AND DIET PLANNING.

The facility must provide each resident with at least the minimum food and nutritional needs in accordance with the Recommended Dietary Allowances established by the Food and Nutrition Board of the National Academy of Sciences. These recommendations are found in the Idaho Diet Manual incorporated by reference in Section 004 of these rules. The menu must be adjusted for age, sex, and activity as approved by a registered dietitian. (3-20-20)T

01. Menu. The facility must have a menu planned or approved, and signed and dated by a registered dietitian prior to being served to ~~the~~ any resident. The planned menu must meet nutritional standards. ~~(3-20-20)T~~(7-1-20)T

- a. Menus will provide a sufficient variety of foods in adequate amounts at each meal. ~~(3-20-20)T~~(7-1-20)T

b. Food selections must include foods that are served in the community; ~~and~~ in season; ~~as well as~~ Food selections and textures should account for residents' preferences, food habits, and physical abilities. (3-20-20)F(7-1-20)T

c. The current weekly menus must be ~~prepared in advance and available to residents on request.~~ posted in a facility common area; and (3-20-20)F(7-1-20)T

d. The facility must serve the planned menu ~~and~~. ~~If~~ substitutions are made, the menu must be ~~corrected~~ modified to reflect the substitutions. (3-20-20)F(7-1-20)T

~~02. Snacks. Snacks must be available and offered to residents between meals and at bedtime.~~ (3-20-20)T

~~03.2. Therapeutic Diets.~~ The facility must have a therapeutic diet menu planned or approved, and signed and dated by a registered dietitian prior to being served to any resident. (3-20-20)F(7-1-20)T

a. The therapeutic diet planned menu, ~~to the extent it is~~ if possible, must meet nutritional standards; (3-20-20)F(7-1-20)T

b. The therapeutic diet menu must be planned as close to a regular diet as possible; and (3-20-20)T

c. The facility must have for each resident on a therapeutic diet, an order from a physician or authorized provider. (3-20-20)T

~~04.3. Facilities Licensed for Sixteen Beds or Less.~~ In facilities licensed for sixteen (16) beds or less, menus must be planned in writing at least one (1) week in advance. (3-20-20)F(7-1-20)T

~~05.4. Facilities Licensed for Seventeen Beds or More.~~ Facilities licensed for seventeen (17) beds or more must: (3-20-20)T

a. Develop and implement a cycle menu which covers a minimum of two (2) seasons and is four (4) to five (5) weeks in length; (3-20-20)T

b. Follow standardized recipes; and (3-20-20)T

c. Have available in the kitchen a current copy of the Idaho Food Code and Idaho Diet Manual ~~approved by the Licensing and Survey Agency.~~ (3-20-20)F(7-1-20)T

(BREAK IN CONTINUITY OF SECTIONS)

455. FOOD SUPPLY.

The facility must maintain a seven (7) day supply of nonperishable foods and a two (2) day supply of perishable foods. The facility's kitchen must have the types and amounts of food to be served readily available to meet all the planned menus during that time. (3-20-20)F(7-1-20)T

(BREAK IN CONTINUITY OF SECTIONS)

460. FOOD PREPARATION AND SERVICE.

01. Food Preparation. Foods must be prepared by methods that conserve nutritional value, flavor, and appearance. (3-20-20)T

02. Frequency of Meals. Food must be offered throughout the day, as follows: (3-20-20)F(7-1-20)T

- a. ~~The facility must~~ **To** provide residents at least three (3) meals daily, at regular times comparable to normal mealtimes in the community; ~~(3-20-20)F(7-1-20)T~~
- b. ~~There must not be~~ **To ensure no** more than fourteen (14) hours between a substantial evening meal and breakfast; ~~(3-20-20)F(7-1-20)T~~
- c. ~~The facility must assure~~ **Ensure** that residents who are not in the facility for the noon meal are offered a substantial evening meal; and ~~(3-20-20)F(7-1-20)T~~
- d. ~~The facility must offer~~ **Offer evening** snacks **and fluids between meals and at bedtime.** ~~(3-20-20)F(7-1-20)T~~
- 03. Food Preparation Area. Any areas used for food preparation must be maintained as follows:** ~~(3-20-20)F(7-1-20)T~~
- a. No live animals or fowl will be kept or maintained in the food service preparation or service area; ~~(3-20-20)F(7-1-20)T~~
- and**
- b. ~~Neither~~ **F**ood preparation ~~nor food~~ **and** service areas ~~will~~ **cannot** be used as living quarters for staff. ~~(3-20-20)F(7-1-20)T~~
- 04. Disposable Items.** The facility will not use single-use items except in unusual circumstances for a short period of time or for ~~outdoor outings~~ **special events.** ~~(3-20-20)F(7-1-20)T~~

461. -- ~~499~~**509.** (RESERVED)

~~**500. REQUIREMENTS FOR NOTICE OF MONTHLY FEE INCREASE.**~~

~~The resident or resident's legal guardian, or conservator must be notified in writing of an increase in the facility monthly rates at least thirty (30) calendar days prior to such a raise taking effect. (3-20-20)T~~

~~**501.—504.** (RESERVED)~~

~~**505. REQUIREMENTS FOR HANDLING OF RESIDENT FUNDS.**~~

~~**01. Separate Trust Account Established.** If a facility agrees to handle resident funds, a separate trust account must be established for each resident and an accounting record maintained. There can be no commingling of resident funds with facility funds. Borrowing between resident accounts is prohibited. (3-20-20)T~~

~~**a-** The facility cannot require a resident to purchase goods or services from the facility for other than those designated in the admission policies, or the admission agreement, or both; (3-20-20)T~~

~~**b-** Each transaction must be documented at the time of the transaction, with facility personnel and resident signatures for the transaction; and (3-20-20)T~~

~~**e-** The facility must assure that the resident has access to his personal funds during reasonable hours. (3-20-20)T~~

~~**02. Resident's Funds Upon Permanent Discharge.** When the facility manages the resident's funds and the resident permanently leaves the facility, the facility can only retain room and board funds prorated to the last day of the thirty (30) day notice, except in situations described in Subsections 220.07.e.i. and 220.07.e.ii. of these rules. All remaining funds are the property of the resident. In the event of the resident's death, the resident's facility's fees cease accruing fifteen (15) days after death. (3-20-20)T~~

~~**506.—509.** (RESERVED)~~

510. REQUIREMENTS TO PROTECT RESIDENTS FROM ABUSE.

The administrator must assure ensure that policies and procedures are developed and implemented to assure ensure that all residents are free from abuse. These policies and procedures should be posted in a conspicuous place in the facility, shared with new residents, families upon admission, all residents annually thereafter, and made available upon request. (3-20-20)T(7-1-20)T

(BREAK IN CONTINUITY OF SECTIONS)

515. REQUIREMENTS TO PROTECT RESIDENTS FROM EXPLOITATION.

The administrator must assure ensure that policies and procedures are developed and implemented to assure ensure that all residents are free from exploitation. These policies and procedures should be posted in a conspicuous place in the facility, shared with new residents, families upon admission, all residents annually thereafter, and made available upon request. (3-20-20)T(7-1-20)T

(BREAK IN CONTINUITY OF SECTIONS)

520. REQUIREMENTS TO PROTECT RESIDENTS FROM INADEQUATE CARE.

The administrator must assure ensure that policies and procedures are developed and implemented to assure ensure that all residents are free from inadequate care. These policies and procedures should be posted in a conspicuous place in the facility, shared with new residents, families upon admission, all residents annually thereafter, and made available upon request. (3-20-20)T(7-1-20)T

(BREAK IN CONTINUITY OF SECTIONS)

525. REQUIREMENTS TO PROTECT RESIDENTS FROM NEGLECT.

The administrator must assure ensure that policies and procedures are developed and implemented to assure ensure that all residents are free from neglect. These policies and procedures should be posted in a conspicuous place in the facility, shared with new residents, families upon admission, all residents annually thereafter, and made available upon request. (3-20-20)T(7-1-20)T

(BREAK IN CONTINUITY OF SECTIONS)

550. REQUIREMENTS FOR RESIDENTS' RIGHTS.

The administrator must assure ensure that policies and procedures are developed and implemented to assure ensure that residents' rights are observed, promoted, and protected. (3-20-20)T(7-1-20)T

01. Resident Records. ~~The facility must maintain and keep current a record of the specific information on each resident.~~ Upon request, a resident or others authorized by law, must be provided immediate access to information in his their record-, and copies of information within two (2) business days. The facility must maintain and keep current a record for each resident that contains the information specified in Section 330 of these rules and Section 39-3316, Idaho Code. (3-20-20)T(7-1-20)T

~~a. A copy of the resident's current Negotiated Service Agreement and physician or authorized provider's order;~~ (3-20-20)T

~~b. Written acknowledgement that the resident has received copies of the rights;~~ (3-20-20)T

~~c. A record of all personal property and funds that the resident has entrusted to the facility, including copies of receipts for the property;~~ (3-20-20)T

~~d. Information about any specific health problems of the resident that may be useful in a medical~~

~~emergency;~~ (3-20-20)T

~~e. The name, address, and telephone number of an individual identified by the resident who should be contacted in the event of an emergency or death of the resident;~~ (3-20-20)T

~~f. Any other health-related, emergency, or pertinent information which the resident requests the facility to keep on record; and~~ (3-20-20)T

~~g. The current admission agreement between the resident and the facility.~~ (3-20-20)T

02. Privacy. Each resident must be ~~assured~~ **ensured** the right to privacy with ~~regard to~~ accommodations, medical and other treatment, written and telephone communications, visits, and meetings of family and resident groups. (3-20-20)T(7-1-20)T

03. Humane Care and Environment. (3-20-20)T

a. Each resident has the right to humane care and a humane environment, including the following: (3-20-20)T

i. The right to a diet that is consistent with any religious or health-related restrictions; (3-20-20)T

ii. The right to refuse a restricted diet; and (3-20-20)T

iii. The right to a safe and sanitary living environment. (3-20-20)T

b. Each resident has the right to be treated with dignity and respect, including: (3-20-20)T

i. The right to be treated in a courteous manner by staff; (3-20-20)T

ii. The right to receive a response from the facility to any request of the resident within a reasonable time; and (3-20-20)T

iii. The right to be communicated with, orally or in writing, in a language they understand. If the resident's knowledge of English or the predominant language of the facility is inadequate for comprehension, a means to communicate in a language familiar to the resident must be available and implemented. There are many possible methods such as bilingual staff, electronic communication devices, ~~or~~ family and friends to translate. The method implemented must ~~assure~~ **ensure** the resident's right ~~of to~~ confidentiality, if the resident desires. (3-20-20)T(7-1-20)T

04. Personal Possessions. Each resident has the right to: (3-20-20)T

a. Wear ~~his~~ **their** own clothing; (3-20-20)T(7-1-20)T

b. Determine ~~his~~ **their** own dress or hair style; (3-20-20)T(7-1-20)T

c. Retain and use ~~his~~ **their** own personal property in ~~his~~ **their** own living area so as to maintain individuality and personal dignity; and (3-20-20)T

d. Be provided a separate storage area in ~~his~~ **their** own living area and at least one (1) locked cabinet or drawer for keeping personal property. (3-20-20)T(7-1-20)T

05. Personal Funds. Residents whose board and care is paid for by public assistance will retain, for their personal use, the difference between their total income and the applicable board and care allowance established by Department rules. A facility must not require a resident to deposit their personal funds with the facility. (3-20-20)T(7-1-20)T

~~a. A facility must not require a resident to deposit his personal funds with the facility; and~~ (3-20-20)T

~~b. Once the facility accepts the written authorization of the resident, it must hold, safeguard, and account for such personal funds under a system established and maintained by the facility in accordance with this paragraph. (3-20-20)T~~

06. Management of Personal Funds. Upon a facility's acceptance of written authorization of a resident, the facility must manage and account for the personal funds of the resident deposited with the facility as follows: (3-20-20)T

a. The facility must deposit any amount of a resident's personal funds ~~in excess of more than~~ five (5) times the personal needs allowance in an interest-bearing account (or accounts) that is separate from any of the facility's operating accounts and credit all interest earned on such separate account to ~~such the~~ account. The facility must maintain any other personal funds in a non-interest-bearing account or petty cash fund; ~~(3-20-20)T(7-1-20)T~~

b. The facility must ~~assure ensure~~ a full and complete separate accounting of each resident's personal funds, maintain a written record of all financial transactions involving each resident's personal funds deposited with the facility, and afford the resident (or a legal representative of the resident) reasonable access to such record; and ~~(3-20-20)T(7-1-20)T~~

c. Upon the death of a resident with such an account, the facility must promptly convey the resident's personal funds (and a final accounting of such funds) to the individual administering the resident's estate. For clients of the Department, the remaining balance of funds must be refunded to the Department. (3-20-20)T

07. Access and Visitation Rights. Each facility must permit: (3-20-20)T

a. Immediate access to any resident by any representative of the Department, by the ~~state local~~ ombudsman for the elderly or ~~his their~~ designees, or by the resident's ~~individual~~ physician ~~or authorized provider~~; ~~(3-20-20)T(7-1-20)T~~

b. Immediate access to a resident, subject to the resident's right to deny or withdraw consent at any time, by ~~the resident's~~ immediate family ~~or other relatives, significant other, or representative~~; ~~(3-20-20)T(7-1-20)T~~

c. Immediate access to a resident, subject to reasonable restrictions and the resident's right to deny or withdraw consent at any time, by others who are visiting with the consent of the resident; and (3-20-20)T

d. Reasonable access to a resident by any entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time. (3-20-20)T

08. Employment. Each resident must have the right to refuse to perform services for the facility except as contracted for by the resident and the administrator of the facility. If the resident is hired by the facility to perform services as an employee of the facility, the wage paid to the resident must be consistent with state and federal law. (3-20-20)T

09. Confidentiality. Each resident must have the right to confidentiality of personal and clinical records. (3-20-20)T

10. Freedom from Abuse, Neglect, and Restraints. Each resident must have the right to be free from physical, mental, or sexual abuse, neglect, corporal punishment, involuntary seclusion, and any physical or chemical restraints. ~~(3-20-20)T(7-1-20)T~~

11. Freedom of Religion. Each resident must have the right to practice the religion of ~~his their~~ choice or to abstain from religious practice. Residents must also be free from the imposition of the religious practices of others. ~~(3-20-20)T(7-1-20)T~~

12. Control and Receipt of Health-Related Services. Each resident must have the right to control ~~his their~~ receipt of health-related services, including: ~~(3-20-20)T(7-1-20)T~~

- a. The right to retain the services of ~~his~~ their own personal physician, dentist, and other health care professionals; (3-20-20)T(7-1-20)T
- b. The right to select the pharmacy or pharmacist of ~~his~~ their choice so long as it meets the statute and rules governing residential ~~care-or~~ assisted living and the policies and procedures of the residential ~~care-or~~ assisted living facility; (3-20-20)T(7-1-20)T
- c. The right to confidentiality and privacy concerning ~~his~~ their medical or dental condition and treatment; and (3-20-20)T(7-1-20)T
- d. The right to refuse medical services based on informed decision making. Refusal of treatment does not relieve the facility of its obligations under this chapter. (3-20-20)T
- i. The facility must document the resident and ~~his~~ their legal guardian have been informed of the consequences of the refusal; and (3-20-20)T(7-1-20)T
- ii. The facility must document that the resident's physician or authorized provider has been notified of the resident's refusal. (3-20-20)T
- 13. Grievances.** Each resident must have the right to voice grievances with respect to treatment or care that is, ~~(or fails to be)~~, furnished, without ~~discrimination or reprisal~~ threat of retaliation for voicing the grievances and the right to prompt efforts by the facility to resolve grievances the resident may have, including those with respect to the behavior of other residents. (3-20-20)T(7-1-20)T
- 14. Participation in Resident and Family Groups.** Each resident must have the right to organize and participate in resident groups in the facility and the right of the resident's family to meet in the facility with the families of other residents in the facility. (3-20-20)T
- 15. Participation in Other Activities.** Each resident must have the right to participate in social, religious, and community activities that do not interfere with the rights of other residents in the facility. (3-20-20)T
- 16. Examination of Survey Results.** Each resident must have the right to examine, upon reasonable request, the results of the most recent survey of the facility conducted by the Licensing ~~and Certification Unit~~ Agency ~~with respect to the facility~~ and any plan of correction in effect ~~with respect to the facility~~. (3-20-20)T(7-1-20)T
- 17. Access by Advocates and Representatives.** A residential ~~care-or~~ assisted living facility must permit advocates and representatives of community legal services programs, whose purposes include rendering assistance without charge to residents, to have access to the facility at reasonable times in order to: (3-20-20)T(7-1-20)T
- a. Visit, talk with, and make personal, social, and legal services available to all residents; (3-20-20)T
- b. Inform residents of their rights and entitlements, and their corresponding obligations, under state, federal, and local laws by distribution of educational materials and discussion in groups and with individuals; (3-20-20)T(7-1-20)T
- c. Assist residents in asserting their legal rights regarding claims for public assistance, medical assistance, and social security benefits, and in all other matters in which residents are aggrieved, that may be provided individually, or in a group basis, and may include organizational activity, counseling, and litigation; (3-20-20)T(7-1-20)T
- d. Engage in all other methods of assisting, advising, and representing residents so as to extend to them the full enjoyment of their rights; (3-20-20)T
- e. Communicate privately and without restrictions with any resident who consents to the communication; and (3-20-20)T
- f. Observe all common areas of the facility. (3-20-20)T

18. **Access by Protection and Advocacy System.** A residential ~~care or~~ assisted living facility must permit advocates and representatives of the protection and advocacy system designated by the governor under 29 U.S.C. 794e, 42 U.S.C. Section 15043, and 42 U.S.C. Section 10801 et seq., access to residents, facilities, and records in accordance with applicable federal statutes and regulations. ~~(3-20-20)T(7-1-20)T~~

19. **Access by the Long-Term Care Ombudsman.** A residential ~~care or~~ assisted living facility must permit advocates and representatives of the long-term care ombudsman program pursuant to 42 U.S.C. Section 3058, Section 67-5009, Idaho Code, and IDAPA 15.01.03, “Rules Governing the Ombudsman for the Elderly Program,” access to residents, facilities, and records in accordance with applicable federal and state law, rules, and regulations. ~~(3-20-20)T(7-1-20)T~~

20. **Transfer or Discharge.** Each resident must have the right to be transferred or discharged only for medical reasons, ~~or~~ for ~~his~~ their welfare or that of other residents, or for nonpayment for ~~his~~ their stay. In non-emergency conditions, the resident must be given at least thirty (30) calendar days notice of discharge. A resident has the right to appeal any involuntary discharge. ~~(3-20-20)T(7-1-20)T~~

21. **Citizenship Rights.** Each resident has ~~a~~ the right to be encouraged and assisted to exercise rights as a citizen, including the right to be informed and to vote. ~~(3-20-20)T(7-1-20)T~~

22. **Advance# Directives.** Each resident has the right to be informed, in writing, regarding the formulation of an advance~~d~~ directive as provided under Section 39-4510, Idaho Code. ~~(3-20-20)T(7-1-20)T~~

23. **Fee Changes.** Each resident has the right to written notice of any fee change not less than thirty (30) days prior to the proposed effective date of the fee change, except: (3-20-20)T

a. When a resident needs additional care, services, or supplies, the facility must provide to the resident, ~~or~~ the resident's legal guardian, or conservator written notice within five (5) days of any fee change taking place; ~~and~~ ~~(3-20-20)T(7-1-20)T~~

b. The resident, ~~and~~ the resident's legal guardian, or conservator must be given the opportunity to agree to an amended ~~negotiated service agreement~~ NSA. If the two parties do not reach an agreement on the proposed fee change, the facility is entitled to charge the changed rate after five (5) days have elapsed from the date of the facility's written notice. ~~(3-20-20)T(7-1-20)T~~

(BREAK IN CONTINUITY OF SECTIONS)

560. **NOTICE OF RESIDENTS' RIGHTS.**
Each facility must: ~~(3-20-20)T(7-1-20)T~~

01. **Inform Residents Orally and in Writing.** Inform each resident, orally and in writing at the time of admission to the facility, of ~~his~~ their legal rights during the stay at the facility. ~~(3-20-20)T(7-1-20)T~~

02. **Written Statements.** Make available to each resident, upon reasonable request, a written statement of such rights and when the rights change the resident is notified. (3-20-20)T

03. **Written Description of Rights.** ~~Assure~~ Ensure the written description of legal rights ~~under Section 560 must in this rule~~ includes a description of the protection of personal funds and a statement that a resident may file a complaint with the Department respecting resident abuse, ~~and~~ neglect, and misappropriation of resident property in the facility. ~~(3-20-20)T(7-1-20)T~~

04. **Posting of Resident Rights.** Conspicuously post the residents' rights in the facility at all times. (3-20-20)T

(BREAK IN CONTINUITY OF SECTIONS)

600. REQUIREMENTS FOR STAFFING STANDARDS.

The administrator must develop and implement written staffing policies and procedures based on the number of residents, resident needs, and configuration of the facility, which include: (7-1-20)T

~~01. On-Duty Staff During Residents' Sleeping Hours for Facilities of Fifteen Beds or Less. For facilities licensed for fifteen (15) beds or less, there must be at least one (1), or more qualified and trained staff, up, awake, and immediately available in the facility during resident sleeping hours. (3-20-20)T~~

021. On-Duty Staff Up and Awake During Residents' Sleeping Hours for Facilities Licensed for Sixteen Beds or More. For facilities licensed for sixteen (16) beds or more, qualified and trained staff must be up and awake, and immediately available, in the facility during resident sleeping hours. (3-20-20)T(7-1-20)T

032. Detached Buildings or Units. Facilities with residents housed in detached buildings or units, must have at least one (1) staff present, and available in each building or unit when residents are present in the building or unit. The facility must also assure ensure that each building or unit complies with the requirements for on-duty staff during resident sleeping hours to be up, awake, and immediately available in accordance with the facility's licensed bed capacity as provided in Subsections 600.01 and 600.02 of these rules this rule. The Licensing and Survey Agency will consider a variance based on the facility's written submitted plan of operation. (3-20-20)T(7-1-20)T

~~04. Mental Health Bed Contract Facility. Facilities that have entered into a Mental Health Bed contract with the Department must be staffed with at least one (1) staff up and awake at night to assure the safety of all residents. (3-20-20)T~~

053. Supervision—Personnel Management. The administrator must provide supervision for is responsible for the management of all personnel to include contract personnel. Staff who have not completed the orientation training requirements must work under the supervision of a staff who has completed the orientation training. (3-20-20)T(7-1-20)T

064. Sufficient Personnel. As described in Section 39-3322, Idaho Code, Tthe facility will employ and the administrator will schedule sufficient personnel to: (3-20-20)T(7-1-20)T

a. Provide care and supervision, during all hours, as required in each resident's Negotiated Service Agreement NSA, to assure ensure residents' health, safety, and comfort, and supervision, and to assure ensure the interior and exterior of the facility is maintained in a safe and clean manner; and (3-20-20)T(7-1-20)T

b. To provide for at least one (1) direct care staff with certification in first aid and cardio-pulmonary resuscitation (CPR) in the facility at all times. Facilities with multiple buildings or units will have at least one (1) direct care staff with certification in first aid and CPR in each building or each unit at all times. (3-20-20)T

(BREAK IN CONTINUITY OF SECTIONS)

620. REQUIREMENTS FOR TRAINING OF FACILITY PERSONNEL.

The facility must follow structured, written training programs designed to meet the training needs of personnel in relation to responsibilities, as specified in the written job description, to provide for quality of care and compliance with these rules. Signed evidence of personnel training, indicating hours and topic, must be retained at the facility. (3-20-20)T(7-1-20)T

(BREAK IN CONTINUITY OF SECTIONS)

625. ORIENTATION TRAINING REQUIREMENTS.

The administrator must ensure that each staff member completes orientation training specific to their job description

as described in Section 39-3324, Idaho Code. Staff who have not completed the orientation training requirements must work with a staff who has completed the orientation training. (7-1-20)T

01. Number of Hours of Training. A minimum of sixteen (16) hours of job-related orientation training must be provided to all new personnel before they are allowed to provide unsupervised personal assistance to residents. The means and methods of training are at the facility's discretion. (3-20-20)T

02. Timeline for Completion of Training. All orientation training must be completed within thirty (30) days of hire. (3-20-20)T

03. Content for Training. Orientation training must include the following: (3-20-20)T

- a. The philosophy of residential ~~care or~~ assisted living and how it guides caregiving; (3-20-20)T(7-1-20)T
- b. Resident Rights; (3-20-20)T(7-1-20)T
- c. Cultural awareness; (3-20-20)T
- d. Providing personal assistance ~~with activities of daily living and instrumental activities of daily living;~~ (3-20-20)T(7-1-20)T
- e. How to respond to emergencies; (3-20-20)T
- f. Reporting and Documentation ~~associated with resident care needs and the provision of care to meet those needs~~ requirements for resident care records, incidents, accidents, complaints, and allegations of abuse, neglect, and exploitation; (3-20-20)T(7-1-20)T
- g. Identifying and reporting changes in residents' health ~~and or~~ mental condition ~~or both;~~ (3-20-20)T(7-1-20)T
- ~~h. Documenting and reporting adverse outcomes (such as resident falls, elopement, lost items); (3-20-20)T~~
- ~~i. Advance directives and do not resuscitate (DNR) orders; (3-20-20)T~~
- ~~j. Relevant policies and procedures; (3-20-20)T~~
- ~~k. The role of the Negotiated Service Agreement NSA; and (3-20-20)T(7-1-20)T~~
- ~~l. All staff employed by the facility, including housekeeping personnel, or and contract personnel, or both, who may come into contact with potentially infectious material, must be trained in infection control procedures for universal precautions. (3-20-20)T(7-1-20)T~~

(BREAK IN CONTINUITY OF SECTIONS)

630. TRAINING REQUIREMENTS FOR FACILITIES ADMITTING RESIDENTS WITH A DIAGNOSIS OF DEMENTIA, MENTAL ILLNESS, DEVELOPMENTAL DISABILITY, OR TRAUMATIC BRAIN INJURY.

A facility admitting and retaining residents with a diagnosis of dementia, mental illness, developmental disability, or traumatic brain injury must train all staff to meet the specialized needs of these residents. Staff must receive specialized training within thirty (30) days of hire or of admission of a resident with one (1) of these conditions. The means and methods of training are at the facility's discretion. The training should address the following areas: (3-20-20)T(7-1-20)T

- | | |
|--|------------|
| 01. Dementia: | (3-20-20)T |
| a. Overview of dementia; | (3-20-20)T |
| b. Symptoms and behaviors of people with memory impairment; | (3-20-20)T |
| c. Communication with people with memory impairment; | (3-20-20)T |
| d. Resident's adjustment to the new living environment; | (3-20-20)T |
| e. Behavior management, <u>including the consistent implementation of behavior interventions;</u>
(3-20-20)T (7-1-20)T | |
| f. Activities of daily living; and | (3-20-20)T |
| g. Stress reduction for facility personnel and the resident. | (3-20-20)T |
| 02. Mental Illness: | (3-20-20)T |
| a. Overview of mental illnesses; | (3-20-20)T |
| b. Symptoms and behaviors specific to mental illness; | (3-20-20)T |
| c. Resident's adjustment to the new living environment; | (3-20-20)T |
| d. Behavior management, <u>including the consistent implementation of behavior interventions;</u>
(3-20-20)T (7-1-20)T | |
| e. Communication; | (3-20-20)T |
| f. Activities of daily living; | (3-20-20)T |
| g. Integration with rehabilitation services; and | (3-20-20)T |
| h. Stress reduction for facility personnel and the resident. | (3-20-20)T |
| 03. Developmental Disability: | (3-20-20)T |
| a. Overview of developmental disabilities; | (3-20-20)T |
| b. Interaction and acceptance; | (3-20-20)T |
| c. Promotion of independence; | (3-20-20)T |
| d. Communication; | (3-20-20)T |
| e. Behavior management, <u>including the consistent implementation of behavior interventions;</u>
(3-20-20)T (7-1-20)T | |
| f. Assistance with adaptive equipment; | (3-20-20)T |
| g. Integration with rehabilitation services; | (3-20-20)T |
| h. Activities of daily living; and | (3-20-20)T |
| i. Community integration. | (3-20-20)T |
| 04. Traumatic Brain Injury: | (3-20-20)T |

- a. Overview of traumatic brain injuries; (3-20-20)T
- b. Symptoms and behaviors specific to traumatic brain injury; (3-20-20)T
- c. Adjustment to the new living environment; (3-20-20)T
- d. Behavior management, including the consistent implementation of behavior interventions;
(~~3-20-20~~)T(7-1-20)T
- e. Communication; (3-20-20)T
- f. Integration with rehabilitation services; (3-20-20)T
- g. Activities of daily living; (3-20-20)T
- h. Assistance with adaptive equipment; and (3-20-20)T
- i. Stress reduction for facility personnel and the resident. (3-20-20)T

(BREAK IN CONTINUITY OF SECTIONS)

640. CONTINUINGED TRAINING REQUIREMENTS.

Each employee must receive a minimum of eight (8) hours of job-related continuinged training per year.

(~~3-20-20~~)T(7-1-20)T

641. ADDITIONAL TRAINING RELATED TO CHANGES.

When policies or procedures are added, modified, or deleted, the date of the change must be specified on the policy and staff must receive additional training relatinged to the changes.

(~~3-20-20~~)T(7-1-20)T

(BREAK IN CONTINUITY OF SECTIONS)

645. ASSISTANCE WITH MEDICATIONS ~~CERTIFICATION REQUIREMENT.~~

~~Before staff can begin assisting residents with medications, the staff must have successfully completed a Board of Nursing approved medication assistance course. This training is not included as part of the minimum of sixteen (16) hours of orientation training or minimum of eight (8) hours of continuing training requirement per year.~~

(~~3-20-20~~)T(7-1-20)T

01. Training Requirements. To provide assistance with medications, staff must have the following training requirements, and be delegated as described in this rule. (7-1-20)T

a. Before staff can begin assisting residents with medications, successful completion of an Idaho Board of Nursing approved medication assistance course. This training is not included as part of the minimum of sixteen (16) hours of orientation training or minimum of eight (8) hours of continued training per year. (7-1-20)T

b. Staff training on documentation requirements and how to respond when a resident refuses or misses a medication, receives an incorrect medication, or when medication is unavailable or missing. (7-1-20)T

02. Delegation. The facility nurse must delegate and document assistance with medications and other nursing tasks. Each medication assistant must be delegated individually, including skill demonstration, prior to assisting with medications or nursing tasks, and any time the licensed nurse changes. (7-1-20)T

646. -- ~~64899.~~ (RESERVED)

~~650. REQUIREMENTS FOR UNIFORM ASSESSMENT CRITERIA FOR PRIVATE PAY RESIDENTS.~~

~~01. Facility Responsibility For Assessing Private Pay Residents. The facility must develop, identify, assess, or direct a uniform assessment for private pay residents who seek admission to the residential care or assisted living facility. The Department's uniform assessment tool may be used as the facility's identified uniform assessment. (3-20-20)F~~

~~02. Information Included in a Uniform Assessment. The uniform assessment used by the facility will include, but not be limited to identification/background information, medical diagnosis, medical and health problems, prescription and over the counter medications, behavior patterns, cognitive function, and functional status. (3-20-20)F~~

~~03. Qualifications of Person Making Uniform Assessment. The uniform assessment can only be conducted by persons who are trained and knowledgeable in administering the facility's identified uniform assessment. (3-20-20)F~~

~~04. Time Frames for Completing the Uniform Assessment. The assessment must be completed no later than fourteen (14) calendar days after admission. The assessment will be reviewed when there is a change in the resident's medical condition or mental status or every twelve (12) months, whichever comes first. (3-20-20)F~~

~~05. Use of Uniform Assessment for Determining the Ability of Facility to Meet Private Pay Resident Needs. The results of the assessment must be used to evaluate the ability of an administrator and facility to meet the identified residents' needs. The results of the assessment must also be used to determine the need for special training in caring for certain residents. (3-20-20)F~~

~~651.—654. (RESERVED)~~

~~655. USE OF THE UNIFORM ASSESSMENT CRITERIA IN DETERMINING FACILITY STAFFING. A facility will have sufficient numbers and types of personnel to provide care and supervision to all residents within the facility's care in accordance with each resident's Negotiated Service Agreement based on the uniform assessment and in accordance with all rules and statutes governing the facility. The facility must include both private pay and residents who are clients of the Department in the total number when determining staffing requirements. (3-20-20)F~~

~~656.—659. (RESERVED)~~

~~660. REQUIREMENTS FOR UNIFORM ASSESSMENT CRITERIA FOR DEPARTMENT CLIENTS. Department clients will be assessed by the Department in compliance with IDAPA 16.03.23, "Rules Governing Uniform Assessments for State-Funded Clients." (3-20-20)F~~

~~661.—699. (RESERVED)~~

~~700. RECORDS. The administrator must assure that facility policies and procedures for record keeping are implemented and followed as described in Sections 700 through 750 of these rules. (3-20-20)F~~

~~01. Records Information. Entries must include date, time, name, and title of the person making the entry. Staff must sign each entry made by him during his shift. (3-20-20)F~~

~~02. Availability of Records. Resident care records must be available at all times to caregivers when on duty. (3-20-20)F~~

~~03. Electronic Records. Electronic records must be able to be printed in the facility at the request of the resident, legal guardian, payer, or survey agency. (3-20-20)F~~

~~701.—704. (RESERVED)~~

~~705. RESIDENT BUSINESS RECORDS. Resident business records must contain the records described in Subsection 705.01 through 705.07 of these rules. (3-20-20)F~~

~~01. **Individual Responsible for Payment.** Name, address, and telephone number of the individual responsible for payment. (3-20-20)F~~

~~02. **Written Admissions Agreement.** Written admission agreement that is signed and dated by the administrator, the resident, or his legal guardian or conservator. (3-20-20)F~~

~~03. **Payment Schedule.** A copy of the payment schedule and fee structure signed and dated by the resident, or his legal guardian or conservator, if such is separate from the admission agreement. (3-20-20)F~~

~~04. **Resident Rights.** A signed copy of the resident's rights as identified in Section 550 of these rules or a signed and dated statement that the resident or his legal guardian or conservator has read and understands his rights as a resident of the facility. (3-20-20)F~~

~~05. **Completion of Admissions Process.** Name, title of the facility representative who completed the admission process with the resident, legal guardian, or conservator. (3-20-20)F~~

~~06. **Agreement to Handle Resident's Funds.** If the facility handles resident funds, there must be a signed and dated written agreement between the facility and the resident or the resident's legal guardian or conservator setting the terms. Documentation of each financial transaction at the time the transaction occurs with signatures by the administrator or his designee and the resident. (3-20-20)F~~

~~07. **Emergency Condition Advisory.** Documentation indicating that the resident has been advised of actions required under emergency conditions. (3-20-20)F~~

~~706.—709. (RESERVED)~~

~~710. **RESIDENT CARE RECORDS.**~~

~~The administrator must assure that the facility's policies and procedures for resident care records are implemented and meet the requirements described in Subsections 710.01 through 710.08 of these rules. (3-20-20)F~~

~~01. **Resident Demographics.** Records required for admission to the facility must include: (3-20-20)F~~

~~a. Name; (3-20-20)F~~

~~b. Permanent address, if other than the facility; (3-20-20)F~~

~~c. Marital Status; (3-20-20)F~~

~~d. Gender; (3-20-20)F~~

~~e. Date and Place of Birth; (3-20-20)F~~

~~f. Name and address of emergency contact(s); and (3-20-20)F~~

~~g. Admission date and where admitted from. (3-20-20)F~~

~~02. **Providers of Choice.** Providers of choice including address and telephone numbers; (3-20-20)F~~

~~a. Physician or authorized provider; (3-20-20)F~~

~~b. Dentist; (3-20-20)F~~

~~c. Pharmacy; and (3-20-20)F~~

~~d. Others; such as outside service providers, e.g., home health, hospice, psychosocial services rehabilitation specialist, case manager. (3-20-20)F~~

- ~~03. **Religious Affiliation.** Religious affiliation, if the resident chooses to state. (3-20-20)F~~
- ~~04. **Prior History and Physical.** Results of a history and physical examination performed by a physician or authorized provider within six (6) months prior to admission. (3-20-20)F~~
- ~~05. **Prescribed Medication and Treatment List.** A list of medications, diet, treatments, and any limitations, prescribed for the resident that is signed and dated by a physician or authorized provider giving the order. (3-20-20)F~~
- ~~06. **Social Information.** Social information, obtained by the facility through interviews with the resident, family, legal guardian, conservator or outside service provider. The information must include the resident's social history, hobbies, and interests. (3-20-20)F~~
- ~~07. **Initial Uniform Assessment.** The resident's initial uniform assessment. (3-20-20)F~~
- ~~08. **Initial Interim Plan and Negotiated Service Agreement.** The resident's initial signed and dated interim plan and Negotiated Service Agreement. (3-20-20)F~~
- 711. ONGOING RESIDENT CARE RECORDS.**
~~The administrator must assure that the facility's policies and procedures for ongoing resident care records are implemented and meet the requirements described in Subsections 711.01 through 711.14 of these rules. (3-20-20)F~~
- ~~01. **Behavior Management Records.** The facility must have behavior management records for residents when applicable. These records must document requirements in Section 225 and Subsection 320.02 of these rules. The records must also include the following: (3-20-20)F~~
- ~~a. The date and time a specific behavior was observed; (3-20-20)F~~
- ~~b. What interventions were used; and (3-20-20)F~~
- ~~c. The effectiveness of the intervention. (3-20-20)F~~
- ~~02. **Complaints.** The facility must assure that the individual resident's record documents complaints and grievances, the date received, the investigation, outcome, and the response to the individual who made the complaint or grievance. (3-20-20)F~~
- ~~03. **Involuntary Discharge.** The facility's records must maintain documentation of: (3-20-20)F~~
- ~~a. The facility's efforts to resolve the situation; and (3-20-20)F~~
- ~~b. A copy of the signed and dated notice of discharge. (3-20-20)F~~
- ~~04. **Refusal of Care Consequences.** Documented evidence that if the resident refuses care or services, the resident has been informed of the consequences of the refusal and the notification of the resident's physician or authorized provider being notified. (3-20-20)F~~
- ~~05. **Assessments.** The resident's uniform assessment, including the admission assessment, and all assessments for the prior eighteen (18) months after the admission to the facility. (3-20-20)F~~
- ~~06. **Negotiated Services Agreement.** Signed and dated negotiated services agreements, including the admission Negotiated Service Agreement, and any modification and new agreements for the prior eighteen (18) months. (3-20-20)F~~
- ~~07. **Care Plans.** Signed and dated copies of all care plans prepared by outside service agencies, if appropriate, to include who is responsible for the integration of care and services. (3-20-20)F~~

- ~~08. **Care Notes.** Care notes that are signed and dated by the person providing the care and services must include: (3-20-20)F~~
- ~~a. When the Negotiated Service Agreement is not followed, such as resident refusal, and the facility's response; (3-20-20)F~~
- ~~b. Delegated nursing tasks, such as treatments, wound care, and assistance with medications; (3-20-20)F~~
- ~~c. Unusual events such as incidents, reportable incidents, accidents, altercations and the facility's response; (3-20-20)F~~
- ~~d. Calls to the physician or authorized provider, reason for the call, and the outcome of the call; (3-20-20)F~~
- ~~e. Notification of the licensed registered nurse of a change in the resident's physical or mental condition; and (3-20-20)F~~
- ~~f. Notes of care and services provided by outside contract entities, such as nurses, home health, hospice, case managers, psychosocial rehabilitation specialists, or service coordinator. (3-20-20)F~~
- ~~09. **Current List of Medications, Diet and Treatments.** A current list of medications, diet, treatments prescribed for the resident which is signed and dated by a physician or authorized provider giving the order. (3-20-20)F~~
- ~~10. **Six Month Review of Medications.** Written documentation, signed and dated by the physician or authorized provider documenting their every six (6) month review, for possible dose reduction, of the resident's use of psychotropic or behavioral modifying medications. (3-20-20)F~~
- ~~11. **Medications Not Taken.** Documentation of any medication refused by the resident, not given to the resident or not taken by the resident with the reason for the omission. (3-20-20)F~~
- ~~12. **PRN Medication.** Documentation of all PRN medication with the reason for taking the medication. (3-20-20)F~~
- ~~13. **Nursing Assessments.** Nursing assessments, signed and dated, from the licensed registered nurse documenting the requirements in Section 305 of these rules. (3-20-20)F~~
- ~~14. **Discharge Information.** Date of discharge, location to where the resident was discharged, and disposition of the resident's belongings. (3-20-20)F~~
- ~~712.—714. (RESERVED)~~
- ~~715. **MENTAL HEALTH CONTRACT BED RECORDS.**
The administrator must assure that the facility's records for mental health contract beds are maintained as described in Subsections 715.01 and 715.02, of these rules. (3-20-20)F~~
- ~~01. **Contract with Department.** The facility must maintain on file a written contract with the Department outlining the responsibilities of both parties and lists the names and telephone numbers of individuals who may be contacted if questions arise regarding the resident's care. (3-20-20)F~~
- ~~02. **Department Assessment.** Results of the Department assessment for each mental health contract resident, which clearly assures that the resident is not a danger to himself or others must be in the resident's care record. (3-20-20)F~~
- ~~716.—719. (RESERVED)~~

~~720. ADULT HOURLY CARE RECORDS.~~

~~The administrator must assure that the facility's hourly adult care records are maintained as described in Subsections 720.01 and 720.02 of these rules. (3-20-20)F~~

~~01. Required Records for Each Hourly Adult Care Individual. The facility must maintain a record for each hourly adult care individual which includes: (3-20-20)F~~

~~a. Admission identification information including responsible party and emergency telephone numbers of family members and the physician or authorized provider; (3-20-20)F~~

~~b. Pertinent health and social information relevant to the supervision of the individual; and (3-20-20)F~~

~~c. Care and services provided to the individual including medication assistance. (3-20-20)F~~

~~02. Length of Time Records Kept for Adult Hourly Care. The records for each adult hourly care individual must be maintained for three (3) years. (3-20-20)F~~

~~721.—724. (RESERVED)~~

~~725. FACILITY ADMINISTRATIVE RECORDS FOR ADMISSIONS AND DISCHARGE REGISTER.~~

~~The administrator must assure that the facility's administrative records for admission and discharge are maintained as described in Subsections 725.01 through 725.02 of these rules. (3-20-20)F~~

~~01. Admission and Discharge Register. Each facility must maintain an admission and discharge register listing the name of each resident, date admitted, date discharged. The admissions and discharge register must be produced as a separate document, apart from the individual resident records, and must be kept current. (3-20-20)F~~

~~02. Hourly Adult Care Log. A log of hourly adult care individuals, including the dates of service, must be maintained and kept for three (3) years. (3-20-20)F~~

~~726.—729. (RESERVED)~~

~~730. FACILITY ADMINISTRATIVE RECORDS FOR PERSONNEL AND STAFFING.~~

~~The administrator must assure that the facility's personnel and staffing records are maintained as described in Subsections 730.01 through 730.03 of these rules. (3-20-20)F~~

~~01. Personnel. A record for each employee must be maintained and available which includes the following: (3-20-20)F~~

~~a. Name, address, phone number, and date of hire; (3-20-20)F~~

~~b. Job description that includes purpose, responsibilities, duties, and authority; (3-20-20)F~~

~~c. Evidence that on or prior to hire, staff were notified in writing that the facility does not carry professional liability insurance. If the facility cancels the professional liability insurance, all staff must be notified of the change in writing; (3-20-20)F~~

~~d. A copy of a current license for all nursing staff and verification from the Board of Nursing that the license is in good standing or identification of restrictions; (3-20-20)F~~

~~e. Signed evidence of training; (3-20-20)F~~

~~f. CPR, first aid, and assistance with medication certification; (3-20-20)F~~

~~g. Criminal history clearance as required by Section 56-1004A, Idaho Code, and IDAPA 16.05.06;~~

~~“Criminal History and Background Checks,” and Section 009 of these rules;~~ (3-20-20)F

~~h. Documentation by the licensed registered nurse of delegation to unlicensed staff to assist residents with medications and other nursing tasks;~~ (3-20-20)F

~~i. A signed document authorizing by position title of, the individual responsible for acting on behalf of the administrator in his absence.~~ (3-20-20)F

~~02. **Work Records.** Work records must be maintained in writing for the previous three (3) years which reflect;~~ (3-20-20)F

~~a. Personnel on duty, at any given time; and~~ (3-20-20)F

~~b. The first and last names, of each employee, and their position.~~ (3-20-20)F

~~03. **Contract Records.** Copies of contracts with outside service providers and contract staff.~~ (3-20-20)F

~~731. — 734. (RESERVED)~~

~~735. **FACILITY ADMINISTRATIVE RECORDS FOR HANDLING OF MEDICATIONS AND CONTROLLED SUBSTANCES.**~~

~~The administrator must assure that the facility’s records for handling of medications and controlled substances are maintained as described in Subsections 735.01 through 735.04 of these rules.~~ (3-20-20)F

~~01. **Documentation of Cold Storage Temperature.** Daily monitoring documentation of the refrigerated temperature where biologicals and other medications requiring cold storage are stored to assure the temperature is maintained at thirty-eight to forty-five degrees (38-45 F) Fahrenheit for the previous twelve (12) months.~~ (3-20-20)F

~~02. **Return Medication Agreement.** If appropriate, the written agreement between the facility and the pharmacy to return unused, unopened medications to the pharmacy for proper disposition and credit. See IDAPA 16.03.09, “Medicaid Basic Plan Benefits,” Sections 664 and 665, and IDAPA 27.01.01, “Rules of the Idaho Board of Pharmacy.”~~ (3-20-20)F

~~03. **Documentation of Medication Disposal.** A written record of all drug disposals must be maintained in the facility and include:~~ (3-20-20)F

~~a. A description of the drug, including the amount;~~ (3-20-20)F

~~b. Name of resident for prescription medication;~~ (3-20-20)F

~~c. The reason for disposal;~~ (3-20-20)F

~~d. The method of disposal;~~ (3-20-20)F

~~e. The date of disposal; and~~ (3-20-20)F

~~f. Signatures of responsible facility personnel and witness.~~ (3-20-20)F

~~04. **Tracking Controlled Substances Documentation.** The facility must maintain a written record tracking all controlled substances entering the facility in accordance with Title 37, Chapter 27, Idaho Code, IDAPA 27.01.01 “Rules of the Idaho Board of Pharmacy,” Section 495, and IDAPA 23.01.01, “Rules of the Idaho Board of Nursing,” Section 490.~~ (3-20-20)F

~~736. — 739. (RESERVED)~~

~~740. **FACILITY ADMINISTRATIVE RECORDS FOR DIETARY.**~~

~~The administrator must assure that the facility's records for dietary are maintained as described in Subsections 740.01 and 740.02 of these rules. (3-20-20)F~~

~~**01. Menu Plan Documentation.** The facility must maintain copies of menus, including therapeutic menus planned, approved, signed, and dated by a dietitian in the facility. (3-20-20)F~~

~~**02. Length of Time Documentation Kept for Menu Plans.** The facility must maintain three (3) months of as served menus, including therapeutic menus, corrected to reflect substitutions. (3-20-20)F~~

~~741.—744. (RESERVED)~~

~~**745. FACILITY ADMINISTRATIVE RECORDS FOR WATER SUPPLY.**~~

~~The administrator must assure that the facility's records for water supply are maintained. Copies of the laboratory reports documenting the bacteriological examination of testing private water supply must be kept on file in the facility. (3-20-20)F~~

~~746.—749. (RESERVED)~~

~~**750. FACILITY ADMINISTRATIVE RECORDS FOR FIRE AND LIFE SAFETY.**~~

~~The administrator must assure that the facility's records for fire and life safety are maintained as described in Subsections 750.01 through 750.06 of these rules. (3-20-20)F~~

~~**01. Fire Drill Documentation.** Written documentation of each fire drill, one (1) per shift per quarter, must be maintained on file at the facility and must contain a description of each drill, the date and time of the drill, response of the personnel and residents, problems encountered and recommendations for improvement. (3-20-20)F~~

~~**02. Report of Fire Documentation.** A copy of the reporting form, "Facility Fire Incident Report," must be completed and submitted to the Licensing and Survey Agency. The specific data must include, date of incident, origin, extent of damage, method of extinguishment, and injuries if any. (3-20-20)F~~

~~**03. Fuel-Fired Heating Inspection Documentation.** The facility will maintain a copy of the annual results of the inspection in the facility. (3-20-20)F~~

~~**04. Portable Fire Extinguisher Examination Documentation.** The facility must maintain records of the monthly examination of the Portable Fire Extinguishers documenting the following: (3-20-20)F~~

~~**a.** Each extinguisher is in its designated location; (3-20-20)F~~

~~**b.** Each extinguisher seal or tamper indicator is not broken; (3-20-20)F~~

~~**c.** Each extinguisher has not been physically damaged; (3-20-20)F~~

~~**d.** Each extinguisher gauge, if provided, shows a charged condition; and (3-20-20)F~~

~~**e.** The inspection tag attached to the extinguisher shall show at least the initials of the person making the monthly examination and the date of the examination. (3-20-20)F~~

~~**05. Fire Alarm Smoke Detection System Service and Testing.** The facility must maintain on file in the facility the following reports: (3-20-20)F~~

~~**a.** The results of the annual inspection and test, by a person or business professionally engaged in the servicing of such systems; and (3-20-20)F~~

~~**b.** The results of the monthly inspection and testing of the fire alarm, smoke detection system designated facility employee. (3-20-20)F~~

~~**06. Automatic Fire Extinguishing System Service and Testing.** The facility must maintain on file in~~

~~the facility the results of the annual inspection, testing and service, by a person or business professionally engaged in servicing of such systems. (3-20-20)T~~

~~751.—899. (RESERVED)~~

900. ENFORCEMENT ACTIONS.

~~Enforcement actions, as described in Sections 901 through 940 of these rules and Sections 39-3357 and 39-3358, Idaho Code, are actions the Department can impose upon a facility. The Department will consider the facility's compliance history, change of ownership, the number of deficiencies, and scope and severity of the deficiencies when determining an enforcement action. The Department can impose any of the enforcement actions, independently or in conjunction with others, as described in Sections 900 through 940 of these rules. The Department will consider a facility's compliance history, change(s) of ownership, and the number, scope, and severity of the deficiencies when initiating or extending an enforcement action. The Department can impose any of the enforcement actions, independently or in conjunction with others. (7-1-20)T~~

~~01. Immediate Danger to Residents.~~

901. ENFORCEMENT ACTION OF SUMMARY SUSPENSION.

~~When the Department finds that the facility's deficiency(s) deficient practice(s) immediately places the health or safety of any of its residents in danger, the Director of the Department or his designee may impose one (1) or more of the following: Department may take immediate action through summary suspension of the facility's license, the imposition of temporary management, a limit on admissions, and transfer the residents. (3-20-20)T(7-1-20)T~~

~~a. Appoint temporary management; or (3-20-20)T~~

~~b. Summarily suspend the facility's license and transfer residents (3-20-20)T~~

~~02. Not an Immediate Danger to Residents. When the Department finds that the facility's deficiency does not immediately place the residents' health or safety in danger, the Department will initiate one (1) of the Enforcement Actions "A" through "C" described in Subsections 900.03 through 900.05 of these rules, or "Enforcement Remedy of Revocation of License" described in Section 940 of these rules. (3-20-20)T~~

~~03. Enforcement Action "A." (3-20-20)T~~

~~a. The facility has forty five (45) days from the date the facility was found out of compliance with core issue requirements to comply; (3-20-20)T~~

~~b. An acceptable Plan of Correction is required as described in Section 130.08 of these rules; and (3-20-20)T~~

~~c. When an acceptable Plan of Correction is not submitted within thirty (30) days from the date the facility was found out of compliance with core issue requirements, the Department may take Enforcement Action "B." (3-20-20)T~~

~~d. A follow-up survey for Enforcement Action "A" will be conducted after forty five (45) days from the date the facility was found out of compliance with core issue requirements. During this survey, if the deficiency still exists or a new core issue deficiency is issued, Enforcement Action "B" will be taken. (3-20-20)T~~

~~04. Enforcement Action "B." (3-20-20)T~~

~~a. The facility has forty five (45) days, from the date of the follow-up survey for Enforcement Action "A" in which the facility was found out of compliance with core issue requirements, to comply; (3-20-20)T~~

~~b. An acceptable Plan of Correction for core issues is required as described in Section 130.08 of these rules; (3-20-20)T~~

~~c. When an acceptable Plan of Correction is not submitted within thirty (30) days from the date the~~

~~facility was found out of compliance with core issue requirements, the Department may take Enforcement Action “C.” (3-20-20)F~~

- ~~d. In addition the Department may impose the following enforcement actions: (3-20-20)F~~
- ~~i. A provisional license may be issued; (3-20-20)F~~
- ~~ii. Admissions to the facility may be limited; or (3-20-20)F~~
- ~~iii. The facility may be required to hire a consultant who submits periodic reports to the Licensing and Survey Agency. (3-20-20)F~~
- ~~e. A follow-up survey for Enforcement Action “B” will be conducted after forty-five (45) days from the date the facility was found out of compliance with core issue requirements. During this survey, if the deficiency still exists or a new core issue deficiency is issued, Enforcement Action “C” will be taken. (3-20-20)F~~

~~05. Enforcement Action “C.” (3-20-20)F~~

- ~~a. The facility has forty-five (45) days, from the date of the follow-up survey for Enforcement Action “B” in which the facility was found out of compliance with core issue requirements to comply; (3-20-20)F~~
- ~~b. An acceptable Plan of Correction for core issues is required as described in Section 130.08 of these rules; (3-20-20)F~~
- ~~e. When an acceptable Plan of Correction is not submitted within thirty (30) days from the date the facility was found out of compliance with core issue requirements, the Department may initiate the remedy of revocation of license as described in Section 940 of these rules; (3-20-20)F~~
- ~~d. In addition the Department may impose the following enforcement actions: (3-20-20)F~~
- ~~i. The provisional license will be continued; (3-20-20)F~~
- ~~ii. Limit on admissions; (3-20-20)F~~
- ~~iii. Temporary management; (3-20-20)F~~
- ~~iv. Civil monetary penalties as described in Section 925 of these rules; (3-20-20)F~~
- ~~e. A follow-up survey for Enforcement Action “C” will be conducted after forty-five (45) days from the date the facility was found out of compliance with core issue requirements; and (3-20-20)F~~
- ~~f. When the facility fails to comply with this enforcement action, the Department may initiate an enforcement remedy of revocation of license as described in Section 940 of these rules. (3-20-20)F~~

~~9042. -- 9049. (RESERVED)~~

~~905. CORE ISSUES DEFICIENCY.~~

~~The Licensing and Survey Agency will issue a deficiency and appropriate agencies will be notified when core issue deficiencies are found during a survey. When the Department finds that the facility's deficiency does not immediately place the residents' health or safety in danger, the Department will initiate one (1) of the Enforcement Actions “A” through “C” described in Subsections 900.03 through 900.05 of these rules, or “Enforcement Remedy of Revocation of License” described in Section 940 of these rules. (3-20-20)F~~

~~906. — 909. (RESERVED)~~

~~910. NON-CORE ISSUES DEFICIENCY ENFORCEMENT ACTION OF A CONSULTANT.~~

~~The Licensing and Survey Agency will issue a deficiency for non-core issues that are found during a survey. A~~

~~consultant may be required when an acceptable plan of correction has not been submitted, as described in Section 130 of these rules, or if the Department identifies repeat deficient practice(s) in the facility. The consultant is required to submit periodic reports to the Licensing Agency. (3-20-20)F(7-1-20)T~~

~~01. **Evidence of Resolution.** Acceptable evidence of resolution as described in Subsection 130.09 of these rules, must be submitted by the facility to the Licensing and Survey Agency. If acceptable evidence of resolution is not submitted within sixty (60) days from when the facility was found to be out of compliance, the Department may impose enforcement actions as described in Subsection 910.02.a. through 910.02.e. of these rules. (3-20-20)T~~

~~02. **First Follow-Up Survey.** When the Licensing and Survey Agency finds on the first follow-up survey that repeat non-core deficiencies exist, the Department may initiate any of the following enforcement actions: (3-20-20)T~~

~~a. A provisional license may be issued; (3-20-20)T~~

~~b. Admissions to the facility may be limited; or (3-20-20)T~~

~~c. The facility may be required to hire a consultant who submits periodic reports to the Licensing and Survey Agency. (3-20-20)T~~

~~03. **Second Follow-Up Survey.** When the Licensing and Survey Agency finds on the second follow-up survey that repeat non-core deficiencies still exist, the Department may initiate the “Enforcement Remedy of Civil Monetary Penalties,” as described in Section 925 of these rules. (3-20-20)T~~

(BREAK IN CONTINUITY OF SECTIONS)

920. ENFORCEMENT REMEDY ACTION OF LIMIT ON ADMISSIONS.

~~01. **Notification of Reasons for Limit on Admissions.** The Department will notify the facility limiting admissions or limiting admissions of residents with specific diagnosis to the facility pending correction of deficiencies. Limits of admissions to the facility remain in effect until the Department determines the facility has achieved full compliance with requirements or have received written evidence and statements from the outside consultant that the facility is in compliance. The Department may limit admissions for the following reasons: (3-20-20)F(7-1-20)T~~

~~a. The facility is inadequately staffed or the staff is inadequately trained to handle more residents; (7-1-20)T~~

~~b. The facility otherwise lacks the resources necessary to support the needs of more residents; (7-1-20)T~~

~~c. The Department identifies repeat core issues during any follow-up survey; and (7-1-20)T~~

~~d. An acceptable plan of correction is not submitted as described in Section 130 of these rules. (7-1-20)T~~

~~02. **Reasons for Notification of Limit on Admissions.** The Department ~~may limit admissions for the following reasons:~~ will notify the facility of the limit on admissions of residents (e.g., a full ban of admissions, a limit of admissions based on resident diagnosis, etc.) pending the correction of deficient practice(s). Limits on admissions to the facility remain in effect until the Department determines the facility has achieved full compliance with requirements or receives written evidence and statements from the outside consultant that the facility is in compliance. (3-20-20)F(7-1-20)T~~

~~a. The facility is inadequately staffed or the staff is inadequately trained to handle more residents. (3-20-20)T~~

- ~~b.~~ *The facility otherwise lacks the resources necessary to support the needs of more residents.* ~~(3-20-20)T~~
- ~~c.~~ *Enforcement Action “B” or “C” is taken as described in Sections 900.04 and 900.05, of these rules.* ~~(3-20-20)T~~
- ~~d.~~ *Enforcement Remedy for Revocation of License as described in Section 940 of these rules.* ~~(3-20-20)T~~

(BREAK IN CONTINUITY OF SECTIONS)

925. ENFORCEMENT ~~REMEDY~~ ACTION OF CIVIL MONETARY PENALTIES.

01. Civil Monetary Penalties. *Civil monetary penalties are based upon one (1) or more deficiencies of noncompliance. Nothing will prevent the Department from imposing this remedy for deficiencies which existed prior to the survey or complaint investigation through which they are identified. May be issued when a facility is operating without a license, repeat deficiencies are identified, or the facility fails to comply with conditions of the provisional license. Actual harm to a resident or residents does not need to be shown. A single act, omission, or incident will not give rise to imposition of multiple penalties, even though such act, omission, or incident may violate more than one (1) rule.* ~~(3-20-20)T~~(7-1-20)T

02. Assessment Amount for Civil Monetary Penalty. When civil monetary penalties are imposed, such penalties are assessed for each day the facility is or was out of compliance. The amounts below are multiplied by the total number of occupied licensed beds according to the records of the Department at the time non-compliance is established. (3-20-20)T

~~a.~~ *Initial deficiency is eight dollars (\$8). Example below:*

<i>Number of Occupied Beds in Facility</i>	<i>Initial Deficiency</i>	<i>Times Number of Days Out of Compliance</i>	<i>Amount of Penalty</i>
<i>11</i>	<i>\$8.00</i>	<i>45 days</i>	<i>\$3,960</i>

~~(3-20-20)T~~

~~b.a.~~ Repeat deficiency is ten dollars (\$10). Example below:

Number of Occupied Beds in Facility	Repeat Deficiency	Times Number of Days Out of Compliance	Amount of Penalty
11	\$10.00	30 days	\$3,300

~~(3-20-20)T~~(7-1-20)T

~~b.b.~~ In any ninety (90) day period, the penalty amounts may not exceed the limits shown in the following table:

Limits on Accruing Civil Monetary Amount		
Number of Occupied Beds in Facility	<i>Initial Deficiency</i>	Repeat Deficiency
3-4 Beds	<i>\$1,440</i>	\$2,880

Limits on Accruing Civil Monetary Amount		
Number of Occupied Beds in Facility	Initial Deficiency	Repeat Deficiency
5-50 Beds	\$3,200	\$6,400
51-100 Beds	\$5,400	\$10,800
101-150 Beds	\$8,800	\$17,600
151 or More Beds	\$14,600	\$29,200

~~(3-20-20)F~~(7-1-20)T

03. Notice of Civil Monetary Penalties and Appeal Rights. The Department will give written notice informing the facility of the amount of the penalty, the basis for its assessment and the facility's appeal rights.

(3-20-20)T

04. Payment of Penalties. The facility must pay the full amount of the penalty within thirty (30) calendar days from the date the notice is received, unless the facility requests an administrative review of the decision to assess the penalty. The amount of a civil monetary penalty determined through administrative review must be paid within thirty (30) calendar days of the facility's receipt of the administrative review decision unless the facility requests an administrative hearing. The amount of the civil monetary penalty determined through an administrative hearing must be paid within thirty (30) calendar days of the facility's receipt of the administrative hearing decision unless the facility files a petition for judicial review. Interest accrues on all unpaid penalties at the legal rate of interest for judgments. Such interest accrual will begin one (1) calendar day after the date of the initial assessment of the penalty.

(3-20-20)T

05. Failure to Pay. Failure of a facility to pay the entire penalty, together with any interest, is cause for revocation of the license or the amount will be withheld from Medicaid payments to the facility.

(3-20-20)T

(BREAK IN CONTINUITY OF SECTIONS)

930. ENFORCEMENT ~~REMEDY~~ACTION OF TEMPORARY MANAGEMENT.

01. Need for Temporary Management. The Department may impose the ~~remedy~~ action of temporary management in situations where there is a need to oversee operation of the facility and to ~~assure~~ ensure the health and safety of the facility's residents:

~~(3-20-20)F~~(7-1-20)T

a. During an orderly transfer of residents of the facility to other facilities; or (3-20-20)T

b. Pending improvements to bring the facility into compliance with program requirements. (3-20-20)T

02. Notice of Temporary Management. The Department will give written notice to the facility of the imposition of temporary management. (3-20-20)T

03. Who May Serve as a Temporary Manager. The Department may appoint any person or organization that meets the following qualifications: (3-20-20)T

a. The temporary manager must not have any ~~pecuniary interest in or preexisting fiduciary duty to~~ financial interest in the facility to be managed; (3-20-20)T(7-1-20)T

b. The temporary manager must not be related, within the first degree of kinship, to the facility's owner, manager, administrator, or other management principal; (3-20-20)T

c. The temporary manager must possess sufficient training, expertise, and experience in the operation of a facility as would be necessary to achieve the objectives of temporary management. If the temporary manager is to serve in a facility, the manager must possess an ~~Idaho~~ Residential ~~Care~~ Assisted Living Administrator's license; and ~~(3-20-20)T~~(7-1-20)T

d. The temporary manager must not be an existing competitor of the facility who would gain an unfair competitive advantage by being appointed as temporary manager of the facility. (3-20-20)T

04. Powers and Duties of the Temporary Manager. The temporary manager has the authority to direct and oversee the management, ~~hiring and to hire~~ and discharge ~~of~~ any consultant or personnel, including the administrator of the facility. The temporary manager has the authority to direct the expenditure of the revenues of the facility in a reasonable and prudent manner, to oversee the continuation of the business and the care of the residents, to oversee and direct those acts necessary to accomplish the goals of the program requirements, and to direct and oversee regular accounting. When the facility fails or refuses to carry out the directions of the temporary manager, the Department will revoke the facility's license. ~~(3-20-20)T~~(7-1-20)T

a. The temporary manager must observe the confidentiality of the operating policies, procedures, employment practices, financial information, and all similar business information of the facility, except that the temporary manager must make reports to the Department; (3-20-20)T

b. The temporary manager may be liable for gross, willful or wanton negligence, intentional acts of omissions, unexplained shortfalls in the facility's fund, and breaches of fiduciary duty; (3-20-20)T

c. The temporary manager does not have authority to cause or direct the facility, its owner, or administrator to incur debt, unless to bring the facility into compliance with these rules, or to enter into any contract with a duration beyond the term of the temporary management of the facility; (3-20-20)T

d. The temporary manager does not have authority to incur, without the permission of the owner, administrator, or the Department, capital expenditures in excess of two thousand dollars (\$2,000), unless the capital expenditures are directly related to correcting the identified deficiencies; ~~(3-20-20)T~~(7-1-20)T

e. The temporary manager does not have authority to cause or direct the facility to encumber its assets or receivables; (3-20-20)T

f. The temporary manager does not have authority to cause or direct a facility, which holds liability or casualty insurance coverage, to cancel or reduce its liability or casualty insurance coverage; and (3-20-20)T

g. The temporary manager does not have authority to cause or direct the sale of the facility, its assets or the premises on which it is located. (3-20-20)T

05. Responsibility for Payment of the Temporary Manager. All compensation and per diem costs of the temporary manager must be paid by the licensee. (3-20-20)T

06. Termination of Temporary Management. A temporary manager may be replaced under the following conditions: (3-20-20)T

a. The Department may require replacement of any temporary manager whose performance is deemed unsatisfactory by the Department. No formal procedure is required for such removal or replacement, but written notice of any action will be given to the facility. (3-20-20)T

b. A facility subject to temporary management may petition the Department for replacement of a temporary manager whose performance it considers unsatisfactory. The petition must include why the replacement of a temporary manager is necessary or appropriate. (3-20-20)T

(BREAK IN CONTINUITY OF SECTIONS)

935. ENFORCEMENT ~~REMEDY~~ ACTION OF A PROVISIONAL LICENSE.

A provisional license may be issued when a facility ~~is cited with~~ has one (1) or more core issues, ~~deficiencies, or~~ when non-core issues have not been corrected, ~~or~~ have become repeat deficiencies, ~~or an acceptable plan of correction is not submitted as described in these rules.~~ The provisional license will state the conditions the facility must follow to continue to operate. ~~See Subsections 900.04, 900.05 and 910.02 of these rules.~~ (3-20-20)T(7-1-20)T

(BREAK IN CONTINUITY OF SECTIONS)

940. ENFORCEMENT ~~REMEDY~~ ACTION OF REVOCATION OF FACILITY LICENSE.

01. **Revocation of Facility's License.** The Department may revoke a license when the facility endangers the health or safety of residents, or when the facility is not in substantial compliance with the provisions of Title 39, Chapter 33, Idaho Code, or this chapter of rules. (3-20-20)T

02. **Reasons for Revocation or Denial of a Facility License.** The Department may revoke or deny any facility license for any of the following reasons: (3-20-20)T

a. The licensee has willfully misrepresented or omitted information on the application or other documents pertinent to obtaining a license; (3-20-20)T

b. When persuaded by a preponderance of the evidence that such conditions exist which endanger the health or safety of any resident; (3-20-20)T

c. Any act adversely affecting the welfare of residents is being permitted, aided, performed, or abetted by the person or persons in charge of the facility. Such acts may include, ~~but are not limited to,~~ neglect, physical abuse, mental abuse, emotional abuse, violation of civil rights, criminal activity, or exploitation; (3-20-20)T(7-1-20)T

d. The licensee has demonstrated or exhibited a lack of sound judgment essential to the operation and management of a facility; (3-20-20)T

e. The licensee has violated any of the conditions of a provisional license; (3-20-20)T

f. The facility lacks adequate personnel, as required by these rules or as directed by the Department, to properly care for the number and type of residents residing at the facility; (3-20-20)T

g. Licensee refuses to allow the Department or the protection and advocacy agencies full access to the facility environment, facility records, and the residents as described in ~~Subsections 130.04 through 130.06, and 550.18 through 550.19~~ of these rules; (3-20-20)T(7-1-20)T

h. The licensee has been guilty of fraud, gross negligence, abuse, assault, battery, or exploitation with respect to the operation of a health facility, ~~or~~ residential ~~care or~~ assisted living facility, or certified family home; (3-20-20)T(7-1-20)T

i. The licensee is actively affected in ~~his~~ their performance by alcohol or the use of drugs classified as controlled substances; (3-20-20)T(7-1-20)T

j. The licensee has been convicted of a criminal offense other than a minor traffic violation within the past five (5) years; (3-20-20)T

k. The licensee is of poor moral and responsible character or has been convicted of a felony or defrauding the government; (3-20-20)T

l. The licensee has been denied, or the licensee's wrong-doing, has caused the revocation of any license or certificate of any health facility, residential ~~care or~~ assisted living facility, or certified family home; (3-20-20)T(7-1-20)T

- m.** The licensee has previously operated any health facility or residential ~~care or~~ assisted living facility without a license or certified family home without a certificate; (3-20-20)F(7-1-20)T
- n.** The licensee is directly under the control or influence of any person who has been the subject of proceedings as described in ~~Subsection 940.02.m. of these~~ **this** rules; (3-20-20)F(7-1-20)T
- o.** The licensee is directly under the control or influence of any person who is of poor moral and responsible character or has been convicted of a felony or defrauding the government; (3-20-20)T
- p.** The licensee is directly under the control or influence of any person who has been convicted of a criminal offense other than a minor traffic violation in the past five (5) years; (3-20-20)T
- q.** The licensee fails to pay civil monetary penalties imposed by the Department as described in Section 925 of these rules; (3-20-20)T
- r.** The licensee fails to take sufficient corrective action as described in Sections ~~900, 905 and 910~~ **130** of these rules; or (3-20-20)F(7-1-20)T
- s.** The number of residents currently in the facility exceeds the number of residents the facility is licensed to serve. (3-20-20)T

[BREAK IN CONTINUITY OF CHAPTERS]

16.05.06 – CRIMINAL HISTORY AND BACKGROUND CHECKS

(BREAK IN CONTINUITY OF SECTIONS)

001. TITLE, SCOPE AND POLICY.

- 01. Title.** These rules are titled IDAPA 16.05.06, “Criminal History and Background Checks.” (3-20-20)T
- 02. Scope.** These rules assist the Department in the protection of children and vulnerable adults by providing requirements to conduct criminal history and background checks of individuals licensed or certified by the Department, or who provide care or services to children or vulnerable adults. Individuals requiring a criminal history check are identified in Department rules. (3-20-20)T
- 03. Policy.** It is the Department’s policy to conduct fingerprint-based criminal history and background checks on individuals who have completed a criminal history application. The criminal history applicant is required to disclose any pertinent information regarding crimes or findings that would disqualify the individual from providing care or services to children or vulnerable adults. The Department may obtain information for these criminal history and background checks from the following sources: (3-20-20)T
- a.** Federal Bureau of Investigation; (3-20-20)T
 - ~~**b.** National Crime Information Center;~~ (3-20-20)F
 - ~~**b.**~~ Idaho State Police Bureau of Criminal Identification; (3-20-20)T
 - ~~**c.**~~ Any state or federal Child Protection Registry; (3-20-20)T

- ed.** Any state or federal Adult Protection Registry; (3-20-20)T
- fe.** Any state ~~or federal~~ Sexual Offender Registry; ~~(3-20-20)T~~(7-1-20)T
- gf.** Office of Inspector General List of Excluded Individuals and Entities; (3-20-20)T
- hg.** Idaho Department of Transportation Driving Records; (3-20-20)T
- ih.** Nurse Aide Registry; and ~~(3-20-20)T~~(7-1-20)T
- ji.** Other states and jurisdictions records and findings. (3-20-20)T

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS AND ABBREVIATIONS.

For the purposes of this chapter of rules, the following terms apply: (3-20-20)T

01. Agency. An administrative subdivision of government or an establishment engaged in doing business for another entity. This term is synonymous with the term employer. (3-20-20)T

02. Application. An individual's request for a criminal history and background check in which the individual discloses any convictions, pending charges, or child or adult protection findings, and authorizes the Department to obtain information from available databases and sources relating to the individual. (3-20-20)T

03. Clearance. A clearance is a document designated by the Department as the official result of a completed criminal history and background check with no disqualifying crimes or relevant records found. (3-20-20)T

04. Conviction. An individual is considered to have been convicted of a criminal offense as defined in Subsections 010.034.a. through 010.034.d. of this rule: ~~(3-20-20)T~~(7-1-20)T

a. When a judgment of conviction, or an adjudication, has been entered against the individual by any federal, state, military, or local court; (3-20-20)T

b. When there has been a finding of guilt against the individual by any federal, state, military, or local court; (3-20-20)T

c. When a plea of guilty or nolo contendere by the individual has been accepted by any federal, state, military, or local court; (3-20-20)T

d. When the individual has entered into or participated in first offender, deferred adjudication, or other arrangement or program where judgment of conviction has been withheld. This includes: (3-20-20)T

i. When the individual has entered into participation in a drug court; or (3-20-20)T

ii. When the individual has entered into participation in a mental health court. (3-20-20)T

05. Criminal History and Background Check. A criminal history and background check is a fingerprint-based check of an individual's criminal record and other relevant records. (3-20-20)T

06. Criminal History Unit. The Department's Unit responsible for processing fingerprint-based criminal history and background checks, conducting exemption reviews, and issuing clearances or denials according to these rules. (3-20-20)T

07. Denial. A denial is issued by the Department when an individual has a relevant record or

- disqualifying crime. There are two (2) types of denials: (3-20-20)T
- a. Conditional Denial. A denial of an applicant because of a relevant record found in Section 230 of these rules. (3-20-20)T
 - b. Unconditional Denial. A denial of an applicant because of a conviction for a disqualifying crime or a relevant record found in Sections 200 and 210 of these rules. (3-20-20)T
08. **Department.** The Idaho Department of Health and Welfare or its designee. (3-20-20)T
09. **Direct Patient Access Employee.** Any individual who has access to a patient or resident of a long-term care provider or facility whether through employment or contract, and who has duties or performs tasks that involve (or may involve) one-on-one (1:1) contact with a patient or resident or has access to his personal belongings. Volunteers are not considered a Direct Patient Access employee of a long-term care provider or facility unless volunteers are required to undergo a criminal history background check per the rules applicable to that specific type of facility or provider. (7-1-20)T
109. **Disqualifying Crime.** A disqualifying crime is a designated crime listed in Section 210 of these rules that results in the unconditional denial of an applicant. (3-20-20)T
101. **Employer.** An entity that hires people to work in exchange for compensation. This term is synonymous with the term agency. (3-20-20)T
142. **Enhanced Clearance.** An enhanced clearance is a clearance issued by the Department that includes a search of child protection registries in states or jurisdictions in which an applicant has resided during the preceding five (5) years. See Section 126 of these rules. (3-20-20)T
123. **Exemption Review.** A review by the Department at the request of the applicant when a conditional denial has been issued. (3-20-20)T
134. **Federal Bureau of Investigation (FBI).** The federal agency where fingerprint-based criminal history and background checks are processed. (3-20-20)T
145. **Good Cause.** Substantial reason, one that affords a legal excuse. (3-20-20)T
156. **Idaho State Police Bureau of Criminal Identification.** The state agency where fingerprint-based criminal history and background checks are processed. (3-20-20)T
167. **Relevant Record.** A relevant record is a record that is found in a search of criminal records or registries checked by the Department as provided in Section 56-1004A, Idaho Code. (3-20-20)T

(BREAK IN CONTINUITY OF SECTIONS)

060. EMPLOYER REGISTRATION.

01. **Initial Registration.** Employers required to have Department criminal history and background checks on their employees, contractors, or staff must register with the Department and receive an employer identification number before criminal history and background check applications can be processed or accessed. (3-20-20)T
02. **Change in Name or Ownership.** ~~When a~~An agency or facility ~~must:~~ ~~(3-20-20)T~~(7-1-20)T
- a. ~~If~~acquired by another entity, the new ownership ~~must will~~ register as a new employer and provide contact information to obtain a new employer identification number and website access within thirty (30) calendar days of acquisition. New ownership occurs when the agency obtains a new federal Employer Identification Number

with the Internal Revenue Service.

~~(3-20-20)T~~(7-1-20)T

b. If there is a ~~C~~changes to its name or location, the employer ~~must~~ will provide the new name, location, and contact information to the Department within thirty (30) calendar days of the change.

~~(3-20-20)T~~(7-1-20)T

061. EMPLOYER RESPONSIBILITIES.

The criminal history and background check clearance is not a determination of suitability for employment. The Department's criminal history and background check clearance means that an individual was found to have no disqualifying crime or relevant record. Employers are responsible for determining the individual's suitability for employment as described in Subsections 061.01 through 061.03 of these rules in this rule.

~~(3-20-20)T~~(7-1-20)T

01. Screen Applicants. The employer should screen applicants prior to initiating a criminal history and background check in determining the suitability of the applicant for employment. If an applicant discloses a disqualifying crime or offense, or discloses other information that would indicate a risk to the health and safety of children and vulnerable adults, a determination of suitability for employment should be made during the initial application screening.

(3-20-20)T

02. Maintain Printed Copy of Application. The employer must maintain a copy of the printed, signed, and notarized criminal history and background check application for all individuals required to obtain a criminal history and background check. ~~This copy must be readily available for inspection to verify compliance with this requirement. An employer who chooses to use a criminal history and background check obtained for a previous employer must comply with Section 300 of these rules and maintain copies of the records.~~

~~(3-20-20)T~~(7-1-20)T

a. The copy of the application must be readily available for inspection to verify compliance with this requirement. The document must be retained for a period consistent with the employer's own personnel documentation retention schedule.

(7-1-20)T

b. An employer who chooses to use a criminal history and background check obtained for a previous employer must comply with Section 300 of these rules and maintain copies of the records identified in Subsections 190.01 and 300.02.c. of these rules.

(7-1-20)T

03. Ensure Time Frames Are Met. The employer is responsible to ensure that the required time frames are met for completion and submission of the application and fingerprints to the Department as required in Section 150 of these rules.

(3-20-20)T

04. Employment Determination. The employer is responsible for reviewing the results of the criminal history and background check even if a clearance that resulted in no disqualifying crimes or offenses found is issued by the Department. The employer ~~must then~~ will make a determination as to the ability or risk of the individual to provide care or services to children or vulnerable adults.

~~(3-20-20)T~~(7-1-20)T

(BREAK IN CONTINUITY OF SECTIONS)

150. TIME FRAME FOR SUBMITTING APPLICATION AND FINGERPRINTS.

The completed notarized application and fingerprints must be received by the Department within twenty-one (21) days from the date of ~~notarization~~ submission in the Department background check system whether ~~submitted~~ it is sent by mail or accepted at a Department fingerprinting location. If the Department does not receive the criminal history and background check application and applicant fingerprints within sixty (60) calendar days from its submission in the department website, the applicant must complete a new application.

~~(3-20-20)T~~(7-1-20)T

01. Availability to Provide Services. The applicant: may provide services on the day the application is signed and notarized, as long as the applicant has not disclosed any disqualifying crimes or relevant records. The applicant must provide the Department a copy of the signed and notarized application to validate the date of applicant's availability to provide services.

~~(3-20-20)T~~(7-1-20)T

~~a. Is available to provide services on the day the application is signed and notarized, as long as the applicant has not disclosed any disqualifying crimes or relevant records. The applicant must provide the Department a copy of the signed and notarized application to validate the date of applicant's availability to provide services.~~ (3-20-20)T

~~b. Becomes unavailable to provide services or be licensed or certified when the notarized application is not received or the fingerprints have not been collected within this time frame.~~ (3-20-20)T

~~c. Who submits a complete application and fingerprints by mail, and the application is deemed inadequate or incomplete for processing by the Department, is unavailable to provide services until the application is received by the Department completed and corrected.~~ (3-20-20)T

02. Unavailability to Provide Services. The applicant becomes unavailable to provide services or be licensed or certified when the notarized application is not received or fingerprints have not been collected within this timeframe, or the application is deemed inadequate or incomplete for processing by the Department. (7-1-20)T

023. Incomplete Application. The criminal history and background check is incomplete and will not be processed by the Department if this time frame is not met. (3-20-20)T

034. No Extension of Time Frame. The Department will not extend the twenty-one (21) day time frame, unless the applicant or employer provides just cause. An applicant for employment or employer can not submit a new application for the same purpose, or repeatedly re-sign and re-notarize the original application. (3-20-20)T

(BREAK IN CONTINUITY OF SECTIONS)

210. DISQUALIFYING CRIMES RESULTING IN AN UNCONDITIONAL DENIAL.

An individual is not available to provide direct care or services when the individual discloses or the criminal history and background check reveals a conviction for a disqualifying crime on ~~his~~ their record as described in Subsections 210.01 and 210.02 of this rule. (3-20-20)T(7-1-20)T

01. Disqualifying Crimes. The disqualifying crimes, described in Subsections ~~210.01.a. through 210.01.cc.~~ of this rule, or any substantially conforming foreign criminal violation, will result in an unconditional denial being issued. (3-20-20)T(7-1-20)T

- a. Crimes against vulnerable adults: (3-20-20)T
 - i. Abuse, neglect, or exploitation of a vulnerable adult, as defined in Section 18-1505, Idaho Code; (3-20-20)T
 - ii. Abandoning a vulnerable adult, as defined in Section 18-1505A, Idaho Code; (3-20-20)T
 - iii. Sexual abuse and exploitation of a vulnerable adult, as defined in Section 18-1505B, Idaho Code. (3-20-20)T
- b. Aggravated, first-degree and second-degree arson, as defined in Sections 18-801 through 18-803, and 18-805, Idaho Code; (3-20-20)T
- c. Crimes against nature, as defined in Section 18-6605, Idaho Code; (3-20-20)T
- d. Forcible sexual penetration by use of a foreign object, as defined in Section 18-6608, Idaho Code; (3-20-20)T
- e. Hiring, employing, or using a minor to engage in certain acts, as defined in Section 18-1517A, Idaho Code; (3-20-20)T

- f.** Human trafficking, as defined in Sections 18-8602 and 18-8603, Idaho Code; (3-20-20)T
- g.** Incest, as defined in Section 18-6602, Idaho Code; (3-20-20)T
- h.** Injury to a child, felony or misdemeanor, as defined in Section 18-1501, Idaho Code; (3-20-20)T
- i.** Kidnapping, as defined in Sections 18-4501 through 18-4503, Idaho Code; (3-20-20)T
- j.** Lewd conduct with a minor, as defined in Section 18-1508, Idaho Code; (3-20-20)T
- k.** Mayhem, as defined in Section 18-5001, Idaho Code; (3-20-20)T
- l.** Manslaughter: (3-20-20)T
- i.** Voluntary manslaughter, as defined in Section 18-4006(1) Idaho Code; (3-20-20)T
- ii.** Involuntary manslaughter, as defined in Section 18-4006(2), Idaho Code; (3-20-20)T
- iii.** Felony vehicular manslaughter, as defined in Section 18-4006(3)(a) and (b), Idaho Code; (3-20-20)T
- m.** Murder in any degree or assault with intent to commit murder, as defined in Sections 18-4001, 18-4003, and 18-4015, Idaho Code; (3-20-20)T
- n.** Poisoning, as defined in Sections 18-4014 and 18-5501, Idaho Code; (3-20-20)T
- o.** Rape, as defined in Section 18-6101, Idaho Code; (3-20-20)T
- p.** Robbery, as defined in Section 18-6501, Idaho Code; (3-20-20)T
- q.** Felony stalking, as defined in Section 18-7905, Idaho Code; (3-20-20)T
- r.** Sale or barter of a child, as defined in Section 18-1511, Idaho Code; (3-20-20)T
- s.** Ritualized abuse of a child, as defined in Section 18-1506A, Idaho Code; (3-20-20)T
- t.** Female Genital Mutilation, as defined in Section 18-1506B, Idaho Code; (7-1-20)T
- ~~**u.**~~ Sexual abuse or exploitation of a child, as defined in Sections 18-1506, Idaho Code; (3-20-20)T
- ~~**v.**~~ Felony sexual exploitation of a child, as defined in Section 18-1507, Idaho Code; (3-20-20)T
- ~~**w.**~~ Sexual battery of a minor child under sixteen (16) or seventeen (17) years of age, as defined in Section 18-1508A, Idaho Code; (3-20-20)T
- ~~**x.**~~ Video voyeurism, as defined in Section 18-6609, Idaho Code; (3-20-20)T
- ~~**y.**~~ Enticing of children, as defined in Sections 18-1509 and 18-1509A, Idaho Code; (3-20-20)T
- ~~**z.**~~ Inducing individuals under eighteen (18) years of age into prostitution or patronizing a prostitute, as defined in Sections 18-5609 and 18-5611, Idaho Code; (3-20-20)T
- ~~**aa.**~~ Any felony punishable by death or life imprisonment; (3-20-20)T
- ~~**bb.**~~ Attempted strangulation, as defined in Section 18-923, Idaho Code; (3-20-20)T
- ~~**cc.**~~ Felony domestic violence, as defined in Section 18-918, Idaho Code; (3-20-20)T

dd. Battery with intent to commit a serious felony, as defined in Section 18-911, Idaho Code; (7-1-20)T

ee. Assault with intent to commit a serious felony, as defined in Section 18-909, Idaho Code; or (7-1-20)T

eff. Attempt, conspiracy, accessory after the fact, or aiding and abetting, as defined in Sections 18-205, 18-306, 18-1701, and 19-1430, Idaho Code, to commit any of the disqualifying designated crimes. (3-20-20)T

02. Disqualifying Five-Year Crimes. The Department will issue an unconditional denial for an individual who has been convicted of the following described crimes for five (5) years from the date of the conviction for the crimes listed in ~~Subsections 210.02.a. through 210.02.n. of~~ this rule, or any substantially conforming foreign criminal violation: (3-20-20)T(7-1-20)T

a. Any felony not described in Subsection 210.01, of this rule; (3-20-20)T

b. Misdemeanor domestic violence, as defined in Section 18-918, Idaho Code; (3-20-20)T

c. Failure to report abuse, abandonment or neglect of a child, as defined in Section 16-1605, Idaho Code; (3-20-20)T

d. Misdemeanor forgery of and fraudulent use of a financial transaction card, as defined in Sections 18-3123 through 18-3128, Idaho Code; (3-20-20)T

e. Misdemeanor forgery and counterfeiting, as defined in Sections 18-3601 through 18-3620, Idaho Code; (3-20-20)T

f. Misdemeanor identity theft, as defined in Section 18-3126, Idaho Code; (3-20-20)T

g. Misdemeanor insurance fraud, as defined in Sections 41-293 and 41-294, Idaho Code; (3-20-20)T

h. Public assistance fraud, as defined in Sections 56-227, 56-227A, 56-227D, 56-227E and 56-227F, Idaho Code; (3-20-20)T

i. Sexual exploitation of a child by electronic means, felony or misdemeanor, as defined in Section 18-1507A, Idaho Code; (3-20-20)T

j. Stalking in the second degree, as defined in Section 18-7906, Idaho Code; (3-20-20)T

k. Misdemeanor vehicular manslaughter, as defined in Section 18-4006(3)(c), Idaho Code; (3-20-20)T

l. Sexual exploitation by a medical care provider, as defined in Section 18-919, Idaho Code; (3-20-20)T

m. Operating a certified family home without certification, as defined in Section 39-3528, Idaho Code; (3-20-20)T

n. Attempt, conspiracy, accessory after the fact, or aiding and abetting, as defined in Sections 18-205, 18-306, 18-1701, and 19-1430, Idaho Code, to commit any of the disqualifying five (5) year crimes. (3-20-20)T

03. Underlying Facts and Circumstances. The Department may consider the underlying facts and circumstances of felony or misdemeanor conduct including a guilty plea or admission in determining whether or not to issue a clearance, regardless of whether or not the individual received one (1) of the following: (3-20-20)T

a. A withheld judgment; (3-20-20)T

- b. A dismissal, suspension, deferral, commutation, or a plea agreement where probation or restitution was or was not required; (3-20-20)T
- c. An order according to Section 19-2604, Idaho Code, or other equivalent state law; or (3-20-20)T
- d. A sealed record. (3-20-20)T

(BREAK IN CONTINUITY OF SECTIONS)

300. UPDATING CRIMINAL HISTORY AND BACKGROUND CHECKS.

The employer is responsible for confirming that the applicant has completed a criminal history and background check as provided in Section 190 of these rules. Once a clearance is issued by the Department, verifiable continuous employment of the applicant with the same employer eliminates the requirement for a new background check. ~~The provisions stipulated on Subsections 300.03 and 300.04 of this rule still apply.~~ (3-20-20)T(7-1-20)T

01. New Criminal History and Background Check. Any individual required to have a criminal history and background check under these rules must complete a new application, including fingerprints when: (3-20-20)T

a. Accepting employment with a new employer, and their last Department criminal history and background check was completed more than three (3) years prior to their employment date; or ~~(3-20-20)T(7-1-20)T~~

b. Applying for licensure or certification with the Department, and their last Department criminal history and background check was completed more than three (3) years prior to their employment date or licensure application date; ~~(3-20-20)T(7-1-20)T~~

~~c. His last Department criminal history and background check was completed more than three (3) years prior to his employment date or licensure application date.~~ (3-20-20)T

c. If an applicant is terminated by the employer, is rehired by the same employer, and the applicant background check is older than three (3) years at the time of the rehire, the provisions of Subsections 300.01.a. through 300.01.b. of this rule apply. (7-1-20)T

02. Use of Criminal History Check Within Three Years of Completion. Any employer may use a Department criminal history and background check clearance obtained under these rules if: (3-20-20)T

a. The individual has received a Department's criminal history and background check clearance within three (3) years from the date of employment; (3-20-20)T

b. Prior to allowing the individual to provide services, the employer must obtain access to the individual's background check results and clearance through the Department's website by having the employer's identification number added to the individual's background check results, and (3-20-20)T

c. The employer completes a state-only background check of the individual through the Idaho State Police Bureau of Criminal Identification, and no disqualifying crimes are found. (3-20-20)T

i. The action must be initiated by the employer within thirty (30) calendar days of obtaining access to the individual's criminal history and background check clearance issued by the Department; and (3-20-20)T

ii. The employer must be able to provide proof of this action by maintaining a copy of the records required in Subsections 300.02.a. and 300.02.c. of this rule for a period consistent with the employer's own personnel documentation retention schedule. (3-20-20)T

d. If an applicant is terminated by the employer, is rehired by the same employer, and the applicant

background check was completed less than three (3) years from the time of the rehire, the provisions of Subsections 300.02.b. and 300.02.c. of this rule apply. (7-1-20)T

~~d.e.~~ An employer not listed in Section 126 of these rules, may use an individual's Department clearance or enhanced clearance that was obtained within three (3) years from date of employment. (3-20-20)T

~~e.f.~~ An individual with a current clearance that is not Enhanced but is completed within three (3) years from date of employment, who applies to a new agency or employer identified in Section 126 of these rules, must submit an application for a new criminal history and background check to obtain an enhanced clearance. An agency or employer identified in Subsections 126.07 and 126.09 of these rules may not hire an employee with a clearance obtained prior to January 1, 2020, unless the Enhanced clearance complies with the requirements found in 42 USC Section 9858. ~~(3-20-20)T~~(7-1-20)T

03. Employer Discretion. Any agency or employer, at its discretion, may require an individual to complete a Department criminal history and background check at any time, even if the individual has received a criminal history and background check clearance within three (3) years. (3-20-20)T

04. Department Discretion. The Department may, at its discretion or as provided in program rules, require a criminal history and background check of any individual covered under these rules at any time during the individual's employment, internship, or while volunteering. Any individual required to complete a criminal history and background check under Sections 100 and 101 of these rules, must be fingerprinted within fourteen (14) days from the date of notification by the Department that a new criminal history and background check is required. (3-20-20)T

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR,
DIVISION OF FINANCIAL MANAGEMENT**

IDAPA 19 – IDAHO STATE BOARD OF DENTISTRY

DOCKET NO. 19-0000-2000

**NOTICE OF LEGISLATIVE AND EXECUTIVE ACTION AFFECTING THE IDAHO STATE
BOARD OF DENTISTRY UNDER THE DEPARTMENT OF SELF-GOVERNING AGENCIES –
HOUSE BILL 318, SESSION LAW 96, AND EXECUTIVE ORDER 2020-10
AND ASSIGNMENT OF NEW IDAPA DESIGNATION NUMBER
UNDER THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES**

EFFECTIVE DATE: The effective date of this action is July 1, 2020.

AUTHORITY: In compliance with Sections 67-5202(2), 67-5202(3), and 67-5203, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Sixty-fifth Legislature in the Second Regular Session – 2020, passed [House Bill 318](#) and that said bill was signed into law by Governor Brad Little, Session Law Chapter 96, and that [Executive Order 2020-10](#) was signed on June, 3, 2020, and hereby ordered by Governor Brad Little thereby assigning a new IDAPA designation number for the Idaho State Board of Dentistry, under the Division of Occupational and Professional Licenses existing within the Department of Self Governing Agencies.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the notice and the legislative and executive action:

House Bill 318 established the Division of Occupational and Professional Licenses (DOPL) created in the Department of Self-Governing Agencies. Through written agreement with each specific agency, DOPL is tasked with providing administrative or other services as provided by law relative to the licensing of trades, businesses, occupations, and professions. House Bill 318 also provides the Governor the authority to orderly arrange these entities into divisions, sections, or units to help achieve the administrative organization of state government.

The Governor signed Executive Order 2020-10 on June 3, 2020, that assigned to DOPL the Idaho State Board of Dentistry (Board) to help centralize, organize, and maximize efficiencies and streamline processes associated with the licensure and regulation of dentists, dental hygienists, and dental therapists. The Board will be organized under the Health Professions section within DOPL to assist in carrying out these functions.

This notice, in accordance with Section 67-5203, Idaho Code, complies with the legislative intent of House Bill 318, and the Governor's action in Executive Order 2020-10, by redesignating the affected chapter of rules of the Idaho State Board of Dentistry, to the Division of Occupational and Professional Licenses. The rules are now indexed as **IDAPA 24, Title 31, Chapter 1**.

Notwithstanding the provisions of Title 67, Chapter 52, Idaho Code, and further complying with the legislative intent of House Bill No. 318 and the Governor's executive action in Executive Order 2020-10, non-substantive changes will be made to update all references and citations within the rules currently under the authority of the Board and include, but are not limited to, the following:

All citations and references to **IDAPA 19, Title 01, Chapter 01**, Idaho State Board of Dentistry, are hereby redesignated as:

- **24.31.01** – Rules of the Idaho State Board of Dentistry.

Pursuant to Sections 67-5202, 67-5203, and 67-5204, Idaho Code, the text of the above listed chapter is being published under companion docket number 24-0000-2000 in this Bulletin and will be incorporated into the current Idaho Administrative Code. All rule citations and references have been updated to reflect the transfer to the rules of the Division of Professional and Occupational Licenses.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this notice contact Nicki Chopski, Health Professions Section Chief at (208) 334-2356.

Dated this 1st Day of July, 2020.

Bradley A. Hunt
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Division of Financial Management
P. O. Box 83720
Boise, ID 83720-0032
Phone: (208) 854-3096

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR,
DIVISION OF FINANCIAL MANAGEMENT**

IDAPA 22 – BOARD OF MEDICINE

DOCKET NO. 22-0000-2000

**NOTICE OF LEGISLATIVE AND EXECUTIVE ACTION AFFECTING THE IDAHO BOARD OF
MEDICINE UNDER THE DEPARTMENT OF SELF-GOVERNING AGENCIES –
HOUSE BILL 318, SESSION LAW 96, AND EXECUTIVE ORDER 2020-10
AND ASSIGNMENT OF NEW IDAPA DESIGNATION NUMBER
UNDER THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES**

EFFECTIVE DATE: The effective date of this action is July 1, 2020.

AUTHORITY: In compliance with Sections 67-5202(2), 67-5202(3), and 67-5203, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Sixty-fifth Legislature in the Second Regular Session – 2020, passed [House Bill 318](#) and that said bill was signed into law by Governor Brad Little, Session Law Chapter 96, and that [Executive Order 2020-10](#) was signed on June, 3, 2020, and hereby ordered by Governor Brad Little thereby assigning a new IDAPA designation number for the Idaho Board of Medicine, under the Division of Occupational and Professional Licenses existing within the Department of Self Governing Agencies.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the notice and the legislative and executive action:

House Bill 318 established the Division of Occupational and Professional Licenses (DOPL) created in the Department of Self-Governing Agencies. Through written agreement with each specific agency, DOPL is tasked with providing administrative or other services as provided by law relative to the licensing of trades, businesses, occupations, and professions. House Bill 318 also provides the Governor the authority to orderly arrange these entities into divisions, sections, or units to help achieve the administrative organization of state government.

The Governor signed Executive Order 2020-10 on June 3, 2020, that assigned to DOPL the Idaho Board of Medicine (Board) to help centralize, organize, and maximize efficiencies and streamline processes associated with the licensure to practice medicine and osteopathic medicine, and the licensure of physician assistants, naturopathic medical doctors, athletic trainers, respiratory therapists, and dietitians. Furthermore, the Board governs complaint investigation, disciplinary action, and telehealth services to patients located in Idaho. The Board will be organized under the Health Professions section within DOPL to assist in carrying out these functions.

This notice, in accordance with Section 67-5203, Idaho Code, complies with the legislative intent of House Bill 318, and the Governor's action in Executive Order 2020-10, by redesignating the affected chapters of rules of the Idaho Board of Medicine, to the Division of Occupational and Professional Licenses. The rules are now indexed as **IDAPA 24, Title 33, Chapters 1 through 7.**

Notwithstanding the provisions of Title 67, Chapter 52, Idaho Code, and further complying with the legislative intent of House Bill No. 318 and the Governor's executive action in Executive Order 2020-10, non-substantive changes will be made to update all references and citations within the rules currently under the authority of the Board and include, but are not limited to, the following:

- All citations and references to **IDAPA 22, Title 01, Chapters 01, 03, 05, 07, 10, 11, and 13,** Board of Medicine, are hereby redesignated as:
- **24.33.01** – Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine in Idaho;
 - **24.33.02** – Rules for the Licensure of Physician Assistants;
 - **24.33.03** – General Provisions of the Board of Medicine;
 - **24.33.04** – Rules for the Licensure of Naturopathic Medical Doctors;
 - **24.33.05** – Rules for the Licensure of Athletic Trainers to Practice in Idaho;
 - **24.33.06** – Rules for Licensure of Respiratory Therapists and Permitting of Polysomnographers in Idaho; and
 - **24.33.07** – Rules for the Licensure of Dietitians.

Pursuant to Sections 67-5202, 67-5203, and 67-5204, Idaho Code, the text of the above listed chapters is being published under companion docket number 24-0000-2000 in this Bulletin and will be incorporated into the current Idaho Administrative Code. All rule citations and references have been updated to reflect the transfer to the rules of the Division of Professional and Occupational Licenses.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this notice contact Nicki Chopski, Health Professions Section Chief at (208) 334-2356.

Dated this 1st Day of July, 2020.

Bradley A. Hunt
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Division of Financial Management
P. O. Box 83720
Boise, ID 83720-0032
Phone: (208) 854-3096

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR,
DIVISION OF FINANCIAL MANAGEMENT**

IDAPA 23 – BOARD OF NURSING

DOCKET NO. 23-0000-2000

**NOTICE OF LEGISLATIVE AND EXECUTIVE ACTION AFFECTING THE IDAHO BOARD OF
NURSING UNDER THE DEPARTMENT OF SELF-GOVERNING AGENCIES –
HOUSE BILL 318, SESSION LAW 96, AND EXECUTIVE ORDER 2020-10
AND ASSIGNMENT OF NEW IDAPA DESIGNATION NUMBER
UNDER THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES**

EFFECTIVE DATE: The effective date of this action is July 1, 2020.

AUTHORITY: In compliance with Sections 67-5202(2), 67-5202(3), and 67-5203, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Sixty-fifth Legislature in the Second Regular Session – 2020, passed [House Bill 318](#) and that said bill was signed into law by Governor Brad Little, Session Law Chapter 96, and that [Executive Order 2020-10](#) was signed on June, 3, 2020, and hereby ordered by Governor Brad Little thereby assigning a new IDAPA designation number for the Idaho Board of Nursing, under the Division of Occupational and Professional Licenses existing within the Department of Self Governing Agencies.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the notice and the legislative and executive action:

House Bill 318 established the Division of Occupational and Professional Licenses (DOPL) created in the Department of Self-Governing Agencies. Through written agreement with each specific agency, DOPL is tasked with providing administrative or other services as provided by law relative to the licensing of trades, businesses, occupations, and professions. House Bill 318 also provides the Governor the authority to orderly arrange these entities into divisions, sections, or units to help achieve the administrative organization of state government.

The Governor signed Executive Order 2020-10 on June 3, 2020, that assigned to DOPL the Idaho Board of Nursing (Board) to help centralize, organize, and maximize efficiencies and streamline processes associated with the minimum standards and practice of nursing in Idaho. Furthermore, the Board oversees the licensure, educational programs, and disciplinary action related to nursing in the state. The Board will be organized under the Health Professions section within DOPL to assist in carrying out these functions.

This notice, in accordance with Section 67-5203, Idaho Code, complies with the legislative intent of House Bill 318, and the Governor's action in Executive Order 2020-10, by redesignating the affected chapter of rules of the Idaho Board of Nursing, to the Division of Occupational and Professional Licenses. The rules are now indexed as **IDAPA 24, Title 34, Chapter 1**.

Notwithstanding the provisions of Title 67, Chapter 52, Idaho Code, and further complying with the legislative intent of House Bill No. 318 and the Governor's executive action in Executive Order 2020-10, non-substantive changes will be made to update all references and citations within the rules currently under the authority of the Board and include, but are not limited to, the following:

All citations and references to **IDAPA 23, Title 01, Chapter 01**, Board of Nursing, are hereby redesignated as:

- **24.34.01** – Rules of the Idaho Board of Nursing.

Pursuant to Sections 67-5202, 67-5203, and 67-5204, Idaho Code, the text of the above listed chapter is being published under companion docket number 24-0000-2000 in this Bulletin and will be incorporated into the current Idaho Administrative Code. All rule citations and references have been updated to reflect the transfer to the rules of the Division of Professional and Occupational Licenses.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this notice contact Nicki Chopski, Health Professions Section Chief at (208) 334-2356.

Dated this 1st Day of July, 2020.

Bradley A. Hunt
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Division of Financial Management
P. O. Box 83720
Boise, ID 83720-0032
Phone: (208) 854-3096

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR,
DIVISION OF FINANCIAL MANAGEMENT**

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

DOCKET NO. 24-0000-2000

**NOTICE OF LEGISLATIVE AND EXECUTIVE ACTION AFFECTING CERTAIN BOARDS AND
COMMISSIONS UNDER THE DEPARTMENT OF SELF-GOVERNING AGENCIES –
HOUSE BILL 318, SESSION LAW 96, AND EXECUTIVE ORDER 2020-10
AND ASSIGNMENT OF NEW IDAPA DESIGNATION NUMBER
UNDER THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES**

EFFECTIVE DATE: The effective date of this action is July 1, 2020.

AUTHORITY: In compliance with Sections 67-5202(2), 67-5202(3), and 67-5203, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Sixty-fifth Legislature in the Second Regular Session – 2020, passed [House Bill 318](#) and that said bill was signed into law by Governor Brad Little, Session Law Chapter 96, and that [Executive Order 2020-10](#) was signed on June, 3, 2020, and hereby ordered by Governor Brad Little thereby assigning a new IDAPA designation number for the Board of Accountancy; Board of Dentistry; Board of Licensure of Professional Engineers and Professional Land Surveyors; Board of Medicine; Board of Nursing; Outfitters and Guides Licensing Board; Board of Pharmacy; Real Estate Commission; Board of Veterinary Medicine; and Division of Building Safety and its constituent boards to include the Building Code Board; Electrical Board; Public Works Contractors Licensing Board; Plumbing Board; Public Works Construction Management; Heating, Ventilation and Air Conditioning Board; and Factory Built Structures Advisory Board, under the Division of Occupational and Professional Licenses existing within the Department of Self Governing Agencies.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the notice and the legislative and executive action:

House Bill 318 established the Division of Occupational and Professional Licenses (DOPL) created in the Department of Self-Governing Agencies. Through written agreement with each specific agency, DOPL is tasked with providing administrative or other services as provided by law relative to the licensing of trades, businesses, occupations, and professions. House Bill 318 also provides the Governor the authority to orderly arrange these entities into divisions, sections, or units to help achieve the administrative organization of state government.

The Governor signed Executive Order 2020-10 on June 3, 2020, that assigned to DOPL the aforementioned entities to help centralize, organize, and maximize efficiencies and streamline processes associated with occupational licensing. Furthermore, he organized DOPL into three categories each led by a section chief: Building, Construction, and Real Estate; Occupational Licenses; and Health Professions. A division administrator will be appointed by the Governor to oversee the activities of the assigned boards, coordinate a plan for a central office location for state licenses, and to appoint each respective section chief.

This notice, in accordance with Section 67-5203, Idaho Code, complies with the legislative intent of House Bill 318, and the Governor’s action in Executive Order 2020-10, by redesignating the affected chapters of rules of the agencies listed in this notice, to the Division of Occupational and Professional Licenses. The rules are now indexed as **IDAPA 24, Title 30, Chapter 1**, through **IDAPA 24, Title 39, Chapter 7**.

Notwithstanding the provisions of Title 67, Chapter 52, Idaho Code, and further complying with the legislative intent of House Bill No. 318 and the Governor’s executive action in Executive Order 2020-10, non-substantive changes will be made to update all references and citations within the rules currently under the authority of the individual boards and commissions and include, but are not limited to, the following:

All citations and references to **IDAPA 01, Title 01, Chapter 01**, Idaho Board of Accountancy, are hereby redesignated as:

- **24.30.01** – Idaho Accountancy Rules;

All citations and references to **IDAPA 19, Title 01, Chapter 01**, Idaho State Board of Dentistry, are hereby redesignated as:

- **24.31.01** – Rules of the Idaho State Board of Dentistry;

All citations and references to **IDAPA 10, Title 01, Chapter 01**, Board of Licensure of Professional Engineers and Professional Land Surveyors, are hereby redesignated as:

- **24.32.01** – Rules of the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors;

All citations and references to **IDAPA 22, Title 01, Chapters 01, 03, 05, 07, 10, 11, and 13**, Board of Medicine, are hereby redesignated as:

- **24.33.01** – Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine in Idaho;
- **24.33.02** – Rules for the Licensure of Physician Assistants;
- **24.33.03** – General Provisions of the Board of Medicine;
- **24.33.04** – Rules for the Licensure of Naturopathic Medical Doctors;
- **24.33.05** – Rules for the Licensure of Athletic Trainers to Practice in Idaho;
- **24.33.06** – Rules for Licensure of Respiratory Therapists and Permitting of Polysomnographers in Idaho;
- **24.33.07** – Rules for the Licensure of Dietitians;

All citations and references to **IDAPA 23, Title 01, Chapter 01**, Board of Nursing, are hereby redesignated as:

- **24.34.01** – Rules of the Idaho Board of Nursing;

All citations and references to **IDAPA 25, Title 01, Chapter 01**, Outfitters and Guides Licensing Board, are hereby redesignated as:

- **24.35.01** – Rules of the Outfitters and Guides Licensing Board;

All citations and references to **IDAPA 27, Title 01, Chapter 01**, Board of Pharmacy, are hereby redesignated as:

- **24.36.01** – Rules of the Idaho State Board of Pharmacy;
This docket includes minor updates to further Executive Order 2020-13 and technical corrections to enhance readability.

All citations and references to **IDAPA 33, Title 01, Chapter 01**, Real Estate Commission, are hereby redesignated as:

- **24.37.01** – Rules of the Idaho Real Estate Commission;

All citations and references to **IDAPA 46, Title 01, Chapter 01**, Board of Veterinary Medicine, are hereby redesignated as:

- **24.38.01** – Rules of the State of Idaho Board of Veterinary Medicine;

All citations and references to **IDAPA 07, Title 01, Chapter 01; Title 02, Chapter 02; Title 03, Chapters 01, 03, 09, 11, 12, 13; Title 04, Chapter 02; Title 05, Chapter 01; Title 06, Chapter 01; Title 07, Chapter 01; Title 08, Chapter 01; Title 10, Chapter 01; and Title 11, Chapter 01**; Division of Building Safety and its constituent boards, are hereby redesignated as:

- **24.39.01** – Rules of the Division of Building Safety;
- **24.39.10** – Rules of the Idaho Electrical Board;
- **24.39.20** – Rules Governing Plumbing;
- **24.39.30** – Rules of Building Safety (Building Code Rules);
- **24.39.31** – Rules for Modular Buildings;
- **24.39.32** – Rules Governing Manufactured Homes – Consumer Complaints – Dispute Resolution;
- **24.39.33** – Rules Governing Manufactured/Mobile Home Industry Licensing;
- **24.39.34** – Rules Governing Manufactured or Mobile Home Installations;
- **24.39.35** – Rules Governing Mobile Home Rehabilitation;
- **24.39.40** – Safety Rules for Elevators, Escalators, and Moving Walks;
- **24.39.50** – Rules of the Public Works Contractors License Board;
- **24.39.60** – Rules Governing Uniform School Building Safety;

- **24.39.70** – Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems;
- **24.39.80** – Idaho Minimum Safety Standards and Practices for Logging; and
- **24.39.90** – Rules Governing the Damage Prevention Board.

Pursuant to Sections 67-5202, 67-5203, and 67-5204, Idaho Code, all of the above listed chapters are published following this notice and will be incorporated into the current Idaho Administrative Code. All rule citations and references have been updated to reflect the transfer to the rules of the Division of Professional and Occupational Licenses.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this notice contact the respective section chief at the Division of Occupational and Professional Licenses:

- Dawn Hall – Occupational Licenses Section Chief, (208) 334-3233;
- Nicki Chopski – Health Professions Section Chief, (208) 334-2356; or
- MiChell M. Bird – Building, Construction, and Real Estate Section Chief, (208) 334-3285.

Dated this 1st Day of July, 2020.

Bradley A. Hunt
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
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**THE FOLLOWING IS THE TEXT OF THE RULE CHAPTERS RE-INDEXED IN THIS NOTICE
RELATIVE TO THE AGENCIES BEING ASSIGNED TO THE DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSES WITHIN THE DEPARTMENT OF SELF GOVERNING AGENCIES.**

24.30.01 – IDAHO ACCOUNTANCY RULES

000. LEGAL AUTHORITY (RULE 000).

This chapter is adopted under the legal authority of Title 54, Chapter 2, Idaho Code. (3-20-20)T

001. TITLE AND SCOPE (RULE 001).

01. **Title.** These rules are titled IDAPA 24.30.01, “Idaho Accountancy Rules.” (3-20-20)T

02. **Scope.** These rules govern the administration of the certified public accountant examination, the issuance and renewal of licenses to practice as certified or licensed public accountants, the registration of firms, the regulation of individuals granted practice privileges, and the limitation of non-licensees. (3-20-20)T

002. -- 003. (RESERVED)

004. INCORPORATION BY REFERENCE (RULE 004).

The following documents are hereby incorporated by reference into IDAPA 24.30.01 and can be obtained at the Board office. Licensees are required to comply with the following standards when applicable. (3-20-20)T

01. **AICPA Standards.** The AICPA Professional Standards as applicable under the circumstances and at the time of the services, except as superseded by Section 54-206(8), Idaho Code. (3-20-20)T

02. **CPE Standards.** 2016 Statements on Standards for Continuing Professional Education Programs jointly approved by NASBA and AICPA. (3-20-20)T

03. **PCAOB Standards.** The Standards issued by the Public Company Accountability Oversight Board, as applicable under the circumstances and at the time of the services. (3-20-20)T

005. -- 009. (RESERVED)

010. DEFINITIONS (RULE 010).

The Idaho State Board of Accountancy adopts the definitions set forth in Section 54-206, Idaho Code. In addition, as used in this chapter: (3-20-20)T

01. **Administering Organization.** An entity that has met, and at all relevant times continues to meet, the standards specified by the Board for administering peer reviews. (3-20-20)T

02. **Board.** The Board or its designated representative. (3-20-20)T

03. **Candidate.** Applicants approved to sit for the CPA Examination. (3-20-20)T

04. **CPA Examination.** Uniform Certified Public Accountant Examination. (3-20-20)T

05. **CPE.** Continuing Professional Education. (3-20-20)T

06. **Ethics CPE.** Programs in ethics include topics such as ethical reasoning, state-specific statutes and rules, and standards of professional conduct, including those of other applicable regulatory bodies. (3-20-20)T

07. **NASBA.** The National Association of State Boards of Accountancy. (3-20-20)T

08. **National Candidate Database.** The National Association of State Boards of Accountancy database of all CPA Examination candidates. (3-20-20)T

09. **State-Specific Ethics for Idaho.** A minimum two-hour (2) CPE course on Idaho Accountancy Act and Rules, which is exempt from the Statements on Standards for CPE. (3-20-20)T

10. **Year of Review.** The calendar year during which a peer review is conducted. (3-20-20)T

11. **Year Under Review.** The twelve-month (12) period that is reviewed. (3-20-20)T

011. -- 017. (RESERVED)

018. COMPLIANCE WITH THESE RULES (RULE 018).

A licensee of the Board or an individual granted practice privileges is subject to the rules of the Board when rendering professional services. (3-20-20)T

019. COMPUTATION OF TIME (RULE 019).

The time in which any act provided by law, rule, order, or notice is to be done is computed by excluding the first day; and including the last day unless the last day is a Saturday, Sunday, or legal holiday and then it is also excluded. (3-20-20)T

020. GOOD MORAL CHARACTER (RULE 020).

01. Demonstrating Good Moral Character. Applicants have the burden of demonstrating good moral character as defined by Section 54-206(11), Idaho Code, in the manner specified by the Board in its application forms. (3-20-20)T

02. Evidence. Prima facie evidence of a lack of good moral character includes, but is not limited to: (3-20-20)T

a. Any deferred prosecution agreement involving an admission of wrongdoing, or any criminal conviction, including conviction following a guilty plea or plea of nolo contendere, for any felony or any crime, an essential element of which is fraud, dishonesty, or deceit, or any other crime that evidences an unfitness of the applicant to provide professional services in a competent manner and consistent with the public safety; (3-20-20)T

b. Revocation, suspension or the lapsing in lieu of discipline of any license or other authority to practice by or before any state, federal, foreign or other licensing or regulatory authority; or (3-20-20)T

c. Any act that would be grounds for revocation or suspension of a license if committed by a licensee of the Board. (3-20-20)T

03. Rehabilitation. The applicant may offer, and the Board may consider the following factors in determining whether the applicant's moral character has been rehabilitated as of the date the applicant is seeking licensure. These factors include, but are not limited to: (3-20-20)T

a. The applicant's completion of criminal probation, restitution, community service, military or other public service; (3-20-20)T

b. The passage of time without the applicant's commission of further crime or act demonstrating a lack of good moral character; and (3-20-20)T

c. The entry of an order by any state or federal court expunging any conviction, reducing a conviction from a felony to misdemeanor, or commuting, suspending, or withholding any judgment as provided by law. (3-20-20)T

021. NOTIFICATION OF CHANGE OF ADDRESS, FELONY CHARGES, OR ACTIONS TAKEN (RULE 021).

Per Section 54-211(3), Idaho Code, within thirty (30) days after its occurrence, a licensee or candidate will notify the Board, in writing, of: (3-20-20)T

01. Address Change. A change in the business address, residence address, or business connection, employer, or principal place of business; (3-20-20)T

02. Felony Charge. Any felony charges, or; (3-20-20)T

03. Actions Taken. The issuance, denial, disciplinary action, restriction, revocation, or suspension of a certificate, license, or permit by another state or by any federal agency. (3-20-20)T

022. -- 099. (RESERVED)

100. CPA EXAMINATION (RULE 100).

An applicant must pass the CPA Examination before applying for a CPA license. The CPA Examination is graded by the American Institute of Certified Public Accountants and subject to review and acceptance by the Board.

(3-20-20)T

101. EXAM APPLICATIONS (RULE 101).

Applications to take the CPA Examination are to be made as prescribed in accordance with Section 54-208, Idaho Code.

(3-20-20)T

102. AUTHORIZATION TO TEST AND NOTIFICATION TO SCHEDULE (RULE 102).

The Board will forward notification of eligibility in the form of an Authorization to Test (ATT) to NASBA. The ATT is issued for the test section(s) for which the candidate applied. Candidates must pay the fees charged by the AICPA, NASBA, and the test delivery service provider directly to NASBA. The ATT will expire ninety (90) days after it is issued if the candidate has not paid the appropriate fees. Eligible candidates will receive a Notice to Schedule (NTS) for the CPA Examination. The NTS is valid for six (6) months from the date issued. A candidate's ATT lasts as long as the NTS is valid, or until the candidate tests, whichever occurs first.

(3-20-20)T

103. FAILURE TO APPEAR (RULE 103).

A candidate who fails to appear for the CPA Examination forfeits all fees paid.

(3-20-20)T

104. CPA EXAM EDUCATIONAL QUALIFICATIONS (RULE 104).

A candidate for the CPA examination provides evidence of successful completion of a baccalaureate degree or its equivalent to include thirty (30) or more semester hours (or forty-five (45) or more quarter hours) in business administration subjects of which at least twenty (20) semester hours (or at least thirty (30) quarter hours) are in accounting subjects.

(3-20-20)T

105. TESTING PERIOD AND CREDIT (RULE 105).

01. CPA Examination Credit. Candidates are to pass all four (4) test sections of the CPA Examination with a grade of seventy-five (75) or higher within an eighteen-month period which begins on the date that the first test section is passed. Candidates who do not pass all four (4) sections of the CPA Examination within the eighteen-month period lose credit for any test section(s) passed outside the eighteen-month period and that test section(s) is to be retaken.

(3-20-20)T

02. Extending the Term of Credit. The Board may extend the term of credit validity upon demonstration by the candidate that the credit was lost by reason of circumstances beyond the candidate's control.

(3-20-20)T

03. Transfer of Credit. An applicant may submit the results of any test section of the CPA Examination taken by the applicant in any other state having standards at least equivalent to those of this state, and these results may be adopted by the Board in lieu of examination in this state on the same test section and in accordance with the provisions of Section 54-210, Idaho Code, and these rules.

(3-20-20)T

106. CHEATING (RULE 106).

01. Actions. Cheating by an applicant in applying for the CPA Examination or by a candidate in taking the CPA Examination will cause any grade otherwise earned on any part of the CPA Examination to be invalidated. Cheating may warrant summary expulsion from the examination room and disqualification from taking the CPA Examination for a specified period of time.

(3-20-20)T

02. Hearings. If the Board believes that it has evidence that a candidate has cheated on the examination or a candidate has been expelled from the examination, the candidate will be provided notice and opportunity for hearing. In such hearings, the Board decides:

(3-20-20)T

a. Whether or not there was cheating, and if so what remedy should be applied; (3-20-20)T

b. Whether the candidate will be given credit for any portion of the examination completed in that

session; and (3-20-20)T

c. Whether the candidate will be barred from taking the examination in future sittings, and if so, for how many sittings. (3-20-20)T

03. Notice. If a candidate is refused credit for any test section of an examination taken, disqualified from taking any test section, or barred from taking the examination in the future, the Board will provide information about findings and actions taken to the national candidate database and the board of any other state to which the candidate may apply for the examination. (3-20-20)T

107. SECURITY AND IRREGULARITIES (RULE 107).

Notwithstanding any other provisions under these rules, the Board may postpone scheduled examinations, the release of grades, or the issuance of certificates due to a breach of security, unauthorized acquisition or disclosure of the contents of an examination, suspected or actual negligence, errors, omissions, or irregularities in conducting an examination, or for any other reasonable cause or unforeseen circumstance. (3-20-20)T

108. -- 199. (RESERVED)

200. INITIAL CERTIFIED PUBLIC ACCOUNTANT LICENSURE (RULE 200).

Applications for initial licensure are to be made as prescribed in Section 54-207, Idaho Code, and are to comply with the following: (3-20-20)T

01. Education. (3-20-20)T

a. Applicants for licensure are to meet the provisions of Section 54-207(2), Idaho Code. An applicant for licensure who was accepted for the May 2000 CPA Examination or prior examination is exempt from additional educational requirements. (3-20-20)T

b. The Board will recognize: (3-20-20)T

i. Any college or university accredited by the Northwest Commission on Colleges or Universities or any other regional accrediting association having equivalent standards; (3-20-20)T

ii. Any independent senior college in Idaho certified by the State Department of Education for teacher training; and (3-20-20)T

iii. Accounting and business programs accredited by the Association to Advance Collegiate Schools of Business (AACSB) or any other accrediting agency having equivalent standards. (3-20-20)T

c. An applicant is deemed to have met the education requirement if, as part of the one hundred fifty (150) semester hours of education, the applicant has met any one (1) of the following conditions: (3-20-20)T

i. Earned a graduate degree with a concentration in accounting from a program that is accredited in accounting by an accrediting agency approved by the Board; (3-20-20)T

ii. Earned a graduate degree from a program that is accredited in business by an accrediting agency approved by the Board. Completion of at least twenty-four (24) semester hours in accounting at the undergraduate or fifteen (15) semester hours at the graduate level, or an equivalent combination thereof, including coverage of, but not necessarily separate courses in, the subjects of financial accounting, auditing, taxation, and management accounting; (3-20-20)T

iii. Earned a baccalaureate degree at an institution approved by the Board or from a program that is accredited in business by an accrediting agency approved by the Board. Completion of at least twenty-four (24) semester hours in business (other than accounting courses) and twenty-four (24) semester hours in accounting at the undergraduate or graduate level including coverage of, but not necessarily separate courses in, the subjects of financial accounting, auditing, taxation, and management accounting. (3-20-20)T

02. Experience. (3-20-20)T

a. An applicant is to provide evidence of one (1) year of experience as prescribed in Section 54-209, Idaho Code, and these rules. Experience consists of full or part time employment that extends over a period of no less than twelve (12) months and no more than thirty-six (36) months with no fewer than two thousand (2,000) hours earned within the ten (10) year period immediately preceding the latest application for licensure. (3-20-20)T

b. An applicant completes and submits the Verification of Employment and Experience Evaluation form(s). An applicant may be called to appear before the Board to supplement or verify evidence of experience. (3-20-20)T

c. A licensee verifying experience will maintain supporting documentation of the applicant's experience until thirty (30) days after the applicant is granted a license. The licensee will permit the Board to inspect the supporting documentation prior to issuing a license to the applicant. Any licensee who has been requested by an applicant to submit to the Board evidence of the applicant's experience and has refused to do so will, upon request by the Board, explain in writing or in person the basis for such refusal. (3-20-20)T

d. A licensee who is responsible for supervising attest services, and signs or authorizes someone to sign the accountant's report on the financial statement on behalf of the firm, is to meet the experience requirement set out in the AICPA statements on quality control standards. (3-20-20)T

03. Examination on Code of Professional Conduct. Prior to licensure, applicants successfully complete a course in professional ethics that is acceptable to the Board. (3-20-20)T

04. Initial License Application Fee. As prescribed in Rule 600. (3-20-20)T

201. ANNUAL LICENSE RENEWAL AND LATE FEE (RULE 201).

01. Renewal. Licenses expire on June 30 of each year. (3-20-20)T

02. Non-Renewal. Individuals choosing not to renew their license are to notify the Board, on the renewal form by the expiration date. Individuals with lapsed licenses may not publicly display their wall certificates, use the title CPA or LPA, or provide services that are reserved to licensees. (3-20-20)T

03. Late Fee. Licenses renewed after July 1, but before August 1, are subject to the late renewal fee as prescribed in Rule 600. After August 1, any license not renewed is deemed lapsed and is subject to reinstatement pursuant to Section 54-211, Idaho Code. (3-20-20)T

202. PRACTICE PRIVILEGES (RULE 202).

01. Substantially Equivalent. As prescribed in Section 54-227, Idaho Code, and these rules. (3-20-20)T

02. Internet Disclosures. An individual entering into an engagement to provide professional services via a web site, pursuant to Idaho practice privileges, is to disclose on their web site: (3-20-20)T

a. Their principal state of licensure, license number, and address. (3-20-20)T

b. A means for regulators and the public to contact a responsible licensee in charge at the firm regarding complaints, questions, or regulatory compliance. (3-20-20)T

203. RECIPROCAL LICENSURE (RULE 203).

If the practice privilege standard set out in Section 54-227, Idaho Code, is not applicable, the Board will issue a license to an applicant provided that the applicant pays the application and licensure fees prescribed in Rule 600 and meets one of the following: (3-20-20)T

01. Interstate Reciprocity. The requirements for a reciprocal license under Section 54-210(2), Idaho

Code. Notwithstanding anything to the contrary, an individual whose principal place of business is not in this state and who holds a valid license or permit with unrestricted practice privileges as a Certified Public Accountant from any state that the NASBA National Qualification Appraisal Service has verified to be in substantial equivalence with the CPA licensure requirements of the AICPA/NASBA Uniform Accountancy Act is presumed to have the qualifications substantially equivalent to this state's requirements. (3-20-20)T

02. International Reciprocity. The requirements for foreign reciprocal licensure under Section 54-210(5), Idaho Code, provided that the Board relies on the International Qualifications Appraisal Board for evaluation of foreign credential equivalency. Such licensees are to report any investigations undertaken, or sanctions imposed, by a foreign credentialing body against the licensee's foreign credential. The Board will participate in joint investigations with foreign credentialing bodies and rely on evidence supplied by such bodies in disciplinary hearings. (3-20-20)T

204. -- 299. (RESERVED)

300. APPLICABILITY OF RULES (RULE 300).

01. Reliance. A certified public accountant or licensed public accountant is to hold the affairs of his clients in strict confidence, observe the standards incorporated by reference, promote sound and informative financial reporting, and maintain high standards of personal conduct. (3-20-20)T

02. Acceptance of Licensure. Acceptance of practice privileges or licensure as a certified public accountant or licensed public accountant establishes an affirmative obligation by said individual to be diligent in the performance of professional services, and to be fair and honest in relations with clients, fellow practitioners and the public. (3-20-20)T

03. Rules. These rules do not comprise all acts that may be considered incompatible with the obligations and responsibilities imposed by professional status or discreditable or harmful even though not specifically mentioned or described in the rules. The Board may revoke, suspend, refuse to renew, administratively penalize, reprimand, restrict, or place on probation a licensee, individual granted practice privileges or other individual. The action will not be taken until the individual has been given notice and opportunity for hearing. (3-20-20)T

04. Applicability. These rules apply to all professional services offered or performed by licensees or individuals granted practice privileges, including tax and management advisory services. (3-20-20)T

05. Responsibility. A licensee is responsible for ensuring all persons associated with the licensee in the rendering of professional services, who are either under the licensee's supervision or who are the licensee's partners or shareholders in the practice comply with these rules. A licensee may not permit others to carry out, on his behalf, either with or without compensation, acts that, if carried out by the licensee, would place the licensee in violation of any laws. (3-20-20)T

06. Interpretation of Rules. In the interpretation and enforcement of these rules, the Board gives consideration, but not necessarily dispositive weight, to relevant interpretations, rulings and opinions issued by other states, and by appropriately authorized standard setting bodies. (3-20-20)T

07. Investigative Committee. The Board may appoint an investigative committee of not less than three (3) members consisting of active licensees in good standing. The committee duties are to direct the review and investigation of complaints of violations of the Idaho Accountancy Act and Rules, and to provide reports to the Board. (3-20-20)T

301. COMMISSIONS AND CONTINGENT FEES (RULE 301).

01. Acceptance. Licensees may accept commissions or contingent fees subject to Section 54-218, Idaho Code, the AICPA Code of Professional Conduct, and these rules. (3-20-20)T

02. Disclosures. Any licensee who directly or indirectly accepts or agrees to accept such form of

compensation is to disclose the terms of such compensation to the client. The disclosure is to be: (3-20-20)T

- a. In writing, clear, and conspicuous; and state the amount of the compensation or basis on which it will be computed; (3-20-20)T
- b. Made at or prior to the time of the recommendation or referral of the product or service for which the commission is paid, prior to the client retaining the licensee to whom the client has been referred for which a referral fee is paid, and prior to the time the licensee undertakes representation of or performance of the service upon which a contingent fee will be charged. (3-20-20)T

302. CONFIDENTIAL CLIENT INFORMATION (RULE 302).

01. Confidentiality. A licensee is to protect and not disclose confidential client information obtained in the course of performing professional services, unless the licensee has obtained the specific consent of the client, or of such client's heirs, successors or personal representatives, or others legally authorized to give such consent on behalf of the client. (3-20-20)T

02. Exemptions. Nothing in these rules is construed as prohibiting the disclosure of information that is required to be disclosed: (3-20-20)T

- a. In reporting on the examination of financial statements; (3-20-20)T
- b. In investigations by the Board or other accounting regulatory agency; (3-20-20)T
- c. In ethical investigations conducted in private professional organizations; (3-20-20)T
- d. In the course of peer reviews; (3-20-20)T
- e. To other persons active in the organization performing services for that client on a need to know basis; (3-20-20)T
- f. To persons in the entity who need this information for the sole purpose of assuring quality control; or (3-20-20)T
- g. By any act of law. (3-20-20)T

03. Disciplinary Proceedings. Members of the Board and investigative officers may not disclose any confidential client information that comes to their attention from licensees in disciplinary proceedings or otherwise, except that they may furnish such information to an investigative or disciplinary body. (3-20-20)T

303. RECORDS (RULE 303).

A licensee is to furnish to his client or former client, upon request made within a reasonable time after original issuance of the document in question all client records, as that term is defined in the AICPA Code of Professional Conduct belonging to, or obtained from or on behalf of, the client that the licensee removed from the client's premises or received for the client's account. The licensee may make and retain copies of such documents when they form the basis for work performed by him. Client records are to be returned upon request by the client, whether the engagement has been terminated or the licensee has been paid for services rendered. (3-20-20)T

01. Tax Return, Other Reports, Working Papers Including Audit Documentation Made Part of Client's Records. A licensee who has been paid for the services rendered is to furnish to his client or former client, upon request, within a reasonable time after original issuance of the document in question the following records: (3-20-20)T

- a. A copy of a tax return of a client. (3-20-20)T
- b. A copy of any report, or other document, issued by the licensee to or for the client; and (3-20-20)T

c. A copy of the licensee's working papers, to the extent that such working papers include records that would ordinarily constitute part of the client's books and records and are not otherwise available to the client. This would include adjusting, closing, combining, or consolidating journal entries; information normally contained in books of original entry and general ledgers or subsidiary ledgers; and tax and depreciation carry forward information. The information should be provided in the medium in which it is requested, provided it exists in that medium. The licensee does not have to convert information that is not in electronic format to an electronic format. (3-20-20)T

02. Working Papers Including Audit Documentation Not a Part of the Client's Records. A licensee's working papers that do not become part of a client's records, which may include analyses and schedules prepared by the client at the request of the licensee, are the licensee's property, not client records, and need not be made available under any circumstances. (3-20-20)T

03. Charges. A licensee does not have to furnish records to a client or a former client more than once. A licensee may charge the client or former client actual costs for time and photocopying charges on subsequent requests. (3-20-20)T

304. FIRM NAMES (RULE 304).

01. General. A licensee may only provide professional services under a firm name that is not misleading as to the description of the legal form of the firm, or as to the person or persons who are owner(s), partners, officers, shareholders or members of the firm. Names of one (1) or more past owners, partners, shareholders or members who were licensed may be included in the firm name. A partner surviving the death or withdrawal of all other partners may continue to practice under a partnership name for up to two (2) years after becoming a sole practitioner. (3-20-20)T

02. Title. A firm may designate itself as "Certified Public Accountant(s)," "Licensed Public Accountant(s)" or "Public Accountant(s)" when a majority of its partners, shareholders, or members are actively licensed certified public accountants or licensed public accountants under the provisions of the Idaho Accountancy Act and Rules. The firm name may not include the name of a non-licensee owner, except as allowed in Subsection 304.01 if the title "CPA(s)" or "LPA(s)" is included in the firm name. The firm name may not include the name of a person who is not a CPA or LPA if the title "Public Accountant(s)" is included in the firm name. (3-20-20)T

305. COMMUNICATIONS (RULE 305).

01. Response. Unless otherwise specified, a licensee is to respond within thirty (30) calendar days of the mailing to any communication in which the Board requests a response. (3-20-20)T

02. Complaints. Upon the receipt or filing of a complaint against an individual over whom the Board has regulatory authority, the Board may transmit a copy of such complaint to the individual. Upon receipt of a transmitted complaint, the individual is to file a written answer to the complaint within twenty (20) calendar days of receipt, unless otherwise granted an extension of time by the Board. (3-20-20)T

306. -- 399. (RESERVED)

400. CPE BASIC REQUIREMENTS (RULE 400).

Demonstrate participation in a program of learning that meets the requirements as set forth in the Statement of Standards as referenced in Rule 004. CPE courses approved on NASBA's National Registry of CPE Sponsors, the AICPA, and state societies are deemed to meet the CPE requirements of this state. Responsibility for documenting the acceptability of the program and the validity of the credits rests with the licensee. (3-20-20)T

01. Renewal. Licensees seeking active license renewal are to demonstrate that during the two (2) calendar years immediately preceding the date the reporting form is due that no less than eighty (80) hours of CPE are recorded, of which at least four (4) hours are ethics with a minimum of thirty (30) hours in any one (1) calendar year, and a maximum of fifty (50) hours recorded in any one (1) calendar year. (3-20-20)T

02. New and Reciprocal. Completion of at least a two-hour (2) course on Idaho state-specific ethics during the calendar year that the license is issued. During the second calendar year of licensure, a minimum of thirty (30) hours is to be completed which may include an ethics component based on the prior year submission.

(3-20-20)T

401. CPE REPORTING, CONTROLS, AND LATE FEES (RULE 405).

01. Reporting. No later than January 31 of each year, individuals renewing their licenses are to provide a signed reporting form either: (3-20-20)T

a. Disclosing the information pertaining to the educational programs submitted for qualification as prescribed in the CPE Standards; or (3-20-20)T

b. Applying for exception, extension, or exemption. (3-20-20)T

02. CPE Late Fees. A License will not be issued until the licensee files the reporting form with supporting documentation, pays the late filing as prescribed in Rule 600, license renewal fee and any other penalty the Board may impose. (3-20-20)T

402. CPE EXCEPTIONS, EXTENSIONS, AND EXEMPTIONS (RULE 402).

01. Exceptions and Extensions. The Board may make exceptions to the CPE requirements, or grant extensions of time for completion of the CPE requirements, where reasons of health as certified by a medical doctor prevent compliance by the licensee, or other good cause exists. (3-20-20)T

a. Licensees asking for exceptions or extensions under these conditions apply on the reporting form for the year in which the extension or exemption is sought, and within the time period set for CPE reporting, stating the reasons for asking for such exception or extension. Any request not filed timely is subject to the late fee prescribed in Rule 600, in addition to any administrative action. (3-20-20)T

b. A penalty of no more than fifty percent (50%) of the hours a licensee is short in meeting the calendar year CPE requirement may be assessed for extensions. In such cases, the licensee will be required to complete the CPE hours and any assessed penalty no later than April 30. The penalty for non-compliance with ethics CPE is to obtain the mandatory hours of ethics CPE plus fifty percent (50%) penalty hours in ethics CPE prior to April 30. The penalty for non-compliance with state-specific ethics for Idaho is to complete the course plus fifty percent (50%) penalty hours in ethics CPE prior to April 30. (3-20-20)T

02. Inactive or Retired. Licensees who elect inactive or retired status are exempt from any CPE requirements as prescribed by Sections 54-211(c) and (d), Idaho Code. A licensee who has elected inactive or retired status may provide the following volunteer, uncompensated services: tax preparation services, participating in a government-sponsored business mentoring program, serving on the board of directors for a nonprofit or governmental organization, or serving on a government-appointed advisory board. If the CPA provides the foregoing volunteer, uncompensated services, the CPA has a duty to ensure that they hold the professional competencies necessary to offer these services. (3-20-20)T

403. REVIEW AND AUDIT OF CPE REPORTS (RULE 403).

All signed CPE reports are subject to formal verification to determine qualification and sufficiency of hours reported. A formal audit of CPE reported may be performed to determine whether hours reported qualify for credit. If a reporting form is not approved, the licensee will be notified. (3-20-20)T

404. NOTIFICATION (RULE 404).

A licensee is served a notice of noncompliance when it is determined the CPE requirement has not been fulfilled. The notice advises and provides opportunity for the deficiencies to be addressed. If the deficiencies remain, administrative action may be taken. (3-20-20)T

405. ACTION (RULE 405).

Following notice and hearing, the Board may suspend the license or take other action pursuant to Section 54-219, Idaho Code. (3-20-20)T

406. REINSTATEMENT AND RE-ENTRY (RULE 406).

An individual whose license has lapsed or is in a non-active status per Section 54-211, Idaho Code, is to complete no less than eighty (80) hours of CPE, of which at least four (4) hours are in ethics CPE with a minimum of two (2) hours to be in state specific ethics for Idaho, during the twelve (12) months immediately prior to applying for reinstatement or re-entry to an active license. The applicant is required to identify and complete a program of learning designed to demonstrate the currency of the applicant's competencies directly related to his area of service. Completion of the CPE will otherwise exempt the licensee from obtaining CPE hours during the calendar year of returning to an active license. If a licensee applies for re-entry during a license period and has already paid the fee for an inactive or retired license, the licensee is to pay the difference between the cost of an inactive or retired license and the annual license renewal fee. An individual who is applying for reinstatement to an inactive or retired license is not required to meet a CPE requirement. (3-20-20)T

407. FORMERLY LICENSED (RULE 407).

Any person who was licensed by the Board and who chose to let their license lapse, or had their license lapsed by the Board, may place the word "former" adjacent to their CPA or LPA title on any business card, letterhead, or any other document or device so long as at the time the license lapsed, the person was in good standing with the Board. (3-20-20)T

408. CONTINUING PROFESSIONAL EDUCATION COMMITTEE (RULE 408).

01. Appointment. The Board may appoint a continuing professional education committee. The committee consists of not less than five (5) members who are active licensees of this state, in good standing, and who need not be members of this Board. The committee performs the following duties and is authorized to take all actions necessary to perform these duties: (3-20-20)T

- a. To evaluate reported CPE to determine qualification. (3-20-20)T
- b. To consider applications for exceptions, extensions, and exemptions, and to assess penalties. (3-20-20)T
- c. To audit CPE reports and to consider other matters that may be assigned by the Board. (3-20-20)T

02. Powers and Duties. Any decision or ruling of this committee, in performance of these duties, will have the full power and effect of a ruling of the Board, but is subject to the Board's review and approval. (3-20-20)T

409. -- 499. (RESERVED)

500. PURPOSE OF FIRM REGISTRATION AND PEER REVIEW (RULE 500).

The purpose of the program is to monitor compliance with applicable accounting and auditing standards adopted by generally recognized standard setting bodies. The program emphasizes appropriate education programs or remedial procedures that may be recommended or required where the firm does not comply with appropriate professional standards. In the event a firm is unwilling or unable to comply with professional standards, or a firm's failure to comply with professional standards is so egregious as to warrant continuing action, the Board will take appropriate action to protect the public interest as authorized by Section 54-219, Idaho Code. (3-20-20)T

501. ISSUANCE OF REPORTS AND FORM OF PRACTICE (RULE 501).

A licensee can provide or offer to provide attest services or issue reports on compilations only in a firm as defined by Section 54-206(10), Idaho Code, except as provided under Section 54-221(4), Idaho Code. (3-20-20)T

502. PEER REVIEW PROGRAM PARTICIPATION (RULE 502).

01. Participation. Any firm that issues reports on accounting and auditing engagements, including audits, reviews, compilations, prospective financial information, engagements performed in accordance with the PCAOB, and any examination, review or agreed-upon procedures engagement performed in accordance with the statement on standards for attestation engagements. A licensee who issues compilation reports through any form of business other than a firm is to participate in the peer review program. Such licensees are to meet the requirements for registration and peer review. (3-20-20)T

02. Practice Privileges. Individuals with practice privileges in Idaho are to comply with the peer review requirements in the state of their principal place of business. (3-20-20)T

503. EXEMPTION FROM PARTICIPATION (RULE 503).

01. Firms. A firm that does not perform any of the services in Rule 502 is exempt from peer review. The firm is to notify the Board of such exemption in writing at the time of renewal of its registration. A firm that begins providing these services is to commence a peer review within eighteen (18) months of the date of the issuance of its initial report. (3-20-20)T

02. Licensees Not in Public Practice. A licensee who does not perform any of the services in Rule 502 is exempt from firm registration and peer review. The licensee is to notify the Board of such exemption in writing at the time of initial CPA licensure and annually thereafter at the time of CPA or LPA license renewal. (3-20-20)T

03. Licensees Not Issuing Reports. A licensee who issues financial statements pursuant to Section 54-221(5), Idaho Code, is exempt from peer review. (3-20-20)T

504. SCHEDULING OF THE PEER REVIEW (RULE 504).

01. Frequency. A firm performing any of the services in Rule 502 undergoes, at its own expense, a peer review commensurate in scope with its practice, not less than once in each three (3) years. (3-20-20)T

02. Currently Enrolled. A firm currently enrolled in a program of an approved administering organization will use the year of review assigned by the administering organization. The firm will notify the Board of the deadlines set by the administering organization. (3-20-20)T

03. Review Year. Each firm is to enroll with one (1) of the approved administering organizations. Each firm adopts the review date assigned by the appropriate administering organization and notifies the Board of such date. (3-20-20)T

04. New Firms. Within one (1) year of registration with the Board, new firms are to enroll with an approved administering organization. The firm adopts the review date assigned and notifies the Board of such date. (3-20-20)T

05. Mergers or Combinations. In the event that two (2) or more firms are merged or combined, the resulting firm retains the peer review year of the firm with the largest number of accounting and auditing hours. (3-20-20)T

06. Dissolutions or Separations. In the event that a firm is divided, the new firm(s) retains the review year of the former firm. In the event that the year under review is less than twelve (12) months, a review year will be assigned so that the review occurs within eighteen (18) months of the commencement of the new firm(s). (3-20-20)T

07. Multi-State Practices. With respect to a multi-state firm, the Peer Review Oversight Committee may accept a peer review based solely upon work conducted outside of this state if the peer review is performed in accordance with requirements equivalent to those of this state. (3-20-20)T

08. Report Issuance. It is the responsibility of the firm to anticipate its need for peer review services in sufficient time to enable the reviewer to issue the report within six (6) months after the review date. (3-20-20)T

09. Extensions. The Board may accept an extension recommended by the administering organization for the conduct of a review, provided the Board is notified by the firm within thirty (30) days of the date of receipt of recommendation for such an extension. (3-20-20)T

10. Just Cause. The Board may change a firm's peer review year for just cause. (3-20-20)T

505. MINIMUM STANDARDS (RULE 505).

The minimum standards for peer review are contained in the Standards for Performing and Reporting on Peer

Reviews section of the AICPA Standards. Peer reviews intended to meet the requirements of the AICPA peer review program are to be carried out in conformity with these standards under the supervision of an administering organization approved by the Board to administer peer reviews. Reviewed firms arrange and schedule their reviews in compliance with the procedures established by the administering organization and cooperate with the administering organization and with the Board in all matters related to the review. (3-20-20)T

506. REPORTING TO THE BOARD (RULE 506).

01. Firm Registration Form. All firms performing any of the peer reviewable services in Rule 502 annually file a firm registration no later than September 30. The registration is on a form prescribed by the Board. Firm registrations filed after September 30 are subject to penalty for non-compliance pursuant to Rule 600. (3-20-20)T

02. Peer Review Documentation. A firm that has undergone peer review will file a copy of the peer review report, letter of comments if any, letter of response if any, and letter accepting the review report issued by the administering organization. The letter will be filed within thirty (30) days after receipt. Additionally, firms are to notify the Board within thirty (30) days of the date the peer reviewer or a team captain advises the firm that a grade of fail will be recommended. The Board reserves the right to obtain all other information relating to the peer review. The Board also has the authority to exempt for good cause firms who would otherwise have to file peer review documentation. (3-20-20)T

507. RETENTION OF DOCUMENTS RELATING TO PEER REVIEWS (RULE 507).

Documents relating to peer reviews are to be retained as follows: (3-20-20)T

01. Documents. All documentation necessary to establish that each peer review was performed in conformity with peer review standards adopted by the Board. These documents may include the peer review working papers, the peer review report, comment letters and related correspondence indicating the firm's concurrence or non-concurrence, and any proposed remedial actions and related implementation. (3-20-20)T

02. Retention Period. Document retention is for a period of time corresponding to the designated retention period of the relevant administering organization and, upon request of the Committee, to be made available to it. In no event may the retention period be less than ninety (90) days from the date of acceptance of the review by the administering organization. (3-20-20)T

508. CONFIDENTIALITY (RULE 508).

The letter and any documentation submitted to the Board pursuant to Rule 506.02 is confidential as authorized by Title 74, Chapter 1, Idaho Code, unless an Order is issued by the Board pursuant to Section 54-219, Idaho Code. (3-20-20)T

509. REMEDIES FOR FAILURE TO COMPLY (RULE 509).

01. Corrective Actions. The Board will take appropriate action to protect the public interest if the Board determines, through the peer review process or otherwise, that a firm's performance or reporting practices, or both, are not, or may not be, in accordance with applicable professional standards, or that the firm does not comply with peer review program requirements or with all or some of the reporting, remedial action, or fee penalty requirements of this section. The Board's actions may include, but are not limited to: (3-20-20)T

a. The annual license of the principal(s) of a non-compliant firm will not be issued until the firm complies with all requirements of these rules, provided the licensee has met all licensing requirements; (3-20-20)T

b. Requiring the firm to develop quality control procedures to provide a reasonable assurance that similar occurrences will not occur in the future; (3-20-20)T

c. Requiring any individual licensee who had responsibility for, or who substantially participated in, the engagement(s) to successfully complete specific courses or types of continuing education as specified by the Board; (3-20-20)T

d. Requiring the reviewed firm to engage a Board-approved licensee to conduct a Board-prescribed on-site field review of the firm's work product and practices or perform other investigative procedures to assess the degree or pervasiveness of nonconforming work product. The Board-approved licensee engaged by the firm will submit a report of the findings to the Board within thirty (30) days of the completion of the services. The cost of the Board-prescribed on-site review or other Board-prescribed procedures will be at the firm's expense; (3-20-20)T

e. Requiring the reviewed firm responsible for engagement(s) to submit all or specified categories of its compilation or attest working papers and reports to a preissuance evaluation performed by a Board-approved licensee in a manner and for a duration prescribed by the Board. Prior to the firm issuing the reports on the engagements reviewed, the Board-approved licensee submits to a designee of the Board for the purpose of recommending that the Board accept a report of the findings, including the nature and frequency of recommended actions for the firm. The cost of the Board-approved preissuance evaluation will be at the firm's expense; (3-20-20)T

f. Initiating an investigation to determine if additional discipline pursuant to Section 54-219, Idaho Code, is warranted. Notwithstanding the foregoing, absent an investigation the specific rating of a single peer review report is not a sufficient basis to warrant disciplinary action. (3-20-20)T

02. Solicitation and Review of Other Sources. The Board may solicit, and review licensee reports and other information covered by the reports from clients, public agencies, banks, and other users of such information. (3-20-20)T

510. ADMINISTERING ORGANIZATIONS (RULE 510).

Qualified administering organizations that register with, and are approved by the Board based on their adherence to the AICPA Peer Review minimum standards, include the peer review program of the American Institute of Certified Public Accountants (AICPA) and state CPA societies fully involved in the administration of the AICPA Peer Review Program and their successor organizations that meet the minimum standards. (3-20-20)T

511. PEER REVIEW OVERSIGHT COMMITTEE (RULE 511).

01. Appointment. The Board appoints an Oversight Committee consisting of no more than seven (7) members who are active licensees and possess extensive current experience in accounting and auditing services. No committee member may be a current member of the Board. (3-20-20)T

02. Responsibilities. The committee acts in an advisory capacity to the Board with the following duties: (3-20-20)T

a. Monitoring administering organizations to provide reasonable assurance that peer reviews are being conducted and reported in accordance with the peer review minimum standards. (3-20-20)T

i. Visit annually the administering organizations to examine their procedures for administering the peer review program and meet with the organization's peer review committee during the consideration of peer review documents. (3-20-20)T

ii. Review, on the basis of random selection, a number of reviews performed by the administering organization which include, at a minimum, a review of the peer review report, the letter of comments (if any), the firm's response to the matters discussed in the letter of comments, the organization's acceptance letter outlining any additional corrective or monitoring procedures, and working papers on the selected review. The review of documents may be expanded if significant deficiencies, problems, or inconsistencies are discovered. (3-20-20)T

b. Reports to the Board on conclusions reached and makes recommendations to the adherence to Peer Review Standards. Alternatively, for those organizations participating in the AICPA oversight program in connection with involved state societies, the committee may obtain and review the oversight program report to ensure that reviews are being conducted and reported on in accordance with the standards. Reports submitted may not contain information concerning specific firms or reviewers. (3-20-20)T

c. Based on the result of the foregoing procedures, the committee will make recommendation to the Board as to the continuing qualifications of the approved administering organizations. (3-20-20)T

512. -- 599. (RESERVED)

600. FEES (RULE 600).

01. Examination and License.

Exam/License	Initial Fee
Initial Exam	\$100
Re-Exam	\$50
Active License	\$120
Inactive or Retired License	\$100
Reciprocity	\$175 + license fee
International Reciprocity	\$175 + license fee
Transfer of Grades	\$175 + license fee
Reinstatement License	Sum of unpaid license fees for the preceding 3 license renewal cycles
Re-entry License	\$20
Firm Registration	\$20 firm plus \$5 per licensee up to \$200 maximum

(3-20-20)T

02. Administrative Services.

Category	Fee
Interstate Exchange of Information	\$10
Wall Certificate	\$20

(3-20-20)T

03. Late Fees.

Category	Fee
Late License Renewal	\$100
Non-compliance with CPE Filing:	
February	\$100
March	\$150
April	\$200
May	\$250
June	\$300
Non-compliance with Firm Registration	\$100 per licensee

(3-20-20)T

701. -- 999. (RESERVED)

24.31.01 – RULES OF THE IDAHO STATE BOARD OF DENTISTRY

000. LEGAL AUTHORITY.

This Chapter is adopted under the legal authority of Chapter 9, Title 54, Idaho Code. (3-20-20)T

001. TITLE AND SCOPE.

These rules are titled IDAPA 24.31.01, “Rules of the Idaho State Board of Dentistry.” These rules constitute the minimum requirements for licensure and regulation of dentists, dental hygienists, and dental therapists. (3-20-20)T

002. INCORPORATION BY REFERENCE.

Pursuant to Section 67-5229, Idaho Code, this chapter incorporates by reference the following documents: (3-20-20)T

01. **Professional Standards.** (3-20-20)T
- a. AAOMS, Office Anesthesia Evaluation Manual, 8th Edition, 2012. (3-20-20)T
- b. CDC, Guidelines for Infection Control in Dental Health-Care Settings, 2003. (3-20-20)T
- c. ADA, Principles of Ethics, Code of Professional Conduct and Advisory Opinions, January 2009. (3-20-20)T
- d. ADHA Hygienists’ Association, Standards for Clinical Dental Hygiene Practice, 2016. (3-20-20)T

003. -- 009. (RESERVED)

010. DEFINITIONS AND ABBREVIATIONS.

01. **ACLS.** Advanced Cardiovascular Life Support or Pediatric Advanced Life Support. (3-20-20)T
02. **ADA.** American Dental Association. (3-20-20)T
03. **ADHA.** American Dental Hygienists Association. (3-20-20)T
04. **AAOMS.** American Association of Oral and Maxillofacial Surgeons. (3-20-20)T
05. **Analgesia.** The diminution or elimination of pain. (3-20-20)T
06. **BLS.** Basic Life Support. (3-20-20)T
07. **CDC.** Centers for Disease Control and Prevention. (3-20-20)T
08. **CE.** Continuing Education: one (1) hour of instruction equals one (1) CE credit. (3-20-20)T
09. **CODA.** Commission on Dental Accreditation. (3-20-20)T
10. **CRNA.** Certified Registered Nurse Anesthetist. (3-20-20)T
11. **Deep Sedation.** A drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation. The ability to independently maintain ventilator function may be impaired. Patients may require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained. (3-20-20)T
12. **Enteral.** Administration of a drug in which the agent is absorbed through the GI or mucosa. (3-20-20)T
13. **EPA.** United States Environmental Protection Agency. (3-20-20)T
14. **General Anesthesia.** A drug-induced loss of consciousness during which patients are not arousable, even by painful stimulation. The ability to independently maintain ventilator function is often impaired. Patients often require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired. (3-20-20)T

15. **GI.** Gastrointestinal tract. (3-20-20)T
16. **Inhalation.** Administration of a gaseous or volatile agent introduced into the lungs and whose primary effect is due to absorption through the gas/blood interface. (3-20-20)T
17. **Local Anesthesia.** The elimination of sensation, especially pain, in one (1) part of the body by the topical application or regional injection of a drug. (3-20-20)T
18. **Minimal Sedation.** A minimally depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command. Although cognitive function and coordination may be modestly impaired, ventilator and cardiovascular functions are unaffected. In accord with this particular definition, the drugs and/or techniques used should carry a margin of safety wide enough never to render unintended loss of consciousness. Further, patients whose only response is reflex withdrawal from repeated painful stimuli would not be considered to be in a state of minimal sedation. (3-20-20)T
19. **Moderate Sedation.** A drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained. (3-20-20)T
20. **Monitor or Monitoring.** The direct clinical observation of a patient during the administration of sedation by a person trained to observe the physical condition of the patient and capable of assisting with emergency or other procedures. (3-20-20)T
21. **MRD.** Maximum FDA-recommended dose of a drug, as printed in FDA-approved labeling for unmonitored home use. (3-20-20)T
22. **NBDE.** National Board Dental Examination. (3-20-20)T
23. **NBDHE.** National Board Dental Hygiene Examination. (3-20-20)T
24. **Operator.** The supervising dentist or another person who is authorized by these rules to induce and administer sedation. (3-20-20)T
25. **Parenteral.** Administration of a drug which bypasses the GI tract [i.e., intramuscular, intravenous, intranasal, submucosal, subcutaneous, intraosseous]. (3-20-20)T
26. **PMP.** Idaho Prescription Monitoring Program. (3-20-20)T
27. **Sedation.** The administration of minimal, moderate, and deep sedation and general anesthesia. (3-20-20)T

011. APPLICATION AND LICENSE FEES.

Application fees are not refunded. A license shall not be issued or renewed unless fees have been paid. License fees are prorated from date of initial licensure to the next successive license renewal date. The application fees and license fees are as follows:

License/Permit Type	Application Fee	License/Permit Fee
Dentist/Dental Specialist	\$300	Active Status: \$375 Inactive Status: \$160
Dental Hygienist	\$150	Active Status: \$175 Inactive Status: \$85

License/Permit Type	Application Fee	License/Permit Fee
Dental Therapist	\$200	Active Status: \$250 Inactive Status: \$125
Sedation Permit	\$300	\$300

(3-20-20)T

012. EXAMINATIONS FOR LICENSURE.

01. Written Examination. Successful completion of the NBDE may be required of all applicants for a license to practice dentistry or a dental specialty. Successful completion of the NBDHE may be required of all applicants for a license to practice dental hygiene. Dental therapists must successfully complete a board-approved written examination. Any other written examination will be specified by the Board. (3-20-20)T

02. Clinical Examination. All applicants for a license to practice general dentistry, dental hygiene or dental therapy are required to pass a Board-approved clinical examination upon such subjects as specified by the Board. Applicants for dental hygiene and dental therapy licensure must pass a clinical local anesthesia examination. Clinical examination results will be valid for licensure by examination for a period of (5) five years from the date of successful completion of the examination. (3-20-20)T

013. REQUIREMENTS FOR LICENSURE.

Applicants for licensure to practice dentistry must furnish proof of graduation from a school of dentistry accredited by CODA at the time of applicant's graduation. Applicants for licensure to practice dental hygiene must furnish proof of graduation from a dental hygiene program accredited by CODA at the time of applicant's graduation. Applicants for licensure to practice dental therapy must furnish proof of graduation from a dental therapy program accredited by CODA at the time of applicant's graduation. (3-20-20)T

014. REQUIREMENT FOR BLS.

Applicants for initial licensure will provide proof of current BLS certification. Practicing licensees must maintain current BLS certification. (3-20-20)T

015. CONTINUING EDUCATION REQUIREMENTS.

A licensee renewing an active status license shall report to the Board completion of verifiable CE or volunteer practice which meets the following requirements: (3-20-20)T

01. Number of Credits.

License/Endorsement Type	Requirements
Dentist/Dental Specialist	30 credits - one of the credits must be related to opioid prescribing
Dental Hygienist	24 credits
Dental Hygienist with Extended Access License Endorsement	28 credits - four of the credits must be in the specific practice areas of medical emergencies, local anesthesia, oral pathology, care and treatment of geriatric, medically compromised or disabled patients and treatment of children.
Dental Therapist	30 credits

(3-20-20)T

02. Nature of Education. Continuing education must be oral health/health-related for the licensee's professional development. (3-20-20)T

03. Volunteer Practice. Licensees are allowed one (1) credit of continuing education for every two (2) hours of verified volunteer practice performed during the biennial renewal period up to a maximum of ten (10) credits. (3-20-20)T

04. Prorated Credits. Any person who is granted a license with active during any biennial renewal period shall be required at the time of the next successive license renewal to report a prorated amount of continuing education credits as specified by the Board. (3-20-20)T

05. Documentation. In conjunction with license renewal, the licensee shall provide a list of continuing education credits obtained and verification of hours of volunteer practice performed and certify that the minimum requirements were completed in the biennial renewal period. (3-20-20)T

016. – 020. (RESERVED)

021. PROVISIONAL LICENSURE.

This type of license may be granted at the Board's discretion to applicants who meet the following requirements: (3-20-20)T

01. Active Practice. Active practice within the previous two (2) years. (3-20-20)T

02. Current Licensure. Current licensure in good standing in another state. (3-20-20)T

03. Evidence. Evidence that the applicant has not failed an exam given by the Board or its agent. (3-20-20)T

04. Provisional License. The provisional license will be valid for the period of time specified on the provisional license which may not exceed one (1) year from the date of issuance. (3-20-20)T

022. VOLUNTEER DENTAL HYGIENE SERVICES.

A person holding an unrestricted active status dental hygiene license issued by the Board may provide dental hygiene services in an extended access oral health care setting without being issued an extended access license endorsement under the following circumstances: (3-20-20)T

01. Extended Access Oral Health Care Setting. The dental hygiene services must be performed in an extended access oral health care setting under the supervision of a dentist who has issued written orders to the dental hygienist; (3-20-20)T

02. Dental Hygiene Services Performed. The dental hygiene services performed are limited to oral health screening and patient assessment, preventive and oral health education, preparation and review of health history, non-surgical periodontal treatment, oral prophylaxis, the application of caries preventive agents including fluoride, the application of pit and fissure sealants with recommendation that the patient will be examined by a dentist; (3-20-20)T

03. Volunteers. The dental hygienist must perform the dental hygiene services on a volunteer basis and may not accept any form of remuneration for providing the services; and (3-20-20)T

04. Volunteer Time Limit. The dental hygienist may not provide dental hygiene services under this provision for more than five (5) days within any calendar month. (3-20-20)T

023. DENTAL HYGIENISTS – LICENSE ENDORSEMENTS.

The Board may grant license endorsements to qualified dental hygienists as follows: (3-20-20)T

01. Extended Access Endorsement. Upon application, the Board may grant an extended access endorsement to a person holding an unrestricted active status dental hygienist's license issued by the Board who provides satisfactory proof that all of the following requirements are met: (3-20-20)T

a. The person has been licensed as a dental hygienist during the two (2) year period immediately prior to the date of application for an extended access endorsement; (3-20-20)T

b. For a minimum of one thousand (1000) total hours within the previous two (2) years, the person has

either been employed as a dental hygienist in supervised clinical practice or has been engaged as a clinical practice educator in an approved dental hygiene school; (3-20-20)T

c. The person has not been disciplined by the Board or another licensing authority upon grounds that bear a demonstrable relationship to the ability of the dental hygienist to safely and competently practice under general supervision in an extended access oral health care setting; and (3-20-20)T

d. Any person holding an unrestricted active status dental hygienist's license issued by the Board who is employed as a dental hygienist in an extended access oral health care setting in this state may be granted an extended access endorsement without being required to satisfy the experience requirements specified in this rule. (3-20-20)T

02. Extended Access Restorative Endorsement. Notwithstanding any other provision of these rules, a qualified dental hygienist holding an extended access restorative endorsement may perform specified restorative functions under the direct supervision of a dentist in an extended access oral health care setting. Permissible restorative functions under this endorsement are limited to the placement of a restoration into a tooth prepared by a dentist and the carving, contouring and adjustment of the contacts and occlusion of the restoration. Upon application, the Board may grant an extended access restorative endorsement to a person holding an unrestricted active status dental hygienist's license issued by the Board who provides satisfactory proof that the following requirements are met: (3-20-20)T

a. The person has successfully completed the Western Regional Examining Board's restorative examination or an equivalent restorative examination approved by the Board; and (3-20-20)T

b. The person has not been disciplined by the Board or another licensing authority upon grounds that bear a demonstrable relationship to the ability of the dental hygienist to safely and competently practice under in an extended access oral health care setting. (3-20-20)T

03. Renewal. Upon payment of the appropriate license fee and completion of required CE credits specified for a license endorsement, a person meeting all other requirements for renewal of a license to practice dental hygiene is also entitled to renewal of a license endorsement for the effective period of the license. An endorsement immediately expires and is cancelled at such time as a person no longer holds an unrestricted active status dental hygienist's license issued by the Board or upon a person's failure to complete the required CE. (3-20-20)T

024. LICENSURE OF DENTAL SPECIALISTS.

01. Requirements for Specialty Licensure. Each applicant for specialty licensure must have graduated from a CODA accredited dental school and hold a license to practice general dentistry in the state of Idaho or another state. The Board may grant licensure in specialty areas of dentistry for which a dentist has completed a CODA accredited postdoctoral advanced dental education program of at least two full-time academic years. (3-20-20)T

02. Examination. Specialty licensure in those specialties recognized may be granted solely at the discretion of the Board. An examination covering the applicant's chosen field may be required and, if so, will be conducted by the Board or a testing agent. Applicants who have met the requirements for licensure as a specialist may be required to pass an examination as follows: (3-20-20)T

a. Applicants who have passed a general licensure examination acceptable to the Board may be granted specialty licensure by Board approval. (3-20-20)T

b. Applicants who have passed a general licensure examination not acceptable to the Board may be required to pass a specialty examination. (3-20-20)T

c. Applicants who are certified by the American Board of that particular specialty as of the date of application for specialty licensure may be granted specialty licensure by Board approval. (3-20-20)T

03. Limitation of Practice. No dentist may announce or otherwise hold himself out to the public as a

specialist unless he has first complied with the requirements established by the Board for such specialty and has been issued a specialty license authorizing him to do so. Any individual granted a specialty license must limit his practice to the specialty(s) in which he is licensed. (3-20-20)T

025. SPECIALTY ADVERTISING.

The specialty advertising rules are intended to allow the public to be informed about dental specialties and to require appropriate disclosures to avoid misperceptions on the part of the public. (3-20-20)T

01. Recognized Specialty License. An advertisement may not state that a licensee is a specialist unless the licensee has been granted a license in that specialty area of dental practice by the Board. Use of words or terms in advertisements such as “Specialist,” “Board Certified,” “Diplomate,” “Practice Limited To,” and “Limited To Specialty Of” shall be prima facie evidence that the licensee is holding himself out to the public as a licensed specialist in a specialty area of dental practice. (3-20-20)T

02. Disclaimer. A licensee who has not been granted a specialty license by the Board may advertise as being qualified in a recognized specialty area of dental practice so long as each such advertisement, regardless of form, contains a prominent, clearly worded disclaimer that the licensee is “licensed as a general dentist” or that the specialty services “will be provided by a general dentist.” Any disclaimer in a written advertisement must be in the same font style and size as that in the listing of the specialty area. (3-20-20)T

03. Unrecognized Specialty. A licensee may not advertise as being a specialist in or as specializing in any area of dental practice which is not a Board recognized and licensed specialty area unless the advertisement, regardless of form, contains a prominent, clearly worded disclaimer that the advertised area of dental practice is not recognized as a specialty area of dental practice by the Idaho Board of Dentistry. Any disclaimer in a written advertisement shall be in the same font style and size as that in the listing of the specialty area. (3-20-20)T

026. PATIENT RECORDS.

01. Individual Records. Each licensee must prepare and maintain a record for each person receiving dental services, regardless of whether any fee is charged. The record shall contain the name of the licensee rendering the service and include: (3-20-20)T

- a. Name and address of patient and, if a minor, name of guardian; (3-20-20)T
- b. Date and description of examination and diagnosis; (3-20-20)T
- c. An entry that informed consent has been obtained and the date the informed consent was obtained. Documentation may be in the form of an acronym such as “PARQ” (Procedure, Alternatives, Risks and Questions) or “SOAP” (Subjective Objective Assessment Plan) or their equivalent. (3-20-20)T
- d. Date and description of treatment or services rendered; (3-20-20)T
- e. Date and description of treatment complications; (3-20-20)T
- f. Date and description of all radiographs, study models, and periodontal charting; (3-20-20)T
- g. Health history; and (3-20-20)T
- h. Date, name of, quantity of, and strength of all drugs dispensed, administered, or prescribed. (3-20-20)T

02. Charges and Payments. Each dentist must prepare and maintain a record of all charges and payments for services including source of payments. (3-20-20)T

03. Record Retention. Each dentist must maintain patient records for no less than seven (7) years from the date of last entry unless: (3-20-20)T

- a. The patient requests the records be transferred to another dentist who will maintain the records. (3-20-20)T
- b. The dentist gives the records to the patient; or (3-20-20)T
- c. The dentist transfers the dentist's practice to another dentist who will maintain the records. (3-20-20)T

027. – 030. (RESERVED)

031. INFECTION CONTROL.

In determining what constitutes unacceptable patient care with respect to infection control, the Board may consider current infection control guidelines such as those of the CDC. Additionally, licensees and dental assistants must comply with the following requirements: (3-20-20)T

01. Gloves, Masks, and Eyewear. Disposable gloves must be worn whenever placing fingers into the mouth of a patient or when handling blood or saliva contaminated instruments or equipment. Appropriate hand hygiene must be performed prior to gloving. Masks and protective eyewear or chin-length shields must be worn when spattering of blood or other body fluids is likely. (3-20-20)T

02. Instrument Sterilization. Between each patient use, instruments and other equipment that come in contact with body fluids must be sterilized. (3-20-20)T

03. Sterilizing Devices Testing. Heat sterilizing devices must be tested for proper function by means of a biological monitoring system that indicates micro-organisms kill. Devices must be tested each calendar week in which scheduled patients are treated. Testing results must be retained by the licensee for the current calendar year and the two (2) preceding calendar years. (3-20-20)T

04. Non-Critical Surfaces. Environmental surfaces that are contaminated by blood or saliva must be disinfected with an EPA registered hospital disinfectant. (3-20-20)T

05. Clinical Contact Surfaces. Impervious backed paper, aluminum foil, or plastic wrap should be used to cover surfaces that may be contaminated by blood or saliva. The cover must be replaced between patients. If barriers are not used, surfaces must be cleaned and disinfected between patients by using an EPA registered hospital disinfectant. (3-20-20)T

06. Disposal. All contaminated wastes and sharps must be disposed of according to any governmental requirements. (3-20-20)T

032. EMERGENCY MEDICATIONS OR DRUGS.

The following emergency medications or drugs are required in all sites where anesthetic agents of any kind are administered: anti-anaphylactic agent, antihistaminic, aspirin, bronchodilator, coronary artery vasodilator, and glucose. (3-20-20)T

033. DENTAL HYGIENISTS – PRACTICE.

Dental hygienists are hereby authorized to perform the activities specified below: (3-20-20)T

01. General Supervision. A dental hygienist may perform specified duties under general supervision as follows: (3-20-20)T

a. Oral prophylaxis (removal of stains and plaque biofilm and if present, supragingival and/or subgingival calculus); (3-20-20)T

b. Medical history assessments and intra-oral and extra-oral assessments (including charting of the oral cavity and surrounding structures, taking case histories and periodontal assessment); (3-20-20)T

c. Developing patient care plans for prophylaxis, non-surgical periodontal therapy and supportive and

- evaluative care in accordance with the treatment parameters set by supervising dentist; (3-20-20)T
- d. Root planing; (3-20-20)T
 - e. Non-surgical periodontal therapy; (3-20-20)T
 - f. Closed subgingival curettage; (3-20-20)T
 - g. Administration of local anesthesia; (3-20-20)T
 - h. Removal of marginal overhangs (use of high speed handpieces or surgical instruments is prohibited); (3-20-20)T
 - i. Application of topical antibiotics or antimicrobials (used in non-surgical periodontal therapy); (3-20-20)T
 - j. Provide patient education and instruction in oral health education and preventive techniques; (3-20-20)T
 - k. Placement of antibiotic treated materials pursuant to dentist authorization; (3-20-20)T
 - l. Administration and monitoring of nitrous oxide/oxygen; and (3-20-20)T
 - m. All duties which may be performed by a dental assistant. (3-20-20)T
02. **Direct Supervision.** A dental hygienist may perform specified duties under direct supervision as follows: (3-20-20)T
- a. Use of a laser restricted to gingival curettage and bleaching. (3-20-20)T
- 034. DENTAL HYGIENISTS – PROHIBITED PRACTICE.**
- 01. **Diagnosis and Treatment.** Definitive diagnosis and dental treatment planning. (3-20-20)T
 - 02. **Operative Preparation.** The operative preparation of teeth for the placement of restorative materials. (3-20-20)T
 - 03. **Intraoral Placement or Carving.** The intraoral placement or carving of restorative materials unless authorized by issuance of an extended access restorative endorsement. (3-20-20)T
 - 04. **Anesthesia.** Administration of any general anesthesia or moderate sedation. (3-20-20)T
 - 05. **Final Placement.** Final placement of any fixed or removable appliances. (3-20-20)T
 - 06. **Final Removal.** Final removal of any fixed appliance. (3-20-20)T
 - 07. **Cutting Procedures.** Cutting procedures utilized in the preparation of the coronal or root portion of the tooth, or cutting procedures involving the supportive structures of the tooth. (3-20-20)T
 - 08. **Root Canal.** Placement of the final root canal filling. (3-20-20)T
 - 09. **Occlusal Equilibration Procedures.** Occlusal equilibration procedures for any prosthetic restoration, whether fixed or removable. (3-20-20)T
 - 10. **Other Final Placement.** Final placement of prefabricated or cast restorations or crowns. (3-20-20)T

035. DENTAL THERAPISTS – PRACTICE.

Subject to the provisions of the Dental Practice Act, Chapter 9, Title 54, Idaho Code, dental therapists are hereby authorized to perform activities specified by the supervising dentist who practices in the same practice setting in conformity with a written collaborative practice agreement at the supervision levels set forth in the agreement. The dental therapist and the supervising dentist must sign and maintain a copy of the agreement and provide attestation to the board in writing when entering into a written collaborative practice agreement. Such attestation need only be submitted once each renewal period thereafter. (3-20-20)T

036. DENTAL THERAPISTS – PROHIBITED PRACTICE.

01. Sedation. Administration of minimal, moderate or deep sedation or general anesthesia except as otherwise allowed by these rules; (3-20-20)T

02. Cutting Procedures. Cutting procedures involving the supportive structures of the tooth including both the soft and hard tissues. (3-20-20)T

03. Periodontal Therapy. Periodontal scaling and root planing, including the removal of subgingival calculus. (3-20-20)T

04. All Extractions with Exception. All extractions except: (3-20-20)T

a. Under direct supervision. (3-20-20)T

i. Non-surgical extractions. (3-20-20)T

b. Under general supervision or as specified in Section 035. (3-20-20)T

i. Removal of periodontally diseased teeth with class III mobility. (3-20-20)T

ii. Removal of coronal remnants of deciduous teeth. (3-20-20)T

05. Root Canal Therapy. (3-20-20)T

06. All Fixed and Removable Prosthodontics (except stainless steel crowns). (3-20-20)T

07. Orthodontics. (3-20-20)T

037. DENTAL ASSISTANTS – PRACTICE.

Pursuant to Section 54-903(4), Idaho Code, and these rules, dental assistants are authorized to perform dental services for which they are trained unless prohibited by these rules. Dental assistants must be directly supervised by a dentist when performing intraoral procedures except when providing palliative care as directed by the supervising dentist. (3-20-20)T

01. Prohibited Duties. A dental assistant is prohibited from performing the following duties: (3-20-20)T

a. The intraoral placement or carving of permanent restorative materials. (3-20-20)T

b. Any irreversible procedure. (3-20-20)T

c. The administration of any sedation or local injectable anesthetic. (3-20-20)T

d. Removal of calculus. (3-20-20)T

e. Use of an air polisher. (3-20-20)T

f. Any intra-oral procedure using a high-speed handpiece, except for the removal of orthodontic cement or resin. (3-20-20)T

- g. Any dental hygiene prohibited duty. (3-20-20)T

038. – 040. (RESERVED)

041. LOCAL ANESTHESIA.

Dental offices in which local anesthesia is administered to patients shall, at a minimum, have and maintain suction equipment capable of aspirating gastric contents from the mouth and pharynx, a portable oxygen delivery system including full face masks and a bag-valve mask combination capable of delivering positive pressure, oxygen-enriched ventilation to the patient, a blood pressure cuff of appropriate size and a stethoscope. (3-20-20)T

042. NITROUS OXIDE/OXYGEN.

Persons licensed to practice and dental assistants trained in accordance with these rules may administer nitrous oxide/oxygen to patients. (3-20-20)T

01. Patient Safety. A dentist must evaluate the patient to ensure the patient is an appropriate candidate for nitrous oxide/oxygen; ensure that any patient under nitrous oxide/oxygen is continually monitored; and ensure that a second person is in the practice setting who can immediately respond to any request from the person administering the nitrous oxide/oxygen. (3-20-20)T

02. Required Facilities and Equipment. Dental offices where nitrous oxide/oxygen is administered to patients must have the following: a fail-safe nitrous oxide delivery system that is maintained in working order; a scavenging system; and a positive-pressure oxygen delivery system suitable for the patient being treated. (3-20-20)T

03. Personnel. For nitrous oxide/oxygen administration, personnel shall include an operator and an assistant currently certified in BLS. (3-20-20)T

043. MINIMAL SEDATION.

Persons licensed to practice dentistry in accordance with the Idaho Dental Practice Act and these rules may administer minimal sedation to patients of sixteen (16) years of age or older. When the intent is minimal sedation, the appropriate dosing of a single enteral drug is no more than the MRD. In cases where the patient weighs less than one hundred (100) pounds, or is under the age of sixteen (16) years, minimal sedation may be administered without a permit by use of nitrous oxide, or with a single enteral dose of a sedative agent administered in the dental office. (3-20-20)T

01. Patient Safety. The administration of minimal sedation is permissible so long as it does not produce an alteration of the state of consciousness in a patient to the level of moderate sedation, general anesthesia, or deep sedation. A dentist must qualify for and obtain a permit from the Board to be authorized to sedate patients to the level of moderate sedation, general anesthesia, or general anesthesia. Nitrous oxide/oxygen may be used in combination with a single enteral drug in minimal sedation, except as described in Section 043 of these rules. Notwithstanding any other provision in these rules, a dentist must initiate and regulate the administration of nitrous oxide/oxygen when used in combination with minimal sedation. (3-20-20)T

02. Personnel. At least one (1) additional person currently certified in BLS must be present in addition to the dentist. (3-20-20)T

044. MODERATE SEDATION, GENERAL ANESTHESIA AND DEEP SEDATION.

Dentists licensed in the state of Idaho cannot administer moderate sedation, general anesthesia, or deep sedation in the practice of dentistry unless they have obtained a permit from the Board. A moderate sedation permit may be either enteral or parenteral. A dentist may not administer moderate sedation to children under sixteen (16) years of age and one hundred (100) pounds unless they have qualified for and been issued a moderate parenteral sedation permit. A moderate enteral sedation permit authorizes dentists to administer sedation by either enteral or combination inhalation-enteral routes of administration. A moderate parenteral, general anesthesia, or deep sedation permit authorizes a dentist to administer sedation by any route of administration. To qualify for a moderate, general anesthesia, or deep sedation permit, a dentist must provide proof of the following: (3-20-20)T

- 01. Training Requirements.** (3-20-20)T

a. For Moderate Sedation Permits, completion of training in the administration of moderate sedation to a level consistent with requirements established by the Board within the five (5) year period immediately prior to the date of application for a moderate sedation permit. The five (5) year requirement is not applicable to applicants who hold an equivalent permit in another state which has been in effect for the twelve (12) month period immediately prior to the application date. Qualifying training courses must be sponsored by or affiliated with a dental school accredited by CODA, or be approved by the Board. (3-20-20)T

i. For a moderate enteral sedation permit, the applicant must provide proof of a minimum of twenty-four (24) hours of instruction plus management of at least ten (10) adult case experiences by the enteral and/or enteral-nitrous oxide/oxygen route. These ten (10) cases must include at least three live clinical dental experiences managed by participants in groups no larger than five (5). The remaining cases may include simulations and/or video presentations but must include one experience in returning a patient from deep to moderate sedation. (3-20-20)T

ii. For a moderate parenteral sedation permit, the applicant must provide proof of a minimum of sixty (60) hours of instruction, plus management of at least twenty (20) patients by the intravenous route. (3-20-20)T

b. For General Anesthesia and Deep Sedation Permits, completion of an advanced education program accredited by CODA that affords comprehensive training necessary to administer and manage deep sedation or general anesthesia within the five (5) year period immediately preceding the date of application. The five (5) year requirement is not applicable to applicants who hold an equivalent permit in another state which has been in effect for the twelve (12) month period immediately prior to the application date. (3-20-20)T

02. ACLS. Verification of current certification in ACLS or PALS, whichever is appropriate for the patient being sedated. (3-20-20)T

03. General Requirements The qualified dentist is responsible for the sedative management, adequacy of the facility and staff, diagnosis and treatment of emergencies related to the administration of moderate sedation, general anesthesia, or deep sedation and providing the equipment, drugs and protocol for patient rescue. Evaluators appointed by the Idaho State Board of Dentistry will periodically assess the adequacy of the facility and competence of the sedation team. For general anesthesia and deep sedation, the Board adopts the standards incorporated by reference in these rules, as set forth by the AAOMS in their office anesthesia evaluation manual. (3-20-20)T

a. Facility, Equipment and Drug Requirements. The following facilities, equipment and drugs must be available for immediate use during the sedation and recovery phase: (3-20-20)T

i. An operating room large enough to adequately accommodate the patient on an operating table or in an operating chair and to allow an operating team of at least two (2) individuals to freely move about the patient; (3-20-20)T

ii. An operating table or chair that permits the patient to be positioned so the operating team can maintain the patient's airway, quickly alter the patient's position in an emergency, and provide a firm platform for the administration of basic life support; (3-20-20)T

iii. A lighting system that permits evaluation of the patient's skin and mucosal color and a backup lighting system of sufficient intensity to permit completion of any operation underway in the event of a general power failure; (3-20-20)T

iv. Suction equipment that permits aspiration of the oral and pharyngeal cavities and a backup suction device which will function in the event of a general power failure; (3-20-20)T

v. An oxygen delivery system with adequate full face mask and appropriate connectors that is capable of delivering high flow oxygen to the patient under positive pressure, together with an adequate backup system; (3-20-20)T

vi. A recovery area that has available oxygen, adequate lighting, suction and electrical outlets. The

recovery area can be the operating room (3-20-20)T

vii. A sphygmomanometer, pulse oximeter, oral and nasopharyngeal airways, supraglottic airway devices, and automated external defibrillator (AED); and (3-20-20)T

viii. Emergency drugs including, but not limited to, pharmacologic antagonists appropriate to the drugs used, bronchodilators, and antihistamines. (3-20-20)T

ix. Additional emergency equipment and drugs required for moderate parenteral sedation permits include precordial/pretracheal stethoscope or end-tidal carbon dioxide monitor, intravenous fluid administration equipment, vasopressors, and anticonvulsants. (3-20-20)T

x. Additional emergency equipment and drugs required for general anesthesia and deep sedation permits include precordial/pretracheal stethoscope and end-tidal carbon dioxide monitor, intravenous fluid administration equipment, vasopressors, and anticonvulsants. (3-20-20)T

b. Personnel (3-20-20)T

i. For moderate sedation, the minimum number of personnel is two (2) including: the operator and one (1) additional individual currently certified in BLS. (3-20-20)T

ii. For general anesthesia or deep sedation, the minimum number of personnel is three (3) including: the operator and two (2) additional individuals currently certified in BLS. When the same individual administering the general anesthesia or deep sedation is performing the dental procedure one (1) of the additional individuals must be designated for patient monitoring. (3-20-20)T

iii. Auxiliary personnel must have documented training in BLS, will have specific assignments, and shall have current knowledge of the emergency cart inventory. The dentist and all office personnel must participate in documented periodic reviews of office emergency protocol, including simulated exercises, to assure proper equipment function and staff interaction. (3-20-20)T

c. Pre-sedation Requirements. Before inducing moderate sedation, general anesthesia, or deep sedation a dentist must: (3-20-20)T

i. Evaluate the patient's medical history and document, using the American Society of Anesthesiologists Patient Physical Status Classifications, that the patient is an appropriate candidate for moderate sedation, general anesthesia, or deep sedation; (3-20-20)T

ii. Give written preoperative and postoperative instructions to the patient or, when appropriate due to age or psychological status of the patient, the patient's guardian; (3-20-20)T

iii. Obtain written informed consent from the patient or patient's guardian for the sedation; and (3-20-20)T

iv. Maintain a sedation record and enter the individual patient's sedation into a case/drug log. (3-20-20)T

d. Patient Monitoring. Patients must be monitored as follows: (3-20-20)T

i. For moderate sedation the patient must be continuously monitored using pulse oximetry. For general anesthesia or deep sedation, the patient must be continuously monitored using pulse oximetry and end-tidal carbon dioxide monitors. (3-20-20)T

ii. The patient's blood pressure, heart rate, and respiration must be recorded every five (5) minutes during the sedation and then continued every fifteen (15) minutes until the patient meets the requirements for discharge. These recordings must be documented in the patient record. The record must also include documentation of preoperative and postoperative vital signs, all medications administered with dosages, time intervals and route of

administration. If this information cannot be obtained, the reasons must be documented in the patient's record. (3-20-20)T

iii. During the recovery phase, the patient shall be monitored by an individual trained to monitor patients recovering from sedation; (3-20-20)T

iv. A dentist will not release a patient who has undergone sedation except to the care of a responsible third party; (3-20-20)T

v. The dentist will assess the patient's responsiveness using preoperative values as normal guidelines and discharge the patient only when the following criteria are met: vital signs are stable, patient is alert and oriented, and the patient can ambulate with minimal assistance; and (3-20-20)T

vi. A discharge entry will be made by the dentist in the patient's record indicating the patient's condition upon discharge and the name of the responsible party to whom the patient was discharged. (3-20-20)T

e. Sedation of Other Patients. The permit holder must not initiate sedation on another patient until the previous patient is in a stable monitored condition and in the recovery phase following discontinuation of their sedation. (3-20-20)T

045. SEDATION PERMIT RENEWAL.

01. Permit Renewal. Before the expiration date of a permit, the board will provide notice of renewal to the licensee. Failure to timely submit a renewal application and permit fee shall result in expiration of the permit and termination of the licensee's right to administer sedation. Failure to submit a complete renewal application and permit fee within thirty (30) days of expiration of the permit shall result in cancellation of the permit. Renewal of the permit will be required every five (5) years. Proof of a minimum of twenty-five (25) continuing education credit hours in sedation which may include training in medical/office emergencies will be required to renew a permit. In addition to the continuing education credit hours, a dentist must: (3-20-20)T

a. For a moderate enteral sedation permit, maintain current certification in BLS or ACLS. (3-20-20)T

b. For a moderate parenteral, general anesthesia, or deep sedation permit, maintain current certification in ACLS. (3-20-20)T

02. Reinstatement. A dentist may apply for reinstatement of a canceled or surrendered permit issued by the Board within five (5) years of the date of the permit's cancellation or surrender. Applicants for reinstatement of a sedation permit must satisfy the facility and personnel requirements and verify they have obtained an average of five (5) continuing education credit hours in sedation for each year subsequent to the date upon which the permit was canceled or surrendered. A fee for reinstatement will be assessed. (3-20-20)T

046. SUSPENSION, REVOCATION OR RESTRICTION OF SEDATION PERMIT.

The Board may, at any time and for just cause, institute proceedings to revoke, suspend, or otherwise restrict a sedation permit issued pursuant to Section 045 of these rules. If the Board determines that emergency action is necessary to protect the public, summary suspension may be ordered pending further proceedings. Proceedings to suspend, revoke or restrict a permit shall be subject to applicable statutes and rules governing administrative procedures before the Board. (3-20-20)T

047. DETERMINATION OF DEGREE OF SEDATION BY THE BOARD.

In any matter under review or in any proceeding being conducted in which the Board must determine the degree of central nervous system depression, the Board may base its findings or conclusions on, among other matters, the type, and dosages, and routes of administration of drugs administered to the patient and what result can reasonably be expected from those drugs in those dosages and routes administered in a patient of that physical and psychological status. (3-20-20)T

048. USE OF OTHER ANESTHESIA PERSONNEL.

A dentist who does not hold a sedation permit may perform dental procedures in a dental office on a patient who

receives sedation induced by an anesthesiologist, a CRNA, or another dentist with a sedation permit as follows: (3-20-20)T

01. Facility, Equipment, Drugs, and Personnel Requirements. The dentist will have the same facility, equipment, drugs, and personnel available during the procedure and during recovery as required of a dentist who has a permit for the level of sedation being provided. (3-20-20)T

02. Patient's Condition Monitored Until Discharge. The qualified sedation provider who induces sedation will monitor the patient's condition until the patient is discharged and record the patient's condition at discharge in the patient's dental record as required by the rules applicable to the level of sedation being induced. The sedation record must be maintained in the patient's dental record and is the responsibility of the dentist who is performing the dental procedures. (3-20-20)T

03. Use of Services of a Qualified Sedation Provider. A dentist who intends to use the services of a qualified sedation provider must notify the Board in writing of his intent. Such notification need only be submitted once every licensing period. (3-20-20)T

04. Advertising. A dentist who intends to use the services of a qualified sedation provider may advertise the service provided so long as each such advertisement contains a prominent disclaimer that the service “will be provided by a qualified sedation provider.” (3-20-20)T

049. INCIDENT REPORTING.

Dentists must report to the Board, in writing, within seven (7) days after the death or transport to a hospital or emergency center for medical treatment for a period exceeding twenty-four (24) hours of any patient to whom sedation was administered. (3-20-20)T

050. – 054. (RESERVED)

055. TELEHEALTH SERVICES.

Definitions applicable to these rules are those definitions set forth in the Idaho Telehealth Access Act and in Section 54-5703, Idaho Code. (3-20-20)T

01. Licensure and Location. Any dentist who provides any telehealth services to patients located in Idaho must hold an active Idaho license. (3-20-20)T

02. Additional Requirements. In addition to the requirements set forth in Section 54-5705, Idaho Code, during the first contact with the patient, a dentist licensed by the Board who is providing telehealth services must:

a. Verify the location and identity of the patient; (3-20-20)T

b. Disclose to the patient the dentist’s identity, their current location, telephone number, and Idaho license number; and (3-20-20)T

c. 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. (3-20-20)T

03. Standard of Care. A dentist providing telehealth services to patients located in Idaho must comply with the applicable Idaho community standard of care. If a patient's presenting symptoms and conditions require a physical examination in order to make a diagnosis, the dentist may not provide diagnosis or treatment through telehealth services unless or until such information is obtained. (3-20-20)T

04. 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: (3-20-20)T

- a.** Verification. Identification of the patient, the dentist, and the dentist’s credentials; (3-20-20)T
- b.** 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; (3-20-20)T
- c.** 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; (3-20-20)T
- d.** Potential Information Loss. Disclosure that information may be lost due to technical failures. (3-20-20)T

056. UNPROFESSIONAL CONDUCT.

A licensee shall not engage in unprofessional conduct in the course of his practice. Unprofessional conduct by a person licensed under the provisions of Title 54, Chapter 9, Idaho Code, is defined as, but not limited to, one (1) of the following: (3-20-20)T

- 01. Fraud.** Obtaining fees by fraud or misrepresentation, or over-treatment either directly or through an insurance carrier. (3-20-20)T
- 02. Unlicensed Practice.** Employing directly or indirectly any suspended or unlicensed individual as defined in Title 54, Chapter 9, Idaho Code. (3-20-20)T
- 03. Unlawful Practice.** Aiding or abetting licensed persons to practice unlawfully. (3-20-20)T
- 04. Dividing Fees.** A dentist shall not divide a fee for dental services with another party, who is not a partner or associate with him in the practice of dentistry, unless: (3-20-20)T
 - a.** The patient consents to employment of the other party after a full disclosure that a division of fees will be made; (3-20-20)T
 - b.** The division is made in proportion to the services performed and responsibility assumed by each dentist or party. (3-20-20)T
- 05. Prescription Drugs.** Prescribing or administering prescription drugs not reasonably necessary for, or within the scope of, providing dental services for a patient. A dentist may not prescribe or administer prescription drugs to himself. A dentist shall not use controlled substances as an inducement to secure or maintain dental patronage or aid in the maintenance of any person's drug addiction by selling, giving or prescribing prescription drugs. (3-20-20)T
- 06. Harassment.** The use of threats or harassment to delay or obstruct any person in providing evidence in any possible or actual disciplinary action, or other legal action; or the discharge of an employee primarily based on the employee's attempt to comply with the provisions of Title 54, Chapter 9, Idaho Code, or the Board's Rules, or to aid in such compliance. (3-20-20)T
- 07. Discipline in Other States.** Conduct himself in such manner as results in a suspension, revocation or other disciplinary proceedings with respect to his license in another state. (3-20-20)T
- 08. Altering Records.** Alter a patient's record with intent to deceive. (3-20-20)T
- 09. Office Conditions.** Unsanitary or unsafe office conditions, as determined by the customary practice and standards of the dental profession in the state of Idaho and CDC guidelines as incorporated by reference in these rules. (3-20-20)T
- 10. Abandonment of Patients.** Abandonment of patients by licensees before the completion of a phase

of treatment, as such phase of treatment is contemplated by the customary practice and standards of the dental profession in the state of Idaho, without first advising the patient of such abandonment and of further treatment that is necessary. (3-20-20)T

11. Use of Intoxicants. Practicing while under the influence of an intoxicant or controlled substance where the same impairs the licensee's ability to practice with reasonable and ordinary care. (3-20-20)T

12. Mental or Physical Condition. The inability to practice with reasonable skill and safety to patients by reason of age, illness, or as a result of any mental or physical condition. (3-20-20)T

13. Consent. Revealing personally identifiable facts, data or information obtained in a professional capacity without prior consent of the patient, except as authorized or required by law. (3-20-20)T

14. Scope of Practice. Practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities that the licensee knows or has reason to know that he or she is not competent to perform. (3-20-20)T

15. Delegating Duties. Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or with the exercise of reasonable care and control should know, that such a person is not qualified by training or by licensure to perform them. (3-20-20)T

16. Unauthorized Treatment. Performing professional services that have not been authorized by the patient or his legal representative. (3-20-20)T

17. Supervision. Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of a licensed professional. (3-20-20)T

18. Legal Compliance. Failure to comply with any provisions of federal, state or local laws, statutes, rules, and regulations governing or affecting the practice of dentistry or dental hygiene. (3-20-20)T

19. Exploiting Patients. Exercising undue influence on a patient in such manner as to exploit a patient for the financial or personal gain of a practitioner or of a third party. (3-20-20)T

20. Misrepresentation. Willful misrepresentation of the benefits or effectiveness of dental services. (3-20-20)T

21. Disclosure. Failure to advise patients or their representatives in understandable terms of the treatment to be rendered, alternatives, the name and professional designation of the provider rendering treatment, and disclosure of reasonably anticipated fees relative to the treatment proposed. (3-20-20)T

22. Sexual Misconduct. Making suggestive, sexual or improper advances toward a patient or committing any lewd or lascivious act upon or with a patient. (3-20-20)T

23. Patient Management. Use of unreasonable and/or damaging force to manage patients, including but not limited to hitting, slapping or physical restraints. (3-20-20)T

24. Compliance with Dentist Professional Standards. Failure by a dentist to comply with professional standards applicable to the practice of dentistry, as incorporated by reference in this chapter. (3-20-20)T

25. Compliance with Dental Hygienist Professional Standards. Failure by a dental hygienist to comply with professional standards applicable to the practice of dental hygiene, as incorporated by reference in this chapter. (3-20-20)T

26. Failure to Provide Records to a Patient or Patient's Legal Guardian. Refusal or failure to provide a patient or patient's legal guardian with records within five (5) business days. A patient or patient's legal guardian may not be denied a copy of his records for any reason, regardless of whether the person has paid for the dental services rendered. A person may be charged for the actual cost of providing the records but in no

circumstances may a person be charged an additional processing or handling fee or any charge in addition to the actual cost. (3-20-20)T

27. Failure to Cooperate with Authorities. Failure to cooperate with authorities in the investigation of any alleged misconduct or interfering with a Board investigation by willful misrepresentation of facts, willful failure to provide information upon request of the Board, or the use of threats or harassment against any patient or witness to prevent them from providing evidence. (3-20-20)T

28. Advertising. Advertise in a way that is false, deceptive, misleading or not readily subject to verification. (3-20-20)T

057. – 999. (RESERVED)

**24.32.01 – RULES OF THE IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS**

000. LEGAL AUTHORITY.

These rules are promulgated as authorized by Sections 54-1208(1) and 55-1606, Idaho Code. (3-20-20)T

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 24.32.01, “Rules of the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors.” (3-20-20)T

02. Scope. These rules include procedures of the Board, rules of professional responsibility, rules of continuing professional development, and rules for properly completing corner perpetuation and filing forms. (3-20-20)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

The following terms are used as defined below: (3-20-20)T

01. Active Participation. Serving as an officer or committee chair at either the national, state or local (section or chapter) level. (3-20-20)T

02. Activity. Any qualifying action with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the licensee's field of practice or practices. Routine job assignments are not considered qualified activities. (3-20-20)T

03. Board. The Board of Licensure of Professional Engineers and Professional Land Surveyors. (3-20-20)T

04. Certificate Holder. Any person holding a current certificate as an Engineer Intern or a Land Surveyor Intern or a business entity (which is also herein referred to as a “person”) holding a current certificate of authorization, which has been duly issued by the Board. (3-20-20)T

05. College Semester or Quarter Credit Hour. Credit for college courses. (3-20-20)T

06. Continuing Education Unit (CEU). Unit of credit customarily used for continuing education courses. One (1) continuing education unit equals ten (10) hours of class in an approved continuing education course. (3-20-20)T

07. Deceit. To intentionally misrepresent a material matter, or intentionally omit to disclose a known material matter. (3-20-20)T

08. Documented Self-Study. Documented study of professional/technical journals, published papers, articles, books, software or other areas of training which increase knowledge of the technology above and beyond routine job assignments. (3-20-20)T

09. Incompetence. Failure to meet the standard of care. (3-20-20)T

10. Licensee. Any person holding a current license as a Professional Engineer, a Professional Land Surveyor, or a combination thereof, which has been duly issued by the Board. (3-20-20)T

11. Misconduct. A violation or attempt to violate these rules of professional responsibility or to knowingly assist or induce another to do so, or do so through the acts of another; a finding of guilt of commitment of a felony or a plea of guilty to a felony; commit fraud or deceit; failure to respond within twenty (20) days of an inquiry from the Board or its representative, unless such time is extended by the Board for justifiable cause; state or imply an ability to influence improperly a government agency or official. (3-20-20)T

12. Professional Development Hour (PDH). A contact hour (minimum of fifty (50) minutes) of instruction or presentation. The common denominator for other units of credit. (3-20-20)T

SUBCHAPTER A – RULES OF PROCEDURE
(Rules 011 through 099)

011. FEES.

01. Applications and Renewals. All fees are set by the Board in the following categories and may in no event be more than the amount specified in Sections 54-1213, 54-1214, 54-1216, 54-1219 and 54-1223, Idaho Code. Fees are not refundable. (3-20-20)T

- a.** Licensure as a professional engineer or professional land surveyor by examination. (3-20-20)T
- b.** Reinstatement of a retired or expired license. (3-20-20)T
- c.** Certification for a business entity applying for a certificate of authorization to practice or offer to practice engineering or land surveying. (3-20-20)T
- d.** Renewals for professional engineers, professional land surveyors, engineer interns, land surveyor interns, and business entities. (3-20-20)T
- e.** Licensure for professional engineers or professional land surveyors by comity. (3-20-20)T

02. Late or Denied Renewals. Failure on the part of any licensee or business entity to renew their license or certificate of authorization prior to their expiration will not deprive such persons or business entity of the right of renewal, but the fees to be paid for renewal after their expiration will be increased as prescribed in Section 54-1216, Idaho Code, unless otherwise waived by the Board. (3-20-20)T

012. REISSUANCE OF CERTIFICATES.

A new certificate of licensure or authorization, to replace any certificate lost, destroyed or mutilated, may be issued upon written request and payment of fee of ten dollars (\$10). (3-20-20)T

013. (RESERVED)

014. SEALS.

01. Official Seal of Board. The official seal of this Board consists of the seal of the state of Idaho, surrounded with the words “Board of Professional Engineers and Professional Land Surveyors” and “State of Idaho.” (3-20-20)T

02. Standard Seals for Engineers and Land Surveyors. The Board adopts standard seals for use by licensed professional engineers and professional land surveyors as prescribed by Section 54-1215, Idaho Code. Seals prepared and approved prior to July 1, 2008 are valid for continued use. (3-20-20)T

03. Seal for Professional Engineer/Land Surveyor. Engineers obtaining licensure as land surveyors under the changes to Section 54-1217, Idaho Code, by the 1978 Legislature use the seal showing licensure as a Professional Engineer and Land Surveyor as adopted by the Board. Seals prepared and approved prior to July 1, 2008 are valid for continued use. (3-20-20)T

015. CERTIFICATES.

Certificates of licensure or authorization issued by the Board must be displayed in the place of business. (3-20-20)T

016. APPLICATION FOR LICENSURE OR CERTIFICATION.

01. Forms. Application forms for licensure as a professional engineer, or professional land surveyor, certification as an engineer intern, land surveyor intern or certificates of authorization to practice or offer to practice engineering or land surveying by a business entity may be obtained online from the Board. (3-20-20)T

02. Completion of Application. Applications must be made on such forms as may be prescribed by

the Board. All forms, references, transcripts and other written materials must be in English. An application that is not fully completed by the applicant need not be considered or acted upon by the Board. The application by a business entity for a certificate of authorization to practice or offer to practice engineering or land surveying must set forth its address, and name and address of the individual, or individuals, duly licensed to practice engineering or land surveying in this state, who will be in responsible charge of engineering or land surveying services offered or rendered by the business entity in this state. (3-20-20)T

03. Submittal of Applications and Examination Cutoff Date. Submittal of applications for licensure or intern certification must occur after passing the required national examinations. Examinations may be given in various formats and different registration dates apply depending on the examination format. (3-20-20)T

a. For national examinations administered in a computer-based or paper format once or twice per year the registration requirements, including the deadline and testing windows, are established by the National Council of Examiners for Engineering and Surveying (NCEES). (3-20-20)T

b. For national examinations administered continuously in a computer-based format, there is no deadline for registering with NCEES. The registration requirements, including the testing windows, are established by NCEES. (3-20-20)T

c. In order for the Board to be able to verify experience, only experience up to the date of submittal of the application for licensure will be considered as valid. (3-20-20)T

d. Applications for certification as engineering or surveying interns are submitted after passing the Fundamentals of Engineering or the Fundamentals of Surveying examination and providing evidence of graduation with educational credentials required by Subsection 017.03 of this chapter. (3-20-20)T

04. Residency Requirement. Except for military personnel stationed in the state of Idaho on military orders, and except for persons employed full-time in the state of Idaho, only residents of the state of Idaho and students enrolled at an Idaho university or college may qualify for initial licensure. The Board will accept as proof of Idaho residency a valid Idaho issued driver's license, a utility bill issued within the last sixty (60) days with an Idaho address in the name of the applicant, a statement from a financial institution issued within the last sixty (60) days to the applicant at an Idaho address, proof of current voter registration in Idaho, or current Idaho vehicle registration in the name of the applicant. The Board will accept as proof of full-time employment in the state of Idaho verification from the Idaho employer stating employment status. The Board will accept a valid student identification card as proof of enrollment at an Idaho university or college. (3-20-20)T

05. Confidentiality of References. All information received from references named by the applicant is held in confidence by the Board except as provided by Section 74-113, Idaho Code. Neither members of the Board nor relatives of the applicant by blood or marriage may be named or accepted as references. (3-20-20)T

06. Minimum Standards -- References. An applicant may not be licensed until satisfactory replies have been received from a minimum of five (5) of his references for professional engineers or land surveyors. It is the responsibility of each applicant to furnish references with the forms prescribed by the Board. (3-20-20)T

07. Minimum Boundary Survey Experience. The Board requires a minimum of two (2) years boundary survey experience as a condition of professional land surveyor licensure. (3-20-20)T

017. EXAMINATIONS AND EDUCATION.

01. Special or Oral Examination. Examinations for licensure as a professional engineer or professional land surveyor, or certification as an engineer intern or land surveyor intern will be held on dates and at times and places to be determined by the Board. Special oral or written examinations may be given by the Board as necessary. (3-20-20)T

02. Use of NCEES Examinations. National examinations prepared and graded by the National Council of Examiners for Engineering and Surveying (NCEES) may be used by the Board. Applicants registering for a national professional examination must have first passed the fundamentals examination unless exempted per

Subsection 017.10 of this chapter.

(3-20-20)T

03. Eligibility for Licensure, Educational Requirements. The application for licensure as a professional engineer or professional land surveyor together with a passing score on the written ethics questionnaire or Idaho specific land surveying examination, is considered in the determination of the applicant's eligibility. Each applicant must meet the minimum requirements as set forth in Section 54-1212, Idaho Code, before being licensed. Prescriptive education requirements are as follows:

(3-20-20)T

a. In regard to educational requirements, the Board will consider as unconditionally approved only those engineering programs that are accredited by the Engineering Accreditation Commission (EAC) of ABET, Inc., or the bachelor of science programs accredited by the Canadian Engineering Accrediting Board, or those bachelor of science engineering programs that are accredited by official organizations recognized by the U.K. Engineering Council. Non-EAC/ABET accredited engineering programs, related science programs, and engineering technology programs will be considered by the Board on their specific merits, but are not considered equal to engineering programs accredited by EAC/ABET. The Board may continue consideration of an application for valid reasons for a period of one (1) year, without forfeiture of the application fee.

(3-20-20)T

b. An applicant who has completed a four (4) year bachelor degree program in engineering not accredited by EAC/ABET or a four (4) year bachelor degree program in engineering technology, or in a related science degree program other than engineering must have completed the following before the Board will consider them to possess knowledge and skill approximating that attained through graduation from an approved four (4) year engineering curriculum as required by Section 54-1212(3)(b), Idaho Code, for certification as an Engineer Intern or as required by Section 54-1212(1)(b), Idaho Code, for licensure as a professional engineer:

(3-20-20)T

i. Thirty-two (32) college semester credit hours of higher mathematics and basic sciences. The credits in mathematics must be beyond algebra and trigonometry and emphasize mathematical concepts and principles rather than computation. Courses in differential and integral calculus are required. Additional courses may include differential equations, linear algebra, numerical analysis, probability and statistics and advanced calculus. The credits in basic sciences must include at least two (2) courses. These courses must be in general chemistry, general calculus-based physics, or general biological sciences; the two (2) courses may not be in the same area. Additional basic sciences courses may include earth sciences (geology, ecology), advanced biology, advanced chemistry, and advanced physics. Computer skills and/or programming courses may not be used to satisfy mathematics or basic science requirements. Basic engineering science courses or sequence of courses in this area are acceptable for credit but may not be counted twice.

(3-20-20)T

ii. Twelve (12) college credit hours in a general education component that complements the technical content of the curriculum. Examples of traditional courses in this area are philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics (micro and macro), professional ethics, social responsibility. Examples of other general education courses deemed acceptable include management (such as organizational behavior), accounting, written and oral communications, business, and law. No more than six (6) credit hours may come from courses in management, accounting, business, or law. Courses in engineering economics, engineering management, systems engineering/ analysis, production, and industrial engineering/management will not be counted. Language courses in the applicant's native language are not acceptable for credit; no more than six (6) credit hours of foreign language courses are acceptable for credit. Native language courses in literature and civilization may be considered in this area. Courses which instill cultural values are acceptable, while routine exercises of personal craft are not.

(3-20-20)T

iii. Forty-eight (48) college credit hours of engineering science and/or engineering design courses. Courses in engineering science must be taught within the college / faculty of engineering having their roots in mathematics and basic sciences but carry knowledge further toward creative application of engineering principles. Examples of approved engineering science courses are mechanics, thermodynamics, heat transfer, electrical and electronic circuits, materials science, transport phenomena, and computer science (other than computer programming skills). Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. Graduate level engineering courses may be included to fulfill curricular requirements in this area. Engineering technology courses cannot be considered to meet engineering topic requirements.

(3-20-20)T

iv. The Board may require detailed course descriptions for seminar, directed study, special problem and similar courses to ensure that the above requirements are met. (3-20-20)T

c. In regard to educational requirements, the Board will consider as unconditionally approved only those surveying programs that are accredited either by the Engineering Accreditation Commission (EAC), the Applied and Natural Science Accreditation Commission (ANSAC) or the Engineering Technology Accreditation Commission (ETAC) of ABET, Inc. An applicant who has completed a four (4) year bachelor degree program in a related program must have completed a minimum of the following college level academic courses, or their equivalents as determined by the Board, before the Board will consider them to possess knowledge and skill approximating that attained through graduation from an approved four (4) year surveying curriculum as required by Section 54-1212(4)(b), Idaho Code, for certification as a Land Surveyor Intern or as required by Section 54-1212(2)(b), Idaho Code, for licensure as a professional land surveyor: (3-20-20)T

i. Eighteen (18) college semester credit hours of mathematics and basic sciences. A minimum of twelve (12) credits in mathematics must be beyond basic mathematics, but the credits include college algebra or higher mathematics. These courses must emphasize mathematical concepts and principles rather than computation. Mathematics courses may include college algebra, trigonometry, analytic geometry, differential and integral calculus, linear algebra, numerical analysis, probability and statistics, and advanced calculus. A minimum of six (6) credits must be in basic sciences. These courses must cover one or more of the following topics: general chemistry, advanced chemistry, life sciences (biology), earth sciences (geology, ecology), general physics, and advanced physics. Computer skills and/or programming courses may not be used to satisfy mathematics or basic science requirements; (3-20-20)T

ii. Twelve (12) college semester credit hours in a general education component that complements the technical content of the curriculum. Examples of traditional courses in this area are religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics, professional ethics, and social responsibility. No more than six (6) credit hours of languages other than English or other than the applicant's native language are acceptable for credit. English and foreign language courses in literature and civilization may be considered in this area. Courses that instill cultural values are acceptable, while routine exercises of personal craft are not; (3-20-20)T

iii. Thirty (30) college semester credit hours of surveying science and surveying practice. Courses must be taught by qualified surveying faculty. Examples of surveying courses are basic surveying, route surveying, geodesy, geographic information systems, land development design and planning, global positioning systems, photogrammetry, mapping, survey adjustment and coordinates systems, cartography, legal descriptions, and remote sensing. Required courses will include a minimum of basic surveying, route surveying, geodesy, surveying law, public land survey system and global positioning systems. Graduate-level surveying courses can be included to fulfill curricular requirements in this area. (3-20-20)T

d. The Board may require an independent evaluation of the engineering education of an applicant who has a non-EAC/ABET accredited engineering degree or a non-engineering degree. Such evaluation must be done through an organization approved by the Board and be done at the expense of the applicant to ensure that the applicant has completed the coursework requirements of Subsection 017.03.b. The Board may table action on the application pending receipt of the evaluation, and, in the event the applicant does not provide the evaluation within one (1) year, the Board may terminate the application, in which case the application fee is forfeited. (3-20-20)T

04. Two Examinations for Engineering Licensure. The complete examining procedure for licensure as a professional engineer normally consists of two (2) separate written examinations. The first is the Fundamentals of Engineering examination for engineer intern certification, and the second is the Principles and Practice of Engineering for professional engineer licensure. The examination will be a duration as determined by the Board. Normally, applicants are eligible to take the Fundamentals of Engineering examination during the last or second-to-last semester of or after graduation from an accredited bachelor of science engineering program. A certificate as an Engineer Intern will be issued only to those student applicants who earn a passing grade on the examination and who receive a degree. Having passed the Fundamentals of Engineering examination, applicants will be required to take the Principles and Practice of Engineering examination at a later date when qualified by the Board. (3-20-20)T

05. Fundamentals of Engineering. The Fundamentals of Engineering examination will cover such subjects as are ordinarily given in engineering college curricula and which are common to all fields of practice. The

examination may also cover subject matters that are specific to the engineering discipline of the applicants' education. (3-20-20)T

06. Principles and Practice of Engineering -- Disciplines. The Principles and Practice of Engineering examination will cover the practice of engineering to test the applicant's fitness to assume responsibility for engineering works affecting the public health, safety and welfare. Separate examinations will be given to test the applicant's fitness in any discipline for which there is an examination which, in the opinion of the Board, meets the requirements of duration and difficulty necessary to adequately test the applicant's fitness to practice in that particular discipline. The Board may use examinations prepared by the National Council of Examiners for Engineering and Surveying (NCEES) or it may prepare or commission the preparation of, or utilize other state examinations in disciplines other than those for which examinations may be available from NCEES. (3-20-20)T

07. Three Examinations for Land Surveying Licensure. The complete examining procedure for licensure as a professional land surveyor consists of three (3) separate written examinations. The first is the Fundamentals of Surveying examination for land surveyor intern certification, and the second is the Principles and Practice of Surveying, and the third is the Idaho specific professional land surveying examination. All examinations are required for professional land surveyor licensure. The examination will be a duration as determined by the Board. Having passed the Fundamentals of Surveying examination, applicants will be required to take the Principles and Practice of Surveying examination at a later date when qualified by the Board. The examination covers the theory and principles of surveying, the practice of land surveying and the requirements of legal enactments. The Principles and Practice of Surveying examination may consist of separate modules, each of which must be passed. Having passed the Principles and Practice of Surveying examination, applicants will be required to pass the Idaho specific professional land surveying examination, which tests for knowledge of the laws and rules of Idaho, and the legal and technical aspects of land surveying in Idaho. (3-20-20)T

08. Oral or Unassembled Examinations. An oral examination or unassembled written examination, in addition to the prescribed written examination, may be required for professional engineer and professional land surveyor applicants. (3-20-20)T

09. Grading. Unless otherwise provided in 54-1219, or 54-1223 Idaho Code, each land surveyor intern, engineer intern, professional land surveyor and professional engineer applicant must attain a passing score on the entire examination or modules as determined by the Board, before being awarded certification or licensure. Passing scores on national examinations are established by the National Council of Examiners for Engineering and Surveying. A passing score on the Idaho specific ethics questionnaire is eighty (80), a passing score on the law and rules module of the Idaho specific land surveying examination is ninety (90), and a passing score on the public land surveying module of the Idaho specific land surveying examination is seventy-five (75). (3-20-20)T

10. Exemption – Examination on the Fundamentals of Engineering. The Board may exempt an exceptional individual who has twelve (12) or more years of appropriate engineering experience from the requirement for satisfactory completion of an examination on the fundamentals of engineering as specified in 54-1223(2), Idaho Code. The Board will exempt an individual who has an earned bachelor's degree and an earned doctoral degree from an approved engineering program from the requirement for satisfactory completion of an examination on the fundamentals of engineering as specified in 54-1223(3), Idaho Code. (3-20-20)T

11. Review of Examination by Examinee. Due to security concerns about the examinations, examinees are not allowed to review their examinations. Examinees who fail an examination will be provided a diagnostic analysis of their performance on the examination if such an analysis is available to the Board. (3-20-20)T

018. REEXAMINATIONS.

The reexamination policy for each failed national examination will be established by NCEES. Reexamination for failed Idaho specific examinations will be allowed until a passing score is attained, but the Board may, in addition, require oral or other examinations. (3-20-20)T

019. LICENSEES OR CERTIFICATE HOLDERS OF OTHER STATES, BOARDS, AND COUNTRIES.

01. Interstate Licensure Evaluation. Each application for an Idaho professional engineer license or professional land surveyor license submitted by an applicant who is licensed as a professional engineer, or licensed as

a professional land surveyor, respectively, in one (1) or more states, possessions or territories or the District of Columbia, will be considered by the Board on its merits, and the application evaluated for substantial compliance with respect to the requirements of the Idaho law related to experience, examination, and education. A minimum of four (4) years of progressive experience after graduation with a bachelor of science degree is required for licensure. Individuals who have passed the National Council of Examiners for Engineering and Surveying (NCEES) examinations for professional engineering or professional land surveying will be considered to have satisfied the examination requirement for issuance of a license as a professional engineer or professional land surveyor provided that land surveyor applicants also pass the Idaho specific professional land surveying examination. Prescriptive education requirements are as follows: (3-20-20)T

a. Graduates from programs accredited by the Engineering Accreditation Commission of the ABET, Inc., (EAC/ABET), or graduates of university bachelor of science engineering programs accredited by the Canadian Engineering Accrediting Board, or those university bachelor of science engineering programs that are accredited by official organizations recognized by the U.K. Engineering Council, or graduates of engineering programs with coursework evaluated by the Board as being substantially equivalent to EAC/ABET degrees, will be considered to have satisfied the educational requirement for issuance of a license as a professional engineer. (3-20-20)T

b. The Board may require an independent evaluation of the engineering education of an applicant who has a non-EAC/ABET accredited four (4) year bachelor degree. Such evaluation must be done through an organization approved by the Board and is done at the expense of the applicant to ensure that they have completed the coursework requirements of Subsection 019.01.c. Such evaluation is not required if the applicant has been licensed in another jurisdiction of the United States for an minimum of ten (10) years and has not had any disciplinary action against them and there is none pending, and possesses the education, experience and examination credentials that were specified in the applicable registration chapter in effect in this state at the time such certification was issued. The Board may table action on the application pending receipt of the evaluation, and, in the event the applicant does not provide the evaluation within one (1) year, the Board may terminate the application, in which case the application fee will be forfeited. (3-20-20)T

c. An applicant who was originally licensed in another jurisdiction after June 30, 1996, and who has completed a four (4) year bachelor degree program in engineering technology, or in a related science degree program other than engineering must have completed the following before the Board will consider them to possess knowledge and skill approximating that attained through graduation from an approved four (4) year engineering curriculum as required by Section 54-1212(1)(b), Idaho Code: (3-20-20)T

i. Thirty-two (32) college semester credit hours of higher mathematics and basic sciences. The credits in mathematics must be beyond algebra and trigonometry and must emphasize mathematical concepts and principles rather than computation. Courses in differential and integral calculus are required. Additional courses may include differential equations, linear algebra, numerical analysis, probability and statistics and advanced calculus. The credits in basic sciences must include at least two (2) courses. These courses must be in general chemistry, general calculus-based physics, or general biological sciences; the two (2) courses may not be in the same area. Additional basic sciences courses may include earth sciences (geology, ecology), advanced biology, advanced chemistry, and advanced physics. Computer skills and/or programming courses may not be used to satisfy mathematics or basic science requirements. Basic engineering science courses or sequence of courses in this area are acceptable for credit but may not be counted twice. (3-20-20)T

ii. Twelve (12) college credit hours in a general education component that complements the technical content of the curriculum. Examples of traditional courses in this area are philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics (micro and macro), professional ethics, social responsibility. Examples of other general education courses deemed acceptable include management (such as organizational behavior), accounting, written and oral communications, business, and law. No more than six (6) credit hours may come from courses in management, accounting, business, or law. Courses in engineering economics, engineering management, systems engineering/ analysis, production, and industrial engineering/management will not be counted. Language courses in the applicant's native language are not acceptable for credit; no more than six (6) credit hours of foreign language courses are acceptable for credit. Native language courses in literature and civilization may be considered in this area. Courses which instill cultural values are acceptable, while routine exercises of personal craft are not. (3-20-20)T

iii. Forty-eight (48) college credit hours of engineering science and engineering design courses. Courses in engineering science must be taught within the college / faculty of engineering having their roots in mathematics and basic sciences but carry knowledge further toward creative application of engineering principles. Examples of approved engineering science courses are mechanics, thermodynamics, heat transfer, electrical and electronic circuits, materials science, transport phenomena, and computer science (other than computer programming skills). Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. Graduate level engineering courses may be included to fulfill curricular requirements in this area. Engineering technology courses cannot be considered to meet engineering topic requirements. (3-20-20)T

d. In regard to educational requirements, the Board will consider as unconditionally approved only those surveying programs that are accredited either by the Engineering Accreditation Commission (EAC), the Applied and Natural Science Accreditation Commission (ANSAC) or the Engineering Technology Accreditation Commission (ETAC) of ABET, Inc. An applicant who has completed a four (4) year bachelor degree program in a related program must have completed a minimum of the following college level academic courses, or their equivalents as determined by the Board, before the Board will consider them to possess knowledge and skill approximating that attained through graduation from an approved four (4) year surveying curriculum as required by Section 54-1212(2)(b), Idaho Code, for licensure as a professional land surveyor: (3-20-20)T

i. Eighteen (18) college semester credit hours of mathematics and basic sciences. A minimum of twelve (12) credits in mathematics must be beyond basic mathematics, but the credits include college algebra or higher mathematics. These courses must emphasize mathematical concepts and principles rather than computation. Mathematics courses may include college algebra, trigonometry, analytic geometry, differential and integral calculus, linear algebra, numerical analysis, probability and statistics, and advanced calculus. A minimum of six (6) credits must be in basic sciences. These courses must cover one or more of the following topics: general chemistry, advanced chemistry, life sciences (biology), earth sciences (geology, ecology), general physics, and advanced physics. Computer skills and/or programming courses may not be used to satisfy mathematics or basic science requirements; (3-20-20)T

ii. Twelve (12) college semester credit hours in a general education component that complements the technical content of the curriculum. Examples of traditional courses in this area are religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics, professional ethics, and social responsibility. No more than six (6) credit hours of languages other than English or other than the applicant's native language are acceptable for credit. English and foreign language courses in literature and civilization may be considered in this area. Courses that instill cultural values are acceptable, while routine exercises of personal craft are not; (3-20-20)T

iii. Thirty (30) college semester credit hours of surveying science and surveying practice. Courses must be taught by qualified surveying faculty. Examples of surveying courses are basic surveying, route surveying, geodesy, geographic information systems, land development design and planning, global positioning systems, photogrammetry, mapping, survey adjustment and coordinates systems, cartography, legal descriptions, and remote sensing. Required courses will include a minimum of basic surveying, route surveying, geodesy, surveying law, public land survey system and global positioning systems. Graduate-level surveying courses can be included to fulfill curricular requirements in this area. (3-20-20)T

02. International Engineering Licensure Evaluation - Countries or Jurisdictions with Board Approved Licensure Process. The Board may determine the professional engineering licensure process in other countries or jurisdictions within other countries is substantially equivalent to that required 54-1219 Idaho Code. As such, the Board may waive prescriptive education and examination requirements if the applicant possesses a professional engineer license credential, attains a minimum of eight (8) years of experience after licensure, provided the applicant has no criminal or outstanding disciplinary action in any country or jurisdiction, and is in good standing with the licensing Board within that country or jurisdiction. A bona fide licensing process in another country must include requirements of experience, education, testing, a code of professional responsibility, regulation of licensees including the ability take disciplinary action and the willingness, availability, and capacity of a foreign Board to release information to the Idaho Board in English. (3-20-20)T

03. International Engineering Licensure Evaluation - Countries or Jurisdictions Without a Board Approved Licensure Process. Each application for an Idaho professional engineer license submitted by an

applicant who is licensed as a professional engineer in one (1) or more foreign countries or jurisdictions within a country, will be considered by the Board on its merits, and the application evaluated for substantial compliance with the requirements of Idaho law with respect to experience, examination, and education. A minimum of four (4) years of progressive experience after graduation is required for licensure. The Board will require two (2) years of experience working in the United States or two (2) years of experience working on projects requiring the knowledge and use of codes and standards similar to those utilized in the United States where the experience is validated by a professional engineer licensed in the United States. The Board may postpone acting on or deny an application for a license by comity if disciplinary or criminal action related to the applicant's practice has been taken or is pending in any country or jurisdiction. Applicants must have passed a professional engineering examination administered by NCEES. Applicants who meet the residency requirements of 54-1212, Idaho Code, are eligible for initial licensure in Idaho when qualified by the Board. Prescriptive education requirements are as follows: (3-20-20)T

a. Graduates of engineering university programs accredited by the Canadian Engineering Accrediting Board, or official organizations recognized by the U.K. Engineering Council, or graduates of engineering university programs accredited by EAC/ABET or evaluated by the Board as being substantially equivalent to EAC/ABET programs will be considered to have satisfied the educational requirement for issuance of a license as a professional engineer. (3-20-20)T

b. The Board may require an independent credentials evaluation of the engineering education of an applicant educated outside the United States who has a non-EAC/ABET accredited engineering degree. Such evaluation must be done through NCEES or another organization approved by the Board and is done at the expense of the applicant. (3-20-20)T

c. The Board may require an independent credentials evaluation of the education for an applicant who has completed a four (4) year bachelor degree program outside the United States in engineering technology, or in a related science degree program other than engineering and must demonstrate completion of the requirements of Subsection 019.01.c. before the Board will consider the applicant to possess the knowledge and skill approximating that attained through graduation from an approved four (4) year engineering curriculum as required by Section 54-1212(1)(b), Idaho Code. Such evaluation must be done through NCEES or another organization approved by the Board and is done at the expense of the applicant. (3-20-20)T

04. Waiver of Prescriptive Engineering Licensure Evaluation for Unique International Expertise. The Board may waive the prescriptive licensure evaluation requirements of 019.03 for international applicants who, in the Board's opinion, are qualified by reason of education and experience and offer unique technical expertise, provided the licensee meets the requirements of 54-1219 Idaho Code. (3-20-20)T

05. Denials or Special Examinations. An application from a licensee of another state, possession or territory, District of Columbia, or foreign country may be denied by the Board for any just cause and the application fee retained; or the Board may approve the applicant for a special written and/or oral examination. (3-20-20)T

06. Business Entity Requirements. No application for a certificate of authorization to practice or offer to practice professional engineering or professional land surveying, or both, in Idaho by a business entity authorized to practice professional engineering or professional land surveying, or both, in one (1) or more states, possessions or territories, District of Columbia, or foreign countries are considered by the Board unless such application includes the name and address of the individual or individuals, duly licensed to practice professional engineering or professional land surveying or both in this state, who will be in responsible charge of the engineering or land surveying services, or both, as applicable, to be rendered by the business entity in Idaho. The said individual or individuals must certify or indicate to the Board their willingness to assume responsible charge. (3-20-20)T

020. DISCONTINUED, RETIRED, AND EXPIRED LICENSES AND CERTIFICATES.

01. Reinstatement – Disciplinary. Licensees who choose to convert their license to retired status as part of a disciplinary action, or in lieu of discipline, or in lieu of compliance with continuing professional development requirements, may be reinstated upon written request. The Board will consider the reinstatement request at a hearing or may waive the hearing for minor violations. (3-20-20)T

02. Reinstatement – Nondisciplinary. Licensees who chose to convert their license to retired status

not as part of a disciplinary action may request reinstatement in writing. Reinstatement may require a hearing by the Board. (3-20-20)T

03. Continuing Professional Development. Licensees requesting reinstatement must demonstrate compliance with the continuing professional development requirements described in these rules as a condition of reinstatement. (3-20-20)T

04. Practice Not Permitted. Discontinued, retired, or expired status does not permit a licensee or certificate holder to engage in the practice of professional engineering or professional land surveying. (3-20-20)T

05. Designation. Licensees who chose retired status may represent themselves with the title of Professional Engineer Retired or Professional Land Surveyor Retired or similar designation. (3-20-20)T

06. Fee for Reinstatement of Retired License. The fee for reinstatement of a retired license to active practice is as required for renewals in Section 54-1216, Idaho Code. (3-20-20)T

07. Fee for Renewal of Expired License. The fee for renewal of an expired license or certificate to active practice is as required for delayed renewals in Section 54-1216, Idaho Code. (3-20-20)T

08. Eligibility. Unless otherwise approved by the Board, only unexpired licensees are eligible to convert to retired status. (3-20-20)T

09. Discontinued Certificate of Authorization. Business entities no longer providing engineering or land surveying services in Idaho may request their certificates be discontinued. Reinstatement of a discontinued certificate may be requested by submitting a new application with the Board. (3-20-20)T

10. Fee for Reinstatement of Discontinued Certificate of Authorization. The fee for reinstatement of a discontinued certificate will be as required for applications in Section 54-1213, Idaho Code. (3-20-20)T

021. (RESERVED)

022. REQUIREMENTS TO BE CONSIDERED “EXCEPTIONAL” UNDER SECTION 54-1223(2), IDAHO CODE.

01. Waiver of the Fundamentals of Engineering Examination. In order to be considered “exceptional” under Section 54-1223(2), Idaho Code, an applicant for licensure as a professional engineer, either by examination or by comity, who seeks waiver of the fundamentals of engineering examination, must have a record of service and contributions beyond the ordinary in two (2) of the following three (3) areas: (3-20-20)T

- a. Professional or technical; (3-20-20)T
- b. Business or industry; and (3-20-20)T
- c. Community or cultural. (3-20-20)T

02. Activities That the Board Believes Are Exceptional. Examples of activities that the Board believes are exceptional are serving as an officer or committee chair, originating projects or initiatives, investing time or energy into the community, authoring significant publications, and receiving significant awards. (3-20-20)T

03. Activities That the Board Believes Are Ordinary. Examples of activities that the Board believes are only ordinary are completing routine job assignments, holding membership in professional and technical societies, contributing money to causes, attending community events, and owning a business. (3-20-20)T

04. Written Request for Exceptional Designation. An applicant who seeks waiver of the fundamentals of engineering examination must submit a written request for the exceptional designation accompanied by two (2) written references supporting and explaining the applicants contributions that are beyond the ordinary. (3-20-20)T

023. PROFESSIONAL ENGINEER LICENSURE FOR FACULTY APPLICANTS.

Written examinations related to applicable laws and rules for engineering licensure based upon criteria established by the Board must be offered to Idaho college or university faculty applicants whose credentials have been approved by the Board and who possess an earned doctorate degree. The credentials the Board considers in this regard should include the applicant's university course work completed, the applicant's thesis and dissertation work, the applicant's peer reviewed publications, and the nature of the applicant's professional experience. A satisfactory application, along with a passing score on the examination exempts the applicant from the written technical examinations, and may qualify the applicant for a restricted license as a professional engineer. The restricted license applies only to college or university related teaching upper division design subjects. All conditions for maintaining licensure, such as compliance with the laws and rules of the Board, fees and continuing professional development are the same as required for all licensees. The restricted license is effective from the date of issuance until such time as the licensee ceases to be a faculty member of an Idaho college or university, unless not renewed, retired, suspended or revoked and is subject to renewal requirements established in 54-1216, Idaho Code. Teaching and teaching work products are exempt from the requirements of sealing and signing engineering work under 54-1215(c), Idaho Code. Restricted licensees are not required to obtain a seal. (3-20-20)T

024. -- 099. (RESERVED)

SUBCHAPTER B – RULES OF PROFESSIONAL RESPONSIBILITY
(Rules 100 through 199)

100. RESPONSIBILITY TO THE PUBLIC.

01. Primary Obligation. All Licensees and Certificate Holders must at all times recognize their primary obligation is to protect the safety, health and welfare of the public in the performance of their professional duties. (3-20-20)T

02. Standard of Care. Each Licensee and Certificate Holder must exercise such care, skill and diligence as others in that profession ordinarily exercise under like circumstances. (3-20-20)T

03. Professional Judgment. If any Licensee's or Certificate Holder's professional judgment is overruled under circumstances where the safety, health and welfare of the public are endangered, the Licensee or Certificate Holder must inform the employer or client of the possible consequences and, where appropriate, notify the Board or such other authority of the situation. (3-20-20)T

04. Obligation to Communicate Discovery of Discrepancy. Except as provided in the Idaho Rules of Civil Procedure 26(b)(4)(B), if a Licensee or Certificate Holder, during the course of his work, discovers a material discrepancy, error, or omission in the work of another Licensee or Certificate Holder, which may impact the health, property and welfare of the public, the discoverer must make a reasonable effort to inform the Licensee or Certificate Holder whose work is believed to contain the discrepancy, error or omission. Such communication must reference specific codes, standards or physical laws which are believed to be violated and identification of documents which are believed to contain the discrepancies. The Licensee or Certificate Holder whose work is believed to contain the discrepancy must respond within twenty (20) calendar days to any question about his work raised by another Licensee or Certificate Holder. In the event a response is not received within twenty (20) days, the discoverer must notify the Licensee or Certificate Holder in writing, who has another twenty (20) days to respond. Failure to respond (with supportable evidence) on the part of the Licensee or Certificate Holder whose work is believed to contain the discrepancy is considered a violation of these rules and may subject the Licensee or Certificate Holder to disciplinary action by the Board. The discoverer must notify the Board in the event a response that does not answer the concerns of the discoverer is not obtained within the second twenty (20) days. A Licensee or Certificate Holder is exempt from this requirement if their client is an attorney and they are being treated as an expert witness. In this case, the Idaho Rules of Civil Procedure apply. (3-20-20)T

05. Obligation to Comply with Rules of Continuing Professional Development. All Licensees must comply with the continuing professional development requirements contained in these rules. (3-20-20)T

06. Obligation to Affected Landowners. Land surveyors have a duty to set monuments at the corners

of their client's property boundaries in compliance with 54-1227, Idaho Code. Per Subsection 100.04 above, land surveyors also have a duty to notify other licensees of a material discrepancy prior to setting monuments that represent a material discrepancy with a prior survey. If a monument is to be set at a location that represents a material discrepancy with an existing monument at any corner of record, land surveyors must also notify in writing all affected adjoining land owners and the Board prior to setting the new monument. (3-20-20)T

101. COMPETENCY FOR ASSIGNMENTS.

01. Assignments in Field of Competence. A Licensee must undertake to perform assignments only when qualified by education or experience in the specific technical field involved, however, a Licensee, as the prime professional, may accept an assignment requiring education or experience outside of his own field of competence, but his services are restricted to those phases of the project in which the Licensee is qualified. All other phases of such project must be performed by qualified associates, consultants or employees. For projects encompassing one (1) or more disciplines beyond the Licensee's competence, a Licensee may sign and seal the cover sheet for the total project only when the Licensee has first determined that all elements of the project have been prepared, signed and sealed by others who are competent, licensed and qualified to perform such services. (3-20-20)T

02. Aiding and Abetting an Unlicensed Person. A Licensee or Certificate Holder must avoid actions and procedures which, in effect, amount to aiding and abetting an unlicensed person to practice engineering or land surveying. (3-20-20)T

03. Use of Seal on Documents. A Licensee must affix his signature and seal only to plans or documents prepared under his responsible charge. (3-20-20)T

102. PUBLIC STATEMENTS.

01. Reports, Statements or Testimony. A Licensee or certificate holder must not commit fraud, violate the standard of care, or engage in deceit or misconduct in professional reports, statements or testimony. Each licensee or certificate holder must include all relevant and pertinent information in such reports, statements or testimony and will express opinions in such reports, statements or testimony in accordance with the standard of care. (3-20-20)T

02. Opinions Based on Adequate Knowledge. A Licensee or Certificate Holder, when serving as an expert or technical witness before any court, commission or other tribunal, may express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of his testimony. (3-20-20)T

03. Statements Regarding Public Policy. On matters connected with establishing public policy a Licensee or Certificate Holder may issue no statements, criticisms or arguments that are paid for by an interested party, or parties, unless he has prefaced his comment by explicitly identifying himself, by disclosing the identities of the party, or parties, on whose behalf he is speaking, and by revealing the existence of any pecuniary interest he may have in the matters. (3-20-20)T

04. Actions in Regard to Other Licensees or Certificate Holders. A Licensee or Certificate Holder may not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of another Licensee or Certificate Holder, nor may he indiscriminately criticize another Licensee's or Certificate Holder's work in public. If he believes that another Licensee or Certificate Holder is guilty of fraud, deceit, negligence, incompetence, misconduct or violation of these rules he should present such information to the Board for action. (3-20-20)T

103. CONFLICT OF INTEREST.

01. Conflict of Interest to Be Avoided. Each Licensee or Certificate Holder must conscientiously avoid conflict of interest with an employer or client, and, when unavoidable, must forthwith disclose the circumstances in writing to the employer or client. In addition, the Licensee or Certificate Holder must promptly inform the employer or client in writing of any business association, interests, or circumstances which could influence a Licensee's or Certificate Holder's judgment or quality of service, or jeopardize the clients' interests.

(3-20-20)T

02. Compensations From Multiple Parties on the Same Project. A Licensee or Certificate Holder may accept compensation, financial or otherwise, from more than one (1) party for services on the same project, or for services pertaining to the same project, provided the circumstances are fully disclosed, in writing, in advance and agreed to by all interested parties. (3-20-20)T

03. Solicitation From Material or Equipment Suppliers. A Licensee or Certificate Holder may not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying or recommending the products of said suppliers, except with full disclosure as outlined in Subsection 103.02. (3-20-20)T

04. Gratuities. A Licensee or Certificate Holder may not solicit or accept gratuities, gifts, travel, lodging, loans, entertainment or other favors directly or indirectly, from contractors, their agents or other third parties dealing with a client or employer in connection with work for which the Licensee or Certificate Holder is responsible, which can be construed to be an effort to improperly influence the Licensee's or Certificate Holder's professional judgment. Minor expenditures such as advertising trinkets, novelties and meals are excluded. Neither may a Licensee or Certificate Holder make any such improper offer. (3-20-20)T

05. Solicitation From Agencies. A Licensee, a Certificate Holder or a representative thereof may not solicit or accept a contract from a governmental authority on which an existing officer, director, employee, member, partner, or sole proprietor of his organization serves as a member of the elected or appointed policy and governing body of such governmental authority or serves as a member of an entity of such governmental authority having the right to contract or recommend a contract for the services of a Licensee or a Certificate Holder. (3-20-20)T

06. Professional Services Decisions of Agencies. A Licensee, Certificate Holder or representative thereof serving as a member of the governing body of a governmental authority, whether elected or appointed, or an advisor or consultant to a governmental Board, commission or department may at all times be subject to the statutory provisions concerning ethics in government, Section 74-401, Idaho Code, et seq. A violation of the "Ethics in Government Act of 2015" will be considered a violation of these rules. (3-20-20)T

07. Unfair Advantage of Position and Work Outside Regular Employment. When a Licensee or an individual Certificate Holder is employed in a full time position, the person may not use the advantages of the position to compete unfairly with other professionals and may not accept professional employment outside of that person's regular work or interest without the knowledge of and written permission or authorization from that person's employer. (3-20-20)T

104. SOLICITATION OF WORK.

01. Commissions. A Licensee or Certificate Holder may not pay or offer to pay, either directly or indirectly, any commission, gift or other valuable consideration in an effort to secure work, except to bona fide employees or bona fide established business enterprises retained by a Licensee or Certificate Holder for the purpose of securing business or employment. (3-20-20)T

02. Representation of Qualifications. A Licensee or Certificate Holder may not falsify or permit misrepresentation of his or his associates' academic or professional qualifications, and may not misrepresent or exaggerate the degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment may not misrepresent pertinent facts concerning employers, employees, associates, joint-venturers or his or their past accomplishments with the intent and purpose of enhancing qualifications for the work. The Licensee or Certificate Holder may not indulge in publicity that is misleading. (3-20-20)T

03. Assignment on Which Others Are Employed. A Licensee or Certificate Holder may not knowingly seek or accept employment for professional services for an assignment that another Licensee or Certificate Holder is employed, or contracted to perform without the currently employed or contracted entity being informed in writing. (3-20-20)T

04. Contingency Fee Contracts. A Licensee or Certificate Holder may not accept an agreement, contract, or commission for professional services on a “contingency basis” that may compromise his professional judgment and may not accept an agreement, contract or commission for professional services that includes provisions wherein the payment of fee involved is contingent on a “favorable” conclusion, recommendation or judgment. (3-20-20)T

05. Selection on the Basis of Qualifications. A Licensee or Certificate Holder should seek professional employment or professional service work on the basis of qualifications and competence for proper accomplishment of the work assignment. On selections for professional engineering and land surveying services that are required pursuant to Section 67-2320, Idaho Code, a licensee or certificate holder, in response to solicitations described in Section 67-2320, Idaho Code, may not submit information that constitutes a bid for services requested either as a consultant or subconsultant. (3-20-20)T

105. IMPROPER CONDUCT.

01. Fraudulent or Dishonest Enterprises. A Licensee or Certificate Holder may not knowingly associate with, or permit the use of his name or the firm name in a business venture by any person or firm that it is known to be, or there is reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature. (3-20-20)T

02. Confidentiality. Licensees or Certificate Holders may not reveal confidential facts, data or information obtained in a professional capacity without prior written consent of the client or employer except as authorized or required by law. (3-20-20)T

03. Actions by Other Jurisdictions. The surrender, revocation, suspension or denial of a license to practice Professional Engineering or Professional Land Surveying, as an individual or through a business entity, in another jurisdiction, for reasons or causes which the Board finds would constitute a violation of the Idaho laws regulating the practice of Engineering and Land Surveying, or any code or rules promulgated by the Board, is sufficient cause after a hearing for disciplinary action as provided in Title 54 Chapter 12, Idaho Code. (3-20-20)T

106. -- 199. (RESERVED)

SUBCHAPTER C – RULES OF CONTINUING PROFESSIONAL DEVELOPMENT
(Rules 200 through 299)

200. REQUIREMENTS.

Every Licensee is required to obtain thirty (30) PDH units during the renewal period biennium (beginning on the first day of the month following the month in which the Licensee was born). Alternatively, the licensee may choose to obtain thirty (30) PDH units cumulative during the two (2) calendar years which are closest to the renewal period biennium. If a Licensee exceeds the biennial requirement in any renewal period or earns PDH’s during a period in which he is exempt, a maximum of thirty (30) PDH units may be carried forward into the subsequent renewal period. If the exemption is for the “First Renewal Period” (see Rule 204.01), then at any time in the full biennium before this first license renewal the licensee may earn up to 30 PDHs to carry forward into their second renewal period following licensure. If the licensee chooses to use the calendar year basis, PDH’s in excess of thirty (30) cumulative in two (2) years, or PDH’s earned during a period in which he is exempt, can be carried forward to the next two (2) year calendar period, not to exceed thirty (30) PDH’s carried forward to the next two (2) year calendar period. PDH units may be earned in the following activities, however, PDH units must come from two (2) or more activities. (3-20-20)T

01. Successful Completion of College Credits. (3-20-20)T

02. Successful Completion of Continuing Education Units. (3-20-20)T

03. Successful Completion of Other Courses. Correspondence, televised, online, and other short courses/tutorials for which college credits or CEUs are awarded. (3-20-20)T

04. Attending Qualifying Seminars. Attending qualifying seminars, inhouse courses, workshops, or

technical or professional presentations made at meetings, conventions, or conferences for which no college credits or CEUs are awarded. (3-20-20)T

- 05. Mentoring, Teaching or Instructing.** Teaching or instructing in Subsections 200.01 through 200.04, above and beyond routine job assignments. (3-20-20)T
- 06. Authoring Published Papers, Articles, or Books.** (3-20-20)T
- 07. Membership in Technical or Professional Organizations.** (3-20-20)T
- 08. Active Participation in Technical or Professional Organizations.** (3-20-20)T
- 09. Patents.** (3-20-20)T
- 10. Presentations to Technical, Professional or Civic Organizations.** (3-20-20)T
- 11. Documented Self Study.** (3-20-20)T

201. UNITS.

The conversion of other units of credit to PDH (Professional Development Hour) units is as follows:

1 College semester credit hour	=	45 PDH
1 College quarter credit hour	=	30 PDH
1 Continuing Education Unit	=	10 PDH
1 Hour of attendance in course work, seminars, or technical or professional presentations made at meetings, conventions, or conferences	=	1 PDH
Mentoring or teaching the above, above and beyond normal job assignments, apply multiple of 2 for teaching the first time only	=	8 PDH per year for mentoring
Each published technical or professional paper, article, or book chapter not to exceed a total of 10 PDH's per year, above and beyond normal job assignments	=	5 PDH per paper, article, or book chapter
Each peer review of a published technical or professional paper, article, or book chapter not to exceed a total of 6 PDH's per year, above and beyond normal job assignments	=	3 PDH per paper, article, or book chapter
Membership in technical or professional organizations (Maximum of 2 organizations)	=	1 PDH per year per organization
Active participation in technical or professional organizations (Maximum of 2 organizations)	=	1 PDH per year per organization
Each patent	=	5 PDH's, not to exceed per year
Presentations to technical, professional, or civic organizations, first presentation only	=	2 PDH per hour of presentation
Documented self-study not to exceed 3 PDH per year at the rate of ½ PDH per hour of self-study		

(3-20-20)T

202. DETERMINATION OF CREDIT.

With the exception of those seminars and courses of continuing professional development offered by an organization registered with the Registered Continuing Education Providers Program of the American Council of Engineering Companies, which are preapproved, the Board will not pre-approve activities as qualifying for continuing professional development, but has final authority to judge the PDH value for all activities submitted to fulfill

continuing professional development requirements. (3-20-20)T

203. RECORD KEEPING.

Maintenance of records to support credits claimed is the responsibility of the Licensee. Records required include, but are not limited to: (3-20-20)T

01. Log. A log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and PDH credits earned; and (3-20-20)T

02. Attendance Verification. Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance; Time sheets or expense sheets signed by the Licensee documenting the Continuing Professional Development activity claimed (sponsoring organization, location, duration, instructor's or speaker's name), time and/or expense related thereto, and claimed PDH credits earned are acceptable if attendance certificates are not available; or (3-20-20)T

03. Records. Records may be maintained by a repository for same. (3-20-20)T

04. Documented Self-Study. In order to qualify in this category, the licensee must prepare and retain an abstract of the material studied, the date the activity occurred and the number of PDH's claimed, and a bibliographic reference of the material studied. A photocopy of pertinent parts of the material studied, annotated with the date the activity occurred and the number of PDH's claimed, are deemed to meet this requirement. (3-20-20)T

05. Record Retention. All continuing professional development records must be maintained for a period of six (6) years and copies must be provided to the Board upon request for audit purposes. (3-20-20)T

204. EXEMPTIONS.

A Licensee may be exempt from the continuing professional development requirements for one (1) of the following reasons: (3-20-20)T

01. First Renewal Period. New Licensees by way of examination or comity, reinstated licensees, and delayed renewal licensees less than one year from the biennial renewal date, are exempt from compliance with these rules during the time between issuance or reinstatement or delayed renewal of the license and the due date of their first renewal following the issuance of the license. (3-20-20)T

02. Active Duty in the Armed Forces. A Licensee serving on active duty in the armed forces of the United States, or a civilian deployed with the military, and temporarily assigned duty at a location other than their normal home station for a period of time exceeding one hundred twenty (120) consecutive days in a renewal period or the two (2) calendar year period closest to the renewal biennium is exempt from obtaining the professional development hours required during that renewal period or the two (2) calendar year period closest to the renewal biennium. (3-20-20)T

03. Extenuating Circumstances. A Licensee experiencing physical disability, serious illness, or other extenuating circumstances accepted by the Board. (3-20-20)T

04. Retired. A Licensee who has chosen "Retired" status is exempt from the professional development hours required. In the event such a person elects to return to active practice of professional engineering or professional land surveying, professional development hours must be earned before returning to active practice. Thirty (30) PDH's must be earned for an exempted period less than four (4) years prior to the reinstatement request date. The thirty (30) PDH's earned must be earned within the previous two (2) years of the reinstatement request date. Sixty (60) PDH's must be earned for exempted periods of four (4) years or more prior to the reinstatement request date. The sixty (60) PDH's must be earned within the previous four (4) years of the reinstatement request date. All PDH's earned must comply with the requirements of this chapter. (3-20-20)T

05. Expired License. A Licensee who has chosen to allow his license to expire is exempt from the professional development hours required. In the event such a person elects to renew the license, professional development hours must be earned and documented before renewing the license. The requirements for PDH's are the same as shown for retired licensees in Subsection 204.04 for delayed renewals more than three (3) months.

(3-20-20)T

205. COMITY/OUT-OF-JURISDICTION RESIDENTS.

The CPD requirements for non-resident licensees are the same as that for resident licensees.

(3-20-20)T

206. USE OF NCEES MODEL CPC STANDARD.

Licensees have the option of complying with the requirements of this chapter, or may choose to comply with the National Council of Examiners for Engineering and Surveying (NCEES) Continuing Professional Competency (CPC) renewal standard as identified in the latest version of the NCEES Model Rule 240.30. This standard is found at <http://ncees.org/wp-content/uploads/https://ncees.org/wp-content/uploads/CPC-Guidelines-2017-final.pdf>.

(3-20-20)T

207. -- 299. (RESERVED)

SUBCHAPTER D – RULES FOR CORNER PERPETUATION AND FILING
(Rules 300 through 399)

300. FORM.

The form to be used in filing corner perpetuations in the state of Idaho shall be substantially the same as that form available from the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors, 1510 E. Watertower St., Ste. 110, Meridian, ID 83642-7993. Clear spaces on the form may be provided as requested and required by County Recorders in order to place recording information in an unobstructed area. The form is not available in quantity from the Board, but one (1) copy will be furnished, upon request, and it may be duplicated or reproduced.

(3-20-20)T

301. COMPLETION OF FORM.

Prior to filing of the form, the professional land surveyor performing the work shall complete the form in compliance with the requirements set forth in these rules. Additional information, for example latitude and longitude, with datum used, may be included.

(3-20-20)T

302. CONTENTS ON THE FORM.

The contents on the form must contain the following:

(3-20-20)T

01. Record of Original Corner and Subsequent History. Information provided in this section includes the name of the original surveyor and the date or dates on which the original survey was performed and a description of the original monument set. The information also includes the history of subsequent remonumentation, including the name(s) of the surveyor(s), the agency or company they represented, the date(s) of the survey(s) and a description of all monuments found or set, including all monuments and accessories that are not shown on previously recorded corner records. Information provided in this section also includes the instrument numbers of all previously recorded corner records, or the filing information if the corner record was not recorded, pertaining to the corner in question.

(3-20-20)T

02. Description of Corner Evidence Found. Information provided in this section includes a description of any evidence found relating to the original corner. If no evidence of the original corner is found, evidence of a subsequent remonumentation shall be indicated on the form.

(3-20-20)T

03. Description and Sketch of Monument and Accessories Found or Established to Perpetuate the Location of this Corner. Information provided in this section includes a description and a sketch of the monument and accessories found or placed in the current survey as well as the date the work was performed and the true or assumed magnetic declination at the time of the survey if magnetic bearings are used. If magnetic bearings are not used, the professional land surveyor shall indicate the basis of bearing to accessories.

(3-20-20)T

04. Surveyor's Certificate. Include a print of the surveyor's name, the license number issued by the Board, and the name of the employer for whom the surveyor is working.

(3-20-20)T

05. Seal, Signature, Date. Include an imprint of the surveyor's professional land surveyor seal, which is signed and dated by the surveyor.

(3-20-20)T

06. Marks on Monument Found or Set. Include a sketch or legible image of the marks found or placed on the monument, if applicable. (3-20-20)T

07. Diagram. Include clear marks on the section diagram the location of the monument found or being established or reestablished in the survey. (3-20-20)T

08. Location. State the county, section, township, range and the monument location being established or reestablished or found in the survey. (3-20-20)T

303. -- 999. (RESERVED)

**24.33.01 – RULES OF THE BOARD OF MEDICINE FOR THE LICENSURE TO PRACTICE
MEDICINE AND OSTEOPATHIC MEDICINE 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. (3-20-20)T

001. TITLE AND SCOPE.

These rules are titled IDAPA 24.33.01, “Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine in Idaho.” (3-20-20)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. 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. (3-20-20)T

02. 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. (3-20-20)T

03. 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. (3-20-20)T

04. Medical Practice Act. Title 54, Chapter 18, Idaho Code. (3-20-20)T

011. ABBREVIATIONS.

01. AAMC. Association of American Medical Colleges. (3-20-20)T

02. ACGME. Accreditation Council for Graduate Medical Education. (3-20-20)T

03. AMA. American Medical Association. (3-20-20)T

04. AOA. American Osteopathic Association. (3-20-20)T

05. CACMS. Committee on Accreditation of Canadian Medical Schools. (3-20-20)T

06. COCA. Commission on Osteopathic College Accreditation. (3-20-20)T

07. ECFMG. Educational Commission for Foreign Medical Graduates. (3-20-20)T

08. FAIMER. Foundation for Advancement of International Medical Education. (3-20-20)T

09. FSMB. Federation of State Medical Boards. (3-20-20)T

10. LCME. Liaison Committee on Medical Education. (3-20-20)T

11. USMLE. United States Medical Licensing Exam. (3-20-20)T

12. WFME. World Federation for Medical Education. (3-20-20)T

012. -- 049. (RESERVED)

050. GENERAL QUALIFICATIONS FOR LICENSURE AND RENEWAL.

Requirements for licensure and renewal are found in Title 54, Chapter 18, Idaho Code, IDAPA 24.33.03, and on Board approved forms. (3-20-20)T

01. Special Purpose Examination. 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. (3-20-20)T

02. Additional Circumstances. The Board may require further inquiry when in its judgment the need is apparent, including, but not limited to, the following circumstances: (3-20-20)T

i. Graduate of an international medical school located outside the United States and Canada and not accredited by the LCME; (3-20-20)T

ii. Applicant whose background investigation reveals evidence of impairment, competency deficit, or disciplinary action by any licensing or regulatory agency; (3-20-20)T

iii. An applicant has not been in active medical practice for a period exceeding one (1) year, or when practice has been significantly interrupted; (3-20-20)T

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; (3-20-20)T

v. An applicant whose initial licensure was issued on the basis of an examination not recognized by the Board; or (3-20-20)T

vi. When there is any reason whatsoever to question the identity of the applicant. (3-20-20)T

03. Board Determinations. 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. (3-20-20)T

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: (3-20-20)T

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); (3-20-20)T

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; (3-20-20)T

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; (3-20-20)T

d. A 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 (3-20-20)T

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: (3-20-20)T

i. The resident must have the written approval of the residency program director; (3-20-20)T

ii. The resident must have a signed written contract with the Idaho residency program to complete the entire residency program; (3-20-20)T

iii. The resident must remain in good standing at the Idaho-based residency program; (3-20-20)T

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 (3-20-20)T

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. (3-20-20)T

02. International Medical School Requirements. An international medical school must be listed in the World Directory of Medical Schools, a joint venture of World Federation for Medical Education (WFME) and the Foundation for Advancement of International Medical Education and Research (FAIMER). (3-20-20)T

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: (3-20-20)T

01. Valid ECFMG Certificate. Hold a valid certificate issued by ECFMG. (3-20-20)T

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. (3-20-20)T

03. Board Certification. Hold current board certification by a specialty board approved by the American Board of Medical Specialties or the AOA. (3-20-20)T

04. Five Years Unrestricted Practice. Evidence of five (5) years of unrestricted practice as a licensee of any United States or Canadian jurisdiction. (3-20-20)T

053. -- 078. (RESERVED)

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. (3-20-20)T

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. (3-20-20)T

03. Verification of Compliance. Licensees will, at license renewal, provide an attestation to the Board

indicating compliance. The Board, in its discretion, may require such additional evidence as is necessary to verify compliance. (3-20-20)T

04. Alternate Compliance. The Board may accept certification or recertification by a member of the American Board of Medical Specialties, the American Osteopathic Association, 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. (3-20-20)T

05. 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. (3-20-20)T

080. PHYSICIAN PANELIST FOR PRELITIGATION CONSIDERATION OF MEDICAL MALPRACTICE CLAIMS.

01. Purpose. The purpose of serving as a physician panelist for prelitigation consideration of medical malpractice claims against physicians and surgeons practicing in the state of Idaho or against licensed acute care general hospitals operating in the state of Idaho is to: (3-20-20)T

a. Cooperate in the prelitigation consideration of personal injury and wrongful death claims for damages arising out of the provision of or alleged failure to provide hospital or medical care in Idaho; and (3-20-20)T

b. Accept and hear complaints of such negligence and damages, made by or on behalf of any patient who is an alleged victim of such negligence. (3-20-20)T

02. Eligibility. A physician licensed to practice medicine and surgery or osteopathic medicine or surgery in Idaho must be available to serve in any two (2) year period, or a longer period not to exceed five (5) years, as determined by the panel chairman, as a physician panelist for prelitigation consideration of a medical malpractice claim. (3-20-20)T

03. Excusing Physicians from Serving. A physician panelist so selected must serve unless he had served on a prelitigation panel during any previous two (2) year period, or a longer period not to exceed five (5) years, as determined by the panel chairman or for good cause shown, is excused by the panel chairman. To show good cause for relief from serving, the selected physician panelist must present an affidavit to the panel chairman which shall set out the facts showing that service would constitute an unreasonable burden or undue hardship. The panel chairman has the sole authority to excuse a selected physician from serving on a prelitigation panel. (3-20-20)T

04. Penalties for Noncompliance. The Board may condition, limit, suspend, or refuse to renew the license of any physician whom the Board determines has failed to serve as a physician panelist for the prelitigation consideration of a medical malpractice claim. (3-20-20)T

081. -- 099. (RESERVED)

100. FEES -- TABLE.

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

Fees -- Table (Non-Refundable)		
Licensure Fee	-	Not more than \$600
Temporary License	-	Not more than \$300
Reinstatement License Fee plus total of renewal fees not paid by applicant	-	Not more than \$300

Fees -- Table (Non-Refundable)		
Inactive License Renewal Fee	-	Not more than \$100
Renewal of License to Practice Medicine Fee	-	Not more than \$300
Duplicate Wallet License	-	Not more than \$20
Duplicate Wall Certificate	-	Not more than \$50
Volunteer License Application Fee	-	\$0
Volunteer License Renewal Fee	-	\$0

(3-20-20)T

02. Administrative Fees for Services. Administrative fees for services shall be billed on the basis of time and cost. (3-20-20)T

101. -- 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. (3-20-20)T

02. 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. (3-20-20)T

03. 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. (3-20-20)T

04. 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. (3-20-20)T

05. 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. (3-20-20)T

06. 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. (3-20-20)T

07. 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. (3-20-20)T

08. 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. (3-20-20)T

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 include, but are not limited to: (3-20-20)T

a. An on-site visit at least semiannually to personally observe the quality of athletic training services provided; and (3-20-20)T

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. (3-20-20)T

02. Scope of Practice. The directing physician must ensure the scope of practice of the athletic trainer, as set forth in IDAPA 24.33.05, “Rules for the Licensure of Athletic Trainers to Practice in Idaho,” and Section 54-3903, Idaho Code, will 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. (3-20-20)T

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. (3-20-20)T

04. Available Supervision. The directing physician will 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 will be outlined in an athletic training service plan or protocol, as set forth in IDAPA 24.33.05, “Rules for the Licensure of Athletic Trainers to Practice in Idaho,” Section 012. (3-20-20)T

05. Disclosure. It is 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. (3-20-20)T

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: (3-20-20)T

a. An on-site visit at least monthly to personally observe the quality of care provided; (3-20-20)T

b. A periodic review of a representative sample of medical records to evaluate the medical services that are provided. When applicable, this review will also include an evaluation of adherence to the delegation of services agreement between the physician and physician assistant or graduate physician assistant; and (3-20-20)T

c. Regularly scheduled conferences between the supervising physician and such licensees. (3-20-20)T

02. Pre-Signed Prescriptions. The supervising physician will not utilize or authorize the physician assistant to use any pre-signed prescriptions. (3-20-20)T

03. Supervisory Responsibility. A supervising physician or alternate supervising physician may not supervise more than four (4) 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. (3-20-20)T

04. Available Supervision. The supervising physician will 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 must be outlined in a delegation of services agreement, as set forth in IDAPA 24.33.02, “Rules for the Licensure of Physician Assistants,” Subsection 030.04. (3-20-20)T

05. Disclosure. It is 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. (3-20-20)T

163. 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 include, but are not limited to: (3-20-20)T

- a. An on-site visit at least monthly to personally observe the quality of care provided; (3-20-20)T
- b. Recording of a periodic review of a representative sample of medical records to evaluate the medical services that are provided; and (3-20-20)T
- c. Regularly scheduled conferences between the supervising physician and the intern or resident. (3-20-20)T

02. Available Supervision. The supervising physician will 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. (3-20-20)T

03. Disclosure. It is 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. (3-20-20)T

164. 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. (3-20-20)T

- 01. Definitions.** (3-20-20)T
 - a. Ablative. Ablative is the separation, eradication, removal, or destruction of human tissue. (3-20-20)T
 - b. Incisive. Incisive is the power and quality of cutting of human tissue. (3-20-20)T
 - 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. (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

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 must be trained in the safety and use of prescriptive medical/cosmetic devices and products. (3-20-20)T

a. Patient Record. The supervising physician must document an adequate legible patient record of his evaluation and assessment of the patient prior to the initial 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. (3-20-20)T

b. Supervisory Responsibility. A supervising physician or alternate supervising physician of medical personnel may 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. (3-20-20)T

c. Available Supervision. The supervising physician will 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 includes, but is not limited to: (3-20-20)T

i. Periodic review of the medical records to evaluate the prescribed cosmetic treatments that are provided by such medical personnel including any adverse outcomes or changes in the treatment protocol; and (3-20-20)T

ii. Regularly scheduled conferences between the supervising physician and such medical personnel. (3-20-20)T

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 will ensure cosmetic treatments using prescriptive medical/cosmetic devices and products provided by medical personnel are limited to and consistent with the scope of practice of the supervising physician. The supervising physician will ensure medical personnel do not independently provide cosmetic treatments using prescriptive medical/cosmetic devices and products. (3-20-20)T

i. The supervising physician will 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 (3-20-20)T

ii. The supervising physician will 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. (3-20-20)T

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 includes the following: (3-20-20)T

i. Physics and safety of the prescriptive medical/cosmetic devices and products; (3-20-20)T

ii. Basic principle of the planned procedure and treatment; (3-20-20)T

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; (3-20-20)T

iv. Indications and contraindications for the use of the prescriptive medical/cosmetic devices and products; (3-20-20)T

v. Pre-procedure and post-procedure care; (3-20-20)T

vi. Recognition and acute management of complications that may result from the procedure or treatment; and (3-20-20)T

vii. Infectious disease control procedures required for each treatment. (3-20-20)T

viii. The supervising physician will assure compliance with the training and reporting requirements of this rule. (3-20-20)T

ix. The supervising physician will 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 will be sent to the Board and 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. (3-20-20)T

f. Disclosure. It is 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. (3-20-20)T

g. Patient Complaints. The supervising physician will report to the Board of Medicine all patient complaints received against medical personnel that relate to the quality and nature of cosmetic treatments rendered. (3-20-20)T

h. 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. (3-20-20)T

165. -- 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 will be renewed annually. (3-20-20)T

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. (3-20-20)T

202. -- 239. (RESERVED)

240. FEES - TABLE.

Nonrefundable fees are as follows:

Fees -- Table (Non-Refundable)	
Supervising Physician Registration Fee	- Not more than \$50
Annual Renewal of Supervising Physician Registration Fee	- Not more than \$25
Directing Physician Registration Fee	- Not more than \$50
Annual Renewal of Directing Physician Registration Fee	- Not more than \$25
Alternate supervising physicians and alternate directing physicians are not required to pay an annual fee.	

(3-20-20)T

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). (3-20-20)T

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). (3-20-20)T

243. RESIDENT AND INTERN REGISTRATION.

01. Registration Certificate. Upon approval of the registration application, the Board may issue a registration certificate that sets forth the period during which the registrant may engage in activities that may involve the practice of medicine. Each registration will be issued for a period of not less than one (1) year and will set forth its expiration date on the face of the certificate. Each registration will identify the supervising physician. Each registrant will notify the Board in writing of any change of the 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. (3-20-20)T

02. 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. (3-20-20)T

03. Annual Renewal of Registration. Each registration must be renewed annually prior to its expiration date. Any registration not renewed by its expiration date will be canceled. (3-20-20)T

04. Notification of Change. Each registrant must 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. (3-20-20)T

05. Disclosure. It is 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. (3-20-20)T

244. FEES - TABLE.

Nonrefundable fees are as follows:

Fees -- Table	
Resident and Intern Registration Fee	- Not more than \$25
Registration Annual Renewal Fee	- Not more than \$25

(3-20-20)T

245. -- 999. (RESERVED)

24.33.02 – RULES FOR THE LICENSURE OF PHYSICIAN ASSISTANTS

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 or osteopathic medicine in Idaho. (3-20-20)T

001. TITLE AND SCOPE.

01. **Title.** These rules are titled IDAPA 24.33.02, “Rules for the Licensure of Physician Assistants.” (3-20-20)T

02. **Scope.** Pursuant to Idaho Code, Section 54-1807A(1), physician assistants and graduate physician assistants must be licensed with the Board prior to commencement of activities. (3-20-20)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. **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. (3-20-20)T

02. **Delegation of Services (DOS) Agreement.** An agreement on a Board-approved form 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. (3-20-20)T

03. **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 will be outlined in a delegation of services agreement, as defined in Subsection 030.04 of these rules. (3-20-20)T

011. -- 019. (RESERVED)

020. REQUIREMENTS FOR LICENSURE.

Requirements for licensure and renewal are found in Title 54, Chapter 18, Idaho Code, IDAPA 24.33.03, and on Board-approved forms. (3-20-20)T

021. -- 027. (RESERVED)

028. SCOPE OF PRACTICE.

01. **Scope.** The scope of practice of physician assistants and graduate physician assistants is generally defined in the delegation of services and may include a broad range of diagnostic, therapeutic and health promotion and disease prevention services. (3-20-20)T

a. The scope of practice includes 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. (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

d. A supervising physician or alternate supervising physician will each supervise no more than a total

of four (4) physician assistants or graduate physician assistants contemporaneously. (3-20-20)T

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. (3-20-20)T

029. CONTINUING EDUCATION REQUIREMENTS.

Requirements for Renewal. Prior to renewal of each license as set forth by the expiration date on the face of the certificate, physician assistants shall attest to maintenance of certification by the National Commission on Certification of Physician Assistants or similar certifying agency approved by the Board, which certification requires a minimum of one hundred (100) hours of continuing medical education over a two-year (2) period. (3-20-20)T

030. PRACTICE STANDARDS.

01. Identification. The physician assistant or graduate physician assistant will at all times when on duty wear a placard or plate so identifying himself. (3-20-20)T

02. Advertise. No physician assistant or graduate physician assistant may advertise or represent himself either directly or indirectly, as a physician. (3-20-20)T

03. Supervising Physician. Each licensed physician assistant and graduate physician assistant will have a Board-approved supervising physician prior to practice. (3-20-20)T

04. Delegation of Services Agreement. Each licensed physician assistant and graduate physician assistant must maintain a current, completed copy of a Delegation of Services (DOS) Agreement between the licensee and each of his supervising and alternate supervising physicians. This agreement must be sent to the Board and be maintained on file at each practice location and at the address of record of the supervising and alternate supervising physician. (3-20-20)T

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. (3-20-20)T

031. PARTICIPATION IN DISASTER AND EMERGENCY CARE.

A physician assistant or graduate physician assistant licensed in this state or licensed or authorized to practice in any other state of the United States or currently credentialed to practice by a federal employer who is responding to a need for patient services created by an emergency or a state or local disaster (not to be defined as an emergency situation which occurs in the place of one's employment) may render such patient services that they are able to provide without supervision as it is defined in this chapter, or with such supervision as is available. Any physician who supervises a physician assistant or graduate physician assistant providing patient services in response to such an emergency or state or local disaster will not be required to meet the requirements set forth in this chapter for a supervising physician. (3-20-20)T

032. -- 035. (RESERVED)

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: (3-20-20)T

a. The applicant will submit to the Board, within ten (10) business days of receipt, a copy of acknowledgment of sitting for the national certification examination. The applicant will submit to the Board, within ten (10) business days of receipt, a copy of the national certification examination results. (3-20-20)T

b. After the graduate physician assistant has passed the certification examination, the Board will 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. (3-20-20)T

c. 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. (3-20-20)T

d. If the graduate physician assistant fails to pass the certifying examination on two (2) separate occasions, the graduate physician assistant’s license will automatically be canceled upon receipt of the second failing certification examination score. (3-20-20)T

e. The graduate physician assistant applicant will 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. (3-20-20)T

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 020 of these rules, except receipt of documentation of a college baccalaureate degree, provided: (3-20-20)T

a. 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; (3-20-20)T

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. (3-20-20)T

04. Weekly Record Review. Graduate physician assistants must have a weekly record review by their supervising physician, unless subject to an exemption as granted in Subsection 036.03. (3-20-20)T

037. -- 041. (RESERVED)

042. PRESCRIPTION WRITING. 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 the current delegation of services agreement and applicable federal and state law, and any prescriptive practice will be consistent with the regular prescriptive practice of the supervising or alternate supervising physician. (3-20-20)T

043. -- 050. (RESERVED)

051. FEES - TABLE.
Nonrefundable fees are as follows:

Fees -- Table (Non-Refundable)	
Licensure Fee - Physician Assistant & Graduate Physician Assistant	- Not more than \$250
Annual License Renewal Fee	- Not more than \$150
Reinstatement Fee	- \$50 plus past renewal fees
Reinstatement Fee for Graduate Physician Assistant	- Not more than \$100

Fees -- Table (Non-Refundable)		
Inactive License Fee	-	Not more than \$150
Annual Renewal of Inactive License Fee	-	Not more than \$100
Inactive Conversion Fee	-	Not more than \$150

(3-20-20)T

052. -- 999. (RESERVED)

24.33.03 – 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. (4-11-19)

001. TITLE AND SCOPE.

The title of this chapter is IDAPA 24.33.03, “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. (4-11-19)

002. -- 099. (RESERVED)

100. GENERAL QUALIFICATIONS FOR LICENSURE.

01. Applicant. An applicant must meet the statutory requirements of licensure. The Board may refuse licensure or to issue a permit if it finds the applicant has engaged in conduct prohibited by state law for that specific category of licensure; provided the Board will take into consideration the rehabilitation of the applicant and other mitigating circumstances. (3-20-20)

02. Licensure. Each applicant must have attained the level of education required by the Board, and have passed an examination required by the Board, or be entitled to apply by Licensure by Endorsement, or provisional licensure, if applicable. (3-20-20)

03. Application. All applications for license or permit will be made to the Board on forms supplied by the Board, will be verified, must include all requested information, and must include the nonrefundable application fee. (3-20-20)

04. Application Expiration. 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. (3-20-20)

05. Personal Interview. The Board may, at its discretion, require the applicant to appear for a personal interview. (3-20-20)

06. Residence. No period of residence in Idaho is 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 may refuse licensure or to renew a license if the applicant is not lawfully present in the United States. (3-20-20)

101. LICENSE OR PERMIT EXPIRATION AND RENEWAL.

01. License Expiration. Licenses and permits will be issued for a period of not more than five (5) years. All licenses expire on the expiration date printed on the face of the certificate and become invalid after that date unless renewed. The Board will collect a fee for each renewal year of a license. Prorated fees may be assessed by the Board to bring the expiration date of the license within the next occurring license renewal period. (3-20-20)

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 and e-mail address to the Board and must notify the Board of any change of address or e-mail address prior to the renewal period. Licenses not renewed by their expiration date will be canceled. (3-20-20)

03. Reinstatement. Licenses canceled for nonpayment of renewal fees may be reinstated by filing a reinstatement application on forms prescribed by the Board and upon payment of a reinstatement fee and applicable renewal fees for the period the license was lapsed. (3-20-20)

04. Reapplication. A person whose license has been canceled for a period of more than five (5) years, is required to make application to the Board as a new applicant for licensure. (3-20-20)

102. LICENSE BY ENDORSEMENT.

Where permitted by law, an applicant, in good standing with no restrictions upon or actions taken against their license to practice 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, including past, pending, 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 found in Title 54, Idaho Code, IDAPA 24.33.03, and on Board-approved forms. (3-20-20)

01. Application. All applications for license or permit will be made to the Board on forms supplied by the Board, will be verified, must include all requested information, and the nonrefundable application fee. (3-20-20)

02. Character. An applicant is not eligible for licensure by endorsement if the Board finds the applicant has engaged in conduct prohibited by state law for that specific category of licensure. (3-20-20)

03. Residence. No period of residence in Idaho is 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. The Board may refuse licensure or to renew a license if the applicant is not lawfully present in the United States. (3-20-20)

103. PROVISIONAL LICENSURE.

Where permitted by law, the Board may issue a provisional license to a person who has successfully completed the academic requirements required by the Board and has met all the other requirements for licensure set forth in statute, but who has not yet passed the relevant examination required by the Board for licensure in their specific profession. (3-20-20)

01. Application. Each applicant for provisional licensure will submit a completed written application to the Board on forms prescribed by the Board, together with the application fee, and all requested information, including the affidavit of a monitor licensed to practice the same profession in the state who will undertake the supervision of the provisional licensee. (3-20-20)

02. Affidavit. An affidavit must be signed by an monitor licensed in Idaho to practice the same profession, in which they affirm and attest to supervise and be responsible for the activities of the provisionally licensed provider being supervised and to review and countersign all records and documentation of services performed by the provisionally licensed provider. (3-20-20)

03. Supervision. The practice of a provider holding a provisional license will be in direct association with an Idaho licensee of the same profession who shall is responsible for the activities of the provisionally licensed provider being supervised and will review and countersign all patient documentation performed by the provisionally licensed provider. The supervising monitor need not be physically present or on the premises at all times but will be available for telephonic consultation. The extent of communication between the monitor and the provisionally licensed provider will be determined by the competency of the individual, the treatment setting, and the diagnostic category of the patients. (3-20-20)

104. INACTIVE LICENSE

01. Issuance of Inactive License. Any applicant who is eligible to be issued a license by the Board, except a volunteer license, may be issued, upon request, an inactive license to practice on the condition that he will not engage in the practice of the relevant profession in this state. An inactive license fee will be collected by the Board. (3-20-20)

02. Renewal of Inactive License. Inactive licenses will be issued for a period of not more than five (5) years and such licenses will 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 will set forth its date of expiration. (3-20-20)

03. Inactive to Active License. An inactive license may be converted to an active license by application to the Board and payment of required fees. Before the license will be converted the applicant must account for the time during which an inactive license was held. The Board may, in its discretion, require a personal interview. (3-20-20)

105. -- 149. (RESERVED)

150. ADDITIONAL GROUNDS FOR SUSPENSION, REVOCATION, DISCIPLINARY SANCTIONS OR DENIAL OR RESTRICTION OF A LICENSE.

01. Discipline. In addition to the grounds for discipline set forth in Idaho Code, every person licensed or permitted by the Board is subject to discipline upon any of the following grounds: (3-20-20)

02. Unethical Advertising. Advertising the licensee or permittee's practice in any unethical or unprofessional manner, including but not limited to: (3-20-20)

a. Using advertising or representations likely to deceive, defraud or harm the public. (3-20-20)

b. Making a false or misleading statement regarding the licensee or permittee's skill or the efficacy or value of the treatment, remedy, or service offered, performed, or prescribed by the licensee or permittee. (3-20-20)

03. Standard of Care. Providing health care that fails to meet the standard of health care provided by other qualified licensees or permittees of the same profession, in the same community or similar communities, including but not limited to: (3-20-20)

a. Being found mentally incompetent or insane by any court of competent jurisdiction. (3-20-20)

b. Engaging in practice or behavior that demonstrates a manifest incapacity or incompetence to practice his or her profession. (3-20-20)

c. Allowing another person or organization to use his or her license or permit to practice his or her profession. (3-20-20)

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. (3-20-20)

e. Using any controlled substance or alcohol to an extent that use impairs the licensee or permittee's ability to practice his or her profession competently. (3-20-20)

f. Violating any state or federal law or regulation relating to controlled substances. (3-20-20)

g. Directly promoting surgical procedures or laboratory tests that are unnecessary and not medically indicated. (3-20-20)

h. Failure to transfer pertinent and necessary medical records to another provider when requested to do so by the subject patient or client or by his or her legally designated representative. (3-20-20)

i. Failing to maintain adequate records. Adequate patient or client 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. (3-20-20)

j. Providing care or performing any service outside the licensee or permittee's scope of practice as set forth in Idaho Code, including providing care or performing a service without supervision, if such is required by Idaho Code or Board rule. (3-20-20)

k. Failing to have a supervising or directing physician who is licensed by the Board, if such supervision is required by Idaho Code or Board rule. (3-20-20)

04. Conduct. Engaging in any conduct that constitutes an abuse or exploitation of a patient or client arising out of the trust and confidence placed in the licensee or permittee by the patient or client, including but not limited to: (3-20-20)

- a. Obtaining any fee by fraud, deceit or misrepresentation. (3-20-20)
- b. Employing abusive billing practices. (3-20-20)
- c. Commission of any act of sexual contact, misconduct, exploitation or intercourse with a patient or client or former patient or client or related to the licensee's practice. (3-20-20)
 - i. Consent of the patient or client shall not be a defense. (3-20-20)
 - ii. This Section 150 does not apply to sexual contact between a licensee or permittee and the licensee or permittee's spouse or a person in a domestic relationship who is also a patient or client. (3-20-20)
 - iii. A former patient or client includes a patient or client for whom the licensee or permittee has provided services related to the licensee or permittee's practice, including prescriptions, within the last twelve (12) months; sexual or romantic relationships with former patients or clients beyond that period of time may also be a violation if the licensee or permittee uses or exploits the trust, knowledge, emotions or influence derived from the prior professional relationship with the patient or client. (3-20-20)
- d. Accepting any reimbursement for service, beyond actual expenses, while providing services under a volunteer license. (3-20-20)
- e. Employing, supervising, directing, aiding or abetting a person not licensed or permitted in this state who directly or indirectly performs activities or provides services requiring a license or permit. (3-20-20)
- f. Failing to report to the Board any known act or omission of a Board licensee or permittee that violates any provision of these rules. (3-20-20)
- g. Interfering with an investigation or disciplinary proceeding by willful misrepresentation of facts or by use of threats or harassment against any patient or client, Board or Advisory Board or Committee member, Board staff, hearing officer, or witness in an attempt to influence the outcome of a disciplinary proceeding, investigation, or other legal action. (3-20-20)
- h. Failing to obey any and all state and local laws and rules related to the licensee or permittee's practice or profession. (3-20-20)

151. COMPLAINTS.

Complaints may be submitted in writing to the Board, and will include the name of the provider, the approximate date of the incident or care, the concerns regarding the incident or care, along with the complainant's e-mail address, telephone number, and mailing address. Complaints will be reviewed to determine if they fall under the jurisdiction of the Board, upon which determination, an investigation will ensue. Disposition of investigations will be determined following recommendations to the Board by the Committee on Professional Discipline or the appropriate allied health board or committee. (3-20-20)

152. NOTICE.

The Board will notify, in writing, a licensee under investigation within ten (10) business days of the commencement of the investigation, and will provide an opportunity for any licensee under investigation to meet with the Committee on Professional Discipline or Board staff before the initiation of formal disciplinary proceedings by the Board. (3-20-20)

153. ON SITE REVIEW.

The Board, by and through its designated agents, is authorized to conduct on-site reviews of the activities of its licensees at the locations and facilities in which the licensees practice at such times as the Board deems necessary. (3-20-20)

154. -- 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. (4-11-19)

02. Distant Site. “Distant site” means the site at which a provider delivering telehealth services is located at the time the service is provided. (4-11-19)

03. Originating Site. “Originating site” means the location of a patient at the time telehealth services are provided. (4-11-19)

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. (4-11-19)

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. (4-11-19)

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. (4-11-19)

202. IDAHO LICENSE REQUIRED.

Any physician, physician assistant, respiratory therapist, polysomnographer, dietitian, athletic trainer, or naturopathic medical doctor 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. (3-20-20)

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 must: (4-11-19)

01. Verification. Verify the location and identity of the patient; (4-11-19)

02. Disclose. Disclose to the patient the provider's identity, their current location and telephone number and Idaho license number; (4-11-19)

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 (4-11-19)

04. Provider Selection. Allow the patient an opportunity to select their provider rather than being assigned a provider at random to the extent possible. (4-11-19)

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 is 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. (4-11-19)

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: (4-11-19)

- 01. Verification.** Identification of the patient, the provider and the provider's credentials; (4-11-19)
- 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; (4-11-19)
- 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; (4-11-19)
- 04. Potential Information Loss.** Disclosure that information may be lost due to technical failures. (4-11-19)

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. (4-11-19)

207. -- 999. (RESERVED)

24.33.04 – RULES FOR THE LICENSURE OF NATUROPATHIC MEDICAL DOCTORS

000. LEGAL AUTHORITY.

Pursuant to Section 54-5104(2), Idaho Code, the Idaho State Board of Medicine is authorized to promulgate rules to implement provisions of the Naturopathic Medicine Act. (3-20-20)T

001. TITLE AND SCOPE.

These rules are titled IDAPA 24.33.04, “Rules for the Licensure of Naturopathic Medical Doctors,” and governs the licensure, scope of practice, and discipline of the Naturopathic Medical Doctors. (3-20-20)T

002. – 009. (RESERVED)

010. DEFINITIONS.

01. Council on Naturopathic Medical Education (CNME). The accrediting organization that is recognized by the United States Department of Education as the accrediting agency for education programs that prepare naturopathic medical doctors. (3-20-20)T

02. North American Board of Naturopathic Examiners (NABNE). The independent, nonprofit organization that qualifies applicants to take the Naturopathic Physicians Licensing Exam and submits those results to the regulatory authority. (3-20-20)T

03. Naturopathic Physicians Licensing Exam (NPLEX). The board examination for naturopathic medical doctors. (3-20-20)T

04. Naturopathic Medical Doctor. A person who meets the definition in Section 54-5101(5), Idaho Code. Licensed naturopathic physician, physician of naturopathic medicine, naturopathic medical doctor and NMD are interchangeable terms. (3-20-20)T

05. Primary Care. Comprehensive first contact and/or continuing care for persons with any sign, symptom, or health concern not limited by problem of origin, organ system, or diagnosis. It includes health promotion, disease prevention, health maintenance, counseling, patient education, diagnosis and treatment of acute and chronic illness. It includes collaborating with other health professionals and utilizing consultation or referral as appropriate. (3-20-20)T

011. – 019. (RESERVED)

020. GENERAL QUALIFICATIONS FOR LICENSURE.

Requirements for licensure and renewal are found in Title 54, Chapter 51, Idaho Code, IDAPA 24.33.03, “General Provisions of the Board of Medicine,” and on Board-approved forms. (3-20-20)T

021. APPLICATION FOR LICENSURE.

01. Application. Each applicant for licensure will submit a completed written application to the Board on forms prescribed by the Board, together with the nonrefundable application fee. (3-20-20)T

02. Licensing Examinations. Each applicant must provide certification of passing the following four (4) NPLEX exams: (3-20-20)T

a. Part I Biomedical Science; (3-20-20)T

b. Part II Core Clinical Science; (3-20-20)T

c. Part II Clinical Elective Minor Surgery; and (3-20-20)T

d. Part II Clinical Elective Pharmacology. (3-20-20)T

022. AUTHORITY TO PRESCRIBE, DISPENSE, ADMINISTER, AND ORDER.

Naturopathic medical doctors are allowed to prescribe, dispense, administer, and order the following: (3-20-20)T

01. Laboratory and Diagnostic Procedures. Naturopathic medical doctors licensed under this chapter may perform and order physical examinations, laboratory tests, imaging, and other diagnostic tests consistent with primary care. (3-20-20)T

a. All examinations, laboratory, and imaging tests not consistent with primary care must be referred to an appropriately licensed health care professional for treatment and interpretation. (3-20-20)T

b. Any test result or lesion suspicious of malignancy must be referred to the appropriate physician licensed pursuant to Chapter 18, Title 54 Idaho Code. (3-20-20)T

02 Naturopathic Formulary. The formulary for naturopathic medical doctors licensed under this chapter consists of non-controlled legend medications (excluding testosterone) deemed appropriate for the primary health care of patients within the scope of practice and training of each naturopathic medical doctor. Prescribing pursuant to the Naturopathic Formulary shall be according to the standard of health care provided by other qualified naturopathic medical doctors in the same community or similar communities, taking into account their training, experience and the degree of expertise to which they hold themselves out to the public. (3-20-20)T

03. Formulary Exclusions. The naturopathic formulary does not include: (3-20-20)T

a. Scheduled, controlled drugs, except for testosterone used in physiologic doses with regular lab assessment for hormone replacement therapy, gender dysphoria, or hypogonadism; (3-20-20)T

b. General anesthetics; (3-20-20)T

c. Blood derivatives except for platelet rich plasma; or (3-20-20)T

d. Systemic antineoplastic agents, except for the following antineoplastic agents used orally or topically for non-cancer purposes: (3-20-20)T

i. Fluorouracil (5FU); (3-20-20)T

ii. Anastrozole; and (3-20-20)T

iii. Letrozole. (3-20-20)T

023. – 031. (RESERVED)

032. GROUNDS FOR DISCIPLINE OR DENIAL OF A LICENSE.

In addition to statutory grounds for discipline set forth in Section 54-5109, Idaho Code, every person licensed as a naturopathic medical doctor is subject to discipline by the Board under the following grounds: (3-20-20)T

01. Ability to Practice. Demonstrating a manifest incapacity to carry out the functions of the licensee’s ability to practice naturopathic medicine or deemed unfit by the Board to practice naturopathic medicine; (3-20-20)T

02. Controlled Substance or Alcohol Abuse. Using any controlled substance or alcohol in a manner which has or may have a direct and adverse bearing on the licensee’s ability to practice naturopathic medicine with reasonable skill and safety; (3-20-20)T

03. Education or Experience. Misrepresenting educational or experience attainments; (3-20-20)T

04. Medical Records. Failing to maintain adequate naturopathic medical records. Adequate naturopathic medical records mean legible records that contain subjective information, an evaluation or report of objective findings, assessment or diagnosis, and the plan of care; (3-20-20)T

05. Untrained Practice. Practicing in an area of naturopathic medicine for which the licensee is not trained; (3-20-20)T

06. Sexual Misconduct. Committing any act of sexual contact, misconduct, exploitation, or intercourse with a patient or former patient or related to the licensee's practice of naturopathic medicine; (3-20-20)T

- a. Consent of the patient shall not be a defense. (3-20-20)T
 - b. Subsection 032.06 does not apply to sexual contact between a naturopathic medical doctor and the naturopathic medical doctor’s spouse or a person in a domestic relationship who is also a patient. (3-20-20)T
 - c. A former patient includes a patient for whom the naturopathic medical doctor has provided naturopathic medical services within the last twelve (12) months. Sexual or romantic relationships with former patients beyond that period of time may also be a violation if the naturopathic medical doctor uses or exploits the trust, knowledge, emotions, or influence derived from the prior professional relationship with the patient. (3-20-20)T
- 07. Failure to Report.** Failing to report to the Board any known act or omission of a licensee, applicant, or any other person, that violates any of the rules promulgated by the Board under the authority of the act; (3-20-20)T
- 08. Interfering with or Influencing Disciplinary Outcome.** Interfering with an investigation or disciplinary proceeding by willful misrepresentation of facts or by use of threats or harassment against any patient, Board or naturopathic medical board, Board staff, hearing officer, or witness in an attempt to influence the outcome of a disciplinary proceeding, investigation or other legal action; (3-20-20)T
- 09. Failure to Obey Laws and Rules.** Failing to obey federal and local laws and rules governing the practice of naturopathic medicine. (3-20-20)T

033. CONTINUING MEDICAL EDUCATION (CME) REQUIREMENTS.

- 01. Renewal.** Every two (2) years, a total of forty-eight (48) hours (twenty (20) of which is pharmacology) of Board-approved CME is required as part of the naturopathic medical doctor’s license renewal. (3-20-20)T
- 02. Verification of Compliance.** Licensees must, at license renewal, provide a signed statement to the Board indicating compliance. The Board, in its discretion, may require such additional evidence as it deems necessary to verify compliance. (3-20-20)T

034. – 040. (RESERVED)

041. FEES.

Nonrefundable fees are shown in the following table:

Fees – Table (Non-Refundable)	
Licensure Fee	Not more than \$600
Annual License Renewal Fee	Not more than \$300
Reinstatement Fee	Not more than \$200
Inactive License Renewal Fee	Not more than \$100
Duplicate Wallet License Fee	Not more than \$20
Duplicate Wall Certificate Fee	Not more than \$50

(3-20-20)T

042. – 999. (RESERVED)

24.33.05 – RULES FOR THE LICENSURE OF ATHLETIC TRAINERS TO PRACTICE IN IDAHO

000. LEGAL AUTHORITY.

Pursuant to Section 54-3914(2), Idaho Code, the Idaho State Board of Medicine is authorized to promulgate rules to govern the practice of athletic trainers. (3-20-20)T

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 24.33.05, “Rules for the Licensure of Athletic Trainers to Practice in Idaho.” (3-20-20)T

02. Scope. Pursuant to this chapter and Idaho Code, Section 54-3904, athletic trainers must be licensed with the Board prior to commencement of activities related to athletic training. (3-20-20)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. Actively Engaged. A person who is employed in Idaho on a remuneration basis by an educational or health care institution, professional, amateur, or recreational sports club, or other bona fide athletic organization and is involved in athletic training as a responsibility of his employment. (3-20-20)T

02. Association. The Idaho Athletic Trainers’ Association. (3-20-20)T

03. Athletic Training Service Plan or Protocol. A written document, made upon a form provided by the Board, mutually agreed upon, signed and dated by the athletic trainer and directing physician that defines the athletic training services to be provided by the athletic trainer. The Board may review athletic training service plans or protocols, job descriptions, policy statements, or other documents that define the responsibilities of the athletic trainer in the practice setting, and may require such changes as needed to achieve compliance with this chapter and Title 54, Chapter 39, Idaho Code, and to safeguard the public. The Board of Chiropractic Physicians may review those athletic training service plans or protocols or other documents that define the responsibilities of the athletic trainer for those athletic trainers whose directing physicians are chiropractic physicians. (3-20-20)T

011. SCOPE OF PRACTICE.

01. Referral by Directing Physician. An athletic injury not incurred in association with an educational institution, professional, amateur, or recreational sports club or organization must be referred by a directing physician, but only after such directing physician has first evaluated the athlete. An athletic trainer treating or evaluating an athlete with an athletic injury incurred in association with an amateur or recreational sports club or organization will especially consider the need for a directing physician to subsequently evaluate the athlete and refer for further athletic training services. (3-20-20)T

02. Limitations of Scope of Practice. The scope of practice of the athletic trainer, as set forth in this chapter and Section 54-3903, Idaho Code, shall be limited to and consistent with the scope of practice of his directing physician. (3-20-20)T

03. Identification. The athletic trainer will at all times when on duty identify himself as an athletic trainer. (3-20-20)T

012. ATHLETIC TRAINING SERVICE PLAN OR PROTOCOL.

Each licensed athletic trainer providing athletic training services will create, upon a form provided by the Board, an athletic training service plan or protocol with his directing physician. This athletic training service plan or protocol must be reviewed and updated on an annual basis. Each licensed athletic trainer must notify the Board within thirty (30) days of any change in the status of his directing physician. This plan or protocol will not be sent to the Board, but must be maintained on file at each location in which the athletic trainer is practicing. The Board may review athletic training service plans or protocols, job descriptions, policy statements, or other documents that define the responsibilities of the athletic trainer in the practice setting, and may require such changes as needed to achieve compliance with this chapter, Title 54, Chapter 39, Idaho Code, and to safeguard the public. This plan or protocol will be made immediately available to the Board upon request. This plan or protocol will be made immediately available to the Board of Chiropractic Physicians upon request for those athletic trainers whose directing physicians are chiropractic physicians. This plan or protocol will include: (3-20-20)T

01. Listing of Services and Activities. A listing of the athletic training services to be provided and

specific activities to be performed by the athletic trainer. (3-20-20)T

02. Locations and Facilities. The specific locations and facilities in which the athletic trainer will function; and (3-20-20)T

03. Methods to be Used. The methods to be used to ensure responsible direction and control of the activities of the athletic trainer, which will provide for the: (3-20-20)T

a. Recording of an on-site visit by the directing physician at least semiannually or every semester; (3-20-20)T

b. Availability of the directing physician to the athletic trainer in person or by telephone and procedures for providing direction for the athletic trainer in emergency situations; and (3-20-20)T

c. Procedures for addressing situations outside the scope of practice of the athletic trainer. (3-20-20)T

013. -- 019. (RESERVED)

020. GENERAL QUALIFICATIONS FOR LICENSURE AND RENEWAL.

Requirements for licensure and renewal are found in Title 54, Chapter 39, Idaho Code, IDAPA 24.33.03, and on Board-approved forms. (3-20-20)T

021. -- 029. (RESERVED)

030. APPLICATION FOR LICENSURE.

01. Application for Provisional Licensure. (3-20-20)T

a. The Board, based upon the recommendation of the Board of Athletic Trainers, may issue provisional licensure to applicants who have successfully completed a bachelor's or advanced degree from an accredited four (4) year college or university, and met the minimum athletic training curriculum requirement established by the Board as recommended by the Board of Athletic Trainers and who have met all the other requirements set forth by Section 020 of these rules but who have not yet passed the examination conducted by the National Athletic Trainers' Association Board of Certification or a nationally recognized credentialing agency, approved by the Board as recommended by the Board of Athletic Trainers. (3-20-20)T

b. Each applicant for provisional licensure will submit a completed written application to the Board on forms prescribed by the Board, together with the application fee. The application shall be verified, under oath, and include an affidavit signed by an Idaho licensed athletic trainer affirming and attesting to supervise and be responsible for the athletic training services of the provisionally licensed athletic trainer and to review and countersign all records and documentation of services performed by the provisionally licensed athletic trainer. (3-20-20)T

ii. Supervision. A provisionally licensed graduate athletic trainer must be in direct association with his directing physician and Idaho licensed athletic trainer who will supervise and be available to render direction in person and on the premises where the athletic training services are being provided. The directing physician and the supervising athletic trainer is responsible for the athletic training services provided by the provisionally licensed graduate athletic trainer. The extent of communication between the directing physician and supervising athletic trainer and the provisionally licensed athletic trainer is determined by the competency of the provisionally licensed athletic trainer and the practice setting and the type of athletic training services being rendered. (3-20-20)T

c. Scope of Practice. The scope of practice of the provisionally licensed athletic trainer, as set forth in this chapter and Section 54-3903, Idaho Code, is limited to and consistent with the scope of practice of his directing physician and supervising athletic trainer and conform with the established athletic training service plan or protocol. (3-20-20)T

d. Expiration of Provisional License. All provisional licenses for athletic trainers will expire upon

meeting the minimum athletic training curriculum requirement established by the Board as recommended by the Board of Athletic Trainers and meeting all the other requirements set forth by Section 020 of these rules, including passing the certification examination conducted by the National Athletic Trainers' Association Board of Certification or a nationally recognized credentialing agency, approved by the Board as recommended by the Board of Athletic Trainers. (3-20-20)T

031. -- 051. (RESERVED)

052. DENIAL OR REFUSAL TO RENEW LICENSURE OR SUSPENSION OR REVOCATION OF LICENSURE.

01. Application or Renewal Denial. A new or renewal application for licensure may be denied by the Board and shall be considered a contested case. Every person licensed pursuant to Title 54, Chapter 39, Idaho Code and these rules is subject to discipline pursuant to the procedures and powers established by and set forth in Section 54-3911, Idaho Code, and the Idaho Administrative Procedure Act. (3-20-20)T

02. Petitions for Reconsideration of Denial. All petitions for reconsideration of a denial of a license application or reinstatement application shall be made to the Board within one (1) year from the date of the denial. (3-20-20)T

053. -- 060. (RESERVED)

061. FEES -- TABLE.

Nonrefundable fees are as follows:

Fees – Table (Non-Refundable)	
Athletic Trainer Licensure Fee	- Not more than \$240
Athletic Trainer Annual Renewal Fee	- Not more than \$160
Directing Physician Registration Fee	- Not more than \$50
Annual Renewal of Directing Physician Registration Fee	- Not more than \$25
Alternate Directing Physician Registration/Renewal Fee	- \$0
Provisional Licensure Fee	- Not more than \$80
Annual Renewal of Provisional License Fee	- Not more than \$40
Inactive License Renewal Fee	- Not more than \$80
Reinstatement Fee	- Not more than \$50 plus unpaid renewal fees

(3-20-20)T

062. -- 999. (RESERVED)

**24.33.06 – RULES FOR LICENSURE OF RESPIRATORY THERAPISTS AND
PERMITTING OF POLYSOMNOGRAPHERS IN IDAHO**

000. LEGAL AUTHORITY.

Pursuant to Sections 54-4304A, 54-4305, 54-4309, 54-4310, 54-4311, 54-4312 and 54-4316, Idaho Code, the Idaho State Board of Medicine is authorized to promulgate rules governing the practice of respiratory care and polysomnography related respiratory care. (3-20-20)T

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 24.33.06, “Rules for Licensure of Respiratory Therapists and Permitting of Polysomnographers in Idaho.” (3-20-20)T

02. Scope. Pursuant to Sections 54-4304 and 54-4304A, Idaho Code, and this chapter, respiratory therapists must be licensed and polysomnographers issued a permit by the Board prior to commencement of practice and related activities. (3-20-20)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. Board of Registered Polysomnographic Technologists. A nationally recognized private testing, examining and credentialing body for the polysomnography related respiratory care profession. (3-20-20)T

02. Comprehensive Registry Exam. The comprehensive registry examination administered by the Board of Registered Polysomnographic Technologists, or administered by an equivalent board, recognized by the Board, the successful completion of which entitles a person to the professional designation of Registered Polysomnographic Technologist (RPSGT). (3-20-20)T

03. Conditional Permit. A time-restricted permit issued by the Board. (3-20-20)T

04. Medical Practice Act. Title 54, Chapter 18, Idaho Code. (3-20-20)T

05. Written Registry and Clinical Simulation Examinations. The certification examinations administered by the National Board of Respiratory Care, Inc., or certification examinations administered by an equivalent board, recognized by the Board, the successful completion of which entitles a person the professional designation of “Registered Respiratory Therapist” (RRT). (3-20-20)T

011. APPLICATION TO BOTH PERMITS AND LICENSES.

The provisions of this chapter governing procedures for suspension and revocation of licenses, payment and assessment of fees and governing misrepresentation, penalties and severability and other administrative procedures shall apply equally to permits for the practice of polysomnography related respiratory care services as to licenses for the practice of respiratory care. (3-20-20)T

012. -- 030. (RESERVED)

031. GENERAL QUALIFICATIONS FOR LICENSURE AND RENEWAL.

Requirements for licensure and renewal are found in Title 54, Chapter 43, Idaho Code, IDAPA 24.33.03, and on Board-approved forms. (3-20-20)T

01. Application for Respiratory Care and Polysomnography Related Respiratory Care Practitioner. (3-20-20)T

a. The Board may issue a dual license/permit to an applicant who meets the requirements set forth in this chapter and Sections 54-4306 and 54-4304A(2) and (3), Idaho Code. A dual license/permit shall authorize the holder to perform respiratory care and polysomnography related respiratory care in this state. (3-20-20)T

b. Application for a dual license/permit shall be made to the Board on a form prescribed by the Board, together with the application fee. (3-20-20)T

c. Such dual license/permit shall expire on the expiration date printed on the face of the certificate unless renewed. (3-20-20)T

032. CONTINUING EDUCATION.

01. Evidence of Completion. Prior to renewal each applicant for renewal, reinstatement or reapplication, shall submit evidence of successfully completing no less than twelve (12) clock hours per year of continuing education acceptable to the Board. Continuing education must be germane to the practice or performance of respiratory care. Appropriate continuing professional education activities include but are not limited to, the following: (3-20-20)T

- a. Attending or presenting at conferences, seminars or inservice programs. (3-20-20)T
- b. Formal course work in Respiratory Therapy related subjects. (3-20-20)T

02. Polysomnographer Continuing Education. Each individual applicant for renewal of an active permit shall, on or before the expiration date of the permit, submit satisfactory proof to the Licensure Board of successful completion of not less than twelve (12) hours of approved continuing education pertaining to the provision of polysomnographic-related respiratory care per year in addition to any other requirements for renewal as adopted by the Board. The Board, as recommended by the Licensure Board, may substitute all or a portion of the coursework required in Section 032 when an applicant for renewal shows evidence of passing an approved challenge exam or of completing equivalent education as determined by the Board, as recommended by the Licensure Board, to be in full compliance with the education requirements of this chapter. (3-20-20)T

033. SUPERVISION OF RESPIRATORY CARE.

The practice or provision of respiratory care by persons holding a student or consulting and training exemption, or temporary permit shall be in direct association with a respiratory care practitioner or licensed physician who shall be responsible for the activities of the person being supervised and shall review and countersign all patient documentation performed by the person being supervised. The supervising respiratory care practitioner or licensed physician need not be physically present or on the premises at all times but must be available for telephonic consultation. The extent of communication between the supervising or consulting respiratory care practitioner or licensed physician and the person being supervised shall be determined by the competency of the person, the treatment setting, and the diagnostic category of the client. (3-20-20)T

034. DENIAL OR REFUSAL TO RENEW LICENSE OR PERMIT OR SUSPENSION OR REVOCATION OF LICENSE OR PERMIT.

Discipline. A new or renewal application may be denied, and every person licensed or issued a permit pursuant to Title 54, Chapter 43, Idaho Code and these rules is subject to discipline, pursuant to the procedures and powers established by and set forth in Section 54-4312, Idaho Code and the Administrative Procedures Act. (3-20-20)T

035. -- 045. (RESERVED)

046. FEES -- TABLE.

01. Fees -- Table. Nonrefundable fees for Respiratory Care Practitioners are as follows:

Fees – Table (Non-Refundable)	
Respiratory Care Practitioner Initial Licensure Fee	- Not more than \$180
Respiratory Care Practitioner Reinstatement Fee	- \$50 plus unpaid renewal fees
Annual Renewal Fee for Inactive License	- Not more than \$100
Inactive Conversion Fee	- Not more than \$100
Annual Renewal Fee	- Not more than \$140
Temporary Permit Fee	- Not more than \$180

(3-20-20)T

02. Fees – Table. Nonrefundable Permit Fees for Polysomnography Related Respiratory Care

Practitioners.

Fees – Table (Non-Refundable)	
Initial Permit Fee – Registered Polysomnographic Technologist	- Not more than \$180
Initial Permit Fee -Polysomnographic Trainee	- Not more than \$100
Reinstatement Fee – Registered Polysomnographic Technologist	- \$50 plus unpaid renewal fees
Annual Renewal Fee – Registered Polysomnographic Technologist	- Not more than \$140
Annual Renewal Fee – Polysomnographic Trainee	- Not more than \$70
Temporary Permit Fee – Registered Polysomnographic Technologist	- Not more than \$180
Temporary Permit Fee – Polysomnographic Trainee	- Not more than \$90
Conditional Permit Fee – Registered Polysomnographic Technologist	- Not more than \$180
Conditional Permit Fee – Polysomnographic Trainee	- Not more than \$90
Annual Renewal Fee for Inactive License—Polysomnographic Technologist	- Not more than \$100
Inactive Conversion Fee	- Not more than \$100 plus unpaid active licensure fees for the time inactive

(3-20-20)T

03. Fees - Table. Nonrefundable Dual Licensure/Permit Fees for Practitioners of Respiratory and Polysomnography Related Respiratory Care. (3-20-20)T

a. Initial Licensure/Permit Fee. A person holding a current license or permit, if qualified, may apply for and obtain a dual license/permit without paying an additional fee.

Fees – Table (Non-Refundable)	
Dual Licensure/Permit Fee	- Not more than \$180
A person holding a current license or permit, if qualified, may apply for and obtain a dual license/permit without paying an additional fee.	
Reinstatement Fee	- \$50 plus unpaid renewal fees
Annual Renewal Fee	- Not more than \$140
Renewal is required upon the expiration of either the permit or the license, whichever expires first if the two (2) initially were not obtained at the same time.	

(3-20-20)T

047. -- 999. (RESERVED)

24.33.07 – RULES FOR THE LICENSURE OF DIETITIANS

000. LEGAL AUTHORITY.

Pursuant to Section 54-3505(2), Idaho Code, the Idaho State Board of Medicine is authorized to promulgate rules to implement provisions of the Dietitians Act. (3-20-20)T

001. TITLE AND SCOPE.

These rules are titled IDAPA 24.33.07, “Rules for the Licensure of Dietitians.” (3-20-20)T

002. -- 019. (RESERVED)

020. GENERAL QUALIFICATIONS FOR LICENSURE AND RENEWAL.

Requirements for licensure and renewal are found in Title 54, Chapter 35, Idaho Code, IDAPA 24.33.03, and on Board-approved forms. (3-20-20)T

021. PROVISIONAL LICENSURE.

01. Provisional License. The Board may issue a provisional license to a person who has successfully completed the academic requirements of an education program in dietetics approved by the licensure board and has successfully completed a dietetic internship or preprofessional practice program, coordinated program or such other equivalent experience as may be approved by the board and who has met all the other requirements set forth by Section 020 of this rule but who has not yet passed the examination conducted by the Commission on Dietetic Registration. (3-20-20)T

02. Provisional License Dietitian/Monitor Affidavit. The provisionally licensed dietitian must obtain an affidavit signed by an Idaho licensed dietitian affirming and attesting that they will be responsible for the activities of the provisionally licensed dietitian and will review and countersign all patient documentation signed by the provisionally licensed dietitian. The supervising monitor need not be physically present or on the premises at all times but must be available for telephonic consultation. The extent of communication between the monitor and the provisionally licensed dietitian will be determined by the competency of the individual, the treatment setting, and the diagnostic category of the patients. (3-20-20)T

03. Provisional Licensure Expiration. Provisional licenses will become full active licenses upon the date of receipt of a copy of registration by the Commission on Dietetic Registration. All provisional licenses will expire on the last day of the current renewal cycle. (3-20-20)T

022. -- 031. (RESERVED)

032. DENIAL OR REFUSAL TO RENEW, SUSPENSION OR REVOCATION OF LICENSE.

01. Disciplinary Authority. A new or renewal application may be denied or a license may be suspended or revoked by the Board, and every person licensed pursuant to Title 54, Chapter 35, Idaho Code and these rules is subject to disciplinary actions or probationary conditions pursuant to the procedures and powers established by and set forth in Section 54-3505, Idaho Code, and the Idaho Administrative Procedure Act. (3-20-20)T

033. -- 040. (RESERVED)

041. FEES -- TABLE.

Nonrefundable fees are as follows:

Fees – Table (Non-Refundable)	
Initial Licensure Fee	- Not more than \$150
Annual Renewal Fee	- Not more than \$100
Reinstatement Fee	- \$50 plus unpaid renewal fees
Inactive Conversion Fee	- Not more than \$50

(3-20-20)T

042. -- 999. (RESERVED)

24.34.01 – RULES OF THE IDAHO BOARD OF NURSING

000. LEGAL AUTHORITY.

This chapter is adopted in accordance with Section 54-1404(13), Idaho Code. (3-20-20)T

001. TITLE AND SCOPE.

01. **Title.** These rules are titled IDAPA 24.34.01, “Rules of the Idaho Board of Nursing.” (3-20-20)T

02. **Scope.** These rules include, but are not limited to the minimum standards of nursing practice, licensure, educational programs and discipline. (3-20-20)T

002. FILING OF DOCUMENTS.

All written communications and documents that are intended to be part of an official record for decision in a rulemaking or contested case must be filed with the executive director of the Board. One (1) original is sufficient for submission to the hearing officer, with one (1) copy for the Board and one (1) copy submitted to the opposing party. Whenever documents are filed by facsimile transmission (FAX), originals are to be deposited in the mail the same day or hand delivered the following business day to the hearing officer or the Board, and opposing parties.

(3-20-20)T

003. CHANGES IN NAME AND ADDRESS – ADDRESS FOR NOTIFICATION PURPOSES.

01. **Change of Name.** Whenever a change of licensee name or address occurs, the Board is to be immediately notified of the change. Documentation confirming the change of name will be provided to the Board on request. (3-20-20)T

02. **Address for Notification Purposes.** (3-20-20)T

a. The most recent mailing or electronic address on record with the Board is utilized for purposes of all written communication with the licensee. (3-20-20)T

b. In a contested case proceeding, the service of process of Board documents (including notices, summonses, complaints, subpoenas and orders) is made by: (3-20-20)T

i. Personal service; (3-20-20)T

ii. Mailing to the licensee’s mailing address on record; or (3-20-20)T

iii. E-mailing to the licensee’s electronic address on record, if authorized. Service on an electronic address is authorized when the licensee has already appeared in the proceeding or has agreed in writing to service by e-mail. (3-20-20)T

004. -- 009. (RESERVED)

010. DEFINITIONS.

The definitions set forth in Section 54-1402, Idaho Code, are applicable to these rules. In addition, unless the context clearly denotes or requires otherwise, for purposes of these rules, the below terms have the following meanings:

(3-20-20)T

01. **Abandonment.** The termination of a nurse/patient relationship without first making appropriate arrangements for continuation of required nursing care. The nurse/patient relationship begins when responsibility for nursing care of a patient is accepted by the nurse. Refusal to accept an employment assignment or refusal to accept or begin a nurse/patient relationship is not abandonment. Reasonable notification, or a timely request for alternative care for a patient, directed to a qualified provider or to a staff supervisor, prior to leaving the assignment, constitutes termination of the nurse/patient relationship. (3-20-20)T

02. **Accreditation.** The official authorization or status granted by a recognized accrediting entity or agency other than a state board of nursing. (3-20-20)T

03. **Administration of Medications.** The process whereby a prescribed medication is given to a patient by one (1) of several routes. Administration of medication is a complex nursing responsibility which requires a knowledge of anatomy, physiology, pathophysiology, and pharmacology. Only persons authorized under Board statutes and these rules may administer medications and treatments as prescribed by health care providers authorized

- to prescribe medications. (3-20-20)T
- 04. Approval.** The process by which the Board evaluates and grants official recognition to education programs that meet standards established by the Board. (3-20-20)T
- 05. Assist.** To aid or help in the accomplishment of a prescribed set of actions. (3-20-20)T
- 06. Assistance With Medications.** The process whereby a non-licensed care provider is delegated tasks by a licensed nurse to aid a patient who cannot independently self-administer medications. (3-20-20)T
- 07. Board Staff.** The executive director and other such personnel as are needed to implement the Nursing Practice Act and these rules. (3-20-20)T
- 08. Charge Nurse.** A licensed nurse who bears primary responsibility for assessing, planning, prioritizing and evaluating care for the patients on a unit, as well as the overall supervision of the licensed and unlicensed staff delivering the nursing care. (3-20-20)T
- 09. Clinical Preceptor.** A licensed registered nurse, or other qualified individual as defined in these rules, who acts to facilitate student training in a manner prescribed by a written agreement between the preceptor's employer and an educational institution. (3-20-20)T
- 10. Competence.** Safely performing those functions within the role of the licensee in a manner that demonstrates essential knowledge, judgment and skills. (3-20-20)T
- 11. Curriculum.** The systematic arrangement of learning experiences including didactic courses, practical experiences, and other activities needed to meet the requirements of the nursing program and of the certificate or degree conferred by the parent institution. (3-20-20)T
- 12. Delegation.** The process by which a licensed nurse assigns tasks to be performed by others. (3-20-20)T
- 13. Disability.** Any physical, mental, or emotional condition that interferes with the ability to safely and competently practice. (3-20-20)T
- 14. Emeritus License.** A license issued to a nurse retiring from active practice for any length of time. (3-20-20)T
- 15. Licensing Examination.** A licensing examination acceptable to the Board. (3-20-20)T
- 16. License in Good Standing.** A license not subject to current disciplinary action, restriction, probation or investigation in any jurisdiction. (3-20-20)T
- 17. Nursing Assessment.** The systematic collection of data related to the patient's health needs. (3-20-20)T
- 18. Nursing Diagnosis.** The clinical judgment or conclusion regarding patient/client/family/community response to actual or potential health problems made as a result of the nursing assessment. (3-20-20)T
- 19. Nursing Intervention.** An action deliberately selected and performed to support the plan of care. (3-20-20)T
- 20. Nursing Jurisdiction.** Unless the context clearly denotes a different meaning, when used in these rules, the term nursing jurisdiction means any or all of the fifty (50) states, U.S. territories or commonwealths, as the case may be. (3-20-20)T
- 21. Nursing Service Administrator.** A licensed registered nurse who has administrative responsibility for the nursing services provided in a health care setting. (3-20-20)T

22. **Organized Program of Study.** A written plan of instruction to include course objectives and content, teaching strategies, provisions for supervised clinical practice, evaluation methods, length and hours of course, and faculty qualifications. (3-20-20)T
23. **Patient.** An individual or a group of individuals who are the beneficiaries of nursing services in any setting and may include client, resident, family, community. (3-20-20)T
24. **Patient Education.** The act of teaching patients and their families, for the purpose of improving or maintaining an individual's health status. (3-20-20)T
25. **Plan of Care.** The goal-oriented strategy developed to assist individuals or groups to achieve optimal health potential. (3-20-20)T
26. **Practice Standards.** General guidelines that identify roles and responsibilities for a particular category of licensure and, used in conjunction with the decision-making model, define a nurse's relationship with other care providers. (3-20-20)T
27. **Probation.** A period of time set forth in an order in which certain restrictions, conditions or limitations are imposed on a licensee. (3-20-20)T
28. **Protocols.** Written standards that define or specify performance expectations, objectives, and criteria. (3-20-20)T
29. **Restricted License.** A nursing license subject to specific restrictions, terms, and conditions. (3-20-20)T
30. **Revocation.** Termination of the authorization to practice. (3-20-20)T
31. **Scope of Practice.** The extent of treatment, activity, influence, or range of actions permitted or authorized for licensed nurses based on the nurse's education, preparation, and experience. (3-20-20)T
32. **Supervision.** Designating or prescribing a course of action, or giving procedural guidance, direction, and periodic evaluation. Direct supervision requires the supervisor to be physically present and immediately accessible to designate or prescribe a course of action or to give procedural guidance, direction, and periodic evaluation. (3-20-20)T
33. **Suspension.** An order temporarily withdrawing a nurse's right to practice nursing. (3-20-20)T
34. **Technician/Technologist.** These individuals are not credentialed by regulatory bodies in Idaho and may include, but are not limited to: surgical, dialysis and radiology technicians/technologists, monitor technicians and medical assistants. (3-20-20)T
35. **Unlicensed Assistive Personnel (UAP).** This term is used to designate unlicensed personnel employed to perform nursing care services under the direction and supervision of licensed nurses. The term also includes licensed or credentialed health care workers whose job responsibilities extend to health care services beyond their usual and customary roles and which activities are provided under the direction and supervision of licensed nurses. UAPs are prohibited from performing any licensed nurse functions that are specifically defined in Section 54-1402, Idaho Code. UAPs may not be delegated procedures involving acts that require nursing assessment or diagnosis, establishment of a plan of care or teaching, the exercise of nursing judgment, or procedures requiring specialized nursing knowledge, skills or techniques. (3-20-20)T
36. **Universal Precautions.** The recommendations published by the Center for Disease Control, Atlanta, Georgia, for preventing transmission of infectious disease. (3-20-20)T
011. -- 039. **(RESERVED)**

040. TEMPORARY LICENSE.

A temporary license is a nonrenewable license. (3-20-20)T

01. Issued at Discretion of Board. Temporary licenses are issued, and may be extended, at the discretion of the Board. (3-20-20)T

02. Temporary Licensure by Interstate Endorsement. A temporary license may be issued to an applicant for interstate endorsement on proof of current licensure in good standing in another nursing jurisdiction, satisfactory documentation of employment within the three (3) years immediately preceding application, and compliance with the requirements of Section 240 of these rules. (3-20-20)T

03. Temporary Licensure by Examination. A temporary license to practice nursing until notification of examination results and completion of criminal background check may be issued to an applicant for Idaho licensure following graduation from a nursing education program recognized by the professional licensing board for another nursing jurisdiction, and compliance with Section 221 of these rules. (3-20-20)T

a. The practice of nursing by new graduates holding temporary licensure is limited as follows: (3-20-20)T

i. Direct supervision by a licensed registered nurse is provided. (3-20-20)T

ii. Precluded from acting as charge nurse. (3-20-20)T

b. Temporary licenses issued to examination candidates are issued for a period not to exceed three (3) months. (3-20-20)T

04. Unsuccessful Examination Candidates. (3-20-20)T

a. An applicant who fails to pass the licensing examination is not eligible for further temporary licensure. (3-20-20)T

b. In the event that such applicant subsequently passes the licensing examination after twelve (12) months or more have elapsed following completion of the educational program, a temporary license with conditions may be issued until verification of clinical competence is received. (3-20-20)T

05. Applicants Not in Active Practice. A temporary license with specific terms and conditions may be issued to a person who has not actively engaged in the practice of nursing in any nursing jurisdiction for more than three (3) years immediately prior to the application for licensure or to an applicant whose completed application indicates the need for confirmation of the applicant's ability to practice safe nursing. (3-20-20)T

06. Applicants from Other Countries. Upon final evaluation of the completed application, the Board may, at its discretion, issue a temporary license to a graduate from a nursing education program outside of a nursing jurisdiction, pending notification of results of the licensing examination. (3-20-20)T

07. Fee. The applicant pays the temporary license fee, as prescribed in of these rules. (3-20-20)T

041. -- 059. (RESERVED)

060. LPN, RN, AND APRN LICENSE RENEWAL.

All licenses are renewed as prescribed in Section 54-1411, Idaho Code. (3-20-20)T

01. Renewal Applications. Renewal applications may be obtained by contacting the Board. (3-20-20)T

02. Final Date to Renew. The original completed renewal application and renewal fee as prescribed in Section 900 of these rules, are submitted to the Board and post-marked or electronically dated not later than August 31 of the appropriate renewal year. (3-20-20)T

03. Date License Lapsed. Licenses not renewed prior to September 1 of the appropriate year are lapsed and therefore invalid. (3-20-20)T

061. CONTINUED COMPETENCE REQUIREMENTS FOR RENEWAL OF AN ACTIVE LICENSE.

01. Learning Activities. In order to renew an LPN or RN license, a licensee shall complete or comply with at least two (2) of any of the learning activities listed below in Paragraphs 061.01.a., b., or c. within the two-year (2) renewal period: (3-20-20)T

- a. Practice:** (3-20-20)T
 - i.** Current nursing specialty certification as defined in Section 402 of these rules; or (3-20-20)T
 - ii.** One hundred (100) hours of practice or simulation practice, paid or unpaid, in which the nurse applies knowledge or clinical judgment in a way that influences patients, families, nurses, or organizations; (3-20-20)T
- b. Education, Continuing Education, E-learning, and In-service:** (3-20-20)T
 - i.** Fifteen (15) contact hours of continuing education, e-learning, academic courses, nursing-related in-service offered by an accredited educational institution, healthcare institution, or organization (a contact hour equals not less than fifty (50) minutes); or (3-20-20)T
 - ii.** Completion of a minimum of one (1) semester credit hour of post-licensure academic education relevant to nursing practice, offered by a college or university accredited by an organization recognized by the U.S. Department of Education; or (3-20-20)T
 - iii.** Completion of a Board-recognized refresher course in nursing or nurse residency program; or (3-20-20)T
 - iv.** Participation in or presentation of a workshop, seminar, conference, or course relevant to the practice of nursing and approved by an organization recognized by the Board to include, but not limited to: (3-20-20)T
 - (1) A nationally recognized nursing organization; (3-20-20)T
 - (2) An accredited academic institution; (3-20-20)T
 - (3) A provider of continuing education recognized by another board of nursing; (3-20-20)T
 - (4) A provider of continuing education recognized by a regulatory board of another discipline; or (3-20-20)T
 - (5) A program that meets criteria established by the Board; (3-20-20)T
- c. Professional Engagement:** (3-20-20)T
 - i.** Acknowledged contributor to a published nursing-related article or manuscript; or (3-20-20)T
 - ii.** Teaching or developing a nursing-related course of instruction; or (3-20-20)T
 - iii.** Participation in related professional activities including, but not limited to, research, published professional materials, nursing-related volunteer work, teaching (if not licensee's primary employment), peer reviewing, precepting, professional auditing, and service on nursing or healthcare related boards, organizations, associations or committees. (3-20-20)T

02. APRN Continued Competence Requirements. Registered nurses who also hold an active license

as an APRN shall only meet the requirements of Section 300 of these rules. (3-20-20)T

03. First Renewal Exemption. A licensee is exempt from the continued competence requirement for the first renewal following initial licensure by examination. (3-20-20)T

04. Extension. The Board may grant an extension for good cause for up to one (1) year for the completion of continuing competence requirements. Such extension shall not relieve the licensee of the continuing competence requirements. (3-20-20)T

05. Beyond the Control of Licensee Exemption. The Board may, in the exercise of its sound discretion, grant an exemption for all or part of the continuing competence requirements due to circumstances beyond the control of the licensee. (3-20-20)T

06. Disciplinary Proceeding. Continued competence activities or courses required by Board order in a disciplinary proceeding shall not be counted as meeting the requirements for licensure renewal. (3-20-20)T

07. Compliance Effective Dates. Compliance with the continuing competence requirements of Sections 061 and 062 will be necessary to renew an LPN license beginning with 2018 renewals and an RN license beginning with 2019 renewals. (3-20-20)T

062. DOCUMENTING COMPLIANCE WITH CONTINUED COMPETENCE REQUIREMENTS.

01. Retention of Original Documentation. All licensees are to maintain original documentation of completion for a period of two (2) years following renewal and to provide such documentation within thirty (30) days of a request from the Board for proof of compliance. (3-20-20)T

02. Documentation of Compliance. Documentation of compliance consists of the following: (3-20-20)T

a. Evidence of national certification includes a copy of a certificate that includes the name of licensee, name of certifying body, date of certification, and date of certification expiration. Certification will be initially attained during the licensure period, have been in effect during the entire licensure period, or have been recertified during the licensure period. (3-20-20)T

b. Evidence of post-licensure academic education includes a copy of the transcript with the name of the licensee, name of educational institution, date(s) of attendance, name of course, and number of credit hours received. (3-20-20)T

c. Evidence of completion of a Board-recognized refresher course includes certificate or written correspondence from the provider with the name of the licensee, name of provider, and verification of successful completion of the course. (3-20-20)T

d. Evidence of completion of research or a nursing project includes an abstract or summary, the name of the licensee, role of the licensee as principal or contributing investigator, date of completion, statement of the problem, research or project objectives, methods used, and summary of findings. (3-20-20)T

e. Evidence of contributing to a published nursing-related article, manuscript, paper, book, or book chapter includes a copy of the publication to include the name of the licensee and publication date. (3-20-20)T

f. Evidence of teaching a course for college credit includes documentation of the course offering indicating instructor, course title, course syllabus, and the number of credit hours. Teaching a particular course may only be used once to satisfy the continued competence requirement unless the course offering and syllabus has changed in a material or significant fashion. (3-20-20)T

g. Evidence of teaching a course for continuing education credit includes a written attestation from the director of the program or authorizing entity including the date(s) of the course and the number of hours awarded. (3-20-20)T

h. Evidence of hours of continuing learning activities or courses includes the name of the licensee, title of activity, name of provider, number of hours, and date of activity. (3-20-20)T

i. Evidence of one hundred (100) hours of practice in nursing includes the name of the licensee and documentation satisfactory to the Board of the number of hours worked during review period validated by the employer/recipient agency. If self-employed, hours worked may be validated through other methods such as tax records or other business records. If practice is of a volunteer or gratuitous nature, hours worked may be validated by the recipient agency. (3-20-20)T

063. REINSTATEMENT (NON-DISCIPLINE).

A person whose license has lapsed for failure to pay the renewal fee by the specified date may apply for reinstatement by submitting the items set out in Section 54-1411(3), Idaho Code and a current fingerprint-based criminal history check as set forth in Section 54-1401(3), Idaho Code, as well as paying the fees prescribed in these rules. (3-20-20)T

064. REINSTATEMENT AFTER DISCIPLINE.

01. Submission of Application Materials. A person whose license has been subject to disciplinary action by the Board may apply for reinstatement of the license to active and unrestricted status by: (3-20-20)T

a. Submitting the items set out in Section 54-1411(3), Idaho Code; (3-20-20)T

b. Submitting a current fingerprint-based criminal history check as set forth in Section 54-1401(3), Idaho Code; (3-20-20)T

c. Paying the fees prescribed in these rules; and (3-20-20)T

d. Documenting compliance with any term and restrictions set forth in any order as a condition of reinstatement. (3-20-20)T

02. Appearance Before Board. Applicants for reinstatement may be called to appear before the Board. (3-20-20)T

03. Application for Reinstatement After Revocation. Unless otherwise provided in the order of revocation, applicants for reinstatement of revoked licenses are precluded from applying for reinstatement for a period of two (2) years after entry of the order. (3-20-20)T

065. -- 075. (RESERVED)

076. PERSONS EXEMPTED BY BOARD.

Licensure to practice nursing is not necessary, nor is the practice of nursing prohibited for persons exempted by the Board including: (3-20-20)T

01. Technicians and Technologists. Technicians and technologists who comply with Section 491 of these rules. (3-20-20)T

02. Non-Resident Nurses. Non-resident nurses currently licensed in good standing in another nursing jurisdiction, who are in Idaho on a temporary basis because of enrollment in or presentation of a short term course of instruction recognized or approved by the Board and who are performing functions incident to formal instruction. (3-20-20)T

03. Family Members and Others. (3-20-20)T

a. Family members providing care to a person to whom they are related by blood, marriage, adoption, legal guardianship or licensed foster care. (3-20-20)T

b. Non-family members who provide gratuitous care to a person on a temporary basis in order to give

respite to family members who regularly provide care to that person. (3-20-20)T

c. Live-in domestics, housekeepers and companions provided they do not represent themselves as, nor receive compensation as, licensed nurses or other nursing care providers and so long as any health care provided is incidental to the services for which they are employed. (3-20-20)T

04. Nurse Apprentice. A nurse apprentice is a nursing student or recent graduate who is employed for remuneration in a non-licensed capacity outside the student role by a Board approved health care agency. (3-20-20)T

a. Applicants for nurse apprentice must: (3-20-20)T

i. Be enrolled in an accredited/approved nursing education program that is substantially equivalent to Idaho's approved programs for practical/registered nursing. (3-20-20)T

ii. Be in good academic standing at the time of application and notify the Board of any change in academic standing. (3-20-20)T

iii. Meet the employing agency's health care skills validation requirements. (3-20-20)T

iv. Satisfactorily complete a basic nursing fundamentals course. (3-20-20)T

v. Use obvious designations that identify the applicant as a nurse apprentice. (3-20-20)T

b. A completed application for nurse apprentice consists of: (3-20-20)T

i. Completed application form provided by the Board, to include a fee of ten dollars (\$10); and (3-20-20)T

ii. Verification of satisfactory completion of a basic nursing fundamentals course; and (3-20-20)T

iii. Validation of successful demonstration of skills from a nursing education program; and (3-20-20)T

iv. Verification of good academic standing. (3-20-20)T

c. An individual whose application is approved will be issued a letter identifying the individual as a nurse apprentice for a designated time period to extend not more than three (3) months after successful completion of the nursing education program. (3-20-20)T

d. A nurse apprentice may, under licensed registered nurse supervision, perform all functions approved by the Board for unlicensed assistive personnel as set forth in Section 490 of these rules. (3-20-20)T

05. Employer Application. (3-20-20)T

a. Health care agencies wishing to employ nurse apprentices are to complete an application form provided by the Board that consists of: (3-20-20)T

i. Job descriptions for apprentice; (3-20-20)T

ii. A written plan for orientation and skill validation; (3-20-20)T

iii. The name of the licensed registered nurse who is accountable and responsible for the coordination or management of the nurse apprentice program; (3-20-20)T

iv. Assurance that a licensed registered nurse is readily available when nurse apprentice is working; (3-20-20)T

v. A written procedure for the nurse apprentice who is asked to perform a task that could jeopardize a

patient and who declines to perform the task; and (3-20-20)T

vi. A fee of one hundred dollars (\$100). (3-20-20)T

b. Following application review, the Board may grant approval to a health care agency to employ nurse apprentices for a period of up to one (1) year. (3-20-20)T

c. To ensure continuing compliance with Board requirements, each approved agency submits an annual report to the Board on forms provided by the Board. Based on its findings, the Board may grant continuing approval annually for an additional one (1) year period. (3-20-20)T

d. At any time, if the employing agency fails to inform the Board of changes in conditions upon which approval was based or otherwise fails to comply with established requirements, the Board may notify the agency of withdrawal of approval. (3-20-20)T

077. -- 089. (RESERVED)

090. REAPPLICATION FOR A LICENSE AFTER PREVIOUS DENIAL.

01. Request for Review. Review of a denied application may be requested by submitting a written statement and documentation that includes evidence, satisfactory to the Board, of rehabilitation, or elimination or cure of the conditions for denial. (3-20-20)T

02. Reapplication Files. Reapplication files remain open and active for a period of twelve (12) months from date of receipt. After twelve (12) months, the file is closed and any subsequent reapplication will require submission of a new application form and payment of the applicable fees. (3-20-20)T

091. -- 099. (RESERVED)

100. GROUNDS FOR DISCIPLINE.

01. False Statement. A false, fraudulent or forged statement or misrepresentation in procuring a license to practice nursing means, but need not be limited to: (3-20-20)T

a. Procuring or attempting to procure a license to practice nursing by filing forged or altered documents or credentials; or (3-20-20)T

b. Falsifying, misrepresenting facts or failing to verify and accurately report any and all facts submitted on any application for licensure, examination, relicensure, or reinstatement of licensure by making timely and appropriate inquiry of all jurisdictions in which licensee has made application for, or obtained, licensure or certification or engaged in the practice of nursing; or (3-20-20)T

c. Impersonating any applicant or acting as proxy for the applicant in any examination for nurse licensure. (3-20-20)T

02. Conviction of a Felony. Conviction of, or entry of a withheld judgment or a plea of nolo contendere to, conduct constituting a felony. (3-20-20)T

03. False or Assumed Name. Practicing nursing under a false or assumed name means, but need not be limited to, carrying out licensed nursing functions while using other than the individual's given or legal name. (3-20-20)T

04. Offense Involving Moral Turpitude. An offense involving moral turpitude means, but need not be limited to, an act of baseness, vileness, or depravity in the private and social duties that a man owes to his fellow man, or to society in general, contrary to the accepted and customary rule of right and duty between man and man. (3-20-20)T

05. Gross Negligence or Recklessness. Gross negligence or recklessness in performing nursing functions means, but need not be limited to, a substantial departure from established and customary standards of care which, under similar circumstances, would have been exercised by a licensed peer; an act or an omission where there is a legal duty to act or to refrain from acting that a reasonable and prudent practitioner of nursing under same or similar facts and circumstances would have done, would have refrained from doing or would have done in a different manner and which did or could have resulted in harm or injury to a patient/client. An exercise of so slight a degree of care as to justify the belief that there was a conscious or overt disregard or indifference for the health, safety, well-being, or welfare of the public shall be considered a substantial departure from the accepted standard of care.

(3-20-20)T

06. Habitual Use of Alcohol or Drugs. Habitual use of alcoholic beverages or drugs means, but need not be limited to, the use of such substances to the extent that the nurse's judgment, skills, or abilities to provide safe and competent nursing care are impaired; or that the individual is unable to care for himself or his property or his family members because of such use; or it is determined by a qualified person that the individual is in need of medical or psychiatric care, treatment or rehabilitation or counseling because of drug or alcohol use.

(3-20-20)T

07. Physical or Mental Unfitness. Physical or mental unfitness to practice nursing means, but need not be limited to, a court order adjudging that a licensee is mentally incompetent, or an evaluation by a qualified professional person indicating that the licensee is mentally or physically incapable of engaging in registered or practical nursing in a manner consistent with sound patient care; or uncorrected physical defect that precludes the safe performance of nursing functions.

(3-20-20)T

08. Violations of Standards of Conduct. Violations of standards of conduct and practice adopted by the Board means, but need not be limited to, any violation of those standards of conduct described in Section 101 of these rules.

(3-20-20)T

09. Conduct to Deceive, Defraud or Endanger. Conduct of a character likely to deceive, defraud, or endanger patients or the public includes, but need not be limited to:

(3-20-20)T

a. Violating the standards of conduct and practice adopted by the Board.

(3-20-20)T

b. Being convicted of any crime or act substantially related to nursing practice and including, but not limited to, sex crimes, drug violations, acts of violence and child or adult abuse.

(3-20-20)T

10. Action Against a License. Action against a license means entry of any order restricting, limiting, revoking or suspending or otherwise disciplining a license or privilege to practice nursing by any jurisdiction. A certified copy of an order entered in any jurisdiction is prima facie evidence of the matters contained therein.

(3-20-20)T

11. Failure to Make Timely and Appropriate Inquiry. Failing to make timely and appropriate inquiry verifying licensure status in all jurisdictions in which the applicant has ever applied for licensure, certification or privilege to practice, including those jurisdictions in which the applicant is currently or was ever licensed, or in which applicant has practiced, prior to filing any application, verification or other statement regarding licensure status with the Board.

(3-20-20)T

12. Failure to Cooperate With Authorities. Failure to cooperate with authorities in the investigation of any alleged misconduct or interfering with a Board investigation by willful misrepresentation of facts, failure to provide information on request of the Board, or the use of threats or harassment against any patient or witness to prevent them from providing evidence.

(3-20-20)T

13. Patterns of Poor Practice. Repeatedly engaging in conduct that departs from the customary standards of care.

(3-20-20)T

101. STANDARDS OF CONDUCT.

01. Violations. Any violation of these Standards of Conduct is grounds for disciplinary action in accordance with Section 54-1413(1), Idaho Code, of the Idaho Nursing Practice Act and Section 090 or 100 of these

rules. (3-20-20)T

02. Classification. For purposes of convenience, the standards of conduct are grouped generally into one (1) of three (3) categories: license, practice, and professional responsibility. The fact that any particular standard is so classified in any particular category is not relevant for any purpose other than ease of use. (3-20-20)T

03. License. (3-20-20)T

a. Period of Practice. The nurse can practice registered or practical nursing in Idaho only with a current Idaho license or during the period of valid temporary licensure or as otherwise allowed by law. (3-20-20)T

b. Aiding in Violation of Law. The nurse shall not aid, abet, or assist any other person to violate or circumvent laws or rules pertaining to the conduct and practice of nursing. (3-20-20)T

c. Reporting Grossly Negligent or Reckless Practice. The nurse shall report to the Board any licensed nurse who is grossly negligent or reckless in performing nursing functions or who otherwise violates the Nursing Practice Act or the Board rules. (3-20-20)T

d. Unlawful Use of License. The nurse shall not permit their license to be used by another person for any purpose or permit unlicensed persons under their jurisdiction or supervision to indicate in any way that they are licensed to perform functions restricted to licensed persons. (3-20-20)T

e. Impairment of Ability. The nurse shall not practice nursing while the ability to practice is impaired by alcohol or drugs or physical, mental or emotional disability. (3-20-20)T

04. Practice. The nurse shall have knowledge of the statutes and rules governing nursing and function within the defined legal scope of nursing practice, not assume any duty or responsibility within the practice of nursing without adequate training or where competency has not been maintained, and: (3-20-20)T

a. Delegate activities only to persons who are competent and qualified to undertake and perform the delegated activities and will not delegate to non-licensed persons functions that are to be performed only by licensed nurses. The nurse delegating functions is to supervise the persons to whom the functions have been assigned or delegated. (3-20-20)T

b. Act to safeguard the patient from the incompetent practice, verbal or physical abusive acts or illegal practice of any person. (3-20-20)T

c. Not obtain, possess, furnish or administer prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs. (3-20-20)T

d. Not abandon patients in need of nursing care in a negligent or wanton manner. The nurse will leave a nursing assignment only after properly reporting and notifying appropriate personnel and will transfer responsibilities to appropriate personnel or care giver when continued care is necessitated by the patient's condition. (3-20-20)T

e. Respect the patient's privacy. (3-20-20)T

f. Not disseminate information about the patient to individuals not entitled to such information except where such information is mandated by law or for the protection of the patient. (3-20-20)T

g. Observe the condition and signs and symptoms of a patient, record the information, and report to appropriate persons any significant changes. (3-20-20)T

h. Function as a member of the health team and shall collaborate with other health team members as necessary to meet the patient's health needs. (3-20-20)T

i. Adhere to universal precautions and carry out principles of asepsis and infection control and not

place the patient, the patient’s family or the nurse’s coworkers at risk for the transmission of infectious diseases. (3-20-20)T

05. Professional Responsibility. (3-20-20)T

a. Disclosing Contents of Licensing Examination. The nurse is not to disclose contents of any licensing examination, or solicit, accept, or compile information regarding the contents of any examination before, during, or after its administration. (3-20-20)T

b. Considerations in Providing Care. In providing nursing care, the nurse will respect and consider the individual’s human dignity, health problems, personal attributes, national origin, and handicaps and not discriminate on the basis of age, sex, race, religion, economic or social status or sexual preferences. (3-20-20)T

c. Responsibility and Accountability Assumed. The nurse is responsible and accountable for their nursing judgments, actions and competence. (3-20-20)T

d. Witnessing Wastage of Controlled Substances Medication. Controlled substances may not be wasted without witnesses. The nurse cannot sign any record as a witness attesting to the wastage of controlled substance medications unless the wastage was personally witnessed. The nurse cannot solicit the signatures on any record of a person as a witness to the wastage of a controlled substance when that person did not witness the wastage. The nurse will solicit signatures of individuals who witnessed the wastage in a timely manner. (3-20-20)T

e. Record-keeping. The nurse shall make or keep accurate, intelligible entries into records mandated by law, employment or customary practice of nursing, and will not falsify, destroy, alter or knowingly make incorrect or unintelligible entries into patients’ records or employer or employee records. (3-20-20)T

f. Diverting or Soliciting. The nurse will respect the property of the patient and employer and not take or divert equipment, materials, property, or drugs without prior consent or authorization, nor solicit or borrow money, materials or property from patients. (3-20-20)T

g. Exploit, Solicit, or Receive Fees. The nurse shall not exploit the patient or the patient’s family for personal or financial gain or offer, give, solicit, or receive any fee or other consideration for the referral of a patient or client. (3-20-20)T

h. Professionalism. The nurse must not abuse the patient’s trust, will respect the dignity of the profession and maintain appropriate professional boundaries with respect to patients, the patients’ families, and the nurse’s coworkers. The nurse is not to engage in sexual misconduct or violent, threatening or abusive behavior towards patients, patients’ families or the nurse’s coworkers. The nurse will be aware of the potential imbalance of power in professional relationships with patients, based on their need for care, assistance, guidance, and support, and ensure that all aspects of that relationship focus exclusively upon the needs of the patient. (3-20-20)T

i. For purposes of this rule and Section 54-1413, Idaho Code, sexual misconduct violations include, but are not limited to: (3-20-20)T

(1) Engaging in or soliciting any type of sexual conduct with a patient; (3-20-20)T

(2) Using the nurse-patient relationship, trust and confidence of the patient derived from the nurse-patient relationship, or any information obtained as a result of the nurse-patient relationship, to solicit, suggest or discuss dating or a romantic or sexual relationship with a patient; (3-20-20)T

(3) Using confidential information obtained during the course of the nurse-patient relationship to solicit, suggest or discuss dating or a romantic relationship, or engage in sexual conduct with a patient, former patient, colleague, or member of the public; and (3-20-20)T

(4) Engaging in or attempting to engage in sexual exploitation or criminal sexual misconduct directed at patients, former patients, colleagues, or members of the public, whether within or outside the workplace. (3-20-20)T

ii. For purposes of this rule: (3-20-20)T

(1) Consent of a patient is not a defense. In the case of sexual exploitation or criminal sexual misconduct, consent of the victim is not a defense. (3-20-20)T

(2) A patient ceases to be a patient thirty (30) days after receiving the final nursing services, or final reasonably anticipated nursing services from a nurse, unless the patient is determined by the Board to be particularly vulnerable by his minority; known mental, emotional, or physical disability; known alcohol or drug dependency; or other circumstance. A patient deemed particularly vulnerable ceases to be a patient one (1) year after receiving the final nursing services, or final reasonably anticipated nursing services from a nurse. (3-20-20)T

(3) It is not a violation of this rule for a nurse to continue a sexual relationship with a spouse or individual of majority if a consensual sexual relationship existed prior to the establishment of the nurse-patient relationship. (3-20-20)T

iii. The following definitions apply to this rule: (3-20-20)T

(1) “Sexual conduct” means any behavior that might reasonably be interpreted as being designed or intended to arouse or gratify the sexual desires of an individual. This includes, but is not limited to, physical touching of breasts, buttocks or sexual organs, creation or use of pornographic images, discussion about sexual topics unrelated to the patient's care, intentional exposure of genitals, and not allowing a patient privacy, except as may be medically necessary. (3-20-20)T

(2) “Sexual exploitation” means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual conduct of another, or withholding or threatening to withhold care, medication, food or other services to coerce sexual conduct. (3-20-20)T

(3) “Criminal sexual misconduct” means any sexual conduct that, if proven, would constitute a felony or misdemeanor under state or federal law. (3-20-20)T

102. -- 131. (RESERVED)

132. RESTRICTED LICENSES.

Restricted licenses may be issued to qualified individuals in four (4) categories: post-discipline, non-practicing status, restricted status, and substance use and mental health disorders. Failure to comply with the terms and conditions of a restricted license will be cause for summary suspension. (3-20-20)T

01. Following Disciplinary Action. (3-20-20)T

a. After evaluation of an application for licensure reinstatement, the Board may issue a restricted license to a nurse whose license has been revoked. (3-20-20)T

b. The Board will specify the conditions of issuance of the restricted license in writing. The conditions may be stated on the license. (3-20-20)T

02. Non-Practicing Status. (3-20-20)T

a. Individuals who are prevented from engaging in the active practice of nursing may be issued a restricted license. (3-20-20)T

b. Non-practicing status does not entitle the licensee to engage in the active practice of nursing. The status will be noted on the license. (3-20-20)T

c. The non-practicing restriction may be removed by the Board following receipt and evaluation of evidence satisfactory to the Board confirming that the licensee's physical or mental health status no longer prevents

- the individual from engaging in the active practice of nursing. (3-20-20)T
- 03. Restricted Status.** (3-20-20)T
- a.** Individuals whose disabilities restrict or inhibit their ability to provide a full range of nursing services may be issued a restricted license. (3-20-20)T
- b.** The conditions may include, but are not limited to: (3-20-20)T
- i. Notifying the Board of changes in employment status. (3-20-20)T
- ii. Submission of regular reports by the employer or by such other entities or individuals as the Board may desire. (3-20-20)T
- iii. Meeting with Board representatives. (3-20-20)T
- iv. Specific parameters of practice, excluding the performance of specific nursing functions. (3-20-20)T
- d.** The conditions of restricted practice may be removed by the Board following receipt and evaluation of satisfactory evidence confirming that the health status of the licensee no longer restricts or inhibits the person's ability to provide a full range of nursing services. (3-20-20)T
- 04. Disability Due to Substance Use Disorder or Mental Health Disorder.** (3-20-20)T
- a.** Individuals whose practice is or may be impaired due to substance use disorder or to mental health disorder may qualify for issuance of a restricted license as an alternative to discipline. (3-20-20)T
- b.** The executive director may restrict the license of an individual who has a substance use disorder or mental health disorder for a period not to exceed five (5) years and who: (3-20-20)T
- i. Holds a current license to practice in Idaho as a registered nurse, advanced practice registered nurse, or licensed practical nurse, or is otherwise eligible, and is in the process of applying for licensure; (3-20-20)T
- ii. Has a demonstrated or diagnosed substance use disorder or mental health disorder such that ability to safely practice is, or may be, impaired; (3-20-20)T
- iii. Sign a written statement admitting to all facts that may constitute grounds for disciplinary action or demonstrate impairment of the safe practice of nursing, and waiving the right to a hearing and all other rights to due process in a contested case under the Idaho Administrative Procedures Act and the Nursing Practice Act; and (3-20-20)T
- iv. Submit reliable evidence, satisfactory to the executive director, that they are competent to safely practice nursing before being authorized to return to active practice. (3-20-20)T
- c.** If ordered, the applicant must satisfactorily complete a treatment program accepted by the Board. (3-20-20)T
- d.** The applicant agrees to participation in the Board's monitoring program. (3-20-20)T
- e.** Admission to the Program for Recovering Nurses or issuance of a restricted license, or both, may be denied for any reason including, but not limited to the following: (3-20-20)T
- i. The applicant diverted controlled substances for other than self-administration; or (3-20-20)T
- ii. The applicant creates too great a safety risk; or (3-20-20)T

- iii. The applicant has been terminated from this, or any other, alternative program for non-compliance. (3-20-20)T
- f. Upon satisfactory compliance with all of the terms of the restricted license, and provided that the licensee demonstrates that they are qualified and competent to practice nursing, the executive director will lift the restriction imposed. (3-20-20)T
- 05. Compliance Required.** Restricted licensure is conditioned upon the individual’s prompt and faithful compliance with terms and conditions, which may include: (3-20-20)T
 - a. Satisfactory progress in any ordered continuing treatment or rehabilitation program. (3-20-20)T
 - b. Regular and prompt notification to the Board of changes in name and address of self or any employer. (3-20-20)T
 - c. Obtaining of performance evaluations prepared by the employer to be submitted at specified intervals and at any time upon request. (3-20-20)T
 - d. Continuing participation in, and compliance with all recommendations and requirements of, the approved treatment or rehabilitation program, and obtaining of reports of progress submitted by the person directing the treatment or rehabilitation program at specified intervals and at any time upon request. (3-20-20)T
 - e. Submission of self-evaluations and personal progress reports at specified intervals and at any time upon request. (3-20-20)T
 - f. Submission of reports of supervised random alcohol/drug screens at specified intervals and at any time upon request. Participant is responsible for reporting as directed, submitting a sufficient quantity of sample to be tested, and payment for the screening. (3-20-20)T
 - g. Meeting with the Board’s professional staff or advisory committee at any time upon request. (3-20-20)T
 - h. Working only in approved practice settings. (3-20-20)T
 - i. Authorization by licensee of the release of applicable records pertaining to assessment, diagnostic evaluation, treatment recommendations, treatment and progress, performance evaluations, counseling, random chemical screens, and after-care at periodic intervals as requested. (3-20-20)T
 - j. Compliance with all laws pertaining to nursing practice, all nursing standards, and all standards, policies and procedures of licensee’s employer relating to any of the admitted misconduct or facts as set out in the written statement signed by licensee, or relating to the providing of safe, competent nursing service. (3-20-20)T
 - k. Compliance with other specific terms and conditions as may be directed by the executive director. (3-20-20)T
- 06. Summary Suspension - Lack of Compliance.** (3-20-20)T
 - a. Any failure to comply with the terms and conditions of a restricted license is deemed to be an immediate threat to the health, safety, and welfare of the public and the executive director will, upon receiving evidence of any such failure, summarily suspend the restricted license. (3-20-20)T
 - i. Summary suspension of a restricted license may occur if, during participation in the program, information is received which, after investigation, indicates the individual may have violated a provision of the law or Board rules governing the practice of nursing. (3-20-20)T
 - b. An individual whose restricted license has been summarily suspended by the executive director may request a hearing regarding the suspension by certified letter addressed to the Board. If the individual fails to

request a hearing within twenty (20) days after service of the notice of suspension by the executive director, the right to a hearing is waived. If a hearing is timely requested, after the hearing the Board will enter an order affirming or rejecting summary suspension of the restricted license and enter such further orders revoking, suspending, or otherwise disciplining the nursing license as may be necessary. The above provisions do not limit or restrict the right of Board staff to bring any summary suspension order before the Board for further proceedings, even if the licensee has not requested a hearing. (3-20-20)T

c. The Board may, for good cause, stay any order of the executive director or may modify the terms and conditions of a restricted license as deemed appropriate to regulate, monitor or supervise the practice of any licensee. (3-20-20)T

133. ADVISORY COMMITTEE.

The Board will appoint a committee of at least six (6) persons to provide guidance to the Board on matters relating to nurses whose practice is, or may be, impaired due to substance use disorder or mental health disorder, and advise the Board on the direction of the program. Committee members include a member of the Board who serves as the chairperson and other members as established by the Board, but will include persons who are knowledgeable about mental health and substance use disorders. (3-20-20)T

134. EMERGENCY ACTION.

If the Board finds that public health, safety, or welfare requires emergency action and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. Such proceedings will be promptly instituted and determined as authorized in Title 67, Chapter 52, Idaho Code. (3-20-20)T

135. -- 164. (RESERVED)

165. PETITION FOR REHEARING OR RECONSIDERATION.

01. Petition for Rehearing or Reconsideration. An individual may petition for reconsideration of any final order or rehearing based upon the following grounds: (3-20-20)T

- a. Newly discovered or newly available evidence relevant to the issue; or (3-20-20)T
- b. Error in the proceeding or Board decision that would be grounds for reversal or judicial review of the order; or (3-20-20)T
- c. Need for further consideration of the issues and the evidence in the public interest; or (3-20-20)T
- d. A showing that issues not considered ought to be examined in order to properly dispose of the matter. (3-20-20)T

02. Administrative Procedure. The Administrative Procedures Act, Title 67, Chapter 52, Idaho Code, shall govern proceedings on petitions for reconsideration. (3-20-20)T

166. -- 219. (RESERVED)

220. QUALIFICATIONS FOR LICENSURE BY EXAMINATION.

01. In-State. Individuals who have successfully completed all requirements for graduation from an Idaho nursing education program approved by the Board will be eligible to make application to the Board to take the licensing examination. (3-20-20)T

02. Out-of-State. Individuals who hold a certificate of completion from a nursing education program having board of nursing approval in another nursing jurisdiction will be eligible to make application to the Board to take the licensing examination, providing they meet substantially the same basic educational requirements as graduates of Idaho nursing education programs at the time of application. (3-20-20)T

03. Practical Nurse Equivalency Requirement. An applicant for practical nurse licensure by

examination who has not completed an approved practical nurse program, must provide satisfactory evidence (such as official transcripts) of successful completion of nursing and related courses at an approved school preparing persons for licensure as registered nurses to include a course in personal and vocational relationships of the practical nurse. Related courses are to be equivalent to those same courses included in a practical nursing program approved by the Board. (3-20-20)T

04. Time Limit for Writing Examinations. Graduates who do not take the examination within twelve (12) months following completion of the nursing education program must follow specific remedial measures as prescribed by the Board. (3-20-20)T

221. EXAMINATION APPLICATION.

A completed application for licensure by examination consists of a completed board approved application, all applicable fees and any additional required documentation. (3-20-20)T

222. EXAMINATION AND RE-EXAMINATION.

01. Applicants for Registered or Practical Nurse Licensure. Applicants will successfully pass the National Council Licensure Examination (NCLEX) for registered nurse licensure or for practical nurse licensure, as applied for and approved. In lieu of the NCLEX, the Board may accept documentation that the applicant has taken and successfully passed the State Board Test Pool examination. (3-20-20)T

223. -- 239. (RESERVED)

240. QUALIFICATIONS FOR LICENSURE BY ENDORSEMENT.

An applicant for Idaho licensure by interstate endorsement must: (3-20-20)T

01. Graduation. Be a graduate of a state approved/accredited practical or registered nursing education program that is substantially equivalent to Idaho's board-approved practical or registered nursing education program. Applicants for practical nurse licensure may also qualify under the provisions of Section 241 of these rules. (3-20-20)T

02. Licensing Examination. Have taken the same licensing examination as that administered in Idaho and achieved scores established as passing for that examination by the Board. (3-20-20)T

03. Minimum Requirements. In lieu of the requirements in Subsections 240.01 and 240.02 of this rule, have qualifications that are substantially equivalent to Idaho's minimum requirements. (3-20-20)T

04. Current Practice Experience. Have actively practiced nursing at least eighty (80) hours within the preceding three (3) years. (3-20-20)T

05. License from Another Nursing Jurisdiction. Hold a license in good standing from another nursing jurisdiction. The license of any applicant subject to official investigation or disciplinary proceedings is not considered in good standing. (3-20-20)T

241. LICENSURE BY EQUIVALENCY AND ENDORSEMENT LICENSURE.

01. Application by Equivalency. An applicant for practical nurse licensure by interstate endorsement based on equivalency must meet the following requirements: (3-20-20)T

a. Have successfully taken the same licensing examination as that administered in Idaho; and (3-20-20)T

b. Hold a license in another nursing jurisdiction based on successful completion of nursing and related courses at an approved school preparing persons for licensure as registered nurses to include a course in personal and vocational relationships of the practical nurse (or equivalent experience) and additional courses equivalent to those same courses included in a practical nursing program approved by the Board, and provide evidence thereof. (3-20-20)T

02. Applicants Licensed in Another Nursing Jurisdiction. Graduates of schools of nursing located outside the United States, its territories or commonwealths who are licensed in a nursing jurisdiction and who meet the requirements of Subsections 240.02 through 240.05 of these rules may be processed as applicants for licensure by endorsement from another state. (3-20-20)T

03. Application for Licensure by Endorsement. A completed application for licensure by interstate endorsement consists of a completed board approved application, all applicable fees and any additional required documentation. (3-20-20)T

242. -- 259. (RESERVED)

260. QUALIFICATIONS FOR LICENSURE OF GRADUATES OF SCHOOLS OF NURSING LOCATED OUTSIDE THE UNITED STATES, ITS TERRITORIES, OR COMMONWEALTHS.

A graduate from a nursing education program outside of the United States, its territories or commonwealths must: (3-20-20)T

01. Qualifications. Demonstrate nursing knowledge and English proficiency skills in reading, writing, speaking and listening. (3-20-20)T

02. Education Credentials. Have education qualifications that are substantially equivalent to Idaho's minimum requirements at the time of application. (3-20-20)T

03. License. Hold a license or other indication of authorization to practice in good standing, issued by a government entity or agency from a country outside the United States, its territories or commonwealths. (3-20-20)T

04. Examination/Re-Examination. Take and achieve a passing score on the licensing examination required in Subsection 222.01 of these rules. (3-20-20)T

261. APPLICATION FOR LICENSURE OF GRADUATES OF SCHOOLS OF NURSING LOCATED OUTSIDE THE UNITED STATES, ITS TERRITORIES, OR COMMONWEALTHS.

A completed application for licensure by a graduate of a nursing education program outside of the United States, its territories or commonwealths consists of a completed board approved application, all applicable fees and any additional required documentation. (3-20-20)T

262. -- 270. (RESERVED)

271. DEFINITIONS RELATED TO ADVANCED PRACTICE REGISTERED NURSING.

01. Accountability. Means being answerable for one's own actions. (3-20-20)T

02. Advanced Practice Registered Nurse. Means a registered nurse licensed in this state who has gained additional specialized knowledge, skills and experience through a graduate or post-graduate program of study as defined herein and is authorized to perform advanced nursing practice, which may include acts of diagnosis and treatment, and the prescribing, administering and dispensing of therapeutic pharmacologic and non-pharmacologic agents, as defined herein. Advanced practice registered nurses includes nurses licensed in the roles of certified nurse-midwife, clinical nurse specialist, certified nurse practitioner, and certified registered nurse anesthetist. Advanced practice registered nurses, when functioning within the recognized scope of practice, assume primary responsibility for the care of their patients in diverse settings. This practice incorporates the use of professional judgment in the assessment and management of wellness and conditions appropriate to the advanced practice registered nurse's role, population focus and area of specialization. (3-20-20)T

03. Authorized Advanced Practice Registered Nurse. Means an advanced practice registered nurse authorized by the Board to prescribe and dispense pharmacologic and non-pharmacologic agents pursuant to Section 315 of these rules. (3-20-20)T

04. Certification. Means recognition of the applicant's advanced knowledge, skills and abilities in a

defined area of nursing practice by a national organization recognized by the Board. The certification process measures the theoretical and clinical content denoted in the advanced scope of practice, and is developed in accordance with generally accepted standards of validation and reliability. (3-20-20)T

05. Certified Nurse-Midwife. Means a licensed registered nurse who has graduated from a nationally accredited graduate or post-graduate nurse-midwifery program, and has current certification as a nurse-midwife from a national organization recognized by the Board. (3-20-20)T

06. Certified Nurse Practitioner. Means a licensed registered nurse who has graduated from a nationally accredited graduate or post-graduate nurse practitioner program and has current certification as a nurse practitioner from a national organization recognized by the Board. (3-20-20)T

07. Certified Registered Nurse Anesthetist. Means a licensed registered nurse who has graduated from a nationally accredited graduate or post-graduate nurse anesthesia program and has current certification as a nurse anesthetist from a national organization recognized by the Board. (3-20-20)T

08. Clinical Nurse Specialist. Means a licensed registered nurse who has graduated from a nationally accredited graduate or post-graduate clinical nurse specialist program and has current certification as a clinical nurse specialist from a national organization recognized by the Board. (3-20-20)T

09. Collaboration. Means the cooperative working relationship with another health care provider, each contributing their respective expertise in the provision of patient care, and such collaborative practice includes the discussion of patient treatment and cooperation in the management and delivery of health care. (3-20-20)T

10. Consultation. Means conferring with another health care provider for the purpose of obtaining information or advice. (3-20-20)T

11. Diagnosis. Means identification of actual or potential health problems and the need for intervention based on analysis of data collected. Diagnosis depends upon the synthesis of information obtained through interview, physical exam, diagnostic tests or other investigations. (3-20-20)T

12. Intervention. Means measures to promote health, protect against disease, treat illness in its earliest stages, manage acute and chronic illness, and treat disability. Interventions may include, but are not limited to ordering diagnostic studies, performing direct nursing care, prescribing pharmacologic or non-pharmacologic or other therapies and consultation with or referral to other health care providers. (3-20-20)T

13. Peer Review Process. The systematic process by which a qualified peer assesses, monitors, and makes judgments about the quality of care provided to patients measured against established practice standards. Peer review: (3-20-20)T

a. Measures on-going practice competency of the advance practice registered nurse (APRN); (3-20-20)T

b. Is performed by a licensed APRN, physician, physician assistant, or other professional certified by a recognized credentialing organization; and (3-20-20)T

c. Focuses on a mutual desire for quality of care and professional growth incorporating attitudes of mutual trust and motivation. (3-20-20)T

14. Population Focus. Means the section of the population which the APRN has targeted to practice within. The categories of population foci are: (3-20-20)T

a. Family/individual across the lifespan; (3-20-20)T

b. Adult-gerontology; (3-20-20)T

c. Women’s health/gender-related; (3-20-20)T

- d. Neonatal; (3-20-20)T
- e. Pediatrics; and (3-20-20)T
- f. Psychiatric-mental health. (3-20-20)T

15. Prescriptive and Dispensing Authorization. Means the legal permission to prescribe, deliver, distribute and dispense pharmacologic and non-pharmacologic agents to a client in compliance with Board rules and applicable federal and state laws. Pharmacologic agents include legend and Schedule II through V controlled substances. (3-20-20)T

16. Referral. Means directing a client to a physician or other health professional or resource. (3-20-20)T

17. Scope of Practice of Advanced Practice Registered Nurse. Means those activities that the advanced practice registered nurse may perform. Those activities are defined by the Board according to the advanced practice registered nurse’s education, preparation, experience and the parameters set forth by the advanced practice registered nurse’s recognized, national certifying organization. (3-20-20)T

18. Specialization. Means a more focused area of preparation and practice than that of the APRN role/ population foci that is built on established criteria for recognition as a nursing specialty to include, but not limited to, specific patient populations (e.g., elder care, care of post-menopausal women), and specific health care needs (e.g., palliative care, pain management, nephrology). (3-20-20)T

272. -- 279. (RESERVED)

280. STANDARDS OF PRACTICE FOR ADVANCED PRACTICE REGISTERED NURSING.

01. Purpose. (3-20-20)T

a. To establish standards essential for safe practice by the advanced practice registered nurse; and (3-20-20)T

b. To serve as a guide for evaluation of advanced practice registered nursing to determine if it is safe and effective. (3-20-20)T

02. Core Standards for All Roles of Advanced Practice Registered Nursing. The advanced practice registered nurse is a licensed independent practitioner who shall practice consistent with the definition of advanced practice registered nursing, recognized national standards and the standards set forth in these rules. (3-20-20)T

a. The advanced practice registered nurse shall provide client services for which the advanced practice registered nurse is educationally prepared and for which competence has been achieved and maintained. (3-20-20)T

b. The advanced practice registered nurse shall recognize their limits of knowledge and experience and consult and collaborate with and refer to other health care professionals as appropriate. (3-20-20)T

c. The advanced practice registered nurse shall evaluate and apply current evidence-based research findings relevant to the advanced nursing practice role. (3-20-20)T

d. The advanced practice registered nurse shall assume responsibility and accountability for health promotion and maintenance as well as the assessment, diagnosis and management of client conditions to include the use of pharmacologic and non-pharmacologic interventions and the prescribing and dispensing of pharmacologic and non-pharmacologic agents. (3-20-20)T

e. The advanced practice registered nurse shall use advanced practice knowledge and skills in

teaching and guiding clients and other health care team members. (3-20-20)T

f. The advanced practice registered nurse shall have knowledge of the statutes and rules governing advanced nursing practice, and practice within the established standards for the advanced nursing practice role and population focus. (3-20-20)T

g. The advanced practice registered nurse shall practice consistent with Subsections 400.01 and 400.02 of these rules. (3-20-20)T

03. Certified Nurse-Midwife. In addition to the core standards, the advanced practice registered nurse in the role of certified nurse midwife provides the full range of primary health care services to women throughout the lifespan, including gynecologic care, family planning services, preconception care, prenatal and postpartum care, childbirth, care of the newborn and reproductive health care treatment of the male partners of female clients. (3-20-20)T

04. Clinical Nurse Specialist. In addition to core standards, the advanced practice registered nurse in the role of clinical nurse specialist provides services to patients, care providers and health care delivery systems including, but not limited to, direct care, expert consultation, care coordination, monitoring for quality indicators and facilitating communication between patients, their families, members of the health care team and components of the health care delivery system. (3-20-20)T

05. Certified Nurse Practitioner. In addition to core standards, the advanced practice registered nurse in the role of certified nurse practitioner provides initial and ongoing comprehensive primary care services to clients including, but not limited to, diagnosis and management of acute and chronic disease, and health promotion, disease prevention, health education counseling, and identification and management of the effects of illness on clients and their families. (3-20-20)T

06. Certified Registered Nurse Anesthetist. In addition to core standards, the advanced practice registered nurse in the role of certified registered nurse anesthetist provides the full spectrum of anesthesia care and anesthesia-related care and services to individuals across the lifespan whose health status may range across the wellness-illness continuum to include healthy persons; persons with immediate, severe or life-threatening illness or injury; and persons with sustained or chronic health conditions. (3-20-20)T

07. Documentation of Specialization. Unless exempted under Section 305 of these rules, the advanced practice registered nurse must document competency within their specialty area of practice based upon education, experience and national certification in the role and population focus. (3-20-20)T

281. -- 284. (RESERVED)

285. QUALIFICATIONS FOR ADVANCED PRACTICE REGISTERED NURSE.
To qualify as an advanced practice registered nurse, an applicant shall provide evidence of: (3-20-20)T

01. Current Licensure. Current licensure to practice as a registered nurse in Idaho; (3-20-20)T

02. Completion of Advanced Practice Registered Nurse Program. Successful completion of a graduate or post-graduate advanced practice registered nurse program which is accredited by a national organization recognized by the Board; and (3-20-20)T

03. National Certification. Current national certification by an organization recognized by the Board for the specified APRN role. (3-20-20)T

286. -- 289. (RESERVED)

290. APPLICATION FOR LICENSURE -- ADVANCED PRACTICE REGISTERED NURSE.
A completed application for licensure as an advanced practice registered nurse requesting licensure to practice as a certified nurse-midwife, clinical nurse specialist, certified nurse practitioner or certified registered nurse anesthetist consists of a completed board-approved application, all applicable fees and any additional required documentation.

(3-20-20)T

291. -- 294. (RESERVED)

295. TEMPORARY LICENSURE -- ADVANCED PRACTICE REGISTERED NURSE.

A temporary license to engage in advanced practice registered nursing may be issued to the following: (3-20-20)T

01. Applicants Awaiting Initial Certification Examination Results. An otherwise qualified applicant who is eligible to take the first available certification examination following completion of an approved advanced practice registered nurse education program. Verification of registration to write a Board-recognized national certification examination must be received from the national certifying organization. (3-20-20)T

a. Temporary licensure to practice shall be deemed to expire upon failure of the certification examination. An applicant who fails the national certification exam shall not engage in advanced practice registered nursing until such time as all requirements are met. (3-20-20)T

b. An applicant who is granted a temporary license to practice as an advanced practice registered nurse must submit notarized results of the certification examination within ten (10) days of receipt. Failure to submit required documentation shall result in the immediate expiration of the temporary license. (3-20-20)T

c. The temporary license of an applicant who does not write the examination on the date scheduled shall immediately expire and the applicant shall not engage in advanced practice registered nursing until such time as all requirements are met. (3-20-20)T

02. Applicants Whose Certification Has Lapsed. A licensed registered nurse applying for re-entry into advanced registered nursing practice, who is required by the national certifying organization to meet certain specified practice requirements under supervision. The length of and conditions for temporary licensure shall be determined by the Board. (3-20-20)T

03. Applicants Holding a Temporary Registered Nursing License. An advanced practice registered nurse currently authorized to practice advanced practice registered nursing in another nursing jurisdiction upon issuance of a temporary license to practice as a registered nurse, and upon evidence of current certification as an advanced practice registered nurse from a Board-recognized national certifying organization. (3-20-20)T

04. Applicants Without Required Practice Hours. An advanced practice registered nurse who has not practiced the minimum required period of time during the renewal period may be issued a temporary license in order to acquire the required number of hours and demonstrate ability to safely practice. (3-20-20)T

05. Application Processing. An APRN whose application has been received but is not yet complete may be issued a temporary license. (3-20-20)T

06. Term of Temporary License. A temporary license expires at the conclusion of the term for which it is issued, or the issuance of a renewable license, whichever occurs earlier. (3-20-20)T

296. -- 299. (RESERVED)

300. RENEWAL OF ADVANCED PRACTICE REGISTERED NURSE LICENSE.

The advanced practice registered nurse license may be renewed every two (2) years as specified in Section 54-1411, Idaho Code, provided that the advanced practice registered nurse: (3-20-20)T

01. Current Registered Nurse License. Maintains a current registered nurse license or privilege to practice in Idaho. (3-20-20)T

02. Evidence of Certification. Submits evidence of current APRN certification by a national organization recognized by the Board. (3-20-20)T

03. Evidence of Continuing Education. Provides documentation of thirty (30) contact hours of

continuing education during the renewal period, which shall include ten (10) contact hours in pharmacology if the nurse has prescriptive authority. Continuing education completed may be that required for renewal of national certification if documentation is submitted confirming the certifying organization's requirement is for at least thirty (30) contact hours. (3-20-20)T

04. Hours of Practice. Attests, on forms provided by the Board, to a minimum of two hundred (200) hours of advanced registered nursing practice within the preceding two (2) year period. (3-20-20)T

05. Peer Review Process. Provides evidence, satisfactory to the Board, of participation in a peer review process acceptable to the Board. (3-20-20)T

06. Exemption From Requirements. Nurse practitioners not certified by a national organization recognized by the Board and approved prior to July 1, 1998 shall be exempt from the requirement set forth in Subsection 300.02 of these rules. (3-20-20)T

301. REINSTATEMENT OF ADVANCED PRACTICE REGISTERED NURSE LICENSE.

An advanced practice registered nurse license may be reinstated as specified in Section 54-1411, Idaho Code, provided that the applicant: (3-20-20)T

01. Current Registered Nurse License. Maintains a current registered nurse license or privilege to practice in Idaho. (3-20-20)T

02. Evidence of Certification. Submits evidence of current APRN certification by a national organization recognized by the Board. (3-20-20)T

03. Fee. Pays the fee specified in Section 900 of these rules. (3-20-20)T

302. -- 304. (RESERVED)

305. PERSONS EXEMPTED FROM ADVANCED PRACTICE REGISTERED NURSING LICENSE REQUIREMENTS.

01. Students. Nothing in these rules prohibits a registered nurse who holds a current license, or privilege, to practice in Idaho and who is enrolled as a matriculated student in a nationally accredited educational program for advanced practice registered nursing from practicing as an advanced practice registered nurse when such practice is an integral part of the advanced practice registered nurse curriculum. (3-20-20)T

02. Certified Nurse Practitioners Licensed Prior to July 1, 1998. A certified nurse practitioner authorized to practice prior to July 1, 1998 may satisfy the requirement of Section 280.07 of these rules by documenting competency within their specialty area of practice based upon education, experience and national certification in that specialty or education, experience and approval by the Board. (3-20-20)T

03. Advanced Practice Registered Nurses Educated Prior to January 1, 2016. (3-20-20)T

a. An applicant for APRN licensure who completed a nationally accredited undergraduate or certificate APRN program prior to January 1, 2016, does not need to meet the APRN graduate or post-graduate educational requirements for initial licensure contained within Section 285 of these rules. (3-20-20)T

b. A person applying for APRN licensure in Idaho who: holds an existing APRN license issued by any nursing jurisdiction, completed their formal APRN education prior to January 1, 2016, and who meets all of the requirements for initial licensure contained within Sections 285 and 286 of these rules except for the APRN graduate or post-graduate educational requirement, may be issued an APRN license by endorsement if at the time the person received their APRN license in the other jurisdiction they would have been eligible for licensure as an APRN in Idaho. (3-20-20)T

306. DISCIPLINARY ENFORCEMENT.

The Board may revoke, suspend or otherwise discipline the advanced practice registered nurse license of a licensee

who fails to comply with current recognized scope and standards of practice, who fails to maintain national certification or competency requirements, or who violates the provisions of the Nursing Practice Act or rules of the Board. (3-20-20)T

307. -- 314. (RESERVED)

315. PRESCRIPTIVE AND DISPENSING AUTHORIZATION FOR ADVANCED PRACTICE REGISTERED NURSES.

01. Initial Authorization. An application for the authority to prescribe and dispense pharmacologic and non-pharmacologic agents may be made as part of initial licensure application or by separate application at a later date. Advanced practice registered nurses who complete their APRN graduate or post-graduate educational program after December 31, 2015, will automatically be granted prescriptive and dispensing authority with the issuance of their Idaho license. (3-20-20)T

a. An advanced practice registered nurse who applies for authorization to prescribe pharmacologic and non-pharmacologic agents within the scope of practice for the advanced practice role, shall: (3-20-20)T

i. Provide evidence of completion of thirty (30) contact hours of post-basic education in pharmacotherapeutics obtained as part of study within a formal educational program or continuing education program, related to advanced nursing practice; and (3-20-20)T

ii. Submit a completed, notarized application form provided by the Board. (3-20-20)T

b. Exceptions to the pharmacotherapeutic education may be approved by the Board. (3-20-20)T

c. Prescriptions written by authorized advanced practice registered nurses shall contain all the minimum information required by Idaho Board of Pharmacy statute and administrative rules and applicable federal law as well as the printed name and signature of the nurse prescriber, and the abbreviation for the applicable role of the advanced practice nurse (i.e. “CNP,” “CNM,” “CNS,” or CRNA”). If the prescription is for a controlled substance, it shall also include the DEA registration number and address of the prescriber. (3-20-20)T

02. Temporary Authorization. The Board may grant temporary prescriptive authority to an applicant who holds a temporary advanced practice registered nurse license and who meets the requirements for initial authorization pursuant to Subsection 315.01 of these rules. (3-20-20)T

03. Expiration of Temporary Prescriptive Authorization. Temporary prescriptive authorization automatically expires on the expiration, revocation, suspension, placement on probation, or denial of any advanced practice registered nurse license. (3-20-20)T

04. Prescribing and Dispensing Authorization. All authorized advanced practice registered nurses may prescribe and dispense pharmacologic and non-pharmacologic agents pursuant to applicable state and federal laws. (3-20-20)T

05. Valid Advanced Practice Registered Nurse/Patient Relationships. (3-20-20)T

a. An advanced practice registered nurse shall not dispense pharmacologic agents except in the course of his professional practice and when a bona fide advanced practice registered nurse/patient relationship has been established. A valid relationship will exist when the advanced practice registered nurse has obtained sufficient knowledge of the patient’s medical condition through examination and has assumed responsibility for the health care of the patient. (3-20-20)T

b. A valid advanced practice registered nurse/patient relationship is not required when dispensing or prescribing medications under the circumstances set forth at Section 54-1733(4), Idaho Code. (3-20-20)T

316. GROUNDS FOR DISCIPLINE OF AN ADVANCED PRACTICE REGISTERED NURSE LICENSE.

In addition to the grounds set forth in Section 54-1413, Idaho Code, and Section 100 of these rules, an advanced practice registered nursing license may be suspended, revoked, placed upon probation, or other disciplinary sanctions imposed by the Board on the following grounds: (3-20-20)T

01. Prescribing or Dispensing Controlled Substances. Prescribing, dispensing, or selling any drug classified as a controlled substance to a family member or to himself. For purposes of Section 316 of these rules, “family member” is defined as the licensee’s spouse, child (biological, adopted, or foster), parent, sibling, grandparent, grandchild, or the same relation by marriage. (3-20-20)T

02. Violating Governing Law. Violating any state or federal law relating to controlled substances. (3-20-20)T

03. Outside Scope of Practice. Prescribing or dispensing outside the scope of the advanced practice registered nurse’s practice. (3-20-20)T

04. Other Than Therapeutic Purposes. Prescribing or dispensing for other than therapeutic purposes. (3-20-20)T

317. -- 319. (RESERVED)

320. RECOGNITION OF NATIONAL CERTIFYING ORGANIZATIONS FOR ADVANCED PRACTICE REGISTERED NURSING.

The Board recognizes advanced practice registered nurse certification organizations that meet criteria as defined by the National Council of State Boards of Nursing. (3-20-20)T

321. -- 389. (RESERVED)

390. USE OF TITLES, ABBREVIATIONS, AND DESIGNATIONS FOR THE PRACTICE OF NURSING.

01. Title for Graduates. A new graduate issued a temporary license pursuant to Section 040 of these rules can use the title graduate nurse, abbreviated GN, or graduate practical nurse, abbreviated GPN, or graduate nurse midwife, abbreviated GNM, or graduate clinical nurse specialist, abbreviated GCNS, or graduate nurse practitioner, abbreviated GNP, or graduate nurse anesthetist, abbreviated GNA, whichever is appropriate, until the renewable license is issued. (3-20-20)T

02. Titles for Advanced Practice Registered Nurses. Individuals who have successfully met all requirements for licensure as an advanced practice registered nurse have the right to use the title corresponding to the role of advanced nursing practice for which the individual is licensed. (3-20-20)T

a. Individuals who have successfully met all requirements for licensure as a certified nurse-midwife have the right to use the title certified nurse-midwife, abbreviated APRN, CNM. (3-20-20)T

b. Title of Clinical Nurse Specialist. Individuals who have successfully met all requirements for licensure as a clinical nurse specialist have the right to use the title clinical nurse specialist, abbreviated APRN, CNS. (3-20-20)T

c. Individuals who have successfully met all requirements for licensure as a certified nurse practitioner have the right to use the title certified nurse practitioner, abbreviated APRN, CNP. (3-20-20)T

d. Individuals who have successfully met all requirements for licensure as a certified registered nurse anesthetist have the right to use the title certified registered nurse anesthetist, abbreviated APRN, CRNA. (3-20-20)T

03. Registered Nurse Title. Individuals who have successfully met all requirements for licensure as registered nurse have the right to use the title Registered Nurse, abbreviated RN. (3-20-20)T

04. Licensed Practical Nurse Title. Individuals who have successfully met all requirements for

licensure as a practical nurse have the right to use the title Licensed Practical Nurse, abbreviated LPN. (3-20-20)T

391. -- 399. (RESERVED)

400. DECISION-MAKING MODEL.

The decision-making model is the process by which a licensed nurse evaluates whether a particular act is within the legal scope of that nurse's practice and determines whether to delegate the performance of a particular nursing task in a given setting. This model applies to all licensure categories permitting active practice, regardless of practice setting. (3-20-20)T

01. Determining Scope of Practice. To evaluate whether a specific act is within the legal scope of nursing practice, a licensed nurse shall determine whether: (3-20-20)T

a. The act is expressly prohibited by the Nursing Practice Act, or the act is limited to the scope of practice of advanced practice registered nurses or to licensed registered nurses, or the act is prohibited by other laws; (3-20-20)T

b. The act was taught as a part of the nurse's educational institution's required curriculum and the nurse possesses current clinical skills; (3-20-20)T

c. The act does not exceed any existing policies and procedures established by the nurse's employer; (3-20-20)T

d. The act is consistent with standards of practice published by a national specialty nursing organization or supported by recognized nursing literature or reputable published research and the nurse can document successful completion of additional education through an organized program of study including supervised clinical practice or equivalent demonstrated competency; (3-20-20)T

e. The employment setting/agency has established policies and procedures or job descriptions authorizing performance of the act; and (3-20-20)T

f. Performance of the act is within the accepted standard of care that would be provided in a similar situation by a reasonable and prudent nurse with similar education and experience and the nurse is prepared to accept the consequences of the act. (3-20-20)T

02. Deciding to Delegate. When delegating nursing care, the licensed nurse retains accountability for the delegated acts and the consequences of delegation. Before delegating any task the nurse shall: (3-20-20)T

a. Determine that the acts to be delegated are not expressly prohibited by the Nursing Practice Act or Board rules and that the activities are consistent with job descriptions or policies of the practice setting; (3-20-20)T

b. Assess the client's status and health care needs prior to delegation, taking into consideration the complexity of assessments, monitoring required and the degree of physiological or psychological instability; (3-20-20)T

c. Exercise professional judgment to determine the safety of the delegated activities, to whom the acts may be delegated, and the potential for harm; (3-20-20)T

d. Consider the nature of the act, the complexity of the care needed, the degree of critical thinking required and the predictability of the outcome of the act to be performed; (3-20-20)T

e. Consider the impact of timeliness of care, continuity of care, and the level of interaction required with the patient and family; (3-20-20)T

f. Consider the type of technology employed in providing care and the knowledge and skills required to effectively use the technology, including relevant infection control and safety issues; (3-20-20)T

g. Determine that the person to whom the act is being delegated has documented education or training to perform the activity and is currently competent to perform the act; and (3-20-20)T

h. Provide appropriate instruction for performance of the act. (3-20-20)T

03. Delegating to UAPs. (3-20-20)T

a. The nursing care tasks that may be delegated to UAPs shall be stated in writing in the practice setting. Decisions concerning delegation will be determined in accordance with the provisions of Section 400 of these rules. UAPs may complement the licensed nurse in the performance of nursing functions, but cannot substitute for the licensed nurse; UAPs cannot redelegate a delegated act. (3-20-20)T

b. Where permitted by law, after completion of a Board-approved training program, UAPs in care settings may assist patients who cannot independently self-administer medications, provided that a plan of care has been developed by a licensed registered nurse, and the act has been delegated by a licensed nurse. Assistance with medication may include: breaking a scored tablet, crushing a tablet, instilling eye, ear or nose drops, giving medication through a pre-mixed nebulizer inhaler or gastric (non-nasogastric) tube, assisting with oral or topical medications and insertion of suppositories. (3-20-20)T

04. Monitoring Delegation. Subsequent to delegation, the licensed nurse shall: (3-20-20)T

a. Evaluate the patient’s response and the outcome of the delegated act, and take such further action as necessary; and (3-20-20)T

b. Determine the degree of supervision required and evaluate whether the activity is completed in a manner that meets acceptable outcomes. The degree of supervision shall be based upon the health status and stability of the patient, the complexity of the care and the knowledge and competence of the individual to whom the activity is delegated. (3-20-20)T

401. LICENSED REGISTERED NURSE (RN).

In addition to providing hands-on nursing care, licensed registered nurses work and serve in a broad range of capacities including, but not limited to, regulation, delegation, management, administration, teaching, and case management. Licensed registered nurses, also referred to as registered nurses or as “RNs,” are expected to exercise competency in judgment, decision making, implementation of nursing interventions, delegation of functions or responsibilities, and administration of medications and treatments prescribed by legally authorized persons. (3-20-20)T

01. Standards of Practice. A licensed registered nurse adheres to the decision-making model set forth in Section 400 of these rules. (3-20-20)T

02. Functions. A partial listing of tasks within the licensed registered nurse’s function follows. This listing is for illustrative purposes only, it is not exclusive. The licensed registered nurse: (3-20-20)T

a. Assesses the health status of individuals and groups; (3-20-20)T

b. Utilizes data obtained by assessment to identify and document nursing diagnoses which serve as a basis for the plan of nursing care; (3-20-20)T

c. Collaborates with the patient, family, and health team members; (3-20-20)T

d. Develops and documents a plan for nursing intervention based on assessment, analysis of data, identified nursing diagnoses and patient outcomes; (3-20-20)T

e. Is accountable and responsible for implementation of planned and prescribed nursing care; (3-20-20)T

f. Maintains safe and effective nursing care by: (3-20-20)T

- i. Maintaining a safe environment; (3-20-20)T
 - ii. Evaluating patient status and instituting appropriate therapy or procedures which might be required in emergency situations to stabilize the patient’s condition or prevent serious complications in accordance with standard procedures established by the policy-making body in the health care setting, including but not limited to administration of intravenous drugs and starting intravenous therapy based on protocols if the patient has been assessed and determined to be in peril; (3-20-20)T
 - iii. Acting as a patient’s advocate; (3-20-20)T
 - iv. Applying principles of asepsis and infection control and universal standards when providing nursing care; (3-20-20)T
 - v. Implementing orders for medications and treatments issued by an authorized prescriber; and (3-20-20)T
 - vi. Providing information and making recommendations to patients and others in accordance with employer policies; (3-20-20)T
 - g. Utilizes identified goals and outcomes to evaluate responses to interventions; (3-20-20)T
 - h. Collaborates with other health professionals by: (3-20-20)T
 - i. Communicating significant changes in a patient’s status or responses to appropriate health team professionals; (3-20-20)T
 - ii. Coordinating the plan of care with other health team professionals; and (3-20-20)T
 - iii. Consulting with nurses and other health team members as necessary; (3-20-20)T
 - i. Teaches the theory and practice of nursing; and (3-20-20)T
 - j. Facilitates, mentors and guides the practice of nursing formally and informally in practice settings. (3-20-20)T
 - k. Engages in other interfaces with healthcare providers and other workers in settings where there is not a structured nursing organization and in settings where health care plays a secondary role, where the nurse needs to identify the nursing role and responsibility for the particular type of interface, for example, teaching, supervising, consulting, advising, etc. (3-20-20)T
- 03. Chief Executive Role.** A licensed registered nurse functioning in a chief executive role is accountable and responsible for: (3-20-20)T
- a. Prescribing, directing and evaluating the quality of nursing services including, but not limited to, staff development and quality improvement; (3-20-20)T
 - b. Assuring that organizational policies and procedures, job descriptions and standards of nursing practice conform to the Nursing Practice Act and nursing practice rules; (3-20-20)T
 - c. Assuring that the knowledge, skills and abilities of nursing care staff are assessed and that nursing care activities do not exceed the legally defined boundaries of practice; and (3-20-20)T
 - d. Assuring that documentation of all aspects of the nursing organization is maintained. (3-20-20)T
- 04. Management Role.** A licensed registered nurse functioning in a management role is accountable and responsible for: (3-20-20)T

- a. The quality and quantity of nursing care provided by nursing personnel under their supervision; (3-20-20)T
- and b. Managing and coordinating nursing care in accordance with established guidelines for delegation; (3-20-20)T
- c. Providing leadership in formulating, interpreting, implementing, and evaluating the objectives and policies of nursing practice. (3-20-20)T

402. LICENSED REGISTERED NURSE FUNCTIONING IN SPECIALTY AREAS.

01. Extended Functions. A licensed registered nurse may carry out functions beyond the basic educational preparation described in Sections 600 through 681 of these rules under certain conditions. (3-20-20)T

02. Conditions for Licensed Registered Nurses Functioning in Specialty Practice Areas. A licensed registered nurse may carry out functions defined within parameters of a nursing specialty that meets criteria approved by the American Board of Nursing Specialties (ABNS) or the National Commission for Certifying Agencies (NCCA) of the National Organization for Competency Assurance (NOCA) when the nurse: (3-20-20)T

- a. Can document successful completion of additional education through an organized program of study including supervised clinical experience or equivalent demonstrated competence consistent with provisions of Section 400 of these rules; and (3-20-20)T
- b. Conforms to recognized nursing specialty practice parameters, characters, and standards for practice of the specialty. (3-20-20)T

403. -- 459. (RESERVED)

460. LICENSED PRACTICAL NURSE (LPN).

Licensed practical nurses function in dependent roles. Licensed practical nurses, also referred to as LPNs, provide nursing care at the delegation of a licensed registered nurse, licensed physician, or licensed dentist pursuant to rules established by the Board. The stability of the patient's environment, the patient's clinical state, and the predictability of the outcome determine the degree of direction and supervision that must be provided to the licensed practical nurse. (3-20-20)T

01. Standards. The licensed practical nurse shall be personally accountable and responsible for all actions taken in carrying out nursing activities and adheres to the decision-making model set forth in Section 400 of these rules. (3-20-20)T

02. Functions. A partial listing of some of the functions that are included within the legal definition of licensed practical nurse, Section 54-1402(3), Idaho Code, (Nursing Practice Act) follows. This list is for example only, it is not complete. The licensed practical nurse: (3-20-20)T

- a. Contributes to the assessment of health status by collecting, reporting and recording objective and subjective data; (3-20-20)T
- b. Participates in the development and modification of the plan of care; (3-20-20)T
- c. Implements aspects of the plan of care; (3-20-20)T
- d. Maintains safe and effective nursing care; (3-20-20)T
- e. Participates in the evaluation of responses to interventions; (3-20-20)T
- f. Fulfills charge nurse responsibilities in health care facilities as allowed by state and federal law; (3-20-20)T

- g.** Delegates to others as allowed by application of the decision-making model; and (3-20-20)T
- h.** Accepts delegated assignments only as allowed by application of the decision-making model. (3-20-20)T
- i.** Engages in other interfaces with healthcare providers and other workers in settings where there is not a structured nursing organization and in settings where health care plays a secondary role, where the nurse needs to identify the nursing role and responsibility for the particular type of interface, for example, teaching, supervising, consulting, advising, etc. (3-20-20)T

461. -- 490. (RESERVED)

491. TECHNICIANS/TECHNOLOGISTS.

01. Functions. Technicians/technologists may perform limited nursing functions within the ordinary, customary, and usual roles in their fields and are exempted from licensure by the Board under Section 54-1412, Idaho Code, provided they are: (3-20-20)T

- a.** Enrolled in or have completed a formal training program acceptable to the Board; or (3-20-20)T
- b.** Registered with or certified by a national organization acceptable to the Board. (3-20-20)T

02. Supervision. Technicians/technologists providing basic nursing care services on an organized nursing unit in an institutional setting must function under the supervision of a licensed registered nurse. (3-20-20)T

492. -- 599. (RESERVED)

600. NURSING EDUCATION FOR REGISTERED AND PRACTICAL NURSES.

601. PURPOSE OF APPROVAL.

To assure safe practice of nursing by establishing standards, criteria, and curriculum requirements for education programs preparing persons for the practice of nursing, and for enhancing the knowledge and skills of those in practice. (3-20-20)T

01. Preparation of Graduates. To ensure that graduates of nursing education programs are prepared for safe and effective nursing practice. (3-20-20)T

02. Guide for Development. To serve as a guide for the development of new nursing education programs. (3-20-20)T

03. Continued Improvement. To foster the continued improvement of established nursing education programs. (3-20-20)T

04. Evaluation Criteria. To provide criteria for the evaluation of new and established nursing education programs. (3-20-20)T

05. Eligibility for Licensing Examination. To assure eligibility for admission to the licensing examination for nurses, and to facilitate interstate endorsement of graduates of Board-approved nursing education programs. (3-20-20)T

602. APPROVAL OF A NEW EDUCATIONAL PROGRAM.

01. Educational Programs. (3-20-20)T

a. Any university, college, or other institution wishing to establish a nursing education program must make application to the Board on forms supplied by the Board. The following information is to be included with the initial application: (3-20-20)T

- i. Purpose for establishing the nursing education program; (3-20-20)T
- ii. Community needs and studies made, as basis for establishing a nursing education program; (3-20-20)T
- iii. Type of program; (3-20-20)T
- iv. Accreditation status, relationship of educational program to parent institution; (3-20-20)T
- v. Financial provision for the educational program; (3-20-20)T
- vi. Potential student enrollment; (3-20-20)T
- vii. Provision for qualified faculty; (3-20-20)T
- viii. Proposed clinical facilities and other physical facilities; and (3-20-20)T
- ix. Proposed time schedule for initiating the program. (3-20-20)T
- b.** A representative of the Board will visit the educational and clinical facilities and then submit a written report to the Board. (3-20-20)T
- c.** Representatives of the parent institution must meet with the Board to review the application within ninety (90) days of the conduct of the initial survey visit. (3-20-20)T
- d.** Following the Board's review, the parent institution will be notified of the Board's decision within thirty (30) days of the review. (3-20-20)T
- e.** Following the appointment of a qualified nurse administrator, a minimum period of twelve (12) months is necessary for planning to be completed before the first class of students is admitted to the program. (3-20-20)T
- f.** Provisional approval may be applied for when the following conditions have been met: (3-20-20)T
 - i. A qualified nurse administrator has been appointed; (3-20-20)T
 - ii. There are sufficient qualified faculty to initiate the program; (3-20-20)T
 - iii. The curriculum and plans for its implementation have been developed, including tentative clinical affiliation agreements; and (3-20-20)T
 - iv. Program policies have been developed. (3-20-20)T
- g.** Provisional approval must be granted before the first students are admitted to the nursing program. (3-20-20)T
- h.** Students can be admitted to the nursing program once provisional approval is granted. (3-20-20)T
 - i. A representative of the Board will make a follow-up survey visit to the educational program and submit a written report to the Board. (3-20-20)T
 - ii. Following the Board's review, the parent institution will be notified of the Board's decision within thirty (30) days. (3-20-20)T
 - iii. Following its review, the Board may grant: full approval, if all conditions have been met; or conditional approval, if all standards have not been met, with such conditions and requirements as the Board may designate to insure compliance with standards within the designated time period; or denial of approval, if standards

have not been met. (3-20-20)T

- i. Full approval will be applied for and granted within a three (3) year period following eligibility. (3-20-20)T

603. CONTINUANCE OF FULL APPROVAL OF EDUCATIONAL PROGRAM.

01. Continuing Full Approval. (3-20-20)T

a. A certificate of continuing full approval will be granted for up to eight (8) years to nursing education programs that consistently meet the Board's standards, as evidenced by: (3-20-20)T

i. Information included in the annual report to the Board; (3-20-20)T

ii. Information obtained by a Board representative through consultation visits; and (3-20-20)T

iii. Acceptable performance on the licensing examination for each program shall be a pass rate of eighty percent (80%) for its first-time writers in any given calendar year. A program whose pass rate falls below eighty percent (80%) for first-time writers in any two (2) consecutive calendar years shall: (3-20-20)T

(1) Present to the Board a plan for identifying possible contributing factors and for correcting any identified deficiencies; and (3-20-20)T

(2) Submit periodic progress reports on a schedule determined by the Board. (3-20-20)T

b. To ensure continuing compliance with the Board's standards, each approved nursing education program will submit an annual report to the Board. Based on its findings the Board may: (3-20-20)T

i. Request additional information from the nursing education program. (3-20-20)T

ii. Conduct an on-site review of the nursing education program. (3-20-20)T

iii. Request a full survey of the nursing education program. (3-20-20)T

c. Written reports of the survey will be submitted to the Board for review and acceptance. Copies of the report and recommendations will then be sent to the educational institution within thirty (30) days of the review. (3-20-20)T

d. Nursing education programs that do not meet the standards of the Board may be placed on conditional approval status, with such conditions and requirements as the Board may designate to ensure compliance with standards within a reasonable time period. (3-20-20)T

e. At the end of the period of conditional approval, full approval may be restored if the required conditions have been met, or approval may be withdrawn if the required conditions have not been met. Upon petition and written documentation by the nursing education program of extenuating circumstances, the Board may consider extending the period of conditional approval. The school must submit documentation within ten (10) days of notification of withdrawal of full approval. (3-20-20)T

f. Following notification of the Board's decision to place a program on conditional approval or to withdraw program approval, the educational program will have ten (10) days in which to request a hearing. Upon receipt of a request for hearing, the Board's action will be stayed until the matter is heard. Hearings shall be conducted in the same manner as disciplinary hearings, in accordance with Title 67, Chapter 52, Idaho Code. (3-20-20)T

604. DISCONTINUANCE OF AN EDUCATIONAL PROGRAM.

When an educational institution plans to discontinue its education program, the following procedure must be used: (3-20-20)T

- and
- 01. Notify in Writing.** Notify the Board in writing at least one (1) academic year prior to the closure; (3-20-20)T
 - 02. Follow Plan.** Follow institutional plan for program closure including: (3-20-20)T
 - a.** Maintenance of program standards until last class has graduated; and (3-20-20)T
 - b.** Provision for disposition of student records. (3-20-20)T

605. -- 629. (RESERVED)

630. PHILOSOPHY AND OBJECTIVES OF EDUCATIONAL PROGRAM.

The nursing education program shall have statements of philosophy and objectives that are consistent with those of the parent institution and with the law governing the practice of nursing. (3-20-20)T

631. ADMINISTRATION OF EDUCATIONAL PROGRAM.

- 01. Administration of Educational Programs.** (3-20-20)T
 - a.** The educational program in nursing shall be an integral part of an accredited institution of higher learning. (3-20-20)T
 - b.** There shall be an institutional organizational design that demonstrates the relationship of the program to the administration and to comparable programs within the institution, and that clearly delineates the lines of authority, responsibility, and channels of communication. The program faculty are given the opportunity to participate in the governance of the program and the institution. (3-20-20)T
 - i.** Qualifications, rights, and responsibilities of faculty are addressed in written personnel policies which are consistent with those of the parent institution as well as those of other programs within the institution. (3-20-20)T
 - ii.** Faculty workloads shall be consistent with responsibilities identified in Section 644 of these rules. (3-20-20)T
 - c.** The program must have an organizational design with clearly defined authority, responsibility, and channels of communication that assures both faculty and student involvement. (3-20-20)T
 - d.** Administrative responsibility and control shall be delegated to the nursing education administrator by the parent institution. (3-20-20)T
 - e.** The program must have a written purpose that is consistent with the mission of the institution. The program must have written policies that are congruent with the institution's policies and are periodically reviewed. (3-20-20)T

632. FINANCIAL SUPPORT OF EDUCATIONAL PROGRAM FOR PRACTICAL NURSE, REGISTERED NURSE, AND ADVANCED PRACTICE REGISTERED NURSE.

There must be evidence of financial support and resources adequate to achieve the purpose of the program. Resources include: facilities, equipment, supplies, and qualified administrative, instructional, and support personnel and services. (3-20-20)T

633. RECORDS OF EDUCATIONAL PROGRAM.

The nursing education program structure shall provide for pre-admission and current records for each student while enrolled. Final records for each student shall be maintained on a permanent basis in accordance with the policies of the parent institution. (3-20-20)T

634. -- 639. (RESERVED)

640. FACULTY QUALIFICATIONS.

01. Practical Nurse Program Faculty Qualifications. Nursing faculty who have primary responsibility for planning, implementing, and evaluating curriculum in a program leading to licensure as a practical nurse shall have: (3-20-20)T

- a. A current, unencumbered license to practice as a registered nurse in this state; (3-20-20)T
- b. A minimum of a baccalaureate degree with a major in nursing; and (3-20-20)T
- c. Evidence of nursing practice experience. (3-20-20)T

02. Registered Nurse Program Faculty Qualifications. There shall be sufficient faculty to achieve the purpose of the program. (3-20-20)T

a. Nursing faculty who have primary responsibility for planning, implementing, and evaluating curriculum in a program leading to licensure as a registered nurse shall have: (3-20-20)T

- i. A current, unencumbered license to practice as a registered nurse in this state; (3-20-20)T
- ii. A minimum of a master’s degree with a major in nursing; and (3-20-20)T
- iii. Evidence of nursing practice experience. (3-20-20)T

b. Additional support faculty necessary to accomplish program objectives shall have: (3-20-20)T

- i. A current, unencumbered license to practice as a registered nurse in this state; (3-20-20)T
- ii. A minimum of a baccalaureate degree with a major in nursing; and (3-20-20)T
- iii. A plan approved by the Board for accomplishment of the master’s of nursing within three (3) years of appointment to the faculty position. (3-20-20)T

03. Advanced Practice Registered Nurse Program Faculty Qualifications. There shall be sufficient faculty to achieve the purpose of the program. Faculty who have primary responsibility for planning, implementing and evaluating curriculum in a program preparing individuals to license as an advanced practice registered nurse shall have: (3-20-20)T

- a. A current, unencumbered license to practice as a registered nurse in this state; and (3-20-20)T
- b. A graduate degree or post-graduate degree in nursing; (3-20-20)T
- c. An advanced practice registered nurse license and national certification if responsible for courses in a specific advanced practice registered nurse role and population; and (3-20-20)T
- d. Evidence of advanced registered nursing practice experience. (3-20-20)T

04. Non-clinical Nursing Courses Faculty Qualifications. Interprofessional faculty teaching non-clinical nursing course shall have advanced preparation appropriate for the content being taught. (3-20-20)T

05. Clinical Preceptors in Registered Nurse, Practical Nurse, and Advanced Practice Registered Nurse Programs. Clinical preceptors may be used to enhance clinical learning experiences. (3-20-20)T

- a. Clinical preceptors in registered and practical nurse programs shall be licensed for nursing practice at or above the license role for which the student is preparing. (3-20-20)T

b. Clinical preceptors in advanced practice registered nurse programs shall be licensed to practice as an advanced practice registered nurse (APRN), a physician (MD or DO), or a physician assistant (PA) in an area of practice relevant to the educational course objectives. (3-20-20)T

c. Student-Preceptor ratio shall be appropriate to accomplishment of learning objectives; to provide for patient safety; and to the complexity of the clinical situation. (3-20-20)T

d. Criteria for selecting preceptors shall be in writing. (3-20-20)T

e. Functions and responsibilities of the preceptor shall be clearly delineated in a written agreement between the agency, the preceptor, and the educational program. (3-20-20)T

f. The faculty shall be responsible to: (3-20-20)T

i. Make arrangements with agency personnel in advance of the clinical experience, providing information such as numbers of students to be in the agency at a time, dates and times scheduled for clinical experience, faculty supervision to be provided, and arrange for formal orientation of preceptors. (3-20-20)T

ii. Inform agency personnel of faculty-defined objectives and serve as a guide for selecting students' learning experiences and making assignments. (3-20-20)T

iii. Monitor students' assignments, make periodic site visits to the agency, evaluate students' performance on a regular basis with input from the student and from the preceptor, and be available by telecommunication during students' scheduled clinical time. (3-20-20)T

g. Provide direct supervision, by either a qualified faculty person or an experienced registered nurse employee of the agency, during initial home visits and whenever the student is implementing a nursing skill for the first time or a nursing skill with which the student has had limited experience. (3-20-20)T

07. Continued Study. The parent institution will support and make provisions for continued professional development of the faculty. (3-20-20)T

641. FACULTY.

01. Numbers Needed. There shall be sufficient faculty with educational preparation and nursing expertise to meet the objectives and purposes of the nursing education program. (3-20-20)T

a. Number of faculty shall be sufficient to design and implement the curriculum necessary to prepare students to function in a rapidly changing healthcare environment. (3-20-20)T

b. Number of faculty in the clinical setting shall be sufficient in number to assure patient safety and meet student learning needs. (3-20-20)T

02. Faculty-Student Ratio. There shall be no more than ten (10) students for every faculty person in the clinical agencies. Deviations may be presented for approval with the program's annual report to the Board with written justification assuring client safety and supporting accomplishment of program objectives. (3-20-20)T

642. (RESERVED)

643. ADMINISTRATOR RESPONSIBILITIES AND QUALIFICATIONS.

01. Administrator Responsibilities. The administrator provides the leadership and is accountable for the administration, planning, implementation, and evaluation of the program. The administrator's responsibilities include, but are not limited to: (3-20-20)T

a. Development and maintenance of an environment conducive to the teaching and learning processes; (3-20-20)T

- b.** Liaison with and maintenance of the relationship with administrative and other units within the institution; (3-20-20)T
- c.** Leadership within the faculty for the development and implementation of the curriculum; (3-20-20)T
- d.** Preparation and administration of the program budget; (3-20-20)T
- e.** Facilitation of faculty recruitment, development, performance review, promotion, and retention; (3-20-20)T
- f.** Liaison with and maintenance of the relationship with the Board; and (3-20-20)T
- g.** Facilitation of cooperative agreements with practice sites. (3-20-20)T

02. Administrator Qualifications. The administrator of the program shall be a licensed registered nurse, with a current unencumbered license to practice in this state, and with the additional education and experience necessary to direct the program. (3-20-20)T

a. Practical Nurse Administrator. The administrator in a program preparing for practical nurse licensure shall: (3-20-20)T

- i.** Hold a minimum of a graduate degree with a major in nursing; and (3-20-20)T
- ii.** Have evidence of experience in education, administration, and practice sufficient to administer the program. (3-20-20)T

b. Registered Nurse Administrator. The administrator in a program preparing for registered nurse licensure shall: (3-20-20)T

- and
- i.** Hold a minimum of a graduate degree with a major in nursing and meet institutional requirements; (3-20-20)T
 - ii.** Have evidence of experience in education, administration, and practice sufficient to administer the program. (3-20-20)T

c. Advanced Practice Registered Nurse Administrator. The administrator in a program preparing for advanced practice registered nursing shall: (3-20-20)T

- i.** Hold a graduate and post-graduate degree, one (1) of which is in nursing; and (3-20-20)T
- ii.** Have evidence of experience in education, administration, and practice sufficient to administer the program. (3-20-20)T

03. Numbers of Administrators Needed. There shall be at least one (1) qualified nursing administrator for each nursing education department or division. In institutions that offer nursing education programs for more than one (1) level of preparation and where the scope of administrative responsibility so requires, there shall be an individual administrator for each nursing education program. (3-20-20)T

644. FACULTY RESPONSIBILITIES.

01. Faculty Responsibilities. Nursing faculty responsibilities include, but are not limited to the following: (3-20-20)T

- a.** Assess, plan, implement, evaluate, and modify the program based on sociological and environmental indicators; (3-20-20)T

- b.** Design, implement, evaluate, and update the curriculum using a written plan; (3-20-20)T
- c.** Develop, implement, evaluate, and update policies for student admission, progression, retention, and graduation in keeping with the policies of the school; (3-20-20)T
- d.** Participate in academic advisement and guidance of students; (3-20-20)T
- e.** Provide theoretical instruction and practice experiences; (3-20-20)T
- f.** Select, monitor, and evaluate preceptors and the student learning experiences; (3-20-20)T
- g.** Evaluate student achievement of curricular outcomes related to nursing knowledge and practice; (3-20-20)T
- h.** Evaluate teaching effectiveness; (3-20-20)T
- i.** Participate in activities that facilitate maintaining the faculty members' own nursing competence and professional expertise in the area of teaching responsibility, including instructional methodology; (3-20-20)T
- j.** Participate in other scholarly activities, including research, consistent with institutional and professional requirements; and (3-20-20)T
- k.** Participate in the organization of the program and institution. (3-20-20)T

645. -- 659. (RESERVED)

660. STUDENTS, EDUCATIONAL PROGRAM.

01. Student Policies. Student policies should facilitate mobility and articulation and be consistent with the educational standards of the parent institution. Student policies in relation to the following must be in writing and available: (3-20-20)T

- a.** Admission, readmission, progression, retention, graduation, dismissal, and withdrawal; (3-20-20)T
- b.** Physical, mental health, and legal standards required by affiliate agencies and the law governing the practice of nursing; (3-20-20)T
- c.** Student responsibilities; (3-20-20)T
- d.** Student rights and grievance procedures; and (3-20-20)T
- e.** Student opportunity to participate in program governance and evaluation. (3-20-20)T

661. -- 679. (RESERVED)

680. CURRICULUM, EDUCATIONAL PROGRAM.

01. Student Competence. (3-20-20)T

a. Students enrolled in a practical nursing program shall be provided the opportunity to acquire and demonstrate the knowledge, skills, and abilities for safe and effective nursing practice. The graduate from a practical nurse program is responsible and accountable to practice according to the standards of practice for the licensed practical nurse as defined in Section 460 of these rules. (3-20-20)T

b. Students enrolled in a registered nurse program shall be provided the opportunity to acquire and demonstrate the knowledge, skills, and abilities for safe and effective nursing practice. The graduate from a registered nurse program is responsible and accountable to practice according to the standards of practice for the registered

nurse as defined in Section 401 of these rules. (3-20-20)T

c. Students enrolled in advanced practice registered nursing education shall be provided the opportunity to acquire and demonstrate the knowledge, skills, and abilities for safe and effective advanced nursing practice. The graduate from an advanced practice registered nursing program is responsible and accountable to practice according to the standards for the advanced practice nursing role for which the nurse is prepared as defined in Section 280 of these rules. (3-20-20)T

02. Program Evaluation. The program shall have a plan for total program evaluation that includes, but is not limited to the following: organization and administration, faculty, students, curriculum, and performance of graduates. Implementation of the plan and use of findings for relevant decision making must be evident. (3-20-20)T

681. CURRICULUM REQUIREMENTS FOR NURSING EDUCATION PROGRAMS.

01. General Curriculum. For licensed practical nurses, registered nurses, and advanced practice registered nurses the general curriculum is as follows: (3-20-20)T

- a. Be planned, implemented, and evaluated by the faculty with provisions for student input; (3-20-20)T
- b. Reflect the mission and purpose of the nursing education program; (3-20-20)T
- c. Be organized logically and sequenced appropriately; (3-20-20)T
- d. Facilitate articulation for horizontal and vertical mobility; (3-20-20)T
- e. Have a syllabus for each nursing course; (3-20-20)T
- f. Have written, measurable terminal outcomes that reflect the role of the graduate; and (3-20-20)T
- g. Be responsive to changing healthcare environment. (3-20-20)T

02. Curriculum Changes. Major curriculum changes, as defined in Section 700 of these rules, will be submitted to the Board for approval prior to implementation. (3-20-20)T

03. Practice Sites. The program will have sufficient correlated practice experiences to assure development of nursing competencies. (3-20-20)T

04. Practical Nurse Curriculum. The curriculum includes: (3-20-20)T

- a. Nursing didactic content and practice experience that establish the knowledge base for demonstrating beginning competency; and (3-20-20)T
- b. Integrated, combined or separate coursework from the following academic disciplines and meets requirements for the credential with a major in practical nursing: (3-20-20)T
 - i. Communication and information systems concepts; (3-20-20)T
 - ii. Behavioral and social science concepts that serve as a framework for understanding growth and development throughout the life cycle, human behavior, interpersonal relationships, and cultural diversity; (3-20-20)T
 - iii. Physical and biological sciences concepts that help the students gain an understanding of the principles of scientific theory and computation; (3-20-20)T
 - iv. Nursing concepts that provide the basis for understanding the principles of nursing care and appropriate and sufficient correlated nursing practice experiences to assure development of competencies as a

- member of the interdisciplinary team; (3-20-20)T
- v. Concepts regarding legal, managerial, economic, and ethical issues related to responsibilities of the practical nurse; and (3-20-20)T
- vi. Courses to meet the school's general education requirements for the credential awarded. (3-20-20)T
- 05. Registered Nurse Curriculum.** The curriculum includes: (3-20-20)T
- a.** Nursing didactic content and practice experience that establish the knowledge base for demonstrating beginning competency related to: (3-20-20)T
- i. Nursing practice; (3-20-20)T
- ii. Systems thinking and interdisciplinary team function; and (3-20-20)T
- iii. The promotion and restoration of optimal patient health throughout the lifespan in a variety of primary, secondary and tertiary settings focusing on individuals, groups, and communities. (3-20-20)T
- b.** Integrated, combined or separate coursework from the following academic disciplines and meets requirements for a degree with a major in nursing: (3-20-20)T
- i. Concepts in written and oral communication, values clarification, scientific inquiry, computation, and informatics; (3-20-20)T
- ii. Behavioral and social sciences concepts that serve as a framework for the understanding of growth and development throughout the life cycle, human behavior, interpersonal relationships, cultural diversity, and economics related to the social context of healthcare; (3-20-20)T
- iii. Physical and biological sciences concepts that help the student gain an understanding of the principles of scientific theory; (3-20-20)T
- iv. Arts and humanities concepts that develop the aesthetic, ethical, and intellectual capabilities of the student; (3-20-20)T
- v. Concepts regarding research, nursing theory, legal and ethical issues, trends in nursing, principles of education and learning, and professional responsibilities; (3-20-20)T
- vi. Experiences that promote the development of leadership and management skills, interdisciplinary and professional socialization; and (3-20-20)T
- vii. Courses to meet the school's general education requirements for the academic degree. (3-20-20)T
- 06. Advanced Practice Registered Nursing Program Curriculum.** The curriculum includes: (3-20-20)T
- a.** Content necessary to prepare the graduate for practice consistent with defined standards for advanced nursing practice; and (3-20-20)T
- b.** Content from nursing and related academic disciplines and meet requirements for a graduate degree with a major in nursing: (3-20-20)T
- i. Advanced theory and research in nursing, biological and behavioral sciences, interdisciplinary education, cultural diversity, economics and informatics sufficient to practice as a graduate prepared registered nurse; (3-20-20)T
- ii. Legal, ethical, and professional responsibilities of a graduate prepared registered nurse; (3-20-20)T

- iii. Didactic content and supervised practice experience relevant to the nursing focus of the graduate specialty; and (3-20-20)T
- iv. Courses to meet the school's requirements for the graduate degree. (3-20-20)T

682. -- 699. (RESERVED)

700. CURRICULUM CHANGE, EDUCATIONAL PROGRAM.

Any proposed curriculum revision that involves major changes in the philosophy and objectives, significant course content changes, or changes in the length of the program, shall be submitted to and approved by the Board prior to implementation. Minor curriculum changes such as redistribution of nursing course content or slight increase or decrease in the number of theory and clinical hours must be reported to the Board in the Annual Report, but do not require Board approval. Curriculum revision that alters existing articulation agreements must be approved by the State Board of Education prior to implementation. (3-20-20)T

701. -- 729. (RESERVED)

730. PRACTICE SITES.

The program must have sufficient practice experiences to assure development of nursing competencies. (3-20-20)T

01. Approval by Other Agencies. Cooperating agencies shall be approved by the recognized accreditation, evaluation or licensing body as appropriate. (3-20-20)T

02. Evaluation by Faculty. Agencies used to provide practice experiences must be evaluated periodically by faculty. (3-20-20)T

03. Sufficient Experiences. There must be sufficient practice experiences to assure the development of nursing competencies consistent with the level of preparation. (3-20-20)T

04. Written Agreements. There must be written agreements with cooperating agencies that are reviewed and revised periodically. (3-20-20)T

05. Faculty Supervision. Sufficient faculty must be employed to supervise student practice experiences. An appropriate student to faculty ratio must be maintained to provide for safety and protection of patients, students, and faculty members. (3-20-20)T

06. Planned Communication. Means shall be provided for ongoing and periodic planned communication between faculty and agency administrative personnel and between faculties of all educational programs using the agency; the responsibility for coordination shall be specifically identified. (3-20-20)T

731. -- 899. (RESERVED)

900. INITIAL LICENSE, RENEWAL AND REINSTATEMENT FEES.

01. Assessed Fees. Fees will be assessed for renewal of licensure or for reinstatement of a lapsed, disciplined, limited, or emeritus license. Any person submitting the renewal application and fee post-marked or electronically dated later than August 31 shall be considered delinquent and the license lapsed and therefore invalid:

24.34.01.900 - Initial Licensure, Renewal & Reinstatement Fees				
	Registered Nurse	Practical Nurse	Advanced Practice Nurse	Medication Assistant - Certified
Temporary License Fee	\$25	\$25	\$25	

24.34.01.900 - Initial Licensure, Renewal & Reinstatement Fees				
Initial Application Fee			\$90	
License by Exam Fee	\$90	\$75	\$90	
License by Endorsement	\$110	\$110		
License Renewal	\$90	\$90	\$90	\$35
Expiration Date	Aug 31-odd years	Aug 31-even years	Aug 31-odd years	Aug 31-even years

(3-20-20)T

02. Reinstatement Fee. Nurses requesting reinstatement of a lapsed, disciplined, or restricted license, or reinstatement of an emeritus license to active status, will be assessed the records verification and renewal fees.

(3-20-20)T

901. OTHER FEES.

Fees will be assessed for licensure of registered and practical nurses by examination and endorsement, and for temporary licenses and verification of licensure to another state.

Records Verification Fee	\$35
Return Check Fee	\$25

(3-20-20)T

902. (RESERVED)

903. EDUCATION PROGRAM FEES.

01. Evaluation of Nursing Education Programs. A fee not to exceed two hundred fifty dollars (\$250) per day will be assessed for survey and evaluation of nursing education programs which will be due at the time the evaluation is requested.

(3-20-20)T

02. Evaluation of Courses of Instruction. A fee not to exceed five hundred dollars (\$500) will be assessed for approval of courses of instruction related to nursing that are offered by commercial establishments. This fee will be due at the time the evaluation is requested.

(3-20-20)T

904. NO REFUNDS.

Fees are not refundable either in whole or in part.

(3-20-20)T

905. ONLY ONE LICENSE - EXCEPTION.

A licensee may hold only one (1) active renewable license to practice nursing at any time except that licensed advanced practice registered nurses must also be licensed to practice as licensed registered nurses.

(3-20-20)T

906. -- 998. (RESERVED)

999. ADMINISTRATIVE FINE.

An administrative fine not to exceed one hundred dollars (\$100) for each separate offense of practicing nursing without current licensure may be assessed as a condition of reinstatement of a license, or the issuance of a temporary or renewable license.

(3-20-20)T

24.35.01 – RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD

000. LEGAL AUTHORITY.

These rules have been promulgated in accordance with the Idaho Administrative Procedures Act and pursuant to authority granted in the Outfitters and Guides Act. (3-20-20)T

001. TITLE AND SCOPE.

These rules are titled IDAPA 24.35.01, “Rules of the Outfitters and Guides Licensing Board.” The purpose is to implement, administer, and enforce the Act to establish uniform standards for licensing outfitted and guided activities to protect the public and protect, enhance, and facilitate management of Idaho's fish, wildlife, and recreational resources. (3-20-20)T

002. DEFINITIONS.

The Act defines certain terminology applicable to its interpretation and administration (Section 36-2102, Idaho Code). Further definitions, for the purposes of enforcement of the Act and these Rules are: (3-20-20)T

01. Act. Title 36, Chapter 21, Idaho Code, commonly known as the Outfitters and Guides Act, as amended. (3-20-20)T

02. Allocated Tag. A hunting tag that has been allocated by the IFGC pursuant to section 36-408(4), Idaho Code. (3-20-20)T

03. Authorized Person. An investigator or enforcement agent in the employ of the Board, a conservation officer of the IFGC, or any local, state, or federal law enforcement officer. (3-20-20)T

04. Booking Agent. Any individual, firm, business, partnership, or corporation that makes arrangements for the use of the services of a licensed outfitter and receives compensation therefore. A booking agent does not supply personnel or facilities and services to outfitter clientele. (3-20-20)T

05. Capped Zone. A game management area, unit or zone for which the Idaho Fish and Game Commission has limited or “capped” the number of deer or elk tags available for use in a general season hunt. (3-20-20)T

06. Classified River. For the purpose of these rules, specific sections of some whitewater river or streams which are considered more hazardous than others have been designated “classified.” Classified rivers are denoted by an asterisk (*) in the list of rivers contained in Subsection 059.01. (3-20-20)T

07. Compensation or Consideration. The receipt or taking of goods, services, or cash in exchange for outfitted or guided activities. A bona fide charging of out-of-pocket travel expenses by members of a recreational party is not deemed compensation. However, such out-of-pocket expenses may not include depreciation, amortization, wages, or other recompense. (3-20-20)T

08. Controlled Hunt. A hunt for a species that has a season structure and other conditions determined by the IFGC and that has a limited number of tags that are distributed by random drawing to hunters. (3-20-20)T

09. Desert. A region of scarce rainfall and vegetation in areas often having great differences between day, night and seasonal temperatures. A desert is a land surface ranging from level, plateau land, or undulating to sharply breaking hill-lands and sand dunes that, in addition, may be broken by poor to well-defined, deeply entrenched drainage systems, rims, cliffs, and escarpments. (3-20-20)T

10. Designated Agent. A licensed individual who is employed as an agent by any person, firm, partnership, corporation, or other organization or combination thereof that is licensed as an outfitter and who, together with the licensed outfitter, is responsible and accountable for the conduct of the licensed outfitter's operations. (3-20-20)T

11. Enforcement Agent. An individual employed by the Board having the power of peace officers to enforce the provisions of the Act and these Rules. (3-20-20)T

12. Facilities and Services. The provision of personnel, lodging (tent, home, lodge, or hotel/motel), transportation (other than by commercial carrier), guiding, preparation and serving of food and equipment, or any other accommodation for the benefit of clientele in the conduct of outdoor recreational activities as designed in Section 36-2102(b), Idaho Code. (3-20-20)T

13. First Aid Card. A valid card or other evidence demonstrating that the individual has successfully completed an applicable American Red Cross course or equivalent course that is acceptable to the Board. (3-20-20)T

14. Fishing. Fishing activities on those waters and for those species described in the rules of the IFGC, IDAPA 13.01.11, “Rules Governing Fish,” general fishing seasons and any anadromous fishing rules; for purposes of the Act, fishing is defined as follows: (3-20-20)T

a. Anadromous fishing means fishing for salmon or steelhead trout. (3-20-20)T

b. Float boat fishing means the use of floatboats without motors for the conduct of fishing as a major activity on those waters open to commercial activities as set forth in Section 059. (3-20-20)T

c. Fly fishing means a licensed activity restricted to the use of fly fishing equipment and procedures, as defined by IFGC rules. (3-20-20)T

d. Incidental fishing means fishing conducted as a minor activity. (3-20-20)T

e. Power boat fishing means the use of power boats in conduct of fishing as a major activity on those Idaho waters open to commercial outfitting activities as set forth in Section 059. (3-20-20)T

f. Walk and wade fishing means fishing conducted along or in a river, stream, lake or reservoir, and may include the use of personalized flotation equipment, but does not include the use of watercraft. (3-20-20)T

15. Float Boats. Watercraft (inflatable watercraft, dories, drift boats, canoes, catarafts, kayaks, sport yaks, or other small watercraft) propelled by, and moving with the stream flow, maneuvered by oars, paddles, sweeps, pike poles or by motors for downstream steering only. Downstream steering does not include holding or upstream travel of a watercraft with a motor. Excluded as float boats are personal flotation devices, innertubes, air mattresses, or similar devices. (3-20-20)T

16. Hazardous Excursions. Outfitted or guided activities conducted outside municipal limits in a desert or mountainous environment that may constitute a potential danger to the health, safety, or welfare of participants involved. These activities include, but are not limited to: day or overnight trailrides, backpacking, technical mountaineering/rock climbing, cross-country skiing, backcountry alpine skiing, llama and goat packing, snowmobiling, survival courses, guiding courses, rescue courses, fishing courses, motored and non-motored cycling, wagon rides, sleigh rides, and dog sled rides. (3-20-20)T

17. Hunting. The pursuit of any game animal or bird and all related activities including packing of client camp equipment, supplies, game meat and clients to and from a hunting camp. (3-20-20)T

18. IFGC. The Idaho Department of Fish and Game or the Idaho Fish and Game Commission. (3-20-20)T

19. Minor Amendment. All outfitter license amendment requests that can be processed by the Board without requiring outside research or recommendation of a land managing agency or other agency before the Board takes final action on said amendment request. (3-20-20)T

20. Major Activity. A licensed activity, the nature of which requires a significant commitment of time and effort by an outfitter in its execution and is intended to provide a significant amount of income to an outfitter. (3-20-20)T

21. Major Amendment. All outfitter license amendment requests requiring Board research or recommendation of a land management agency or other agency before the Board takes final action on the amendment request. (3-20-20)T

22. Minor or Incidental Activity. A licensed activity the nature of which is carried out in conjunction with a major activity, but is not the primary purpose of the excursion. (3-20-20)T

23. Mountainous. A region receiving limited to abundant annual precipitation with an associated vegetative cover of grass, weeds, shrubs, or trees. Cool summer temperatures and cold winter temperatures prevail. A mountainous area is a land surface ranging from level to gently rolling low hills to elevated lands that are often broken with poor to well-developed, deeply entrenched drainage systems, rims, cliffs, and escarpments to steep-sided land masses of impressive size and height. (3-20-20)T

24. New Opportunity. A proposed commercial outfitted activity to be conducted in an area where no similar commercial outfitted activity has been conducted in the past. (3-20-20)T

25. Operating Area. The area assigned by the Board to an outfitter for the conduct of outfitting activities. (3-20-20)T

26. Operating Plan. A detailed schedule or plan of operation which an outfitter proposes to follow in the utilization of licensed privileges, areas, or activities. (See Subsection 018.03). (3-20-20)T

27. Outfitted Tag Use. The following definitions of outfitted tag use apply for purposes of the designation of allocated tags in capped zones and controlled hunts as set forth in Section 057 of these rules. Outfitted tag use for a capped zone is the number of tags used by clients of an outfitter for the species for the type of allocated tags being designated. Outfitted tag use for a controlled hunt zone, unit, or game management area is the number tags used by clients of an outfitter in the hunt that has a species, season structure, and other conditions most closely matching the controlled hunt for which allocated tags are being designated. Until such time as the IDFG is able to collect and verify outfitted tag use as provided in Section 36-408(4) Idaho Code, outfitted tag use shall be based on an outfitter's use reports, or the best data available, and subject to verification by documentation or other reliable information acceptable to the Board. (3-20-20)T

28. Out-of-Pocket Costs. The direct costs attributable to a recreational activity. Such direct costs do not include: (3-20-20)T

- a.** Compensation for either sponsors or participants; (3-20-20)T
- b.** Amortization or depreciation of debt or equipment; or (3-20-20)T
- c.** Costs of non-expendable supplies. (3-20-20)T

29. Power Boats. All motorized watercraft used on Idaho waters open to commercial outfitting activities. Excluded as power boats are hovercraft, jetskis or similar devices, and float boats using motors for downstream steering. (3-20-20)T

30. Relinquish. The failure to re-apply at the expiration of a license; the loss through nonuse, inactivity, revocation, or voluntary surrender of a license; or other loss of license. (3-20-20)T

31. Third Party Agreement. The allowing of the conduct of an outfitted or guided activity by the outfitter licensed to conduct those activities by any persons not directly employed by said outfitter. (See Section 023). (3-20-20)T

32. Trainee. A person not less than sixteen (16) years of age pursuing the necessary experience or skill qualifications for a guide license. A trainee may not provide any direct guiding services for clients, but may assist while under direct supervision. (3-20-20)T

33. Training Log. A form approved by the Board and completed in detail and attested to by the outfitter documenting the training completed by a person pursuing training or licensure as a guide pursuant to these rules. The log is maintained and made available for inspection by the Board or its agent by the outfitter during the time the guide is employed by the outfitter and for one (1) complete license year following the termination of employment of the guide, and for three (3) years from the date of an accident or incident jeopardizing the health, safety or welfare of a client, in which the trainee or guide is involved. (3-20-20)T

34. Unethical/Unprofessional Conduct. Any activity(ies) by an outfitter or guide which is

inappropriate to the conduct of the outfitting or guiding profession. These activities include, but are not limited to: (3-20-20)T

a. Providing false, fraudulent or misleading information to the Board or another governmental entity regulating outfitting activities including the use or verification of allocated tags; (3-20-20)T

b. Violation of an order of the Board; (3-20-20)T

c. Failure to provide services as advertised or contracted; (3-20-20)T

d. Harassment of the public in their use of Idaho’s outdoor recreational opportunities; (3-20-20)T

e. Violation of state or federal fish and game laws or rules or to condone or willfully allow a client's violation of those laws and rules; (3-20-20)T

f. For a licensed boating outfitter or guide, violation of the Idaho Safe Boating Act (Title 67, Chapter 70, Idaho Code) and IDAPA 26.01.30 “Idaho Safe Boating Rules”; (3-20-20)T

g. Engaging in unlicensed activities or conducting outfitter/guide services outside the operating area for which the licensee is licensed; (3-20-20)T

h. Disregard for the conservation, maintenance or enhancement of fish, game, land and water resources; (3-20-20)T

i. Killing a client's game or catching a client’s fish. (3-20-20)T

j. Failure to pay a supplier of goods or services to the outfitter business; (3-20-20)T

k. Failure to pay state taxes; (3-20-20)T

l. Operating in a manner which endangers the health, safety, or welfare of the public. (3-20-20)T

m. Selling lifetime excursions, lifetime hunts, or selling of outfitted activities to an individual for the life of that individual and collecting fees accordingly. (3-20-20)T

n. Operating under a name that is not associated with the license issued by the Board; or (3-20-20)T

o. Interference with private landowners, public land management agencies, and/or stockmen and their rights and privileges. (3-20-20)T

35. Watercraft. A boat or vessel propelled mechanically or manually, capable of operating on inland water surfaces. Excluded as watercraft are hovercraft, jetskis, personal flotation devices (PFD's), or similar devices. (3-20-20)T

003. -- 004. (RESERVED)

005. LICENSE PRODUCTION.

A license or proof of licensure must be in possession of the licensee while engaged in outfitting or guiding and be produced upon the request of an authorized person. (3-20-20)T

006. FIRST AID KIT.

A first aid kit must be present and available on every outfitted excursion. (3-20-20)T

007. LICENSE RESTRICTIONS.

01. Qualified. All outfitters must be qualified to guide or employ a licensed guide(s) qualified for the activity(ies) for which the outfitter is licensed. (3-20-20)T

02. Review. An outfitter's qualifications to guide will be reviewed by the Board and, if approved, a guide license will be issued at no additional fee. (3-20-20)T

03. Qualifications. The qualification(s) of an outfitter or guide licensee are determined in accordance with the Act and these rules. (3-20-20)T

04. Limitation. A limitation in number of clientele served, operating area, or any other criteria affecting the safety, health, and welfare, of the public or viability of the fish, and wildlife, or other natural resources will be imposed in licensing where such limitation is deemed necessary by the Board in accordance with the Act and these rules. (3-20-20)T

05. Temporary Employment. An outfitter may employ a licensed guide who is not currently licensed under the outfitter's license in the case of temporary employment, or short term "loan" or transfer (less than fifteen (15) days duration and not on a routine basis) of a guide between outfitters, or termination of employment of a guide upon completion of the seasonal activity for which the guide was employed. The employing outfitter or authorized agent must keep written documentation of the loan or transfer and dates and times. Repeated transfers or loans of guides require a license amendment. (3-20-20)T

008. EMPLOYMENT OF OUTFITTERS.

An outfitter may guide for another outfitter or rent or lease equipment or services as follows: (3-20-20)T

01. Other Outfitter. An outfitter may guide for another outfitter when properly employed by that outfitter and approved by the Board. (3-20-20)T

02. Other. If an outfitter is employed to guide activities not covered by his own guide license, the outfitter must apply to the Board for a license amendment and submit the employing outfitter certification prescribed in Subsection 034.02. (3-20-20)T

03. No Sharing of Profits. While an outfitter is employed as a guide by another outfitter, the outfitters may not share profits or equipment and/or animals other than leased equipment and/or leased animals. An outfitter when employed as a guide may only render personal services as would any other guide. (3-20-20)T

04. Agreement. When an outfitter utilizes equipment from another outfitter or a guide in the provision of facilities, services and transportation to clientele, a written notice of usage must be filed with the Board including a current certificate or proof of non-owner liability insurance. (3-20-20)T

009. (RESERVED)

010. COMPLIANCE WITH LAWS.

All licensees must comply with all local, state, and federal laws, and they must report all violations to a law enforcement officer. In instances where violations of local, state, or federal laws have occurred, such violations will be handled in accordance with the following discretionary criteria: (3-20-20)T

01. Violations. An applicant who has never held an outfitter or a guide license and who has been convicted of a violation of local, state, or federal law may be required to appear before the Board. Each such conviction will be appraised and a decision to approve or deny the application will be based upon the nature and the circumstances of the violation. (3-20-20)T

02. Examination by Board. When a license holder is convicted of a violation of local, state, or federal law, the Board will examine the nature of the violation and the circumstances in determining whether or not a hearing will be held for the purpose of restricting, suspending or revoking the outfitter or guide license or imposing an administrative fine for any violation. Any such violator may be required to appear before the Board before a license will be issued for the following year. (3-20-20)T

011. (RESERVED)

012. OUTFITTER RESPONSIBILITIES.

An outfitter is responsible for: (3-20-20)T

01. Camps. Maintaining safe and sanitary camps at all times. (3-20-20)T

02. General. Providing clean, fresh drinking water, protecting all food from contamination, and disposing of all garbage, debris, and human waste in the manner prescribed by regulations concerning use of private and public lands. (3-20-20)T

03. Livestock Facilities. Ensuring that livestock facilities are kept separate from camp facilities, and that streams are protected from contamination. (3-20-20)T

04. Emergency Provisions. Ensuring that all cross-country and backcountry alpine skiing and technical mountaineering/rock climbing tours have the necessary emergency provisions with them. (3-20-20)T

05. Actions. The actions of all guides, and other persons, while in the scope of their employment. (3-20-20)T

013. -- 014. (RESERVED)

015. ANNUAL DATE, FEES, AND PAYMENT.

01. Due Date. All outfitter and designated agent license applications must be completed and received by the Board by January 31 of each year. (3-20-20)T

02. Penalty Fee. When a completed renewal application is filed with the Board after the last day of the license year, a penalty fee must be paid before the license is issued. (3-20-20)T

03. License Lapsed and Relinquished. All licenses expire on March 31, and when a completed outfitter application has not been received by the Board after ninety (90) days after the last day of the license year the license is deemed relinquished, and a renewal application will not be accepted for licensure. (3-20-20)T

04. Payment. (3-20-20)T

a. Prior to the issuance of a license, an applicant must submit the appropriate fee. (3-20-20)T

b. The applicant must pay an annual license fee for each license issued, except for an outfitter licensed as a guide for the outfitter's operation. (3-20-20)T

05. Fees.

Type	Application	Annual License - Online	Annual License - Offline	Late Penalty	Amendment - Major	Amendment - Minor
Outfitter	\$400	\$400	\$450	\$150	\$200	\$35
Designated Agent	\$50	\$140	\$160	n/a	\$20	\$20
Guide	\$20	\$105	\$115	n/a	\$20	\$20

(3-20-20)T

016. -- 017. (RESERVED)

018. NEW OUTFITTER OR OUTFITTER LICENSE AMENDMENT APPLICATION.

A complete application for a new outfitter license, outfitter license major amendment, or new landowner statement in

existing areas must, in addition to all other requirements include: (3-20-20)T

01. Name. The name(s) registered with the Idaho Secretary of State as an assumed business name, the name of the business entity, or both. (3-20-20)T

02. Other Signatures. Signed landowner or land manager statement from: (3-20-20)T

a. The affected state and federal land managers in all areas where an outfitter plans to utilize lands administered by the state or federal government (this may involve memorandum of understanding procedures as applicable to proposed operation on national forest or public domain lands); and, (3-20-20)T

b. Private land owners, or their agents, where an outfitter applicant proposes to use such private lands in his operation. (3-20-20)T

03. Operating Plan. An operating plan that includes, among other things, the following: (3-20-20)T

a. A list of the activities to be conducted in the operating area(s) requested. (3-20-20)T

b. A detailed map showing the operating area(s) requested for each activity and a worded description of the boundaries of said operating area(s), described in terms of rivers, creeks, and ridges with prominent reference coordinates (section, township, and range). (3-20-20)T

c. An outfitter whose operation is solely on rivers, streams, lakes or reservoirs should specify put-in and take-out points but need not send maps. (3-20-20)T

d. A detailed description of how and when each operating area(s) will be used for each activity. (3-20-20)T

e. The proposed number of guests intended to be accommodated for each activity within the proposed operating area(s). (3-20-20)T

f. A list of the names and locations of camps that will be used for each activity, and whether on public or private land. (3-20-20)T

g. A list of the basic equipment, facilities, and livestock, and proof of financial capability necessary to conduct the proposed outfitted activity or business. (3-20-20)T

h. The number, title (guide, lead guide, etc.), and principal activities of individuals to be employed in the business operation. (3-20-20)T

i. A plan to assure the safety and provide for emergency medical care of guests. (3-20-20)T

04. Insurance. Current certificate or proof of insurance for the following: (3-20-20)T

a. Insurance coverage against loss resulting from liability imposed by law for bodily injury or death or damage to property suffered by any person, excluding employees, caused by the outfitter's operation, in the minimum amount of one hundred thousand (\$100,000) per accident, with the aggregate of three hundred thousand (\$300,000), because of bodily injury or death occurring in an accident. (3-20-20)T

b. Insurance coverage on vehicles carrying passengers against loss resulting from liability for bodily injury or death or property damage suffered by any person caused by the outfitter's operation, in the amount of three hundred thousand (\$300,000) for vehicles carrying one (1) to fifteen (15) passengers, and in the minimum amount of five hundred thousand (\$500,000) for vehicles carrying sixteen (16) or more passengers. (3-20-20)T

05. Designated Agent. When the applicant is a corporation, firm, partnership, or other organization or combination thereof, the designation at least one (1) designated agent who is a qualified outfitter, covered by the outfitter's bond, and who will be responsible for the outfitting business. The designated agent must apply for and be

granted a license. (3-20-20)T

06. Hearing. If more than one (1) applicant submits a complete application with landowner statement(s), a hearing will be held to decide the successful applicant. (3-20-20)T

07. Existing Operating Area. A licensed outfitter may be given priority for any opportunities within the outfitter’s existing operating area boundaries. (3-20-20)T

019. (RESERVED)

020. EXAMINATION.

All new applicants applying for an outfitter or designated agent license must successfully pass a written and/or oral examination on the Act, the rules, and general outfitting procedures. An applicant who fails the test may retake it after a five (5) day waiting period. (3-20-20)T

021. EVALUATION OF THE OUTFITTER APPLICATION.

In evaluating an outfitter application the Board will consider, but not be limited to, the following criteria: (3-20-20)T

01. Qualifications. Applicant’s qualifications under the Act and these rules. (3-20-20)T

02. Need for Services. The public need for the proposed service(s) in the area requested on the application. (3-20-20)T

03. Other. The extent of the applicant's experience, knowledge, and ability in the area and in the conduct of activities requested. (3-20-20)T

04. Previous Record. The applicant's previous record. (3-20-20)T

05. Accessibility of Area. The accessibility and use by the general public and commercial use already licensed in the area. (3-20-20)T

06. Area Requested. The probable impact on the area should additional licenses be issued. (3-20-20)T

07. Operating Plan. The adequacy and acceptability of the proposed operating plan. (3-20-20)T

a. The applicant's knowledge of financial and business management needs and practices. (3-20-20)T

b. The applicant's ability to manage and direct personnel and guests. (3-20-20)T

022. ISSUANCE OF AN OUTFITTER LICENSE.

In order to safeguard the health, safety, and welfare of the public and for the conservation of wildlife resources, the Board may place a limit on the number of outfitter licenses issued within an operating area. (3-20-20)T

023. THIRD PARTY AGREEMENTS.

An outfitter may not sublet or enter into any third party agreements involving the use of his activity(ies), operating area(s), or license. (3-20-20)T

01. Employed. No outfitter may allow any person to conduct any of the activities for which he is licensed unless said person is employed directly by the outfitter as a guide. (3-20-20)T

02. Other Activities. Any arrangement wherein an outfitter licensed to conduct outfitted activity(ies) in an operating area(s) knowingly allows, condones, or otherwise abets and supports the conduct of outfitting activity(ies) by another, wherein said outfitter does not assume full and complete responsibility for all clients booked for such activity(ies), constitutes an unlawful third party agreement. Complete responsibility includes providing liability insurance to cover the client, collection of fees paid for the activity(ies), payment of user fees and taxes, and making the client aware as to who is the responsible outfitter(s). Such unlawful activity(ies) is grounds for discipline as unethical and unprofessional conduct in addition to any other penalties which may be assessed for violations of

these rules or the laws of the state of Idaho. (3-20-20)T

03. Booking Agent. This Rule does not apply to the conduct of a booking agent or an agreement between two (2) or more outfitters in which the outfitters provide services to the same party or parties within their respective operating areas. (3-20-20)T

024. STANDARDS FOR NON-USE.

In order to carry out the intent of the Act to promote and encourage participation in the enjoyment and use of the state's natural resources and fish and game and ensure an outfitter adequately serves the public, the Board will monitor, prioritize, and fairly administer identified remedies based on, among other factors, interest or demand for the particular activity or area and as set forth in this rule. (3-20-20)T

01. Requirement. The Board may annually review the outfitter's use reports for the preceding three (3) years to determine whether any licensed activity or operating area fall within non-use. If the outfitter falls within non-use, a "notice of non-use" may be issued to the outfitter. (3-20-20)T

02. Definitions. (3-20-20)T

a. Non-use. When an outfitter is making zero (0) or negligible use of major licensed activities for any two (2) of the three (3) preceding years unless the lack of use is due to an act of nature or because of state or federal agency restrictions on hunting or fishing that limit the ability of the outfitter to seek and accommodate clients; (3-20-20)T

b. Zero (0) use. No recorded use by an outfitter of their licensed area or activities; (3-20-20)T

c. Negligible use. An unreasonable lack of use as determined by the Board for any one (1) or more of the particular activities in the assigned operating area. Typically, use may be determined by comparison of use levels for the same activity(s) in similar operating areas. Other factors in determining use are found in Subsection 024.04. (3-20-20)T

03. Process. (3-20-20)T

a. The notice of non-use will include the activity(s) and operating area(s) that appear to be in non-use and an explanation of how the determination was made. The outfitter will be given the opportunity to correct the use records by supplying staff with evidence of use, prior to a hearing being scheduled. If adequate proof of use is not provided, the matter will be scheduled for a hearing. (3-20-20)T

b. When the Board determines that any activity or operating area has had zero (0) use or negligible use, certain requirements may be imposed by the Board up to and including revocation of some or all of the outfitter's operating areas and activities. (3-20-20)T

04. Examples of Acceptable Use: (3-20-20)T

a. Paying clients participating in activities occurring within a designated operating area; (3-20-20)T

b. Donated trips; (3-20-20)T

c. Outfitter initiated applications for controlled hunts in their licensed operating area; (3-20-20)T

d. Outfitter initiated applications for trophy species; and (3-20-20)T

e. Use in conformance with a current and accepted operating plan. (3-20-20)T

05. Required Records. Outfitters may be required to submit client records that include the name, address, and date of activity of individual clients or groups for a period of three (3) consecutive years. (3-20-20)T

06. Non-Use During a Sale. Board staff reviews all full or partial business sales for non-use. If it is

determined a major activity or operating area has had zero (0) or negligible use, the Board may review the sale and the issuance of a license may be denied. In some instances the Board may approve the sale with notification to the buyer that use must be established within the following two (2) out of the next three (3) years or the area or activity may be removed from their license. (3-20-20)T

07. Waiver of Compliance. The Board may waive compliance with the non-use standard upon a showing of good cause, including an act of nature, state or federal agency seasonal restrictions on hunting or fishing or personal circumstances such as illness or injury that limit the ability of the outfitter to seek and accommodate clients. An outfitter must apply for a waiver prior to the beginning of the license year or immediately upon the event constituting good cause. If a federal permit holder is requesting zero (0) or negligible use, the request for a waiver must be accompanied by a Land Manager's Statement. (3-20-20)T

025. OUTFITTER RENEWAL.

All licenses expire on March 31 and every application for license renewal for an outfitter and designated agent must be complete and submitted by January 31 of the license year and include a use report containing an activity, use, and harvest report on the actual use during the preceding year and other information about outfitting or guiding activities. (3-20-20)T

026. OPERATING AREA ADJUSTMENTS.

An outfitter's operating area may be adjusted for reasons of wildlife harvest, where territorial conflict exists, or for the safety of persons utilizing the services of outfitters. (3-20-20)T

01. Hearing. If the Board determines that a hearing is necessary prior to the adjustment of a licensee's operating area, such hearing will be conducted in accordance with the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code, and all affected parties will be afforded an opportunity to participate. (3-20-20)T

02. Consideration. In determining whether to adjust an operating area for reasons of wildlife harvest, the Board or the hearing officer considers, among other things, the following: (3-20-20)T

a. Any changes in wildlife harvest, including any increase or decrease in wildlife harvest attributable to the licensee's activity(ies). (3-20-20)T

b. Any new limitation(s) imposed or recommendation(s) made regarding wildlife harvest in the operating area(s) by any governmental agency since the issuance of the license. (3-20-20)T

c. Any environmental change(s) that have occurred in the operating area(s) that affect wildlife management. (3-20-20)T

d. Any undesirable wildlife impact(s) that may be ameliorated by a territorial adjustment. (3-20-20)T

e. Any new information discovered since the issuance of the license regarding wildlife management in the operating area(s). (3-20-20)T

03. Consideration. In determining whether to adjust an operating area for reasons of territorial conflict, the Board or the hearing officer considers, among other things, the following: (3-20-20)T

a. Any incident(s) of territorial conflict and how they might be ameliorated by a territorial adjustment. (3-20-20)T

b. The extent of each licensee's legal use of the disputed area. (3-20-20)T

c. Any public or client safety concerns that might be ameliorated by or might arise from the inclusion of the disputed area as part of a particular licensee's operation. (3-20-20)T

d. Any environmental or operational factors that indicate which licensee will be able to make the best use of the disputed area in providing services to the public considering, among other things, each licensee's licensed activity(ies) and the relationship of that activity(ies) to the activity(ies) conducted in the disputed area, each licensee's

total operating area, the financial stability of each licensee, and the accessibility of the disputed area from adjacent operating area(s). (3-20-20)T

e. Any recommendation(s) submitted by any governmental agency that regulates or manages land or wildlife within the disputed area. (3-20-20)T

04. Safety Adjustment. In determining whether to adjust an operating area for reasons of safety of persons using the services of an outfitter, the Board or hearing officer considers, among other things, the following: (3-20-20)T

a. Any change(s) in the environmental condition(s) in the area that may pose a threat to the health and safety of persons using the operating area. (3-20-20)T

b. Any change(s) in the manner or amount of public use of the operating area since the issuance of the license that may pose a threat to the health and safety of persons using the operating area. (3-20-20)T

c. Any change(s) in a licensee's manner of operation within the operating area that may affect clientele safety considering, among other things, change(s) in the condition(s) of the licensee's capability or equipment. (3-20-20)T

d. Any safety-related incident(s) that have occurred in the operating area. (3-20-20)T

e. Any safety concern(s) expressed by any governmental agency that regulates or manages land or wildlife within the operating area. (3-20-20)T

f. Any new information discovered since the issuance of the license regarding safety. (3-20-20)T

027. OUTFITTER LICENSE PRIORITY.

Priority for licensure in any outfitter's operating area may be maintained by submitting a complete application for a license for the ensuing license period before the expiration date of the current license. (3-20-20)T

028. OUTFITTER BUSINESS PURCHASE, LICENSE CONSIDERATIONS.

01. Sale of Outfitting Business. The sale of an outfitting business requires an application for a new outfitter license by the purchaser, provided that the Board may give priority for licensure to an applicant who has negotiated a purchase agreement with a licensee if the applicant meets all other requirements. (3-20-20)T

02. Notification to Clients. When an existing operation is acquired by another outfitter, all clients who have booked with the original outfitter must be promptly notified and refunded any advanced payment, unless the client is satisfied with the new arrangements. (3-20-20)T

029. OUTFITTER BOND OR INSURANCE CANCELLATION.

An outfitter or designated agent must immediately notify the Board when their bond or insurance is canceled. The cancellation of an outfitter license bond or insurance by the insurer is grounds for emergency suspension of the outfitter's license under Section 67-5247, Idaho Code. (3-20-20)T

030. OUTFITTER WAITING LISTS.

When there are more outfitter applications for an outfitter operating area than the maximum number of licenses allowing such activity, or when an individual wishes to be considered in an area to which another outfitter has historically been licensed, the Board will maintain a list of such individuals for notification of an available opening. If there is no waiting list for an area, the Board may proceed with the license application or may employ a competitive application process. (3-20-20)T

01. Waiting List. The waiting list will be maintained for each individual river, lake and reservoir outlined in Section 059 and for each specific IFGC unit listed in IDAPA 13.01.08, "Rules Governing the Taking of Big Game Animals in the State of Idaho." (3-20-20)T

02. Outfitter Application or Outfitter Amendment Form. A complete new outfitter application or outfitter amendment form must be submitted for each river section, lake and reservoir and for each specific IFGC unit and all activities for which the individual desires licensure. (3-20-20)T

03. Length of Time Name Is on Waiting List. A name on the waiting list will be maintained for a period of five (5) years or until December 31 of the fifth year that the name is placed on the list, whichever comes first. (3-20-20)T

04. When Available Outfitting Opening Occurs. When, or if, an available opening does occur and public announcement is made, the Board will use the waiting list for direct notification by mail of interested parties, and will select a qualified candidate from those who apply. Any person on the list who remains interested in obtaining a license following notification of availability must re-apply by submitting all necessary forms and fees during the open period as announced by the Board in order to have his application considered. (3-20-20)T

05. When an Operating Area Is Relinquished by the Licensee. If an existing operating area (hunting, boating, or other) is relinquished by the licensee, the Board may publicize the area's availability and accept written applications for licensure for a thirty (30) day period of time from the date of public notice. The Board will then consider the qualifications of all applicants and license the area to the candidate determined to be most qualified including the consideration of criteria used to consider new or amendment outfitter applications. (3-20-20)T

031. -- 033. (RESERVED)

034. GUIDE APPLICATION REQUIREMENTS - GENERAL.

To be complete, an application for a guide license must: (3-20-20)T

01. First Aid Card. Be accompanied by an affidavit signed by the employing outfitter that the applicant will have a current, valid first aid card before they are employed as a guide. (3-20-20)T

02. Signatures. Be attested to by the applicant and certified by the licensed outfitter(s) who wishes to employ the applicant as a guide that the applicant: (3-20-20)T

a. Is qualified to perform the type of guiding activity(ies) for which the applicant seeks licensure. (3-20-20)T

b. Has extensive, first-hand knowledge of the operating area(s) and water(s) in or on which the applicant will be guiding. (3-20-20)T

c. If the applicant is land based, is able to read and understand a map and compass or operate a global positioning system (GPS) or other computerized map system. (3-20-20)T

d. If the applicant is water based, is proficient in reading the water and handling the type of boat required to be used. (3-20-20)T

e. Provide directly from the outfitter a training log or documentation demonstrating satisfaction of the training requirements pursuant to Sections 035 through 042, 044, 046, 047 and 048 of these rules, as applicable for the activities sought to be licensed to guide. (3-20-20)T

03. Amendment. A guide may apply for an amendment to add additional employing outfitters or additional activities by submitting complete application that includes certification from the outfitter that training requirements for the area and activity to be added have been met and proof of such training will be available at the Board's request. (3-20-20)T

035. GUIDE APPLICATION REQUIREMENTS - HUNTING.

A guide applicant for big game hunting may be licensed either as an apprentice guide or as a guide. (3-20-20)T

01. Apprentice Guide. A new applicant may be licensed as an apprentice guide to pursue training necessary for licensure as a guide by submitting a completed application form and fee. (3-20-20)T

02. Apprentice Guide. An apprentice guide may assist a hunting guide in the scope of training, but may not be primarily responsible for guiding a hunt. (3-20-20)T

03. Guide. In addition to Section 034, a new hunting guide applicant must have the following minimum training. (3-20-20)T

a. Been in the outfitter's operating area(s) for at least ten (10) days and is knowledgeable of trails, terrain, drainages, and game habits and habitat. (3-20-20)T

b. Be able to care for meat and trophies, including the ability to correctly cape an animal and with adequate training to be able to instruct and assist clients in the proper care of meat. (3-20-20)T

04. Upgraded. A licensed apprentice guide may apply by amendment to upgrade a guide license when the required training is completed as certified by the employing outfitter, and a copy of the completed training form is submitted to the Board. (3-20-20)T

036. (RESERVED)

037. BOATMAN LICENSE TRAINEES.

A trainee boatman may not obtain a guide license until training is complete and may not operate a boat except as prescribed in Section 040 and provided that the boat trainee must be in a boat operated by a licensed boatman, or one in which the operation is closely monitored by a licensed boatman. The licensed boatman need not be in the same boat during training as long as the trainee's activity is closely monitored. (3-20-20)T

038. FLOAT BOAT GUIDE -- UNCLASSIFIED RIVERS.

An applicant for a float boat guide on unclassified rivers and streams must have one (1) complete commercial float boat trip on each of the rivers applied for, (complete trip means the total section of river designated by the Board in Subsection 059.01), under the supervision of a float boat guide licensed for each of those rivers. (3-20-20)T

039. FLOAT BOAT GUIDE -- CLASSIFIED RIVERS.

A float boat guide on a classified river must be licensed as a float boatman or a float lead boatman according to his experience on that specific river. Each trip on a classified river must have a lead boat operated by a guide licensed as a lead boatman for that specific river and all other boats participating in that trip must follow the lead boat and must be operated by a guide licensed as a boatman or a lead boatman for that specific river. (Note exception for trainees in Section 040). (3-20-20)T

040. FLOAT BOATMAN QUALIFICATIONS -- CLASSIFIED RIVERS.

An applicant for a float boatman license on classified rivers may qualify in one (1) of three (3) ways: (3-20-20)T

01. General. Three (3) complete float boat trips on each of the classified rivers applied for under the direct supervision of a float boatman licensed for that river (complete trip means the total section of river designated by the Board in Subsection 059.01), or he must have had one (1) or more complete float boat trips on each of the classified rivers applied for under the direct supervision of a float boatman licensed for that river with the remaining trip(s) in a boat with no more than one (1) other trainee, following a licensed float boatman for that river, but he must not have passengers in the boat. (3-20-20)T

a. Allowances may be made for experience gained as a commercial boat operator on selected whitewater rivers with characteristics similar to Idaho's classified rivers; e.g. Colorado River (Grand Canyon or Cataract Canyon), Yampa River, Rogue River, American and Toulumne Rivers, other Idaho classified rivers, or the unclassified section of the Salmon River from North Fork to Corn Creek, provided the applicant has logged at least five hundred (500) miles as a commercial float boat operator on one (1) or more of those rivers. (3-20-20)T

b. To document this experience, a statement signed by the applicant under oath or affirmation and notarized must be recorded on a form provided by the Board office that includes precise put-in and take-out points, miles logged for each trip, and the names and addresses of the boat operators who have employed them. (3-20-20)T

02. Other. Logged at least five hundred (500) miles as a commercial float boat guide on any rivers applicable to Subsection 040.01.a., and must have one (1) complete float boat trip on each river applied for under the direct supervision of a float boatman licensed for that river, or in a boat with no more than one (1) other trainee, following a float boatman licensed for that river, but there must not be any passengers in the boat. (Complete trip means the total section of river designated by the Board in Subsection 059.01). (3-20-20)T

03. Float Lead Boatman. Or, hold a license as a float lead boatman on a classified Idaho river and complete one (1) complete float boat trip on each other classified river applied for, under the direct supervision of a float boatman licensed for that river, or in a boat with no more than one (1) other trainee, following a float boatman licensed for that river, but he must not have passengers in the boat. (Complete trip means the total section of river designated by the Board in Subsection 059.01.) (3-20-20)T

041. FLOAT LEAD BOATMAN QUALIFICATIONS.

An applicant for a float lead boatman license must have six (6) complete float boat trips except that upon Board approval, a licensee may train on and be licensed for a specific reach of a section only. (Complete trip means the total section or reach of a section of river designated by the Board in Subsection 059.01). One (1) trip must have been within the sixty (60) months preceding the date of the application on each of the classified rivers applied for. (3-20-20)T

042. POWER BOAT GUIDE.

To qualify for a power boat guide license on the following waters, an applicant must have spent the following power boating hours that are distributed as evenly as possible along the total length or section of river or area of the lake or reservoir and under the direct supervision of a power boat guide licensed for the body of water for which qualification is sought: (3-20-20)T

01. Classified Rivers. Fifty (50) hours on the total length of the river or section of river designated on the application by the Board for which he wishes to operate, except that an applicant may have spent twenty-five (25) hours on each section for the Salmon River from the mouth of the Middle Fork to Salmon Falls, Salmon Falls to Ludwig Rapids, and Ludwig Rapids to Vinegar Creek or Spring Bar. (3-20-20)T

02. Unclassified Rivers and Streams. At least ten (10) hours on the total length of the river or section of river designated by the Board on the application for which he wishes to operate. (3-20-20)T

03. Lakes and Reservoirs. Ten (10) hours on the lake or reservoir on which he wishes to operate. (3-20-20)T

04. Log. The outfitter must maintain a log of this experience recorded on a form provided by the Board, showing the dates, river, lake or reservoir, location of put-in, destination, take-out, hours logged, and signature of outfitter. (3-20-20)T

043. (RESERVED)

044. SKIING, NON-HAZARDOUS AND HAZARDOUS TERRAIN OUTFITTER, DESIGNATED AGENT, SKI GUIDE AND SKI GUIDE TRAINEE.

01. Applications. (3-20-20)T

a. An outfitter, designated agent or guide must submit an outfitter or a guide application with current outfitter operating plan, if required, ski resume, and avalanche training certificates. (3-20-20)T

b. The Technical Advisory Committee (TAC) will evaluate and advise the Board on the scope and appropriate designations for licensure of any application for outfitting or guiding principally in non-hazardous and hazardous terrain skiing. The TAC is a five (5) member body of qualified backcountry ski outfitters and ski guides appointed by the Executive Director and confirmed by the Board. (3-20-20)T

02. Designations and Qualifications for Outfitters, Designated Agents, Guides and Trainees. The designations and qualifications are as follows: (3-20-20)T

a. Level I ski guide (non-hazardous terrain, principally sub-alpine or skiing operations in forests). Is qualified to lead ski tours in the outfitter’s operating area. One (1) year training as a ski guide assistant in a non-hazardous backcountry setting. Level I Ski Guides may work in hazardous terrain as a Level II Ski Guide Trainee under the supervision of a Level II Ski Guide. Level I Ski Guides are required to have: (3-20-20)T

i. Level I field-based avalanche training consisting of a twenty-four (24) hour curriculum submitted and an instructor roster; (3-20-20)T

ii. Knowledge of Outfitters Scope of Operation including logistics, services, terrain; and (3-20-20)T

b. Level II ski guide (hazardous terrain with a high degree of avalanche exposure). Has in-depth ski guiding experience on hazardous terrain and has the following qualifications: (3-20-20)T

i. Two (2) winter seasons training with licensed Level II Ski Outfitter or Guide or equivalent work experience with another Level II ski operation which conduct services principally in hazardous or avalanche terrain; (3-20-20)T

ii. Advanced First Aid, WFR, or EMT of a minimum of forty-eight (48) hours; (3-20-20)T

iii. Level I and Level II field-based avalanche training consisting of at least forty-eight (48) hours curriculum with a submitted instructor roster; (3-20-20)T

iv. Knowledge of the Outfitters Scope of Operation including logistics, services, terrain; and (3-20-20)T

03. Outfitters. Outfitters who conduct winter ski-based operations may be designated as: (3-20-20)T

a. Level I: self-propelled, with snowcat, or with snowmobile assisted including day skiing, hut skiing in non-hazardous terrain; (3-20-20)T

b. Level II: self-propelled including day skiing, hut skiing, multi-day expeditions, in hazardous terrain; or (3-20-20)T

c. Level II skiing operations with snowcats, helicopters, or ski from out of bounds from ski areas. (3-20-20)T

04. Outfitters Plan of Operation. The outfitter’s operating plan will include a plan for snowpack, terrain and avalanche safety assessment, additional transport utilized (i.e., snowmobiles, snowcats, helicopters) and instruction and training plans of guides working around related equipment, and any additional safety and training standards for guides. (3-20-20)T

05. Field Supervisor. The Outfitter must employ at least one individual acting as a field supervisor who is a working Guide with the appropriate level of licensing for the operation and a minimum of five (5) years working at that level of guiding as to the scope of the operation, unless the outfitter or Designated Agent has this experience. (3-20-20)T

06. Ski Guide Trainee. An outfitter may employ an unlicensed trainee, provided the trainee may only assist when under the direct supervision of a licensed guide and a trainee may not provide guided services to clients. A trainee who applies for licensure must have thirty (30) days experience with a licensed ski guide in the outfitter’s operating area and meet all other qualifications of Section 044. (3-20-20)T

045. (RESERVED)

046. TECHNICAL MOUNTAINEERING/ROCK CLIMBING GUIDE.

Any applicant for a technical mountaineering/rock climbing guide license must submit to the Board a detailed explanation of the applicant’s qualifications, experience, and training. (3-20-20)T

047. SNOWMOBILING GUIDE.

An applicant for a snowmobiling guide license must: (3-20-20)T

- 01. Snowmobiling Techniques.** Have working knowledge of snowmobiling techniques; (3-20-20)T
- 02. Avalanche.** Have good leadership qualities and be knowledgeable in regards to potential avalanche conditions and proper route selection; (3-20-20)T
- 03. Hypothermia.** Be knowledgeable in the treatment of hypothermia and in winter survival techniques; and (3-20-20)T
- 04. Mechanics.** Have knowledge of the mechanical characteristics of snowmobiles and other equipment being used. (3-20-20)T

048. POWER BOAT FISHING GUIDE -- (LAKES AND RESERVOIRS).

All applicants for a power boat fishing guide license must possess the ability and knowledge to: (3-20-20)T

- 01. Maneuver or Pilot.** Maneuver or pilot a power boat upon Idaho lakes and reservoirs open to power boat fishing. (3-20-20)T
- 02. Operation.** Have operated a power boat for a minimum of ten (10) hours upon the lakes and reservoirs being requested. (3-20-20)T
- 03. Law.** Comply with the Idaho Safe Boating Act (Title 67, Chapter 70, Idaho Code). (3-20-20)T

049. -- 050. (RESERVED)

051. PLACEMENT OF HUNTING CAMPS AND LEAVING OUTFITTER'S OPERATING AREA, BIG GAME HUNTING AND INCIDENTAL TRAPPING.

01. Hot Pursuit of Bear and Cougar With Hounds and Hot Pursuit Agreements. The Board may approve a minor amendment to allow an outfitter licensed for bear and cougar hunting to enter into an adjacent area with a client for hot pursuit of bear and cougar hunting when hunting with hounds, provided that the pursuit starts inside the outfitter's licensed area. The application for minor amendment must include: (3-20-20)T

- a.** Written permission from all outfitters whose licensed area(s) will be directly involved in the hunt and which will be provided annually to the Board; (3-20-20)T
- b.** Written permission from all applicable landowners or land managers; (3-20-20)T
- c.** With prior Board approval, on a case by case basis and under special circumstances, the Board may waive the requirement for approval from the adjacent outfitter. (3-20-20)T

02. Camps. A hunting outfitter may not place a camp, nor cause one to be placed, in an area for which he is not licensed, except as identified in his approved operating plan. Whenever possible, camps used for big game hunting must be placed well within the operating area and not near the boundary line. (3-20-20)T

03. Wolf Trapping Incidental to Big Game Hunts. Outfitters licensed for big game hunting and for hunting wolves may qualify to provide wolf trapping as a hazardous excursion during the course of big game hunting as a minor (incidental) activity during open wolf trapping season as set forth below. (3-20-20)T

- a.** The Outfitter or Designated Agent and guide must have completed the mandatory wolf trapping education class prior to the activity taking place. The outfitter is responsible for maintaining the certificate(s) of completion on file and making it available for inspection. (3-20-20)T
- b.** Wolf trapping may not be advertised, promoted, or booked as an outfitted or guided service.

(3-20-20)T

c. Outfitter or Designated Agent may not kill or allow domestic livestock or animals to be killed for use as bait while in their operating area or to use live animals as bait and will be otherwise expected to follow existing state laws regarding handling of domestic livestock. (3-20-20)T

d. A trapped animal must be killed quickly and humanely. It cannot be released and then “hunted” or killed. (3-20-20)T

e. Outfitters and guides may not directly engage a client in trapping activities handle or be involved with handling traps or trapped animals. Clients may be allowed to: (3-20-20)T

i. Hunt and kill any free ranging animal for which they have an appropriate license and tag, except when the animal is in or within two hundred (200) yards of the Outfitter's or guide's trap line. (3-20-20)T

ii. Accompany a properly licensed guide who is checking the outfitter's traps provided the client is directly accompanied by that guide at all times. (3-20-20)T

iii. Only observe the handling of trapped animals by properly licensed guides. (3-20-20)T

f. Guides who have completed the required education in Paragraph 051.01.a. are subject to the following: (3-20-20)T

i. Guides may check their employing outfitter’s or their own wolf traps as per state requirements as part of outfitted, big game hunts. (3-20-20)T

ii. May not provide services to the same client for two (2) different outfitters within a five (5) day period. (3-20-20)T

052. BOAT TRANSPORT OF HUNTING CLIENTS.

A boatman licensee (either power or float) must not transport big game hunters to any big game hunting area unless licensed to outfit for big game hunting in that area or is in the employ of the licensed outfitter for that area. (3-20-20)T

053. CONTROLLED HUNTS OUTSIDE OUTFITTER’S OPERATING AREA.

The Board may authorize an outfitter who is licensed for a controlled hunt species to conduct a one-time hunt for a controlled hunt outside of the outfitter's licensed area when the outfitter submits a minor amendment fee and a written request with the following: (3-20-20)T

01. Written Permission. Written permission from all outfitters whose licensed area(s) will be directly involved in the hunt and all applicable landowners or land managers; (3-20-20)T

02. Identification of Hunter. The hunter name and address, hunting license, tag and permit numbers, controlled hunt number, and dates of hunt. (3-20-20)T

03. Compensation Between Outfitters. No compensation is permitted between outfitters participating in the conduct of a controlled hunt in another outfitter’s area, unless the outfitter supplies a service for that compensation. (3-20-20)T

054. BOAT EQUIPMENT REQUIREMENTS.

Each float or power boat must be identified as follows: (3-20-20)T

01. Identification. Identification recorded with the Board on the outfitter application consisting of words, names, or letters not less than three (3) inches in height, and be of a contrasting color indicating the current licensed outfitter and that is placed above the water line on each side of the bow or stern of the boat utilized by that outfitter in letters. (Does not apply to single person boats or two (2) person inflatable boats). (3-20-20)T

02. Clearwater. On Sections CL2 and CL3 of the Clearwater River, a sticker affixed to the surface of any boat used for anadromous fishing that is not less than eight (8) inches in height and placed immediately adjacent to the identification words, names or letters on each side of the boat towards the bow, identifying the boat as operated by a licensed outfitter. Stickers will be provided and sold annually by the Board or a vendor designated by the Board. (3-20-20)T

055. BOATING CLIENT/GUIDE RATIO.

All float boats, occupied by three (3) or more clients, must be under the control of a licensed guide; except a boat guide trainee may operate a boat under the direct supervision of a licensed boatman, or may train as indicated in Section 040. Kayaks and canoes and clients rowing rafts that they provide are exempt from this rule. (3-20-20)T

056. (RESERVED)

057. DESIGNATION OF ALLOCATED DEER AND ELK TAGS.

Beginning with the 2021 big game season setting, the Board will designate allocated tags to eligible outfitter operations as prescribed by Section 36-2107(j), Idaho Code, and when necessary, based on an outfitter's proportional use within the capped zone or controlled hunt zone, unit, or game management area as set forth in this section. For purposes of this section, an eligible outfitter operation is an outfitter whose licensed activities include hunting the species for the type of allocated tag being designated. (3-20-20)T

01. Calculation and Designation of Allocated Tags. Pursuant to Section 36-2107(j), Idaho Code and as set forth below, an outfitter's number of designated allocated tags will be the outfitter's base allocation number plus a proportional share of any surplus allocated tags based on outfitted tag use as set forth below, or when there is an insufficient number of allocated tags to satisfy each outfitter's base allocation, the outfitter's proportional use. The result is the number of allocated tags designated for the outfitter operation. The Board will notify outfitters of the number of designated allocated tags and the underlying basis for the designation. The designation applies until the next big game season setting by the Idaho Fish and Game Commission. (3-20-20)T

a. An outfitter's base allocation number is: (3-20-20)T

i. For a capped zone, the average of the last two (2) years of an outfitter's outfitted tag use. (3-20-20)T

ii. For a controlled hunt, the highest year within the last two (2) years of an outfitter's outfitted tag use. (3-20-20)T

b. An outfitter's proportional use is calculated by dividing an individual outfitter's base allocation by the total of the base allocations of all outfitters in the capped zone or controlled hunt zone, unit, or game management area, and then multiplying by the total number of allocated tags for the capped zone or controlled hunt. (3-20-20)T

c. When a calculation results in a partial tag, the calculation will be rounded up when a decimal equals or exceeds zero point six (0.6) and rounded down when a decimal is less than zero point six (0.6). (3-20-20)T

d. When there are remaining allocated tags after the Board has designated tags pursuant to Paragraphs a and b of this rule, the Board will designate remaining allocated tags based on the following priorities and in the following order: (3-20-20)T

i. All eligible outfitters whose base allocation number is zero (0) and who want to be designated allocated tags are designated at least one (1) allocated tag; (3-20-20)T

ii. Eligible outfitters with the fewest number of designated allocated tags have an equal number of designated allocated tags when possible; (3-20-20)T

iii. Based on a random drawing between the eligible outfitters with the fewest number of designated allocated tags provided that an outfitter is not designated more allocated tags than another outfitter that has a greater base allocation number; (3-20-20)T

iv. Based on the greater base allocation number between the eligible outfitters with the fewest number of designated allocated tags. (3-20-20)T

e. When there is a deficit of allocated tags to satisfy each outfitter's proportional use, the Board will identify the group of outfitters whose base allocation number was rounded up, and the deficit will be resolved against the outfitter whose base allocation number prior to rounding is closest to zero point six (0.6). In the event there are two outfitters with the same unrounded base allocation number closest to zero point six (0.6), the deficit will be resolved against one of those outfitters based on a random drawing. (3-20-20)T

02. Stipulation by Outfitters. Outfitters in a capped zone or for a controlled hunt may submit to the Board a written stipulation determining the number of allocated tags designated for each outfitter within the capped zone or for the controlled hunt. The stipulation must be signed by all eligible outfitters for the capped zone or controlled hunt. If the Board accepts the stipulation, the stipulation will be effective until the Idaho Fish and Game Commission sets the next big game season. (3-20-20)T

a. On or before November 1, any outfitter may petition the Board to withdraw from the stipulation for good cause. If the Board grants the withdrawal, then the Board will calculate and designate the allocated tags among the outfitters in that capped zone or controlled hunt according to Subsection 01 of this rule. (3-20-20)T

b. A stipulation only applies to the designation of allocated tags by the Board. (3-20-20)T

03. Objection to Calculation. An outfitter that believes the calculation is incorrect may object by filing a petition in accordance with the Idaho administrative procedures act with the Board along with any supporting information or documentation. (3-20-20)T

a. The Board will notify all other eligible outfitters in the capped zone or for the controlled hunt of the petition. (3-20-20)T

b. The outfitter bears the burden of establishing that the calculation was incorrect. (3-20-20)T

04. Hardship Request. An outfitter may submit to the Board a written request to maintain a previous base allocation number when the outfitter can demonstrate hardship, including health, act of nature, state of federal restrictions on hunting or access or other good cause that prohibited or limited the outfitter's ability to seek and accommodate clients and impacted the outfitter's use of designated allocated tags. The outfitter must provide any information requested by the Board to assist in substantiating hardship cases. The hardship request must also be approved by the Idaho Department of Fish and Game to retain the outfitted hunter tag use history in respective hunt. (3-20-20)T

05. Change in Operating Area or Owner of Business. When an outfitting business is sold or when an operating area is adjusted and designated allocated tags are associated with the affected operating area, the board will transfer the associated designated allocated tags to the new owner. (3-20-20)T

058. NUMBER OF OUTFITTERS AND GUIDES LIMITED.

Big Lost and Little Lost Rivers and the Big Wood and the Little Wood Rivers -- All reaches from headwaters to the termination of the flow of the Big Lost and the Little Lost Rivers and all reaches of the Big Wood and Little Wood Rivers are limited to a maximum of five (5) outfitters on both rivers combined. (3-20-20)T

059. RIVER, LAKE AND RESERVOIR POWER AND FLOAT OUTFITTER LIMITS.

The following rivers and streams or sections that lie totally or partially within the state of Idaho are open to commercial boating operations by outfitters and guides. The Board may open other rivers and streams or sections upon a petition to adopt rules under Section 67-5230, Idaho Code. (3-20-20)T

01. Licensable Waters -- River Sections (BL1) Blackfoot River through (PR1) Priest River -- Table.

River/Section	Maximum No. Power	Maximum No. Float
(BL1) Blackfoot River - Morgan Bridge to Trail Creek Bridge	none	2
(BO1) Boise River, South Fork - Danskin Bridge to the Neal Bridge EXCEPT on weekends or holidays. Each outfitter may use only one (1) boat for fishing only with a maximum of two (2) fisherman. No overnight camping or walk-and-wade fishing allowed.	none	2
(BO1A) Boise River - Eckert Road Bridge to Main Street Bridge.	none	
(BO1B) Boise River - Main Street Bridge to West side of Garden City limits.	none	
(BO2) Boise River - Downstream from the west side of the Garden City municipal limits to the east side of the Caldwell municipal limits. Each outfitter may use at any time a maximum of four (4) boats for boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitters operating plan.	none	2
(CF1) Clark Fork River - Montana stateline to Lake Pend Oreille (boating closing date September 30)	4 outfitters for either power or float or combination thereof	
(CL1) Clearwater River - Lowell to the Lower Bridge at Kooskia. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. Fishing may not be conducted downstream from the Upper Bridge at Kooskia by CL1 outfitters. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	5
(CL2) Clearwater River - The Upper Bridge at Kooskia to the Orofino Bridge. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	6	10
(CL3) Clearwater River - The Orofino Bridge to the mouth of the Clearwater River with the Snake River at Lewiston. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitters operating plan.	10	10

River/Section	Maximum No. Power	Maximum No. Float
* (NFCL) North Fork Clearwater River - Kelly Forks Bridge downstream to backwaters of Dworshak Reservoir	none	4
(CDNF) Headwaters of North Fork Coeur d'Alene - Including tributaries (Independence and Tee Pee Creeks) upstream from Devils Elbow Campground. Three (3) walk and wade only licenses. Up to four (4) clients on the river at one time per license.	none	none
(CD1) Coeur d'Alene River - Devil's Elbow to South Fork confluence. Fishing limit is two (2) float boats per license with a maximum of two (2) clients at a time per boat. Two (2) additional walk and wade licenses can be issued. Walk and wade limited to a maximum of two (2) clients at a time per license.	none	1
(CD2) Coeur d'Alene River - South Fork confluence downstream to Cataldo Mission Boat Ramp. Fishing limit is one (1) float boat per license with a maximum of two (2) clients or two walk and wade clients per license at a time. Walk and wade activities do not have to be initiated from a float boat.	none	1
(CD3) Lateral (Coeur d'Alene chain) Lakes - Connected by the Coeur d'Alene river. Cataldo Mission Boat Ramp to Highway 97 Bridge. A limit of one (1) power boat per license with a maximum of two (2) clients at a time or a limit of one (1) guide per license and two (2) float tubes at a time or two (2) clients walking and wading. The walk and wade activities must be associated with the power boating.	3	none
* (JB1) Jarbidge/Bruneau Rivers	none	4
(KO1) Kootenai River - Montana stateline to Canada boundary	5	5
(LCL1) Little North Fork Clearwater River - Mouth of Canyon Creek to first bridge on the Little North Fork Clearwater River. Fishing only. Each outfitter may use only two (2) boats per day with a maximum of two (2) fishermen per boat.	none	2
* (LO1) Lochsa River	none	5
(MO1) Moyie River - Canada boundary to Bonners Ferry Municipal Dam (boating closing date July 20)	none	5

River/Section	Maximum No. Power	Maximum No. Float
* (OW1) Owyhee River - Nevada stateline to Oregon stateline or South Fork to confluence with Owyhee River and continuing on to a take-out point.	none	6
(PN1) Payette River, North Fork - Payette Lakes Outlet to Hartsell Bridge. Restrictions: NO FISHING ALLOWED. Four (4) boat or ten (10) canoe limit per trip, and only two (2) trips per day per outfitter.	none	2
(PN1A) Payette River, North Fork - Cascade City Park, 1/4 mile south of Cascade on Highway 55 to Cabarton. Restrictions: Catch and release for TROUT ONLY, other species F & G rules apply. No stopping by commercial groups from 1/4 mile above to 1/4 mile below heron nesting trees. Four (4) boat or ten (10) canoe limit per trip, and only two (2) trips per day per outfitter.	none	2
(PN2) Payette River, North Fork - Cabarton to Smiths Ferry Bridge	none	5
(PS1) Payette River, South Fork - Grandjean to Deadwood River	none	5
* (PS2) Payette River, South Fork - Deadwood River to Banks	none	5
(PA1) Payette River - Banks to Black Canyon Dam	none	5
(PO1) Pend Oreille River	5	5
(PR1) Priest River - Dickensheet Campground to Priest River City	none	5

(3-20-20)T

02. Licensable Waters -- River Sections (MF1) Middle Fork Salmon River Through (SE2) Selway River -- Table.

River/Section	Maximum No. Power	Maximum No. Float
*##(MF1) Salmon River, Middle Fork - Boundary Creek to Cache Bar on the Salmon River	none	27
(SA1) Salmon River - First bridge across Salmon River above Redfish Lake Creek to Torrey's Bar	none	6

River/Section	Maximum No. Power	Maximum No. Float
<p>(SA2) Salmon River - Torrey's Bar to first Highway 93 bridge above Challis. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are a part of an outfitter's operating plan.</p>	none	5
<p>(SA3) Salmon River - First Highway 93 bridge above Challis to Kilpatrick River access. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are a part of an outfitter's operating plan.</p>	none	6
<p>(SA4A) Salmon River - Kilpatrick River access to North Fork - License period from May 1 to September 30. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.</p>	5	11
<p>(SA4B) Salmon River - Kilpatrick River access to North Fork - License period from October 1 to April 30. Each power boat outfitter may use at any one time a maximum of one (1) boat and each float boat outfitter may use at any one time a maximum of three (3) boats.</p>	2	8
<p>(SA5) Salmon River - North Fork to Corn Creek</p>	3	9
<p>###(SA6) Salmon River - Corn Creek to Spring Bar Boat Ramp with no outfitter fishing below Vinegar Creek from September 15 through March 31 except that on a case-by-case basis, outfitter fishing may occur when permitted by the BLM and with the notification to and concurrence of the Board Executive Director.</p>	14	31
<p>* (SA7A) Salmon River - Vinegar Creek to Hammer Creek - License period from March 15 to October 15. No power boating is allowed from the Saturday before Memorial Day through Labor Day from 10:30 a.m./Mountain Time to 5:00 p.m./Mountain Time daily between the Riggins City Boat Dock and Lucile.</p>	10	26

River/Section	Maximum No. Power	Maximum No. Float
* (SA7B) Salmon River - Power boats from Vinegar Creek to Spring Bar Boat Ramp and float boats from Vinegar Creek to Island Bar Boat Ramp, open from September 15 to March 31 only. Each float boat outfitter may use at any one time a maximum of three (3) boats for fishing, or two (2) additional boats for fishing when permitted by the BLM and with the notification to and concurrence of the Board Executive Director; and each power boat outfitter may use at any one time a maximum of two (2) boats for fishing, or one (1) additional boat for fishing when permitted by the BLM and with the notification to and concurrence of the Board Executive Director.	6	12
* (SA7C) Salmon River - Riggins City Park Boat Ramp to Hammer Creek. Three (3) designated outfitters may utilize float boats to fish from the Riggins City Boat Dock to Hammer Creek during the period from September 15 to March 31.	none	3
*** (SA8) Salmon River - Hammer Creek to Heller Bar or Lewiston on the Snake River	15	35
* (SE1) Selway River - Paradise Campground to Selway Falls	none	4
(SE2) Selway River - Selway Falls to the mouth of the Selway River at Lowell. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments to these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	5

(3-20-20)T

03. Licensable Waters -- River Sections (SH1) Henry's Fork Snake River Through (TE3) Teton River -- Table.

River/Section	Maximum No. Power	Maximum No. Float
(SH1) Snake River, Henry's Fork - Henry's Lake Outlet to Hatchery Ford. (Each outfitter may use at any one time a maximum of (a) eight (8) boats for fishing No more than three (3) of these boats may be used at any one time on any of the following river reaches: Henry's Lake Outlet to Island Park Dam, Island Park Dam to Last Chance, Last Chance to Osborn Bridge, and Osborn Bridge to Hatchery Ford), and (b) five (5) boats for other boating activities. The Board may approve adjustments to these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	7

River/Section	Maximum No. Power	Maximum No. Float
<p>(SH2) Snake River, Henry's Fork - Mesa Falls to St. Anthony. Each outfitter may use at any one time a maximum of (a) eight (8) boats for fishing, no more than three (3) of these boats may be used at any one time on any one of the following river reaches: Mesa Falls to Warm River, Warm River to Ashton Dam, and Ashton Dam to St. Anthony, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.</p>	none	8
<p>(SH3) Snake River, Henry's Fork - No more than three (3) boats for fishing may be used by an outfitter at any one (1) time in each of the following river sections:</p> <ul style="list-style-type: none"> a) St. Anthony to Red Road Bridge Boat Access (i.e., Parker/Salem or Fort Henry) b) Red Road Bridge Boat Access to Warm Slough Boat Access c) Warm Slough Boat Access to Menan Boat Access <p>No outfitter may have more than six (6) boats on the SH3 in any one (1) day.</p> <p>When permitted by the BLM and with the notification to and concurrence of the IOGLB Executive Director, each outfitter may be allowed adjustments to the maximum boat limits in order to accommodate non-fishing boating activities (e.g., canoeing, paddle boards, and kayaks) and hazardous excursions that are part of an outfitter's operating plan. These adjustments must be reviewed and approved annually.</p> <p>IOGLB licenses are for the entire SH3 segment; a section of SH3 cannot be separated from SH3 for the purposes of selling a portion of an outfitter's business.</p>	none	4

River/Section	Maximum No. Power	Maximum No. Float
<p>(SS1) Snake River - South Fork - No more than four (4) boats per section/per day may be used by an outfitter at any one (1) time in each of the following river sections:</p> <ul style="list-style-type: none"> a) Palisades Dam to the Conant Boat Access; b) Conant Boat Access to Fullmer Boat Access. Exception: Not more than eight (8) boats would be permitted in Section (b) on the same day, provided that no more than four (4) of said boats are in this Section after 11:00 a.m. due to overnight use at designated outfitter camps; c) Fullmer Boat Access to Byington Boat Access; d) Byington Boat Access to Lorenzo Boat Access; and e) Lorenzo Boat Access to Menan Boat Access; <p>Additionally, no outfitter may have more than twelve (12) boats on the SS1 in any one day.</p> <p>A one-time per year exception after July 15 may be granted from Conant Boat Access to Byington Boat Access that would allow two (2) additional boats per section to accommodate large client groups. During this one-time exception, if the two (2) additional boats do not accommodate the large client group, additional boats must come from slots allocated to other outfitters. The maximum daily boat limit for SS1 may not be exceeded. This would require written concurrence from the BLM/USFS and the IOGLB Executive Director.</p> <p>Float boats may use motors (5HP or less) for downstream steerage only within the entire SS1 reach. Downstream steerage would not include holding or upstream travel of watercraft with a motor.</p> <p>IOGLB licenses are for the entire SS1 segment; a section of SS1 cannot be separated from SS1 for the purposes of selling a portion of an outfitter's business.</p>	None*	8**
<p>* Each licensed float boat outfitter may use one (1) supply boat (float or power) that does not carry clients. During periods of preparing overnight camps (i.e., setting up tents and portable toilet facilities, boating in grills and other cooking supplies) for the season, usually May or June of each year; and removing the same items listed above from overnight camps at the end of the season, usually October or November; multiple supply boats may be used.</p> <p>** One (1) license additional for waterfowl hunting covering both BLM and USFS managed lands and waters for the South Fork (Palisades Dam to Wolf Flats Boat Access) may be issued. This license opportunity is in addition to the eight (8) float licenses and is limited to providing waterfowl hunting during waterfowl hunting season as defined by Idaho Fish and Game Rules and where no more than two (2) float or power boat boats per day per section a and b only can be used by the outfitter at any one time for that purpose. Fishing may not be provided or conducted unless the outfitter is also licensed and permitted as one (1) of the eight (8) outfitters addressed in this rule who may not provide hunting activities. This business opportunity may be sold separately.</p>		

River/Section	Maximum No. Power	Maximum No. Float
<p>(SN1) Snake River - For each license/permit issued, no more than four (4) boats per section/per day may be used by an outfitter at any one time in each of the following river sections:</p> <p>a) Menan Boat Access to Mike Walker Boat Access (includes Federally managed lands);</p> <p>b) Mike Walker Boat Access to Gem State Power Plant (includes non-Federal lands).</p> <p>Float boats may use motors (5HP or less) for downstream steerage only within the entire SS1 reach. Downstream steerage would not include holding or upstream travel of watercraft with a motor.</p> <p>OGLB licenses are for the entire SN1 segment; a section of SN1 cannot be separated from SN1 for the purposes of selling a portion of an outfitter's business.</p>	3 outfitters either float or power or combination thereof	
<p>(SN2) Snake River - Gem State Power Plant downstream to headwaters of American Falls Reservoir</p>	3	3
<p>(SN3) Snake River - American Falls Dam to Massacre Rocks State Park</p>	3	3
<p>(SN4) Snake River - Massacre Rocks State Park to Milner Dam</p>	3	3
<p>* (SN5) Snake River - Milner Dam to Star Falls</p>	none	3
<p>* (SN6) Snake River - Star Falls to Twin Falls</p>	none	5
<p>(SN7) Snake River - Twin Falls to Lower Salmon Falls Dam</p>	3	3
<p>(SN8) Snake River - Lower Salmon Falls Dam to Bliss Dam</p>	3	5
<p>(SN9) Snake River - Bliss Dam to headwaters of C.J. Strike Reservoir</p>	5	5
<p>(SN10) Snake River - C.J. Strike Dam to Walter's Ferry</p>	5 outfitters for either power or float or combination thereof	
<p>(SN11) Snake River - Walter's Ferry to headwaters of Brownlee Reservoir</p>	5	none

River/Section	Maximum No. Power	Maximum No. Float
* (SN12) Snake River - Hells Canyon Dam to Pittsburg Landing	18	15
* (SN13) Snake River - Hells Canyon Dam to Pittsburg Landing, two (2) one-day float trips only	none	2
(SN14) Snake River - Pittsburg Landing to Heller Bar or Lewiston	19	15
(SN15) Snake River - Washington/Oregon stateline to Lewiston	Limitations pending. (This section is set aside for future rules of fishing only outfitters.)	
(SJ1) St. Joe River - St. Joe River Headwaters to Red Ives. No outfitted boating. One (1) walk and wade only fishing outfitter.	none 2	none
(SJ2) St. Joe River - Red Ives to Avery. In addition to one (1) float boat license, three (3) walk and wade only outfitters. No fishing from float boats, boat clients may fish via walk and wade.	none	1
(SJ3) St. Joe River - Avery to St. Joe City Bridge	none	2
(SJ4) St. Joe River - St. Joe City Bridge to Lake Coeur d’Alene	2	none
(SM1) St. Maries River	5	5
(TE1) Teton River - Upper put-in to Cache Bridge, motors not to exceed 10 hp	5 outfitters for either power or float or combination thereof	
(TE2) Teton River - Cache Bridge to Harrop Bridge, motors not to exceed 10 hp	6 outfitters for either power or float or combination thereof	

River/Section	Maximum No. Power	Maximum No. Float
<p>(TE3) Teton River - No more than two (2) boats per section/per day may be used by an outfitter at any one time in each of the following river sections: a), b), d), e) and f). No more than four (4) boats per section/per day may be used by an outfitter at any one time on river section c) and where two (2) boats from same outfitter must be spaced at three-hour (3) intervals:</p> <p>a) Harrop Bridge Boat Access to Felt Dam Boat Access; b) Felt Dam Boat Access to Spring Hollow Boat Access; c) Spring Hollow Boat Access to Teton Dam Site Boat Access; d) Teton Dam Site Boat Access to Hog Hollow Bridge Boat Access e) Hog Hollow Bridge Boat Access to Teton Highway; f) Teton Highway to confluence with the Henrys Fork of the Snake River.</p> <p>Note: No boat access exists at the confluence with the Henrys Fork of the Snake River. Outfitters would utilize Hibbard Bridge or Warm Slough Access on SH3. No fishing on SH3</p> <p>No outfitter may have more than eight (8) boats on the TE3 in any one day.</p> <p>Float boats may use motors not to exceed 10 hp in section a) (Harrop Bridge to Felt Dam Access) only. Float boats may use motors (5HP or less) for downstream steering only in sections d), e) and f). Motors are not allowed in other sections. Downstream steering does not include holding or upstream travel of watercraft with a motor.</p> <p>IOGLB licenses are for the entire TE3 segment; a section of TE3 cannot be separated from TE3 for the purposes of selling a portion of an outfitter's business.</p>	none	5

* Classified rivers

Floatboat and powerboat outfitters on these sections are considered within their area of operations when hiking from the river or fishing in tributaries away from the river, but does not include overnight activities. Conflicts with land-based outfitters will be handled on a case-by-case basis. (3-20-20)T

04. Other -- Table. The following lakes and reservoirs or portions thereof that lie totally or partially within the state of Idaho are open to fishing by outfitters with the following limitations:

Lake or Reservoir	Maximum No. of Operators	Maximum No. Boats per Operator per Lake or Reservoir
Lake Coeur d'Alene	8	1
Dworshak Reservoir	7	2
Hayden Lake	1	2
Henry's Lake	8	2
Island Park Reservoir	7	2
Magic Reservoir	3	2
Palisades Reservoir	10	2

Lake or Reservoir	Maximum No. of Operators	Maximum No. Boats per Operator per Lake or Reservoir
Lake Pend Oreille	11	1
Priest Lake	5	1
American Falls Reservoir	3	2
C.J. Strike Reservoir	4	2
Brownlee Reservoir	5	2
Oxbow Reservoir	3	2
Hells Canyon Reservoir	3	2

(3-20-20)T

05. Other Lakes and Reservoirs. All other Idaho lakes and reservoirs are limited to two (2) outfitters with a maximum of two (2) boats (float or power) per outfitter. (3-20-20)T

060. (RESERVED)

061. TECHNICAL MOUNTAINEERING/ROCK CLIMBING.

Any outfitter applicant for technical mountaineering/rock climbing must appear before the Board to explain in full detail his qualifications, experience, plans, and areas of operation demonstrating the necessary specialized training and skill. (3-20-20)T

062. (RESERVED)

063. SNOWMOBILING.

In addition to other requirements, outfitters and guides for snowmobiling must ensure the following: (3-20-20)T

01. Non-Groomed Trails. All machines are accompanied by at least one (1) guide for one (1) through five (5) snowmachines, two (2) guides for six (6) through twelve (12) snowmachines, and one (1) additional guide for each additional ten (10) snowmachines. The maximum number of snowmachines allowed in one (1) group may not exceed thirty (30). One (1) guide leads and one (1) trails where more than five (5) snowmachines are involved. (3-20-20)T

02. Groomed Trails. All machines are accompanied by at least one (1) guide for one (1) through fifteen (15) snowmachines, and two (2) guides for sixteen (16) through a total of thirty (30) snowmachines. One (1) guide leads and one (1) trails where more than fifteen (15) machines are involved. The maximum number of snowmachines allowed in one group may not exceed thirty (30). (3-20-20)T

03. Emergency Equipment. All snowmobiling tours have with them necessary emergency equipment, tools, and spare parts for the machine(s) in use. (3-20-20)T

04. Reduction in Guide Ratios. An outfitter may apply to the Board to reduce the number of guides on non-groomed trails to one (1) guide for six (6) through twelve (12) snowmachines and the number of guides on groomed trails to one (1) guide for sixteen (16) through thirty (30) snowmachines, when the guide has electronic communication for summoning assistance at all times during the excursion. (3-20-20)T

064. AUTHORIZATION FOR GRANTING, DENIAL AND REVOCATION OF LICENSES.

01. Executive Director Authorizations. The Executive Director is authorized to grant, issue or deny, temporary authorizations, licenses and license amendments, hot pursuit agreements and designations of allocated tags with the concurrence of the Board, under the following conditions: (3-20-20)T

a. The Executive Director may grant and issue all routine temporary authorizations, license applications, amendments and related matters when the applicant does not have any convictions for fish and game violations or other violations of the grounds enumerated in Section 36-2113(a), Idaho Code, has not falsified or provided any misleading information to the Board, and otherwise qualifies for licensure. (3-20-20)T

b. The Executive Director may grant all license applications which otherwise qualify for licensure, but which have violations of the grounds enumerated in Section 36-2113(a), Idaho Code, which occurred five (5) years prior to the date of application, except that a license will not be granted by the Executive Director to an applicant who has a felony conviction of any nature, or conviction of a flagrant violation pursuant to Section 36-1402(e), Idaho Code. (3-20-20)T

c. The Executive Director may grant a license with probationary status for conviction of minor fish and game violations or violations enumerated in Section 36-2113(a), Idaho Code, that occurred at least five (5) years prior to the date of application, excluding felony convictions. (3-20-20)T

d. The Executive Director may defer granting or denying any license or related matter to the Board for action by the Board. (3-20-20)T

e. The Executive Director may not waive fees. (3-20-20)T

02. Board Conditions. The Board may grant or deny a license pursuant to the provisions of Sections 36-2109 and 36-2113, Idaho Code, under the following conditions: (3-20-20)T

a. The Board may grant a license to an applicant with convictions of violations enumerated in Section 36-2113(a), Idaho Code, which are over five (5) years old and may place the licensee on probation. (3-20-20)T

b. The Board may grant a license to an applicant with convictions of violations enumerated in Section 36-2113(a), Idaho Code, which are less than five (5) years old and may place the licensee on probation. (3-20-20)T

c. The Board will proceed with the denial of an applicant for a hunting or fishing outfitter or guide license or proceed with the revocation process on a licensee upon conviction of a flagrant violation pursuant to Section 36-1402(e), Idaho Code, unless unusual mitigating circumstances exist. (3-20-20)T

065. -- 066. (RESERVED)

067. INSPECTIONS.

Outfitter camps and equipment may be inspected at any time by an authorized person or any member of the Board with a written report submitted to the Board to ensure adequate equipment and gear is utilized and maintained in a manner which meets minimum standards of public acceptability and which meets the requirements of applicable local, state, or federal laws and rules. (3-20-20)T

068. ADMINISTRATIVE FINES/PROBATION/RESTRICTIONS.

01. Penalties -- Table. In addition to suspension, probation, restriction or revocation of a license, the following penalties may be applied to that licensee or those licensees found to have violated the provisions of the Act, these rules, or both.

I.C. Section 36-2113(a)	First Offense	Second Offense	Third Offense
1.	\$100 - \$500 Fine	\$500 - \$5,000 Fine	Suspension or Revocation of License

I.C. Section 36-2113(a)	First Offense	Second Offense	Third Offense
2.	Probation/Restriction of License	\$100 - \$500 Fine	\$500 - \$5,000 Fine
3.	All Penalties Are Within The Board's Discretion.		
4.	Probation/Restriction of License	\$100 - \$500 Fine	\$500 - \$5,000 Fine
5.	\$100 - \$300 Fine	\$100 - \$500 Fine	\$500 - \$5,000 Fine
6.	Probation/Restriction of License	\$100 - \$500 Fine	\$500 - \$5,000 Fine
7.	Probation/Restriction of License	\$100 - \$500 Fine	\$500 - \$5,000 Fine
8.	\$100 - \$500 Fine	\$500 - \$5,000 Fine	Suspension or Revocation of License
9.	\$100 - \$500 Fine	\$500 - \$5,000 Fine	Suspension or Revocation of License
10.	\$100 - \$500 Fine	\$500 - \$2,500 Fine	\$2,500 - \$5,000 Fine
11.	\$100 - \$300 Fine	\$100 - \$500 Fine	\$500 - \$5,000 Fine
12.	\$100 - \$500 Fine	\$500 - \$2,500 Fine	\$2,500 - \$5,000 Fine
13.	All Penalties Are Within The Board's Discretion.		
14.	\$100 - \$300 Fine	\$100 - \$500 Fine	\$500 - \$5,000 Fine

(3-20-20)T

02. Restrictions. No license will be issued while any outstanding administrative fine monies are due unless an arrangement has been made and approved by the Board for the payment of same. (3-20-20)T

03. Terms of Probation. Typical terms of probation are that there are no violations of local, state or federal laws or ordinances, and no amendments to the license during the term of probation, and other restrictions as the Board orders. (3-20-20)T

069. -- 999. (RESERVED)

24.36.01 – RULES OF THE IDAHO STATE BOARD OF PHARMACY

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of the Uniform Controlled Substances Act, Title 37, Chapter 27, Idaho Code; the Idaho Pharmacy Act, the Idaho Wholesale Drug Distribution Act, and the Idaho Legend Drug Donation Act, Title 54, Chapter 17, Idaho Code; and specifically pursuant to Sections 37-2702, 37-2715, 54-1717, 54-1753, and 54-1755, Idaho Code. (3-20-20)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “Rules of the Idaho State Board of Pharmacy,” IDAPA 24, Title 36, Chapter 01. (3-20-20)T

02. Scope. The scope of this chapter includes, but is not limited to, provision for, and clarification of, the Board’s assigned responsibility to: (3-20-20)T

a. Regulate and control the manufacture, distribution, and dispensing of controlled substances within or into the state, pursuant to the Uniform Controlled Substances Act, Section 37-2715, Idaho Code; and (3-20-20)T

b. Regulate and control the practice of pharmacy, pursuant to the Idaho Pharmacy Act, Title 54, Chapter 17, Idaho Code. (3-20-20)T

002. – 009. (RESERVED)

010. DEFINITIONS AND ABBREVIATIONS (A – N).

The definitions set forth in Sections 54-1705 and 37-2701, Idaho Code, are applicable to these rules. (3-20-20)T

01. ACCME. Accreditation Council for Continuing Medical Education. (3-20-20)T

02. Accredited School or College of Pharmacy. A school or college that meets the minimum standards of the ACPE and appears on its list of accredited schools or colleges of pharmacy. (3-20-20)T

03. ACPE. Accreditation Council for Pharmacy Education. (3-20-20)T

04. ADS – Automated Dispensing and Storage. A mechanical system that performs operations or activities, other than compounding or administration, relative to the storage, packaging, dispensing, or distribution of drugs and that collects, controls, and maintains transaction information. (3-20-20)T

05. Change of Ownership. A change of majority ownership or controlling interest of a drug outlet licensed or registered by the Board. (3-20-20)T

06. CME. Continuing medical education. (3-20-20)T

07. Collaborative Pharmacy Practice. A pharmacy practice whereby one (1) or more pharmacists or pharmacies jointly agree to work under a protocol authorized by one (1) or more prescribers to provide patient care and DTM services not otherwise permitted to be performed by a pharmacist under specified conditions or limitations. (3-20-20)T

08. CPE. Continuing pharmacy education. (3-20-20)T

09. CPE Monitor. An NABP service that allows pharmacists to electronically keep track of CPE credits from ACPE-accredited providers. (3-20-20)T

10. DEA. United States Drug Enforcement Administration. (3-20-20)T

11. Distributor. A supplier of drugs manufactured, produced, or prepared by others to persons other than the ultimate consumer. (3-20-20)T

12. DME Outlet. A registered outlet that may hold for sale at retail durable medical equipment (DME) and the following prescription drugs: pure oxygen for human application, nitrous oxide, sterile sodium chloride, and sterile water for injection. (3-20-20)T

13. DTM – Drug Therapy Management. Selecting, initiating, or modifying drug treatment pursuant

- to a collaborative pharmacy practice agreement. (3-20-20)T
14. **FDA.** United States Food and Drug Administration. (3-20-20)T
15. **Flavoring Agent.** An additive in food or drugs in the minimum quantity necessary to produce its intended effect. (3-20-20)T
16. **Floor Stock.** Drugs or devices not labeled for a specific patient that are maintained at a nursing station or other department of an institutional facility, excluding the pharmacy, for the purpose of administering to patients of the facility. (3-20-20)T
17. **FPGEC Certification.** Foreign Pharmacy Graduate Examination Committee Certification. (3-20-20)T
18. **Hazardous Drug.** Any drug listed as such by the National Institute for Occupational Safety and Health or any drug identified by at least one (1) of the following criteria: carcinogenicity; teratogenicity or developmental toxicity; reproductive toxicity in humans; organ toxicity at low doses in humans or animals; genotoxicity; or new drugs that mimic existing hazardous drugs in structure or toxicity. (3-20-20)T
19. **HIPAA.** Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191). (3-20-20)T
20. **Limited Service Outlet.** Limited service outlets include, but are not limited to, sterile product pharmacies, remote dispensing pharmacies, facilities operating narcotic treatment programs, DME outlets, prescriber drug outlets, outsourcing facilities, nuclear pharmacies, cognitive service pharmacies, correctional facilities, offsite ADSs for non-emergency dispensing, reverse distributors, mobile pharmacies, and analytical or research laboratories. (3-20-20)T
21. **NABP.** National Association of Boards of Pharmacy. (3-20-20)T
22. **NAPLEX.** North American Pharmacists Licensure Examination. (3-20-20)T
23. **NDC.** National Drug Code. (3-20-20)T

011. DEFINITIONS AND ABBREVIATIONS (O – Z).

The definitions set forth in Sections 54-1705 and 37-2701, Idaho Code, are applicable to these rules. In addition, the following terms have the meanings set forth below: (3-20-20)T

01. **Parenteral Admixture.** The preparation and labeling of sterile products intended for administration by injection. (3-20-20)T
02. **Pharmaceutical Care Services.** A broad range of pharmacist-provided cognitive services, activities and responsibilities intended to optimize drug-related therapeutic outcomes for patients consistent with Rule 100. Pharmaceutical care services may be performed independent of, or concurrently with, the dispensing or administration of a drug or device and also encompasses services provided by way of DTM under a collaborative practice agreement. Pharmaceutical care services are not limited to, but may include one (1) or more of the following: (3-20-20)T
- a. Performing or obtaining necessary assessments of the patient’s health status, including the performance of health screening activities that may include, but are not limited to, obtaining finger-stick blood samples; (3-20-20)T
- b. Reviewing, analyzing, evaluating, formulating or providing a drug utilization plan; (3-20-20)T
- c. Monitoring and evaluating the patient’s response to drug therapy, including safety and effectiveness; (3-20-20)T

- d.** Providing counseling education, information, support services, and resources applicable to a drug, disease state, or a related condition or designed to enhance patient compliance with therapeutic regimens; (3-20-20)T
- e.** Coordinating and integrating pharmaceutical care services within the broader health care management services being provided to the patient; and (3-20-20)T
- f.** Ordering and interpreting laboratory tests. (3-20-20)T
- g.** Performing drug product selection or substitution as provided in these rules. (3-20-20)T
- 03. PDMP.** Prescription Drug Monitoring Program. (3-20-20)T
- 04. Prepackaging.** The act of transferring a drug, manually or using an automated system, from a manufacturer’s original container to another container prior to receiving a prescription drug order. (3-20-20)T
- 05. Prescriber.** An individual currently licensed, registered, or otherwise authorized to prescribe and administer drugs in the course of professional practice. (3-20-20)T
- 06. Purple Book.** The list of licensed biological products with reference product exclusivity and biosimilarity or interchangeability evaluations published by the FDA under the Public Health Service Act. (3-20-20)T
- 07. Readily Retrievable.** Records are considered readily retrievable if they are able to be completely and legibly produced upon request within seventy-two (72) hours. (3-20-20)T
- 08. Reconstitution.** The process of adding a diluent to a powdered medication to prepare a solution or suspension, according to the product’s labeling or the manufacturer’s instructions. (3-20-20)T
- 09. Restricted Drug Storage Area.** The area of a drug outlet where prescription drugs are prepared, compounded, distributed, dispensed, or stored. (3-20-20)T
- 10. Technician.** A term to indicate an individual authorized by registration with the Board to perform pharmacy support services under the direction of a pharmacist. (3-20-20)T
- 11. Therapeutic Equivalent Drugs.** Products assigned an “A” code by the FDA in the Approved Drug Products with Therapeutic Equivalence Evaluations (Orange Book) and animal drug products published in the FDA Approved Animal Drug Products (Green Book). (3-20-20)T
- 12. USP.** United States Pharmacopeia. (3-20-20)T
- 13. USP-NF.** United State Pharmacopeia-National Formulary. (3-20-20)T
- 012. – 099. (RESERVED)**

SUBCHAPTER A – GENERAL PROVISIONS
(Rules 100 through 199 – Standard Provisions)

100. PRACTICE OF PHARMACY: GENERAL APPROACH.

To evaluate whether a specific act is within the scope of pharmacy practice in or into Idaho, or whether an act can be delegated to other individuals under their supervision, a licensee or registrant of the Board must independently determine whether: (3-20-20)T

- 01. Express Prohibition.** The act is expressly prohibited by: (3-20-20)T
- a.** The Idaho Pharmacy Act, Title 54, Chapter 17, Idaho Code; (3-20-20)T
- b.** The Uniform Controlled Substances Act, Title 37, Chapter 27, Idaho Code; (3-20-20)T

c. The rules of the Idaho State Board of Pharmacy; or (3-20-20)T

d. Any other applicable state or federal laws, rules or regulations. (3-20-20)T

02. Education, Training, and Experience. The act is consistent with licensee or registrant's education, training, and experience. (3-20-20)T

03. Standard of Care. Performance of the act is within the accepted standard of care that would be provided in a similar setting by a reasonable and prudent licensee or registrant with similar education, training and experience. (3-20-20)T

101. PRESCRIBER PERFORMANCE OF PHARMACY FUNCTIONS.

For the purposes of this chapter, any function that a pharmacist may perform may similarly be performed by an Idaho prescriber or may be delegated by an Idaho prescriber to appropriate support personnel, in accordance with the prescriber's practice act. (3-20-20)T

102. WAIVERS OR VARIANCES.

01. Criteria. The board may grant or deny, in whole or in part, a waiver of, or variance from, specified rules if the granting of the waiver or variance is consistent with the Board's mandate to promote, preserve and protect public health, safety and welfare. (3-20-20)T

02. Emergency Waiver. In the event of an emergency declared by the President of the United States, the Governor of the State of Idaho, or by any other person with legal authority to declare an emergency, the Executive Director of the Board may waive any requirement of these rules for the duration of the emergency. (3-20-20)T

03. Emergency Rulemaking Authority. In the event of an emergency declared by the President of the United States or the Governor of the State of Idaho, or by any other person with legal authority to declare an emergency, and in response to the COVID-19 pandemic, the Executive Director of the Board may adopt temporary rules for the duration of the emergency. (3-20-20)T

103. BOARD INSPECTIONS AND INVESTIGATIONS.

01. Records Subject to Board Inspection. Records created, maintained, or retained by Board licensees or registrants in compliance with statutes or rules enforced by the Board must be made available for inspection upon request by Board inspectors or authorized agents. It is unlawful to refuse to permit or to obstruct a Board inspection. (3-20-20)T

02. Inspections. Prior to the commencement of business, as applicable, and thereafter at regular intervals, registrants and licensees must permit the Board or its compliance officers to enter and inspect the premises and to audit the records of each drug outlet for compliance with laws enforced by or under the Board's jurisdiction. (3-20-20)T

03. Inspection Deficiencies. Deficiencies noted must be promptly remedied, and if requested, the Board office notified of corrective measures. One (1) follow-up inspection may be performed by the Board at no cost. For additional follow-up inspections, the drug outlet will be charged actual travel and personnel costs incurred in the inspection to be paid within ninety (90) days of inspection. (3-20-20)T

04. Inspection Reports. Inspection reports must be reviewed with the Board inspector and signed by an agent of the drug outlet upon completion of the exit interview. (3-20-20)T

05. Investigations. Licensees or registrants must fully cooperate with Board investigations conducted to confirm compliance with laws enforced by the Board, to gather information pertinent to a complaint received by the Board, or to enforce disciplinary actions. (3-20-20)T

104. UNPROFESSIONAL CONDUCT.

The following acts or practices by any licensee or registrant are declared to be specifically, but not by way of limitation, unprofessional conduct and conduct contrary to the public interest. (3-20-20)T

01. Unethical Conduct. Conduct in the practice of pharmacy or in the operation of a pharmacy that may reduce the public confidence in the ability and integrity of the profession of pharmacy or endangers the public health, safety, and welfare. A violation of this section includes committing fraud, misrepresentation, negligence, concealment, or being involved in dishonest dealings, price fixing, or breaching the public trust with respect to the practice of pharmacy. (3-20-20)T

02. Lack of Fitness. A lack of fitness for professional practice due to incompetency, personal habits, drug or alcohol dependence, physical or mental illness, or for any other cause that endangers public health, safety, or welfare. (3-20-20)T

03. On-Duty Intoxication or Impairment. Intoxication, impairment, or consumption of alcohol or drugs while on duty, including break periods after which the individual is expected to return to work, or prior to reporting to work. (3-20-20)T

04. Diversion of Drug Products and Devices. Supplying or diverting drugs, biologicals, and other medicines, substances, or devices legally sold in pharmacies that allows the circumvention of laws pertaining to the legal sale of these articles. (3-20-20)T

05. Unlawful Possession or Use of Drugs. Possessing or using a controlled substance without a lawful prescription drug order. A failed drug test creates a rebuttable presumption of a violation of this rule. (3-20-20)T

06. Prescription Drug Order Noncompliance. Failing to follow the instructions of the person writing, making, or ordering a prescription as to its refills, contents, or labeling except as provided in these rules. (3-20-20)T

07. Failure to Confer. Failure to confer with the prescriber when necessary or appropriate or filling a prescription if necessary components of the prescription drug order are missing or questionable. (3-20-20)T

08. Excessive Provision of Controlled Substances. Providing an excessive amount of controlled substances. Evidentiary factors of a clearly excessive amount include, but are not limited to, the amount of controlled substances furnished and previous ordering patterns (including size and frequency of orders). (3-20-20)T

09. Failure to Counsel or Offer Counseling. Failing to counsel or offer counseling, unless specifically exempted or refused. (3-20-20)T

10. Substandard, Misbranded, Adulterated, or Expired Products. Manufacturing, compounding, delivering, distributing, dispensing, or permitting to be manufactured, compounded, delivered, distributed or dispensed substandard, misbranded, or adulterated drugs or preparations or those made using secret formulas. Failing to remove expired drugs from stock. (3-20-20)T

11. Prescriber Incentives. Allowing a commission or rebate to be paid, or personally paying a commission or rebate, to a person writing, making, or otherwise ordering a prescription. (3-20-20)T

12. Exclusive Arrangements. Participation in a plan or agreement that compromises the quality or extent of professional services or limits access to provider facilities at the expense of public health or welfare. (3-20-20)T

13. Failure to Report. Failing to report to the Board any violation of statutes or rules pertaining to the practice of pharmacy or any act that endangers the health, safety, or welfare of patients or the public. (3-20-20)T

14. Failure to Follow Board Order. Failure to follow an order of the Board. (3-20-20)T

15. Use of False Information. Knowingly using false information in connection with the prescribing, delivering, administering, or dispensing of a controlled substance or other drug product. (3-20-20)T

16. Standard of Care. Acts or omissions within the practice of pharmacy which fail to meet the standard provided by other qualified licensees or registrants in the same or similar setting. (3-20-20)T

17. Unnecessary Services or Products. Directly promoting or inducing for the provisions of health care services or products that are unnecessary or not medically indicated. (3-20-20)T

18. Controlled Substance Non-Compliance. Violating provisions of the federal Controlled Substances Act or Title 37, Chapter 27, Idaho Code. (3-20-20)T

105. – 199. (RESERVED)

SUBCHAPTER B – RULES GOVERNING LICENSURE AND REGISTRATION
(Rules 200 through 299 – Standard Provisions)

200. BOARD OF PHARMACY LICENSURE AND REGISTRATION.

The Board will issue or renew a license or certificate of registration upon application and determination that the applicant has satisfied the requirements of applicable statutes, and any additional criteria specified by these rules. Licenses or registrations must be obtained prior to engaging in these practices or their supportive functions. (3-20-20)T

201. LICENSURE AND REGISTRATION: GENERAL REQUIREMENTS.

01. Board Forms. Initial licensure and registration applications, annual renewal applications, and other forms used for licensure, registration, or other purposes must be in such form as designated by the Board. (3-20-20)T

02. Incomplete Applications. Information requested on the application or other form must be provided and submitted to the Board office with the applicable fee or the submission will be considered incomplete and will not be processed. Applications that remain incomplete after six (6) months from the date of initial submission will expire. (3-20-20)T

03. On-Time Annual Renewal Application. Licenses and registrations must be renewed annually prior to expiration to remain valid. Timely submission of the renewal application is the responsibility of each licensee or registrant. Licenses and certificates of registration issued to individuals will expire annually on the last day of the individual's birth month, and on December 31 for facilities, unless an alternate expiration term or date is stated in these rules. (3-20-20)T

04. Late Renewal Application. Failure to submit a renewal application prior to the expiration date will cause the license or registration to lapse and will result in the assessment of a late fee and possible disciplinary action. A lapsed license or registration is invalid until renewal is approved by the Board and if not renewed within thirty (30) days after its expiration will require reinstatement. (3-20-20)T

05. Exemption. New licenses and registrations issued ten (10) weeks or less prior to the renewal due date are exempt from the renewal requirements that year only. (3-20-20)T

06. Cancellation and Registration. Failure to maintain the requirements for any registration will result in the cancellation of the registration. (3-20-20)T

07. Reinstatement of License or Registration. Unless otherwise specified in Board rule, consideration of a request for reinstatement of a license or registration will require a completed application on a Board form, submission of a completed fingerprint card, as applicable, and payment of any applicable fees due or delinquent at the time reinstatement is requested. (3-20-20)T

08. Parent or Legal Guardian Consent. No person under the age of eighteen (18), unless an emancipated minor, may submit an application for licensure or registration without first providing the Board with written consent from a parent or legal guardian. (3-20-20)T

202. BOARD FEES.

01. Fee Determination and Collection. Pursuant to the authority and limitations established by Sections 37-2715 and 54-1720(5)(a), Idaho Code, the Board has determined and will collect fees for the issuance, annual renewal, or reinstatement of licenses and certificates of registration to persons and drug outlets engaged in acts or practices regulated by the Board. (3-20-20)T

02. Time and Method of Payment. Fees are due at the time of application, submission, or request. Fees are payable to the “Idaho State Board of Pharmacy,” are non-refundable, and will not be prorated. (3-20-20)T

03. Fee for Dishonored Payment. A reasonable administrative fee may be charged for a dishonored check or other form of payment. If a license or registration application has been approved or renewed by the Board and payment is subsequently dishonored, the approval or renewal is immediately canceled on the basis of the submission of an incomplete application. The board may require subsequent payments to be made by cashier’s check, money order, or other form of guaranteed funds. (3-20-20)T

04. Overpayment of Fees. “Overpayment” refers to the payment of any fee in excess of the listed amount. Refunds issued will be reduced by a reasonable processing fee. (3-20-20)T

05. Fee Exemption for Controlled Substance Registrations. Persons exempt pursuant to federal law from fee requirements applicable to controlled substance registrations issued by the DEA are also exempt from fees applicable to controlled substance registrations issued by the Board. (3-20-20)T

203. FEE SCHEDULE.

01. Licenses and Registrations -- Professionals.

License/Registration	Initial Fee	Annual Renewal Fee
Pharmacist License	\$140	\$130
Nonresident PIC Registration	\$290	\$290
Pharmacist Intern	\$50	\$50
Technician	\$35	\$35
Practitioner Controlled Substance Registration	\$60	\$60

(3-20-20)T

02. Certificates of Registration and Licensure -- Facilities.

License/Registration	Initial Fee	Annual Renewal Fee
Drug Outlet (unless otherwise listed)	\$100	\$100
Wholesale License	\$180	\$180
Wholesale Registration	\$150	\$150
Central Drug Outlet (Nonresident)	\$500	\$250
Mail Service Pharmacy	\$500	\$250
Durable Medical Equipment Outlet	\$50	\$50
Outsourcing Facility (Nonresident)	\$500	\$250
Manufacturer	\$150	\$150

License/Registration	Initial Fee	Annual Renewal Fee
Veterinary Drug Outlet	\$35	\$35

(3-20-20)T

03. Late Fees and Reinstatements.

Category	Fee
Late payment processing fee	\$50
License or registration reinstatement fee	One-half (1/2) of the amount of the annual renewal

(3-20-20)T

04. Administrative Services.

Category	Fee
Experiential hours certification	\$25
Duplicate pharmacist certificate of licensure	\$35

(3-20-20)T

204. – 209. (RESERVED)

210. DETERMINATION OF NEED FOR NONRESIDENT LICENSURE OR REGISTRATION.

01. Independent Practice. Nonresident pharmacists must be licensed if engaged in the independent practice of pharmacy across state lines and not practicing for an Idaho registered drug outlet. (3-20-20)T

02. Practice for an Idaho Registered Drug Outlet. A nonresident pharmacist serving as the PIC for an Idaho registered nonresident drug outlet must be registered to practice into Idaho. All other nonresident pharmacists who are employed by, or affiliated with, and practicing for the Idaho registered nonresident drug outlet, but who are not the PIC, are exempt from license and registration requirements for practice into Idaho. (3-20-20)T

03. Multistate Pharmacists. Multistate pharmacists, as defined in Section 54-1723B, Idaho Code, are exempt from separate licensure or registration in Idaho. (3-20-20)T

04. Exemption from Separate Controlled Substance Registration. All pharmacists who are practicing in or into Idaho are exempt from obtaining a separate controlled substance registration, but are subject to compliance with all requirements under Title 37, Chapter 27, Idaho Code. (3-20-20)T

211. PHARMACIST LICENSURE BY EXAMINATION.

To be considered for licensure, a person must satisfy the requirements of Section 54-1722(1)(a) through (e), Idaho Code, submit to the Board an application for licensure by examination, and meet the following: (3-20-20)T

01. Graduates of U.S. Pharmacy Schools. Graduate from an ACPE-accredited school or college of pharmacy within the United States. (3-20-20)T

02. Graduates of Foreign Pharmacy Schools. Graduate from a school or college of pharmacy located outside of the United States, submit certification by the FPGEC, and complete a minimum of seventeen hundred forty (1,740) experiential hours as verified on an employer's affidavit signed by a pharmacist licensed and practicing in the United States. The Board may request verifiable business records to document the hours. (3-20-20)T

03. Licensure Examinations. Qualified applicants must pass the NAPLEX in accordance with NABP

standards. A candidate who fails the NAPLEX three (3) times must complete at least thirty (30) hours of continuing education accredited by an ACPE-accredited provider prior to being eligible to sit for each subsequent reexamination. Candidates are limited to five (5) total NAPLEX attempts. (3-20-20)T

212. PHARMACIST LICENSURE BY RECIPROCITY.

An applicant for pharmacist licensure by reciprocity must satisfy the requirements of Section 54-1723, Idaho Code, and submit a preliminary application for licensure transfer through NABP. An applicant whose pharmacist license is currently restricted by a licensing entity in another state must appear before the Board to petition for licensure by reciprocity. An applicant not actively engaged in the practice of pharmacy during the year preceding the date of application may have to complete intern hours for each year away from the practice of pharmacy. (3-20-20)T

213. PHARMACIST LICENSE RENEWAL: CPE REQUIREMENTS.

Each pharmacist applicant for license renewal must complete fifteen (15) CPE hours each calendar year between January 1 and December 31. (3-20-20)T

01. ACPE. At least twelve (12) of the CPE hours obtained must be from programs by an ACPE that have a participant designation of “P” (for pharmacist) as the suffix of the ACPE universal program number. ACPE credits must be reported to and documented in CPE Monitor in order to be accepted. (3-20-20)T

02. CME. A maximum of three (3) of the hours may be obtained from CME, if the credits are: (3-20-20)T

a. Obtained from an ACCME accredited provider; and (3-20-20)T

b. A certificate is furnished that identifies the name of the ACCME accredited provider and a clear reference to its accreditation status, the title of the CME program, the completed hours of instruction, the date of completion, and the name of the individual obtaining the credit. Upon audit, all CME certificates must be submitted to the Board. (3-20-20)T

03. Alternative to CPE. If audited, a pharmacist may substitute a current certification by a nationally accredited pharmacy practice-specific specialty certification program. (3-20-20)T

214. PHARMACIST LICENSE: REINSTATEMENT.

The Board may, at its discretion, consider reinstatement of a pharmacist license upon receipt of a completed application, background check, and payment of the reinstatement and other fees due or delinquent at the time reinstatement is requested. (3-20-20)T

01. Satisfactory Evidence. Reinstatement applicants must provide satisfactory evidence of completion of a minimum of thirty (30) CPE hours within the twenty-four (24) months prior to reinstatement and compliance with any direct orders of the Board. (3-20-20)T

02. Additional Requirements. A pharmacist reinstatement applicant may be required to appear before the Board. The Board may also, at its discretion, impose additional requirements on a pharmacist reinstatement applicant who has not practiced as a pharmacist for the preceding twelve (12) months or longer that may include taking and passing an examination, completion of intern hours, completion of additional CPE hours, or other requirements determined necessary to acquire or demonstrate professional competency. (3-20-20)T

215. NONRESIDENT PIC REGISTRATION TO PRACTICE PHARMACY INTO IDAHO.

To be registered as a nonresident PIC, an applicant must submit an application on a Board form including, but not limited to: (3-20-20)T

01. Individual License Information. Current pharmacist licensure information in all other states, including each state of licensure and each license number; (3-20-20)T

02. Facility License Information. The license or registration number of the facility for which the applicant will be practicing. (3-20-20)T

216. PHARMACIST INTERN REGISTRATION.

01. Registration Requirements. To be approved for and maintain registration as a pharmacist intern, the applicant must: (3-20-20)T

a. Currently be enrolled and in good standing in an accredited school or college of pharmacy, pursuing a professional degree in pharmacy; or (3-20-20)T

b. Be a graduate of an accredited school or college of pharmacy within the United States and awaiting examination for pharmacist licensure; or (3-20-20)T

c. Be a graduate of a school or college of pharmacy located outside the United States, obtain certification by the FPGEC, and be awaiting finalization of pharmacist licensure. (3-20-20)T

02. Renewal. (3-20-20)T

a. Current Students. A pharmacist intern registration must be renewed annually by July 15; however, the renewal fee will be waived, if renewed on time, for the duration of the student's enrollment in the school or college of pharmacy. Following graduation, if a pharmacist license application has been submitted, the pharmacist intern license will be extended at no cost for up to six (6) additional months from the date of application as a pharmacist, after which time the individual will need to submit a new application to continue to be a pharmacist intern. (3-20-20)T

b. Pharmacy Graduates. A graduate pharmacist intern registration may be obtained and renewed once within one (1) year from the date of issuance. The Board may, at its discretion, grant additional time to complete internship experience if unique circumstances present. (3-20-20)T

217. – 219. (RESERVED)

220. TECHNICIAN REGISTRATION.

01. Registration Requirements. A person may apply for registration as a technician if the person satisfies the following requirements: (3-20-20)T

a. Age. Be at least sixteen (16) years of age; (3-20-20)T

b. Education. Be a high school graduate or the recipient of a high school equivalency diploma or currently enrolled and in good standing in a high school or college supervised program. (3-20-20)T

c. Exemption from Criminal Background Check. Technician candidates under the age of eighteen (18) are exempt from the fingerprint-based criminal history check requirement of Idaho Code. (3-20-20)T

02. Certified Technician Registration.

To be approved for registration as a certified technician, a person must have obtained and maintained certified pharmacy technician (CPhT) status through the Pharmacy Technician Certification Board (PTCB), the National Healthcareer Association (NHA), or their successors. (3-20-20)T

221. – 223. (RESERVED)

224. PRACTITIONER CONTROLLED SUBSTANCE REGISTRATION.

Any practitioner in Idaho who intends to prescribe, administer, dispense, or conduct research with a controlled substance must first obtain an Idaho practitioner controlled substance registration and: (3-20-20)T

01. State License. Hold a valid license or registration to prescribe medications from a licensing entity established under Title 54, Idaho Code. (3-20-20)T

02. DEA Registration. Hold a valid federal DEA registration, if required under federal law.

(3-20-20)T

225. – 229. (RESERVED)

230. DRUG OUTLET LICENSURE AND REGISTRATION: GENERAL REQUIREMENTS.

A license or a certificate of registration is required for drug outlets prior to doing business in or into Idaho. A license or certificate of registration will be issued by the Board to drug outlets pursuant to, and in the general classifications defined by, Section 54-1729, Idaho Code. (3-20-20)T

01. New Drug Outlet Inspections. Following the issuance of a new license or registration, each drug outlet will be inspected to confirm that the facility is compliant with applicable law. A change of ownership of a currently registered pharmacy will not require an onsite inspection of a new pharmacy registration unless a change of location occurs. (3-20-20)T

02. License and Registration Transferability. Drug outlet licenses and registrations are location and owner specific and are nontransferable as to person or place. (3-20-20)T

03. Nonresident Drug Outlet. The Board may license or register a drug outlet licensed or registered under the laws of another state if the other state's standards are comparable to those in Idaho and acceptable to the Board, evidenced by an inspection report. (3-20-20)T

04. Change of Ownership or Location. The registrant must notify the Board of a drug outlet's change of ownership or location at least ten (10) days prior to the event on a Board form, the completion of which shall be treated as an application for a new license or registration. When a licensee or registrant has made a timely and complete application for a new license or registration as stated in this rule, the existing license does not expire until the application has been finally determined by the Board, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the Board order. This does not preclude the Board from taking immediate action to protect the public interest. (3-20-20)T

05. Permanent Closing. A registrant must notify the Board and the general public of the pharmacy's permanent closing at least ten (10) days prior to closing. The notice must include the proposed date of closure, and the new location of the prescription files. The notice to the board is to include the location where the closing inventory record of controlled substances is retained. (3-20-20)T

06. Exemption from Separate Controlled Substance Registration. All drug outlets doing business in or into Idaho who hold a valid license or registration from the Board are exempt from obtaining a separate controlled substance registration, but are subject to compliance with all requirements under Title 37, Chapter 27, Idaho Code. (3-20-20)T

07. Sterile Preparation Endorsement. A drug outlet engaged in sterile preparation must obtain a single endorsement for one (1) or more hood or aseptic environmental control devices. (3-20-20)T

231. – 239. (RESERVED)

240. WHOLESALE LICENSURE AND REGISTRATION.

01. Wholesaler Licensure. In addition to the information provided in Section 54-1753, Idaho Code, the following information must be provided under oath by each applicant for wholesaler licensure as part of the initial licensing procedure and for each renewal on a Board form: (3-20-20)T

a. Any felony conviction or any conviction of the applicant relating to wholesale or retail prescription drug distribution or distribution of controlled substances. (3-20-20)T

b. Any discipline of the applicant by a regulatory agency in any state for violating any law relating to wholesale or retail prescription drug distribution or distribution of controlled substances. (3-20-20)T

02. NABP Accreditation. The Board will recognize a wholesaler's accreditation by NABP for

purposes of reciprocity and satisfying the new drug outlet inspection requirements of these rules. (3-20-20)T

03. Wholesaler Registration. Except when licensed pursuant to the Idaho Wholesale Drug Distribution Act and these rules, a wholesaler that engages in wholesale distribution of DME supplies, prescription medical devices, or products that contain pseudoephedrine in or into Idaho must be registered by the Board. (3-20-20)T

241. – 249. (RESERVED)

250. MANUFACTURER REGISTRATION. Manufacturers must be registered as follows: (3-20-20)T

01. Mail Service Pharmacy. Those that ship, mail, or deliver dispensed prescription drugs or devices to an Idaho resident will be registered by the Board as a mail service pharmacy. (3-20-20)T

02. Manufacturer. Those engaged in wholesale distribution will be registered as a manufacturer and comply with the Idaho Wholesale Drug Distribution Act and rules, as applicable. (3-20-20)T

251. – 299. (RESERVED)

SUBCHAPTER C – DRUG OUTLET PRACTICE STANDARDS
(Rules 300 through 399 – Drug Outlet Practice Standards)

300. DRUG OUTLETS: MINIMUM FACILITY STANDARDS. A resident drug outlet that dispenses prescription drugs to patients in Idaho must meet the following minimum requirements: (3-20-20)T

01. Security and Privacy. A drug outlet must be constructed and equipped with adequate security to protect its equipment, records and supply of drugs, devices and other restricted sale items from unauthorized access, acquisition or use. All protected health information must be stored and maintained in accordance with HIPAA. (3-20-20)T

02. Controlled Substance Storage. Drug outlets must store controlled substances in accordance with federal law. (3-20-20)T

03. Authorized Access to the Restricted Drug Storage Area. Access to the restricted drug storage area must be limited to authorized personnel. (3-20-20)T

04. Staffing. A drug outlet must be staffed sufficiently to allow for appropriate supervision, to otherwise operate safely and, if applicable, to remain open during the hours posted as open to the public for business. (3-20-20)T

05. Electronic Recordkeeping System. A drug outlet that dispenses more than twenty (20) prescriptions per day must use an electronic recordkeeping system to establish and store patient medication records and prescription drug order, refill, transfer information, and other information necessary to provide safe and appropriate patient care. The electronic recordkeeping system must have audit trail functionality that documents for each prescription drug order the identity of each individual involved at each step of its processing, filling, and dispensing or, alternatively, the identity of the pharmacist or prescriber responsible for the accuracy of these processes. (3-20-20)T

301. DRUG OUTLETS THAT DISPENSE PRESCRIPTION DRUGS: MINIMUM PRESCRIPTION FILLING REQUIREMENTS. Unless exempted by these rules, each drug outlet that dispenses prescription drugs to patients in Idaho must meet the following minimum requirements either at the drug outlet or through offsite pharmacy services: (3-20-20)T

01. Valid Prescription Drug Order. Prescription drugs may only be dispensed pursuant to a valid prescription drug order as set forth in Subchapter E of these rules. (3-20-20)T

02. Prospective Drug Review. Prospective drug review must be provided. (3-20-20)T

03. Labeling. Each drug must bear a complete and accurate label as set forth in these rules. (3-20-20)T

04. Verification of Dispensing Accuracy. Verification of dispensing accuracy must be performed to compare the drug stock selected to the drug prescribed. If not performed by a pharmacist or prescriber, an electronic verification system must be used that confirms the drug stock selected to fill the prescription is the same as indicated on the prescription label. A compounded drug may only be verified by a pharmacist or prescriber. (3-20-20)T

05. Patient Counseling. Counseling must be provided. (3-20-20)T

302. DRUG OUTLETS THAT DISPENSE DRUGS TO PATIENTS WITHOUT AN ONSITE PHARMACIST OR PRESCRIBER.

A drug outlet that dispenses drugs to patients in Idaho that does not have a pharmacist or prescriber onsite to perform or supervise pharmacy operations must comply with the following requirements: (3-20-20)T

01. Security and Access. (3-20-20)T

a. Maintain video surveillance with an adequate number of views of the full facility and retain a high quality recording for a minimum of ninety (90) days. (3-20-20)T

b. Utilize proper identification controls of individuals accessing the restricted drug storage area to ensure access is limited, authorized, and regularly monitored. (3-20-20)T

02. Technology. The video and audio communication system used to counsel and interact with each patient or patient’s caregiver, must be clear, secure, and HIPAA-compliant. (3-20-20)T

03. Controlled Substances Inventories. (3-20-20)T

a. Keep a perpetual inventory for all Schedule II controlled substances; and (3-20-20)T

b. If a perpetual inventory is not kept for all Schedule III through V substances, the pharmacist or prescriber must inventory and audit at least three (3) random controlled substances quarterly. (3-20-20)T

04. Self-Inspection. Complete and retain a monthly in-person self-inspection of the drug outlet by a pharmacist or prescriber using a form designated by the Board. (3-20-20)T

05. Technical Limitation Closure. The drug outlet must be, or remain, closed to the public if any component of the surveillance or video and audio communication system is malfunctioning, until system corrections or repairs are completed. (3-20-20)T

06. Exemption for Self-Service Systems. A self-service ADS that is operating as a drug outlet is exempt from the video surveillance requirement and the self-inspection requirement of this rule. In addition, if counseling is provided by an onsite prescriber or pharmacist, a self-service ADS is exempt from the video and audio communication system requirements of this rule. (3-20-20)T

07. Exemption for Veterinarians. Veterinarians practicing in accordance with their Idaho practice act are exempt from this rule. (3-20-20)T

303. DRUGS STORED OUTSIDE OF A DRUG OUTLET FOR RETRIEVAL BY A LICENSED HEALTH PROFESSIONAL.

Drugs may be stored in an alternative designated area outside the drug outlet, including, but not limited to, floor stock, in an emergency cabinet, in an emergency kit, or as emergency outpatient drug delivery from an emergency room at a registered institutional facility, provided the following conditions are met: (3-20-20)T

01. Supervising Drug Outlet. Drugs stored in such a manner must remain under the control of, and be

routinely monitored by, the supervising drug outlet. (3-20-20)T

02. Secure Storage. The area is appropriately equipped to ensure security and protection from diversion or tampering. (3-20-20)T

03. Controlled Substances. Controlled substances may only be stored in an alternative designated area as permitted by, and in accordance with, federal law. (3-20-20)T

04. Stocking and Replenishing. Stocking or replenishing drugs in an alternative designated area may be performed by a pharmacist or prescriber, or by appropriate support personnel using either an electronic verification system or a two (2) person checking system. (3-20-20)T

304. – 349. (RESERVED)

SUBCHAPTER D – RULES GOVERNING PHARMACIST PRESCRIPTIVE AUTHORITY
(Rules 350 through 399 – Rules Governing Pharmacist Prescriptive Authority)

350. PHARMACIST PRESCRIBING: GENERAL REQUIREMENTS.

In accordance with Section 54-1704, Idaho Code, a pharmacist may independently prescribe drugs, drug categories and devices provided the following general requirements are met: (3-20-20)T

01. Education. The pharmacist may only prescribe drugs or devices for conditions for which the pharmacist is educationally prepared and for which competence has been achieved and maintained. (3-20-20)T

02. Patient-Prescriber Relationship. The pharmacist may only issue a prescription for a legitimate medical purpose arising from a patient-prescriber relationship as defined in Section 54-1733, Idaho Code. (3-20-20)T

03. Patient Assessment. The pharmacist must obtain adequate information about the patient’s health status to make appropriate decisions based on the applicable standard of care and the best available evidence. (3-20-20)T

04. Collaboration with Other Health Care Professionals. The pharmacist must recognize the limits of the pharmacist’s own knowledge and experience and consult with and refer to other health care professionals as appropriate. (3-20-20)T

05. Follow-Up Care Plan. The pharmacist must develop and implement an appropriate follow-up care plan, including any monitoring parameters, in accordance with clinical guidelines. (3-20-20)T

06. Notification. The pharmacist must inquire about the identity of the patient’s primary care provider; and, if one is identified by the patient, provide notification within five (5) business days following the prescribing of a drug. In the instance in which the pharmacist is prescribing to close a gap in care or to supplement a valid prescription drug order, the pharmacist must alternatively notify the provider of record. (3-20-20)T

07. Documentation. The pharmacist must maintain documentation adequate to justify the care provided, including, but not limited to the information collected as part of the patient assessment, the prescription record, and the follow-up care plan. (3-20-20)T

08. Prescribing Exemption. The general requirements set forth in this section do not apply to collaborative pharmacy practice agreements, nonprescription drugs and devices, and the individually named drug products listed in Section 54-1704, Idaho Code. (3-20-20)T

351. COLLABORATIVE PHARMACY PRACTICE.

Collaborative pharmacy practice may be performed in accordance with an agreement that contains the following elements: (3-20-20)T

01. Identification. Identification of the parties to the agreement; (3-20-20)T

02. **Scope.** The pharmacist's scope of practice authorized by the agreement, including a description of the types of permitted activities and decisions; and (3-20-20)T

03. **Monitoring.** A described method for a prescriber to monitor compliance with the agreement. (3-20-20)T

352. -- 399. (RESERVED)

SUBCHAPTER E – FILLING AND DISPENSING PRESCRIPTION DRUGS
(Rules 400 through 499 – Filling and Dispensing Prescription Drugs)

400. PRESCRIPTION DRUG ORDER: VALIDITY.

Prior to filling or dispensing a prescription drug order, a pharmacist must verify its validity. (3-20-20)T

01. **Invalid Prescription Drug Orders.** A prescription drug order is invalid if not issued by a licensed prescriber for a legitimate medical purpose, and within the course and scope of the prescriber's professional practice and prescriptive authority. (3-20-20)T

02. **Antedating or Postdating.** A prescription drug order is invalid if antedated or postdated. (3-20-20)T

03. **Tampering.** A prescription drug order is invalid if, at the time of presentation, it shows evidence of alteration, erasure, or addition by any person other than the person who wrote it. (3-20-20)T

04. **Prescriber Self-Use.** A prescription drug order written for a controlled substance is invalid if written for the prescriber's own use. (3-20-20)T

05. **Digital Image Prescriptions.** A digital image of a prescription drug order is invalid if it is for a controlled substance or if the patient intends to pay cash for the drug in whole. (3-20-20)T

401. PRESCRIPTION DRUG ORDER: MINIMUM REQUIREMENTS.

A prescription drug order must comply with applicable requirements of federal law and, except as differentiation is permitted for an institutional drug order, include at least the following: (3-20-20)T

01. **Patient's Name.** The patient's or authorized entity's name and: (3-20-20)T

a. If for a controlled substance, the patient's full name and address; and (3-20-20)T

b. If for an animal, the species. (3-20-20)T

02. **Date.** The date issued. (3-20-20)T

03. **Drug Information.** The drug name, strength, and quantity. (3-20-20)T

04. **Directions.** The directions for use. (3-20-20)T

05. **Prescriber Information.** The name and, if for a controlled substance, the address and DEA registration number of the prescriber. (3-20-20)T

06. **Signature.** A signature sufficient to evidence a valid prescription of either the prescriber or, if a renewal of a previous prescription, the prescriber's agent, when authorized by the prescriber. (3-20-20)T

07. **Institutional Drug Order Exemptions.** An institutional drug order may exempt the patient's address, the dosage form, quantity, prescriber's address, and prescriber's DEA registration number. (3-20-20)T

08. **Exemptions for Non-Controlled Substances.** A prescriber may omit drug information and directions if the prescriber makes an indication for the pharmacist to finalize the patient's drug therapy plan.

(3-20-20)T

402. FILLING PRESCRIPTION DRUG ORDERS: PRACTICE LIMITATIONS.

01. Drug Product Selection. Drug product selection is allowed only between therapeutic equivalent drugs. If a prescriber orders by any means that a brand name drug must be dispensed, then no drug product selection is permitted. (3-20-20)T

02. Partial Filling. A prescription drug order may be partially filled within the limits of federal law. The total quantity dispensed in partial fillings must not exceed the total quantity prescribed. (3-20-20)T

03. Refill Authorization. A prescription drug order may be refilled when permitted by state and federal law and as specifically authorized by the prescriber. A pharmacist may also refill a prescription for a non-controlled drug to ensure continuity of care. (3-20-20)T

403. FILLING PRESCRIPTION DRUG ORDERS: ADAPTATION.

Upon patient consent, a pharmacist may adapt drugs as specified in this rule, provided that the prescriber has not indicated that adaptation is not permitted. (3-20-20)T

01. Change Quantity. A pharmacist may change the quantity of medication prescribed if: (3-20-20)T

a. The prescribed quantity or package size is not commercially available; (3-20-20)T

b. The change in quantity is related to a change in dosage form or therapeutic interchange;(3-20-20)T

c. The change is intended to dispense up to the total amount authorized by the prescriber including refills; or (3-20-20)T

d. The change extends a maintenance drug for the limited quantity necessary to coordinate a patient's refills in a medication synchronization program. (3-20-20)T

02. Change Dosage Form. A pharmacist may change the dosage form of the prescription if it is in the best interest of patient care, so long as the prescriber's directions are also modified to equate to an equivalent amount of drug dispensed as prescribed. (3-20-20)T

03. Complete Missing Information. A pharmacist may complete missing information on a prescription if there is evidence to support the change. (3-20-20)T

04. Documentation. A pharmacist who adapts a prescription in accordance with these rules must document the adaptation in the patient's record. (3-20-20)T

404. FILLING PRESCRIPTION DRUG ORDERS: DRUG PRODUCT SUBSTITUTION.

Drug product substitutions in which a pharmacist dispenses a drug product other than that prescribed are allowed only as follows: (3-20-20)T

01. Hospital. Pursuant to a formulary or drug list prepared by the pharmacy and therapeutics committee of a hospital; (3-20-20)T

02. Institutional Facility. At the direction of the quality assessment and assurance committee of an institutional facility; (3-20-20)T

03. Drug Shortage. Upon a drug shortage, a pharmacist may substitute another drug for a prescribed drug, so long as the prescriber's directions are also modified to equate to an equivalent amount of the drug dispensed; (3-20-20)T

04. Biosimilars. A pharmacist may substitute an interchangeable biosimilar product for a prescribed biological product if: (3-20-20)T

- Book;
- a. The biosimilar has been determined by the FDA to be interchangeable and published in the Purple (3-20-20)T
 - b. The prescriber does not indicate by any means that the prescribed biological product must be dispensed; and (3-20-20)T
 - c. The name of the drug and the manufacturer or the NDC number is documented in the patient medical record. (3-20-20)T

05. Therapeutic Interchange. A pharmacist may substitute a drug with another drug in the same therapeutic class provided the patient opts-in and the substitution lowers the cost to the patient or occurs during a drug shortage. (3-20-20)T

405. FILLING PRESCRIPTION DRUG ORDERS: TRANSFERS.

A prescription drug order may be transferred within the limits of federal law. Drug outlets using a common electronic file are exempt from transfer limits. (3-20-20)T

406. LABELING STANDARDS.

All prescription drugs must be in an appropriate container and bear information that identifies the drug product, any additional components as appropriate, and the individual responsible for its final preparation. (3-20-20)T

01. Standard Prescription Drug. A prescription drug for outpatient dispensing must be labeled in accordance with federal law. (3-20-20)T

02. Parenteral Admixture. If one (1) or more drugs are added to a parenteral admixture, the admixture's container must include the date and time of the addition, or alternatively, the beyond use date.(3-20-20)T

03. Prepackaged Product. The containers of prepackaged drugs must include an expiration date that is the lesser of the manufacturer's original expiration date, one (1) year from the date the drug is prepackaged, or a shorter period if warranted. (3-20-20)T

04. Repackaged Drug. If a previously dispensed drug is repackaged, it must contain the serial number and contact information for the original dispensing pharmacy, as well as a statement that indicates that the drug has been repackaged, and the contact information of the repackaging pharmacy. (3-20-20)T

05. Distributed Compounded Drug Product. Compounded and sterile prepackaged drug product distributed in the absence of a patient specific prescription must be labeled as follows: (3-20-20)T

- a. If from a pharmacy, the statement: “not for further dispensing or distribution.” (3-20-20)T
- b. If from an outsourcing facility, the statement: “not for resale.” (3-20-20)T

407. PRESCRIPTION DELIVERY: RESTRICTIONS.

01. Acceptable Delivery. A drug outlet that dispenses drugs to patients in Idaho may deliver filled prescriptions in accordance with federal law, as long as appropriate measures are taken to ensure product integrity and safety. (3-20-20)T

02. Pick-up or Return by Authorized Personnel. Filled prescriptions may be picked up for or returned from delivery by authorized personnel from a secured delivery area. (3-20-20)T

408. DESTRUCTION OR RETURN OF DRUGS OR DEVICES: RESTRICTIONS.

A drug outlet registered with the DEA as a collector may collect controlled and non-controlled drugs for destruction in accordance with applicable federal law. Otherwise a dispensed drug or prescription device may only be accepted for return as follows: (3-20-20)T

01. Potential Harm. When the pharmacist determines that harm could result if the drug is not returned. (3-20-20)T

02. Did Not Reach Patient. Non-controlled drugs that have been maintained in the custody and control of the institutional facility, dispensing pharmacy, or their related clinical facilities may be returned if product integrity can be assured. Controlled substances may only be returned from a hospital daily delivery system under which a pharmacy dispenses no more than a seventy-two (72) hour supply for a drug order. (3-20-20)T

03. Donation. Those that qualify for return under the provisions of the Idaho Legend Drug Donation Act as specified in Section 54-1762, Idaho Code. (3-20-20)T

409. -- 499. (RESERVED)

SUBCHAPTER F – REPORTING REQUIREMENTS AND DRUG OUTLET RECORDKEEPING
(Rules 500 through 599 – Reporting Requirements and Drug Outlet Recordkeeping)

500. RECORDKEEPING: MAINTENANCE AND INVENTORY REQUIREMENTS.

01. Records Maintenance and Retention Requirement. Unless an alternative standard is stated for a specified record type, form, or format, records required to evidence compliance with statutes or rules enforced by the Board must be maintained and retained in a readily retrievable form and location for at least three (3) years from the date of the transaction. (3-20-20)T

02. Prescription Retention. A prescription drug order must be retained in a readily retrievable manner by each drug outlet and maintained in accordance with federal law: (3-20-20)T

03. Inventory Records. Each drug outlet must maintain a current, complete and accurate record of each controlled substance manufactured, imported, received, ordered, sold, delivered, exported, dispensed or otherwise disposed of by the registrant. Drug outlets must maintain inventories and records in accordance with federal law. An annual inventory must be conducted at each registered location no later than seven (7) days after the date of the most recent inventory in a form and manner that satisfies the inventory requirements of federal law. Drugs stored outside a drug outlet in accordance with these rules must be regularly inventoried and inspected to ensure that they are properly stored, secured, and accounted for. Additional inventories are necessary when required by federal law. (3-20-20)T

04. Rebuttal Presumption of Violation. Evidence of an amount of a controlled substance that differs from the amount reflected on a record or inventory required by state or federal law creates a rebuttable presumption that the registrant has failed to keep records or maintain inventories in conformance with the recordkeeping and inventory requirements of state and federal law. (3-20-20)T

05. Drug Distributor Records. Wholesalers and other entities engaged in wholesale drug distribution must maintain inventories and records or transactions pertaining to the receipt and distribution or other disposition of drugs in accordance with federal law that include at least: (3-20-20)T

a. The source of the drugs, including the name and principal address of the seller or transferor, and the address of the location from which the drugs were shipped; (3-20-20)T

b. The identity and quantity of the drugs received and distributed or disposed of; (3-20-20)T

c. The dates of receipt and distribution or other disposition of the drugs; and (3-20-20)T

d. Controlled substance distribution invoices, in the form and including the requirements of federal law. (3-20-20)T

06. Central Records Storage. Records may be retained at a central location in compliance with federal law. (3-20-20)T

07. Electronic Records Storage. Records may be electronically stored and maintained if they remain legible and are in a readily retrievable format, and if federal law does not require them to be kept in a hard copy format. (3-20-20)T

501. REPORTING REQUIREMENTS.

01. Theft or Loss of Controlled Substances. A registrant must report to the Board on the same day reported to the DEA a theft or loss of a controlled substance that includes the information required by federal law. (3-20-20)T

02. Individual and Outlet Information Changes. Changes in employment or changes to information provided on or with the initial or renewal application must be reported to the Board within ten (10) days of the change. (3-20-20)T

03. Drug Distributor Monthly Reports. An authorized distributor must report specified data on drugs distributed at least monthly to the Board in a form and manner prescribed by the Board. (3-20-20)T

502. -- 599. (RESERVED)

SUBCHAPTER G – PRESCRIPTION DRUG MONITORING PROGRAM REQUIREMENTS
(Rules 600 through 699 – Prescription Drug Monitoring Program Requirements)

600. CONTROLLED SUBSTANCES: PDMP.

Specified data on controlled substances must be reported by the end of the next business day by all drug outlets that dispense controlled substances in or into Idaho and prescribers that dispense controlled substances to humans. (3-20-20)T

01. Online Access to PDMP. To obtain online access, a prescriber or pharmacist, or their delegate must complete and submit a registration application and agree to adhere to the access restrictions and limitations established by law. (3-20-20)T

02. Use Outside Scope of Practice. Information obtained from the PDMP must not be used for purposes outside the prescriber's or pharmacist's scope of professional practice. A delegate may not access the PDMP outside of their supervisor's scope of professional practice. (3-20-20)T

03. Profile Requests. Authorized persons without online access may obtain a profile by completing a Board form and submitting it to the Board office with proof of identification and other credentials necessary to confirm the requestor's authorized status pursuant to Section 37-2726, Idaho Code. (3-20-20)T

601. – 699. (RESERVED)

SUBCHAPTER H – RULES GOVERNING DRUG COMPOUNDING
(Rules 700 through 799 – Rules Governing Drug Compounding)

700. COMPOUNDING DRUG PREPARATIONS.

Any compounding that is not permitted herein is considered manufacturing. (3-20-20)T

01. Application. This rule applies to any person, including any business entity, authorized to engage in the practice of non-sterile compounding, sterile compounding, and sterile prepackaging of drug products in or into Idaho, except these rules do not apply to: (3-20-20)T

a. Compound positron emission tomography drugs; (3-20-20)T

b. Radiopharmaceuticals; (3-20-20)T

c. The reconstitution of a non-sterile drug or a sterile drug for immediate administration; (3-20-20)T

- d. The addition of a flavoring agent to a drug product; and (3-20-20)T
- e. Product preparation of a non-sterile, non-hazardous drug according to the manufacturer's FDA approved labeling. (3-20-20)T
- 02. General Compounding Standards.** (3-20-20)T
- a. Active Pharmaceutical Ingredients. All active pharmaceutical ingredients must be obtained from an FDA registered manufacturer. FDA registration as a foreign manufacturer satisfies this requirement. (3-20-20)T
- b. Certificate of Analysis (COA). Unless the active pharmaceutical ingredient complies with the standards of an applicable USP-NF monograph, a COA must be obtained for all active pharmaceutical ingredients procured for compounding and retained for a period of not less than three (3) years from the date the container is emptied, expired, returned, or disposed of. The following minimum information is necessary on the COA: product name, lot number, expiration date, and assay. (3-20-20)T
- c. Equipment. Equipment and utensils must be of suitable design and composition and cleaned, sanitized, or sterilized as appropriate prior to use. (3-20-20)T
- d. Disposal of Compromised Drugs. When the correct identity, purity, strength, and sterility of ingredients and components cannot be confirmed (in cases of, for example, unlabeled syringes, opened ampoules, punctured stoppers of vials and bags, and containers of ingredients with incomplete labeling) or when the ingredients and components do not possess the expected appearance, aroma, and texture, they must be removed from stock and isolated for return, reclamation, or destruction. (3-20-20)T
- 03. Prohibited Compounding.** Compounding any drug product for human use that the FDA has identified as presenting demonstrable difficulties in compounding or has withdrawn or removed from the market for safety or efficacy reasons is prohibited. (3-20-20)T
- 04. Limited Compounding.** (3-20-20)T
- a. Triad Relationship. A pharmacist may compound a drug product in the usual course of professional practice for an individual patient pursuant to an established prescriber/patient/pharmacist relationship and a valid prescription drug order. (3-20-20)T
- b. Commercially Available Products. A drug product that is commercially available may only be compounded if not compounded regularly or in inordinate amounts and if: (3-20-20)T
- i. It is medically warranted to provide an alternate ingredient, dosage form, or strength of significance; or (3-20-20)T
- ii. The commercial product is not reasonably available in the market in time to meet the patient's needs. (3-20-20)T
- c. Anticipatory Compounding. Limited quantities of a drug product may be compounded or sterile prepackaged prior to receiving a valid prescription drug order based on a history of receiving valid prescription drug orders for the compounded or sterile prepackaged drug product. (3-20-20)T
- 05. Drug Compounding Controls.** (3-20-20)T
- a. Policies and Procedures. In consideration of the applicable provisions of USP Chapter 795 concerning pharmacy compounding of non-sterile preparations, USP Chapter 797 concerning sterile preparations, Chapter 1075 of the USP-NF concerning good compounding practices, and Chapter 1160 of the USP-NF concerning pharmaceutical calculations, policies and procedures for the compounding or sterile prepackaging of drug products must ensure the safety, identity, strength, quality, and purity of the finished product, and must include any of the following that are applicable to the scope of compounding practice being performed: (3-20-20)T

- i. Appropriate packaging, handling, transport, and storage requirements; (3-20-20)T
- ii. Accuracy and precision of calculations, measurements, and weighing; (3-20-20)T
- iii. Determining ingredient identity, quality, and purity; (3-20-20)T
- iv. Labeling accuracy and completeness; (3-20-20)T
- v. Beyond use dating; (3-20-20)T
- vi. Auditing for deficiencies, including routine environmental sampling, quality and accuracy testing, and maintaining inspection and testing records; (3-20-20)T
- vii. Maintaining environmental quality control; and (3-20-20)T
- viii. Safe limits and ranges for strength of ingredients, pH, bacterial endotoxins, and particulate matter. (3-20-20)T

b. Accuracy. Components including, but not limited to, bulk drug substances, used in the compounding or sterile prepackaging of drug products must be accurately weighed, measured, or subdivided, as appropriate. The amount of each active ingredient contained within a compounded drug product must not vary from the labeled potency by more than the drug product’s acceptable potency range listed in the USP-NF monograph for that product. If USP-NF does not publish a range for a particular drug product, the active ingredients must not contain less than ninety percent (90%) and not more than one hundred ten percent (110%) of the potency stated on the label. (3-20-20)T

c. Non-Patient Specific Records. Except for drug products that are being compounded or sterile prepackaged for direct administration, a production record of drug products compounded or sterile prepackaged in anticipation of receiving prescription drug orders or distributed in the absence of a patient specific prescription drug order (“office use”) solely as permitted in these rules, must be prepared and kept for each drug product prepared, including: (3-20-20)T

- i. Production date; (3-20-20)T
- ii. Beyond use date; (3-20-20)T
- iii. List and quantity of each ingredient; (3-20-20)T
- iv. Internal control or serial number; and (3-20-20)T
- v. Initials or unique identifier of all persons involved in the process or the compounder responsible for the accuracy of these processes. (3-20-20)T

701. STERILE PREPARATION.

01. Application. In addition to all other applicable rules in this chapter, including the rules governing Compounding Drug Preparations, these rules apply to all persons, including any business entity, engaged in the practice of sterile compounding and sterile prepackaging in or into Idaho. (3-20-20)T

02. Dosage Forms Requiring Sterility. The sterility of compounded biologics, diagnostics, drugs, nutrients, and radiopharmaceuticals must be maintained or the compounded drug preparation must be sterilized when prepared in the following dosage forms: (3-20-20)T

- a.** Aqueous bronchial and nasal inhalations, except sprays and irrigations intended to treat nasal mucosa only; (3-20-20)T

- b.** Baths and soaks for live organs and tissues; (3-20-20)T
- c.** Injections (for example, colloidal dispersions, emulsions, solutions, suspensions); (3-20-20)T
- d.** Irrigations for wounds and body cavities; (3-20-20)T
- e.** Ophthalmic drops and ointments; and (3-20-20)T
- f.** Tissue implants. (3-20-20)T

03. Compounder Responsibilities. Compounders and sterile prepackagers are responsible for ensuring that sterile products are accurately identified, measured, diluted, and mixed and are correctly purified, sterilized, packaged, sealed, labeled, stored, dispensed, and distributed, as well as prepared in a manner that maintains sterility and minimizes the introduction of particulate matter; (3-20-20)T

a. Unless following manufacturer’s guidelines or another reliable literature source, opened or partially used packages of ingredients for subsequent use must be properly stored as follows; (3-20-20)T

i. Opened or entered single-dose containers, such as bags, bottles, syringes, and vials of sterile products and compounded sterile preparations are to be used within one (1) hour if opened in non-sterile conditions, and any remaining contents must be discarded; (3-20-20)T

ii. Single-dose vials needle-punctured in a sterile environment may be used up to six (6) hours after initial needle puncture; (3-20-20)T

iii. Opened single-dose ampules may not be stored for any time period; and (3-20-20)T

iv. Multiple-dose containers that are formulated for removal of portions on multiple occasions because they contain antimicrobial preservatives, may be used for up to twenty-eight (28) days after initial opening or entering, unless otherwise specified by the manufacturer; (3-20-20)T

b. Water-containing compounded sterile products that are non-sterile during any phase of the compounding procedure must be sterilized within six (6) hours after completing the preparation in order to minimize the generation of bacterial endotoxins; (3-20-20)T

c. No food, drinks, or materials exposed in patient care and treatment areas may enter ante-areas, buffer areas, or segregated areas where components and ingredients of sterile preparations are prepared. (3-20-20)T

04. Environmental Controls. Except when prepared for immediate administration, the environment for the preparation of sterile preparations in a drug outlet must be in an isolated area, designed to avoid unnecessary traffic and airflow disturbances, and equipped to accommodate aseptic techniques and conditions. (3-20-20)T

a. Hoods and aseptic environmental control devices must be certified for operational efficiency as often as recommended by the manufacturer or at least every six (6) months or if relocated. (3-20-20)T

b. Filters must be inspected and replaced in accordance with the manufacturer’s recommendations. (3-20-20)T

05. Sterile Preparation Equipment. A drug outlet in which sterile preparations are prepared must be equipped with at least the following: (3-20-20)T

a. Protective apparel including gowns, masks, and sterile (or the ability to sterilize) non-vinyl gloves, unless written documentation can be provided from the aseptic isolator manufacturer that any component of garbing is not necessary; (3-20-20)T

b. A sink; (3-20-20)T

c. A refrigerator for proper storage of additives and finished sterile preparations prior to delivery when necessary; and (3-20-20)T

d. An appropriate laminar airflow hood or other aseptic environmental control device such as a laminar flow biological safety cabinet, or a comparable compounding area when authorized by USP Chapter 797. (3-20-20)T

06. Documentation Requirements. The following documentation must also be maintained by a drug outlet in which sterile preparations are prepared: (3-20-20)T

a. Justification of beyond use dates assigned, pursuant to direct testing or extrapolation from reliable literature sources; (3-20-20)T

b. Training records, evidencing that personnel are trained on a routine basis and are adequately skilled, educated, and instructed; (3-20-20)T

c. Audits appropriate for the risk of contamination for the particular sterile preparation including: (3-20-20)T

i. Visual inspection to ensure the absence of particulate matter in solutions, the absence of leakage from bags and vials, and the accuracy of labeling with each dispensing; (3-20-20)T

ii. Periodic hand hygiene and garbing competency; (3-20-20)T

iii. Media-fill test procedures (or equivalent), aseptic technique, and practice related competency evaluation at least annually by each compounder or sterile prepackager; (3-20-20)T

iv. Environmental sampling testing at least upon registration of a new drug outlet, following the servicing or re-certification of facilities and equipment, or in response to identified problems with end products, staff techniques or patient-related infections, or every six (6) months. (3-20-20)T

v. Gloved fingertip sampling testing at least annually for personnel who compound low- and medium-risk level compounded sterile preparations and every six (6) months for personnel who compound high-risk level compounded sterile preparations. (3-20-20)T

vi. Sterility testing of high risk batches of more than twenty-five (25) identical packages (ampules, bags, vials, etc.) before dispensing or distributing; (3-20-20)T

d. Temperature, logged daily; (3-20-20)T

e. Beyond use date and accuracy testing, when appropriate; and (3-20-20)T

f. Measuring, mixing, sterilizing, and purification equipment inspection, monitoring, cleaning, and maintenance to ensure accuracy and effectiveness for their intended use. (3-20-20)T

07. Policy and Procedures Manual. Maintain a policy and procedures manual to ensure compliance with this rule. (3-20-20)T

702. HAZARDOUS DRUGS PREPARATION.

In addition to all other applicable rules in this chapter, including the rules governing Compounding Drug Preparations and Sterile Preparation, these rules apply to all persons, including any business entity, engaged in the practice of compounding or sterile prepackaging with hazardous drugs. Such persons must: (3-20-20)T

01. Ventilation. Ensure the storage and compounding areas have sufficient general exhaust ventilation to dilute and remove any airborne contaminants. (3-20-20)T

02. Ventilated Cabinet. Utilize a ventilated cabinet designed to reduce worker exposures while

preparing hazardous drugs. (3-20-20)T

a. Sterile hazardous drugs must be prepared in a dedicated Class II biological safety cabinet or a barrier isolator of appropriate design to meet the personnel exposure limits described in product material safety data sheets; (3-20-20)T

b. When asepsis is not required, a Class I BSC, powder containment hood or an isolator intended for containment applications may be sufficient. (3-20-20)T

c. A ventilated cabinet that re-circulates air inside the cabinet or exhausts air back into the room environment is prohibited, unless: (3-20-20)T

i. The hazardous drugs in use will not volatilize while they are being handled; or (3-20-20)T

ii. Written documentation from the manufacturer attesting to the safety of such ventilation. (3-20-20)T

03. Clear Identification. Clearly identify storage areas, compounding areas, containers, and prepared doses of hazardous drugs. (3-20-20)T

04. Labeling. Label hazardous drugs with proper precautions, and dispense them in a manner to minimize risk of hazardous spills. (3-20-20)T

05. Protective Equipment and Supplies. Provide and maintain appropriate personal protective equipment and supplies necessary for handling hazardous drugs, spills and disposal. (3-20-20)T

06. Contamination Prevention. Unpack, store, prepackage, and compound hazardous drugs separately from other inventory in a restricted area in a manner to prevent contamination and personnel exposure until hazardous drugs exist in their final unit-of-use packaging. (3-20-20)T

07. Compliance With Laws. Comply with applicable local, state, and federal laws including for the disposal of hazardous waste. (3-20-20)T

08. Training. Ensure that personnel working with hazardous drugs are trained in hygiene, garbing, receipt, storage, handling, transporting, compounding, spill control, clean up, disposal, dispensing, medical surveillance, and environmental quality and control. (3-20-20)T

09. Policy and Procedures Manual. Maintain a policy and procedures manual to ensure compliance with this rule. (3-20-20)T

703. OUTSOURCING FACILITY.

01. Federal Act Compliance. An outsourcing facility must ensure compliance with 21 U.S.C. Section 353b of the Federal Food, Drug and Cosmetic Act. (3-20-20)T

02. Adverse Event Reports. Outsourcing facilities must submit to the Board a copy of all adverse event reports submitted to the secretary of Health and Human Services in accordance with Section 310.305 of Title 21 of the Code of Federal Regulations. (3-20-20)T

704. – 999. (RESERVED)

24.37.01 – RULES OF THE IDAHO REAL ESTATE COMMISSION

000. LEGAL AUTHORITY.

The Rules of the Idaho Real Estate Commission contained herein have been adopted pursuant to Section 54-2007, Idaho Code. Any violation of these rules, or of any provision of Chapter 20, Title 54, or Chapter 18, Title 55, Idaho Code, is sufficient cause for disciplinary action as prescribed in Sections 54-2059, 54-2060, or 55-1811, Idaho Code. (3-20-20)T

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 24.37.01, “Rules of the Idaho Real Estate Commission,” IDAPA 24, Title 37, Chapter 01. (3-20-20)T

02. Scope. These rules contain the requirements for implementation and enforcement of the Idaho Real Estate License Law, the Idaho Real Estate Brokerage Representation Act, and the Subdivided Lands Disposition Act, contained in Chapter 20, Title 54, or Chapter 18, Title 55, Idaho Code. (3-20-20)T

002. – 005. (RESERVED)

006. ELECTRONIC SIGNATURES.

Electronic signatures are permissible in accordance with the Uniform Electronic Transactions Act, Title 28, Chapter 50. (3-20-20)T

007. -- 099. (RESERVED)

**Rules 100 through 199
APPLICATION, LICENSURE, AND TERMINATION OF LICENSES**

100. FEES.

License and other fees:

	Initial License	Renewal	Late Fee	Other
Broker	\$160	\$160	\$25	
Salesperson	\$160	\$160	\$25	
Business Entity	\$50	\$50	\$25	
Branch Office	\$50	\$50	\$25	
Cooperative License	\$100			
Education or License History				\$10
License Certificate				\$15

(3-20-20)T

101. – 104. (RESERVED)

105. CONDITIONS TO RENEW EXPIRED LICENSE.

The Commission may accept a licensee’s application to renew an expired license upon the following conditions:

(3-20-20)T

01. Payment of Late Fee. The applicant must pay the late license renewal fee. (3-20-20)T

02. Renewal After Expiration of Active License. If an active license expires, the licensee must complete and submit with the application an attestation that during the period the license was expired, the licensee either did or did not do or attempt to do any acts described in the definitions of real estate broker or salesperson in Section 54-2004, Idaho Code. (3-20-20)T

03. Investigate or Discipline a Licensee. Nothing in this Section limits the ability of the Commission

to investigate or discipline a licensee for violating Subsection 54-2018(3), Idaho Code, or for violating any other provision of the Real Estate License Law or these rules. (3-20-20)T

106. -- 116. (RESERVED)

117. MANDATORY ERRORS AND OMISSIONS INSURANCE.

Every licensee, upon obtaining or renewing an active real estate license in the state of Idaho will have in effect and maintain a policy of errors and omissions insurance as required by Section 54-2013, Idaho Code, to cover all activities contemplated under Chapter 20, Title 54, Idaho Code and will certify such coverage to the Commission in the form and manner prescribed by statute, these rules, and any policy adopted by the Commission. (3-20-20)T

118. INSURANCE PLAN.

The Commission will make available to all active licensees, subject to terms and availability from a qualified insurance carrier, a policy of Errors and Omissions Insurance under a Group Plan obtained by the Commission. Licensees may obtain errors and omissions insurance independently of the Group Policy available through the Commission, subject, however, to the terms and conditions set forth in these rules. (3-20-20)T

01. Insurance Carrier. For the purposes of Section 118: (3-20-20)T

a. Shall maintain an A.M. Best Company rating of B+ or better, and an A.M. Best Financial Size Category of Class VI or higher; (3-20-20)T

b. Is and will remain for the policy term duly authorized by the Idaho Department of Insurance to do business in the state of Idaho as an insurance carrier; and (3-20-20)T

c. Is and will remain for the policy term qualified and authorized by the Idaho Department of Insurance to write policies of errors and omissions insurance in Idaho of the type contemplated by these rules. (3-20-20)T

02. Approved Policy. The policy shall cover all activities contemplated under Chapter 20, Title 54, Idaho Code, be subject to such terms and conditions as are customary in the insurance industry for policies of errors and omissions insurance, which are otherwise permissible under Idaho law and the rules of the Idaho Insurance Department, and which are contained in a policy of insurance which has been approved by the Department of Insurance. That policy shall provide, at a minimum, the following terms and conditions:

	Limit Liability Coverage for Each Occurrence Not Less Than	Annual Aggregate Limit Not Less Than
Individual License Coverage	\$100,000*	\$300,000*
Firm Coverage	\$500,000*	\$1,000,000*
*Not including costs of investigation and defense		

(3-20-20)T

a. A deductible amount of not greater than three thousand five hundred dollars (\$3,500), which includes costs of investigation and defense; (3-20-20)T

b. A policy period equal to each licensee's two (2) year license renewal date or the prorated equivalent, or, if an annually renewable policy, a statement of the policy period, and in either case, the policy shall provide for continuous coverage during the policy period; (3-20-20)T

c. An extended reporting period per insured of at least ninety (90) days following termination of the policy period; and (3-20-20)T

d. Prior acts coverage shall be offered to licensees with continuous past coverage. (3-20-20)T

119. (RESERVED)

120. CERTIFICATION A PREREQUISITE FOR LICENSE ISSUANCE OR RENEWAL.

Issuance or renewal of an active license requires certification of compliance that satisfies the requirements of Section 54-2013, Idaho Code. (3-20-20)T

121. FAILURE TO MAINTAIN INSURANCE.

Failure of a licensee to obtain and maintain insurance coverage required by Section 54-2013, Idaho Code, regardless whether coverage is later obtained and made retroactive by the carrier, will result in denial or inactivation of any active license and will be deemed insufficient application for licensure under Section 67-5254, Idaho Code. A late insurance renewal is considered failure to maintain insurance. Failure to maintain insurance shall be grounds for disciplinary action. (3-20-20)T

122. FALSIFICATION OF CERTIFICATES.

Any licensee who, acting alone or in concert with others, willfully or knowingly causes or allows a certificate of coverage to be filed with, or produced to, the Commission which is false, fraudulent, or misleading, will be subject to disciplinary action, including but not limited to suspension or revocation of license, in accordance with Chapter 52, Title 67, Idaho Code; provided, however, that nothing herein will entitle such licensee to notice and hearing on the automatic inactivation of license. (3-20-20)T

123. -- 299. (RESERVED)

Rules 300 through 399
BUSINESS CONDUCT

300. DISPUTES CONCERNING COMMISSIONS AND FEES.

The Idaho Real Estate Commission will not be involved in the resolution of disputes between licensees or between licensees and buyers and sellers concerning matters of commissions or fees. (3-20-20)T

301. (RESERVED)

302. TITLE OPINIONS.

No real estate broker or sales associate will pass judgment upon or give an opinion with respect to the marketability of the title to property in any transaction. (3-20-20)T

303. LEGAL OPINIONS.

A broker or sales associate will not discourage any party to a real estate transaction from seeking the advice of an attorney. (3-20-20)T

304. (RESERVED)

305. EDUCATION RECORDS ACCESS.

As provided for in Section 74-106, Idaho Code, the Commission may enable a designated broker to access and review the education record of any licensee currently licensed with the broker. (3-20-20)T

306. -- 399. (RESERVED)

Rules 400 through 499
CONTINUING EDUCATION

400. -- 401. (RESERVED)

402. APPROVED TOPICS FOR CONTINUING EDUCATION.

Continuing education is to assure that licensees possess the knowledge, skills, and competency necessary to function in a manner that protects and serves the public interest, or that promotes the professionalism and business proficiency

of the licensee. The knowledge or skills taught in an elective course will enable licensees to better serve real estate consumers. (3-20-20)T

01. Topics Approved by the Commission. Topic areas for continuing education, as provided for in Sections 54-2023 and 54-2036, Idaho Code, will be approved by the Commission as they pertain to real estate brokerage practice and actual real estate knowledge. (3-20-20)T

02. Topics Not Eligible for Continuing Education Credits. Topics which are specifically exam preparation in nature or not directly related to real estate brokerage practice will not be eligible for approval. (3-20-20)T

403. -- 499. (RESERVED)

Rules 500 through 599
EDUCATION TEACHING STANDARDS

500. MINIMUM TEACHING STANDARDS.

All courses offered for credit by a certified provider will be taught in accordance with the standards and written policies adopted by the Real Estate Commission. Course instructors will conduct themselves in a professional manner when performing instructional duties and will not engage in conduct that criticizes, degrades, or disparages the Commission, any student, other instructor, brokerage, agency, or organization. (3-20-20)T

01. Certification Requirement. A course required to be taught by a Commission-certified or Commission-approved instructor will be taught only by an instructor that is currently approved or certified for that course. (3-20-20)T

02. Outlines and Curriculum. A course must be taught in accordance with the course outline or curriculum approved by the Commission. (3-20-20)T

03. Attendance Requirement. The course instructor will adhere to the Commission's written attendance policy and credit hours will only be submitted for students who have successfully met the attendance requirements for which the course was approved. (3-20-20)T

04. Maintaining Exam Security. The instructor will take reasonable steps to protect the security of course examinations and will not allow students to retain copies of final course examinations or the exam answer key. (3-20-20)T

05. Use of Exam Questions Prohibited. The instructor will not obtain or use, or attempt to obtain or use, in any manner or form, Idaho real estate licensing examination questions. (3-20-20)T

501. -- 999. (RESERVED)

24.38.01 – RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 54, Chapter 21, Idaho Code. (3-20-20)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is the “Rules of the State of Idaho Board of Veterinary Medicine,” hereinafter referred to in these rules as the Board. (3-20-20)T

02. Scope. These rules govern the licensing procedures, supervision requirements, standards of practice, inspections, and grounds for discipline of veterinarians, veterinary technicians, Committee on Humane Euthanasia members, and certified euthanasia technicians and agencies. The official citation of this chapter is IDAPA 24.38.01, et seq. For example, this Section’s citation is IDAPA 24.38.01.001. (3-20-20)T

002. -- 004. (RESERVED)

005. INCORPORATION BY REFERENCE.

The Principles of Veterinary Medical Ethics of the American Veterinary Medical Association (AVMA), as adopted and revised April 2016, is incorporated herein by reference in accordance with the provisions of Section 67-5229, Idaho Code. (3-20-20)T

006. -- 009. (RESERVED)

010. LICENSE.

Change of address. It is the responsibility of each licensed veterinarian to notify the Board office of any change of address. Failure to receive a renewal form from the Board does not constitute an excuse for failure to pay the renewal fee and fulfill the requirements of Section 54-2112, Idaho Code. (3-20-20)T

011. FEES.

Fees for licensure and certification are established, as authorized under Title 54, Chapter 21, Idaho Code, by action of the Board, as follows: (3-20-20)T

01. Fees.

	New	Temporary Permit	Active Renewal	Inactive Renewal	Late/ Reinstatement	Inactive to Active Fee
Veterinary License	\$275	\$150	\$175	\$50	\$200	\$150
Certified Veterinary Technician	\$125	\$50	\$75	\$25	\$50	\$50
Certified Euthanasia Agency	\$100	-	\$200	-	\$50	-
Certified Euthanasia Technician	\$100	-	\$100	-	\$50	-

(3-20-20)T

02. Administrative Services.

Duplicate Wall License/Certificate	\$25
Veterinary License Verification	\$20

(3-20-20)T

012. MANDATORY CONTINUING VETERINARY EDUCATION.

01. Statement of Purpose. It is of primary importance to the public that veterinarians continue their veterinary education throughout the period of their active practice of veterinary medicine. These rules establish the

minimum continuing veterinary education requirements necessary for veterinarians to maintain a license to engage in the practice of veterinary medicine in the state of Idaho. (3-20-20)T

02. Approved Courses. Courses and providers accredited by the American Association of Veterinary State Board's Continuing Education Registry and courses and providers approved by the Board. (3-20-20)T

03. Education Requirements. (3-20-20)T

a. Minimum requirement. Beginning July 1 after the initial license is issued all active veterinarian in the state of Idaho shall complete a minimum of ten (10) credit hours in every two-year period following the date of their admission to the practice of veterinary medicine in this state. (3-20-20)T

b. Credit requirements. The following are the minimum and maximum credits that may be earned for each reporting period and the number of credits that may be obtained by participating in on-line or correspondence courses. (3-20-20)T

i. A minimum of seven (7) hours of continuing education in veterinary medicine, surgery, and dentistry. (3-20-20)T

ii. A maximum of three (3) hours of continuing education in management. (3-20-20)T

c. Retention of Original Documentation. The supporting documentation for compliance with continuing education requirements shall not be submitted with the report. Rather, the veterinarian needs to retain original documentation of attendance or completion of ten (10) credit hours of approved courses at least until December 31 following the two-year (2) renewal period covered by the courses. (3-20-20)T

d. Audit. Within thirty (30) days of notification of an audit, a veterinarian shall provide to the Board all documentation supporting attendance or completion of the courses reported. (3-20-20)T

04. Credit for Attendance. (3-20-20)T

a. Credits can be earned by the active member in attendance at an accredited, domestic or foreign, course. No credit will be given for: (3-20-20)T

i. Time spent in introductory remarks, coffee and lunch breaks, business meetings or other activities not involving the educational aspects of the course. (3-20-20)T

ii. Any course attended before admission to practice veterinary medicine in Idaho. (3-20-20)T

iii. Journal and magazine articles, videos or correspondence courses, unless specially approved by the Board. (3-20-20)T

b. In cases of solo presentation, the presenter of an approved course shall be entitled to claim one (1) credit hour for each fifty (50) minutes of actual course instruction. By way of limitation, in no case shall the presenter be allowed more than eight (8) credit hours for any particular course or substantially related topic during the applicable two (2) year reporting period, regardless of how many times the course is offered or given. (3-20-20)T

c. In cases of panel presentations, the number of continuing credit hours each panel member is entitled to claim shall be calculated by multiplying the actual number of course hours by two (2) and dividing that number by the number of panel members involved. (3-20-20)T

d. Carryover Credit. No credit for attending approved courses in continuing veterinary education shall be applicable to any reporting period other than that during which the credit is actually earned. (3-20-20)T

013. -- 099. (RESERVED)

100. CERTIFICATION OF VETERINARY TECHNICIANS.

01. Certificate Required. Any person representing themselves as a veterinary technician, licensed veterinary technician, registered veterinary technician, or certified veterinary technician, shall hold a valid, unexpired certificate to practice veterinary technology in Idaho. (3-20-20)T

02. Application for Certification -- Contents -- Examinations. An individual desiring to be certified as a veterinary technician shall make written application to the Board upon a form furnished by the Board. Applicants for certified veterinary technician in Idaho should be of good moral character and reputation. A complete application is valid for a period of one (1) year, contain the applicant's notarized signature, and include: (3-20-20)T

a. A copy of a birth certificate or current passport proving that the applicant is eighteen (18) years of age or older. (3-20-20)T

b. Documentation of education/training/experience as follows: (3-20-20)T

i. A certified copy of a diploma or transcript, or a letter verifying graduation from a veterinary technology program, accredited by the American Veterinary Medical Association; (3-20-20)T

ii. A certified copy of a diploma or transcript, or a letter verifying the award of a D.V.M. or V.M.D. degree or equivalent, from an accredited school of veterinary medicine; or (3-20-20)T

iii. If a foreign veterinary graduate, a letter from the Educational Commission for Foreign Veterinary Graduates (ECFVG) certifying completion of the ECFVG program or a copy of the ECFVG certificate. (3-20-20)T

c. Verification of a criterion-referenced passing score reported by the Professional Examination Service or its designee, or by other designated test vendors or their designees approved by the American Association of Veterinary State Boards on the Veterinary Technician National Examination (VTNE) or other national examination approved by the American Association of Veterinary State Boards or its designated test vendor or by the Board. If such a score is not available, the passing score shall be as reported by the Professional Examination Service or its designee, or by other designated test vendors or their designees approved by the American Association of Veterinary State Boards or by the Board and shall be considered equal to or greater than one and five-tenths (1.5) standard deviation below the mean score of the examination. (3-20-20)T

i. The VTNE or other national examination approved by the American Association of Veterinary State Boards or its designated test vendor or by the Board may have been taken at any time. (3-20-20)T

ii. Scores for the VTNE or other national examination approved by the American Association of Veterinary State Boards or its designated test vendor or by the Board are to be provided to the Board by the Professional Examination Service or its designee or by other designated test vendors or their designees approved by the American Association of Veterinary State Boards. (3-20-20)T

d. A passing score for the jurisprudence examination, which should be ninety percent (90%) or such score as deemed appropriate by the Board. The jurisprudence examination, as prepared by the Board or its designee, may be taken more than once, at three-month intervals. (3-20-20)T

e. A completed application, other required documents, and first year's certification fee in the amount established by the Board shall be received at the Board office by the first day of January or June. All application and certification fees are nonrefundable. (3-20-20)T

101. TEMPORARY CERTIFICATION.

The Board may, at its discretion, issue a temporary certification. The temporary certification shall be valid for one (1) year or until the next certification review by the Board, whichever comes first, and under no circumstances can a second temporary certification be issued to the same person. A temporary certification will not be issued to any applicant whose certification, license or registration has been revoked in any state for a reason other than nonpayment of fees or failure to fulfill the renewal requirements. An applicant granted a temporary certification shall provide notarized verification of twelve (12) months of active practice during the past year as a veterinary technician in another state or perform all veterinary technology procedures under the direct supervision of an Idaho licensed

veterinarian. (3-20-20)T

01. Certification Requirements. Requirements for a temporary certification shall be the same as for the original certification. (3-20-20)T

02. Responsibility. Nothing herein shall be construed to relieve the temporary certificate holder of any responsibility or liability for any of their own acts and omissions. (3-20-20)T

102. MANDATORY CONTINUING EDUCATION FOR CERTIFIED VETERINARY TECHNICIANS.

01. Statement of Purpose. It is of primary importance to the public that certified veterinary technicians continue their veterinary technology education throughout the period of their active practice of veterinary technology. These rules establish the minimum continuing veterinary technology education requirements necessary for certified veterinary technicians to maintain a license to engage in the practice of veterinary technology in Idaho. (3-20-20)T

02. Approved Courses. Includes courses and providers listed on the American Association of Veterinary State Board's Continuing Education Registry and courses and providers approved by the Board. (3-20-20)T

03. Education Requirements. (3-20-20)T

a. Minimum requirement. Each active certified veterinary technician in Idaho shall complete a minimum of seven (7) credit hours of accredited continuing veterinary technology education activity in each and every two-year period following the date of their admission to the practice of veterinary technology in Idaho. (3-20-20)T

b. Credit requirements. The following are minimum and maximum credits that may be earned for each reporting period and the number of credits that may be obtained by participating in on-line or correspondence courses. (3-20-20)T

i. A minimum of five (5) hours of continuing education in veterinary technology. (3-20-20)T

ii. A maximum of two (2) hours of continuing education in management. (3-20-20)T

c. Attendance period. The attendance period is based upon the fiscal year (July 1 through June 30). (3-20-20)T

i. Retention of original documentation. The supporting documentation for compliance with continuing education requirements shall not be submitted with the report but rather, retained with the certified veterinary technician at least until December 31 following the two-year (2) renewal period covered by the course. (3-20-20)T

ii. Within thirty (30) days of notification of an audit, a certified veterinary technician shall provide to the Board all documentation supporting completion of the courses reported. (3-20-20)T

04. Credit for Attendance. Continuing veterinary technology education credits may be earned by attending or presenting approved continuing veterinary technology education. (3-20-20)T

a. Credits. One (1) credit hour will be given for each fifty (50) minutes actually spent by the active certificant in attendance at an accredited, domestic or foreign, course. No credit will be given for: (3-20-20)T

i. Time spent in introductory remarks, coffee and lunch breaks, business meetings or other activities not involving the educational aspects of the courses; (3-20-20)T

ii. Any course attended before admission to practice veterinary technology in Idaho; or (3-20-20)T

iii. Journal and magazine articles, videos or correspondence courses, unless specially approved by the Board. (3-20-20)T

b. In cases of solo presentation, the presenter of an approved course shall be entitled to claim one (1) credit hour for each fifty (50) minutes of actual course instruction. By way of limitation, in no case shall the presenter be allowed more than eight (8) credit hours for any particular course or substantially related topic during the applicable two-year reporting period, regardless of how many times the course is offered or given. (3-20-20)T

c. In cases of panel presentations, the number of continuing credit hours each panel member is entitled to claim shall be calculated by multiplying the actual number of course hours by two (2) and dividing that number by the number of panel members involved. (3-20-20)T

d. Carryover Credit. No credit for attending approved courses in continuing veterinary technology education is applicable to any reporting period other than that during which the credit is actually earned. (3-20-20)T

103. SUPERVISING VETERINARIANS.

01. Statement of Purpose. Veterinarians licensed under the provisions of Title 54, Chapter 21, Idaho Code, are responsible for all temporary licensees and temporary certification holders, certified euthanasia technicians, certified veterinary technicians, veterinary assistants, or any others to whom they delegate the performance of acts pertaining to the practice of veterinary medicine. (3-20-20)T

02. A Supervising Veterinarian Shall: (3-20-20)T

a. Provide direct supervision for all procedures pertaining to the practice of veterinary medicine that are delegated to a certified veterinary technician, a veterinary technician working under a temporary certification, an assistant or any others with the exception of: (3-20-20)T

i. Routine procedures in the practice of veterinary technology that include, but are not limited to, taking radiographs, weight and temperature, or as determined by the standard of practice for the area. These routine procedures may be performed under the indirect supervision of the veterinarian. (3-20-20)T

ii. Previously prescribed antibiotics and medications, which may be administered, dispensed, and delivered under the indirect supervision of the veterinarian. Previously prescribed antibiotics and medications does not include injectable controlled substances, injectable tranquilizers, injectable sedatives, and injectable or inhalant anesthetics, which may only be administered under the direct supervision of the veterinarian. (3-20-20)T

iii. Emergency situations. In these situations, in order to stabilize the animal, the veterinarian, while en route to the location of the distressed animal, may prescribe treatment and delegate appropriate procedures pertaining to the practice of veterinary medicine under indirect supervision. (3-20-20)T

b. Be available to supervise and direct all procedures pertaining to the practice of veterinary medicine that are delegated to others. (3-20-20)T

c. Bear legal responsibility for the health, safety and welfare of the animal patient that the temporary licensee, temporary certification holder, certified veterinary technician, assistant, or any others serves. (3-20-20)T

d. Not delegate an animal health care task to an unqualified individual. (3-20-20)T

e. Make all decisions relating to the diagnosis, treatment, management, and future disposition of an animal patient. (3-20-20)T

f. Have examined the animal patient prior to the delegation of any animal health care task to a certified veterinary technician, temporary certification holder, or assistant. The examination of the animal patient shall be conducted at such times as acceptable veterinary medical practice dictates, consistent with the particular delegated animal health care task. (3-20-20)T

g. Diagnose and perform operative dentistry, oral surgery, and teeth extraction procedures. Operative dentistry and oral surgery are considered to be any dental procedure which invades the hard or soft oral tissue including, but not limited to, a procedure that alters the structure of one (1) or more teeth or repairs damaged and diseased teeth, or the deliberate extraction of one (1) or more teeth. Operative dentistry and oral surgery do not include, removal of calculus, soft deposits, plaque, stains, floating to shape the teeth, or smoothing, filing or polishing of tooth surfaces above the gum line. (3-20-20)T

03. Limitations on Supervising Veterinarians. Unless otherwise provided by law or rule, a supervising veterinarian shall not authorize a certified veterinary technician, a veterinary technician working under a temporary certification, an assistant or anyone else, other than a licensed veterinarian or a veterinarian holding a valid temporary permit to perform the following functions: (3-20-20)T

a. Surgery; (3-20-20)T

b. Diagnosis and prognosis of animal disease; (3-20-20)T

c. Prescribing drugs, medicines and appliances; or (3-20-20)T

d. Diagnosis and performance of procedures that constitute operative dentistry/oral surgery as defined by Section 54-2103(13)(b), Idaho Code. (3-20-20)T

104. VETERINARY TECHNICIAN CERTIFICATION -- RENEWAL.

Change of address. It is the responsibility of each certified veterinary technician to notify the Board office of any change of address. Failure to receive a renewal form from the Board does not constitute an excuse for failure to pay the renewal fee and completion of the prescribed form. (3-20-20)T

105. GROUNDS FOR DISCIPLINE OF VETERINARY TECHNICIANS.

In addition to the provisions of Section 54-2118, Idaho Code, the Board may refuse to issue, renew, or reinstate the certification of a veterinary technician, or may deny, revoke, suspend, sanction, place on probation, or require voluntary surrender of the certification of a veterinary technician, or may impose other forms of discipline, and enter into consent agreements and negotiated settlements with certified veterinary technicians pursuant to the procedures set forth in Title 67, Chapter 52, Idaho Code, for any of the following reasons: (3-20-20)T

01. Fraud, Misrepresentation, or Deception. The employment of fraud, misrepresentation or deception in obtaining certification. (3-20-20)T

02. Unethical or Unprofessional Conduct. Unethical or unprofessional conduct is conduct that includes, but is not limited to, any of the following: (3-20-20)T

a. False or misleading advertising or solicitation; (3-20-20)T

b. Providing any procedure to an animal that constitutes the practice of veterinary medicine or veterinary technology and which has not been delegated by the supervising veterinarian, except in the case of an emergency as defined by Section 54-2103(16), Idaho Code; (3-20-20)T

c. Working in conjunction with any unlicensed or uncertified person who is practicing veterinary medicine or veterinary technology; (3-20-20)T

d. Failing to apply sanitary methods or procedures in the treatment of any animal; (3-20-20)T

e. Physically abusing a patient or failing to conform to the currently accepted standards of care in the field of veterinary technology for any animal under their care; (3-20-20)T

f. Practicing veterinary technology in a manner that endangers the health and welfare of the patient or the public. A certified veterinary technician shall not practice veterinary technology if their ability to practice with reasonable skill and safety is adversely affected by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals, or any other substance, or as a result of any mental or physical disability; (3-20-20)T

g. Gross ignorance, incompetence or inefficiency in the practice of veterinary technology as determined by, but not limited to, the practices generally and currently followed and accepted by persons certified to practice veterinary technology in Idaho and the current teaching at accredited programs in veterinary technology; (3-20-20)T

h. Intentionally performing a duty, task or procedure in the field of veterinary technology for which the individual is not qualified; (3-20-20)T

i. Swearing falsely in any testimony or affidavits relating to, or in the course of, the practice of veterinary technology. (3-20-20)T

j. Engaging in conduct of a character likely to deceive or defraud the public. (3-20-20)T

03. Conviction of Violating Any Federal or State Statute, Rule or Regulation. Conviction of a charge of violating any federal or state statute or rule or regulation regulating narcotics, dangerous drugs or controlled substances. (3-20-20)T

04. Conviction of a Charge or Crime. Being found guilty, convicted, placed on probation, having entered a guilty plea that is accepted by the court, forfeiture of bail, bond or collateral deposited to secure a defendant's appearance, or having received a withheld judgment or suspended sentence by a court of competent jurisdiction in Idaho or any other state of one (1) or more of the following: (3-20-20)T

a. Any felony, as defined by Title 18, Chapter 1, Idaho Code; or (3-20-20)T

b. Any other criminal act that in any way is related to the practice of veterinary technology as defined by Section 54-2103(47), Idaho Code. (3-20-20)T

05. Medical Incompetence. Medical incompetence in the practice of veterinary technology, which means lacking in sufficient medical knowledge or skills or both to a degree likely to endanger the health of patients. (3-20-20)T

06. Physical or Mental Incompetence. Physical or mental incompetence, which means the individual's ability to practice veterinary technology with reasonable skill and safety is impaired by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals or any other substance, or as a result of any physical or mental disability. (3-20-20)T

07. Malpractice or Negligence. Malpractice or negligence, in the practice of veterinary technology, which includes, but is not limited to: (3-20-20)T

a. Treatment in a manner contrary to accepted practices in veterinary technology and with injurious results; (3-20-20)T

b. Any professional misconduct or unreasonable lack of professional skill or fidelity in the performance of an act that is part of the practice of veterinary technology; (3-20-20)T

c. Performance of an act that is part of the practice of veterinary technology without adequate supervision; except in the case of an emergency as defined by Section 54-2103(16), Idaho Code; or (3-20-20)T

d. The negligent practice of veterinary technology, as determined by the standard of practice for the area, that results in injury, unnecessary suffering or death. (3-20-20)T

08. Cruelty to Animals. Cruelty to animals, including, but not limited to, the intentional and malicious infliction of pain, physical suffering, injury or death, performance of experimental treatments without the owner's consent, deprivation of necessary sustenance, withholding of appropriate pain medications or levels of pain medications, or the administration of unnecessary procedures and treatment. Infliction of pain on any animal in self-defense, or to prevent physical harm to others, or in accordance with local custom and culture in moving, handling,

treating, dehorning, castrating or performing other procedures on livestock, shall not be considered cruel or physically abusive unless done in an unnecessary or intentionally malicious manner. This provision does not alter Section 25-3514, Idaho Code. (3-20-20)T

09. Revocation, Suspension, Limitation or Subjection. The revocation, suspension, limitation, or subjection of a license, certificate or registration or any other disciplinary action by another state or U.S. jurisdiction or voluntary surrender of a license, certificate or registration by virtue of which one is licensed, certified or registered to practice veterinary technology in that state or jurisdiction on grounds other than nonpayment of the renewal fee. (3-20-20)T

10. Continuing Education. Failure to comply with the continuing education requirements outlined by Board rules. (3-20-20)T

11. Failure to Cooperate. (3-20-20)T

a. Failure of any applicant or certificate holder to cooperate with the Board during any investigation, even if such investigation does not personally concern the applicant or certificate holder. (3-20-20)T

b. Failure to comply with the terms of any order, negotiated settlement or probationary agreement of the Board. (3-20-20)T

c. Failure to comply with the terms for certification renewal or to timely pay certification renewal fees as specified by Section 104 of these rules. (3-20-20)T

12. Aiding or Abetting. Knowingly aiding or abetting an unlicensed or uncertified person to practice veterinary medicine or veterinary technology. (3-20-20)T

13. Current Certification. Practicing as a certified veterinary technician without a current certification. (3-20-20)T

14. Acceptance of Fees. Accepting fees for veterinary technician services from a client. (3-20-20)T

15. Unlawful Practice. Representing oneself as a doctor of veterinary medicine, which constitutes the unauthorized practice of veterinary medicine in violation of Title 54, Chapter 21, Idaho Code. (3-20-20)T

16. Violation of Law, Rules or Order. Violating or attempting to violate, directly or indirectly, or assisting or abetting the violation or conspiracy to violate any of the provisions of the veterinary law or rules or a written order of the Board issued pursuant to Title 54, Chapter 21, Idaho Code. (3-20-20)T

106. -- 149. (RESERVED)

150. VALID VETERINARIAN/CLIENT/PATIENT RELATIONSHIP.
An appropriate veterinarian/client/patient relationship will exist when: (3-20-20)T

01. Responsibility. The veterinarian has assumed the responsibility for making medical judgements regarding the health of the animal and the need for medical treatment, and the client (owner or other caretaker) has followed the instructions of the veterinarian. (3-20-20)T

02. Medical Knowledge. There is sufficient knowledge of the animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has seen the animal within the last twelve (12) months or is personally acquainted with the keeping and care of the animal, either by virtue of an examination of the animal, or by medically appropriate visits to the premises where the animals are maintained within the last twelve (12) months. (3-20-20)T

03. Availability. The practicing veterinarian or designate is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy. (3-20-20)T

151. UNPROFESSIONAL CONDUCT.

Any violation of the Principles of the Veterinary Medical Ethics of the American Veterinary Medical Association, these rules, Chapter 21, Title 54, Idaho Code, constitutes unprofessional conduct. Unprofessional conduct includes, but is not limited to: (3-20-20)T

01. Unsanitary Methods or Procedures. Failure to apply sanitary methods or procedures in the treatment of any animal, contrary to Board rules. (3-20-20)T

02. Association with Illegal Practitioners. Includes, but is not limited to: (3-20-20)T

a. Having a professional relationship or connection with, lending one's name to, or otherwise aiding and abetting any illegal or unlicensed practice or practitioner of veterinary medicine and the various branches thereof; (3-20-20)T

b. Rendering professional service in association with a person who is not licensed and does not hold a temporary permit; or (3-20-20)T

c. Sharing fees with any person, except a licensed veterinarian, for services actually performed. (3-20-20)T

03. False Testimony. Swearing falsely in any testimony or affidavits relating to, or in the course of, the practice of veterinary medicine, surgery or dentistry. (3-20-20)T

04. Gross Ignorance, Incompetence or Inefficiency. In determining gross ignorance, incompetence or inefficiency in the profession, the Board may take into account all relevant factors and practices including, but not limited to, the practices generally and currently followed and accepted by the persons licensed to practice veterinary medicine in Idaho, the current teaching at accredited veterinary schools, relevant technical reports published in recognized veterinary medical journals, and the desirability of reasonable experimentation in the furtherance of the art of veterinary medicine. (3-20-20)T

05. Improper Supervision. Includes, but is not limited to: (3-20-20)T

a. Permitting, allowing, causing or directing any individual to perform a duty, task or procedure that they are not qualified to perform. (3-20-20)T

b. Providing, permitting, allowing, causing or directing any individual to perform inadequate anesthetic monitoring. Evidence of this monitoring shall be documented in written form and contained within the medical record. (3-20-20)T

06. Association with Others. Accepting fees from the providers of animal services or products when referring clients to such providers. (3-20-20)T

152. CODE OF PROFESSIONAL CONDUCT.

The Board's code of professional conduct includes, but is not limited to, the following standards of conduct. A veterinarian shall: (3-20-20)T

01. Veterinarian/Client/Patient Relationship. Not dispense or prescribe controlled substances, prescription or legend drugs except in the course of their professional practice and after a bona fide veterinarian/client/patient relationship as defined by Section 150 of these rules has been established. (3-20-20)T

02. Health Certificate. Not issue a certificate of health unless they have personal knowledge by means of actual examination and appropriate testing of the animal that the animal meets the requirements for issuance of such a certificate. (3-20-20)T

03. DEA and Controlled Substance Registration. Notify the Board of the suspension, revocation, or voluntary surrender of their federal Drug Enforcement Administration (DEA) registration and their state controlled substance registration. (3-20-20)T

04. Ability to Practice. Not practice veterinary medicine as to endanger the health and welfare of their patients or the public. A veterinarian shall not practice veterinary medicine if their ability to practice with reasonable skill and safety is adversely affected by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals, or any other substance or as a result of any mental or physical disability. (3-20-20)T

05. Conflicting Interests. Not represent conflicting interests except by the express consent of all the parties after full disclosure of all the facts. A conflict of interest includes, but not be limited to, accepting a fee from a buyer to inspect an animal for soundness and accepting a fee from the seller. (3-20-20)T

06. Confidentiality. Maintain a confidential relationship with their clients, except as otherwise provided by law or required by considerations related to public health and animal health. (3-20-20)T

a. The information contained in veterinary medical records is considered confidential. It is unethical for a veterinarian to release this information except by court order or consent of the patient's owner or other caretaker at the time treatment was rendered. (3-20-20)T

b. Without express permission of the practice owner, it is unethical for a veterinarian or certified veterinary technician to remove, copy, or use the medical records or any part of any record belonging to the practice or its owner for any purpose other than the business of the practice. (3-20-20)T

07. Physical Abuse-Patient. Not physically abuse a patient or fail to conform to the currently accepted standards of care in the veterinary profession for any animal under their care. (3-20-20)T

08. Preservation of Patient's Body. Where possible preserve for twenty-four (24) hours the body of any patient that dies while in the veterinarian's care until the owner can be contacted, except as otherwise provided by law. The time of contact or attempted contact with the owner shall be documented in the medical record. The veterinarian is allowed to use the usual manner of disposal if the owner has not made pick-up arrangements within twenty-four (24) hours of the documented contact time. (3-20-20)T

09. Consent for Transporting. Obtain written consent from a patient's owner or other caretaker before transporting a patient to another facility for veterinary medical care or any other reason, unless circumstances qualifying as an emergency do not permit obtaining such consent. (3-20-20)T

10. Patient Record. Maintain a patient record for each animal or herd that accurately reflects the veterinary problems and interventions and conforms to the standards set forth in Section 154 of these rules. (3-20-20)T

11. Supervision. Provide the proper form of supervision required for persons to whom veterinary functions are delegated or assigned. (3-20-20)T

12. Cooperation with Authorities. Cooperate with authorities in the investigation of the incompetent, unethical or illegal practice of veterinary medicine by any individual including another veterinarian. (3-20-20)T

13. Refusal to Render Services. Have the right to refuse to render veterinary medical services for any reason, or refuse an owner's request to euthanize a healthy or treatable animal. (3-20-20)T

14. Improper Disposal of Controlled Substances. Dispose of all controlled substances and the containers, instruments and equipment used in their administration in conformance with the requirements of the Code of Federal Regulations and the Idaho Board of Pharmacy law and rules. (3-20-20)T

153. STANDARDS OF PRACTICE. Veterinarians shall adhere to the standards of practice including, but not limited to: (3-20-20)T

01. Practice Procedures. A licensed veterinarian shall exercise at least the same degree of care, skill, and diligence in treating patients that is ordinarily used in the same or similar circumstances by members of the veterinary medical profession of similar training and experience in the community in which he practices. (3-20-20)T

02. Immunization. When the primary objective is to protect the patient’s health and a professionally acceptable immunization procedure is being sought, an examination of the animal by the veterinarian is required prior to each and every immunization procedure, unless the animal has been examined in the last ninety (90) days, except in the practice of large animal medicine where mass immunizations of animal herds is involved or when immunization is performed by the patient’s owner. For the purpose of this subsection, the definition of “owner” in addition to ownership as defined by the laws of the ownership of property, non-profit organizations dedicated to the care and treatment of animals is considered the owners of animals in their custody if such organizations are the primary care giver for the animal or if the true owner of such animal cannot be immediately determined. (3-20-20)T

03. Relationship. A veterinarian shall establish a valid veterinarian/client/patient relationship as defined by Section 150 of these rules, prior to dispensing, using, prescribing, or selling any controlled substance or legend drug, or the prescribing of an extra-label use of any drug. (3-20-20)T

04. Dispense and Distribute in Good Faith. A veterinarian dispensing or distributing any drug or medicine shall dispense or distribute such drug or medicine in good faith, within the context of a valid veterinarian/client/patient relationship as defined by Section 150 of these rules, and shall, except in the case of any drugs and medicines that are in containers that bear a label of the manufacturer with information describing their contents and that are in compliance with the requirements of the Federal Food, Drug, and Cosmetic Act, 21 CFR 201.105, affix or cause to be affixed to the container containing the drug or medicine a label indicating: (3-20-20)T

- a. The date on which such drug or medicine is dispensed; (3-20-20)T
- b. The name of the owner and patient; (3-20-20)T
- c. The last name of the person dispensing such drug or medicine; (3-20-20)T
- d. Directions for use thereof, including dosage and quantity; and (3-20-20)T
- e. The proprietary or generic name of the drug or medicine. (3-20-20)T

05. Anesthesia Standards. All anesthetized animals shall be appropriately monitored and under supervision. (3-20-20)T

154. RECORD KEEPING STANDARDS.

Every veterinarian shall maintain detailed daily medical records of the animals treated that meet the professional standards set out in Section 153 of these rules. These records may be computerized and shall be readily retrievable to be inspected, duplicated, or submitted when requested by the Board. All records, including electronic records, shall be safeguarded against loss, defacement, tampering, and use by unauthorized personnel. If changes are made to any records (either hard-copy or electronic), the records must clearly reflect what the change is, who made the change, when the change was made, and why. In the case of electronic records, the veterinarian shall keep either a duplicate hard-copy record or a back-up electronic record. Records shall be maintained for a period of three (3) years following the last treatment or examination. Patient medical records shall be maintained for every animal accepted and treated as an individual patient by a veterinarian, or for every animal group (for example, herd, litter, and flock) treated by a veterinarian. (3-20-20)T

- 01. Medical Records.** Medical records shall include, but not be limited to: (3-20-20)T
 - a. Name, address and phone number of the animal’s owner or other caretaker. (3-20-20)T
 - b. Name and description, sex (if readily determinable), breed and age of animal; or description of group. (3-20-20)T
 - c. Dates (beginning and ending) of custody of the animal. (3-20-20)T
 - d. A short history of the animal’s condition as it pertains to the animal’s medical status. (3-20-20)T

e. Results and notation of each examination, including the animal’s condition and diagnosis suspected. (3-20-20)T

f. All medications, treatments, prescriptions or prophylaxis given, including amount, frequency, and route of administration for both inpatient and outpatient care. (3-20-20)T

g. Diagnostic and laboratory tests or techniques utilized, and results of each. (3-20-20)T

h. All anesthetized animals shall be appropriately monitored and under supervision at all times. Evidence of this monitoring shall be documented in writing in the medical record. (3-20-20)T

02. Consent Forms. Consent forms, signed by the patient’s owner or other legal caretaker for each surgical or anesthesia procedure requiring hospitalization or euthanasia, shall be obtained, except in emergency situations, for each animal and be maintained on file with the practitioner. (3-20-20)T

03. Postoperative Instructions. Postoperative home-care instructions shall be provided in writing and be noted in the medical record. (3-20-20)T

04. Treatment Records. Veterinarians who practice with other veterinarians shall indicate by recognizable means on each patient’s or animal group’s medical record any treatment the veterinarian personally performed and which treatments and procedures were delegated to a technician or assistant to perform. The patient’s record must also include a notation indicating when the animal was handed-off to another veterinarian or a treatment or procedure delegated to a technician or assistant along with a summary of the animal’s condition and diagnosis at the time of the hand-off. (3-20-20)T

05. Ownership of Medical Records. Medical records are the personal property of the hospital or the proprietor of the practice that prepares them. Other veterinarians, including those providing subsequent health needs for a patient, and the patient’s owner may receive a copy of the patient’s medical record, upon the request of the patient’s owner or other caretaker. Records shall be supplied within three (3) business days, counting the day of the request if a business day. (3-20-20)T

06. Diagnostic Image Identification and Ownership. All diagnostic images shall be labeled in the emulsion film or digitally imprinted to identify the veterinarian or premise, the patient, the owner, the date, and anatomical orientation. A diagnostic image is the physical property of the hospital or the proprietor of the practice that prepares it, and it shall be released upon the request of another veterinarian who has the authorization of the owner of the animal to whom it pertains or to the Board. Such diagnostic images shall be returned within a reasonable time to the veterinarian who originally ordered them to be prepared. (3-20-20)T

07. Estimates. A veterinarian shall make available to each client a written estimate on request. (3-20-20)T

08. Controlled Substances and Prescription or Legend Drugs. A controlled substance is any substance classified by the federal Food and Drug Administration or the Idaho Board of Pharmacy in Schedules I through V of the state or federal Controlled Substances Act, Title 37, Chapter 27, Idaho Code, or 21 CFR 1308. A prescription or legend drug is any drug that under federal law is required, prior to being dispensed or delivered, to be labeled with one (1) of the following statements: “Caution federal law prohibits dispensing without a prescription”; or “RX Only”; or “Caution: Federal law restricts this drug to used by or on the order of a licensed veterinarian”; or a drug which is required by any applicable federal or state law or regulation or rule to be dispensed on prescription only, or is restricted to use by practitioners only. A veterinarian shall only dispense or distribute a controlled substance or prescription or legend drug within the context of a valid veterinarian/client/patient relationship as defined by Section 150 of these rules. (3-20-20)T

a. Records shall be kept in compliance with all federal and state laws and be recorded in the patient records along with the initials of the veterinarian who authorized the dispensing or distribution of the controlled substances, prescription, or legend drugs. (3-20-20)T

b. A separate inventory record shall be kept for each controlled substance by name and strength

including: (3-20-20)T

i. Records of the receipt, which include all information required by federal law, the date of the receipt, the amount received, the source of receipt, and the invoice number. (3-20-20)T

ii. Records of dispensing, which include the date the controlled substance was dispensed, the amount dispensed, the animal's name, identification of the patient record, identification of the person who dispensed the drug, identification of the veterinarian who supervised the dispensing and any other information required by federal law. (3-20-20)T

c. Records for all dispensed or distributed prescription or legend drugs shall be maintained in the individual patient or herd record and include the date the drug was dispensed or distribution was authorized, the amount dispensed or distributed, identification of the person who dispensed or authorized distribution of the drug, identification of the veterinarian who supervised the dispensing and any other information required by federal or state law, regulation or rule. (3-20-20)T

d. Prescription drug order means a lawful written or verbal order of a veterinarian for a drug. (3-20-20)T

i. When prescription drug orders are issued by a licensed veterinarian to be distributed to the animal's owner or legal caretaker by a retail veterinary drug outlet, all orders for prescription or legend drugs shall be written on an official numbered three (3) part order form available through the Idaho Department of Agriculture. The veterinarian shall retain the second copy in their medical record with the original and one (1) copy sent to the retail veterinary drug outlet. The retail veterinary drug outlet shall retain the original and attach the copy of the original to the order for delivery to the animal's owner or legal caretaker. (3-20-20)T

ii. Under no circumstances shall a prescription or legend drug be distributed by a retail veterinary drug outlet to an animal's owner or legal caretaker prior to the issuance of either a written or oral prescription drug order from the veterinarian: (3-20-20)T

(1) When a written prescription drug order from the veterinarian has been issued to a retail veterinary drug outlet, a copy of the veterinarian's original numbered prescription drug order shall be attached to the prescription or legend drugs that are delivered to the animal's owner or legal caretaker. (3-20-20)T

(2) When a retail veterinary drug outlet receives an oral prescription drug order from the veterinarian, the oral order shall be promptly reduced to writing on a Department of Agriculture unnumbered telephone drug order blank. A copy of this completed form shall be attached to the prescription or legend drugs that are delivered to the animal(s)'s owner or legal caretaker. (3-20-20)T

(3) When a veterinarian issues an oral prescription drug order to a retail veterinary drug outlet, the oral order shall be followed by a written prescription drug order signed by the veterinarian using the official numbered three (3) part order form and procedures required under these rules. The written order shall be sent promptly by the veterinarian so that it is received by the retail veterinary drug outlet no later than seven (7) days after the retail veterinary drug outlet receives the oral order. The written confirmation order may be hand-delivered, mailed, faxed, attached to an e-mail, or otherwise properly delivered to the retail veterinary drug outlet. (3-20-20)T

e. When prescription or legend drugs are dispensed, the labeling on all containers shall be in compliance with the requirements of Paragraph 153.01.d. of these rules. (3-20-20)T

f. When controlled substances are dispensed, all containers shall be properly labeled with:(3-20-20)T

i. The clinic's name, address, and phone number; (3-20-20)T

ii. The name of the client and patient; (3-20-20)T

iii. The drug name and quantity; and (3-20-20)T

iv. The directions for use, including dosage and quantity. (3-20-20)T

g. All controlled substances shall be stored, dispensed, and disposed of in accordance with the requirements of the Uniform Controlled Substances Law and Code of Federal Regulations. (3-20-20)T

09. Return or Disposal of Expired Pharmaceuticals and Biologicals. Except for controlled substances, which shall be disposed of in accordance with Paragraph 154.08.g. of these rules, all pharmaceuticals and biologicals that have exceeded their expiration date shall be removed from inventory and disposed of appropriately. (3-20-20)T

155. -- 199. (RESERVED)

200. COMMITTEE ON HUMANE EUTHANASIA.

Pursuant to Section 54-2105(8), Idaho Code, a Committee on Humane Euthanasia (COHE) is established for the purpose of training, examining, and certifying euthanasia agencies and euthanasia technicians. The COHE will consist of no fewer than five (5) members appointed by the Board. At its discretion, the Board may appoint itself as the COHE. New members will be nominated by either the Board or the COHE and be confirmed by the Board. Applicants for a COHE position shall be certified euthanasia technicians (CETs) as defined by Section 54-2103(9), Idaho Code, and employed by a certified euthanasia agency as defined by Section 54-2103(8), Idaho Code, or be an Idaho licensed veterinarian (3-20-20)T

01. Term. Each member will serve for three (3) years, at the pleasure of the Board. A COHE member may be eligible for reappointment. If there is a vacancy for any cause, the COHE or the Board shall nominate and confirm a successor to fill the unexpired term. (3-20-20)T

02. Duties. The duties of COHE members include, but are not limited to, the following: (3-20-20)T

a. Coordinate and provide euthanasia training classes as needed. (3-20-20)T

b. Inspect and certify agencies. (3-20-20)T

c. Review the applications, records, performance, methods and procedures used by agencies and persons seeking to be certified or to renew their certification as a Certified Euthanasia Agency (CEA) or Certified Euthanasia Technician (CET). (3-20-20)T

d. Conduct written and practical examinations for applicants applying for certification and authorize certification through the Board. (3-20-20)T

e. Recommend suspension or revocation of a certification when necessary. (3-20-20)T

03. Compensation. Members of the COHE will be compensated as provided by Section 59-509(n), Idaho Code. (3-20-20)T

201. METHODS OF EUTHANASIA, PRE-EUTHANASIA SEDATION, AND CHEMICAL CAPTURE.

Methods approved by the COHE and used for the purpose of humanely euthanizing, sedating, or remote chemical capturing injured, sick, homeless, or unwanted pets and animals: (3-20-20)T

01. Euthanasia Drugs. Any Schedule II non-narcotic or Schedule III non-narcotic euthanasia drug covered by the Controlled Substances Act that has first been approved in writing by the COHE and the Board. A list of approved euthanasia drugs is on file at the Board office. (3-20-20)T

02. Pre-Euthanasia Sedation Drugs. Any Schedule III or Schedule IV narcotic or non-narcotic controlled substance as defined by the Controlled Substances Act, or other legend drugs that have been approved for use by CEAs or CETs at a CEA facility. Such pre-euthanasia sedation drugs shall be limited to those approved in writing by the COHE and the Board. A list of approved pre-euthanasia sedation drugs is on file at the Board office. (3-20-20)T

03. Remote Chemical Capture Restraint Drugs. Any Schedule III or Schedule IV narcotic or non-narcotic controlled substance as defined by the Controlled Substances Act, or other legend drugs that have been approved for use by CEAs or CETs. Such remote chemical capture restraint drugs shall be limited to those approved in writing by the COHE and the Board. A list of approved remote chemical capture restraint drugs is on file at the Board office. Use of remote chemical capture is limited to CEAs and CETs who are classified as law enforcement agencies or law enforcement personnel who have successfully completed a Board-approved course in remote chemical capture. (3-20-20)T

202. PROCUREMENT AND ADMINISTRATION OF APPROVED DRUGS.

In order for a certified euthanasia agency to obtain approved drugs for euthanizing animals and a certified euthanasia technician to administer such drugs, the following procedure shall be followed: (3-20-20)T

01. DEA Registration. A certified euthanasia agency (CEA) shall appoint a person who will be responsible for ordering the approved drugs and who shall submit an application for the agency's registration as a Euthanasia Agency Practitioner-A.S. to the Drug Enforcement Agency (DEA). The CEA shall also designate a certified euthanasia technician (CET) who will be responsible for the security of the agency's approved drugs. (3-20-20)T

02. Controlled Substance Registration. Each CET employed by the agency shall apply for a controlled substance registration from the Idaho Board of Pharmacy under their individual name and using the CEA's DEA registration number. (3-20-20)T

03. Purchase of Approved Drugs. After the certified euthanasia agency has received a DEA registration number and the CETs at that agency have received their Idaho Board of Pharmacy controlled substance registrations, the designated individual for the agency may on behalf of the agency purchase approved drugs for storage at the CEA location. Approved drugs shall only be obtained from a drug wholesaler. (3-20-20)T

04. Administration of Approved Drugs. Certified euthanasia technicians employed by certified euthanasia agencies and registered with the Idaho Board of Pharmacy may perform euthanasia by the administration of approved drugs. (3-20-20)T

203. FEES.

01. Payment. All fees shall be paid prior to training, examination, certification, and renewal. (3-20-20)T

02. Refunds. Fees are non-refundable. (3-20-20)T

204. CERTIFIED EUTHANASIA AGENCY.

A certified euthanasia agency is a law enforcement agency, an animal control agency, a humane society, or an animal shelter that has been inspected and certified by the COHE or the Board, Section 54-2103(8), Idaho Code. In order to be certified to purchase and store approved drugs, certified euthanasia agencies shall be inspected by the COHE or the Board and meet the following criteria: (3-20-20)T

01. Approved Drugs. Approved drugs shall be kept in a locked cabinet securely attached to the building in which it is housed. (3-20-20)T

a. Each agency shall maintain a current written list of CET(s). (3-20-20)T

b. Access to the drug storage cabinet shall be limited to licensed veterinary supervisors and assigned CET. Such persons shall be responsible for the security of the approved drugs and allow withdrawal of the approved drugs only to a person certified by the Board and registered with the Idaho Board of Pharmacy to administer such drugs. (3-20-20)T

c. All approved drugs shall be prepared according to the manufacturer's instructions. (3-20-20)T

d. Needles in a range of sizes that are the appropriate gauge for the intended use. Needles shall be of

medical quality, and not be used if they are dirty, clogged, barbed, or might otherwise cause unnecessary discomfort for the animal. (3-20-20)T

e. Needles and syringes shall not be reused. (3-20-20)T

f. Three (3) different syringe sizes are required: three (3), six (6), and twelve (12) cc. An agency may have other syringe sizes according to its needs. Syringes shall be of medical quality. (3-20-20)T

g. Spent needles and syringes shall be disposed of in a manner that makes their re-use impossible. (3-20-20)T

02. Proper Storage. When no CET is on duty, proper storage for approved drugs is in a locked storage cabinet. (3-20-20)T

a. The cabinet shall be of such material and construction that it will withstand strong attempts to break into it. A metal safe is preferred. (3-20-20)T

b. The cabinet shall be securely attached to the building in which it is housed. (3-20-20)T

c. The temperature and environment in the storage cabinet shall be adequate to assure the proper keeping of the drug. (3-20-20)T

03. Proper Labeling. Upon removal from the shipment carton, each individual container of an approved drug shall be labeled with the drug name and strength, the date the drug was prepared, a drug hazard warning label and the name and address of the agency owning the drug. (3-20-20)T

04. Temporary Storage. When a CET is on duty and when animals are being euthanized throughout the workday, approved drugs may be kept in a temporary storage cabinet. When approved drugs are transported in a vehicle, the temporary storage cabinet shall be securely bolted to the vehicle. The cabinet shall be constructed of any strong material and be securely locked when not in use. The key to this cabinet shall be secured by a licensed veterinary supervisor or the lead CET designated on the DEA controlled substance registration, and made available to the CET(s) performing euthanasia that day. (3-20-20)T

05. Record Keeping. Proper record keeping of approved drugs shall include the following: (3-20-20)T

a. Shipment records showing receipt of the approved drugs shall be maintained and include all information required by federal law, the date the shipment was received, the amount, the source, and the invoice number. (3-20-20)T

b. Administration records showing the date an approved drug was: (3-20-20)T

i. Administered; (3-20-20)T

ii. Weight and species of animal; (3-20-20)T

iii. Dosage of each drug administered for pre-euthanasia sedation, euthanasia, and remote chemical capture restraint; (3-20-20)T

iv. Identification of the person who dispensed the approved drugs; and, if applicable; (3-20-20)T

v. Identification of the veterinarian or CET who supervised the dispensing shall be maintained. (3-20-20)T

c. Records of wastage shall be maintained and signed by the CET administering the approved drug and the CET responsible for security. (3-20-20)T

d. A weekly record of the approved drugs on hand, minus the amounts withdrawn for administration,

signed by the CET responsible for security. (3-20-20)T

e. Disposal records of any expired or unwanted approved drugs shall be maintained. Disposal of unwanted drugs and the containers, instruments, and equipment used in the administration of the approved drugs shall be in conformance with the Idaho Board of Pharmacy law and rules and the Code of Federal Regulations. (3-20-20)T

f. All records shall be filed in chronological order in a binder that is labeled with the name of the agency and be kept for a period of three (3) years from the calendar date on the record. (3-20-20)T

06. Proper Sanitation. The euthanasia area shall be clean and regularly disinfected. (3-20-20)T

07. Other Site Conditions. Other site conditions relevant to the proper euthanasia environment. (3-20-20)T

a. Each agency shall have a specific area designated for euthanasia that is: (3-20-20)T

i. A separate room; or (3-20-20)T

or ii. An area that is physically separated from the rest of the agency by a wall, barrier or other divider; (3-20-20)T

iii. An area that is not used for any other purpose while animals are being euthanized. (3-20-20)T

b. The euthanasia area shall meet the following minimum standards: (3-20-20)T

i. Lighting shall be bright and even; (3-20-20)T

ii. The air temperature shall be within a reasonable comfort range for both the personnel and animals. A minimum sixty (60) degrees F and maximum ninety (90) degrees F is recommended; (3-20-20)T

iii. The area shall have adequate ventilation that prevents the accumulation of odors. At least one (1) exhaust fan vented directly to the outside is recommended; and (3-20-20)T

iv. The floor of the area shall provide dry, non-slip footing to prevent accidents. (3-20-20)T

c. The euthanasia area shall have the following equipment: (3-20-20)T

i. A table or other work area where animals can be handled while being euthanized. (3-20-20)T

ii. A cabinet, table or work bench where the drugs, needles, syringes and clippers can be placed. (3-20-20)T

d. The following items and materials shall either be kept in the euthanasia area or brought to the area each time an animal is euthanized: (3-20-20)T

i. A first aid kit that meets minimum first aid supply standards; (3-20-20)T

ii. One (1) or more tourniquets; (3-20-20)T

iii. Standard electric clippers with No. 40 blade; (3-20-20)T

iv. Animal control stick for dogs and animal net for cats (if the agency handles cats); (3-20-20)T

v. Stethoscope; (3-20-20)T

vi. Disinfectant. (3-20-20)T

vii. The current certification cards for the CEA and all CETs working at the CEA, which shall be kept together. The CEA is strongly encouraged to keep all DEA and Idaho Board of Pharmacy registration cards together with the certification cards. (3-20-20)T

e. All equipment shall be in good working order. (3-20-20)T

08. Equipment Stored. All equipment shall be stored so that it does not create a safety hazard for the personnel. All drugs and other chemical agents used in the euthanasia area shall be clearly labeled as specified by Subsection 204.03 of these rules. (3-20-20)T

09. Certification Renewal. Certifications may be renewed upon successful completion of a facility inspection by a COHE member, a member of the Board or other individual appointed by the COHE and payment of the annual renewal fee. (3-20-20)T

205. CERTIFIED EUTHANASIA TECHNICIAN.

01. Training and Examinations. The COHE or the Board will develop training sessions and materials that include, but are not limited to, the following topics: (3-20-20)T

a. Euthanasia: (3-20-20)T

i. Animal anatomy; (3-20-20)T

ii. Proper animal handling to ease trauma and stress; (3-20-20)T

iii. Dosages of chemical agents, record keeping and documentation of usage, storage, handling, and disposal of out-dated drugs and their containers, instruments and equipment used in their administration in accordance with the Idaho Board of Pharmacy law and rules and the Code of Federal Regulations; (3-20-20)T

iv. Proper injection techniques; and (3-20-20)T

v. Proper use and handling of approved euthanasia drugs and equipment; (3-20-20)T

vi. Examination. Following the euthanasia training, a written examination covering the training topics will be given. (3-20-20)T

b. Remote Chemical Capture: (3-20-20)T

i. An overview of remote chemical capture; (3-20-20)T

ii. Description and basic mechanism of action of approved drugs; (3-20-20)T

iii. Laws, regulations and rules governing remote chemical capture; (3-20-20)T

iv. Post-injection care; (3-20-20)T

v. Proper use and handling of approved restraint drugs and equipment; (3-20-20)T

vi. Human safety; (3-20-20)T

vii. Tactics and strategy; and (3-20-20)T

viii. Delivery systems and equipment. (3-20-20)T

02. Certification Standards. Applicants for certification as a CET shall be eighteen (18) years of age or older and demonstrate proficiency in compliance with the following standards: (3-20-20)T

a. Demonstrate competency in euthanasia techniques in the presence of a COHE or Board member, or a person approved by the Board; (3-20-20)T

i. CETs are fully responsible for all actions that take place in the euthanasia area when an animal is brought to the area including, but not limited to, animal handling, use of the proper restraint technique, the proper drug dosage, and drug handling; (3-20-20)T

ii. CETs shall be able to competently perform intravenous injections on dogs and intraperitoneal injections on both dogs and cats. Intravenous injections on cats shall not be required as part of the certification process, but when performed, meet the standards listed in Subparagraph 205.02.a.ii.(1) of these rules. Intracardiac injections on dogs and cats shall not be required as part of the certification process, but when performed, are restricted to the limitations listed in Subparagraph 205.02.a.ii.(3) of these rules. (3-20-20)T

(1) Intravenous Injections: The CET shall be able to competently insert the needle into an animal's vein when an animal is injected by this method. A minimum of two (2) people shall be required for any IV injection. One (1) person shall be a CET and one (1) or more people shall be the handler. The handler does not need to be a CET, but the handler should be trained in human safety and animal handling techniques; (3-20-20)T

(2) Intraperitoneal Injections: The CET shall be able to competently insert the needle into the proper area of the peritoneal cavity when an animal is injected by this method. It is recommended that animals injected by this method be placed into a cage or carrier with no other animals. The cage or carrier shall be covered with cloth or other material that can keep the injected animal isolated from the normal activities in the euthanasia area. Intraperitoneal injections may be administered by a CET without a handler. (3-20-20)T

(3) Intracardiac Injections: Intracardiac injection shall be performed only on an anesthetized animal. CETs shall be able to competently insert the needle into the heart of an anesthetized animal, and intracardiac injections may be administered by a CET without a handler. (3-20-20)T

iii. No other euthanasia injection procedures are permitted in any type of animal with the exception of intramuscular and subcutaneous injections for pre-euthanasia sedation; (3-20-20)T

iv. Oral administration of approved euthanasia drugs is permitted for any animal that cannot be captured or restrained without serious danger to human safety; (3-20-20)T

b. Demonstrate proper record keeping. A record of all approved drugs received and used by the agency shall be kept containing the following information: (3-20-20)T

i. A weekly verification of the drug stock on hand, minus the amounts withdrawn for administration, signed by the CET responsible for security; (3-20-20)T

ii. An entry of the date that a new bottle of any approved drug is opened and the volume of the bottle, signed by the CET responsible for security; (3-20-20)T

iii. The species and approximate weight of each animal administered a drug; (3-20-20)T

iv. The amount of the drug that was administered; (3-20-20)T

v. The date the drug was administered; (3-20-20)T

vi. The signature of the CET who administered the drug; (3-20-20)T

vii. A record of the amount of the drug wasted, if any, signed by the CET administering the drug and the CET responsible for security; and (3-20-20)T

viii. A record of any disposal of expired or unwanted approved drugs, other chemical agent or the containers, instruments and equipment used in their administration, signed by the CET and disposed of in accordance with the Idaho Board of Pharmacy law and rules and the Code of Federal Regulations. (3-20-20)T

- c. Demonstrate understanding and concern for the needs and humane treatment of individual animals: (3-20-20)T
 - i. All animals shall be handled in a manner that minimizes stress to the animal and maximizes the personal safety of the CET and the handler. Each animal shall be handled with the least amount of restraint necessary, but human safety is always the primary concern. Handling includes all aspects of moving an animal from one (1) area to another; (3-20-20)T
 - ii. The use of control sticks and other similar devices shall be limited to fractious or potentially dangerous animals; and (3-20-20)T
 - iii. Animals shall not be placed in cages or kennels with other breeds or species that are incompatible with the animal in question or be overcrowded in a cage or kennel. (3-20-20)T
- d. Demonstrate ability to verify death. The animal should become unconscious and show terminal signs within sixty (60) minutes of drug administration. If any animal does not show any of these signs within the designated time period, the CET shall re-administer the drug. An animal that has received an approved drug orally may be injected with the same or another approved drug after it has become unconscious. Verification is the responsibility of the CET and shall be made by physical examination of the individual animal. One (1) of the following two (2) standards for death shall be met: (3-20-20)T
 - i. Rigor mortis; or (3-20-20)T
 - ii. Complete lack of heartbeat (as checked with a stethoscope), complete lack of respiration, and complete lack of corneal and palpebral reflexes. (3-20-20)T
- e. Demonstrate ability to communicate with handlers during the euthanasia process. (3-20-20)T
- 03. Certification.** (3-20-20)T
 - a. An individual shall not be certified as a CET until such time as he has successfully passed all of the following: (3-20-20)T
 - i. A euthanasia written examination; (3-20-20)T
 - ii. A practical or clinical examination; and (3-20-20)T
 - iii. An Idaho euthanasia jurisprudence examination. (3-20-20)T
 - b. The euthanasia written examination is the “written examination” referenced in Subparagraph 205.01.a.vii. of this rule. The practical examination will test the individual’s knowledge and skills in the hands-on application of euthanasia procedures and practices in a clinical setting under the direction of a COHE member, a Board member, or a designee of either the COHE or Board. The Idaho euthanasia jurisprudence examination (which can either be a separate written test or combined with the euthanasia written examination) will be an examination testing the individual’s understanding of Idaho laws and Board rules addressing the practice of euthanasia. Both the euthanasia written examination and the euthanasia jurisprudence examination will be developed by the Board, the COHE, or a designee of either the Board or the COHE. (3-20-20)T
 - c. A passing score for the euthanasia written examination is eighty percent (80%), or such other score as deemed appropriate by the Board or the COHE. A passing score for the euthanasia jurisprudence examination is ninety percent (90%), or such other score as deemed appropriate by the Board or the COHE. A failed euthanasia jurisprudence examination may be retaken multiple times upon making arrangements acceptable to the Board. (3-20-20)T
 - d. Initial certification and certification renewal training sessions and examinations will be conducted at least once per year prior to July 1, and at such other times deemed necessary by the COHE, the Board, or a

designee of either the COHE or the Board. Upon approval of the Board, a COHE member, or the designee of either the Board or the COHE, an individual may take the euthanasia written examination, the practical examination, and the euthanasia jurisprudence examination in any order. (3-20-20)T

e. An individual who has passed the written examination, but has not attended a training session and has not passed the practical examination, may serve as a probationary euthanasia technician under the direct supervision of a currently certified CET until such time as the next training course, practical examination and certification are conducted by a COHE member, a Board member, or the designee of either the COHE or the Board. (3-20-20)T

f. An individual who has not passed the written examination may not serve as a euthanasia technician. (3-20-20)T

g. An individual who attends a training session and passes the written examination but fails the practical examination may serve on probation until he has been re-examined. If the individual fails to pass the practical examination a second time and wishes to apply again, the individual shall attend the next regular training session and written examination. (3-20-20)T

h. Upon termination from an agency as defined in Section 204 of these rules, a CET's certification immediately becomes invalid and the CET shall not perform animal euthanasia until employed by another certified euthanasia agency, at which time the certification may be reinstated. (3-20-20)T

i. The agency shall notify the Board office in writing within thirty (30) days from the date the CET's employment at that agency is terminated. (3-20-20)T

j. If a CET is employed again by a CEA prior to the expiration of their certification, the CEA employer may request reinstatement of the CET's certification. If a CET has not attended a euthanasia training in the three (3)-year period preceding recertification, the CET may not be recertified and will need to reapply for certification, at COHE discretion. (3-20-20)T

k. All certifications expire on July 1 of each year. (3-20-20)T

04. Certification Renewal. (3-20-20)T

a. Certifications may be renewed each year by payment of the annual renewal fee, provided that, every third year following the date of certification, the CET will need to attend a euthanasia training and pay the current training and certification fee prescribed by Section 014 of these rules. (3-20-20)T

b. In addition to the above euthanasia training recertification requirement, CETs classified as law enforcement personnel who use chemical capture must recertify in remote chemical capture every third year following their original remote chemical capture certification. (3-20-20)T

05. Duties. The duties of a CET include, but are not limited to: (3-20-20)T

a. Preparing animals for euthanasia; (3-20-20)T

b. Accurately recording the dosages for drugs that are administered and amounts for drugs wasted; (3-20-20)T

c. Ordering supplies; (3-20-20)T

d. Maintaining the security of all controlled substances and other approved drugs; (3-20-20)T

e. Directly supervising probationary CET; (3-20-20)T

f. Reporting to the Board violations or suspicions of a violation of these rules or any abuse of drugs; (3-20-20)T

g. Humanely euthanizing animals; and (3-20-20)T

h. Proper and lawful disposal of euthanized animals and expired or unwanted drugs, other chemical agent or the containers, instruments and equipment used in the administration of approved drugs. (3-20-20)T

206. GROUND FOR DISCIPLINE -- CEAS AND CETs.

The Board may refuse to issue, renew, or reinstate the certification of a CEA or CET, or may deny, revoke, suspend, sanction, place on probation, or require voluntary surrender of the certification of a CEA or CET, impose other forms of discipline, and enter into consent agreements and negotiated settlements with CEAs and CETs pursuant to the procedures set forth in Title 67, Chapter 52, Idaho Code, for any of the following reasons: (3-20-20)T

01. Failure to Carry Out Duties. Failure to carry out the duties of a CEA or CET. (3-20-20)T

02. Abuse of Chemical Substances. Abuse of any chemical substance by: (3-20-20)T

a. Selling or giving chemical substances away; or (3-20-20)T

b. Stealing chemical substances; or (3-20-20)T

c. The diversion or use of any chemical substances for other than legitimate chemical capture or euthanasia purposes; or (3-20-20)T

d. Abetting anyone in the foregoing activities. (3-20-20)T

03. Euthanizing of Animals Without Proper Supervision. Allowing uncertified individuals or probationary CETs to euthanize animals or personally euthanizing animals without proper supervision. (3-20-20)T

04. Administration of Approved Drugs Without Proper Supervision. Allowing uncertified individuals or probationary CETs to administer approved drugs or personally administering approved drugs without proper supervision. (3-20-20)T

05. Euthanizing of Animals Without Proper Certification. Allowing individuals or probationary CETs to euthanize animals or personally euthanizing animals without being properly certified to do so. (3-20-20)T

06. Fraud, Misrepresentation, or Deception. The employment of fraud, misrepresentation of a material fact, or deception by an applicant or certificate holder in securing or attempting to secure the issuance or renewal of a certificate. (3-20-20)T

07. Unethical or Unprofessional Conduct. Unethical or unprofessional conduct means to knowingly engage in conduct of a character likely to deceive or defraud the public and includes, but is not limited to: (3-20-20)T

a. Working in conjunction with any agency or person illegally practicing as a CEA or CET; (3-20-20)T

b. Failing to provide sanitary facilities or apply sanitary procedures for the euthanizing of any animal; (3-20-20)T

c. Euthanizing animals in a manner that endangers the health and welfare of the public. A CET shall not euthanize animals if their ability to practice with reasonable skill and safety is adversely affected by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals, or any other substance or as a result of any mental or physical disability; (3-20-20)T

d. Gross ignorance, incompetence or inefficiency in the euthanizing of animals as determined by, but not limited to, the practices generally and currently followed and accepted by persons certified to practice as CETs in Idaho; (3-20-20)T

e. Intentionally performing a duty, task or procedure involved in the euthanizing of animals for which

- the individual is not qualified; and (3-20-20)T
- f. Swearing falsely in any testimony or affidavits relating to practicing as a CEA or CET. (3-20-20)T
- 08. Conviction of Violating Any Federal or State Statute, Rule or Regulation.** Conviction of a charge of violating any federal or state statute or rule or regulation regulating narcotics, dangerous drugs or controlled substances. (3-20-20)T
- 09. Conviction of a Charge or Crime.** Being found guilty, convicted, placed on probation, having entered a guilty plea that is accepted by the court, forfeiture of bail, bond or collateral deposited to secure a defendant's appearance, or having received a withheld judgment or suspended sentence by a court of competent jurisdiction in Idaho or any other state of one (1) or more of the following: (3-20-20)T
- a. Any felony, as defined by Title 18, Chapter 1, Idaho Code; or (3-20-20)T
- b. Any crime constituting or having as an element the abuse of any drug, including alcohol. (3-20-20)T
- c. Any other criminal act that in any way is related to practicing as a CEA or CET as defined by Section 54-2103(8) and (9), Idaho Code. (3-20-20)T
- 10. Improper Record Keeping.** Failure to follow proper record keeping procedures as outlined in Board rules. (3-20-20)T
- 11. Improper Security for Approved Drugs.** Failure to provide and maintain proper security for approved euthanasia and restraint drugs as outlined in Board rules. (3-20-20)T
- 12. Improper Storage of Equipment and Approved Drugs.** Failure to properly store equipment or approved drugs as outlined in Board rules. (3-20-20)T
- 13. Improper Disposal of Approved Drugs and Equipment.** Failure to properly dispose of approved drugs and the containers, instruments and equipment used in their administration as outlined in Board rules. (3-20-20)T
- 14. Improper Labeling of Approved Drugs.** Failure to properly label approved euthanasia and restraint drugs as outlined by Board rules. (3-20-20)T
- 15. Revocation, Suspension, Limitation or Restriction.** The revocation, suspension, limitation, or restriction of a license, certificate or registration or any other disciplinary action by another state or U.S. jurisdiction or voluntary surrender of a license, certificate or registration by virtue of which one is licensed, certified or registered to practice as a CEA or CET in that state or jurisdiction on grounds other than nonpayment of the renewal fee. (3-20-20)T
- 16. Failure to Cooperate.** (3-20-20)T
- a. Failure of any applicant or certificate holder to cooperate with the Board during any investigation, even if such investigation does not personally concern the applicant or certificate holder; or (3-20-20)T
- b. Failure to comply with the terms of any order, negotiated settlement, or probationary agreement of the Board; or (3-20-20)T
- c. Failure to comply with the terms for certification renewal or to timely pay certification renewal fees. (3-20-20)T
- 17. Aiding and Abetting.** Knowingly aiding or abetting an uncertified agency or person to practice as a CEA or CET. (3-20-20)T

18. Current Certification. Practicing as a CEA or CET without a current certification. (3-20-20)T

19. Improper Drug Preparation. Preparing approved drugs, contrary to manufacturer’s instructions. (3-20-20)T

20. Violation of any Law, Rules or Orders. Violating or attempting to violate, directly or indirectly, or assisting or abetting the violation or conspiracy to violate any provisions of the veterinary law and rules or a written order of the Board issued pursuant to Title 54, Chapter 21, Idaho Code, the Idaho Board of Pharmacy law and rules, or the Code of Federal Regulations. (3-20-20)T

207. INSPECTION DEFICIENCIES.

If there are inspection deficiencies with either a CEA or CET, a COHE member or the Board will document in writing areas for correction. The CEA or CET, or both, shall make corrections within the time period specified in the notice of deficiency, and correction will be verified by a COHE or Board member as recorded on the deficiency documentation. If the deficiency has not been corrected, the certification may be revoked by the Board, and the Idaho Board of Pharmacy will be notified. (3-20-20)T

208. -- 999. (RESERVED)

24.39.01 – RULES OF THE DIVISION OF BUILDING SAFETY

000. LEGAL AUTHORITY.

The Division of Building Safety is authorized under Title 67, Chapter 94, Idaho Code, and Section 67-2601A, Idaho Code, to promulgate rules for the issuance of licenses in the professions devolved for administration upon the Division. (3-20-20)

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 24.39.01, “Rules of the Division of Building Safety.” (3-20-20)

02. Scope. These rules are applicable to licenses administered by the Division pursuant to Title 54, Chapters 10, 19, 26, 45, and 50, and Title 44, Chapter 21. (3-20-20)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements that pertain to the interpretation of these rules. Any such statements are available for public inspection and copying pursuant to the Public Records Act, Title 74, Chapter 1, Idaho Code. (3-20-20)

003. ADMINISTRATIVE APPEALS.

All agency actions may be appealed in accordance with the Administrative Procedures Act at Title 67, Chapter 52, Idaho Code, and IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” (3-20-20)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference into these rules. (3-20-20)

005. OFFICE – MAILING ADDRESS – STREET ADDRESS – OFFICE HOURS – WEB ADDRESS.

The Division of Building Safety’s central office is located at 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. The Division’s satellite offices are located at 1250 Ironwood Drive, Suite 220, Coeur d’Alene, Idaho 83814, and at 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. All Division offices are open from 8:00 a.m. to 5:00 p.m., except Saturday, Sunday, and legal holidays. The Division’s telephone number is (208) 334-3950 and facsimile number is (877) 810- 2840. The Division's web address is <http://dbs.idaho.gov>. (3-20-20)

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are subject to and in compliance with the Public Records Act, Title 74, Chapter 1, Idaho Code. (3-20-20)

007. DEFINITIONS.

01. Division. The Idaho Division of Building Safety. (3-20-20)

02. Licensing Program. The electrical program, plumbing program, HVAC program, manufactured home program, or public works contractor license program within the Division. (3-20-20)

03. Military Applicant. A member of the military, former member of the military discharged under honorable conditions, veteran, or spouse of any such person applying for any initial or renewal license or registration issued by any Licensing Program. (3-20-20)

008. -- 010. (RESERVED)

011. MILITARY, VETERAN, AND SPOUSE LICENSE APPLICATIONS

01. Qualifications for Licensure. Each Licensing Program within the Division will determine which and to what extent any military education, training, or service that has been completed is relevant or applicable toward the requirements to receive a license for an occupation administered by such respective Licensing Program. The Division will accept and identify on its website military education, training, or service determined by the Division to be relevant and applicable. Each Licensing Program will at a minimum consider the following criteria when determining whether to accept any type of training, education, or work experience, whether Military Applicants received such from the armed forces or other sources: (3-20-20)

a. The nature of the training, education, or work experience, including whether it involved the installation of equipment, materials, fixtures, apparatuses, controls, wires, piping, systems, or other related or like components the installation of which the statutes and rules of Idaho require a person to be licensed. (3-20-20)

b. Whether the scope of the training, education, or work experience addressed the installation of equipment, materials, fixtures, apparatuses, controls, wires, piping, systems, or other related or like components the installation of which is prescribed by a nationally recognized code adopted in the state of Idaho. (3-20-20)

02. Licensure by Endorsement. Upon review, each Licensing Program may grant a license by endorsement to any Military Applicant who at the time of application to the Division possesses a current, valid, and unrestricted license from another state, district, territory of the United States, or from any branch of the armed forces or national guard that is equivalent in nature to the license for which the applicant has applied. Each Licensing Program will at a minimum consider the following criteria when determining whether to grant a license by endorsement: (3-20-20)

a. The nature of the license held by the Military Applicant, including the scope of actual occupational work the license allows the applicant to perform in the other jurisdiction, and the scope of work the applicant has actually performed under authority of the license; (3-20-20)

b. The length of time the Military Applicant has held the license from another jurisdiction; (3-20-20)

c. The requirements of the other jurisdiction to obtain the license, including schooling or education, work experience, and on-the-job training and hours of such; examination and passing score requirements; or licensure disciplinary history. (3-20-20)

03. Records Verification and Affidavits. The Division may require a Military Applicant to provide records or other documentation verifying the completion of military education, training, or service or the issuance of a previous license. The Division may also require a Military Applicant to provide a sworn affidavit attesting to the veracity of the information provided in an application for licensure or registration. (3-20-20)

012. -- 999. (RESERVED)

24.39.10 – RULES OF THE IDAHO ELECTRICAL BOARD

000. LEGAL AUTHORITY.

These rules are promulgated by the Idaho Electrical Board and the Division of Building Safety under Title 54, Chapter 10, Idaho Code. (3-20-20)T

001. TITLE AND SCOPE.

These rules are titled IDAPA 24.39.10, “Rules of the Idaho Electrical Board.” These rules include criteria for the use of electrical permits for electrical installations, inspections, the criteria and fees for licenses, continuing education, adoption of the National Electrical Code, and civil penalties. (3-20-20)T

002. INCORPORATION BY REFERENCE.

The National Electrical Code, 2017 Edition, is incorporated by reference into these rules as further specified in Section 250. (3-20-20)T

003. DEFINITIONS.

01. Associated Buildings. All buildings, structures, and fixtures used for domestic purposes and in connection with the primary or secondary residence, such as garages, sheds, barns, or shops. (3-20-20)T

02. Board. Idaho Electrical Board. (3-20-20)T

03. Division. Idaho Division of Building Safety. (3-20-20)T

04. Person. Includes an individual, company, firm, partnership, corporation, association or other organization. (3-20-20)T

05. Recognized License. A license from another jurisdiction that is recognized by the Board as requiring qualifications at least equal to the qualifications for a license contained in Title 54, Chapter 10, Idaho Code, and these rules. (3-20-20)T

06. Registration Card. The registration certificate referred to in Title 54, Chapter 10, Idaho Code. (3-20-20)T

004. – 010. (RESERVED)

SUBCHAPTER A – ELECTRICAL PERMITS AND INSPECTIONS (Rules 011 through 049)

011. ELECTRICAL PERMITS.

Electrical permits as authorized by Section 54-1005, Idaho Code are available for purchase online or at the Division by those legally authorized to make electrical installations. Each permit shall bear a serial number registered in the name of the permit holder to whom they are issued and are transferable only as provided in these rules. Electrical permits shall be used only for the electrical installations identified in the permit application and for which said permit holder shall assume full responsibility. (3-20-20)T

01. Completion of Electrical Installation. For each electrical installation made by a permit holder and coming under the provisions of Section 54-1001, Idaho Code, said permit holder or his authorized representative shall request an inspection from the Division. (3-20-20)T

02. Purchase of Electrical Permit. All electrical permits shall be purchased before work is commenced. Where the total cost of installation is unknown, the minimum permit fee as listed in the fee schedule of these rules applies. In all cases, payment of the total permit fee shall be made prior to completion of the installation and a final inspection. (3-20-20)T

a. The Division may refuse to extend credit to any person with outstanding fines, violations or unpaid permit fees recorded with the Division. Permit holders will not be allowed to purchase further electrical permits unless and until all outstanding fees due have been paid in full. (3-20-20)T

b. No electrical inspections will be provided prior to the purchase of an electrical permit. (3-20-20)T

03. Power Supply Company. Pursuant to Section 54-1005, Idaho Code, a power supply company may

connect and energize an electrical installation made by an electrical contractor without delay and before the installation has passed inspection if the contractor submits to the power supply company a copy of an electrical permit purchased by the contractor and the power supply company deems the connection and energization necessary to preserve life or property. The contractor shall request that the Division conduct an inspection on the next business day. (3-20-20)T

012. ELECTRICAL PERMITTING AND INSPECTION REQUIREMENTS FOR PERSONS EXEMPT FROM LICENSING.

Persons exempt from licensing pursuant to Section 54-1016, Idaho Code, shall secure all electrical permits required by Section 54-1005, Idaho Code, before making any electrical installation. No electrical wiring or equipment may be concealed in any manner from access or sight until the work has been inspected and approved for cover by the electrical inspector. A final inspection shall be made upon the completion of all electrical work. The procedure for obtaining electrical permits follows: (3-20-20)T

01. Electrical Permit. Any exempt person shall obtain an electrical permit from the Division with the proper permit fee as provided for in rule. (3-20-20)T

02. Notice to Power Supplier. The Division shall provide notice to the power supplier to connect installations requiring energization once an installation has passed inspection. (3-20-20)T

013. ELECTRICAL PERMIT AND INSPECTION REQUIREMENTS FOR FACILITY ACCOUNTS.

An electrical facility employer account licensee, as defined by Section 54-1003A, Idaho Code, who uses licensed or registered employees to make electrical installations coming under the provisions of Section 54-1001, Idaho Code, on the licensee's own premises, shall obtain a facility account license and purchase electrical permits from the Division with the proper permit fee as provided in these rules. Employees performing electrical installations under a facility account shall be licensed electrical journeymen or master electricians or registered electrical apprentices under the constant on-the-job supervision of a licensed journeyman or master electrician as provided in Title 54, Chapter 10, Idaho Code. One (1) properly licensed journeyman or master electrician shall be designated the supervising electrician for the facility account with the Division. Individuals employed as maintenance electricians may only perform maintenance electrical installations in accordance with Section 54-1016, Idaho Code. (3-20-20)T

014. TEMPORARY INSTALLATIONS CONNECTED PRIOR TO INSPECTION.

Only a licensed electrical contractor may have a power supply company connect and energize a temporary service for construction prior to an inspection being performed. Any contractor energizing a temporary service prior to inspection shall assume full responsibility for the installation of the temporary service. A power supply company may only connect and energize a temporary service upon receipt of a copy of an electrical permit purchased from the Division. (3-20-20)T

015. -- 049. (RESERVED)

**SUBCHAPTER B – FEES FOR ELECTRICAL PERMITS AND INSPECTIONS
(Rules 050 through 099)**

050. FEES FOR ELECTRICAL PERMITS AND INSPECTIONS.

Electrical permit fees are to cover the cost of electrical inspections as provided by Section 54-1005, Idaho Code; any person making an electrical installation coming under the provisions of Section 54-1001, Idaho Code, shall pay to the Division a permit fee as provided in the following schedule. The type of electrical permit a person may purchase is limited to the scope of work for which the person is licensed. (3-20-20)T

01. Temporary Construction Service (Temporary Power) Permit. To be installed for construction purposes only, for a period not to exceed one (1) year: (3-20-20)T

a. Two hundred (200) amp or less, one (1) location: sixty-five dollars (\$65). (3-20-20)T

b. All others to be calculated using Subsection 050.06, Other Installation (Including Industrial and Commercial) Permit, of these rules. (3-20-20)T

02. New Residential. Includes associated buildings with wiring being constructed on each property.

New – One-Family Dwellings		
Up to 1,500 square feet of living space	-	\$130
1,501 to 2,500 square feet of living space	-	\$195
2,501 to 3,500 square feet of living space	-	\$260
3,501 to 4,500 square feet of living space	-	\$325
Over 4,500 square feet of living space	-	\$325 plus \$65 for each additional 1,000 square feet or portion thereof
New – Two- and Multi-Family Dwellings		
Two-family dwellings	-	\$260
Multi-family dwellings		\$130 per building plus \$65 per unit

(3-20-20)T

a. Existing dwelling unit permit: sixty-five dollars (\$65) plus ten dollars (\$10) for each additional branch circuit up to the maximum of the corresponding square footage of the dwelling unit. (3-20-20)T

b. Residential Dwelling unit spa, hot tub, hydro massage tub, and swimming pool permit: sixty-five dollars (\$65) for each trip to inspect. (For all other installations of spas, hot tubs, hydro massage tubs, and swimming pools, use Subsection 050.06, Other Installation (including Industrial and Commercial) Permit, of these rules.) (3-20-20)T

03. Residential Electric Space Heating and Air Conditioning. When not part of a new residential construction permit, or heat/ventilating/air conditioning permit with no additional wiring: sixty-five dollars (\$65). (3-20-20)T

04. Domestic Water Pump Permit. See Subsection 050.06 - Pump (Water, Domestic Water, Irrigation, Sewage) -- Each Motor Permit, of these rules. (3-20-20)T

05. Mobile/Manufactured Home Permit. Sixty-five dollars (\$65) basic fee plus ten dollars (\$10) for each additional circuit. Mobile home and RV parks for distribution wiring including pedestal, service conductors and lot supply to individual units come under Subsection 050.06, Other Installation (Including Industrial and Commercial) Permit, of these rules. (3-20-20)T

06. Other Installation (Including Industrial and Commercial) Permit. The permit fees listed in this section apply to any and all electrical installations not specifically mentioned elsewhere in this schedule. The electrical cost shall be the cost to the owner of all labor charges and all other costs that are incurred in order to complete the installation of any and all electrical wiring and equipment installed as part of the electrical system, factory assembled industrial machinery to be operated by electrical energy shall not be included in calculating these fees. (3-20-20)T

a. Wiring cost not exceeding ten thousand dollars (\$10,000): sixty dollars (\$60) plus two percent (2%) of total wiring cost. (3-20-20)T

b. Wiring cost over ten thousand dollars (\$10,000) but not exceeding one hundred thousand dollars (\$100,000): two hundred sixty dollars (\$260) plus one percent (1%) of wiring cost in excess of ten thousand dollars (\$10,000). (3-20-20)T

c. Wiring cost over one hundred thousand dollars (\$100,000): one thousand one hundred sixty dollars (\$1,160) plus one-half of one percent (.5%) of the portion of wiring costs exceeding one hundred thousand dollars (\$100,000). (3-20-20)T

d. All fees calculated under this schedule must be calculated on the total wiring cost of the job, and this figure must be shown on the permit. The permit fees listed in this Subsection apply to any and all electrical installations not specifically mentioned elsewhere in this schedule. The wiring cost shall be the cost to the owner of all labor charges and all wiring materials and equipment installed as part of the wiring system. When labor is performed by the owner, such labor cost shall be based upon the market value of said labor and used or reused materials shall be based at fifty percent (50%) of the column 3 pricing as published by Trade Service Publication or National Price Service Pricing or the actual cost, whichever is greater. For all owner-supplied, factory assembled electrical infrastructural equipment to be installed, the inspection will be based on one-half of one percent (.5%) of total cost of the equipment OR an hourly rate of one hundred thirty dollars (\$130) for the first hour of each inspection and sixty-five dollars (\$65) for each subsequent hour. Factory assembled machinery to be operated by electrical energy shall not be included when calculating these fees. (3-20-20)T

e. Small work not exceeding two hundred dollars (\$200) in cost and not involving a change in service connections: ten dollars (\$10). (3-20-20)T

07. Pump (Water, Domestic Water, Irrigation, Sewage) -- Each Motor Permit.

To 25 HP	-	\$65
26 to 200 HP	-	\$95
Over 200 HP	-	\$130
For phase inverters and roto phase equipment, use Subsection 050.06, in addition to the pump motor fee.		

(3-20-20)T

08. Electrically-Driven Irrigation Machine Permit. Center Pivot: sixty-five dollars (\$65) plus ten dollars (\$10) per tower or drive motor. Other types: sixty-five dollars (\$65) plus ten dollars (\$10) per motor. (Note: No additional fee required for underground feeder). (3-20-20)T

09. Electric Sign and Outline Lighting Permit. Electric signs: sixty-five dollars (\$65) per sign; Outline lighting: sixty-five dollars (\$65) per each occupancy. (3-20-20)T

10. Requested Inspection Permit. A base fee of sixty-five dollars (\$65) plus an additional sixty-five dollars (\$65) for each hour, or portion thereof, in excess of one (1) hour including travel time. Out-of-state travel expenses shall be paid by the requesting party. (3-20-20)T

11. Additional Fees and Reinspection Fees. A base fee of sixty-five dollars (\$65) plus an additional sixty-five dollars (\$65) for each additional hour, or portion thereof, in excess of one (1) hour including travel time, shall also be paid before approval of the installation if the following services are necessary: (3-20-20)T

a. Trips to inspect when the permit holder had given notice to the inspector that the work is ready for inspection when it was not. (3-20-20)T

b. Trips to inspect when the permit holder has not clearly or correctly given the location of the installation either by directions, maps, coordinates, or correct address and posting a copy of the permit at the service or other conspicuous location on the property or the inspector cannot gain access to make the inspection. (3-20-20)T

c. Trips to inspect corrections required by the inspector as a result of the submitter improperly responding to a corrective notice. (3-20-20)T

d. Each trip necessary to remove a red tag from the jobsite. (3-20-20)T

e. Trips to conduct a reinspection because corrections have not been made in the prescribed time, unless an extension has been requested and granted. (3-20-20)T

12. No Permit. Failure to purchase an electrical permit before work is commenced, may result in the

imposition of a double permit fee. (3-20-20)T

13. Plan Check Fee. Sixty-five dollars (\$65) minimum for one (1) hour or less. Over one (1) hour: sixty-five dollars (\$65) plus sixty-five dollars (\$65) for each hour, or portion thereof, in excess of one (1) hour. (3-20-20)T

14. Fees for Temporary Amusement/Industry Electrical Inspections. Each time a ride, concession, or generator is set up: sixty-five dollars (\$65) base fee plus ten dollars (\$10) for each ride, concession, or generator. (3-20-20)T

15. Expiration of Permits. Every permit issued by the Division shall expire by limitation and become null and void if the work authorized by such permit is not commenced within ninety (90) days from the date of issuance of such permit or if the work authorized by such permit is suspended or abandoned at any time after work is commenced for a period of one hundred eighty (180) days. A permit may be renewed for an additional year upon receipt of Division approval and sixty-five dollars (\$65) renewal fee. (3-20-20)T

16. Transferring a Permit. An electrical permit may be transferred to another eligible party if such party provides to the Division written authorization signed and notarized by the original permit holder consenting to the transfer itself and assignment of all the responsibilities and conditions incorporated into the original permit issuance. A permit may be transferred to the owner of the property on which the electrical work is to be performed and for which the permit was issued, or such owner's designated legal agent, in cases where such owner has terminated his legal relationship with the electrical contractor who originally obtained the permit. An administrative fee in the amount of forty-five dollars (\$45) for the transfer of the permit shall be assessed by the Division. (3-20-20)T

17. Refunds of Permits. The administrator of the Division may authorize a refund for any permit fee paid on the following bases: (3-20-20)T

a. The administrator may authorize a refund of the entire permit fee paid when no work has been performed related to the installations or electrical work covered by a permit issued by the Division. A lesser amount up to fifty percent (50%) of the permit fee amount may be refunded if work has commenced and the project is less than fifty percent (50%) complete as determined by the Division; and (3-20-20)T

b. The administrator cannot authorize a refund of any permit fee paid except upon written application for such filed by the original permit holder or the property owner's representative not less than one hundred eighty (180) days after the date the permit was issued. (3-20-20)T

051. -- 099. (RESERVED)

**SUBCHAPTER C – ELECTRICAL LICENSING AND REGISTRATION
(Rules 100 through 149)**

100. LICENSURE HISTORY.

An applicant for any electrical registration or license who has previously obtained a Recognized License as a journeyman or master electrician shall upon application to the Division disclose such license and provide sufficient proof thereof. An applicant for any electrical registration, license, or certificate of competency who has previously obtained a Recognized License as a journeyman or master electrician shall not be issued an electrical apprentice registration. (3-20-20)T

101. LICENSE AND REGISTRATION APPLICATION.

Application forms will be available at the Division's offices and electronically on the Division's website. (3-20-20)T

01. Application Form. Each applicant shall properly complete and submit to the Division the applicable form, giving all pertinent information and obtaining notarization of all signatures. (3-20-20)T

02. Application Fee. Each applicant shall pay to the Division the applicable fee provided in Section 54-1014, Idaho Code, with the application form. For registrations, the application fee set forth in Section 54-1014,

Idaho Code, may satisfy the initial registration fee or any portion thereof. (3-20-20)T

03. Examination and Licensure Approval. The Division must approve each application before examination and licensure. (3-20-20)T

04. Examination. An applicant who does not take the applicable examination within ninety (90) days of the date of approval must reapply. (3-20-20)T

05. License. Upon application approval and successful completion of the applicable examination, each license applicant must purchase a license. A license applicant who does not purchase a license within ninety (90) days of successful completion of the applicable examination must reapply, obtain application approval again, and re-examine. (3-20-20)T

06. License or Registration Period. The license or registration period set forth in Section 54-1008, Idaho Code, for each license or registration shall begin upon satisfaction of the applicable fee provided in Section 54-1013, Idaho Code. Each license or registration period shall expire at midnight on the last day of the final month of the license or registration period. Notwithstanding the foregoing, the license or registration period for each expired license or registration revived in accordance with Section 54-1013, Idaho Code, shall begin on the day the license or registration previously expired. (3-20-20)T

102. APPRENTICE ELECTRICIAN REGISTRATION.

01. Registration Requirements. To become an apprentice electrician, a person shall comply with Section 54-1010(3), Idaho Code. Each apprentice electrician shall carry a current Registration Card while performing electrical work and present the Registration Card upon request by the Division for examination. (3-20-20)T

02. Renewal Requirements. To renew an apprentice registration, an apprentice electrician shall submit to the Division sufficient evidence demonstrating the apprentice electrician has successfully completed one (1) of the following during the prior registration period: (3-20-20)T

a. One (1) year of a Board-approved sequence of instruction and one (1) year, defined as a minimum of two thousand (2,000) hours of work experience, under the constant, on-the-job supervision and training of a journeyman electrician. Verification of work experience shall consist of a notarized letter from each employer with which the apprentice electrician obtained the experience. (3-20-20)T

b. Continuation training, defined as eight (8) hours of NFPA 70E training and sixteen (16) hours of code-update training, code-related training, or industry-related training. (3-20-20)T

103. JOURNEYMAN ELECTRICIAN EXAMINATION AND LICENSE.

01. Examination Requirements. To take the journeyman examination, an applicant shall submit to the Division sufficient evidence demonstrating the applicant has successfully completed one (1) of the following: (3-20-20)T

a. Four (4) years of a sequence of instruction approved by the Board and the Idaho Division of Career-Technical Education and three (3) years, defined as a minimum of six thousand (6,000) hours, of work experience under the constant on-the-job supervision and training of a journeyman electrician. (3-20-20)T

b. Eight (8) years, defined as a minimum of sixteen thousand (16,000) hours, of work experience in accordance with the requirements of the jurisdiction in which the applicant obtained the experience. Verification of work experience shall consist of a notarized letter from each employer with which the applicant obtained the experience. (3-20-20)T

02. License Requirements. (3-20-20)T

a. To obtain a provisional journeyman license, an applicant shall submit to the Division evidence demonstrating the applicant has successfully completed eight (8) years, defined as a minimum of sixteen thousand

(16,000) hours, of work experience in accordance with the requirements of the jurisdiction in which the applicant obtained the experience. Verification of work experience shall consist of a notarized letter from each employer with which the applicant obtained the experience. (3-20-20)T

b. To obtain a journeyman license, an applicant shall submit to the Division sufficient evidence demonstrating the applicant has successfully completed the journeyman examination; and (3-20-20)T

i. Four (4) years, defined as a minimum of eight thousand (8,000) hours, of work experience under the constant on-the-job supervision and training of a journeyman electrician; or (3-20-20)T

ii. Eight (8) years, defined as a minimum of sixteen thousand (16,000) hours, of work experience in accordance with the requirements of the jurisdiction in which the applicant obtained the experience. (3-20-20)T

c. To obtain a journeyman license, an applicant with a Recognized License shall comply with Section 54-1007(5), Idaho Code, and submit to the Division sufficient evidence demonstrating: (3-20-20)T

i. The applicant's Recognized License is current, active, and in good standing; and (3-20-20)T

ii. The applicant obtained the Recognized License by testing from the issuing jurisdiction. (3-20-20)T

03. Unacceptable Work Experience. The Division will not accept work experience in appliance repair, motor winding, or communications to meet the requirements to take the journeyman examination or obtain a provisional journeyman or journeyman license. (3-20-20)T

104. MASTER ELECTRICIAN.

An applicant for a master electrician license must have at least four (4) years' experience as a licensed journeyman electrician as provided in Section 54-1007, Idaho Code. Any person having these qualifications may make application at any time by remitting to the Division the application fee. Upon approval, the applicant will be notified and may apply to take the next examination. Upon notification of passing the examination, the applicant must remit the required fee for the issuance of a master license. A person holding a current master license shall not be required to hold a journeyman license. (3-20-20)T

105. ELECTRICAL CONTRACTOR.

01. Qualifications for Electrical Contractor. (3-20-20)T

a. On and after July 1, 2008, except as hereinafter provided, any person, partnership, company, firm, association, or corporation shall be eligible to apply for an electrical contractor license upon the following requirements: (3-20-20)T

i. Applicant shall have at least one (1) full-time employee who holds a valid master electrician license issued by the Division. Licensed electrical contractors who are current and active prior to July 1, 2008, shall not be required to have a master electrician as the supervising electrician until a new supervising electrician is designated. A master electrician license will be required for a new supervising electrician designated after July 1, 2008. (3-20-20)T

ii. The master electrician shall be designated the supervising electrician and shall be available during working hours to carry out the duties of supervising, as set forth herein, and who will be responsible for supervision of electrical installations made by said company, firm, association, or corporation as provided by Section 54-1010, Idaho Code. (3-20-20)T

iii. An individual electrical contractor may act as his own supervising master electrician upon the condition that he holds a valid master electrician license. (3-20-20)T

iv. Applicant must pass a contractor examination administered by the Division or its designee. Any applicant which purports to be a non-individual (such as, corporation, partnership, company, firm, or association), must designate in writing an individual to represent it for examination purposes. Any such designee shall be a full-time supervisory employee and may not represent any other applicant for an electrical contractor's license.

(3-20-20)T

v. Applicant shall provide proof of liability insurance to the Division in the amount of three hundred thousand dollars (\$300,000) from an insurance company licensed to do business in the state of Idaho. The liability insurance shall be in effect for the duration of the applicant's contractor licensing period. (3-20-20)T

vi. Applicant shall provide to the Division proof of Idaho's worker's compensation insurance unless specifically exempt from Idaho law. The Division will provide written confirmation of exemption status. (3-20-20)T

b. Any person designated under Paragraph 105.01.a. of these rules, and the contractor he represents, shall each notify the Division in writing if the supervising master's or the designee's working relationship with the contractor has been terminated within ten (10) days of the date of termination. If the supervising master's or the designee's relationship with the contractor is terminated, the contractor's license is void within ninety (90) days unless another supervising master is qualified by the Division, or unless another duly qualified designee passes the electrical contractor's examination on behalf of the contractor, as applicable. (3-20-20)T

02. Required Signatures on Application. An application for an electrical contractor license shall be signed by the applicant or by the official representative of the partnership, company, firm, association, or corporation making the application countersigned by the supervising master electrician. (3-20-20)T

03. Electrical Contracting Work Defined. An electrical contractor license issued by the Division must be obtained prior to acting or attempting to act as an electrical contractor in Idaho. (3-20-20)T

a. Electrical contracting work includes electrical maintenance or repair work, in addition to new electrical installations, unless such work is expressly exempted by Section 54-1016, Idaho Code. (3-20-20)T

b. Any person or entity performing or offering to perform electrical contracting services, including, but not limited to, advertising or submitting a bid shall be considered as acting or attempting to act as an electrical contractor and shall be required to be licensed. Advertising includes, but is not limited to: newspaper, telephone directory, community flier ads or notices, telephone, television, radio, internet, business card, or door-to-door solicitations. (3-20-20)T

c. Any person or entity, not otherwise exempt, who performs or offers to perform electrical contracting work, is acting as an electrical contractor, whether or not any compensation is received. (3-20-20)T

d. Registered general contractors who submit a bid on a multi-trade construction project that includes a licensed electrical contractor's pricing shall not be considered to be acting or attempting to act as an electrical contractor. (3-20-20)T

04. Previous Revocation. Any applicant for an electrical contractor license who has previously had his electrical contractor license revoked for cause, as provided by Section 54-1009, Idaho Code, shall be considered as unfit and unqualified to receive a new electrical contractor license so long as such cause for revocation is continuing and of such nature that correction can be made by the applicant. (3-20-20)T

05. Reviving an Expired License. Any applicant for an electrical contractor license who has allowed his license to expire and seeks to revive it under the provisions of Section 54-1013, Idaho Code, may be denied a license as unfit and unqualified if, while operating under the license prior to expiration, he violates any of the laws or rules applicable to electrical contractors. (3-20-20)T

06. Qualification and Duties for Supervising Journeyman or Master. (3-20-20)T

a. A master electrician shall not be considered as qualified to countersign an electrical contractor license application as the supervising master, nor shall said application be approved if he does countersign said application as the supervising master, if said master has had his Idaho electrical contractor license revoked for cause under Section 54-1009, Idaho Code. (3-20-20)T

b. A supervising master shall not countersign for more than one (1) contractor. (3-20-20)T

c. A journeyman who is a full-time employee of a company, corporation, firm or association with a facility account may sign as supervising journeyman for that facility account in addition to signing as supervising journeyman for his own contractor's license so long as the journeyman is listed as the owner and complies with the provisions of Paragraphs 105.01.a. and 01.b. of these rules. (3-20-20)T

d. Duties include: assuring that all electrical work substantially complies with the National Electrical Code and other electrical installation laws and rules of the state, and that proper electrical safety procedures are followed; assuring that all electrical labels, permits, and licenses required to perform electrical work are used; assuring compliance with correction notices issued by the Division. (3-20-20)T

07. Failure to Correct Defects in Electrical Installations. If a master countersigns an electrical contractor license application pursuant to Subsection 105.02 of these rules and thereafter willfully fails to correct defects in electrical installations he made or supervised, and such defects are within his power to correct and are not the fault of the contractor, then the Division shall have the power to suspend or revoke said master's license pursuant to Section 54-1009, Idaho Code. (3-20-20)T

08. Overcharging of Fees. It shall be grounds for suspension or revocation of an electrical contractor license if he charges and collects from the property owner an electrical permit or inspection fee which is higher than the fee actually in effect at the time of such charging and collection, pursuant to the current Electrical Laws and Rules of the Division, and the fee remitted by the contractor to the Division is less than the fee actually charged and collected by him. (3-20-20)T

09. Direct Supervision and Training. It shall be the responsibility of the employing electrical contractor to ensure that each apprentice electrician and provisional journeyman electrician perform electrical work only under the constant on-the-job supervision and training of a journeyman electrician. (3-20-20)T

a. Journeyman-to-Apprentice Ratio. One (1) journeyman shall not supervise more than four (4) apprentices performing electrical work on one and two-family dwelling units. One (1) journeyman shall not supervise and train more than two (2) apprentices performing electrical work on all other types of electrical installations. (3-20-20)T

b. Any electrical contractor violating the journeyman-to-apprentice ratio established in Paragraph 105.09.a of these rules is presumed to be in violation of the direct supervision requirement of Section 54-1010(1), Idaho Code, and the constant on-the-job supervision requirement of Section 54-1003A(3), Idaho Code. The journeyman-to-apprentice ratio established herein these rules may be adjusted on a case-by-case basis by a showing by an electrical contractor of special circumstances that are peculiar to the work done by that electrical contractor and that allow for effective supervision and training by each journeyman electrician. An electrical contractor must obtain permission from the Division to adjust the journeyman-to-apprentice ratio. Failure to comply with this requirement will be grounds for suspension or revocation of the electrical contractor's license. (3-20-20)T

106. -- 149. (RESERVED)

**SUBCHAPTER D – LIMITED ELECTRICAL LICENSING AND REGISTRATION
(Rules 150 through 199)**

150. QUALIFIED JOURNEYMAN ELECTRICIANS. Qualified journeyman electricians, as defined in Section 54-1003A(2), Idaho Code, shall be permitted to make all installations as subsequently described herein without securing an additional license for said installation. (3-20-20)T

151. MINIMUM EXPERIENCE REQUIREMENTS. Experience gained by an individual while engaged in the practice of one (1) or more of the limited categories named below shall not be considered towards the satisfaction of the minimum experience requirements for licensing as a journeyman electrician. (3-20-20)T

152. LIMITED EXPERIENCE REQUIREMENT.

01. Limited Electrical Installer. An applicant for a limited electrical installer license must have at least two (2) years of experience, or more as specified for the individual category, with the type of installation for which the license is being applied for, in compliance with the requirements of the state in which the experience was received, or as a limited electrical installer trainee making electrical installations in accordance with the requirements as stated herein. (3-20-20)T

02. Limited Electrical Installer Trainee. A limited electrical installer trainee shall be required to work not less than two (2) years, defined as a minimum of four thousand (4,000) hours of work experience, under the constant on-the-job supervision of a limited electrical installer of the same limited category to qualify for testing as a limited electrical installer. A person wishing to become a limited electrical installer trainee shall register with the Division for a period of three (3) years and pay the applicable fee prior to going to work. Said person shall carry a current registration certificate on his person at all times and present it upon request to personnel. Time shall not be credited while the trainee is inactive or not registered. (3-20-20)T

153. ELECTRICAL INSTALLATIONS REQUIRING A LIMITED ELECTRICAL INSTALLER LICENSE.

The following categories of electrical installations shall be considered limited electrical installations, the practice of which shall require a journeyman electrician, master electrician, or limited electrical installer license: (3-20-20)T

01. Elevator, Dumbwaiter, Escalator, or Moving-Walk Electrical. Any person qualifying for and having in his possession a current elevator electrical license may install, maintain, repair, and replace equipment, controls, and wiring beyond the disconnect switch in the machine room of the elevator and pertaining directly to the operation and control thereof when located in the elevator shaft and machine room. He shall be employed by a licensed elevator electrical contractor or electrical contractor, and his installations shall be limited to this category. The holder of such limited license may only countersign a limited electrical contractor's license application as a supervising limited electrical installer for work within this category. (3-20-20)T

02. Sign Electrical. Any person qualifying for and having in his possession a current sign electrical license may install, maintain, repair, and replace equipment, controls, and wiring on the secondary side of sign disconnecting means; providing the disconnecting means is located on the sign or within sight therefrom. He shall be employed by a licensed sign electrical contractor or electrical contractor, and his installations shall be limited to this category. The holder of such limited license may only countersign a limited electrical contractor's license application as supervising limited electrical installer for work within this category. (3-20-20)T

03. Manufacturing or Assembling Equipment. (3-20-20)T

a. A licensed limited electrical manufacturing or assembling equipment installer must be employed by a licensed limited electrical manufacturing or assembling equipment contractor or electrical contractor, and his installation shall be limited to this category. The holder of such limited license may only countersign a limited electrical contractor's license application as a supervising limited electrical installer for work within this category. (3-20-20)T

b. Any person licensed pursuant to Paragraph 153.03.a. of these rules may install, maintain, repair, and replace equipment, controls, and accessory wiring, integral to the specific equipment, on the load side of the equipment disconnecting means. Electrical service and feeder are to be installed by others. The licensee may also install circuitry in modules or fabricated enclosures for the purpose of connecting the necessary components which individually bear a label from a nationally recognized testing laboratory when such equipment is designed and manufactured for a specific job installation. All wiring completed shall meet all requirements of Title 54, Chapter 10, Idaho Code, all rules promulgated pursuant thereto, and the most current edition of the National Electrical Code. (3-20-20)T

c. Subsection 153.03 of these rules does not apply to a limited electrical manufacturing or assembling equipment installer installing electrical wiring, equipment, and apparatus in modular buildings as that term is defined in Section 39-4105, Idaho Code. Only journeyman electricians and electrical apprentices, employed by an electrical contractor, may perform such installations. (3-20-20)T

04. Limited Energy Electrical. (3-20-20)T

a. Limited energy systems are defined as fire and security alarm systems, class 2 and class 3 signaling circuits, key card operators, nurse call systems, motor and electrical apparatus controls and other limited energy applications covered by the NEC. (3-20-20)T

b. Limited energy systems do not include, and no license of any type is required for, the installation of landscape sprinkler controls or communication circuits, wires and apparatus that include telephone systems, telegraph facilities, outside wiring for fire and security alarm systems which are used for communication purposes, and central station systems of a similar nature, PBX systems, audio-visual and sound systems, public address and intercom systems, data communication systems, radio and television systems, antenna systems and other similar systems. (3-20-20)T

c. Unless exempted by Section 54-1016, Idaho Code, any person who installs, maintains, replaces or repairs electrical wiring and equipment for limited energy systems in facilities other than one (1) or two (2) family dwellings shall be required to have a valid limited energy limited electrical license and must be employed by a licensed limited energy limited electrical contractor or electrical contractor. The holder of such limited license may only countersign a limited electrical contractor's application as a supervising limited electrical installer for work within this category. (3-20-20)T

05. Irrigation Sprinkler Electrical. Any person qualifying for and having in his possession, an irrigation system electrical license may install, maintain, repair and replace equipment, controls and wiring beyond the disconnect switch supplying power to the electric irrigation machine. The irrigation machine is considered to include the hardware, motors and controls of the irrigation machine and underground conductors connecting the control centers on the irrigation machine to the load side of the disconnecting device. Disconnect device to be installed by others. All such installations performed by individuals under this Subsection shall be done in accordance with the applicable provisions of the National Electrical Code. He shall be employed by a licensed limited electrical contractor whose license is contingent upon the granting of a limited electrical license to an employee, and his installations shall be limited to this category. The holder of such limited license may not countersign a limited electrical contractor's license application as supervising limited electrical installer except for work within this category. (3-20-20)T

06. Well Driller and Water Pump Installer. All installations performed by individuals under this Subsection shall be done in accordance with the applicable provisions of the approved National Electrical Code. A license holder in this category shall be employed by a licensed well driller and water pump installer limited electrical contractor or electrical contractor, and his installations shall be limited to this category. The holder of such limited license may only countersign a limited electrical contractor's license application as supervising limited electrical installer for work within this category. Any person currently licensed in this category may perform the following types of installations: (3-20-20)T

a. Single or three (3) phase water pumps: install, maintain, repair and replace all electrical equipment, wires, and accessories from the pump motor up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. (3-20-20)T

b. Domestic water pumps, one hundred twenty/two hundred forty (120/240) volt, single phase, sixty (60) amps or less: Install, maintain, repair and replace all electrical equipment, wires, and accessories from the pump motor up to and including the disconnecting device. (3-20-20)T

c. Temporarily connect into a power source to test the installations, provided that all test wiring is removed before the installer leaves the site. (3-20-20)T

d. Individual residential wastewater pumping units. Install, maintain, repair and replace all electrical equipment, wires, and accessories from the pump motor up to and including the disconnecting device for systems that serve one-family, two-family, or three-family residential installations. (3-20-20)T

07. Refrigeration, Heating, and Air-Conditioning Electrical Installer. All installation, maintenance, and repair performed by individuals under this Subsection shall be done in accordance with applicable provisions of the National Electrical Code. A license holder in this category shall be employed by a licensed limited

electrical contractor whose license shall be covered by this category or electrical contractor, and his installations shall be limited to this category. The holder of such limited license may only countersign a limited electrical contractor's license application as a supervising limited electrical installer for work in this category. Any person currently licensed in this category may perform the following types of installations, which installations shall be limited to factory-assembled, packaged units: (3-20-20)T

a. Heating Units (single phase): install, repair, and maintain all electrical equipment, wires, and accessories from the unit up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. (3-20-20)T

b. Refrigeration, Air-Conditioning Equipment and Heat Pumps (single phase): install, repair, and maintain all electrical equipment, wires, and accessories from the unit up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. (3-20-20)T

c. Refrigeration, Air-Conditioning and Heating Systems (three (3) phase): install, maintain, and repair all electrical equipment and accessories up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. (3-20-20)T

08. Outside Wireman. All installation, maintenance, and repair not exempt under the provisions of Section 54-1016, Idaho Code, performed by individuals under this Subsection shall be done in accordance with the applicable provisions of the National Electrical Code. A license holder in this category shall be employed by a licensed limited electrical contractor whose license shall be covered by this category or electrical contractor, and his installations shall be limited to this category. The holder of such limited electrical license may only countersign a limited electrical contractor's license application as a supervising limited electrical installer for work in this category. Applicants for this license category shall provide documentation of having completed an electrical lineman apprenticeship program or similar program approved by the U.S. Department of Labor, Office of Apprenticeship. Any person currently licensed in this category may perform the following types of installations: (3-20-20)T

a. Overhead distribution and transmission lines in excess of six hundred (600) volts. (3-20-20)T

b. Underground distribution and transmission lines in excess of six hundred (600) volts. (3-20-20)T

c. Substation and switchyard construction in excess of six hundred (600) volts. (3-20-20)T

09. Solar Photovoltaic. All installation, maintenance, and repair not exempt under the provisions of Section 54-1016, Idaho Code, performed by individuals under this Subsection shall be done in accordance with the applicable provisions of the National Electrical Code. A license holder in this category shall be employed by a licensed limited electrical contractor whose license shall be covered by this category or electrical contractor, and his installations shall be limited to this category. The holder of such limited electrical license may only countersign a limited electrical contractor's application as a supervising limited electrical installer for work in this category. Applicants for this license category shall provide proof of photovoltaic installer certification by the North American Board of Certified Energy Practitioners (NABCEP) or equivalent. Any person licensed in this category may perform the following types of installations: (3-20-20)T

a. Solar Photovoltaic DC Systems: Install, maintain, repair, and replace all electrical equipment, wires, and accessories up to and including the inverter. (3-20-20)T

b. Solar Photovoltaic micro-inverter/AC Systems: Install, maintain, repair, and replace all electrical equipment, wires, and accessories up to and including the AC combiner box. (3-20-20)T

154. APPLICATIONS FOR LIMITED ELECTRICAL INSTALLER LICENSE.

An application for a limited electrical installer license may be obtained from the Division. The forms shall be returned with the application fee, as provided by Section 54-1014, Idaho Code, with proof of the required two (2) years of experience in the field of limited electrical category and notarized signature. Upon receiving a passing grade, the applicant may remit the license fee for issuance of the license. (3-20-20)T

155. LICENSURE PERIOD AND FEES.

All original limited electrical licenses and registrations shall be issued by the Division immediately upon receipt of the licensure fee and other necessary documentation from the applicant which date will be designated as the original license anniversary date and signify the commencement of the licensing period. All specialty license and registration renewals shall be effective in the year renewed as of the original license anniversary date. All license and registration periods end at midnight on the last day of the final month of the licensing or registration period. Limited electrical licenses and registrations not renewed by this date are expired. Any expired license revived within the twelve-month period following the expiration date will continue to have the original license anniversary date for the purposes of subsequent renewal. The license fee and renewal fee for each type of limited electrical license is provided for by Section 54-1014, Idaho Code, for other journeyman licenses. (3-20-20)T

156. LIMITED ELECTRICAL CONTRACTOR LICENSE.

01. Qualifications for Limited Electrical Contractor. Except as herein provided, any person, partnership, company, firm, association, or corporation shall be eligible to apply for a limited electrical contractor license upon the condition that such applicant will be responsible for supervision of electrical installations made by said company, firm, association, or corporation as provided by Section 54-1010, Idaho Code. The supervising limited electrical installer shall be available during working hours to carry out the duties of supervising limited electrical installer, as set forth herein. In addition, the applicant shall meet or have at least one (1) full-time employee who meets one (1) of the following criteria: (3-20-20)T

a. Holds a valid limited electrical installer license issued by the Division, in the same category as the limited electrical contractor, and has held a valid limited electrical installer license for a period of not less than two (2) years, during which time he was employed as a limited electrical installer for a minimum of four thousand (4,000) hours; (3-20-20)T

b. Holds a valid limited electrical installer license issued by the Division, in the same category as the limited electrical contractor, and has at least four (4) years of experience in the limited electrical category with a minimum of two (2) years practical experience in planning, laying out, and supervising electrical installations in the category. (3-20-20)T

02. Modification to Qualifications. Applicants for limited electrical contractor licenses, or individuals countersigning such applications, shall be subject to the same requirements, restrictions, and fees applicable to other electrical contractors and countersigning master, as set forth in the current electrical statutes and rules with the exception that an electrical contractor requires a master electrician to countersign as a supervising master whereas a supervising limited electrical installer for a limited electrical contractor must meet the requirements of Subsection 156.01 of these rules. (3-20-20)T

157. -- 199. (RESERVED)

**SUBCHAPTER E – EXAMINATIONS
(Rules 200 through 249)**

200. EXAMINATIONS.

01. Frequency of Conducting of Examinations. Board-approved examinations for all classifications under the Electrical Laws and Rules will be offered a minimum of four (4) times each year at the Division's three (3) office locations. The applicant will be notified in writing of the date, time, and location at which the examination will be given, following approval of the application. (3-20-20)T

02. Professional Testing Services. In lieu of the administration by the Board of the examination for licenses pursuant to this rule, the Board may contract with a professional testing service to administer the examination and require license applicants to pay to the testing service the fee that they have set for the examination, take such examination at the time set by such service, and provide the Division acceptable verification of the test score. If the examination is conducted in this fashion, the Board may charge and retain the application fee provided for by Section 54-1014, Idaho Code, to cover the cost of reviewing the applicant's application. (3-20-20)T

03. Required Scores. The following scores are considered minimum for passing and are required to be

achieved by the applicant prior to issuance of the appropriate license or certification.

Required Scores		
Journeyman Electrician	-	70%
Limited Electrical Installer	-	70%
Electrical Contractor	-	75%
Limited Electrical Contractor	-	70%
Electrical Inspector	-	75%
Master Electrician	-	75%

(3-20-20)T

04. Failed Examinations.

(3-20-20)T

a. An applicant receiving less than a passing score on a first or second examination attempt may be reexamined. (3-20-20)T

b. Before being reexamined after failing an examination the third time, an applicant must: (3-20-20)T

i. Wait until the expiration of one (1) year from the date of the failed third examination; or (3-20-20)T

ii. Provide proof, satisfactory to the Board, of completion of a minimum of twenty-four (24) hours of Board-approved, related electrical training or continuing education since the date of the failed third examination. (3-20-20)T

c. Before being reexamined after any further failures, an applicant for reexamination must: (3-20-20)T

i. Wait until the expiration of an additional one (1) year from the date of the failed examination; or (3-20-20)T

ii. Provide proof, satisfactory to the Electrical Board, of completion of thirty-two (32) hours of Board-approved, related electrical training or continuing education since the date of the failed examination. (3-20-20)T

201. -- 249. (RESERVED)

**SUBCHAPTER F – USE OF THE NATIONAL ELECTRICAL CODE
(Rules 200 through 299)**

250. ADOPTION AND INCORPORATION BY REFERENCE OF THE NATIONAL ELECTRICAL CODE.

01. Documents. Under the provisions of Section 54-1001, Idaho Code, the National Electrical Code, 2017 Edition, (herein NEC) is hereby adopted and incorporated by reference for the state of Idaho and are in full force and effect on and after July 1, 2017, with the following amendments: (3-20-20)T

a. Article 110.3(A) and 110.3(B) shall not apply to submersible well pumps installed in swimming and marine areas; provided however, such articles shall apply to all other equipment required in the installation of a submersible well pump in such areas except for the actual submersible well pump itself. (3-20-20)T

b. Article 210.8(A)(7) Sinks. Delete article 210.8(A)(7) and replace with the following: Sinks - located in areas other than kitchens where receptacles are installed within one and eight tenths (1.8) meters (six (6)

- feet) of the outside edge of the sink. (3-20-20)T
- c. Article 210.8(A)(10). Delete article 210.8(A)(10). (3-20-20)T
 - d. Article 210.8(D). Delete article 210.8(D). (3-20-20)T
 - e. Article 210.52(E)(3). Delete article 210.52(E)(3) and replace with the following: Balconies, Decks, and Porches. Balconies, decks, and porches having an overall area of twenty (20) square feet or more that are accessible from inside the dwelling unit shall have at least one (1) receptacle outlet installed within the perimeter of the balcony, deck, or porch. The receptacle shall not be located more than two (2.0) meters (six and one half (6½) feet) above the balcony, deck, or porch surface. (3-20-20)T
 - f. Add a new Article 225.30(F) – One (1)- or Two (2)-Family Dwelling Unit(s). For a one (1)- or two (2)-family dwelling unit(s) with multiple feeders with conductors one aught (1/0) or larger, it shall be permissible to install not more than six (6) disconnects grouped at one (1) location where the feeders enter the building, provided that the feeder conductors originate at the same switchboard, panelboard, or overcurrent protective device location. (3-20-20)T
 - g. Where the height of a crawl space does not exceed one and four tenths (1.4) meters or four and one half (4.5) feet it shall be permissible to secure NM cables, that run at angles with joist, to the bottom edge of joist. NM cables that run within two and one tenth (2.1) meters or seven (7) feet of crawl space access shall comply with Article 320.23. (3-20-20)T
 - h. Article 334.10(3). Delete Article 334.10(3) and replace with the following: Other structures permitted to be of Types III, IV, and V construction. Cables shall be concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a fifteen (15)-minute finish rating as identified in listings of fire-rated assemblies. For the purpose of this section, cables located in attics and underfloor areas that are not designed to be occupied shall be considered concealed. (3-20-20)T
 - i. Article 675.8(B). Compliance with Article 675.8(B) will include the additional requirement that a disconnecting means always be provided at the point of service from the utility no matter where the disconnecting means for the machine is located. (3-20-20)T
 - j. Article 682.10 shall not apply to submersible well pumps installed in swimming and marine areas; provided however, such articles shall apply to all other equipment required in the installation of a submersible well pump in such areas except for the actual submersible well pump itself. (3-20-20)T
 - k. Article 682.11. Add the following exception to Article 682.11: This article shall not apply to service equipment that is located on or at the dwelling unit and which is not susceptible to flooding. (3-20-20)T
 - l. Article 682.13. Add the following exceptions to Article 682.13: (3-20-20)T
 - i. Exception No 1. Wiring methods such as HDPE schedule eighty (80) electrical conduit or its equivalent or greater, and clearly marked at a minimum “Caution Electrical” to indicate that it contains electrical conductors shall be approved. It shall be buried whenever practical, and in accordance with the requirements of the authority having jurisdiction. The use of gray HDPE water pipe rated at two hundred (200) PSI (e.g. SIDR-7 or DR-9) is suitable for use as a chase only when the following conditions are met: (3-20-20)T
 - (1) When internal conductors are jacketed submersible pump cable. (3-20-20)T
 - (2) When used in continuous lengths, directly buried, or secured on a shoreline above and below the water line. (3-20-20)T
 - (3) When submersible pump wiring terminations in the body of water according to 682.13 Exception No. 2 are met. (3-20-20)T
 - ii. Exception No 2. Any listed and approved splices required to be made at the submersible well pump

itself, outside of a recognized submersed pump sleeve or housing, when wires are too large to be housed inside such sleeve, shall be covered with a non-metallic, impact resistant material, no less than one quarter (.25) inches thick, such as heavy duty heat shrink or other equivalent method approved by the authority having jurisdiction. (Eg. install a heat shrink over the sleeve or housing that the submersible well pump is installed in, and then recover (apply heat) the heat shrink over both the HDPE and the water line). At least six (6) inches shall be over the sleeve and at least twelve (12) inches over the HDPE and water line. (3-20-20)T

iii. Exception No. 3. Pipe, conduit, PVC well casing, or other electrically unlisted tubing may be used as a chase, but not as a raceway, to protect conductors or cables from physical damage. Conductors or cables within a chase shall be rated for the location. (3-20-20)T

m. Article 682.14. Add the following additional exception to Article 682.14: For installations of submersible well pumps installed in public swimming and marine areas, submersible well pumps shall be considered directly connected and shall be anchored in place. Ballast is an acceptable form of anchoring. (3-20-20)T

n. Article 682.14(A). Add the following exception to Article 682.14(A): For installations of submersible well pumps installed in public swimming and marine areas, motor controller circuits such as remotely located stop pushbutton/s, disconnect/s, relay/s or switches shall be permitted as a required disconnecting means. Such circuits shall be identified at a minimum as “Emergency Pump Stop”, or “Emergency Stop” with other obvious indications on the visible side of the enclosure, that it controls a submersible pump in the body of water. (3-20-20)T

o. Article 682.15. Add the following exceptions to Article 682.15: (3-20-20)T

i. Exception No. 1. Submersible pumps, and their motor leads, located in bodies of water, and that are rated sixty (60) amperes maximum, two hundred fifty (250) volts maximum of any phase, shall have GFCI or Ground Fault Equipment Protection designed to trip at a maximum of thirty (30) milliamps or less, protected by means selected by a licensed installer, meeting listing or labeling requirements, and inspected by the AHJ prior to submersion in bodies of water. (3-20-20)T

ii. Exception No. 2. Installations or repair and replacement of submersible pumps located in bodies of water, that are rated over sixty (60) amperes, and rated at any voltage, shall be evaluated by a qualified designer or experienced licensed contractor, or involve engineering or be engineered, for each specific application, with the goal of public safety. Whenever possible, GFCI or Ground Fault Equipment Protection designed to trip at a maximum of thirty (30) milliamps or less, meeting listing or labeling requirements, shall be installed, and inspected by the AHJ prior to submersion in bodies of water. (3-20-20)T

p. Article 550.32(B). Compliance with Article 550.32(B) shall limit installation of a service on a manufactured home to those homes manufactured after January 1, 1992. (3-20-20)T

q. Poles used as lighting standards that are forty (40) feet or less in nominal height and that support no more than four (4) luminaires operating at a nominal voltage of three hundred (300) volts or less, shall not be considered to constitute a structure as that term is defined by the National Electrical Code (NEC). The disconnecting means shall not be mounted to the pole. The disconnecting means may be permitted elsewhere in accordance with NEC, Article 225.32, exception 3. SEC special purpose fuseable connectors (model SEC 1791–DF or model SEC 1791-SF) or equivalent shall be installed in a listed handhole (underground) enclosure. The enclosure shall be appropriately grounded and bonded per the requirements of the NEC applicable to Article 230–Services. Overcurrent protection shall be provided by a (fast-acting – minimum - 100K RMS Amps 600 VAC) rated fuse. Wiring within the pole for the luminaires shall be protected by supplementary overcurrent device (time-delay – minimum - 10K RMS Amps 600 VAC) in break-a-away fuse holder accessible from the hand hole. Any poles supporting or incorporating utilization equipment or exceeding the prescribed number of luminaires, or in excess of forty (40) feet, shall be considered structures, and an appropriate service disconnecting means shall be required per the NEC. All luminaire-supporting poles shall be appropriately grounded and bonded per the NEC. (3-20-20)T

r. Compliance with Article 210.12 Arc-Fault Circuit-Interrupter Protection. Article 210.12 shall apply in full. Exception: In dwelling units Arc-Fault Circuit-Interrupter Protection shall only apply to all branch circuits and outlets supplying bedrooms. All other locations in dwelling units are exempt from the requirements of Article 210.12. (3-20-20)T

- 02. Availability.** A copy of the National Electrical Code is available at the offices of the Division. (3-20-20)T

251. --299. (RESERVED)

SUBCHAPTER G – CONTINUING EDUCATION REQUIREMENTS
(Rules 300 through 349)

300. CONTINUING EDUCATION REQUIREMENTS.

Journeyman and master electricians must complete at least twenty-four (24) hours of continuing education instruction in every three (3) year period between renewals of such licenses. The twenty-four (24) hours of instruction shall consist of eight (8) hours of code update covering changes included in the latest edition of the National Electrical Code. The remaining sixteen (16) hours may consist of any combination of code-update training, code-related training, or industry-related training. Proof of completion of these continuing education requirements must be submitted to the Division prior to or with the application for license renewal by any such licensee in order to renew a journeyman or master electrician license for the code change year. (3-20-20)T

301. COURSE APPROVAL REQUIREMENTS.

Continuing education courses for electricians must cover technical aspects of the electrical trade. Courses will be approved as either code update, code related or industry related based on the criteria as defined in this section. (3-20-20)T

01. General Course Requirements. (3-20-20)T

- a.** Courses must be at least four (4) hours in length. (3-20-20)T
- b.** Courses must be taught by an instructor approved by the Division. (3-20-20)T
- c.** The presentation should be delivered orally with the assistance of power point or other means of visual media. Pre-taped video or audio shall be held to a minimum. (3-20-20)T
- d.** A course evaluation card shall be provided to all participants to evaluate course and presentation. The completed evaluation cards must be submitted to the Division. (3-20-20)T
- e.** All programs are subject to audit by representatives of the Division or Board for content and quality without notice and at no charge. Course and instructor approval are subject to revocation if the minimum requirements of course content or instructor qualifications are not met. (3-20-20)T

02. Code-Update Programs. Code-update programs must cover changes to the National Electrical Code utilizing pre-approved materials such as the NFPA-IAEI Analysis of Changes. (3-20-20)T

03. Code-Related Programs. Code-related programs must cover portions of NFPA 70 other than changes to the National Electrical Code. (3-20-20)T

04. Industry-Related Programs. Industry-related programs shall be technical in nature and directly related to the electrical industry. Electrical theory, application of the National Electrical Code, grounding, photovoltaic systems, programmable controllers, and residential wiring methods are examples of industry-related programs. (3-20-20)T

05. Program Approval Procedures. (3-20-20)T

- a.** Program approvals are effective for one (1) code cycle. Subsequent applications for the same program may incorporate by reference all or part of the original application. An application for course approval must be on a form obtained from the Division and include all requirements specified on the form. (3-20-20)T
- b.** Certificates of Completion. Certificates of completion must contain the following: the date of the

program the title of the program; the location of the program the name of the sponsor; the number of hours of credit completed; the name of the attendee; the license number of the attendee; the name of the instructor; and the Idaho course approval number. (3-20-20)T

c. Evaluation Cards. Evaluation cards or forms must be pre-addressed to the Division and must include the following: the date; title; and location of the program; the instructors name; and an evaluation of the course and of the instructor’s presentation skills. (3-20-20)T

06. Appeals. Appeals for courses that have been denied approval shall be submitted in writing to the Board within thirty (30) days for review. (3-20-20)T

07. Instructor Approval Procedures. (3-20-20)T

a. Instructor approvals shall be effective for one (1) code cycle. (3-20-20)T

b. An application for instructor approval may be obtained from the Division. Documentation of the instructor qualifications must be included with the instructor application. The minimum qualification for an instructor shall be established by providing proof of one (1) of the following: (3-20-20)T

i. Current and active master or journeyman electrician license; (3-20-20)T

ii. An appropriate degree related to the electrical field; or (3-20-20)T

iii. Other recognized experience or certification in the subject matter to be presented. (3-20-20)T

c. Any person denied instructor approval may appeal to the Board within thirty (30) days. (3-20-20)T

08. Revocation of Approval. (3-20-20)T

a. The Board may revoke, suspend, or cancel the approval of any continuing education program or instructor if the Board determines that the program or instruction does not meet the intent of furthering the education of electricians. Grounds for revocation of approval include, but are not limited to: (3-20-20)T

i. Failure of the instructor to substantially follow the approved course materials; (3-20-20)T

ii. Failure to deliver instruction for the full amount of time approved for the course; or (3-20-20)T

iii. Substantial dissatisfaction with the instructor’s presentation or the content of the course or materials by the class attendees or representatives of the Division or Board. (3-20-20)T

09. Board and Negotiated Rulemaking Meetings. Licensees may receive up to eight (8) hours of industry-related continuing education credits by attending eight (8) hours of board meetings or electrical-board negotiated rulemaking meetings. (3-20-20)T

10. Schedule of Approved Classes. The Division shall publish a list of approved classes at a minimum of once a year. This list shall be forwarded to all states that are members of the continuing education reciprocal agreement and shall be made available to any licensee through the Division. (3-20-20)T

302. -- 349. (RESERVED)

SUBCHAPTER H – ELECTRICAL INSPECTION APPEALS
(Rules 350 through 399)

350. APPEALS.

In order to determine the suitability of materials and methods of wiring and to provide for interpretations of the provisions of the National Electrical Code NFPA 70, the creation of an electrical appeals board is hereby authorized by the administrator of the Division, to be composed of three (3) members of the Board, or an electrical supervisor

and two (2) members of the Board, as determined and selected by the administrator upon receipt of a written notice of appeal as set forth below. (3-20-20)T

01. Notice of Appeal. A person, firm, or corporation making an electrical installation subject to the provisions of Title 54, Chapter 10, Idaho Code, may appeal, to the administrator, a decision by the Electrical Program Manager or other electrical inspector, that a particular electrical installation is not in conformance with Idaho Code, these rules, or the National Electrical Code as adopted by Idaho law. An appeal must be lodged by filing a written notice of appeal with the administrator within ten (10) days of the date of issuance of a notice of correction issued pursuant to Section 54-1004, Idaho Code. The notice of appeal shall state in particular the reasons why the appellant contends that the notice of defects is incorrect. (3-20-20)T

02. Filing Date. If mailed, the notice of appeal shall be considered filed as of the date of postmark. (3-20-20)T

03. Appeals Board. The members of the Board and other persons appointed by the administrator to act as the appeals board, are authorized to hold hearings at the Division in Meridian, Idaho, to determine the merits of an appeal filed pursuant to this rule. (3-20-20)T

04. Function of Appeals Board. The members of the Board, acting as an appeals board, shall not have the authority to grant variances from the National Electrical Code; its sole function as an appeals board shall be to determine whether the materials or method of wiring utilized by the appellant meets the requirements of the National Electrical Code. (3-20-20)T

05. Appeals Hearing Fee. An appeals hearing fee of one hundred dollars (\$100) shall be charged to an appellant for each appeal brought before the appeals board and accompany the notice of appeal. When the appeal is found in favor of the appellant, the appeals hearing fee shall be returned to the appellant. (3-20-20)T

06. Conditions Disqualifying Board Member. No Board member shall sit on an appeals board in which he or his employer, employee, business partner or any person related to him, is the appellant in the matter. or where he has a pecuniary interest in the outcome of the matter to be decided by the appeals board. (3-20-20)T

07. Rules of Evidence. The rules of evidence for the hearing are governed by the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code. (3-20-20)T

08. Limitations of Appeal. The filing of an appeal does not stay or discontinue a red tag, disconnect order, or notification to the power company not to connect or energize, in situations where the defect is of a nature so as to be an imminent threat to life or property. (3-20-20)T

09. Preliminary Order. Within five (5) days of the conclusion of the administrative hearing, the appeals board shall issue a preliminary order. The preliminary order will become a final order without further notice unless reviewed by the administrator, or review is requested by any party to the inspection appeal, pursuant to the provisions of Section 67-5245, Idaho Code. When a preliminary order is reviewed by the administrator, the administrator will issue a final order pursuant to the requirements of Sections 67-5245 and 67-5246, Idaho Code. (3-20-20)T

10. Motions for Reconsideration. Motions for reconsideration of the appeal board's preliminary order or of the administrator's final order are not allowed. (3-20-20)T

351. -- 399. (RESERVED)

**SUBCHAPTER I – CERTIFICATION AND APPROVAL OF ELECTRICAL PRODUCTS
AND MATERIALS
(Rules 400 through 449)**

400. CERTIFICATION AND APPROVAL OF ELECTRICAL PRODUCTS AND MATERIALS.
In the state of Idaho, all materials, devices, fittings, equipment, apparatus, luminaires, and appliances installed or to be used in installations that are supplied with electric energy shall be approved as provided in one (1) of the following

methods: (3-20-20)T

01. Testing Laboratory. Be tested, examined, and certified (Listed) by a Nationally Recognized Testing Laboratory (NRTL). (3-20-20)T

02. Field Evaluation. Non-listed electrical equipment may be approved for use through a field evaluation process performed in accordance with recognized practices and procedures such as those contained in the 2012 edition of NFPA 791 - Recommended Practice and Procedures for Unlabeled Electrical Equipment Evaluation published by the National Fire Protection Association (NFPA). Such evaluations shall be conducted by: (3-20-20)T

a. The authority having jurisdiction; (3-20-20)T

b. A field evaluation body approved by the authority having jurisdiction. The field evaluation body shall meet minimum recognized standards for competency, such as NFPA 790 - Standard for Competency of Third-Party Field Evaluation Bodies, 2012 edition, published by the National Fire Protection Association (NFPA); or (3-20-20)T

c. In the case of industrial machinery only, as defined by NFPA 79 - Electrical Standard for Industrial Machinery, 2012 edition, a field evaluation may be performed by a professional engineer currently licensed to practice electrical engineering by the state of Idaho and who is not involved in the design of the equipment being evaluated or the facility in which the equipment is to be installed. (3-20-20)T

03. Availability of NFPA Standards. The most recent edition of NFPA 790 - Standard for Competency of Third-Party Field Evaluation Bodies, and NFPA 791 - Recommended Practice and Procedures for Unlabeled Electrical Equipment Evaluation published by the National Fire Protection Association (NFPA) are available at the Division. (3-20-20)T

401. -- 449. (RESERVED)

SUBCHAPTER J – CIVIL PENALTIES
(Rules 450 through 499)

450. CIVIL PENALTIES.

Except for the acts described in Subsections 450.01 and 450.10 of this rule, the acts described in this section shall subject the violator to a civil penalty of not more than two hundred dollars (\$200) for the first offense and not more than one thousand dollars (\$1,000) for each offense that occurs thereafter within one (1) year of an earlier violation. (3-20-20)T

01. Electrical Contractor. Except as provided by Section 54-1016, Idaho Code, any person who acts, or purports to act as an electrical contractor, as defined by Section 54-1003A, Idaho Code, without a valid Idaho state electrical contractor's license shall be subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-20-20)T

02. Employees. Any person, who knowingly employs a person who does not hold a valid Idaho state electrical license or registration as required by Section 54-1010, Idaho Code, to perform electrical installations. (3-20-20)T

03. License or Registration. Except as provided by Section 54-1016, Idaho Code, any person performing electrical work as a journeyman electrician as defined by Section 54-1003A(2), Idaho Code, limited electrical installer as defined by Section 54-1003A(6), Idaho Code, apprentice electrician as defined by Section 54-1003A(3), Idaho Code, or a limited electrical installer trainee as defined by Section 54-1003A(8), Idaho Code, without a valid license or registration. (3-20-20)T

04. Journeyman to Apprentice Ratio. Any electrical contractor or facility account employing electricians in violation of the journeyman to apprentice ratio established by the Board. (3-20-20)T

05. Supervision. Any contractor failing to provide constant on-the-job supervision to apprentice electricians or trainees by a qualified journeyman electrician or limited electrical installer. (3-20-20)T

06. Performance Outside Scope of License. Any limited electrical contractor or limited electrical installer performing electrical installations, alterations or maintenance outside the scope of the contractor's or installer's limited electrical license. (3-20-20)T

07. Fees and Permits. Any person failing to pay applicable fees or properly post an electrical permit. (3-20-20)T

08. Corrections. Any person who fails to make corrections in the time allotted in the notice on any electrical installation as set forth in Section 54-1004, Idaho Code. (3-20-20)T

09. Failure to Disclose. Any applicant for an electrical registration, license, or certificate of competency who upon request fails to disclose any required information including, but not limited to, their complete licensure history or the fact that they have been previously granted a recognized license. (3-20-20)T

10. Gross Violation. In the case of continued, repeated or gross violation of Title 54, Chapter 10, Idaho Code, or these rules, a license revocation shall be initiated for licensees under this chapter and non-licensees shall be subject to prosecution by the appropriate jurisdiction under Idaho law. (3-20-20)T

451. -- 999. (RESERVED)

24.39.20 – RULES GOVERNING PLUMBING

000. LEGAL AUTHORITY.

In accordance with Sections 54-2605(1) and 54-2606(3), Idaho Code, the Idaho Plumbing Board is authorized to make, promulgate, and publish such rules as may be necessary for carrying out the provisions of this act in order to effectuate the purposes thereof and for the orderly and efficient administration thereof, and except as may be limited or prohibited by law and the provisions of this act, such rules so made and promulgated have the force of statute.

(3-20-20)T

001. TITLE AND SCOPE.

01. **Title.** IDAPA 24.39.20, “Rules Governing Plumbing.”

(3-20-20)T

02. **Scope.** These rules prescribe criteria for plumbing permits, fee schedules for plumbing permits, inspections of plumbing installations, the issuance of licenses for plumbing installation, adoption and amendment of the Idaho State Plumbing Code, and civil penalties.

(3-20-20)T

002. ADMINISTRATIVE APPEALS.

Within ten (10) days of receiving notice of a civil penalty, the notified party shall comply with the penalty or file a written request for an administrative appeal before the Board and pay a bond in the amount of the penalty. Title 67, Chapter 52, Idaho Code, and IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General,” shall govern administrative appeals and judicial review thereof.

(3-20-20)T

003. INCORPORATION BY REFERENCE.

The Idaho State Plumbing Code, 2017 Edition, is incorporated by reference into these rules as further specified in Rule 301.

(3-20-20)T

004. -- 006. (RESERVED)

007. DEFINITIONS.

01. **Administrator.** The Division of Building Safety Administrator.

(3-20-20)T

02. **Board.** The Idaho State Plumbing Board, created under the provisions of Section 54-2605, Idaho Code.

(3-20-20)T

03. **Division.** The Division of Building Safety of the state of Idaho.

(3-20-20)T

04. **Fixture.** Any water using or waste producing unit attached to the plumbing system, and includes sewers, water treatment equipment, solar systems, sprinkler systems, hot tubs and spas.

(3-20-20)T

008. -- 100. (RESERVED)

SUBCHAPTER A – PLUMBING PERMITS, FEE SCHEDULE, AND SAFETY INSPECTIONS (Rule 101 through 103)

101. PERMITS.

01. **Serial Number.** Each permit must bear a serial number.

(3-20-20)T

02. **Plumbing Contractors.** Permits will be furnished by the Division to licensed plumbing contractors upon request. Permit serial numbers must be registered in the name of the plumbing contractor and are transferable only as provided herein these rules.

(3-20-20)T

03. **Home Owners.** Home owners making plumbing installations on their own premises under the provisions of Section 54-2602, Idaho Code, must secure a plumbing permit by making application to the Division as provided by Section 54-2620, Idaho Code.

(3-20-20)T

04. **Commercial, Industrial and Others.** The application form must be properly completed, and returned to the Division together with a verified copy of bid acceptance and the proper permit fee as hereinafter provided. Persons, companies, firms, associations, or corporations making plumbing installations, other than on their own property, must be licensed as a contractor by the state of Idaho as provided by Section 54-2610, Idaho Code.

(3-20-20)T

05. Expiration of Permit. Every permit expires and becomes null and void if the work authorized by such permit is not commenced within one hundred twenty (120) days from the date of permit issuance, or if work authorized by such permit is suspended or abandoned at any time after work is commenced for a period of one hundred twenty (120) days. Before such work can be recommenced, a new permit must first be obtained, and the fee is one-half (1/2) the amount of a new permit for such work; provided, no changes have been made, or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one (1) year. All plumbing fixtures must be listed on the application for permit. (3-20-20)T

06. Transferring a Permit. A plumbing permit may be transferred to another eligible party if such party provides to the Division written authorization signed and notarized by the original permit holder consenting to the transfer itself, as well as assignment of all responsibilities and conditions incorporated into the original permit issuance. A permit may be transferred to the owner of the property on which the plumbing work is to be performed and for which the permit was issued, or such owner’s designated legal agent in cases where the property owner has terminated their legal relationship with the plumbing contractor who originally obtained the permit. An administrative fee in the amount of forty-five dollars (\$45) for the transfer of a permit will be assessed by the Division. (3-20-20)T

07. Refunds of Permits. (3-20-20)T

a. The Administrator may authorize a refund of the entire permit fee paid when no work has been performed related to the installation of plumbing work covered by a permit issued by the Division. A lesser amount up to fifty percent (50%) of the permit fee amount may be refunded if work has commenced and the project is less than fifty percent (50%) complete as determined by the Division; and (3-20-20)T

b. The Administrator will not authorize a refund of any permit fee paid except upon written application for such filed by the original permit holder or the property owner’s representative not less than one hundred eighty (180) days after the date the permit was issued. (3-20-20)T

102. PERMIT FEE SCHEDULE.

01. New Residential. Includes all buildings with plumbing systems being constructed on each property. The following fees shall apply to new residential construction:

One-Family Dwelling	
Square Feet	Fee
Up to 1,500	- \$130
1,501 to 2,500	- \$195
2,501 to 3,500	- \$260
3,501 to 4,500	- \$325
Over 4,500	- \$325 plus \$65 for each additional 1,000 square feet or portion thereof

Two- or Multi-Family Dwelling	
Dwelling	Fee
Two-family dwelling	- \$260
Multi-family dwelling	- 130 per Building plus \$65 per Unit

(3-20-20)T

02. Miscellaneous. The following fees shall apply for the types of permits listed:

Type	Fee
Existing residential	\$65 per inspection plus \$10 for each additional fixture
Requested inspection	\$65 per hour or portion thereof plus costs of out-of-state travel
Technical service	\$65 per hour or portion thereof
Plan check	
Mobile home, manufactured home, or recreational vehicle park	Calculated under Subsection 102.03 of these rules
Sewer or water service line - nonresidential (new construction, installations, and replacements)	
Reclaimed water system	
Lawn sprinkler system - nonresidential	
Lawn sprinkler system - residential	\$65 per inspection
Sewer or water service line - residential (new construction, installations, and replacements)	
Mobile or manufactured home	
Modular building	
Multipurpose residential fire sprinkler	\$65 or \$4 per fire sprinkler head, whichever is greater
Gray water system	\$130 per inspection

(3-20-20)T

03. Other Installations Including Industrial and Commercial. The fees listed in this Subsection shall apply to plumbing installations in this schedule that refer to this Subsection and installations not specifically mentioned elsewhere in this schedule. The plumbing system cost shall be the cost to the owner of labor charges and other costs incurred to complete the installation of plumbing equipment and materials installed as part of the plumbing system. All fees calculated under this Subsection must be based on the total plumbing system cost, which must be listed on the permit.

Plumbing System Cost	Fee
Up to \$10,000	- \$60 plus 2% of plumbing system cost
\$10,000 to \$100,000	- \$260 plus 1% of plumbing system cost exceeding \$10,000
Over \$100,000	- \$1,160 plus .5% of plumbing system cost exceeding \$100,000

(3-20-20)T

04. Additional Fees. A fee of sixty-five dollars (\$65) per hour or portion thereof shall apply to trips to inspect when the permit holder has given notice to the Division of Building Safety that the work is ready for inspection and it is not;

(3-20-20)T

- a. If the permit holder has not accurately identified the work location; (3-20-20)T
 - b. If the inspector cannot gain access to make the inspection; (3-20-20)T
 - c. Corrections required by the inspector as a result of the permit holder improperly responding to a corrective notice. (3-20-20)T
 - d. When corrections have not been made in the prescribed time, unless an extension has been requested and granted. (3-20-20)T
- 05. No Permit.** Failure to purchase a permit before commencing work may result in the assessment of a double fee. (3-20-20)T

103. REQUIRED INSPECTIONS.

- 01. Ground Work Inspection Tags.** For ground work to be covered, with acceptance by the inspector. A tag will be attached in a prominent location, preferably to a vertical riser. (3-20-20)T
- 02. Rough-In Inspection Tags.** For rough-in, prior to covering or concealing, with acceptance by the inspector. A tag will be placed in a prominent location. (3-20-20)T
- 03. Final Inspection Tags.** For final, attached when the plumbing as specified on the permit is complete and conforms to the requirements of the code. (3-20-20)T
- 04. Inspection Tags for Unacceptable Plumbing.** Correction Notice - when attached to the plumbing system means that the plumbing is not acceptable and that corrections are required. A reinspection and reinspection fee for such installations shall be required in accordance with this chapter. (3-20-20)T

104. -- 199. (RESERVED)

**SUBCHAPTER B – PLUMBING SAFETY LICENSING
(Rule 201 through 210)**

201. LICENSURE HISTORY.

An applicant for any plumbing registration or certificate of competency who has been previously licensed as a journeyman or master plumber in any recognized jurisdiction is required upon application to the Division of Building Safety to disclose such licensure history and provide sufficient proof thereof. An applicant for any plumbing registration or certificate of competency who has been previously licensed as a journeyman or master plumber in any recognized jurisdiction will not be issued a plumbing apprentice registration. (3-20-20)T

202. APPRENTICE REGISTRATION.

A person wishing to become a plumbing apprentice must register with the Division prior to going to work. All apprentices must pay the registration fee as prescribed by Section 54-2614, Idaho Code. The minimum age for any apprentice must be sixteen (16) years. No examination is required for such registration. In order to maintain registration, the apprentice must renew his registration in accordance with Sections 54-2614 and 54-2614A, Idaho Code. (3-20-20)T

01. Work Requirements. A plumbing apprentice must work at the trade under the constant on-the-job supervision of a journeyman and in the employ of a contractor for a total of four (4) years, defined as a minimum of eight thousand (8,000) hours work experience in order to be eligible for a journeyman certificate of competency. (3-20-20)T

02. Schooling Requirements. A plumbing apprentice must complete a Board-approved related course of instruction for four (4) years in order to be eligible for a journeyman certificate of competency. Unless prior approval has been granted by the Division the apprentice must complete the required course work sequentially: year one (1) must be completed prior to beginning year two (2); year two (2) must be completed prior to beginning year three (3); and year three (3) must be completed prior to beginning year four (4). A minimum of one hundred forty-

four (144) hours of classroom or other Idaho Plumbing Board-approved instruction time per school year is required. A grade average of seventy percent (70%) must be attained in these courses. Upon completion of apprenticeship schooling, the apprentice must obtain a certificate of completion, or a letter signed by the chairman of his apprenticeship committee, and attach the certificate or letter to his application for a journeyman license. (3-20-20)T

03. Journeyman Examination. (3-20-20)T

a. Any plumbing apprentice who desires to take the written portion of the journeyman examination must complete an Idaho Plumbing Board approved related course of instruction for four (4) years as described in Subsection 202.02 of these rules prior to the date of the exam and provide a certificate of completion with the application for examination. There is no minimum work requirement in order to be eligible to take the written portion of the plumbing journeyman examination. (3-20-20)T

b. Successful completion of the journeyman written examination does not eliminate the requirement to complete four (4) years of work experience, defined as eight thousand (8,000) hours, under the constant on-the-job supervision of a journeyman plumber or the practical portion of the examination in order to be issued a journeyman certificate of competency. Successful completion of the written plumbing journeyman examination notwithstanding, no journeyman certificate of competency will be issued until an apprentice successfully completes the practical portion for the examination and furnishes to the Division proof of satisfaction of the work requirements contained in Subsection 011.01 of these rules. Satisfaction of the work requirements contained in Subsection 202.01 of these rules is required before any individual is eligible to take the practical portion of the journeyman examination. (3-20-20)T

203. JOURNEYMAN.

01. Qualifications for Journeyman Plumber. An applicant for a journeyman plumber's certificate of competency must have at least four (4) years' experience as an apprentice making plumbing installations under the constant on-the-job supervision of a qualified journeyman plumber, as provided by Section 54-2611, Idaho Code. Pipe fitting will not be accepted as qualifications for a journeyman plumber's certificate of competency. In order to obtain a journeyman certificate of competency, an individual must submit an application for examination and license. The application must be accompanied by proof the applicant has completed an approved course of instruction for four (4) years as provided in Subsection 202.02 of these rules. The journeyman examination may be taken by an individual who has successfully completed a Board-approved course of instruction for four (4) years as described in Subsection 202.03 of these rules. The examination fee is as prescribed by Section 54-2614, Idaho Code, and must accompany the application. (3-20-20)T

02. Examination. The journeyman examination grade is based on answers to written questions and practical work performed on plumbing installations as determined by the Division after successful completion of the written examination. Time allowed for the written examination is four (4) hours. A passing grade is required on the written examination. The practical portion of the exam may be performed on a job in-progress or in a laboratory setting and must consist of work performed in either a residential or commercial application. The practical portion of the exam must pass with no violations. (3-20-20)T

03. Out-of-State Journeyman Applications. (3-20-20)T

a. Exhibition of a license issued by another recognized jurisdiction may be accepted as proof of meeting the experience and schooling requirements listed in Subsections 203.01 and 203.02 of these rules. An application for a journeyman certificate of competency from an individual previously licensed as a journeyman in another jurisdiction recognized by the Idaho Plumbing Board must include satisfactory proof of licensure in such jurisdiction. The applicant must pay all applicable application and examination fees to the Division, and successfully complete the journeyman examination administered by the Division. (3-20-20)T

b. An application for a journeyman certificate of competency from an individual who has never been previously licensed as a journeyman in a jurisdiction recognized by the Board must include evidence that demonstrates that the applicant has four (4) years of plumbing work experience of a nature at least equivalent to that which a plumbing apprentice must perform in Idaho, as well as four (4) years of schooling equivalent to that which a plumbing apprentice must complete in Idaho. Alternatively, such an applicant may submit proof verifying eight (8) years, defined as a minimum of sixteen thousand (16,000) hours of plumbing work experience of a nature at least

equivalent to that which a plumbing apprentice must perform in Idaho. Upon submission of sufficient proof of having completed such experience and schooling requirements, such applicant must also pay all applicable application and examination fees to the Division, and successfully complete the journeyman examination administered by the Division. (3-20-20)T

204. PLUMBING CONTRACTOR.

01. Qualifications for Plumbing Contractor. A plumbing contractor must be certified as competent by the Idaho Plumbing Board and the administrator of the Division before he offers his service to the public. To obtain the certificate, he must first submit an acceptable application. The applicant must possess an active journeyman plumbing certificate of competency issued by the Division, a provable minimum of two and one-half (2 1/2) years' experience as a licensed journeyman plumber in the state of Idaho, as well as provide payment to the Division for all applicable application and examination fees, and successfully complete the contractor examination administered by the Division. The compliance bond required by Section 54-2606, Idaho Code, is required to be on file with the Division upon successful completion of the examination. The examination fee is as prescribed by Section 54-2614, Idaho Code. (3-20-20)T

02. Out-of-State Contractor Applications. (3-20-20)T

a. An applicant for a contractor certificate of competency who has previously been licensed as a journeyman in another jurisdiction recognized by the Idaho Plumbing Board must first obtain an Idaho journeyman certificate of competency in accordance with Section 203 of these rules. Such applicants may provide proof of two and one half (2 1/2) years of experience as a plumbing journeyman by providing satisfactory evidence to the Division of such work history in another recognized jurisdiction. Such applicants must also pay all applicable application and examination fees to the Division, and successfully complete the contractor examination administered by the Division. The compliance bond required by Section 54-2606, Idaho Code, is required to be on file with the Division upon successful completion of the examination. (3-20-20)T

b. An applicant for a contractor certificate of competency who has never been previously licensed as a journeyman in a jurisdiction recognized by the Idaho Plumbing Board must first obtain an Idaho journeyman certificate of competency in accordance with Section 203 of these rules. Such applicants must also provide proof of four (4) years of experience performing plumbing work of a nature equivalent to what a journeyman in Idaho must demonstrate to qualify for a contractor certificate of competency. Proof of such work experience may be provided by the submission of three (3) sworn affidavits from individuals attesting to the fact that the applicant has had at least four (4) years' experience performing such work. Alternatively, such an applicant must provide proof of two and one half (2 1/2) years of experience as a journeyman plumber in the state of Idaho. Such applicants must also pay all applicable application and examination fees to the Division, and successfully complete the contractor examination administered by the Division. The compliance bond required by Section 54-2606, Idaho Code, is required to be on file with the Division upon successful completion of the examination. Applications that are incomplete in any detail will be returned as unacceptable, or denied. (3-20-20)T

03. Restrictive Use of Contractor Certificate. Any individual holding a contractor certificate and designated by a firm to represent that firm for licensing purposes represents one (1) firm only, and must immediately notify the Division in writing when his working arrangement with that firm has been terminated for purposes of becoming self-employed or affiliation with another firm, or for any other reason. A license holder cannot represent any other person or firm, self-employed or otherwise, than originally stated on his application for license. When a change is made, he is required to so inform the Division. Otherwise, he is guilty of transferring his license in violation of Section 54-2610, Idaho Code, and is subject to license suspension, revocation, or refusal to renew under Section 54-2608, Idaho Code, or to prosecution under the provisions of Section 54-2628, Idaho Code. (3-20-20)T

04. Previous Revocation. Any applicant for a plumbing contractor's license who has previously had his plumbing contractor's license revoked for cause, as provided by Section 54-2608, Idaho Code, is considered as unfit and unqualified to receive a new plumbing contractor's license so long as such cause for revocation is continuing, and of such a nature that correction can be made by the applicant. (3-20-20)T

05. Reviving an Expired License. Any applicant for a plumbing contractor's license who has allowed his license to expire and seeks to revive it under the provisions of Section 54-2617, Idaho Code, may be denied a

license as unfit and unqualified if, while operating under the license prior to expiration, he violated any of the laws, rules or regulations applicable to plumbing contractors, and such violation is continuing, and of such a nature that corrections can be made by the applicant. (3-20-20)T

06. Effective Dates. The effective dates of the compliance bond referred to in Subsection 204.01 of these rules coincide with the effective dates of the contractor's license. Proof of renewal of the compliance bond must be on file with the Division before the contractor can renew or revive his license. (3-20-20)T

07. Plumbing Contractor's Responsibility. It is the responsibility of the plumbing contractor to ensure that all his employees working at the plumbing trade are licensed as provided by Idaho Code and these rules. (3-20-20)T

08. Advertising. Any person or entity advertising to engage in the business, trade, practice, or work of a plumbing contractor as defined in Section 54-2611, Idaho Code, who does not possess a current and valid plumbing contractor certificate of competency issued by the Division of Building Safety, is in violation of the licensing provisions of Title 54, Chapter 26, Idaho Code. Such conduct is punishable as a misdemeanor as prescribed by Section 54-2628, Idaho Code, and subject to civil penalties in accordance with these rules. (3-20-20)T

a. For the purposes of this Section, advertising includes, but is not limited to: newspaper, telephone directory, community flier ads or notices; telephone, television, radio, internet, or door-to-door solicitations. (3-20-20)T

b. Any advertising, as defined in Subsection 204.08 of these rules, conducted by those persons or entities with a valid certificate of competency must include the contractor certificate of competency number. (3-20-20)T

205. APPLICATIONS.

All applications for licenses must be properly completed giving all pertinent information, and signatures must be notarized. Applications for plumbing contractor's license must be accompanied by a license fee in the amount prescribed by Section 54-2616, Idaho Code. An application for a journeyman license must be accompanied by a license fee in the amount prescribed by Section 54-2616, Idaho Code, and an examination fee as provided by Section 54-2614, Idaho Code. An application for a license must be submitted to the administrator of the Division and must be approved by an authorized representative of the Division before any examination is given and before any license is issued. The provisions of this section do not apply to renewal of licenses. (3-20-20)T

206. EXAMINATIONS.

01. Examinations for Journeyman Plumber. Written examinations for any journeyman plumber's license are formulated and approved by the Idaho Plumbing Board. Examination questions are based on the practical application of the Uniform Plumbing Code. No certificate of competency will be issued unless the applicant receives a final grade of seventy-five percent (75%) or higher on the written examination and passes the practical portion with no violations, as well as completes the work requirements described in Paragraph 202.03.a. of these rules. An applicant receiving a grade of less than seventy-five percent (75%) may apply for reexamination upon payment of the examination fee. An applicant has six (6) months to achieve a passing score. If an applicant does not achieve a passing score in six (6) months, the applicant must enroll in year four (4) in a, Idaho Plumbing Board-approved related training course, complete year four (4), be registered with the Division as an apprentice, and maintain registration as per Section 202 of these rules before the applicant will be eligible to apply for examination. A completion certificate for year four (4) and the proper application fee must accompany a new application for a journeyman examination. (3-20-20)T

02. Frequency of Conducting of Examinations. Examinations for all classifications under the Plumbing Laws and rules will be given a minimum of four (4) times each year in the Division's three office three (3) locations. (3-20-20)T

03. Professional Testing Services. In lieu of the administration by the Idaho Plumbing Board of the examination for licenses pursuant to this rule, the Idaho Plumbing Board may contract with a professional testing service to administer the examination, and require license applicants to pay to the testing service the fee that they

have set for the examination and to take such examination at the time set by such service. If the examination is conducted in this fashion, the Idaho Plumbing Board may charge and retain the application fee provided for by Section 54-2616, Idaho Code, to cover the cost of reviewing the applicant's application. (3-20-20)T

207. CERTIFICATES OF COMPETENCY -- ISSUANCE, RENEWAL, EXPIRATION, REVIVAL -- FEES.

01. Issuance. Certificates of competency will be issued in such a manner as to create a renewal date that coincides with the birthdate of the individual to whom the certificate is issued and allows for renewals every three (3) years. (3-20-20)T

a. Certificates of competency will be issued for a period of no less than one (1) year and no more than three (3) years. For example: a qualified applicant who applies for a certificate of competency in August of year one (1) but whose birthday will not occur until March of year two (2) will be issued a certificate of competency renewable on the anniversary of the applicant's birthdate. (3-20-20)T

b. The fee for issuance of certificates of competency will be prorated based on the number of months for which it is issued. (3-20-20)T

02. Renewal. Certificates of competency will be renewed in such a manner as will achieve a staggered system of certificate renewal using the birthdate of the individual to whom the certificate is issued as the expiration date. (3-20-20)T

a. Certificates of competency will be renewed for a period of no less than one (1) year and no more than three (3) years. (3-20-20)T

b. The fee for renewal of certificates of competency will be prorated based on the number of months for which it is issued. (3-20-20)T

c. Continuing Education. The Idaho Plumbing Board will establish criteria for approval of instruction and instructors and courses and instructors will be approved by the Division of Building Safety. Proof of completion of the following continuing education requirements must be submitted to the Division prior to, or with the application for, licensure renewal by any licensee in order to renew a journeyman or contractors plumbing license. (3-20-20)T

i. Journeymen must complete eight (8) hours of continuing education for every three-year license cycle, or complete an exam administered by the Division. Of the required eight (8) hours, four (4) hours must be plumbing code update related and the other four (4) hours may be industry related training. (3-20-20)T

ii. Contractors must complete sixteen (16) hours of continuing education for every three-year license cycle. Hours accrued obtaining journeyman education may be applied toward this requirement whenever applicable. (3-20-20)T

03. Expiration - Revival. (3-20-20)T

a. A certificate that has expired may be revived in accordance with Section 54-2617, Idaho Code by submitting a completed application and meeting all other certification requirements. (3-20-20)T

b. Revived certificates will be issued in such a manner as to create a renewal date that coincides with the birthdate of the applicant to achieve a staggered system of renewal. (3-20-20)T

208. SPECIALTY PLUMBING LICENSES.

The purpose of this section is to set out the special types of plumbing installations for which a specialty license is required; to set out the minimum experience requirements for such licenses; and to describe the procedure for securing such licenses. (3-20-20)T

01. Qualified Journeyman Plumbers. Qualified journeyman plumbers as defined in Section 54-2611(b), Idaho Code, are permitted to make installations as subsequently described herein without securing an

additional license for said installation. (3-20-20)T

02. Minimum Experience Requirements. (3-20-20)T

a. Experience gained by an individual while engaged in the practice of mobile home hook-ups is not considered towards the satisfaction of the minimum experience requirements for licensing as a journeyman plumber. (3-20-20)T

b. All installers must be licensed and be in the employ of a licensed plumbing contractor or specialty contractor limited to this category. (3-20-20)T

03. Mobile Home Set-Up or Installers. (3-20-20)T

a. Any person qualifying for and having in his possession a current license in this category may make the proper connections of sewer and water to existing facilities on site. All material and workmanship must comply with the requirements of the Uniform Plumbing Code. (3-20-20)T

b. All installers must be licensed and be in the employ of a licensed plumbing contractor or specialty contractor limited to this category. This specialty license does not permit any extension, alteration, or addition to the plumbing system within the mobile home or the installation of any underground plumbing outside the mobile home. (3-20-20)T

04. Applications for Specialty Licenses. Applications for the above specialty licenses may be obtained from the Division of Building Safety. The forms must be returned with the examination fee provided by Section 54-2614, Idaho Code, with proof of the required two (2) years' experience in the field of this specialty. (3-20-20)T

05. Examinations for Specialty Licenses. Written examinations for specialty plumbing licenses are formulated from the practical application of the sections of the Uniform Plumbing Code as adopted by the Idaho Plumbing Board under Section 54-2601, Idaho Code. (3-20-20)T

06. Fees. Fees for certificates are required in accordance with Section 54-2616, Idaho Code. (3-20-20)T

209. APPLIANCE PLUMBING SPECIALTY LICENSE.

The purpose of this section is to set out the special types of plumbing installations for which an appliance plumbing specialty license is required; to set out the minimum experience requirements for such licenses; and to describe the procedure for securing such licenses. (3-20-20)T

01. Qualified Journeyman Plumbers. Qualified journeyman plumbers as defined in Section 54-2611(b), Idaho Code, are permitted to make installations as subsequently described herein without securing an additional license for said installation. (3-20-20)T

02. Qualified Apprentice Plumbers. Qualified apprentice plumbers as defined in Section 54-2611(c), Idaho Code, are permitted to make installations as subsequently described herein without securing an additional license for said installation. (3-20-20)T

03. Minimum Experience Requirements. (3-20-20)T

a. Experience gained by an individual while engaged in the practice of appliance plumbing specialty is not considered towards the satisfaction of the minimum experience requirements for licensing as a journeyman plumber. (3-20-20)T

b. All qualified appliance plumbing specialty journeymen must be licensed and be in the employ of a licensed plumbing contractor or specialty contractor limited to this category. (3-20-20)T

c. Appliance plumbing specialty contractors must have a two thousand dollar (\$2,000) surety bond,

thirty (30) months minimum journeyman experience, and successful completion of appliance plumbing specialty contractor's test. (3-20-20)T

d. Appliance plumbing specialty journeymen must have eighteen (18) months apprentice on-the-job experience, satisfactory completion of seventy-two (72) hours of Idaho Plumbing Board-approved, related training classes and successful completion of the appliance plumbing specialty journeyman's test. (3-20-20)T

e. Appliance plumbing specialty apprentices must be employed by a licensed contractor, under the supervision of a journeyman, be enrolled in or have completed Idaho Plumbing Board-approved related training classes and maintain state registration. (3-20-20)T

04. Special Grandfathering Provision. (3-20-20)T

a. Contractor: In lieu of the thirty (30) months minimum journeyman experience requirement, an individual may use five (5) years' experience of owning and operating a business where this specialty applies and satisfactory completion of seventy-two (72) hours of Idaho Plumbing Board-approved related training classes. For this purpose, a business is defined as an activity in which tax returns were required to be and have been filed for at least five (5) years. (3-20-20)T

b. Journeyman: In lieu of the eighteen (18) months apprentice on-the-job experience requirement, an individual may use five (5) years' experience working for a business where this specialty applies. For this purpose, working for a business is defined as being issued a W-2 earning form from a related business or businesses for at least five (5) years. (3-20-20)T

05. Applications for Specialty Licenses. Applications for the above specialty licenses may be obtained from the Division of Building Safety. The forms must be returned with the examination fee provided by Section 54-2614, Idaho Code, with proof of the required experience in the field of this specialty. (3-20-20)T

06. Examinations for Specialty Licenses. Written examinations for specialty plumbing licenses are formulated from the practical application of the sections of the Uniform Plumbing Code as adopted by the Idaho Plumbing Board under Section 54-2601, Idaho Code. (3-20-20)T

07. Fees. Fees for certificates are required in accordance with Section 54-2616, Idaho Code. (3-20-20)T

08. Scope of Work Permitted. Permitted to disconnect, cap, remove, and reinstall within sixty (60) inches of original location: water heating appliance, water treating or filtering devices; air or space temperature modifying equipment which involves potable water; humidifier; temperature and pressure relief valves; condensate drains and indirect drains in one-family and two-family residences only. Does not include installation, testing, or certifying of backflow prevention devices. Does NOT include any modification to the drain, waste or vent systems. Must comply with all Idaho plumbing laws and rules and the requirements of the Uniform Plumbing Code. (3-20-20)T

210. WATER PUMP PLUMBING SPECIALTY LICENSE.

The purpose of this section is to set out the special types of plumbing installations for which a water pump plumbing specialty license is required; to set out the minimum experience requirements for such licenses; and to describe the procedure for securing such licenses. (3-20-20)T

01. Qualified Journeyman Plumbers. Qualified journeyman plumbers as defined in Section 54-2611(b), Idaho Code, are permitted to make installations as subsequently described herein without securing an additional license for said installation. (3-20-20)T

02. Qualified Apprentice Plumbers. Qualified apprentice plumbers as defined in Section 54-2611(c), Idaho Code, are permitted to make installations as subsequently described herein without securing an additional license for said installation. (3-20-20)T

03. Minimum Experience Requirements. (3-20-20)T

a. Experience gained by an individual while engaged in the practice of water pump plumbing specialty is not considered towards the satisfaction of the minimum experience requirements for licensing as a journeyman plumber. (3-20-20)T

b. All qualified water pump plumbing specialty journeymen must be licensed and be in the employ of a licensed plumbing contractor or specialty contractor limited to this category. (3-20-20)T

c. Water pump plumbing specialty contractors must have a two thousand dollars (\$2,000) surety bond, thirty (30) months minimum journeyman experience, and successful completion of water pump plumbing specialty contractor's test. (3-20-20)T

d. Water pump specialty journeymen must have eighteen (18) months apprentice on-the-job experience, satisfactory completion of twelve (12) hours of Idaho Plumbing Board-approved, related training classes and successful completion of the water pump plumbing specialty journeyman's test. (3-20-20)T

e. Water pump plumbing specialty apprentices must be employed by a licensed contractor, under the supervision of a journeyman, be enrolled in or have completed Idaho Plumbing Board-approved related training classes and maintain state registration. (3-20-20)T

04. Special Grandfathering Provision. (3-20-20)T

a. Contractor: In lieu of the thirty (30) month minimum journeyman experience requirement, an individual may use three (3) years' experience of owning and operating a business where this specialty applies and satisfactory completion of twenty-four (24) hours of Idaho Plumbing Board-approved related training classes. For this purpose, a business is defined as an activity in which tax returns were required to be and have been filed for at least three (3) years. (3-20-20)T

b. Journeyman: In lieu of the eighteen (18) months apprentice on-the-job experience requirement, an individual may use three (3) years' experience working for a business where this specialty applies. For this purpose, working for a business is defined as being issued a W-2 earning form from a related business or businesses for at least three (3) years. (3-20-20)T

05. Applications for Specialty Licenses. Applications for the above specialty licenses may be obtained from the Division of Building Safety. The forms must be returned with the examination fee provided by Section 54-2614, Idaho Code, with proof of the required experience in the field of this specialty. (3-20-20)T

06. Examinations for Specialty Licenses. Written examinations for specialty plumbing licenses are formulated from the practical application of the sections of the Uniform Plumbing Code as adopted by the Idaho Plumbing Board under Section 54-2601, Idaho Code. (3-20-20)T

07. Fees. Fees for certificates are required in accordance with Section 54-2616, Idaho Code. (3-20-20)T

08. Scope of Work Permitted. Permitted to install and connect water service piping from pump to storage expansion pressure tank in one (1) and two (2) family residences only. Does not include installation, testing or certifying of backflow prevention devices. Must comply with all Idaho plumbing laws and rules and the requirements of the Uniform Plumbing Code. (3-20-20)T

211. -- 300. (RESERVED)

**SUBCHAPTER C – IDAHO STATE PLUMBING CODE
(Rule 301)**

301. ADOPTION AND INCORPORATION BY REFERENCE OF THE IDAHO STATE PLUMBING CODE.

The Idaho State Plumbing Code published in 2017, including Appendices “A, B, C, D, E, G, I, J, K and L,” (herein

ISPC) is adopted and incorporated by reference with amendments as prescribed by the Idaho Plumbing Board and contained in this Section. The Idaho State Plumbing Code is modeled after the 2015 Uniform Plumbing Code (UPC). (3-20-20)T

01. Section 105.3 Testing of Systems. (3-20-20)T

a. Delete and replace the following: Plumbing systems must be tested and approved in accordance with this code or the Authority Having Jurisdiction. Tests may be conducted in the presence of the Authority Having Jurisdiction or the Authority Having Jurisdiction’s duly appointed representative. (3-20-20)T

b. No test or inspection is required where a plumbing system, or part thereof, is set up for exhibition purposes and has no connection with a water or drainage system. In cases where it would be impractical to provide the required water or air tests, or the presences of the Authority Having Jurisdiction, or for minor installations and repairs, the Authority Having Jurisdiction, in accordance with procedures established thereby, is permitted to make such inspection as deemed advisable in accordance with the intent of this code. Joints and connections in the plumbing system must be gastight and watertight for the pressures required by the test. (3-20-20)T

02. Section 218 Definitions. Delete definition of “Plumbing System.” Incorporate definition of “Plumbing System” as set forth in Section 54-2604, Idaho Code. (3-20-20)T

03. Section 314.4 Excavations. Add: Where unsuitable or soft material is encountered, excavate to a depth not less than two (2) pipe diameters below the pipe and replace with select backfill. Such backfill must be sand, fine gravel, or stone and must provide lateral support for the pipe. Where rock is encountered, the trench must be excavated to a minimum depth of six (6) inches (152 mm) below the bottom of the pipe. Sand must be added to provide uniform bedding and support for the pipe. The pipe may not rest on any rock at any point, including joints. (3-20-20)T

04. Section 401.2 Qualities of Fixtures. Replace with the following: Plumbing fixtures must be constructed of dense, durable, non-absorbent materials and must have smooth, impervious surfaces, free from unnecessary concealed fouling surfaces. (3-20-20)T

05. Section 403.3 Exposed Pipes and Surfaces. Delete. (3-20-20)T

06. Section 407.4 Transient Public Lavatories. Self-closing or self-closing metering faucets may be installed on lavatories intended to serve the transient public, such as those in, but not limited to, service stations, train stations, airports, restaurants, convention halls, and rest stops. Installed metered faucets must deliver a maximum of zero point two six (0.26) gallons (one point zero (1.0) liter) of water per use. (3-20-20)T

07. Section 408.5 Finished Curb or Threshold. Delete the last sentences of the first paragraph and replace with the following: The finished floor of the receptor must slope uniformly from the sides toward the drain not less than one-eighth (1/8) inch per foot (20.8 mm/m), nor more than one-half (1/2) inch per foot (41.8 mm/m). (3-20-20)T

08. Section 408.7.5 Tests for Shower Receptors. Delete. (3-20-20)T

09. Section 409.4 Limitation of Hot Water in Bathtubs and Whirlpool Bathtubs. Delete. (3-20-20)T

10. Table 501.1(1) First Hour Rating. Delete Table 501.1(1) and replace with the following:

TABLE 501.1(1) FIRST HOUR RATING1											
Number of Bathrooms	1 to 1.5			2 to 2.5				3 to 3.5			
Number of Bedrooms	1	2	3	2	3	4	5	3	4	5	6
First Hour Rating,2 Gallons	38	49	49	49	62	62	74	62	74	74	74

For SI units: one (1) gallon = 3.785 L

Notes:

1 The first hour rating is found on the “Energy Guide” label.

2 Solar water heaters must be sized to meet the appropriate first hour rating as shown in the table. (3-20-20)T

11. Section 503.1 Inspection of Chimneys or Vents. Add the following to the end of section 503.1: Water heating appliances using Category 3 or 4 exhaust venting must be tested in its entirety with five (5) pounds of air for fifteen (15) minutes. Plastic vents must be constructed using manufacturer’s instructions. (3-20-20)T

12. Section 507.2 Seismic Provisions. Delete. (3-20-20)T

13. Section 507.13 Installation in Garages. Replace 507.13 with the following: Any plumbing appliance or appurtenance in residential garages and in adjacent spaces that open to the garage and are not part of the living space of a dwelling unit must be installed so that burners, burner-ignition devices or other sources of ignition are located not less than eighteen (18) inches (450 mm) above the floor unless listed as flammable vapor ignition resistant. (3-20-20)T

14. Table 603.2 Backflow Prevention Devices, Assemblies and Methods. (3-20-20)T

a. Delete from the table the entire row related to freeze resistant sanitary yard hydrant devices. (3-20-20)T

b. Delete the backflow preventer for Carbonated Beverage Dispensers text from the first column of the table and replace with the following: Backflow preventer for Carbonated Beverage Dispensers (Reduced Pressure Principle Backflow Prevention Assembly). (3-20-20)T

15. Section 603.5.7 Outlets with Hose Attachments. Delete and replace with the following: Potable water outlets with hose attachments, other than water heater drains, boiler drains, freeze resistant yard hydrants and clothes washer connections, must be protected by a nonremovable hose bibb-type backflow preventer, a nonremovable hose bibb-type vacuum breaker, or by an atmospheric vacuum breaker installed not less than six (6) inches (one hundred fifty-two (152) mm) above the highest point of usage located on the discharge side of the last valve. In climates where freezing temperatures occur, a listed self-draining frost-proof hose bibb with an integral backflow preventer or vacuum breaker must be used. (3-20-20)T

16. Section 603.5.12 Beverage Dispensers. Delete and replace with the following: Potable water supply to, carbonated beverage dispensers must be protected by an air gap or a Reduced Pressure Principle Backflow Prevention Assembly in accordance with ASSE 1013. For carbonated beverage dispensers, piping material installed downstream of the backflow preventer must not be affected by carbon dioxide gas. Potable water supply to beverage dispensers and coffee machines must be protected by an air gap or a vented backflow preventer in accordance with ASSE 1022. (3-20-20)T

17. Section 603.5.17 Potable Water Outlets and Valves. Delete. (3-20-20)T

18. Section 603.5.21 Chemical Dispensers. Add the following new section 603.5.21: The water supply to chemical dispensers must be protected against backflow. The chemical dispenser must comply with ASSE 1055 or the water supply must be protected by one of the following methods: (3-20-20)T

a. Air gap; (3-20-20)T

b. Atmospheric vacuum breaker (AVB); (3-20-20)T

c. Pressure vacuum breaker backflow prevention assembly (PVB); (3-20-20)T

d. Spill-resistant pressure vacuum breaker (SVB); or (3-20-20)T

e. Reduced-pressure principle backflow prevention assembly (RP). (3-20-20)T

19. **Section 604.10.1 Tracer Wire.** Add the following exception: Where the electrical wiring for the pump is installed in the same trench as the water line, from the point of origin to the structure, a tracer wire is not required. (3-20-20)T
20. **Section 605.6.2 Mechanical Joints.** Add to the end of the section the following: Listed PE (polyethylene), one hundred sixty (160) psi minimum, water service and yard piping may be installed within a building (above ground and below ground) with one (1) joint, provided that only listed and approved metallic transition fittings must be used. Polyethylene (PE) plastic pipe or tubing and fitting joining methods must be installed in accordance with the manufacturer’s installation instructions. (3-20-20)T
21. **Section 609.1 Installation.** Delete the following sentence: Building supply yard piping must be not less than twelve (12) inches (305 mm) below the average local frost depth; and replace it with the following: The cover must be not less than forty-two (42) inches (1068mm) below grade. (3-20-20)T
22. **Section 609.4 Testing.** Deleting the phrase “Except for plastic piping,” at the beginning of the third sentence and add the following sentence at the end of the section: Plastic piping is to be tested in accordance with manufacturer’s installation standards. (3-20-20)T
23. **Section 609.10 Water Hammer.** Does not apply to residential construction. (3-20-20)T
24. **Section 609.11 Pipe Insulation.** Delete. (3-20-20)T
25. **Table 610.3 and Appendix Table A 103.1.** Change fixture unit loading value for both public and private for bathtub or combination bath/shower, and clothes washers to two (2) fixture units. (3-20-20)T
26. **Section 610.2 Pressure Loss.** Add the following: All new one (1) and two (2) family residences built slab on grade or that will have a finished basement at the time of final inspection must have a pre-plumbed water softener loop. The kitchen sink must have one (1) hot soft line and one (1) cold soft line and one (1) cold hard line. Exterior cold hose bibbs intended for irrigation purposes must be piped with hard water. (3-20-20)T
27. **Table 611.4 Sizing of Residential Softeners.** Amend Footnote 3 to read: Over four (4) bathroom groups, softeners must be sized according to the manufacturer’s standards. (3-20-20)T
28. **Section 612.0 Residential Sprinkler System.** Add the following to the end of the first sentence in section 612.1: and the requirements of the Authority Having Jurisdiction (AHJ). (3-20-20)T
29. **Table 702.1 Drainage Fixture Unit Valves (DFU).** Change fixture unit loading value for clothes washers, domestic for private to two (2) fixture units. (3-20-20)T
30. **Section 703.1 Minimum Size.** Add the following at the end of section 703.1: No portion of the drainage or vent system installed underground, underground under concrete or below a basement or cellar must be less than two (2) inches in diameter. (3-20-20)T
31. **Section 704.2 Single Vertical Drainage Pipe.** Two inch (2”) and smaller double sanitary tees may be used for back to back or side by side fixture trap arms without increasing the barrel size. (3-20-20)T
32. **Section 704.3 Commercial Sinks.** Delete. (3-20-20)T
33. **Table 703.2 Maximum Unit Loading and Maximum Length of Drainage and Vent Piping.** Change fixture unit loading value for one and a half (1 1/2) inch horizontal drainage to two (2) fixture units. (3-20-20)T
34. **Section 705.5.2 Solvent Cement Joints.** Add to the end of the section the following: PVC DWV may be joined by the use of one-step solvent cement listed or labeled per U.P.C. Section 301.1.1. (3-20-20)T
35. **Section 707.4 Locations.** Add the following: A clean out must be installed for double sanitary tees two (2) inches (50 mm) or less in diameter that receive the discharge from fixture connections. Exception in Section

707.4 does not apply. A full-sized accessible cleanout must be installed in the vertical immediately above the floor or at the base of each waste or soil stack. A full-size cleanout extending to or above finished grade line must be installed at the junction of the building drain and the building sewer. Cleanouts must be installed at fifty (50) foot intervals in horizontal drain lines two (2) inches or smaller. (3-20-20)T

36. Section 710.3(4) Sewage Ejectors and Pumps. Add: Exception (4): One (1) pump is permitted for “public use” occupancies provided that such tank receives the discharge of not more than one (1) water closet and ten (10) fixture units (See Section 710.9 Alarms). (3-20-20)T

37. Section 710.5 Size Building Drains and Sewers. Add the following exception: In single family dwellings, one (1) fixture unit may be allowed for each gallon per minute of flow from a pump or a sump ejector. (3-20-20)T

38. Section 712.1 Media. In the first sentence, delete the phrase “except that plastic pipe must not be tested with air.” (3-20-20)T

39. Section 717.0 Size of Building Sewers. Add the following to the end of section 717.1: Exception: The building drain and building sewer is not less than four (4) inches extending from its connection with the city or private sewer system and must run full size to inside the foundation or building lines. (3-20-20)T

40. Section 723.0 General. Delete the following sentence: “Plastic DWV piping systems must not be tested by the air test method.” (3-20-20)T

41. Section 801.3.3 Food Handling Fixtures. Add: Food preparation sinks, pot sinks, scullery sinks, dishwashing sinks, silverware sinks, commercial dishwashing machines, silverware-washing machines, steam kettles, potato peelers, ice cream dipper wells, and other similar equipment and fixtures must be indirectly connected to the drainage system by means of an air gap. The piping from the equipment to the receptor must not be smaller than the drain on the unit, but it must not be smaller than one (1) inch (twenty-five and four tenths (25.4) mm). (3-20-20)T

42. Section 805.41 General. Add to the end of the first paragraph the following: Provisions must be made for the discharge of the water softener to terminate in an approved location. The drain line for a water softener must be three-fourths (3/4) inch minimum. A washer box with a dual outlet is an approved location as long as it is on the same floor or one (1) floor below the softener unit and the water softener drain line is a minimum three-fourths (3/4) inch. (3-20-20)T

43. Section 807.3 Domestic Dishwashing Machines. A domestic dishwashing machine may be installed without the use of an airgap if the drain hose is looped to the bottom side of the counter top and secured properly. (3-20-20)T

44. Section 906.1 Roof Termination. Delete the existing provision and replace with the following: (3-20-20)T

a. Roof venting. When conventional roof venting is utilized, each vent pipe or stack must extend through its flashing and terminate vertically not less than six (6) inches (one hundred fifty-two (152) mm) above the roof nor less than one (1) foot (three hundred five (305) mm) from any vertical surface. (3-20-20)T

b. Sidewall venting. When sidewall venting is utilized, the vent must extend flush with the eaves/gable end, turn down using a ninety (90) degree ell, and terminate as close to the roof peak as possible. The vent end must be properly screened. Sidewall venting is acceptable on new or remodel construction on cabins, log homes, and residential or commercial buildings. (3-20-20)T

c. Sidewall venting must meet the intent of Section 906.2 of the ISPC. (3-20-20)T

45. Section 908.1 Vertical Wet Venting. Add to the end of the section the following: A horizontal wet vent may be created provided it is created in a vertical position and all other requirements of Section 908 of the ISPC are met. (3-20-20)T

- 46. Section 909.0 Special Venting for Island Fixtures.** Add: Parameters for the limited use of Air Admittance Valves (A.A.V.). (3-20-20)T
- a.** An A.A.V. may be used only in residential buildings. (3-20-20)T
 - b.** In remodels, an A.A.V. may be used with island fixtures or remotely located sinks such as in bar, kitchen, or laundry tray locations. An A.A.V. may not be used in bathroom groups. (3-20-20)T
 - c.** In new construction, an A.A.V. may be used on island fixture sinks. (3-20-20)T
 - d.** Each A.A.V. may be used to vent only one (1) floor. (3-20-20)T
 - e.** Each A.A.V. must be readily accessible. (3-20-20)T
 - f.** The cross-sectional area of venting must remain the same and must meet the largest required building drain. (3-20-20)T
 - g.** An A.A.V. may only be installed in accordance with the manufacturer’s installation standards as per ASSE 1051. (3-20-20)T
 - h.** An A.A.V. may not be used in an attic, crawl space, outside installation, or in connection with chemical or acid waste systems. (3-20-20)T
- 47. Section 1002.3 Change of Direction.** Trap arms may not exceed one hundred eighty (180) degrees of horizontal turn without the use of a cleanout. (3-20-20)T
- 48. Section 1007.0 Trap Seal Protection.** Delete section 1007.1 and replace with the following: Floor drains or similar traps directly connected to the drainage system and subject to infrequent use must be protected with a trap seal primer or other approved trap seal protection device, except where not deemed necessary for safety or sanitation by the Authority Having Jurisdiction. Trap seal primers must be accessible for maintenance. (3-20-20)T
- 49. Section 1016.1 Discharge.** Add the following to the end of section 1016.1: Floor drains installed in residential garages must be permitted to use the interceptor as the fixture trap. (3-20-20)T
- 50. Section 1502.1 General.** Add to this section the following paragraph: Plumbing for a gray water system from any fixture up to, but not to include the exterior irrigation system tank must be inspected by the Authority Having Jurisdiction. The Idaho Department of Environmental Quality (IDEQ) has jurisdiction to inspect and approve the installation of the exterior irrigation system tank and all piping therefrom to the point of disposal in accordance with IDAPA 58.01.03, “Individual/Subsurface Sewage Disposal Rules.” Gray water system location and design criteria requirements related to irrigation and leaching is determined in accordance with the requirements as established by the IDEQ. (3-20-20)T

302. -- 400. (RESERVED)

SUBCHAPTER D – CIVIL PENALTIES
(Rule 401)

401. CIVIL PENALTIES.

Except for the acts described in Subsections 401.01 and 401.07 of this rule, the acts described in this section shall subject the violator to a civil penalty of not more than two hundred dollars (\$200) for the first offense and not more than one thousand dollars (\$1,000) for each offense that occurs thereafter. (3-20-20)T

01. Plumbing Contractor. Except as provided by Section 54-2602, Idaho Code, any person who acts, or purports to act as a plumbing contractor, as defined by Section 54-2611(a), Idaho Code, without a valid Idaho certificate of competency authorizing him to do so shall be subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and not more than one thousand dollars (\$1,000) for each offense that occurs

thereafter. (3-20-20)T

02. Certification or Registration. Except as provided by Section 54-2602, Idaho Code, performing plumbing as defined in Section 54-2603, Idaho Code, without an appropriate certificate of competency or registration. (3-20-20)T

03. Failure to Disclose. Failure to disclose upon request any required information on an application for a plumbing registration or certificate of competency, including complete licensure history or previous licensure as a journeyman or master plumber in another jurisdiction. (3-20-20)T

04. Performance Outside Scope of Specialty Certificate. Performance of any plumbing installation, alteration, or maintenance by a plumbing specialty contractor or specialty journeyman outside the scope of the specialty certificate of competency. (3-20-20)T

05. Fees, Permits, and Inspections. Failure to obtain a required permit, pay applicable fees, properly post a plumbing permit, or request an inspection of all pipes, fittings, valves, vents, fixtures, appliances, appurtenances, and water treatment installations or repairs. (3-20-20)T

06. Corrections. Failure to make corrections in the time allotted in the notice on any plumbing installation as set forth in Section 54-2625, Idaho Code. (3-20-20)T

07. Gross Violation. In the case of continued, repeated or gross violation of Title 54, Chapter 26, Idaho Code, or this chapter, disciplinary action shall be initiated against certificate holders under this chapter or the matter shall be referred for prosecution. (3-20-20)T

402. -- 999. (RESERVED)

24.39.30 – RULES OF BUILDING SAFETY (BUILDING CODE RULES)

000. LEGAL AUTHORITY.

The Idaho Building Code Board of the Division of Building Safety is authorized under Section 39-4107, Idaho Code, to promulgate rules concerning the enforcement and administration of the Idaho Building Code Act. (3-20-20)T

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 24.39.30, “Rules of Building Safety (Building Code Rules).” (3-20-20)T

02. Scope. These rules prescribe the criteria for enforcement and administration of the Idaho Building Code Act by the Idaho Building Code Board and the Division of Building Safety. (3-20-20)T

002. -- 003. (RESERVED)

004. ADOPTION AND INCORPORATION BY REFERENCE.

Under the provisions of Section 39-4109, Idaho Code, the codes enumerated in this section are hereby adopted and incorporated by reference into IDAPA 24.39.30, “Rules of Building Safety (Building Code Rules),” Division of Building Safety. Pursuant to Section 39-4109, Idaho Code, the effective date of any edition of the codes adopted in this Section, or any amendments identified thereto, shall be January 1 of the succeeding year following legislative approval of the rulemaking establishing the edition or amendment. Copies of these documents may be reviewed at the office of the Division of Building Safety. The referenced codes may be obtained from International Code Council, 5360 Workman Mill Road, Whittier, California 90601-2298 or the International Code Council at <http://www.iccsafe.org>. (3-20-20)T

01. International Building Code. 2018 Edition with the following amendments: (3-20-20)T

a. Delete Section 305.2.3 and replace with the following: 305.2.3 Twelve (12) or fewer children in a dwelling unit. A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. (3-20-20)T

b. Delete Section 308.2.4 and replace with the following: 308.2.4 Five (5) or fewer persons receiving custodial care. A facility with five (5) or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. (3-20-20)T

c. Delete Section 308.3.2 and replace with the following: 308.3.2 Five (5) or fewer persons receiving medical care. A facility with five (5) or fewer persons receiving medical care shall be classified as a Group R-3 occupancy. (3-20-20)T

d. Delete Section 308.5.4 and replace with the following: 308.5.4 Persons receiving care in a dwelling unit. A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving day care or having five (5) or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. (3-20-20)T

e. Delete Section 310.4 and replace with the following: 310.4 Residential Group R-3. Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4, E or I, including: 1. Buildings that do not contain more than two (2) dwelling units. 2. Care facilities that provide accommodations for five (5) or fewer persons receiving personal care, custodial care or medical care. 3. Congregate living facilities (nontransient) with sixteen (16) or fewer occupants, including boarding houses (nontransient), convents, dormitories, fraternities and sororities, and monasteries. 4. Congregate living facilities (transient) with ten (10) or fewer occupants, including boarding houses (transient). 5. Dwelling units providing day care for twelve (12) or fewer children. 6. Lodging houses (transient) with five (5) or fewer guest rooms and ten (10) or fewer occupants. (3-20-20)T

f. Delete Section 310.4.1 and replace with the following: 310.4.1 Care facilities within a dwelling. Care facilities for twelve (12) or fewer children receiving day care or for five (5) or fewer persons receiving personal care or custodial care that are within a one- or two-family dwelling are permitted to comply with the International Residential Code. (3-20-20)T

g. Delete footnote ^e under Table 2902.1 Minimum Number of Required Plumbing Fixtures and replace with the following: ^e For business occupancies, excluding restaurants, and mercantile occupancies with an

occupant load of thirty (30) or fewer, service sinks shall not be required. (3-20-20)T

h. Delete footnote ^f from Table 2902.1 Minimum Number of Required Plumbing Fixtures, add footnote ^f in the header row of the column in Table 2902.1 labeled “Drinking Fountains,” and delete footnote ^f under Table 2902.1 and replace with the following: ^f Drinking fountains are not required for an occupant load of thirty (30) or fewer. (3-20-20)T

i. Delete Section 3113.1 and replace with the following: 3113.1 General. The provisions of this Section shall apply to relocatable buildings. Relocatable buildings manufactured after the effective date of this code shall comply with the applicable provisions of this code; title 39, chapter 43, Idaho Code; and IDAPA 24.39.31. Exception: This Section shall not apply to manufactured housing used as dwellings. (3-20-20)T

02. International Residential Code. 2018 Edition with the following amendments: (3-20-20)T

a. Delete the exception under Section R101.2 Scope, and replace with the following: Exception: The following shall also be permitted to be constructed in accordance with this code: 1. Owner-occupied lodging houses with five (5) or fewer guestrooms and ten (10) or fewer total occupants. 2. A care facility with five (5) or fewer persons receiving custodial care within a dwelling unit or single-family dwelling. 3. A care facility for five (5) or fewer persons receiving personal care that are within a dwelling unit or single-family dwelling. 4. A care facility with twelve (12) or fewer children receiving day care within a dwelling unit or single-family dwelling. (3-20-20)T

b. Delete Section R104.10.1 Flood hazard areas. (3-20-20)T

c. Delete item number 7 under the “Building” subheading of Section R105.2 Work exempt from permit, and replace with the following: 7. Prefabricated swimming pools that are not greater than four (4) feet (one thousand, two hundred nineteen (1219) mm) deep. (3-20-20)T

d. Add the following as item number 11 under the “Building” subheading of Section R105.2 Work exempt from permit: 11. Flag poles. (3-20-20)T

e. Delete Section R109.1.3 and replace with the following: R109.1.3 Floodplain inspections. For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, the building official is authorized to require submission of documentation of the elevation of the lowest floor, including basement, required in Section R322. (3-20-20)T

f. Delete Section R301.2.1.2 Protection of Openings. (3-20-20)T

g. Delete Table R302.1(1) and replace with the following:

TABLE R302.1(1) - EXTERIOR WALLS

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour-tested in accordance with ASTM E 119, UL263, or Section 703.3 of the International Building Code with exposure from both sides	< 3 feet
	Not fire-resistance rated	0 hours	≥ 3 feet

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Projections	Fire-resistance rated	1 hour on the underside, or heavy timber, or fire retardant-treated wood ^{a,b}	≥ 2 feet to < 3 feet
	Not fire-resistance rated	0 hours	≥ 3 feet
Openings in Walls	Not allowed	N/A	< 3 feet
	25% maximum of wall area	0 hours	≥ 3 feet to < 5 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	≥ 3 feet

For SI: 1 foot = 304.8 mm.

N/A = Not Applicable

^a The fire-resistance rating shall be permitted to be reduced to zero (0) hours on the underside of the eave overhang if fireblocking is provided from the wall top plate to the underside of the roof sheathing.

^b The fire-resistance rating shall be permitted to be reduced to zero (0) hours on the underside of the rake overhang where gable vent openings are not installed. (3-20-20)T

h. Delete Section R302.13 Fire protection of floors. (3-20-20)T

i. Delete Section R303.4 and replace with the following: R303.4 Mechanical Ventilation. Dwelling units shall be provided with whole-house mechanical ventilation in accordance with Section M1505.4. (3-20-20)T

j. Delete the exception under Section R313.1 Townhouse automatic fire sprinkler systems, and replace with the following: Exception: Automatic residential fire sprinkler systems shall not be required in townhouses where either two (2) one (1)-hour fire-resistance-rated walls or a common two (2)-hour fire-resistance rated wall, as specified in item number 2 of Section R302.2.2 is installed between dwelling units or when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed. (3-20-20)T

k. Delete Section R313.2 One- and two-family dwellings automatic fire sprinkler systems.(3-20-20)T

l. Delete the exceptions under Section R314.2.2 Alterations, repairs and additions, and replace with the following: Exceptions: 1. Work involving the exterior surfaces of dwellings, such as, but not limited to, replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck or electrical permits, are exempt from the requirements of this section. 2. Installation, alteration or repairs of plumbing or mechanical systems are exempt from the requirements of this section. (3-20-20)T

m. Delete the exceptions under Section R315.2.2 Alterations, repairs and additions, and replace with the following: Exceptions: 1. Work involving the exterior surfaces of dwellings, such as, but not limited to, replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck or electrical permits, are exempt from the requirements of this section. 2. Installation, alteration or repairs of noncombustion plumbing or mechanical systems are exempt from the requirements of this section. (3-20-20)T

n. Delete Section R322.1.10 As-built elevation documentation. (3-20-20)T

o. Delete Section R322.2.1 and replace with the following: R322.2.1 Elevation requirements. 1. Buildings and structures in flood hazard areas, including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation. 2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floors (including basement) elevated to a height above the highest adjacent grade

of not less than the depth number specified in feet (mm) on the FIRM, or not less than two (2) feet (610 mm) if a depth number is not specified. 3. Basement floors that are below grade on all sides shall be elevated to or above base flood elevation. Exception: Enclosed areas below the design flood elevation, including basements with floors that are not below grade on all sides, shall meet the requirements of Section R322.2.2. (3-20-20)T

p. Delete subparagraph 2.1 of Section R322.2.2 Enclosed area below design flood elevation, and replace with the following: 2.1. The total net area of all openings shall be at least one (1) square inch (645 mm²) for each square foot (0.093 m²) of enclosed area, or the opening shall be designed and the construction documents shall include a statement that the design and installation of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing the automatic entry and exit of floodwaters. (3-20-20)T

q. Delete Tables R403 Minimum Depth (D) and Width (W) of Crushed Stone Footings (inches), R403.1(1) Minimum Width and Thickness for Concrete Footings for Light-Frame Construction (inches), R403.1(2) Minimum Width and Thickness for Concrete Footings for Light-Frame Construction and Brick Veneer (inches), and R403.1(3) Minimum Width and Thickness for Concrete Footings with Cast-In-Place or Fully Grouted Masonry Wall Construction (inches). (3-20-20)T

r. Add the following as Table R403.1:

**TABLE R403.1
MINIMUM WIDTH OF CONCRETE, PRECAST, OR MASONRY FOOTINGS (inches)^a**

	LOAD-BEARING VALUE OF SOIL (psf)			
	1,500	2,000	3,000	≥ 4,000
Conventional light-frame construction				
1-Story	12	12	12	12
2-Story	15	12	12	12
3-Story	23	17	12	12
4-inch brick veneer over light frame or 8-inch hollow concrete masonry				
1-Story	12	12	12	12
2-Story	21	16	12	12
3-Story	32	24	16	12
8-inch solid or fully grouted masonry				
1-Story	16	12	12	12
2-Story	29	21	14	12
3-Story	42	32	21	16

For SI: 1 inch = 25.4 mm, 1 pound per square foot = 0.0479 kPa.

^aWhere minimum footing width is twelve (12) inches, use of a single wythe of solid or fully grouted twelve (12)-inch nominal concrete masonry units is permitted. (3-20-20)T

s. Delete Section R403.1.1 and replace with the following: R403.1.1 Minimum size. Minimum sizes for concrete and masonry footings shall be as set forth in Table R403.1 and Figure R403.1(1). The footing width (W) shall be based on the load bearing value of the soil in accordance with Table R401.4.1. Spread footings shall be at least six (6) inches in thickness (T). Footing projections (P) shall be at least two (2) inches and shall not exceed the thickness of the footing. The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1. Footings for wood foundations shall be in accordance

with the details set forth in Section R403.2 and Figures R403.1(2) and R403.1(3). (3-20-20)T

t. Delete Section R602.10 and replace with the following: R602.10 Wall bracing. Buildings shall be braced in accordance with this Section or, when applicable Section R602.12, or the most current edition of APA System Report SR-102 as an alternate method. Where a building, or portion thereof, does not comply with one (1) or more of the bracing requirements in this Section, those portions shall be designed and constructed in accordance with Section R301.1. (3-20-20)T

03. International Existing Building Code. 2018 Edition. (3-20-20)T

04. International Energy Conservation Code. 2018 Edition with the following amendments: (3-20-20)T

a. Add the following as Section C101.5.2: C101.5.2 Industrial, electronic, and manufacturing equipment. Buildings or portions thereof that are heated or cooled exclusively to maintain the required operating temperature of industrial, electronic, or manufacturing equipment shall be exempt from the provisions of this code. Such buildings or portions thereof shall be separated from connected conditioned space by building thermal envelope assemblies complying with this code. (3-20-20)T

b. Add the following as an exception under Section C402.5 Air leakage—thermal envelope (Mandatory): Exception: For buildings having over fifty thousand (50,000) square feet of conditioned floor area, air leakage testing shall be permitted to be conducted on less than the whole building, provided the following portions of the building are tested and their measured air leakage is area-weighted by the surface areas of the building envelope: 1. The entire floor area of all stories that have any spaces directly under a roof. 2. The entire floor area of all stories that have a building entrance or loading dock. 3. Representative above-grade wall sections of the building totaling at least twenty-five percent (25%) of the above-grade wall area enclosing the remaining conditioned space. Floor area tested under subparagraphs 1. or 2. of this exception shall not be included in the twenty-five percent (25%) of above-grade wall sections tested under this subparagraph. (3-20-20)T

c. Add the following as exception number 7 under Section C403.5 Economizers (Prescriptive): 7. Unusual outdoor air contaminate conditions – Systems where special outside air filtration and treatment for the reduction and treatment of unusual outdoor contaminants, makes an air economizer infeasible. (3-20-20)T

d. Delete Table C404.5.1 and replace with the following:

TABLE C404.5.1 PIPING VOLUME AND MAXIMUM PIPING LENGTHS			
NOMINAL PIPE SIZE (inches)	VOLUME (liquid ounces per foot length)	MAXIMUM PIPING LENGTH (feet)	
		Public lavatory faucets	Other fixtures and appliances
1/4	0.33	31	50
5/16	0.5	N/A - non-standard size	50
3/8	0.75	17	50
1/2	1.5	10	43

TABLE C404.5.1 PIPING VOLUME AND MAXIMUM PIPING LENGTHS			
NOMINAL PIPE SIZE (inches)	VOLUME (liquid ounces per foot length)	MAXIMUM PIPING LENGTH (feet)	
		Public lavatory faucets	Other fixtures and appliances
5/8	2	7	32
3/4	3	5	21
7/8	4	N/A - non-standard size	16
1	5	3	13
1 1/4	8	2	8
1 1/2	11	1	6
2 or larger	18	1	4

For SI: 1 inch = 25.4 mm; 1 foot = 304.8 mm; 1 liquid ounce = 0.030 L; 1 gallon = 128 ounces. (3-20-20)T

e. Delete the rows in Table R402.1.2 for climate zones “5 and Marine 4” and “6” and replace with the following:

TABLE R402.1.2 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT ^a										
Climate Zone	Fenestration U-Factor ^b	Skylight U-factor ^b	Glazed Fenestration SHGC ^{b, c}	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value ⁱ	Floor R-Value	Basement ^c Wall R-Value	Slab ^d R-Value & Depth	Crawlspace ^c Wall R-Value
5	0.32	0.55	NR	38	20 or 13+5 ^h	13/17	30 ^g	15/19	10, 2 ft	15/19
6	0.30	0.55	NR	49	22 or 13+5 ^h	15/20	30 ^g	15/19	10, 4 ft	15/19

(3-20-20)T

f. Add the following as footnote ^k to the title of Table R402.1.2 - Insulation and Fenestration Requirements by Component: ^k For residential log home building thermal envelope construction requirements see Section R402.6. (3-20-20)T

g. Delete the rows in Table R402.1.4 for climate zones “5 and Marine 4” and “6” and replace with the following:

TABLE R402.1.4 EQUIVALENT U-FACTORS ^a								
Climate Zone	Fenestration U-factor	Skylight U-factor	Ceiling U-factor	Frame Wall U-factor	Mass Wall U-factor^b	Floor U-factor	Basement Wall U-factor	Crawlspace Wall U-factor
5	0.32	0.55	0.030	0.060	0.082	0.033	0.050	0.055
6	0.30	0.55	0.026	0.057	0.060	0.033	0.050	0.055

(3-20-20)T

h. Delete Section R402.4.1 and replace with the following: R402.4.1 Building thermal envelope. 1. Until June 30, 2021, the building thermal envelope shall comply with Sections R402.4.1.1 (Installation) and either Section R402.4.1.2 (Testing) or Section R402.4.1.3 (Visual inspection). 2. Effective July 1, 2021, the building thermal envelope of a minimum of twenty percent (20%) of all new single-family homes constructed by each builder shall comply with Section R402.4.1.1 (Installation) and Section R402.4.1.2 (Testing). The authority having jurisdiction may: 2.1. Determine how to enforce this requirement, starting with the fifth house and continuing with each subsequent fifth house. 2.2. Waive this requirement if significant testing indicates the five (5) air changes per hour (ACH) requirement is consistently being met or exceeded (resulting in a lower ACH). 2.3. Grant exceptions to this requirement in rural areas where testing equipment is not available or cost effective. 3. Effective July 1, 2021, the building thermal envelope of eighty percent (80%) of all new single-family homes constructed by each builder shall comply with Section R402.4.1.1 (Installation) and either Section R402.4.1.2 (Testing) or Section R402.4.1.3 (Visual inspection). 4. The sealing methods between dissimilar materials shall allow for differential expansion and contraction. (3-20-20)T

i. Delete Section R402.4.1.1 and replace with the following: R402.4.1.1 Installation. The components of the building thermal envelope as listed in Table R402.4.1.1 shall be installed in accordance with the manufacturer’s instructions and the criteria listed in Table R402.4.1.1, as applicable to the method of construction. (3-20-20)T

j. Delete Section R402.4.1.2 and replace with the following: R402.4.1.2 Testing. Testing building envelope tightness and insulation installation shall be considered acceptable when tested air leakage is less than five (5) air changes per hour (ACH) when tested with a blower door at a pressure of 33.5 psf (50 Pa). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances. Testing shall be conducted in accordance with RESNET/ICC 380, ASTM E 779 or ASTM E 1827 and reported at a pressure of 0.2-inch w.g. (50 Pascals). During testing: 1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed. 2. Dampers shall be closed, but not sealed, including exhaust, intake, makeup air, backdraft and flue dampers. 3. Interior doors shall be open. 4. Exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed. 5. Heating and cooling system(s) shall be turned off. 6. HVAC ducts shall not be sealed. 7. Supply and return registers shall not be sealed. (3-20-20)T

k. Add the following as Section R402.4.1.3: R402.4.1.3 Visual inspection. Building envelope tightness and insulation installation shall be considered acceptable when the items listed in Table R402.4.1.1, applicable to the method of construction, are field verified. Where required by code official an approved party independent from the installer of the insulation shall inspect the air barrier and insulation. (3-20-20)T

l. Add the following as Section R402.6: R402.6 Residential log home thermal envelope. Residential log home construction shall comply with Section R401 (General), Section R402.4 (Air leakage), Section R402.5 (Maximum fenestration U-factor and SHGC), Section R403.1 (Controls), the mandatory sections of Sections R403.3 through R403.9, Section R404 (Electrical Power and Lighting Systems), and either 1., 2., or 3. as follows: 1. Sections R402.2 through R402.3, Section R403.3.1 (Insulation), Section R404.1 (Lightning equipment), and Table R402.6

(Log Home Prescriptive Thermal Envelope Requirements by Component). 2. Section R405 (Simulated Performance Alternative). 3. REScheck (U.S. Department of Energy Building Codes Program). (3-20-20)T

m. Add the following as Table R402.6:

TABLE R402.6 LOG HOME PRESCRIPTIVE THERMAL ENVELOPE REQUIREMENTS BY COMPONENT									
For SI: 1 foot = 304.8 mm.									
Climate Zone	Fenestration U-factor ^a	Skylight U-factor	Glazed Fenestration SHGC	Ceiling R-value	Min. Average Log Size In Inches	Floor R-value	Basement Wall R-value ^d	Slab R-value & Depth ^b	Crawl Space Wall R-value ^d
5, 6 - High efficiency equipment path ^c	0.32	0.60	NR	49	5	30	15/19	10, 4 ft.	10/13
5	0.32	0.60	NR	49	8	30	10/13	10, 2 ft.	10/13
6	0.30	0.60	NR	49	8	30	15/19	10, 4 ft.	10/13

^aThe fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

^bR-5 shall be added to the required slab edge R-values for heated slabs.

^c90% AFUE natural gas or propane, 84% AFUE oil, or 15 SEER heat pump heating equipment (zonal electric resistance heating equipment such as electric base board electric resistance heating equipment as the sole source for heating is considered compliant with the high efficiency equipment path).

^d“15/19” means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. “15/19” shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. “10/13” means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.

(3-20-20)T

n. Delete Section R403.5.3 and replace with the following: R403.5.3 Hot water pipe insulation (Prescriptive). Insulation for hot water piping with a thermal resistance, R-value, of not less than R-3 shall be applied to the following: 1. Piping serving more than one (1) dwelling unit. 2. Piping located outside the conditioned space. 3. Piping located under a floor slab. 4. Buried piping. 5. Supply and return piping in recirculation systems other than demand recirculation systems. (3-20-20)T

o. Delete Section R404.1 and replace with the following: R404.1 Lighting equipment (Mandatory). A minimum of seventy-five percent (75%) of the lamps in permanently installed lighting fixtures shall be high-efficacy lamps or a minimum of seventy-five percent (75%) of the permanently installed lighting fixtures shall contain only high efficacy lamps. (3-20-20)T

p. Delete Section R406.3 and replace with the following: R406.3 Energy Rating Index. The Energy Rating Index (ERI) shall be determined in accordance with RESNET/ICC 301. Energy used to recharge or refuel a vehicle used for transportation on roads that are not on the building site shall not be included in the ERI reference design or the rated design. (3-20-20)T

- q. Delete Table R406.4 and replace with the following:

Table R406.4 - Maximum Energy Rating Index

Climate Zone	Energy Rating Index ^a
5	68
6	68

^a Where on-site renewable energy is included for compliance using the ERI analysis of Section R406.4, the building shall meet the mandatory requirements of Section R406.2, and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table R402.1.2 or Table R402.1.4 of the 2015 International Energy Conservation Code. (3-20-20)T

05. References to Other Codes. Where any provisions of the codes that are adopted in this Section make reference to other construction and safety-related model codes or standards which have not been adopted by the involved authority having jurisdiction, to the extent possible, such reference should be construed as pertaining to the equivalent code or standard that has been duly adopted by such jurisdiction. (3-20-20)T

005. -- 025. (RESERVED)

026. DEFINITIONS.

The terms defined in this section have the following meaning for all parts of this chapter, unless the context clearly indicates another meaning: (3-20-20)T

01. Act. The Idaho Building Code Act, Title 39, Chapter 41, Idaho Code. (3-20-20)T

02. Administrator. The administrator of the Division of Building Safety for the state of Idaho. (3-20-20)T

03. Alterations or Conversions of Modular Buildings and Commercial Coaches. Any change from the approved plans or installation instructions which would affect the structural, mechanical, electrical or plumbing systems of modular buildings or commercial coaches bearing a Division insignia of approval and includes the replacement, addition, modification or removal of any structural member, plumbing, heat-producing or electrical equipment, or installation which may affect such systems prior to first occupancy. Any such alteration or conversion shall first be approved by testing and inspection in the same manner as original systems or component parts. The following do not constitute alteration or conversion: (3-20-20)T

a. Repairs with approved replacement parts; (3-20-20)T

b. Conversion of listed fuel-burning appliances in accordance with the terms of their listing; (3-20-20)T

c. Replacement of equipment and appliances in kind; (3-20-20)T

d. Adjustment and maintenance of equipment. (3-20-20)T

04. Alterations to Manufactured Homes. The replacement, addition, and modification, or removal of any equipment or installation after sale by a manufacturer to a dealer but prior to sale by a dealer to a purchaser which may affect the construction, fire safety, occupancy, plumbing, heat-producing or electrical system. It includes any modification made in a manufactured home which may affect the compliance of the home with the standards, but it does not include the repair or replacement of a component or appliance “plug-in” to an electrical receptacle where the replaced item is of the same configuration and rating as the one being replaced. It also does not include the addition of an appliance requiring “plug-in” to an electrical receptacle, which appliance was not provided with the manufactured home by the manufacturer, if the rating of the appliance does not exceed the rating of the receptacle to which it is connected. (3-20-20)T

- Code. **05. Board.** The Idaho Building Code Board created under the provisions of Title 39, Chapter 41, Idaho Code. (3-20-20)T
- 06. Commercial Coach.** In order to further clarify the definition of “commercial coach” as cited in Section 39-4105(5), Idaho Code, the phrase “made so as to be readily movable as a unit on its own running gear” means that the running gear shall be a permanent part of the unit and not intended to be removed or replaced, and such modular structure is used for commercial purposes. (3-20-20)T
- 07. Division.** The Division of Building Safety of the state of Idaho. (3-20-20)T
- 08. Equipment.** All equipment, materials, appliances, devices, fixtures, fittings or accessories installed in the manufacture and assembly of modular buildings. (3-20-20)T
- 09. Field Technical Service.** Interpretation and clarification of the technical data relating to the application of these rules, but not including inspection. (3-20-20)T
- 10. First Purchaser.** The first purchaser of a commercial coach for other than resale. (3-20-20)T
- 11. Insignia.** A label, tab or tag issued by the Division to indicate compliance with the codes, standards, rules and regulations established for manufactured building systems, subsystems, or building elements, modular buildings, and commercial coaches. (3-20-20)T
- 12. Labeled.** Equipment or other building components bearing a label or other approved marking authorized or issued for use by a recognized testing/listing or evaluation agency. (3-20-20)T
- 13. Listed.** Equipment or other building components included within a current list published by a recognized testing/listing agency that maintains periodic inspection on current production of listed equipment or other building components and whose listing states either that the equipment or component complies with recognized standards or has been tested and determined to be suitable for the use intended. (3-20-20)T
- 14. Listing Agency.** A person, firm, association, partnership or corporation which is in the business of listing or labeling and which maintains a periodic inspection program on current production of listed materials, and which makes available, not less frequently than annually, a published report of such listing in which specific information is included that the product has been tested to nationally approved standards and found safe for use in a specified manner. (3-20-20)T
- 15. Minor Alteration.** The following definition is used for the purpose of administering annual permits. (3-20-20)T
- a.** Minor alterations shall include, but are not limited to, the following: partition walls constructed within a defined room; relocation of or existing openings or installation of new doors and windows in non-load bearing walls and not in construction meant to compartmentalize fire; window replacement in unaltered existing openings; roof repairs involving installation of less than one hundred (100) square feet of new roof covering; and new suspended ceilings that are not part of a required fire resistive assembly. (3-20-20)T
- b.** Minor alterations shall not include: work that alters the fire resistive characteristics of the building or fire suppression systems; work that creates new openings in construction meant to compartmentalize fire such as fire walls, fire barriers, fire partitions, smoke barriers, smoke partitions, horizontal assemblies, shaft enclosures, stair enclosures; work that increases the floor area or height of the building; work that changes the structural load path of the building for gravity or horizontal loads; work that reduces the thermal resistant capacity of the building envelop; changes in the occupancy classification of the building or space; increases in the floor loads. (3-20-20)T
- 16. Model.** As referred to in Section 39-4113(3), Idaho Code, for modular buildings and commercial coaches shall mean a specific outside dimension and floor plan with specific structural, plumbing, electrical, and mechanical systems as designated by the manufacturer to be the standard for imitation reproduction. (3-20-20)T

- 17. Testing/Listing Agency.** A person, firm, association, partnership or corporation that is: (3-20-20)T
- a.** In the business of testing equipment or other building components; and (3-20-20)T
 - b.** Recognized by the Division as being qualified and equipped to conduct experimental testing in accordance with recognized standards; and (3-20-20)T
 - c.** Not under the jurisdiction or control of any single manufacturer or supplier for an affected industry; and (3-20-20)T
 - d.** Making available, not less frequently than annually, a published report in which specific information is included stating that the equipment and systems have been tested and found safe for use in a specified manner. (3-20-20)T

18. Transit Damage. Application to manufactured home means that damage encountered en route from the place of manufacture to the dealer or first owner involving structural integrity or any repair that does not result in return to the same construction or assembly as specified in the manufacturer's design approval without additional reinforcement or change. (3-20-20)T

19. State Buildings. All buildings to be constructed, altered, or repaired by or for any state of Idaho agency or entity, without regard to purpose, occupancy, or the source of funding for such construction, alteration, or repair. (3-20-20)T

20. Running Gear. Springs, spring hangers, axles, bearings, wheels, brakes, rims and tires and their related hardware. (3-20-20)T

21. Substantially Prefabricated or Assembled. The module or major portion of modular buildings or commercial coaches assembled in such manner that all portions may not be inspected without disassembly or destruction of the part. (3-20-20)T

22. Systems Plan. A design plan concept that allows the interchanging of various approved construction systems to include structural, electrical, plumbing, and mechanical aspects of the system. (3-20-20)T

23. Technical Service. Conducting research, evaluation, consultation, model and systems plan reviews, interpretation and clarification by the Division of technical data relating to the application of these rules, and also includes special field inspections that are not covered in other portions of these rules. (3-20-20)T

027. PERMITS.

01. Building Permits. Building permits shall be obtained from the Division prior to the construction of structures governed by the act or rules promulgated by the Board. (3-20-20)T

02. Annual Permit. In lieu of an individual permit for each minor alteration to an already approved building, the Division may issue an annual permit upon application therefor to any state agency or state governmental organization regularly employing one (1) or more qualified trade persons in the building, structure or on the premises or campus owned or operated by the applicant for the permit. The agency to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The Division shall be allowed access to such records at all times or such records shall be filed with the Division as designated. The permit holder shall request inspections and make the work accessible for inspection as required by the adopted codes and this rule. (3-20-20)T

028. PLAN REVIEW.

01. Jurisdiction. The Division shall have exclusive jurisdiction and authority to conduct plan reviews of the construction, additions, repairs, and occupancy of all state buildings of any agency of government at the state level for any purposes or occupancy regardless of the source of funding for such construction, addition, repair, or occupancy. (3-20-20)T

02. Plans Specifications. Construction documents shall be dimensioned and drawn upon suitable material. Plans may be submitted electronically or in digital format as approved by the Division. Drawing format shall be equivalent to the paper format. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that the installations will conform to the provisions of the building code and applicable laws, rules, and policies of the Division. (3-20-20)T

03. Plans Not Required. Plans are not required for group U occupancies of Type V conventional light-frame wood construction. (3-20-20)T

04. Addenda and Change Orders. (3-20-20)T

a. Documents enforcing changes or modifications. Addenda, contract change orders, changes-in-work requests, and other similar written documents enforcing changes or modifications to plans or specifications, already approved by the Division, which addenda, change orders, or change-in-work requests deal with structural or fire resistance changes, or such other changes affecting code conformance, shall be submitted to the Division for approval. The use of the terms “addenda,” “change orders,” and “changes-in-work requests” are not be limited exclusively to such phraseology, but may include such other language used in the professions which essentially have the same meaning. (3-20-20)T

b. Application provisions. The provisions of this Section apply to that work which will be accomplished. (3-20-20)T

029. FEES.
The following fees apply to the functions cited: (3-20-20)T

01. Document Fees. (3-20-20)T

a. Reasonable and suitable fees necessary for copies of any record, plan approval, permit, map, sketch, drawing or other instrument. (3-20-20)T

b. Charges for copies of separate published documents will be actual cost to the Division plus postage. (3-20-20)T

02. Technical Service Fee. One hundred dollars (\$100) per hour. (3-20-20)T

03. Modular Building and Commercial Coaches Fees. Other than as herein specified in this Section, the fee schedule for modular buildings and commercial coaches are as provided herein in Table 1-A, and such fees are based on the Freight On Board (FOB) cost to the dealer at the point of manufacture. (3-20-20)T

04. Insignia Tag Fee. In instances where building permit fees are not charged for modular buildings, a one hundred dollar (\$100) fee will be charged for an insignia. (3-20-20)T

05. Building Permit Fees. The building permit fee for each permit are established in the following table. The determination of value or valuation will be made by the administrator and includes the total value of all construction work for which a permit is issued.

TABLE 1-A - BUILDING PERMIT FEES	
Total Valuation	Fee
\$1 to \$500	= \$23.50
\$501 to \$2,000	= \$23.50 for the first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	= \$69.25 for the first \$2,000 plus \$14 for each additional \$1,000, or fraction thereof, to and including \$25,000

TABLE 1-A - BUILDING PERMIT FEES	
Total Valuation	Fee
\$25,001 to \$50,000	= \$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	= \$643.75 for the first \$50,000 plus \$7 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	= \$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	= \$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 to \$5,000,000	= \$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000, or fraction thereof, to and including \$5,000,000
\$5,000,001 to \$10,000,000	= \$20,208.75 for the first \$5,000,000 plus \$2.75 for each additional \$1,000, or fraction thereof, to and including \$10,000,000
\$10,000,001 and up	= \$33,958.75 for the first \$10,000,000 plus \$2 for each additional \$1,000, or fraction thereof

(3-20-20)T

06. Fees for Annual Permits. A fee for inspections performed on annual permits shall be charged at the rate of one hundred dollars (\$100) per hour. The Division shall bill the applicant for annual permits and failure of the applicant to pay the fee within sixty (60) days may result in cancellation of the annual permit. (3-20-20)T

07. Plan Review Fees. Plan review fees shall be charged at an hourly rate of one hundred dollars (\$100) per hour up to a maximum of sixty-five percent (65%) of the calculated building permit fee with a minimum required fee of forty percent (40%) of the calculated building permit fee. All requests for plan review services shall at such time be accompanied by a payment in the amount of at least forty percent (40%) of the calculated building permit fee. Upon completion of the plan review, any additional fees, above the minimum required, are due to the Division by the requesting party. (3-20-20)T

08. Refund of Plan Review Fees. Plan review fees are non-refundable. (3-20-20)T

09. Refund of Permit Fees. The Administrator may authorize a refund of any permit fee paid which was erroneously paid or collected. The Administrator may authorize a refund of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with these rules. The Administrator may not authorize a refund of any permit fee paid except upon written application filed by the original applicant not later than one hundred eighty (180) days after the date of permit issuance. (3-20-20)T

030. RIGHT OF ENTRY.

Whenever necessary to make an inspection to enforce any of the provisions of Title 39, Chapters 40 and 41, Idaho Code, or whenever the administrator or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises unsafe, the administrator or his authorized representative shall enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Division by Title 39, Chapters 40 and 41, Idaho Code; provided that if such building or premises is occupied, he shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the administrator shall have recourse to every remedy provided by law to secure entry. (3-20-20)T

031. WORK PROCEEDING WITHOUT PERMIT OR APPROVAL.

Where any work for which a permit or approval, to include plan or system approval, is required by these rules, or by

the codes enumerated in Title 39, Chapter 41, Idaho Code, is started or proceeded prior to obtaining said approval or permit, and after notice to such person doing or causing such work to be done, and such person continues or causes to continue such work, the fees specified in these rules shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of Title 39, Chapters 40 or 41, or both, Idaho Code, or these rules in the execution of the work nor from any other penalties prescribed by law. (3-20-20)T

032. STOP WORK ORDERS.

Whenever any work is being done contrary to any provisions of the codes enumerated in Title 39, Chapters 40 or 41, or both, Idaho Code, or contrary to these rules, the administrator or his authorized representative may order the work stopped by notice in writing to any persons engaged in such work, and any such persons shall forthwith stop such work until authorized by the administrator or his representative to proceed with the work. Stop work orders shall be accompanied by a notice of violation that states the specific violation and code reference. (3-20-20)T

033. PROHIBITED SALE OR OCCUPANCY NOTICE.

Whenever any mobile/manufactured home, commercial coach or other modular building is in violation of any of the provisions of Title 39, Chapter 40 or 41, or both, Idaho Code, or these rules, the administrator may prohibit the sale or occupancy of such building. Prohibited sale or occupancy notices shall be removed only on authority of the administrator or his authorized representative. (3-20-20)T

034. REMOVAL OF ORDERS AND NOTICES; SALE, RENT, LEASE OR OCCUPANCY OF A UNIT BEARING SUCH ORDER OR NOTICE.

Removal of stop work orders, prohibited sale or occupancy notices, or the sale, rent, lease or occupancy of a building or structure, bearing such order or notice by any person not authorized by the administrator or his authorized representative, constitutes a violation under the provisions of Section 39-4126, Idaho Code, and falls under the provisions of Section 18-317, Idaho Code. (3-20-20)T

035. MODULAR BUILDINGS.

01. Alternates and Equivalents. (3-20-20)T

a. Alternatives Acceptable. The provisions of these rules are not intended to prevent the use of alternate designs, materials, appliances, systems, devices, arrangements, or methods of construction not specifically prescribed by Title 39, Chapter 41, Idaho Code, or of these rules; provided, any such alternate has first been recognized by the Division. (3-20-20)T

b. Satisfactory Alternatives. The Division shall recognize any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, device, arrangement, method, system or method of construction is at least the equivalent in performance in quality, strength, effectiveness, fire resistance, durability and adequate for the protection of the health, safety and general welfare of the people of the state of Idaho. (3-20-20)T

c. Unsatisfactory Alternatives. Recognition by the Division shall not be given if there is substantial evidence that any design, material, appliance, device, arrangement, system or method of construction does not conform to the provisions or requirements of prescribed standards or these rules; provided, however, the Division may, in order to substantiate claims for alternates, upon written request cause tests or proof of compliance to be made at the expense of the manufacturer, his agent, or the seller. (3-20-20)T

d. Test Methods. Test methods shall be as specified in the standards of the codes listed in Title 39, Chapter 41, Idaho Code, or by other nationally recognized standards recognized by the Division. If there are no appropriate test methods specified in the standards listed above, the Division shall determine the test procedure. (3-20-20)T

02. Permits. Prior to construction of modular buildings, appropriate building permits shall first be obtained from the Division. (3-20-20)T

03. Plans. (3-20-20)T

a. Specifications for Submittal. Plans shall be submitted in accordance with Subsection 028.03 of

these rules. (3-20-20)T

b. Nonconformance. Should the plan submittal not conform to the requirements of these rules, the applicant shall be notified in writing within fifteen (15) work days of the date they are received by the Division. Should the applicant fail to submit a completely corrected plan submittal in accordance with the information supplied by the Division within ninety (90) days of such notice, the plan submittal will be deemed abandoned and all fees submitted shall be forfeited to the Division. Subsequent submission thereafter shall be processed as a new plan submittal. (3-20-20)T

c. Distribution of Approved Copies. An approved copy of the plan submittal shall be returned to the manufacturer. An approved copy shall be retained at each place of manufacture, and a copy shall be retained by the Division. (3-20-20)T

d. Proprietary Information. All material submitted by the manufacturer in the form of design plans, engineering data, test results, and other design information relating to their application will be considered proprietary information and will not be released for public scrutiny except when so ordered by a court of competent jurisdiction. (3-20-20)T

e. Changes to Approved Modular Building Plans. Where the manufacturer proposes to change his submitted designs or the Division rule is amended to necessitate such a change, the manufacturer shall submit changed plans for examination and approval. (3-20-20)T

04. Inspections. (3-20-20)T

a. Inspections at Manufacturing Plants. The Division shall conduct inspections at the manufacturing plant to determine compliance with the provisions of these rules and with Title 39, Chapter 41, Idaho Code. (3-20-20)T

b. Field Inspection for Alterations and Conversions. Any alteration or conversion of Division approved modular buildings after leaving the manufacturing facility shall be field inspected in accordance with this section by the local unit of government having jurisdiction. (3-20-20)T

c. In-Plant Inspection in Sister States. Where there is evidence that the in-plant inspectional controls in out-of-state plants in states having reciprocal agreements with the state of Idaho are not being maintained for units to be sold or placed in Idaho, the Division reserves the right to make out-of-state inspections, and fees for such inspection as set forth in these rules shall be paid by the manufacturer. (3-20-20)T

05. Insignia. (3-20-20)T

a. Insignia Location. Single units shall have the insignia permanently attached below the electrical service entrance. Multiple section units shall have the insignia permanently attached on all perimeter sections to the outside wall next to the major access opening. For interior units and second story units the insignia shall be permanently attached on the interior wall next to the major access opening. (3-20-20)T

b. Application for Insignia. The manufacturer shall make application for an insignia for each unit to be manufactured as required by Subsection 035.03 of this rule. The permit/insignia application shall be submitted to the Division in accordance with this section and include the appropriate fees. Applications shall include the serial number of each unit for which an insignia is requested. (3-20-20)T

c. Alteration or Conversion. Factory alterations or conversions of an approved modular building prior to first occupancy shall NOT take place until a permit under the provisions of this section has been obtained. The jurisdiction for non-factory produced additions, repairs or alterations to modular buildings and commercial coaches built in conformance with and as prescribed in the Idaho Building Code Act, Section 39-4109, Idaho Code, once such unit has left the manufacturing facility or a dealer's lot, and bears an appropriate insignia of compliance, rests with the local unit of government having the jurisdiction for the administration and enforcement of locally adopted codes prescribed within the Idaho Building Code Act. (3-20-20)T

d. Denial of Insignia. Should inspection reveal that a manufacturer is not manufacturing units according to the codes specified in Title 39, Chapter 41, Idaho Code, and these rules, and such manufacturer after having been served with a notice setting forth in what respect the provisions of the codes or rules have been violated continues to manufacture units in violation of the codes or rules, applications for new insignia shall be denied and insignia issued for units in noncompliance such manufacturer may resubmit an application for insignia. (3-20-20)T

e. Removal of Insignia. In the event any unit bearing an insignia is found to be in violation of the codes enumerated in Title 39, Chapter 41, Idaho Code, or these rules, the Division may remove the insignia and shall furnish the owner or his agent with a written statement of violations. The owner or his agent shall request an inspection after making corrections to bring the unit into compliance before the Division will issue a replacement insignia. (3-20-20)T

f. Serial Number. Each commercial coach rented, leased or sold, or offered for rent, lease or sale in Idaho shall bear a legible identifying serial number in accordance with the provisions of this section and include the state of manufacture. Each section of a multiple modular building shall have the same identifying serial number followed by a numerical sequence identifier and letter suffix. (3-20-20)T

g. Stamp of Serial Number and State of Manufacture. The unit serial number and the state of manufacture shall be stamped into the foremost cross member of all commercial coaches. Letters and numbers shall be three-eighths (3/8) inch minimum height. Numbers shall not be stamped into a hitch assembly or draw bar. The insignia shall be made of etched brass, stainless steel, anodized or alclad aluminum, or other approved material, not less than two hundredths (0.02) inches thick, and three (3) inches by one and three-fourths (1 3/4) inches minimum size, with lettering not less than one-eighth (1/8) inch high. (3-20-20)T

h. Multiple Commercial Coaches. Each section of multiple commercial coaches shall have the same identifying serial number followed by a numerical sequence identifier and letter suffix. (3-20-20)T

i. Data on Insignia. The date of manufacture, showing month, week and year will be shown on the insignia. Such data will be provided by the manufacturer on the application for insignia. (3-20-20)T

036. MANUFACTURED HOMES.

01. Construction and Safety Standards. Effective June 15, 1976, the latest published edition of the Federal Manufactured Home Construction and Safety Standards and Manufactured Home Procedural and Enforcement Regulations shall be in effect for all manufactured homes manufactured within the state of Idaho, and for all new manufactured homes for sale within the state of Idaho. All new manufactured homes offered for sale within Idaho after the effective date of this section shall bear the Housing and Urban Development (H.U.D.) label as authorized in the Federal Manufactured Home procedural and enforcement regulations. Mobile homes manufactured between March 8, 1971 and June 15, 1976 offered for rent, lease, or sale within Idaho shall bear an Idaho insignia of approval. (3-20-20)T

02. Inspections. (3-20-20)T

a. Special Inspection. Whenever there is a transit damage or any alteration made to a certified manufactured home, or both, a special inspection shall be required of any person offering for rent, lease, or sale said manufactured home. The purpose of the inspection is to insure that the repairs or alteration, or both, do not result in the failure of the manufactured home to comply with the standards. (3-20-20)T

b. Installation Inspection. Installation inspections shall be conducted by local jurisdictions in accordance with Title 44, Chapter 22, Idaho Code and the state adopted Idaho Manufactured Home Installation Standard as incorporated by reference in IDAPA 24.39.34, “Rules Governing Manufactured Home Installations,” Section 004. (3-20-20)T

03. Fees. (3-20-20)T

a. Payment of Fees. Fees shall be paid to and collected by the Division. (3-20-20)T

b. In-Plant Inspections. The charge for routine in-plant inspections shall be equal to the latest fees approved by the Department of Housing and Urban Development-Office of Manufactured Home Standards: Forty-five dollars (\$45) per floor. (3-20-20)T

c. Other Inspections. For all inspections other than routine whether they be in-plant or in the field (for models produced after June 15, 1976): Seventy dollars (\$70) per hour minimum for inspection and travel time, prorated to the nearest quarter hour, per diem and lodging where applicable, plus the current state rate for mileage, as approved by the State Board of Examiners and listed in the Idaho State Travel Policies and Procedures, Appendix “A,” based on the round-trip distance from point of inspection and the inspector’s office location. (3-20-20)T

037. (RESERVED)

038. INTEGRATED DESIGN AND FUNDAMENTAL COMMISSIONING OF PUBLIC SCHOOL FACILITIES.

01. Definitions. The following definitions are intended to supplement, and should be read in conjunction with the definitions contained in Section 33-356, Idaho Code. (3-20-20)T

a. Fundamental Commissioning. A quality-focused process for enhancing the delivery of a project. It makes use of a qualified third party employed directly by the building owner. (3-20-20)T

b. Integrated Design. Integrated design refers to a collaborative design effort in which each of the individual architectural or engineering professionals focuses on the whole building approach, with an emphasis on optimizing the building’s performance, environmental sustainability, and cost-savings, to include climate, use, loads and systems resulting in a more comfortable and productive environment, and a building that is more energy-efficient than would be realized using current best practices. (3-20-20)T

02. Technical and Educational Information. Technical and educational information related to integrated design and fundamental commissioning in the form of the American Institute of Architects Integrated Project Delivery Guide; Portland Energy Conservation, Inc. (PECI) Commissioning Guides; ASHRAE Guideline 0-2005-The Commissioning Process; and the Northwest Energy Efficiency Alliance Integrated Design Special Focus on Energy Performance Guide is available at the Division office locations including 1090 E. Watertower St., Meridian, Idaho 83642, and 1250 Ironwood Dr., Ste. 220, Coeur d’Alene, Idaho 83814. A building commissioned under the prescriptive approaches defined by any of the above-named national organizations is deemed to have completed the Fundamental Commissioning process. (3-20-20)T

03. Commissioning Agents. The Division has compiled and made available for public examination a list of all known third party building commissioning agents in Idaho and its contiguous states. The Division has ensured that all such commissioning agents appearing on this list have been certified by the Building Commissioning Association (BCA) or other similar certifying entity. (3-20-20)T

04. Annual Optimization Review. (3-20-20)T

a. A public school building that qualifies for the school building replacement value calculation pursuant to Section 33-356(5)(a), Idaho Code, shall undergo an annual optimization review each year following the first year of operations that the involved school district seeks to qualify such building for the building replacement value calculation. (3-20-20)T

b. The systems within a building required to undergo annual optimization review, as well as any relevant measuring criteria for such systems, shall be formulated by the third party commissioning agent that performs the initial fundamental commissioning. The school district shall be provided with a written report from the commissioning agent identifying the systems which will be subject to the annual optimization review along with any other requirements. (3-20-20)T

c. The report required above in Paragraph 038.04.b. of these rules shall include, but is not limited to, at least the following: (3-20-20)T

- i. Verification that the heating, ventilation, and air conditioning (HVAC) controls, dampers, valves, sensors and other equipment used to control the system are functioning as they were at the commissioning of the building. (3-20-20)T
- ii. Verification that the lighting controls are functioning as they were at the commissioning of the building. (3-20-20)T
- iii. The requirement that any changes made to any of the controls contained on the agent’s list after the initial commissioning be re-set back to the commissioned settings unless it can be demonstrated that the new settings result in greater energy efficiency. (3-20-20)T
- d. The annual optimization review shall be performed by persons qualified to make the required determinations and adjustments. (3-20-20)T
- e. The school district shall submit to the Division written verification indicating that the systems identified by the commissioning agent, including those identified in this Section are functioning as they were at the initial commissioning. Such written verification shall also identify the persons performing the optimization and their qualifications. (3-20-20)T

05. Commissioning Anniversary Date. The date upon which the commissioning agent provides the school district with the required written report described in Paragraph 038.04.b. of these rules shall be the commissioning anniversary date for purposes of this Section. If a school district seeks to qualify a building for the building replacement value calculation, the annual optimization review shall be performed within thirty (30) days of the annual commissioning anniversary date following the first year the building is in operation. The written verification required by Paragraph 038.03.e. of these rules is due to the Division not later than sixty (60) days after the annual commissioning anniversary date. (3-20-20)T

06. Fundamental Building Commissioning Requirements. (3-20-20)T

- a. School districts seeking to qualify a building for the building replacement value calculation shall engage a building commissioning agent. (3-20-20)T
- b. The commissioning agent must document the owner’s requirements for each commissioned system in the facility. All HVAC and controls systems, duct work and piping, renewable and alternative technologies, lighting controls and day lighting, waste heat recovery, and any other advanced technologies incorporated in the building must be commissioned. Building envelope systems must also be verified. The owner’s requirements for these systems may include efficiency targets and other performance criteria such as temperature and lighting levels that will define the performance criteria for the functional performance testing that occurs prior to acceptance. (3-20-20)T
- c. The commissioning agent shall include commissioning requirements in the project construction documents. This includes the scope of commissioning for the project, the systems to be commissioned, and the various requirements related to schedule, submittal reviews, testing, training, O & M manuals, and warranty reviews. (3-20-20)T
- d. The commissioning agent shall develop and utilize a commissioning plan. This plan must include an overview of the commissioning process for the project, a list of commissioned systems, primary commissioning participants and their roles, a communication and management plan, an outline of the scope of commissioning tasks, a list of work products, a schedule, and a description of any commissioning testing activities. (3-20-20)T
- e. The commissioning agent must submit a report to the owner once the commissioning plan has been executed. (3-20-20)T

039. -- 999. (RESERVED)

24.39.31 – RULES FOR MODULAR BUILDINGS

000. LEGAL AUTHORITY.

The Factory Built Structures Advisory Board of the Division of Building Safety is authorized under Section 39-4302, Idaho Code, to promulgate rules concerning the enforcement and administration of Title 39, Chapter 43, Idaho Code, for Modular Buildings. (3-20-20)T

001. TITLE AND SCOPE.

01. **Title.** These rules are titled IDAPA 24.39.31, “Rules for Modular Buildings.” (3-20-20)T

02. **Scope.** These rules prescribe the criteria for enforcement and administration of the Idaho Modular Buildings Act by the Factory Built Structures Advisory Board and the Division of Building Safety. (3-20-20)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

The terms defined in this section have the following meaning, unless the context clearly indicates another meaning. (3-20-20)T

01. **Administrator.** The Administrator of the Division of Building Safety for the state of Idaho. (3-20-20)T

02. **Alterations or Conversions of Modular Buildings.** Any change from the approved plans or installation instructions that would affect the structural, mechanical, electrical or plumbing systems of Modular Buildings bearing a Division Insignia of approval, including the replacement, addition, modification, or removal of any structural member; plumbing, heat-producing or electrical equipment, or installation that may effect such systems prior to first occupancy. Any such alteration or conversion must first be approved by testing and inspection in the same manner as original systems or component parts. The following do not constitute alteration or conversion: (3-20-20)T

a. Repairs with approved replacement parts; (3-20-20)T

b. Conversion of listed fuel-burning appliances in accordance with the terms of their listing; (3-20-20)T

c. Replacement of equipment and appliances in kind; (3-20-20)T

d. Adjustment and maintenance of equipment. (3-20-20)T

03. **Commercial Coach.** A Modular Building with permanent running gear and a hitch assembly that is designed and constructed for nonresidential occupancy classifications only. Permanent running gear includes springs, spring hangers, axles, bearings, wheels, brakes, rims and tires and their related hardware. (3-20-20)T

04. **Insignia.** A label or tag issued by the Division to indicate compliance with the codes, standards, rules, and regulations established for manufactured building systems, subsystems, or building elements, Modular Buildings, and Commercial Coaches. (3-20-20)T

05. **Technical Service.** Conducting research, evaluation, consultation, interpretation, and clarification by the Division of technical data relating to the application of these rules, and also include special field inspections that are not covered in other portions of these rules. (3-20-20)T

011. -- 026. (RESERVED)

027. PERMITS.

Building permits must be obtained from the Division prior to the construction of structures governed by Title 39, Chapter 43, Idaho Code, or Board rules. (3-20-20)T

028. PLAN REVIEW.

01. **Jurisdiction.** The Division has exclusive jurisdiction and authority to conduct plan reviews of the in-plant construction of Modular Buildings. (3-20-20)T

02. **Plans Not Required.** Plans are not required for group U occupancies of Type V conventional light-

frame wood construction. (3-20-20)T

03. Non-conformance. Should the plan submittal not conform to the requirements of these rules, the applicant will be notified in writing within fifteen (15) work days of the date they are received by the Division. Should the applicant fail to submit a completely corrected plan submittal in accordance with the information supplied by the Division within ninety (90) days of such notice, the plan submittal will be deemed abandoned. Subsequent submission thereafter will be processed as a new plan submittal. (3-20-20)T

04. Distribution of Approved Copies. An approved copy of the plan submittal will be returned to and retained by the manufacturer and a copy will be retained by the Division. When necessary, an additional copy may be distributed for use by third party or contract inspectors. (3-20-20)T

05. Proprietary Information. All material submitted by the manufacturer in the form of design plans, engineering data, test results, and other design information relating to their application will be considered proprietary information and will not be released for public scrutiny except when so ordered by a court of competent jurisdiction. (3-20-20)T

06. Revisions to Approved Modular Building Plans. Where the manufacturer proposes to revise his submitted designs, or Division adopted rules or codes are amended to necessitate such a change, the manufacturer must submit revised plans for examination and approval. (3-20-20)T

07. Application Provisions. The provisions of this section applies only to plans for work that will be accomplished at the place of manufacture. (3-20-20)T

029. FEES. Fees are paid to the Division, and the following fee schedule is applicable for the functions cited: (3-20-20)T

01. Modular Building Permit Fees. Other than as herein specified in this section, the permit fee schedule for Modular Buildings is as provided herein in Table 1-A plus ninety dollars (\$90) and two and one-half percent (2.5%) of the plumbing, electrical, and HVAC installation costs. The determination of value or valuation is based on the total value of all construction work for which a permit is issued.

TABLE 1-A – MODULAR BUILDING PERMIT FEES		
TOTAL VALUATION		FEE
\$1 to \$500	=	\$23.50
\$501 to \$2,000	=	\$23.50 for the first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	=	\$69.25 for the first \$2,000 plus \$14 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	=	\$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	=	\$643.75 for the first \$50,000 plus \$7 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	=	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	=	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up		\$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000, or fraction thereof

(3-20-20)T

- 02. Other Inspections and Fees.** (3-20-20)T
- a.** Inspections outside of normal business hours: sixty-five dollars (\$65) per hour (minimum charge - one (1) hour). (3-20-20)T
 - b.** Re-inspection fees: sixty-five dollars (\$65) per hour. (3-20-20)T
 - c.** Inspections for which no fee is specifically indicated: sixty-five dollars (\$65) per hour (minimum charge - one half (1/2) hour). (3-20-20)T
 - d.** Additional plan review required by changes, additions, or revisions to plans: sixty-five dollars (\$65) per hour (minimum charge - one-half (1/2) hour). (3-20-20)T
 - e.** For use of outside consultants for plan checking and inspections or both: actual costs. (3-20-20)T
- 03. Insignia Tag Fee.** In instances where building permit fees are not charged for Modular Buildings, a one hundred dollar (\$100) fee will be charged for an Insignia. (3-20-20)T
- 04. Investigation Fee.** Whenever any work for which a permit is required by these rules has been commenced without first obtaining said permit, a special investigation must be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, must be collected whether or not a permit is then or subsequently issued. The investigation fee is equal to the amount of the permit fee required by these rules. The minimum investigation fee is the same as the minimum fee set forth in Table 1-A. The payment of such investigation fee does not exempt any person from compliance with all other provisions of these rules nor from any penalty prescribed by law. (3-20-20)T
- 05. Plan Review.** Where the Modular Building plans have not been previously approved, the Modular Building fee includes an additional amount equal to sixty-five percent (65%) of the permit fee calculated in accordance with Table 1-A. (3-20-20)T
- 06. Refund of Permit Fees.** The Administrator may authorize refunding of any permit fee paid that was erroneously paid or collected. The Administrator may authorize refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with these rules. The Administrator will not authorize refunding of any permit fee paid except on written application filed by the original applicant not later than one hundred eighty (180) days after the date of fee payment. (3-20-20)T
- 07. Refund of Plan Review Fees.** There is no refund of plan review fees. (3-20-20)T
- 030. RIGHT OF ENTRY.**
Whenever necessary to make an inspection to enforce any of the provisions of Title 39, Chapter 43, Idaho Code, or whenever the Administrator or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition that makes such building or premises unsafe, the Administrator or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Division by Title 39, Chapter 43, Idaho Code; provided that if such building or premises is occupied, he must first present proper credentials and demand entry; and if such building or premises be unoccupied, he must first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Administrator has recourse to every remedy provided by law to secure entry. (3-20-20)T
- 031. REMOVAL OF ORDERS AND NOTICES PROHIBITED.**
Removal of stop work or prohibited occupancy orders or notices from a building or structure, bearing such order or notice by any person or persons not authorized by the Administrator or his authorized representative, constitute a violation under the provisions of Section 39-4126, Idaho Code, and falls under the provisions of Section 18-317, Idaho Code. (3-20-20)T
- 032. MODULAR BUILDINGS.**

01. Enforcement and Administration. The Administrator administers and enforces all the provisions of these rules. Any officer, agent, or employee of the Division is authorized to enter any premises during any normal or operational hours where Modular Buildings are manufactured for the purpose of examining any records pertaining to quality control and inspection and may inspect any such units, equipment, or installations to insure compliance with the provisions of these rules and codes enumerated in Title 39, Chapters 41 and 43, Idaho Code. When it becomes necessary, he may require that a portion or portions of such Modular Building units be removed in order that an inspection may be made to determine compliance. Every manufacturer of Modular Buildings must obtain prior approval and an Insignia for each Modular Building unit to be installed in the state of Idaho. (3-20-20)T

02. Inspections. (3-20-20)T

a. Inspections at Manufacturing Plants. The Division conducts inspections at the manufacturing plant to determine compliance with the provisions of these rules and with codes adopted by Title 39, Chapter 41, Idaho Code, and Title 54, Chapters 10, 26, and 50, Idaho Code. (3-20-20)T

b. In-Plant Inspections. Due to the repetitive nature of the manufacturing process, the required inspections outlined in the International Building Code or Idaho Residential Code may not be required if, in the opinion of the Division, compliance can be obtained by periodic inspections. The Division conducts periodic unannounced inspections at any manufacturing site to review any or all aspects of a manufacturer's production and inspectional control procedures. Each unit, however, must be inspected at least once during the course of production for compliance with the adopted standards. No unit manufactured to be installed in the state of Idaho will be shipped from the point of manufacture without inspection and attached Insignia. (3-20-20)T

c. Field Inspections. All existing Modular Buildings to be installed in the state of Idaho not bearing the Division's Insignia may not be used or occupied until required Idaho Insignia has been issued by the Division and properly affixed in accordance with these rules. Applicants for Insignia must obtain permits, plan approvals, and inspections as required by these rules. (3-20-20)T

d. Qualifications of Inspectors. All inspectors performing inspections of modular buildings must be properly certified for the type of inspection being conducted. The Factory Built Structures Board recognizes certifications granted through the National Certification Program Construction Code Inspector program (NCPCCI), the National Inspection Testing Certification program (NITC), the International Association of Electrical Inspectors (IAEI), and the International Code Council (ICC). Certifications must be current and of the proper classification for the structure or subsystem being inspected. (3-20-20)T

03. Installation Inspection. In order to complete the installation of the Modular Building, approval and inspection of said installation by the enforcement agency having jurisdiction over the site location is required. (3-20-20)T

04. Field Technical Service. Any person may request field Technical Service and requests for such service must be submitted to the Division in writing. (3-20-20)T

05. Local Enforcement Agencies. (3-20-20)T

a. Rights of Local Enforcement Agency. A local enforcement agency has the right to require a complete set of plans and specifications approved by the Division for each Modular Building to be installed within its jurisdiction, to require that all permits be obtained before delivery of any unit to a Building Site. After leaving the manufacturing facility, future alterations or conversions of Division approved Modular Buildings must be field inspected by the local unit of government having jurisdiction. (3-20-20)T

b. Limitations of Rights of Local Enforcement Agency. A local enforcement agency does not have the right to: open for inspection any Modular Building or component bearing an Insignia to determine compliance with any codes or ordinances; require by ordinance or otherwise that Modular Buildings meet any requirements not equally applicable to on-site construction; or to charge permit or plan review fees for any portion of the structure prefabricated or assembled at a place other than the Building Site. (3-20-20)T

06. Insignia. (3-20-20)T

a. Required Insignia. Each Modular Building section must bear a Division Insignia on the front, left-hand side of the building prior to leaving the manufacturing facility. Assigned Insignia are not transferable and are void when not affixed as assigned. All such voided Insignia must be returned to, or may be confiscated by, the Division. Insignia remain the property of the Division and may be confiscated in the event of violation of conditions of approval. Assigned Insignia affixed in the field must be under the direction of the Division's authorized agent.

(3-20-20)T

b. Serial Number. Each Modular Building must bear a legible identifying serial number and include the state of manufacture. Each section of a multiple Modular Building must have the same identifying serial number followed by a numerical sequence identifier or a letter suffix, or both. Characters for serial numbers must be three-eighths (3/8) inch minimum height. Numbers may not be stamped into a hitch assembly or draw bar. The date of manufacture, showing month and year will be shown on the Insignia. Such data will be provided by the manufacturer on the application for Insignia.

(3-20-20)T

07. Reciprocal Agreements. The provisions for Insignia of compliance as specified in a written and signed reciprocal agreement between the Division and any other state takes precedence over the provisions of these rules. Where there is evidence that the in-plant inspection controls in out-of-state plants within states having reciprocal agreements with the state of Idaho are not being maintained for units to be placed in Idaho, the Division reserves the right to make out-of-state inspections, and fees for such inspection as set forth in these rules must be paid by the manufacturer.

(3-20-20)T

033. CIVIL PENALTIES.

The following acts subject the violator to penalties of not more than two hundred dollars (\$200) for the first offense and not more than one thousand dollars (\$1,000) for each offense thereafter based on the following schedule.

(3-20-20)T

01. Installation. Any person who transports a modular building to or installs a modular building on a building site in this state without first receiving approval and securing to the structure insignia evidencing such approval from the Division.

(3-20-20)T

02. Modification. Any person who in any way modifies or alters a modular building prior to its initial occupancy which has previously been approved by the Division without first having received approval to do so from the Division.

(3-20-20)T

03. Removal of Orders. Any person who removes a stop work or prohibited occupancy order or notice from a building or structure bearing such order or notice.

(3-20-20)T

04. Lawful Orders. Any person who fails, neglects, or refuses to obey any lawful order issued by the Administrator or his representative, or who refuses to perform any duty lawfully enjoined upon him by the Administrator or his representative.

(3-20-20)T

034. -- 999. (RESERVED)

**24.39.32 – RULES GOVERNING MANUFACTURED HOMES –
CONSUMER COMPLAINTS – DISPUTE RESOLUTION**

000. LEGAL AUTHORITY.

The Factory Built Structures Advisory Board of the Division of Building Safety is authorized under Section 44-2102(4), Idaho Code, to promulgate rules concerning establishment of dispute resolution programs. (3-20-20)

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 24.39.32, “Rules Governing Manufactured Homes – Consumer Complaints – Dispute Resolution.” (4-6-05)

02. Scope. These rules establish a program for the timely resolution of disputes between manufacturers, retailers and installers of manufactured homes in order to comply with Federal Housing and Urban Development regulations within 42 U.S.C. Section 5422(c)(12). (4-6-05)

002. -- 011. (RESERVED)

012 COMPLAINTS.

01. Inquiry. Complaints may be initiated by the consumer and directed to the Division of Building Safety in writing. (3-20-20)

02. Statute of Limitations. Complaints are to be reported on forms provided by the Division within one (1) year following the date of initial home installation in order to be eligible for this dispute resolution process. (3-20-20)

013. INVESTIGATION.

01. Site Inspection. Upon review of the completed complaint form, the Division may perform a site inspection, based on the nature of the complaint or upon request of the complainant. (3-20-20)

02. Inspectors. The site inspection may have only the Division inspector and consumer present, at the consumer’s request, or, if there is a dispute between the manufacturer, installer, or dealer, the inspection will be coordinated to include all involved parties. (4-6-05)

03. Costs. (4-6-05)

a. A site inspection made upon a consumer’s request that involves issues concerning a defect as defined by HUD is conducted at no cost to the consumer. (4-6-05)

b. A charge for mileage to and from the inspection site, plus an hourly charge for the time spent conducting the inspection, is assessed the manufacturer, installer, or dealer if a site inspection is made upon a request by the manufacturer, installer, or dealer, and does not involve a serious defect or imminent safety hazard. (4-6-05)

04. Inspection Report. Following a site inspection, the inspector will prepare a final report and include photographs. (3-20-20)

05. Complaint Determination. Following an investigation, a determination is made regarding the complaint along with any follow-up required by HUD guidelines. (3-20-20)

014. ACTION.

A notification letter and copies of the complaint form and investigation findings may be provided to all involved parties and HUD. (3-20-20)

01. Division Action. Any Division action, notification and follow-up are completed according to HUD guidelines. (3-20-20)

02. License File. If the nature of the complaint pertains to retailer contractual issues or installation problems, a copy of the complaint is to be consolidated with the appropriate Division license files. (3-20-20)

03. Correction or Repair. A Division building inspector must issue a report concerning correction or

repair of defects that are a matter of dispute between the homeowner, retailer, installer, or manufacturer. The report will include the likely cause of the defect and identify the party responsible for creating the defect that is in need of correction or repair. (3-20-20)

015. DECISIONS - APPEALS - INFORMAL DISPOSITION.

01. Decisions. The Administrator will review the inspector's report and set forth the required corrective action and identify the party responsible for such action. The Administrator may initiate a contested case proceeding if, in his sole discretion, he determines that such a proceeding or further investigation would be of assistance in reaching a decision. The decision must direct the responsible party to complete the required corrective action within specified timelines and consider the needs of the involved parties including, but not limited to, safety, anticipated expense and availability of funds, time of year, and convenience to the parties. (3-20-20)

02. Appeals. Decisions of the administrator are final orders for purposes of appeal. (4-6-05)

03. Informal Disposition -- Arbitration -- Mediation. Unless otherwise prohibited by other provisions of law, informal disposition may be made of any complaint by negotiation, stipulation, agreed settlement, and consent order. The parties may agree to enter into binding arbitration or mediation. Informal settlement of matters is to be encouraged. (4-6-05)

016. -- 999. (RESERVED)

24.39.33 – RULES GOVERNING MANUFACTURED/MOBILE HOME INDUSTRY LICENSING

000. LEGAL AUTHORITY.

The administrator of the Idaho Division of Building Safety and the Factory Built Structures Advisory Board are authorized to promulgate rules necessary to implement the provisions of Title 44, Chapters 21 and 22, Idaho Code. (3-20-20)T

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 24.39.33, “Rules Governing Manufactured/Mobile Home Industry Licensing.” (3-20-20)T

02. Scope. These rules apply to persons engaged in the business of manufacturing, selling, or installing manufactured or mobile homes for purposes of human habitation in Idaho. (3-20-20)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

For the purposes of these rules, the following terms will be used, as defined below: (3-20-20)T

01. Administrator. The administrator of the Division of Building Safety of the state of Idaho. (3-20-20)T

02. Board. The Factory Built Structures Advisory Board. (3-20-20)T

03. Bond. The performance bond required by Section 44-2103, Idaho Code. (3-20-20)T

04. Branch Office. An enclosed structure accessible and open to the public, at which the business of the manufactured/mobile home retailer is conducted simultaneously with and physically separated from his principal place of business. There must be displayed on the exterior a sign permanently affixed to the land or building with letters clearly visible to the major avenue of traffic. The sign must provide the business name of the retailer. (3-20-20)T

05. Business. Occupation, profession, or trade. (3-20-20)T

06. Deceptive Practice. Intentionally publishing or circulating any advertising concerning mobile or manufactured homes which: (3-20-20)T

a. Is misleading or inaccurate in any material respect; (3-20-20)T

b. Misrepresents any of the products or services sold or provided by a manufacturer, manufactured/mobile home retailer, or installation company. (3-20-20)T

07. Division. The Division of Building Safety. (3-20-20)T

08. Installer. A person who owns a business which installs manufactured/mobile homes at the sites where they are to be occupied by the consumer. The term does not include the purchaser of a manufactured/mobile home or a manufactured/mobile home retailer who does not install manufactured/mobile homes. A retailer who does install manufactured/mobile homes is an installer. The term also does not include concrete contractors or their employees. (3-20-20)T

09. Installation. The term includes “setup” and is the complete operation of fixing in place a manufactured/mobile home for occupancy. (3-20-20)T

10. Manufactured Home. A structure, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term must include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of Housing and Urban Development and

complies with the standards established under 42 U.S.C. Section 5401, et seq. (3-20-20)T

11. Manufactured Home Retailer. Except as otherwise provided in these rules: (3-20-20)T

a. Any person engaged in the business of selling or exchanging new and used units; or (3-20-20)T

b. Any person or who buys, sells, lists, or exchanges three (3) or more new and used units in any one (1) calendar year. (3-20-20)T

12. Manufacturer. Any person engaged in the business of manufacturing manufactured homes that are offered for sale, lease, or exchange in the state of Idaho. (3-20-20)T

13. Mobile Home. A factory-assembled structure or structures generally constructed prior to June 15, 1976, the date of enactment of the Federal Manufactured Housing and Safety Standards Act (HUD Code), and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. (3-20-20)T

14. Person. A natural person, corporation, partnership, trust, society, club, association, or other organization. (3-20-20)T

15. Principal Place of Business. The primary physical location at which the business of a manufactured home retailer is lawfully conducted. Each of the following requirements must be met to qualify as the principal place of business: (3-20-20)T

a. The business of the manufactured or mobile home retailer is lawfully conducted here; (3-20-20)T

b. The office or offices of the retailer is or are located here; (3-20-20)T

c. The public may contact the retailer here; (3-20-20)T

d. The offices are accessible and open to the public; and (3-20-20)T

e. The greatest portion of the retailer’s business is conducted here. The books and other records of a retailer must be kept and maintained at the retailer’s principal place of business and be open to inspection during normal business hours by any authorized agent of the Division. Moreover, there must be displayed on the exterior a sign permanently affixed to the land or building with letters providing the business name of the retailer clearly visible to the major avenue of traffic. (3-20-20)T

16. Used Manufactured Home or Mobile Home. A manufactured home or mobile home, respectively, which has been: (3-20-20)T

a. Sold, rented, or leased and occupied prior to or after the sale, rental, or lease; or (3-20-20)T

b. Registered with or been the subject of a certificate of title issued by the Idaho Department of Transportation or the appropriate authority of any state, the District of Columbia, or foreign state or country. (3-20-20)T

011. (RESERVED)

012. LICENSE REQUIRED.

It is unlawful to engage in business as a manufacturer, manufactured/mobile home retailer, or installer without being duly licensed by the Division pursuant to Title 44, Chapter 21, Idaho Code, and these rules. No issued licenses are transferable. (3-20-20)T

01. Minimum Age Requirement. No license will be issued to a person under eighteen (18) years of age at the time of license application. (3-20-20)T

02. Designated License Holder. Any applicant for a license under these rules who is not a natural person must designate a natural person to be license holder and represent the corporation, partnership, trust, society, club, association, or other organization for all licensing purposes under these rules including, but not limited to, testing and education. (3-20-20)T

a. The authorization to act as designated license holder must be in writing, signed by the applicant and the person designated, and filed with the Division along with the application. (3-20-20)T

b. Any person designated under Subsection 012.02 of these rules represents one (1) applicant only, and must immediately notify the Division in writing if his working relationship with the applicant has been terminated. The license will be issued in the name of the designated license holder with the name of the organization he represents also noted on the license. The license holder is considered by the Division to be the licensee, even if the license holder is the designated representative of an organization. (3-20-20)T

c. The applicant and the person designated under Subsection 012.02 of these rules agree by acceptance of the designation that the designated person acts as agent of the applicant for all purposes under Title 44, Chapters 21 and 22, Idaho Code, and all rules promulgated thereunder. (3-20-20)T

03. Proof of License. Proof of the existence of any license issued pursuant to these rules is carried upon the person of the responsible managing employee or supervisor of any installation at all times during the performance of the installation work. Such proof must be furnished upon demand of any person. Moreover, any license issued to a manufactured/mobile home retailer must be posted in a conspicuous place on the business premises of the employer for whom the holder of the license is licensed. The license of a manufacturing facility or branch office must also be posted in a conspicuous place at the location licensed. (3-20-20)T

04. Real Estate Brokers. Licensed real estate brokers or real estate salesmen representing licensed real estate brokers are not required to obtain a license under these rules in order to sell or lease a used unit that is currently carried on the tax rolls as personal property and that otherwise falls within the exemption contained in Section 44-2102(2), Idaho Code. (3-20-20)T

05. License for Manufacturers. In order to engage in business in the state of Idaho or to be entitled to any other license or permit required by these rules each manufacturer must be licensed by the Division. (3-20-20)T

06. License for Branch Office of Manufactured/Mobile Home Retailer. (3-20-20)T

a. The Division requires as a condition of licensing and bonding any information it deems necessary for each location where a manufactured/mobile home retailer maintains a branch office. The mere listing of manufactured/mobile homes for sale does not constitute a branch office, but the use of a mobile home park or a state sales office by a licensee for the sale or offering for sale of manufactured/mobile homes does constitute the maintenance of a branch office. A branch office manager may not manage more than one (1) branch office. (3-20-20)T

b. To open a branch office, a retailer must: obtain a license from the Division to operate the branch office; and provide for direct supervision of the branch office, either by himself or by employing a branch office manager. (3-20-20)T

c. If the branch office is closed, the retailer must immediately deliver the license to the Division. (3-20-20)T

07. License to Engage in Business as Manufactured/Mobile Home Retailer, Manufacturer, or Installer; Application; Bond; Issuance, Expiration, and Renewal. (3-20-20)T

a. Applicants for a manufacturer's, retailers, or installer's license must furnish: (3-20-20)T

i. Any proof the Division may deem necessary that the applicant is a manufacturer, retailer, or installer; (3-20-20)T

- ii. Any proof the Division may require that the applicant has a principal place of business; (3-20-20)T
 - iii. Any proof the Division may require of the applicant's good character and reputation and of his fitness to engage in the activities for which the license is sought; (3-20-20)T
 - iv. In the case of a retailer in new manufactured homes, an instrument in the form prescribed by the Division executed by or on behalf of the manufacturer certifying that the applicant is an authorized franchise dealer for the make concerned; (3-20-20)T
 - v. The fee and proof of bond fixed by rule; and (3-20-20)T
 - vi. Proof of passing the examination required by these rules, as applicable. (3-20-20)T
- b.** Within thirty (30) days after receipt of a completed application, the Division will issue or deny the license. (3-20-20)T
- c.** Each license is valid for a period of one (1) year from the date of issuance and may be renewed for like consecutive period upon application to and approval by the Division. (3-20-20)T
- d.** If any installer's working relationship with his employer is terminated, the employer must immediately deliver the license of the terminated installer to the Division. (3-20-20)T

013. THE DIVISION'S MAILING ADDRESS.

Any correspondence or notices required by these rules or Title 44, Chapters 21 or 22, Idaho Code, may be addressed to the Division of Building Safety, 1090 E. Watertower Street, Suite 150 Meridian, Idaho 83642. (3-20-20)T

014. PROOF OF EDUCATION REQUIRED.

01. Satisfactory Proof for Initial Application Submission. An application for a license as a manufactured/mobile home installer must include proof satisfactory to the Division that the applicant has completed the following number of hours of initial education in order to be approved: (3-20-20)T

- a.** Installers and retailers who are installers: eight (8) hours. (3-20-20)T
- b.** The course of initial education must be approved by the Division and must include information relating to the provisions of these rules, Title 44, Chapters 21 and 22, Idaho Code, and the Manufactured Housing Construction Safety Standards Act of 1974. (3-20-20)T

02. Satisfactory Proof for License Renewal. The Division will not renew any installer license, or retailer license of any retailer who is also an installer, issued pursuant to Title 44, Chapters 21 or 22, Idaho Code, or these rules until the licensee has submitted proof satisfactory to the Division that he has, during the three (3) years immediately preceding the renewal of the license, completed at least eight (8) hours of continuing education. (3-20-20)T

03. Continuing Education Course. The course of continuing education must be approved by the Division and include information relating to the following: (3-20-20)T

- a.** Manufactured housing or mobile home parks; (3-20-20)T
- b.** The construction, including components and accessories, rebuilding, servicing, installation, or sale of manufactured/mobile homes; (3-20-20)T
- c.** Legislative issues concerning manufactured/mobile home housing and manufactured/mobile home parks, including pending and recently enacted state or federal legislation; and (3-20-20)T
- d.** These rules, Title 44, Chapters 21 or 22, Idaho Code, and the Manufactured Housing Safety Standards Act of 1974. (3-20-20)T

015. EXAMINATION OF APPLICANT FOR LICENSE.

01. Required Examinations. The Division requires a written examination of each applicant for an initial license as a manufactured/mobile home retailer or installer. To avoid the requirement of an examination and be considered a renewal, any licensee must renew his license within six (6) months of its expiration date. (3-20-20)T

02. Approval of Examination and Grade. Examinations for all classifications under these rules must be approved by the Division and the Board. No license will be issued unless the applicant receives a final grade of seventy percent (70%) or higher. (3-20-20)T

016. DISCIPLINARY ACTION AGAINST LICENSEES.

The Division may deny, suspend, refuse to renew, or revoke any license issued under Title 44, Chapter 21, Idaho Code, or these rules or reissue the license subject to reasonable conditions upon any of the following grounds: (3-20-20)T

01. Violation of Rules and Statutes. For any willful or repeated violation of these rules, IDAPA 24.39.34, “Rules Governing Manufactured or Mobile Home Installations,” or Title 44, Chapters 21 or 22, Idaho Code. (3-20-20)T

02. Failure to Have Principal Place of Business. With regards only to a manufactured/mobile home retailer, failure of the applicant or licensee to have a principal place of business. (3-20-20)T

03. False Information. Material misstatement in the application or otherwise furnishing false information to the Division. (3-20-20)T

04. Disclosing Contents of Examination. Obtaining or disclosing the contents of an examination given by the Division. (3-20-20)T

05. Deceptive Practice. The intentional publication, circulation, or display of any advertising which constitutes a deceptive practice as that term is defined in Subsection 010.06 of these rules. (3-20-20)T

06. Failure to Provide Business Name. Failure to include in any advertising the name of the licensed retailer or installer, or the name under which he is doing business. (3-20-20)T

07. Encouraging Falsification. Intentionally inducing an applicant or licensee to falsify an application. (3-20-20)T

08. Poor Workmanship. Performing workmanship which is grossly incompetent or repeatedly below the standards adopted by Title 44, Chapters 21 and 22, these rules, IDAPA 24.39.34, “Rules Governing Manufactured or Mobile Home Installations,” the Federal Manufactured Housing and Safety Standards Act of 1974, or the latest Idaho adopted editions of the International Building Code, the National Electrical Code, the Idaho State Plumbing Code, and the International Mechanical Code, then in effect. (3-20-20)T

09. Installation Supervisor Required. Failure to have an employee personally supervise any installation of a manufactured/mobile home. (3-20-20)T

10. Failure of Organizations to License its Employees. Failure of an organization to have its employees maintain any license as required by these rules. (3-20-20)T

11. Failure to Honor Warranties. Failure to honor any warranty or other guarantee given by a licensee for construction, workmanship, or material as a condition of securing a contract, or of selling, leasing, reconstructing, improving, repairing, or installing any manufactured/mobile home, or accessory structure. (3-20-20)T

12. Revocation or Denial of License. Revocation or denial of a license issued pursuant to these rules or an equivalent license by any other state or U.S. territory. (3-20-20)T

13. Failure to Maintain Any Required License. Failure of the licensee to maintain any other license required by any city or county of this state. (3-20-20)T

14. Failure to Respond to Notice. Failure to respond to a notice served by the Division as provided by law within the time specified in the notice. (3-20-20)T

15. Failure to Permit Access to Documentary Materials. Failure or refusing to permit access by the Division to relevant documentary materials after being requested to do so by the Division. (3-20-20)T

16. Conviction of Misdemeanor. Conviction of a misdemeanor for violation of any of the provisions of Title 44, Chapters 21 or 22, Idaho Code. (3-20-20)T

17. Conviction of Felony. Conviction or withheld judgment for a felony in this state, any U.S. territory, or country. (3-20-20)T

18. Dealing with Stolen Manufactured or Mobile Homes. To knowingly purchase, sell, or otherwise acquire or dispose of a stolen manufactured or mobile home. (3-20-20)T

19. Violation of Permit or Inspection Requirements. To knowingly violate any permit or inspection requirements of any city or county of this state. (3-20-20)T

017. PROCEDURES FOR LICENSING SUSPENSION, REVOCATION OR NONRENEWAL.

Any proceeding to suspend, revoke, or not renew any license will be conducted as a contested case in accordance with the provisions of Title 67, Chapter 52, Idaho Code, and the “Idaho Rules of Administrative Procedure of the Attorney General,” IDAPA 04.11.01.000, et seq. (3-20-20)T

018. APPLICATION FOR NEW LICENSE.

Any person whose license has been revoked may not apply for a new license until the expiration of one (1) year from the date of such revocation. (3-20-20)T

019. FEES.

01. Fees for Issuance and Renewal of License. The following fees for the issuance and renewal of a license will be charged, and no application for licensing pursuant to these rules will be accepted by the Division unless it is accompanied by the appropriate fee: (3-20-20)T

a. Manufactured/mobile home retailer license: four hundred forty dollars (\$440). Retailers who are also installers will not have to pay an installer's license fee in order to hold both licenses. (3-20-20)T

b. Manufacturer license: four hundred forty dollars (\$440); (3-20-20)T

c. Manufactured/mobile home installer license: two hundred twenty dollars (\$220); (3-20-20)T

02. Performance Bonding Requirements. No application for licensing pursuant to these rules will be accepted unless it is accompanied by evidence of the following performance bond: (3-20-20)T

a. Manufacturer: twenty thousand dollar (\$20,000) bond; (3-20-20)T

b. Manufactured/mobile home retailer: twenty thousand dollar (\$20,000) bond; (3-20-20)T

c. Manufactured/mobile home installer: five thousand dollar (\$5,000) bond. Retailers who are also installers will not be required to post an installer's bond in order to hold both licenses. (3-20-20)T

03. Money or Securities Deposit in Lieu of Performance Bond. A money or securities deposit will be accepted by the Division in lieu of the performance bonding requirement as set forth at Title 44, Chapter 21, Idaho Code, and Subsection 019.02 of these rules, under the following circumstances: (3-20-20)T

- a. Any such money or securities deposit is in a principal sum equal to the face amount of the performance bond required for the applicable licensing category; (3-20-20)T
- b. Any such money deposit is deposited in a time certificate of deposit that provides on its face that the principal amount of such certificate of deposit is payable to the Division upon presentment and surrender of the instrument; (3-20-20)T
- c. Any such time certificate of deposit has a maturity date of one (1) year from the effective date of licensure and has an automatic renewal provision for subsequent years; (3-20-20)T
- d. Any such time certificate of deposit must be provided to the Division at the time of application for licensure and be retained by the Division during the effective period of licensure unless otherwise expended by the Division to insure completion of the licensee's performance; (3-20-20)T
- e. Any such time certificate of deposit will be returned to an unsuccessful applicant for licensure; (3-20-20)T
- f. The principal amount of any such time certificate of deposit, to the extent not otherwise expended to insure completion of the licensee's performance, will be returned to the depositor by the Division on or before ninety (90) days subsequent to the occurrence of any of the following events: voluntary surrender or return of a license; expiration of a license; lapse of a license; or revocation or suspension of a license; and (3-20-20)T
- g. Any interest income earned by reason of the principal amount of the time certificate of deposit is the property of the licensee. (3-20-20)T

020. LICENSING COMPLAINTS.

Persons who wish to submit complaints to the Division for its consideration regarding the fitness to hold a license of anyone currently licensed or applying for a license under these rules must do so in writing and be signed, dated, provide the name of the licensee or applicant, specific details giving rise to the complaint, and contain the complainant's valid address and telephone number. (3-20-20)T

021. CIVIL PENALTIES.

The following acts subject the violator to penalties based on the following schedule: (3-20-20)T

01. Industry Licensing. Except as provided for by Section 44-2106, Idaho Code, any person who engages in the business of a manufacturer, retailer, resale broker, salesman, or installer, as defined in Section 44-2101A, Idaho Code, without being duly licensed by the Division is subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-20-20)T

02. Deceptive Practice. In accordance with Section 44-2106(2), Idaho Code, any retailer or installer, who intentionally publishes or circulates any advertising that is misleading or inaccurate in any material respect or that misrepresents any of the products or service sold or provided by a manufacturer, retailer or installer is subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-20-20)T

03. Dealing with Stolen Manufactured or Mobile Homes. In accordance with Section 44-2106(2), Idaho Code, any person who knowingly purchases, sells, or otherwise acquires or disposes of a stolen manufactured or mobile home is subject to a civil penalty of not more than one thousand dollars (\$1,000). (3-20-20)T

04. Failure to Maintain a Principal Place of Business. In accordance with Section 44-2106(2), Idaho Code, any person who is a retailer duly licensed by the Division and who fails to maintain a principal place of business within Idaho, is subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-20-20)T

05. Violation of Rules and Statutes. Any person who knowingly violates any of the provisions of these rules, IDAPA 24.39.34, "Rules Governing Manufactured or Mobile Home Installations," or the provisions of

Title 44, Chapters 21 or 22, Idaho Code, is subject to a civil penalty of five hundred dollars (\$500) for the first offense and one thousand dollars (\$1,000) for each offense thereafter. (3-20-20)T

06. Gross Violation. In case of continued, repeated, or gross violations of these rules or IDAPA 24.39.34, “Rules Governing Manufactured or Mobile Home Installations,” a license revocation may be initiated for licensed individuals under Title 44, Chapter 21, Idaho Code. Non-licensed individuals are subject to prosecution by the appropriate jurisdiction under Idaho law. (3-20-20)T

022. MANUFACTURED HOME BUYER’S INFORMATION AND DISCLOSURE FORM.

The Manufactured Home Buyer's Information and Disclosure Form must be presented by manufactured home retailers to each purchaser of a new manufactured home, and must be executed by the retailer and purchaser at the time the initial purchase order is signed for the sale of a new manufactured home. The form is available at the Division office. (3-20-20)T

023. -- 999. (RESERVED)

24.39.34 – RULES GOVERNING MANUFACTURED OR MOBILE HOME INSTALLATIONS

000. LEGAL AUTHORITY.

In accordance with Section 44-2201, Idaho Code, the administrator of the Idaho Division of Building Safety is authorized to promulgate rules necessary to implement the provisions of Title 44, Chapters 21 and 22, Idaho Code. (3-20-20)T

001. TITLE AND SCOPE.

01. **Title.** These rules are IDAPA 24.39.34, “Rules Governing Manufactured or Mobile Home Installations.” (3-20-20)T

02. **Scope.** These rules apply to the installation of manufactured or mobile homes used for purposes of human habitation in Idaho. (3-20-20)T

002. -- 003. (RESERVED)

004. ADOPTION AND INCORPORATION BY REFERENCE.

The Idaho Manufactured Home Installation Standard (January 1, 2018 edition), as adopted by the administrator, is hereby adopted and incorporated by reference into these rules. A current copy is available for review or copying at the office of the Division of Building Safety offices. (3-20-20)T

005. APPLICATION -- COMPLIANCE.

01. **Application -- State Preemption.** The standards referred to in this chapter are a comprehensive statement of all applicable standards which apply to the installation, alteration or repair of manufactured or mobile homes in Idaho. Cities and counties may not adopt or enforce more or less stringent standards, except as permitted by Section 67-6509(a), Idaho Code, as it pertains to the siting of manufactured homes in residential areas. (3-20-20)T

02. **Compliance -- Disciplinary Action Against Licensees.** Failure to comply with these standards constitutes grounds for discipline as provided in Title 44, Chapters 21 and 22, Idaho Code, and IDAPA 24.39.33, “Rules Governing Manufactured/Mobile Home Industry Licensing,” and these rules. (3-20-20)T

006. -- 011. (RESERVED)

012. USE OF MANUFACTURERS’ INSTALLATION INSTRUCTIONS.

All new HUD manufactured homes must be installed in accordance with the manufacturer’s Design Approval Primary Inspection Agency (DAPIA) approved installation instructions. All used mobile and manufactured homes must be installed in accordance with the Idaho Manufactured Home Installation Standard. In any instance in which there is a conflict between the DAPIA installation instructions and the Idaho Manufactured Home Installation Standards, the DAPIA installation instructions supersede and serve as the controlling authority. All manufactured or mobile homes must be installed in accordance with all other applicable state laws pertaining to utility connection requirements. (3-20-20)T

013. INSTALLATION PERMITS AND INSPECTIONS REQUIRED.

The owner or the installer of a manufactured or mobile home must obtain an installation permit in accordance with the requirements of Section 44-2202, Idaho Code. Installation permits must be obtained from the Division for installations in areas where there is no approved local program, or from a city or county that has by ordinance adopted building codes pursuant to Section 39-4116, Idaho Code, and whose installation program has been approved by the Division. Installation permits will only be issued to the owner of the manufactured home or to a licensed installer. The installer must have a current and valid license in effect at the time of the application for the installation permit. All installations must be inspected and approved by the authority having jurisdiction before the manufactured home is occupied. (3-20-20)T

014. INSTALLATION PERMIT FEES.

A city or county whose installation inspection program has been approved by the Division establishes their own fee schedule for installation permits within their jurisdiction. Permits obtained from the Division must be accompanied by a fee in accordance with the following schedule: (3-20-20)T

01. **Single Section Unit.** The permit fee is one hundred fifty dollars (\$150). (3-20-20)T

02. **Double Section Unit.** The permit fee is two hundred dollars (\$200). (3-20-20)T

03. More Than Two Sections. The permit fee for a home consisting of more than two (2) sections is two hundred fifty dollars (\$250). (3-20-20)T

04. Electrical and Plumbing Permits. Electrical and plumbing permits are administered separately from installation permits, and fees for such are separate from the fees identified in Section 014. Such fees are paid to the Division or other jurisdiction in accordance with the rules promulgated by the governing boards or local ordinance. (3-20-20)T

015. INSTALLATION TAGS REQUIRED.

The owner or installer of a new manufactured home must purchase an installation tag for fifty dollars (\$50) from the Division prior to commencing the installation of a manufactured home in Idaho. Such tag is required regardless of which jurisdiction has authority to perform the installation inspection. (3-20-20)T

016. APPROVAL OF LOCAL MANUFACTURED HOME INSTALLATION INSPECTION PROGRAMS.

01. Division Approval. A city or county that has by ordinance adopted a building code pursuant to Section 39-4116, Idaho Code, is eligible to participate in the inspection of manufactured and mobile homes. Such local installation inspection program must be approved by the Division to provide inspection services if the following minimum criteria is met: (3-20-20)T

a. Inspections are conducted by the city or county employing inspectors holding a valid certification as residential building inspector from the International Code Council; (3-20-20)T

b. Inspectors have attended annual training sessions provided or approved by the Division and received a certificate evidencing successful completion thereof; and (3-20-20)T

c. Approval of a city or county's inspection program has not been withdrawn by the Administrator of the Division. (3-20-20)T

02. Voluntary Withdrawal. A city or county may voluntarily withdraw from participation in the program to inspect manufactured homes upon providing to the Administrator of the Division ninety (90) days written notice of its intention to do so. (3-20-20)T

017. WITHDRAWAL OF APPROVAL OF PROGRAMS.

01. Division Withdrawal. Approval of city or county manufactured home installation program may be withdrawn by the Division if it determines that the city or county's program has failed, upon notification of the program deficiencies, to adequately remedy such deficiencies within a period of time specified by the Administrator. (3-20-20)T

02. Re-Approval. Re-approval of a program may be made by the Division when it determines that the reasons for the withdrawal have been remedied. (3-20-20)T

018. MINIMUM TRAINING REQUIREMENTS FOR INSPECTORS.

01. Annual Training or Instruction. All installation inspectors employed by the Division or a city or county must complete eight (8) hours of training or instruction approved by the Division every three (3) years dedicated to the installation and inspection of manufactured and mobile homes. (3-20-20)T

02. Revocation of Approval. Training or instruction approval is subject to revocation by the Division if in its discretion it determines that for any reason the training or instruction fails to meet the intent of furthering the education of manufactured home installation inspectors including, but not limited to, inadequacies in course content or methods of delivery. (3-20-20)T

019. QUALITY ASSURANCE.

01. Inspected Installations. Any inspected installation is subject to quality assurance reviews by Division of Building Safety at its discretion. Findings made by the Division pursuant to such reviews will be forwarded to the inspection authority having jurisdiction. (3-20-20)T

02. Inspectors and Programs. All inspectors and approved programs, including the Division, are subject to review. (3-20-20)T

03. Reviews by Division Personnel. Quality assurance reviews must be performed by Division supervisory personnel who are experienced in and knowledgeable about the installation requirements for manufactured homes. (3-20-20)T

04. Division Personnel Training and Certification. Supervisory personnel as identified in Section 019 of these rules, must meet minimum training and certification requirements for inspectors of manufactured home installations. (3-20-20)T

020. MINIMUM SCOPE OF INSTALLATION INSPECTION.

01. Scope. At a minimum, the inspection of the installation of a manufactured home by an installer includes the following: (3-20-20)T

a. Completion of an inspection record document as required by Section 44-2202(5), Idaho Code. The inspection record document must verify that the installer has visually inspected the installation and certify that the exterior and interior close-up processes, including the marriage line and other covered-up components, have been completed; (3-20-20)T

b. Delivery of a copy of the completed inspection record document to the homeowner and the authority having jurisdiction; (3-20-20)T

c. Verification that all installed ductwork, plumbing, electrical and fuel supply systems are operating properly; and (3-20-20)T

d. If applicable, verification that skirting has been installed correctly. (3-20-20)T

02. Inspection Minimum Requirements. At a minimum, the inspection of the installation of a manufactured home must include the following by an inspector: (3-20-20)T

a. Verification that site location is suitable for home design and construction, and inspection of site-specific conditions, including preparation and grading for drainage; (3-20-20)T

b. Inspection of the foundation construction; (3-20-20)T

c. Verification that installed anchorage meets minimum requirements; and (3-20-20)T

d. Verification of receipt of a completed inspection record document from the installer. (3-20-20)T

021. SUPERVISION BY RESPONSIBLE MANAGING EMPLOYEE.

A licensed installer or employee thereof must personally supervise any installation of a manufactured or mobile home at its place of occupancy. (3-20-20)T

022. -- 999. (RESERVED)

24.39.35 – RULES GOVERNING MOBILE HOME REHABILITATION

000. LEGAL AUTHORITY.

In accordance with Section 44-2504, Idaho Code, the administrator of the Idaho Division of Building Safety is authorized to promulgate rules necessary to implement the provisions of Title 44, Chapter 25, Idaho Code. (3-20-20)

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 24.39.35, “Rules Governing Mobile Home Rehabilitation.” (3-20-20)

02. Scope. These rules apply to the rehabilitation of mobile homes constructed prior to June 15, 1976, intended for relocation in Idaho requiring an installation permit pursuant to Section 44-2202, Idaho Code. (3-20-20)

a. Before a permit for the installation of the mobile home may be issued, the home must meet the rehabilitation requirements specified in this chapter and receive a certificate of compliance from the administrator of the Division. (7-1-99)

b. Upon submission of the rehabilitation form required pursuant to Section 44-2504, Idaho Code, and any other information required by the administrator to establish compliance with this chapter, the administrator issues a certificate of compliance to the homeowner. The certificate must be presented to the local jurisdiction before a permit for the installation of the home may be issued. (3-20-20)

c. Upon receipt of the certificate, the local jurisdiction issues the installation. No zoning, ordinance or policy of the local jurisdiction may prohibit the relocation or installation of a mobile home for which a certificate of compliance has been issued in accordance with this rule. (3-20-20)

002. -- 003. (RESERVED)

004. DEFINITIONS.

01. Administrator. The administrator of the Division of Building Safety for the state of Idaho. (7-1-99)

02. Division. The Division of Building Safety for the state of Idaho. (7-1-99)

03. Local Jurisdiction. A city or county within Idaho that has enacted ordinances that regulate the siting or installation of mobile homes. (3-20-20)

04. Mobile Home. A structure similar to a manufactured home, but built to a mobile home code prior to June 15, 1976, the date of enactment of the federal Manufactured Housing and Safety Standards Act (H.U.D. code). (7-1-99)

005. -- 010. (RESERVED)

011. REHABILITATION REQUIREMENTS.

The mobile home must meet the following rehabilitation requirements: (7-1-99)

01. Smoke Detectors. A smoke detector (which may be a single station alarm device) must be installed on any wall in a hallway or space communicating with each bedroom area and the living area on the living area side and, when located in a hallway, the detector must be between the return air intake and the living area. Each smoke detector must be installed in accordance with its listing and the top of the detector must be located on a wall four (4) inches to twelve (12) inches below the ceiling. The detector may be battery powered or may be connected to an electrical outlet box by a permanent wiring method into a general electrical branch circuit, without any switch between the over current protection device protecting the branch circuit and the detector. (7-1-99)

02. Gas Furnace and Water Heater Compartment Protection. The walls, ceilings and doors of each compartment containing a gas-fired furnace or water heater must, as a minimum, be lined with five-sixteenth (5/16) inch gypsum board, unless the compartment access door opens to the exterior of the home, in which case, the door may be all metal construction. All exterior compartments must seal to the interior of the mobile home. (7-1-99)

03. Egress From Sleeping Areas. Each room designated expressly for sleeping purposes must have an exterior exit door or at least one (1) outside egress window or other approved exit device with a minimum clear

dimension of twenty-two (22) inches and a minimum clear opening of five (5) square feet. The bottom of the exit must not be more than thirty-six (36) inches above the floor. (7-1-99)

04. Electrical System Testing. All electrical systems must be tested for continuity to assure that metallic parts are properly bonded, tested for operation to demonstrate that all equipment is connected and in working order, and given a polarity check to determine that connections are proper. The electrical system must be properly protected for the required amperage load. If the unit wiring is of aluminum conductors, all receptacles and switches rated twenty (20) amperes or less directly connected to the aluminum conductors must be marked CO/ALR. Exterior receptacles other than heat tape receptacles must be of the ground fault circuit interrupter (GFI) type. Conductors of dissimilar metals (copper/aluminum or copper clad aluminum) must be connected in accordance with Section 110-14 of the National Electrical Code. (7-1-99)

05. Gas System Testing. The mobile home's gas piping must be tested with the appliance valves removed from the piping system and piping capped at those areas. The piping system must withstand a pressure of at least six (6) inch mercury or three (3) psi gauge for a period of not less than ten (10) minutes without showing any drop in pressure. Pressure must be measured with a mercury manometer or a slope gauge calibrated so as to read in increments of not greater than one-tenth (1/10) pound or an equivalent device. The source of normal operating pressure must be isolated before the pressure test is made. After the appliance connections are reinstalled, the piping system and connections must be tested with line pressure of not less than ten (10) inches nor more than fourteen (14) inches water column air pressure. The appliance connections must be tested for leakage with soapy water or a bubble solution. All gas furnaces and water heaters must be vented to the exterior in accordance with the latest state adopted mechanical code. (7-1-99)

06. Water System Testing. A full water or air pressure test will be performed on the mobile home's water and sewer system. (7-1-99)

a. Water piping must be tested and proven tight under a water pressure not less than the working pressure under which it is to be used. The water used for tests must be obtained from a potable source of supply. A fifty (50) pound per square inch (344.5kPa) air pressure may be substituted for the water test. In either method of test, the piping must withstand a test without leaking for a period of not less than fifteen (15) minutes. (7-1-99)

b. A water test must be applied to the drainage and vent system either in its entirety or in sections. If applied to the entire system, all openings in the piping must be tightly closed, except at the highest opening, and the system filled with water to the point of overflow. If the system is tested in sections, each opening must be tightly plugged except the highest opening of the section under the test and each section must be filled with water, but no section must be tested with less than a ten (10) foot head of water. In testing successive sections, at least the upper ten (10) feet of the next preceding section must be tested, so that no joint or pipe in the structure, except the uppermost ten (10) feet of the system, must have been submitted to a test of less than a ten (10) foot head of water. The water must be kept in the system or in the portion under testing for at least fifteen (15) minutes before inspection starts. The system must be tight at all points. (7-1-99)

07. Requirements for Obtaining Certificates of Compliance. All repairs or other work necessary to bring the mobile home into compliance with requirements of this section must be completed before a certificate of compliance may be issued by the Division. (7-1-99)

012. REHABILITATION FORM AND CHECKLIST – COMPLIANCE CERTIFICATE.

01. Rehabilitation Checklist. The rehabilitation form will be completed and signed by an authorized representative of an Idaho licensed manufactured home installer or retailer holding an installer's license. Electrical, gas, water and sewer inspections and any necessary repairs must be performed by a person or company properly licensed and authorized to perform the work in Idaho and identified on the rehabilitation form. Inspections means testing of the various electrical, gas, water and sewer systems. A properly completed rehabilitation form must be presented to the Division before a certificate of compliance may be issued. (3-20-20)

02. Rehabilitation Checklist and Compliance Certification Form. The following is the official rehabilitation checklist and compliance certificate: (7-1-99)

DIVISION OF BUILDING SAFETY
 Manufactured Housing Section
 1090 E Watertower St Ste 120
 Meridian, ID 83642
 FAX : 208-855-9399

FOR DIVISION USE ONLY	
Compliance Certificate Issued	
By:	_____
Title:	_____
Date:	_____

MOBILE HOME REHABILITATION CHECKLIST -- COMPLIANCE CERTIFICATE
(TITLE 44 CHAPTER 25 IDAHO CODE)

These rehabilitation/testing requirements are applicable only to non-HUD mobile homes manufactured prior to June 15, 1976. Separate permits and inspections may be required for any repairs made to plumbing or electrical systems. Additional permits may be required by the local authority having jurisdiction in order to do any work or make any repairs on the mobile home not involving plumbing or electrical systems. Check with your local building department to determine the need for permits and inspections before initiating any repair work or before installing your mobile home at a new site.

The undersigned installer/service company representatives, electrical or plumbing contractors attest and verify that rehabilitative repairs and testing have been completed in accordance with Title 44 - Chapter 25 Idaho Code:

1. Smoke Detection	_____	_____	_____
	DBS Licensed Installer/Service Co. Rep.	Installer/Service Co. License #	Date
2. Egress Windows/Exterior Exit Doors From All Sleeping Areas	_____	_____	_____
	DBS Licensed Installer/Service Co. Rep.	Installer/Service Co. License #	Date
3. Fire Protection of Gas Water Heater/ Furnace Compartments	Home is equipped with gas water heater or furnace. _____ Yes _____ No		
Verified or Repaired By	_____	_____	_____
	DBS Licensed Installer/Service Co. Rep.	Installer/Service Co. License #	Date
4. Gas System Testing/Repairs	Home has gas appliances _____ Yes _____ No		
If Yes, Testing Performed By	_____	_____	_____
	DBS Licensed Installer/Srvc Co. License #	Date	Gas Utility Date
Repairs (If Required) Made By	_____	_____	_____
	DBS Licensed Installer/Service Co. Rep. Or Licensed HVAC Contractor	License #	Date
5. Electrical System Testing Performed By	_____	_____	_____
	DBS Licensed Electrical Contractor	License #	Date
Repairs (If Required) Made By	_____	_____	_____
	DBS Licensed Electrical Contractor	License #	Permit # Date
6. Water/DWV System Test Performed By	_____	_____	_____
	DBS Licensed Plumbing Contractor	License #	Date
Repairs (If Required) Made By	_____	_____	_____
	DBS Licensed Plumbing Contractor	License #	Permit # Date

NAME ON TITLE: _____ HOME VIN #: _____
HOMEOWNER NAME: _____ TELEPHONE: _____
HOMEOWNER MAILING ADDRESS: _____
LOCATION OF HOME AT TIME OF REHABILITATION/TESTING: _____

MAIL OR FAX COMPLETED FORM TO THE DIVISION ADDRESS LISTED AT THE TOP OF THIS FORM

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013. -- 999. (RESERVED)

24.39.40 – SAFETY RULES FOR ELEVATORS, ESCALATORS, AND MOVING WALKS

000. LEGAL AUTHORITY.

This chapter is adopted by the administrator of the Division of Building Safety in accordance with Section 39-8605, Idaho Code. (3-20-20)T

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 24.39.40, “Safety Rules for Elevators, Escalators, and Moving Walks.” (3-20-20)T

02. Scope. These rules govern the design, construction, installation, operation, inspection, testing, maintenance, alteration, or repair of elevators, escalators, moving walks, platform lifts, material lifts, and dumbwaiters. (3-20-20)T

002. ADOPTION AND INCORPORATION BY REFERENCE.

01. Documents. The following codes, amendments, and updates are hereby adopted and incorporated by reference into these rules for all conveyances subject to this chapter. (3-20-20)T

- a.** ANSI/ASME A17.1 2016, Safety Code for Elevators and Escalators with the following exceptions: (3-20-20)T
 - i.** Compliance with section 2.8.3.3.2 requires that the means for disconnecting the main power, as required by this section, to be within sight of controller for all conveyances with an elevator machine room or control room. (3-20-20)T
 - ii.** Compliance with section 8.11.2.1.5(c) Car and Counterweight Buffer testing must be conducted at slow speed in accordance with Item 5.9.2.1(a) in ANSI/ASME A17.2 2014. (3-20-20)T
 - iii.** Compliance with Section 2.2.2.5, which requires a sump pump or drain in the elevator pit, is optional. If a sump pump or drain is installed, it must meet the requirements of this section. A sump with a cover must be provided in each elevator pit. (3-20-20)T

b. ANSI/ASME A17.3 2015 Safety Code for Existing Elevators and Escalators. (3-20-20)T

c. ANSI/ASME A17.4 1999 Guide for Emergency Personnel. (3-20-20)T

d. ANSI/ASME A17.5 2014 Elevator and Escalator Electrical Equipment. (3-20-20)T

e. ANSI/ASME A17.6 2010 Standard for Elevator Suspension, and Governor Systems. (3-20-20)T

f. ANSI/ASME A17.7 2012 Performance-based Safety Code for Elevators and Escalators. (3-20-20)T

g. ANSI/ASME A17.8 2016 Standard for Wind Tower Turbine Elevators. (3-20-20)T

h. ICC/ANSI A117.1 2009 Accessible and Usable Buildings and Facilities. (3-20-20)T

i. ANSI/ASME A18.1 2014 Safety Standards for Platform Lifts and Chairlifts. (3-20-20)T

j. ASME QE-1 2013 Standard for the Qualification of Elevator Inspectors. (3-20-20)T

02. Copies. Copies of the codes, amendments, and updates listed in Subsection 004.01 of these rules are available for review at the Division of Building Safety offices. (3-20-20)T

003. -- 009. (RESERVED)

010. DEFINITIONS.

01. Administrator. The administrator of the Division of Building Safety. (3-20-20)T

02. Division. The Idaho Division of Building Safety. (3-20-20)T

011. INSPECTION REQUIREMENTS.

For an inspection may to take place: (3-20-20)T

01. Access. All machine rooms and spaces must be free of dirt and debris and have any obstacles to access removed. (3-20-20)T

02. Technician on Site. An elevator technician and fire alarm technician must be present on site to restore elevator and fire alarm systems. (3-20-20)T

03. Installation. The elevator installation must be complete and safe for inspection. Equipment, components, or systems installed on the conveyance must function in accordance with design and code requirements. If equipment, components, or systems are installed that are not required by the currently adopted code, they must function properly or be removed. (3-20-20)T

04. Inspection Fees. Inspection fees for elevators are assessed and collected according to the schedule listed in Section 39-8616, Idaho Code, except that reinspection fees for all types of conveyances is one hundred dollars (\$100) for the first hour of inspection, or portion thereof, and one hundred dollars (\$100) for each hour of inspection thereafter. (3-20-20)T

012. APPROVAL OF NEW OR ALTERNATIVE TECHNOLOGY.

01. Administrator Approval Required. If, due to construction or technological impediments, an elevator or conveyance cannot comply with applicable code requirements, approval of new or alternative construction or technology may be requested from the administrator. Approval must be obtained before commencement of construction. (3-20-20)T

02. Submission Deadline. Details of the proposed construction or technology, including design, material specifications and calculations, and such other information as may be requested, must be submitted to the administrator at least thirty (30) days in advance of the anticipated construction start date. (3-20-20)T

a. The manufacturer of the new product or system must provide the administrator with an Accredited Elevator/Escalator Certification Organization (AECO) approval and certification in accordance with ANSI/ASME A17.7 Performance-based Safety Code for Elevators and Escalators or engineering and test data demonstrating that the proposed technology is safe for the intended purpose. (3-20-20)T

b. The owner of the new product or system must provide the administrator with a document in which the owner acknowledges that the proposed technology is not governed by the applicable safety code and assures the administrator that, at such time as the code is revised to include the product or system, the owner will modify the product or system to bring it into compliance. The owner must assure the administrator that if the product or system cannot be modified or altered to bring it into compliance with the applicable code it will be removed and replaced with code-compliant equipment. (3-20-20)T

c. The manufacturer of the new product or system must provide training to Division personnel on the proposed technology and any related products or systems at no cost to the Division. (3-20-20)T

03. Engineer Approval. The information provided in compliance with the foregoing requirements must be approved by an Accredited Elevator/Escalator Certification Organization (AECO) or a registered professional engineer experienced in elevator or conveyance design prior to submission to the administrator. (3-20-20)T

013. -- 999. (RESERVED)

24.39.50 – RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

000. LEGAL AUTHORITY.

This chapter is adopted pursuant to Section 54-1907, Idaho Code, as amended. (3-20-20)T

001. TITLE.

These rules are titled IDAPA 24.39.50, “Rules of the Public Works Contractors License Board.” (3-20-20)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

As used in these rules. (3-20-20)T

01. Administrator. The administrator of the Division of Building Safety. (3-20-20)T

02. Applicant. Any person who has filed an application with the administrator. (3-20-20)T

03. Board. The Public Works Contractors License Board. (3-20-20)T

04. Compiled. A type of financial statement in which the information presented is based solely upon representations by an organization’s management. (3-20-20)T

05. Estimated Cost. For the purposes of the application of Section 54-1903(i), Idaho Code, the term “estimated cost” refers to the total aggregate amount of the value of all the separate or individual jobs, parts, components, or undertakings involved in the construction of a single project when combined and considered as a whole, regardless of the types of trades, sub-contracts, work, or other individual aspects involved, and without regard to the number of trades or crafts that are involved. (3-20-20)T

06. Financial Statement. A balance sheet and income statement prepared in accordance with generally accepted accounting principles. (3-20-20)T

07. Incidental Work. Work, the nature of which does not require any additional trade licenses and which may be carried out in conjunction with an activity for which the licensee is licensed, but is not intended to produce an amount of income over ten percent (10%) of the total bid amount. (3-20-20)T

08. Independent Audit Report. A report prepared by an independent certified public accountant presenting such auditor’s opinion on the fairness of the organization’s financial statements and prepared in accordance with generally accepted auditing standards. (3-20-20)T

09. Licensee. Includes any individual proprietor, partnership, limited liability partnership, limited liability company, corporation, joint venture, or other business organization holding a current, unrevoked public works contractor license. (3-20-20)T

10. Qualified Individual. The person qualifying by examination as to the experience and knowledge required by Section 54-1910(a), Idaho Code. (3-20-20)T

11. Reviewed. Refers to a financial statement that is accompanied by the opinion of a certified public accountant stating that, based upon representations by the organization’s management, the reviewer has a reasonable basis for expressing limited assurance that there are no material modifications that should be made to the financial statements in order for the statements to be in accordance with generally accepted accounting principles. (3-20-20)T

011. -- 101. (RESERVED)

102. COMMUNICATION.

All communications are deemed officially received only when delivered to the office of the administrator. (3-20-20)T

103. PETITIONS.

An applicant or licensee seeking an order or decision of the administrator or the Board on any matter, or disciplinary proceeding, must file a written petition. (3-20-20)T

104. FORM AND CONTENT OF PETITION.

01. Form. The petition, including the heading, the name of the petitioner or person making the request, and the purpose of the petition must contain the following: (3-20-20)T

- a.** The petitioner’s name, address, and license number. (3-20-20)T
- b.** The petitioner’s request in brief, precise and specific terms, including references to any pertinent statutes or rules, and a detailed explanation of the purpose for the request. (3-20-20)T
- c.** Statements of fact to support the request. Briefs and supporting documents may accompany petitions. (3-20-20)T

02. Service. The petition must be dated and signed by the petitioner, and filed as set forth in Section 102 of these rules. (3-20-20)T

105. LICENSE RENEWAL -- FILING DEADLINES; PETITIONS FOR EXTENSION OF TIME TO FILE; LAPSED LICENSES.

01. Filing Deadline. Applications for renewal of a license must be filed by the last working day of the month in which the license expires. (3-20-20)T

02. Extension of Time. A petition for an extension of time in which to renew must be filed by the last working day of the month in which the license expires. The petition must be accompanied by a fee in the amount of the prorated portion of the annual license fee for the class of license applied for, with a minimum fee of at least fifty dollars (\$50). The fee for this service is required in addition to the licensing and renewal fees provided for in Section 201 of these rules and paid to the Division at the time of application for licensure. Petitions not accompanied by the required fees or filed after the license has expired will not be honored. (3-20-20)T

a. The petition must specify the number of days for which the extension is being requested; however under no circumstances may an extension exceed sixty (60) days. (3-20-20)T

03. Approval of Petition. Approval of a petition for an extension of time authorizes operation as a contractor until the administrator completes action on the renewal application, provided the application for renewal is filed with the Administrator within the extended time specified. (3-20-20)T

04. Failure to File. If the licensee fails to file a timely application for renewal or petition for extension, the license lapses and expires on the last day of the license period. Licenses not renewed in a timely manner are considered delinquent for a period of one (1) year from the last day of the license period and may be renewed at any time during that year. Licenses delinquent for more than a period of one (1) year must be reinstated and the applicant for reinstatement must apply as if for a new license. (3-20-20)T

05. Expedited Licensure. Upon an applicant’s request and payment of a fee of one hundred dollars (\$100), the Division will expedite its review and determination of a license application. The fee for this service is required in addition to the licensing and renewal fees provided for in Section 201 of these rules and must be paid to the Division at the time of application for licensure. (3-20-20)T

106. SPECIAL PROVISIONS COVERED IN A PETITION TO CHANGE OR ADD TYPES OF CONSTRUCTION.

A petition to change or add types of construction must be supported by evidence, satisfactory to the administrator, of work history, job performance, experience, equipment, financial responsibility, and a minimum of three (3) letters of reference. The evidence of work history, job performance, experience, and financial responsibility must comply with the requirements of Subsections 110.01 and 110.02 of these rules. All of the evidence must specifically pertain to work that is similar in scope and value to that for which the change or addition is being requested. (3-20-20)T

107. -- 108. (RESERVED)

109. NOTICE.
In any contested case or other matter of Board business, written notification, mailed to the licensee or the applicant at

the most current address on record with the Board, constitutes sufficient notification for all purposes within Title 54, Chapter 19, Idaho Code, and these rules. (3-20-20)T

110. APPLICATION FOR LICENSURE -- DOCUMENTATION; APPRAISALS; REFERENCES; BONDING; AND FINANCIAL STATEMENTS.

01. Application Documentation. To obtain a license, the applicant must submit to the administrator, on such forms and in a format as the administrator prescribes, including electronically, accompanied by the required fee for the class of license applied for, a complete written application for such license. All of the information submitted by the applicant must specifically pertain to work that is similar in scope and value to that for which licensure is being requested or that is being requested in a petition to change or add types of construction. The information contained in such application forms must include: (3-20-20)T

a. A complete statement of the general nature of applicant's contracting business, including a concise description of the applicant's experience and qualifications as a contractor and a list of clients for whom work has been performed; (3-20-20)T

b. A description of the value and character of contract work completed and for whom performed during the three (3) year period prior to filing the application; (3-20-20)T

c. A general description of applicant's machinery and equipment; and (3-20-20)T

d. An annual financial statement, as herein defined, that covers a period of time ending no more than twelve (12) months prior to the date of submission of the application, indicating compliance with such financial requirements as the Board may prescribe by rule. The applicant's financial statement may be supplemented with: (3-20-20)T

i. Bonding. As authorized by Section 54-1910(e), Idaho Code, a letter from applicant's bonding company, not an insurance agent, stating the amount of the applicant's bonding capability per project and in the aggregate, including supporting documentation; (3-20-20)T

ii. Guaranty. Documentation, satisfactory to the administrator, of the existence of a written guaranty agreement between the applicant and a third-party in which the third-party guarantor agrees to assume financial responsibility for payment of any obligations of the applicant for any particular project as may be determined by a court of competent jurisdiction. The guaranty agreement, along with financial statements meeting the requirements of Paragraph 110.01.e. of this rule, must be submitted with the license application. (3-20-20)T

e. For Class A, AA, AAA, and Unlimited license applications, financial statements must be accompanied by an independent auditor's report or be reviewed. For Class B and CC license applications, financial statements must be accompanied by an independent audit report or be reviewed or compiled by a certified public accountant. For Class C and Class D license applications, financial statements must be accompanied by an independent audit report or be reviewed, compiled, or on the form provided by the administrator, and include such additional information as may be required by the administrator to determine the applicant's fitness for a license. (3-20-20)T

f. The name, social security number, and business address of an individual applicant or, if the applicant is a partnership, its tax identification number, business address, and the names and addresses of all general partners; and if the applicant is a corporation, association, limited liability company, limited liability partnership, or other organization, its tax identification number, business address, and the names and addresses of the president, vice president, secretary, treasurer, and chief construction managing officers, or responsible managing employee. (3-20-20)T

g. Applicants requesting a licensing class higher than that for which the applicant is currently licensed must provide documentation, satisfactory to the administrator, of having performed projects, similar in scope and character to those for which license is requested. The monetary value of those jobs must fall within a range not less than thirty percent (30%) below that for which the applicant is currently licensed. (3-20-20)T

02. Application for Change in Licensing Class. Requests for a licensing class higher than that for which the applicant is currently licensed must be accompanied by the information in Subsection 110.01 of these rules, and the applicable fee. Licenses granted under Subsection 110.02 of these rules are valid for a period of twelve (12) months from the date of issuance. (3-20-20)T

03. Extension of Time to File Financial Statement. The administrator may grant an extension of time to file the annual financial statement if the licensee provides an interim compiled balance sheet and income statement for the applicant’s fiscal year-to-date, duly certified as true by the applicant, and if a partnership, limited liability company, or limited liability partnership by a member thereof, and if a corporation, by its executive or financial officer. Such renewal application must be filed prior to the first day of such renewal licensing period. In the event an extension is granted, the renewal license is valid for a period of twelve (12) months from the date of the issuance of the renewal license. (3-20-20)T

04. Appraisals. The administrator may require submission of an independent appraisal of any real or chattel property reported by an applicant or licensee. Such appraisals must be conducted by a disinterested person or firm established and qualified to perform such services. (3-20-20)T

05. References. The administrator may require an applicant for an original or renewal license to furnish such personal, business, character, financial, or other written references as deemed necessary and advisable in determining the applicant’s qualifications. (3-20-20)T

111. FINANCIAL REQUIREMENTS.

The financial requirements for obtaining and maintaining a heavy, highway, building, and specialty construction license under this act must be as described in this section for each respective class. An applicant requesting a license for each class identified in this section must have a minimum net worth and possess an amount of working capital as provided in Table 111.01:

TABLE 111.01 – FINANCIAL REQUIREMENTS		
LICENSE CLASS	NET WORTH	WORKING CAPITAL
Unlimited	\$1,000,000	\$600,000
AAA	\$600,000	\$200,000
AA	\$450,000	\$150,000
A	\$300,000	\$100,000
B	\$150,000	\$50,000
CC	\$75,000	\$25,000
C	\$25,000	\$7,500
D	\$10,000	\$3,000

(3-20-20)T

112. EXAMINATION.

The Board approves all subject areas and topics to be included in the public works contractor license examination. (3-20-20)T

01. Frequency of Conducting of Examinations. (3-20-20)T

a. Examinations for all classes of licenses under the Public Contractors laws and rules will be given a minimum of four (4) times each year in the Division’s three (3) office locations. (3-20-20)T

b. The applicant will be notified in writing of the date, time, and location at which the examinations will be given, following approval of the application. (3-20-20)T

02. Professional Testing Services. In lieu of the administration by the administrator of the examination for licenses, the administrator may contract with a professional testing service to administer the examination, and require all license applicants, with the exception of Class D applicants, to pay to the testing service the fee that they have set for the examination, to take such examination at the time set by such service, and provide the Division acceptable verification of the test score. In such instances, the Division may charge and retain the application fee provided for by Section 54-1911, Idaho Code, to cover the cost of reviewing the applicant's application. (3-20-20)T

a. Class D applicants will utilize the existing in-house, open-book examination. (3-20-20)T

b. Class D licensees pursuing an upgrade must reapply and pass the examination administered by the professional testing service. (3-20-20)T

03. Required Score. The applicant must receive a final grade of seventy percent (70%) or higher prior to issuance of the appropriate license. (3-20-20)T

04. Failed Examinations. (3-20-20)T

a. An applicant receiving less than a passing score on a first or second examination may be reexamined without reapplication. (3-20-20)T

b. Before being reexamined after failing an examination the third time, an applicant must resubmit the application and fee. (3-20-20)T

c. Before being reexamined after any further failures, an applicant for reexamination must wait until the expiration of sixty (60) days from the date of the failed examination and resubmit the application and fee for each subsequent examination. (3-20-20)T

113. INDIVIDUAL QUALIFIED BY EXAMINATION.

01. Written Notice. Written notice, required by Section 54-1910(a), Idaho Code, that the Qualified Individual of a public works contractor has ceased to be connected with the contractor must be provided to the Administrator on forms prescribed by the Administrator indicating the date the Qualified Individual ceased to be connected with the contractor. (3-20-20)T

02. Reasonable Length of Time. If a public works contractor notifies the Administrator that the contractor's Qualified Individual has ceased to be connected with the contractor, the contractor's license will remain in force for ninety (90) days from the date of the notice. (3-20-20)T

114. -- 198. (RESERVED)

199. LIMITATIONS.

01. One License. A licensee will be permitted to hold only one (1) class of license at any given time. (3-20-20)T

02. Previous License Null and Void. When a licensee of one class has been issued a license of another class, the previous license is null and void. (3-20-20)T

03. Total Bid Cost. The total of any single bid on a given public works project, or the aggregate total of any split bids, or the aggregate total of any base bid and any alternate bid items, or the aggregate total of any separate bid by a licensee of any class, except Class Unlimited, may not exceed the estimated cost or bid limit of the class of license held by the licensee. The aggregate total of bids must include all bids of the subcontractors. Subcontractor bids are not considered a separate bid for the purposes of computing the bid on a given public works project. (3-20-20)T

04. Two or More Licensees. Two (2) or more licensees of the same class or of different classes are not permitted to combine the estimated cost or bid limit of their licenses to submit a bid in excess of the license held by either licensee. (3-20-20)T

05. Type 4 License Holder. The holder of a license for Type 4, Specialty Construction, are entitled to bid a public works project as a prime contractor or as a subcontractor, if more than fifty percent (50%) of the work to be performed by him on such project is covered by a category or categories listed on the license held by the licensee. (3-20-20)T

200. TYPE 4-SPECIALTY CONSTRUCTION CATEGORIES.

A license for Type 4-Specialty Construction must list one (1) or more specialty construction categories to which the license is restricted. Categories and their definitions are: (3-20-20)T

01. 01107 Engineering. A specialty contractor whose primary business includes providing engineering and design services such as civil, electrical, mechanical, and structural. (3-20-20)T

02. 01541 Scaffolding and Shoring. A specialty contractor whose primary business is the installation of any temporary elevated platform and its supporting structure used for supporting workmen or materials or both, and props or posts of timber or other material in compression used for the temporary support of excavations, formwork or unsafe structures; the process of erecting shoring. (3-20-20)T

03. 01542 Craning and Erection. A specialty contractor whose primary business includes the art, ability and skill to safely control the workings of a crane in such a manner that building materials, supplies, equipment and structural work can be raised and set in a final position. (3-20-20)T

04. 01550 Construction Zone Traffic Control. A specialty contractor whose primary business is the installation or removal of temporary lane closures, flagging or traffic diversions, utilizing pilot cars, portable devices such as cones, delineators, barricades, sign stands, flashing beacons, flashing arrow trailers, and changeable message signs on roadways, public streets and highways or public conveyances. (3-20-20)T

05. 01570 Temporary Erosion and Sediment Controls. A specialty contractor whose primary business includes the ability and expertise to install silt fencing or other similar devices to prevent erosion and contain silt. (3-20-20)T

06. 02110 Excavation, Removal and Handling of Hazardous Material. A specialty contractor whose primary business includes the excavation and removal of toxic and hazardous site materials. Contractors must be properly licensed and certified if required. (3-20-20)T

07. 02115 Removal of Underground Storage Tanks. A specialty contractor whose primary business includes, but is not limited to, the excavation, removal, cleanup, and disposal of underground storage tanks that have contained petrochemical type fuels. This work should include the sampling and testing of surrounding materials and filing of closure documents. (3-20-20)T

08. 02195 Environmental Remediation, Restoration and Soil Stabilization. A specialty contractor whose primary business is the remediation and restoration of contaminated environmental sites. (3-20-20)T

09. 02210 Drilling. A specialty contractor whose primary business includes practical elementary knowledge of geology and hydrology; the art, ability, knowledge, science and expertise to bore, drill, excavate, case, pack or cement by use of standard practices, including the use of diamond bits, cable tools, percussion, air percussion, rotary, air rotary, reverse circulation rotary methods or jetting. (3-20-20)T

10. 02220 Demolition. A specialty contractor whose primary business includes the ability and expertise to demolish all types of buildings or structures and to remove all of such buildings or structures from the premises, and maintain the premises surrounding demolition site safely for passing public. (3-20-20)T

11. 02230 Site Clearing. A specialty contractor whose primary business includes the ability and expertise to remove and dispose of all trees, brush, shrubs, logs, windfalls, stumps, roots, debris and other obstacles in

preparation for excavation of a construction site or other uses. (3-20-20)T

12. 02231 Logging. A specialty contractor whose primary business and expertise includes the clearing, cutting, removal and transportation of logs and trees and the construction of temporary roads and structures for such operations along with any reclamation work associated with such operations. (3-20-20)T

13. 02232 Tree Removal and Trimming. A specialty contractor whose primary business includes pruning, removal, or guying of trees, limbs, stumps, and bushes including grinding and removal of such items. (3-20-20)T

14. 02240 Dewatering and Subsurface Drainage. A specialty contractor whose primary business is to control the level and flow of subsurface water. (3-20-20)T

15. 02260 Earth Retention Systems, Mechanical Stabilized Earth Walls and Retaining Walls. A specialty contractor whose primary business includes the building of earth retention systems, mechanical stabilized earth walls and retaining walls. (3-20-20)T

16. 02265 Slurry Walls. A specialty contractor whose primary business is the construction of below ground structural diaphragm walls or containment walls through the combined use of trench excavation, mud slurry and tremie concrete. (3-20-20)T

17. 02270 Rockfall Mitigation and High Scaling. A specialty contractor whose primary business is rockfall mitigation and high scaling. (3-20-20)T

18. 02310 Excavation and Grading. A specialty contractor whose primary business includes such work as digging, moving and placing material forming the surface of the earth in such manner that a cut, fill, excavation and any similar excavating operation can be done with the use of hand and power tools and machines that are used to dig, move and place that material forming the earth's surface. (3-20-20)T

19. 02312 Dust Control, Dust Abatement and Dust Oiling. A specialty contractor whose primary business is dust control, dust abatement and dust oiling. (3-20-20)T

20. 02317 Rock Trenching. A specialty contractor whose primary business is rock trenching. (3-20-20)T

21. 02318 Hauling. A specialty contractor whose primary business includes the ability and expertise to obtain or move specified materials by transportation in a vehicle. (3-20-20)T

22. 02319 Blasting. A specialty contractor whose primary business includes the use of conventional and high explosives for pre-splitting, surface, underground and underwater blasting, drill, trench, or excavate for use of explosives; priming and loading drilled, trenched or excavated areas by pipe tamping, pneumatic loading, injector loading, mud capping, slurry loading, combination of pneumatic and injector loading or hand loading; use of volt, ohms and milliampere meter (VOM) in testing blasting machine output voltage, power line voltage, measuring electric blasting cap or blasting circuit resistance, testing for current leakage, testing for AC-DC stray current and voltage, leading wires for open or short circuits, rack bar blasting machine for running short or galvanometer output voltage; use of blasting caps, electric blasting caps, delay electric blasting caps, primacord and all other detonating devices. (3-20-20)T

23. 02325 Dredging. A specialty contractor whose primary business includes the excavation or removal of earth, rock, silt, or sediment from bodies of water including but not limited to streams, lakes, rivers or bays by means of specialized equipment. (3-20-20)T

24. 02404 Horizontal and Directional Earth Boring, Trenching and Tunneling. A specialty contractor whose primary business and expertise includes boring, trenching or tunneling. (3-20-20)T

25. 02450 Drilled Piers, Pile Driving, Caisson Drilling, Geopier and Helical Piers. A specialty contractor whose primary business includes drilling piers, pile driving, caisson drilling, Geopier and helical piers. (3-20-20)T

26. 02500 Utilities. A specialty contractor whose primary business includes the construction and installation of pipe lines for the transmission of sewage, gas and water, including minor facilities incidental thereto; installation of electrical poles, towers, arms, transformers, fixtures, conduits, conductors, switch gear, grounding devices, panels, appliances and apparatus installed outside of buildings; including excavating, trenching, grading, back fill, asphalt patching as well as all necessary work and installation of appurtenances in connection therewith. (3-20-20)T

27. 02520 Well Drilling. A specialty contractor whose primary business includes the practical elementary knowledge of geology, hydrology, the occurrence of water in the ground, water levels in wells, the prevention of surface and sub-surface contamination and pollution of the ground water supply; and the art, ability, experience, knowledge, science, and expertise to bore, drill, excavate, case, screen, cement, clean and repair water wells; or to do any or any combination of any or all such boring, drilling, excavating, casing, cementing, cleaning and repairing with hand or power tools or rigs, including the installation and repair of pumps. (3-20-20)T

28. 02580 Installation of Communication Towers. A specialty contractor whose primary business and expertise is the installation of communication towers. (3-20-20)T

29. 02660 Membrane Liners for Ponds and Reservoirs. A specialty contractor whose primary business includes the installation of liners for the purpose of containment of liquids. (3-20-20)T

30. 02720 Crushing. A specialty contractor whose primary business includes the ability and expertise to reduce rocks and aggregates to a smaller and uniform size and gradation to meet an agreed specification. (3-20-20)T

31. 02740 Asphalt Paving. A specialty contractor whose primary business includes the installation of aggregate base course, cement treated base, bitumen treated base, asphalt concrete and the application of asphalt surfacing and surface repairs of streets, intersections, driveways, parking lots, tennis courts, running tracks, play areas; including the application or installation of primer coat, asphalt binder course, tack coating, seal coating and chips, slurry seal and chips, flush or flog coats, asphalt curbs, concrete bumper curbs, redwood headers, asphalt surface binder emulsion, asbestos and sand and acrylic color systems. (Synthetic and athletic surfacing are category 02790 Athletic and Recreational Surfaces.) Also includes crack sealing, asphalt maintenance repair and soil pulverization. (3-20-20)T

32. 02761 Traffic Marking and Striping. A specialty contractor whose primary business includes the art, ability and expertise to apply markings to streets, roadways, or parking surfaces pre-designed for the use of parking or passage of vehicles by the application of directional lines, buttons, markers, and signs made of but not limited to plastic, paint, epoxies and rubber, in such manner as to provide for the channeling and controlling of the traffic flow. Also includes temporary striping. (3-20-20)T

33. 02785 Asphalt Maintenance and Repair, Seal Coating, Crack Sealing and Chip Sealing. A specialty contractor whose primary business is asphalt maintenance and repair, seal coating, crack sealing and chip sealing. (3-20-20)T

34. 02790 Athletic and Recreational Surfaces. A specialty contractor whose primary business is the installation of specialty surfaces including but not limited to non-wood athletic floors, tennis courts, running tracks and artificial turf. This would include any subsurface preparation such as leveling, excavation, fill and compaction or grading. The application of surfacing, mixing, spreading or placing of emulsions, binders, sand and acrylic color systems is also included along with the installation of modular, plastic athletic floors such as "Sport Court" type floors. This category does not include any type of structure required for the installation of these surfaces. (3-20-20)T

35. 02810 Sprinkler and Irrigation Systems. A specialty contractor whose primary business includes the installation of types and kinds of water distribution systems for complete artificial water or irrigation of gardens, lawns, shrubs, vines, bushes, trees and other vegetation, including the trenching, excavating and backfilling in connection therewith. (Low voltage only.) (3-20-20)T

36. 02820 Fencing. A specialty contractor whose primary business includes the installation and repair

- of any type of fencing. (3-20-20)T
- 37. 02840 Guardrails and Safety Barriers.** A specialty contractor whose primary business includes the installation of guardrails and safety barriers (including cattle guards). (3-20-20)T
- 38. 02850 Bridges and Structures.** A specialty contractor whose primary business includes the installation, alteration and repair of bridges and related structures, including culverts. (3-20-20)T
- 39. 02855 Bridge Crossings and Box Culverts.** A specialty contractor whose primary business is the installation or construction, or both, of any bridge or crossing structure shorter than twenty (20) feet measured on the centerline of the roadway or trail. (3-20-20)T
- 40. 02880 Installation of School Playground Equipment.** A specialty contractor whose primary business is the installation of school playground equipment. (3-20-20)T
- 41. 02890 Traffic Signs and Signals.** A specialty contractor whose primary business includes the art, ability, knowledge, experience, science and expertise to fabricate, install and erect signs, including electrical signs and including the wiring of such signs. A licensed electrician must perform all the electrical work. (3-20-20)T
- 42. 02900 Landscaping, Seeding and Mulching.** A specialty contractor whose primary business includes the preparation of plots of land for architectural, horticulture and provisions of decorative treatment and arrangement of gardens, lawns, shrubs, vines, bushes, trees and other decorative vegetation; construction of conservatories, hot and green houses, drainage and sprinkler systems, and ornamental pools, tanks, fountains, walls, fences and walks, arrange, fabricate and place garden furniture, statuary and monuments in connection therewith. (3-20-20)T
- 43. 02910 Slope Stabilization, Hydroseeding, Hydromulching, Native Plant Revegetation for Erosion Control.** A specialty contractor whose primary business is slope stabilization, including necessary tillage and plant bed preparation using hydroseeding, hydromulching and native plant revegetation for erosion control. (3-20-20)T
- 44. 02935 Landscape Maintenance.** A specialty contractor whose primary business and expertise includes the maintenance of existing lawns, gardens, and sprinkler systems. This would include mowing, weeding, fertilization, pest control and minor repair or relocation of sprinkler systems. (3-20-20)T
- 45. 02937 Pest Control, Sterilization and Herbicide Applications.** A specialty contractor whose primary business includes the mixing, transportation and application of fertilizers, pesticides, herbicides, and sterilization chemicals for the control of insects, pests and weeds. (3-20-20)T
- 46. 02955 Pipeline Cleaning, Sealing, Lining and Bursting.** A specialty contractor whose primary business and expertise includes cleaning, sealing, lining and bursting pipelines. (3-20-20)T
- 47. 02965 Cold Milling, Rumble Strip Milling, Asphalt Reclaiming and Pavement Surface Grinding.** A specialty contractor whose primary business includes cold milling, rumble strip milling, asphalt reclaiming and pavement surface grinding. (3-20-20)T
- 48. 02990 Structural Moving.** A specialty contractor whose primary business includes but is not limited to raising, lowering, cribbing, underpinning and moving of buildings or structures. This does not include the alterations, additions, repairs or rehabilitation of the retained portion of the structure. (3-20-20)T
- 49. 03200 Concrete Reinforcing Rebar Installation.** A specialty contractor whose primary business includes the ability and expertise to fabricate, place and tie steel mesh or steel reinforcing bars or rods of any profile, perimeter or cross-section that are or may be used to reinforce concrete. (3-20-20)T
- 50. 03300 Concrete.** A specialty contractor whose primary business includes the ability and expertise to process, proportion, batch and mix aggregates consisting of sand, gravel, crushed rock or other inert materials having clean uncoated grains of strong and durable minerals, cement and water or to do any part or any combination

of any thereof, in such a manner that acceptable mass, pavement, flat and other cement and concrete work can be poured, placed, finished and installed, including the placing, forming and setting of screeds for pavement or flat work. Also includes concrete sidewalks, driveways, curbs and gutters. (3-20-20)T

51. 03370 Specially Placed Concrete, Concrete Pumping and Shotcreting. A specialty contractor whose primary business includes the ability and equipment necessary to deliver and install concrete, and similar materials to their final destination in buildings and structures. (3-20-20)T

52. 03380 Post-Tensioned Concrete Structures or Structural Members. A specialty contractor whose primary business is the post-tensioning of structural elements using sleeved tendons of high-strength prestressing steel. (3-20-20)T

53. 03500 Gyperete. A specialty contractor whose primary business includes the ability and expertise to mix and apply gypsum concrete. (3-20-20)T

54. 03600 Concrete Grouting. A specialty contractor whose primary business includes the ability and the equipment necessary to place concrete grouts. Concrete grouts are thin, fluid, shrink resistant, mortar-like materials used for filling joints and cavities and setting and anchoring items in masonry and concrete. (3-20-20)T

55. 03650 Pressure Grouting and Slab Jacking. A specialty contractor whose primary business includes pressure foundation grouting and jacking and the injection of concrete or mortar into foundations for stabilization. (3-20-20)T

56. 03900 Concrete Demolition, Concrete Sawing and Cutting, Core Drilling, Joint Sealing and Hydrocutting. A specialty contractor whose primary business includes concrete cutting, drilling, sawing, cracking, breaking, chipping or removal of concrete. This category also includes the caulking or sealing of joints or cracks caused by such operations. (3-20-20)T

57. 04000 Masonry. A specialty contractor whose primary business includes the installation with or without the use of mortar or adhesives of brick, concrete block, adobe units, gypsum partition tile, pumice block or other lightweight and facsimile units and products common to the masonry industry. (3-20-20)T

58. 04900 Chemical Cleaning and Masonry Restoration. A specialty contractor whose primary business includes the cleaning or restoration of masonry through the use of chemicals, pressure washing, sand blasting or other methods. (3-20-20)T

59. 05090 Welding. A specialty contractor whose primary business causes metal to become permanently attached, joined and fabricated by the use of gases or electrical energy, developing sufficient heat to create molten metal, fusing the elements together. (3-20-20)T

60. 05100 Steel Fabrication, Erection and Installation. A specialty contractor whose primary business includes the ability and expertise to fabricate, place and tie steel reinforcing bars, erect structural steel shapes and plates, of any profile, perimeter or cross-section, that are or may be used to reinforce concrete or as structural members for buildings and structures, including riveting, welding and rigging only in connection therewith, in such a manner that steel reinforcing and structural work can be fabricated and erected. (3-20-20)T

61. 05700 Ornamental Metals. A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to assemble, case, cut, shape, stamp, forage, fabricate and install sheet, rolled and cast, brass, bronze, copper, cast iron, wrought iron, monel metal, stainless steel, and any other metal or any combination thereof, as have been or are now used in the building and construction industry for the architectural treatment and ornamental decoration of buildings and structures, in such a manner that, under an agreed specification, acceptable ornamental metal work can be executed, fabricated and installed; but does not include the work of a sheet metal contractor. (3-20-20)T

62. 05830 Bridge Expansion Joints and Repair. A specialty contractor whose primary business and expertise is the repair of bridge expansion joints. (3-20-20)T

- 63. 06100 Carpentry, Framing and Remodeling.** A specialty contractor whose primary business includes the placing and erection of floor systems, walls, sheeting, siding, trusses, roof decking of either wood or light gauge metal framing. This contractor also installs finish items such as running trim, sashes, doors, casing, cabinets, cases and other pre-manufactured finished items. (3-20-20)T
- 64. 06130 Log and Heavy Timber Construction.** A specialty contractor whose primary business includes the ability and expertise to build and erect log or heavy timber structures. (3-20-20)T
- 65. 06139 Docks - Log and Wood Structures.** A specialty contractor whose primary business includes the ability and expertise to construct log and wood structured docks. (3-20-20)T
- 66. 06200 Finish Carpentry and Millwork.** A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to cut, surface, join, stick, glue and frame wood and wood products, in such a manner that, under an agreed specification, acceptable cabinet, case, sash, door, trim, nonbearing partition, and such other mill products as are by custom and usage accepted in the building and construction industry as millwork and fixtures, can be executed; including the placing, erecting, fabricating and finishing in buildings, structures and elsewhere of such millwork and fixtures or to do any part or any combination of any thereof. (3-20-20)T
- 67. 07100 Waterproofing and Dampproofing.** A specialty contractor whose primary business includes the ability and expertise to apply waterproofing membranes, coatings of rubber, latex, asphaltum, pitch, tar or other materials or any combination of these materials, to surfaces to prevent, hold, keep and stop water, air or steam from penetrating and passing such materials, thereby keeping moisture from gaining access to material or space beyond such waterproofing. (3-20-20)T
- 68. 07200 Thermal Insulation.** A specialty contractor whose primary business includes the installation of any insulating media in buildings and structures for the purpose of temperature control. (3-20-20)T
- 69. 07240 Stucco and Exterior Insulation Finish Systems (EIFS).** A specialty contractor whose primary business includes the ability and expertise to install Stucco and EIFS. (3-20-20)T
- 70. 07400 Roofing and Siding.** A specialty contractor whose primary business includes the ability and expertise to examine surfaces and to bring such surfaces to a condition where asphaltum, pitch, tar, felt, flax, shakes, shingles, roof tile, slate and any other material or materials or any combination thereof, that use and custom has established as usable for, or which material or materials are now used as, such waterproof, weatherproof or watertight seal for such membranes, roof and surfaces; but does not include a contractor whose sole contracting business is the installation of devices or stripping for the internal control of external weather conditions. (3-20-20)T
- 71. 07450 Siding and Decking.** A specialty contractor whose primary business includes the application or installation of exterior siding, decking or gutters including wood, wood products, vinyl, aluminum and metal to new or existing buildings and includes wooden decks and related handrails. (This category does not include the construction or installation of covers or enclosures of any kind.) (3-20-20)T
- 72. 07700 Sheet Metal Flashings, Roof Specialties and Accessories.** A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to select, cut, shape, fabricate and install sheet metal such as cornices, flashings, gutters, leaders, rainwater down spouts, pans, etc., or to do any part or any combination thereof, in such a manner that sheet metal work can be executed, fabricated and installed. (3-20-20)T
- 73. 07800 Sprayed on Fireproofing.** A specialty contractor whose primary business includes the mixing, transportation, and installation of fire proofing materials for buildings and structures. (3-20-20)T
- 74. 07920 Caulking and Joint Sealants.** A specialty contractor whose primary business includes the ability and expertise for installation of elastomeric and rigid joint sealants, caulking compounds, and related accessories. (3-20-20)T
- 75. 08100 Doors, Gates, Specialty Doors and Activating Devices.** A specialty contractor whose

primary business is the installation, modification or repair of residential, commercial or industrial doors and door hardware. This includes but is not necessarily limited to wood, metal clad or hollow metal, glass, automatic, revolving, folding and sliding doors, power activated gates, or movable sun shades/shutters. Card activated equipment and other access control devices and any low voltage electronic or manually operated door hardware devices are also a part of this category. (3-20-20)T

76. 08500 Windows, Glass and Glazing. A specialty contractor whose primary business includes the art, ability, experience, knowledge and expertise to select, cut, assemble and install all makes and kinds of glass and glass work, and execute the glazing of frames, panels, sash and doors, in such a manner that under an agreed specification, acceptable glass work and glazing can be executed, fabricated and installed, and may include the fabrication or installation in any building or structure of frames, glazed-in panels, sash or doors, upon or within which such frames, glazed-in panels, sash or doors, such glass work or glazing has been or can be executed or installed. (3-20-20)T

77. 09110 Steel Stud Framing. A specialty contractor whose primary business includes the ability and expertise to build or assemble steel stud framing systems. (3-20-20)T

78. 09200 Lath and Plaster. A specialty contractor whose primary business includes the ability and expertise to prepare mixtures of sand, gypsum, plaster, quick-lime or hydrated lime and water or sand and cement and water or a combination of such other materials as create a permanent surface coating; including coloring for same and to apply such mixtures by use of a plaster's trowel, brush or spray gun to any surface which offers a mechanical key for the support of such mixture or to which such mixture will adhere by suction; and to apply wood or metal lath or any other materials which provide a key or suction base for the support of plaster coatings; including the light gauge metal shapes for the support of metal or other fire proof lath. Includes metal stud framing. (3-20-20)T

79. 09250 Drywall. A specialty contractor whose primary business includes the ability and expertise to install unfinished and prefinished gypsum board on wood and metal framing and on solid substates; gypsum and cementitious backing board for other finishes; accessories and trim; and joint taping and finishing. (3-20-20)T

80. 09300 Tile and Terrazzo. A specialty contractor whose primary business includes the ability and expertise to examine surfaces and bring such surfaces to a condition where acceptable work can be executed and fabricated thereon by the setting of chips or marble, stone, tile or other material in a pattern with the use of cement, and to grind or polish the same. (3-20-20)T

81. 09500 Acoustical Treatment. A specialty contractor whose primary business includes the installation, application, alteration and repair of all types of acoustical systems, to include acoustical ceilings, wall panels, sound control blocks and curtains, hangers, clips, inserts, nails, staples, related hardware and adhesive, lightweight framing systems and related accessories (electrical excluded), installation and repair of gypsum wall board, painting, accessories, taping and texturing. (3-20-20)T

82. 09600 Flooring. A specialty contractor whose primary business includes the ability and expertise to examine surfaces, specify and execute the preliminary and preparatory work necessary for the installation of flooring, wherever installed, including wood floors and flooring (including the selection, cutting, laying, finishing, repairing, scraping, sanding, filling, staining, shellacking and waxing) and all flooring of any nature either developed as or established through custom and usage as flooring. (3-20-20)T

83. 09680 Floor Covering and Carpeting. A specialty contractor whose primary business includes the installation, replacement and repair of floor covering materials, including laminates and including preparation of surface to be covered, using tools and accessories and industry accepted procedures of the craft. (3-20-20)T

84. 09900 Painting and Decorating. A specialty contractor whose primary business includes the ability and expertise to examine surfaces and execute the preliminary and preparatory work necessary to bring such surfaces to a condition where acceptable work can be executed thereon with the use of paints, varnishes, shellacs, stains, waxes, paper, oilcloth, fabrics, plastics and any other vehicles, mediums and materials that may be mixed, used and applied to the surface of buildings, and the appurtenances thereto, of every description in their natural condition or constructed of any material or materials whatsoever that can be painted or hung as are by custom and usage accepted in the building and construction industry as painting and decorating. (3-20-20)T

85. 09950 Sand Blasting. A specialty contractor whose primary business includes the ability and expertise to sand blast surfaces through the use of equipment designed to clean, grind, cut or decorate surfaces with a blast of sand or other abrasive applied to such surfaces with steam or compressed air. (3-20-20)T

86. 09960 Specialty Coatings. A specialty contractor whose primary business includes the surface preparation and installation of specialty coatings. (3-20-20)T

87. 10150 Institutional Equipment. A specialty contractor whose primary business includes the installation, maintenance and repair of booths, shelves, laboratory equipment, food service equipment, toilet partitions, and such other equipment and materials as are by custom and usage accepted in the construction industry as institutional equipment. (3-20-20)T

88. 10270 Raised Access Flooring. A specialty contractor whose primary business includes the installation of wood or metal-framed elevated computer-flooring systems. This does not include the structural floor on which the computer floor is supported or mezzanines. (3-20-20)T

89. 10445 Non-Electrical Signs. A specialty contractor whose primary business includes the installation of all types of non-electrical signs, including but not limited to traffic delineators, mile post markers, post or pole supported signs, signs attached to structures, painted wall signs, and modifications to existing signs. (3-20-20)T

90. 11001 Specialty Machinery and Equipment Installation and Servicing. A specialty contractor whose primary business is the installation, removal, modification or repair of pumps, water and waste water equipment, conveyors, cranes, dock levelers, various hoisting and material handling equipment, trash compactors and weighing scales installation and servicing. This does not include the construction of buildings or roof structures for this equipment. (3-20-20)T

91. 11140 Petroleum and Vehicle Service Equipment, Installation and Repair. A specialty contractor whose primary business includes the installation and repair of underground fuel storage tanks used for dispensing gasoline, diesel, oil or kerosene fuels. This includes installation of all incidental tank-related piping, leak line detectors, vapor recovery lines, vapor probes, low voltage electrical work, associated calibration, testing and adjustment of leak detection and vapor recovery equipment, and in-station diagnostics. This contractor may also install auto hoisting equipment, grease racks, compressors, air hoses and other equipment related to service stations. (3-20-20)T

92. 11200 Water/Wastewater and Chemical Treatment. A specialty contractor whose primary business is the supply, installation and operational startup of equipment and chemicals for chemical treatment of water, wastewater or other liquid systems. (3-20-20)T

93. 11485 Climbing Wall Structures and Products. A specialty contractor whose primary business includes the ability and expertise to design, fabricate and install climbing wall structures and equipment. This does not include concrete foundations or buildings in which the climbing walls may be supported or housed. (3-20-20)T

94. 12011 Prefabricated Equipment and Furnishings. A specialty contractor whose primary business includes the installation of prefabricated products or equipment including but not limited to the following: theater stage equipment, school classroom equipment, bleachers or seats, store fixtures, display cases, toilet or shower room partitions or accessories, closet systems, dust collecting systems, appliances, bus stop shelters, telephone booths, sound or clean rooms, refrigerated boxes, office furniture, all types of pre-finished, pre-wired components, detention equipment and other such equipment and materials as are by custom and usage accepted in the construction industry as prefabricated equipment. (3-20-20)T

95. 12490 Window, Wall Coverings, Drapes and Blinds. A specialty contractor whose primary business includes the installation of decorative, architectural or functional window glass treatments or covering products or treatments for temperature control or as a screening device. (3-20-20)T

96. 13110 Cathodic Protection. A specialty contractor whose primary business is the prevention of

corrosion by using special cathodes and anodes to circumvent corrosive damage by electric current. (3-20-20)T

97. 13121 Pre-Manufactured Components and Modular Structures. A specialty contractor whose primary business includes the moving, setup, alteration or repair of pre-manufactured components, houses or similar modular structures. (3-20-20)T

98. 13125 Pre-Engineered Building Kits. A specialty contractor whose primary business includes the assembly of pre-engineered building kits or structures obtained from a single source. This category is limited to assembly only of pre-engineered metal buildings, pole buildings, sunrooms, geodesic structures, aluminum domes, air supported structures, manufactured built greenhouses or similar structures. This does not include any other categories such as concrete foundations, carpentry, plumbing, heating or cooling, or electrical work. (3-20-20)T

99. 13150 Swimming Pools and Spas. A specialty contractor whose primary business includes the ability to construct swimming pools, spas or hot tubs including excavation and backfill of material, installation of concrete, Gunite, tile, pavers or other special materials used in pool construction. This category also includes the installation of heating and filtration equipment, using those trades or skills necessary for installing the equipment, which may require other licenses including electrical and plumbing. (3-20-20)T

100. 13165 Aquatic Recreational Equipment. A specialty contractor whose primary business includes the ability and expertise to design, fabricate and erect water slides and water park equipment and structures. This does not include any other categories such as concrete foundations, carpentry, plumbing, heating, cooling or electrical work. (3-20-20)T

101. 13201 Circular Prestressed Concrete Storage Tanks (Liquid and Bulk). A specialty contractor whose primary business is the construction of circular prestressed concrete structures post-tensioned with circumferential tendons or wrapped circular prestressing. (3-20-20)T

102. 13280 Hazardous Material Remediation. A specialty contractor whose primary business includes the ability and expertise to safely encapsulate, remove, handle or dispose of hazardous materials within buildings, including but not limited to asbestos, lead and chemicals. Contractors must be properly licensed and certified. (3-20-20)T

103. 13290 Radon Mitigation. A specialty contractor whose primary business and expertise includes the detection and mitigation of Radon gas. (3-20-20)T

104. 13800 Instrumentation and Controls. A specialty contractor whose primary business includes the installation, alteration or repair of instrumentation and control systems used to integrate equipment, sensors, monitors' controls and mechanical operators for industrial processes, building equipment, mechanical devices and related equipment. (3-20-20)T

105. 13850 Alarm Systems. A specialty contractor whose primary business includes the installation, alteration and repair of communication and alarm systems, including the mechanical apparatus, devices, piping and equipment appurtenant thereto (except electrical). (3-20-20)T

106. 13930 Fire Suppression Systems (Wet and Dry-Pipe Sprinklers). A specialty contractor whose primary business includes the ability and expertise to lay out, fabricate and install approved types of Wet-Pipe and Dry-Pipe fire suppression systems, charged with water, including all mechanical apparatus, devices, piping and equipment appurtenant thereto. Licensure with State Fire Marshal is required. (3-20-20)T

107. 13970 Fire Extinguisher and Fire Suppression Systems. A specialty contractor whose primary business is the installation of pre-engineered or pre-manufactured fixed chemical extinguishing systems primarily used for protecting kitchen-cooking equipment and electrical devices. Contractor also furnishes, installs and maintains portable fire extinguishers. (3-20-20)T

108. 14200 Elevators, Lifts and Hoists. A specialty contractor whose primary business includes the ability to safely and efficiently install, service and repair all elevators, lifts, hoists, including the fabrication, erection and installation of sheave beams, sheave motors, cable and wire rope, guides, cabs, counterweights, doors, sidewalk

elevators, automatic and manual controls, signal systems and other devices, apparatus and equipment appurtenant to the installation. (3-20-20)T

109. 15100 Pipe Fitter and Process Piping. A specialty contractor whose primary business is the installation of piping for fluids and gases or materials. This category does not include domestic water, sewage, fire protection and utilities as they are covered under other categories. (3-20-20)T

110. 15400 Plumbing. A specialty contractor whose primary business includes the ability to create and maintain sanitary conditions in buildings, by providing a permanent means for a supply of safe, pure and wholesome water, ample in volume and of suitable temperatures for drinking, cooking, bathing, washing, cleaning, and to cleanse all waste receptacles and like means for the reception, speedy and complete removal from the premises of all fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, including a safe and adequate supply of gases for lighting, heating, and industrial purposes. (Licensure with Division of Building Safety is required). (3-20-20)T

111. 15510 Boiler and Steam Fitting. A specialty contractor who installs, services and repairs boilers and associated steam distribution systems. This category is limited to work not requiring a heating, ventilating, and air conditioning (HVAC) license issued by the Division of Building Safety. (3-20-20)T

112. 15550 Chimney Repair. A specialty contractor whose primary business includes the cleaning or repair of multi-type chimneys, flues or emission control devices used to conduct smoke and gases of combustion from above a fire to the outside area. (3-20-20)T

113. 15600 Refrigeration. A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to construct, erect, install, maintain, service and repair devices, machinery and units for the control of air temperatures below fifty (50) degrees Fahrenheit in refrigerators, refrigerator rooms, and insulated refrigerated spaces and the construction, erection, fabrication and installation of such refrigerators, refrigerator rooms, and insulated refrigerator spaces, temperature insulation, air conditioning units, ducts, blowers, registers, humidity and thermostatic controls of any part or any combination thereof, in such a manner that, under an agreed specification acceptable refrigeration plants and units can be executed, fabricated, installed, maintained, serviced and repaired, but does not include those contractors who install gas fuel or electric power services for such refrigerator plants or other units. (3-20-20)T

114. 15700 Heating, Ventilation, and Air Conditioning (HVAC). A specialty contractor whose primary business includes the installation, alteration and repair of heating, ventilating, and air conditioning (HVAC) systems. Licensure by the Division of Building Safety as an HVAC contractor is required. (3-20-20)T

115. 15950 Testing and Balancing of Systems. A specialty contractor whose primary business includes the installation of devices and performs any work related to providing for a specified flow of air or water in all types of heating, cooling or piping systems. (3-20-20)T

116. 16000 Electrical. A contractor engaging in, conducting, or carrying on the business of installing wires or equipment to carry electric current or installing electrical apparatus to be operated by such current. A contractor licensed in this category may perform all work covered in categories defined in Subsection 200.118 of these rules. A contractor in this category must be an electrical contractor, licensed pursuant to Section 54-1007(1), Idaho Code. (3-20-20)T

117. 16700 Communication. A specialty contractor whose primary business includes the installation, alteration or repair of communication systems (voice, data, television, microwave, and other communication systems). (3-20-20)T

118. 16800 Limited Electrical Contractor. A contractor engaging in, conducting, or carrying on the business of installing, altering, or repairing special classes of electrical wiring, apparatus, or equipment. A contractor in this category must be an electrical specialty contractor, licensed pursuant to Section 54-1007(1), Idaho Code, and may perform only that work included within the specialty license. Electrical specialty categories include, but are not limited to: (3-20-20)T

- a. Elevator, Dumbwaiter, Escalator or Moving-walk Electrical; (3-20-20)T
- b. Sign Electrical; (3-20-20)T
- c. Manufacturing or Assembling Equipment; (3-20-20)T
- d. Limited Energy Electrical License (low voltage); (3-20-20)T
- e. Irrigation Sprinkler Electrical; (3-20-20)T
- f. Well Driller and Water Pump Installer Electrical; and (3-20-20)T
- g. Refrigeration, Heating and Air Conditioning Electrical Installer. (3-20-20)T

119. 18100 Golf Course Construction. A specialty contractor whose primary business includes the construction, modification, and maintenance of golf courses. This includes clearing, excavation, grading, landscaping, sprinkler systems and associated work. This does not include the construction of buildings or structures such as clubhouses, maintenance or storage sheds. (3-20-20)T

120. 18200 Underwater Installation and Diving. A specialty contractor whose primary business is marine construction under and above water. (3-20-20)T

121. 18300 Develop Gas and Oil Wells. A specialty contractor whose primary business includes the ability and expertise to perform oil well drilling and other oil field related specialty work. This does not include water well drilling. (3-20-20)T

122. 18400 Nonstructural Restoration After Fire or Flood. A specialty contractor whose primary business includes cleaning and nonstructural restoration after fire, flood or natural disasters. (3-20-20)T

123. 18600 Building Cleaning and Maintenance. A specialty contractor whose primary business includes the cleaning and maintenance of a structure designed for the shelter, enclosure and support of persons, chattels, personal and moveable property of any kind. (3-20-20)T

124. 18700 Snow Removal. A specialty contractor whose primary business includes the plowing, removal or disposal of snow from roads, streets, parking lots and other areas of the public rights-of-way. (3-20-20)T

125. 18800 Roadway Cleaning, Sweeping and Mowing. A specialty contractor whose primary business includes the clearing of trash and debris by manual or automated means from public thoroughfares. This category also includes cutting or mowing of grasses, plants, or weeds from public rights-of-way. (3-20-20)T

201. FEES.

01. Public Works Contractor Licensing Fees. In accordance with Section 54-1904, Idaho Code, fees for each class of public works contractor licenses are as provided below.

TABLE 201.01 – INITIAL AND RENEWAL LICENSING FEES		
License Class	Initial Fee	Renewal Fee
Unlimited	\$550	\$440
AAA	\$450	\$360
AA	\$350	\$280
A	\$250	\$160
B	\$150	\$120

TABLE 201.01 – INITIAL AND RENEWAL LICENSING FEES		
License Class	Initial Fee	Renewal Fee
CC	\$125	\$100
C	\$100	\$80
D	\$50	\$40

(3-20-20)T

02. Construction Manager Licensing Fees. Fees for construction manager licenses are, in accordance with Section 54-4510, Idaho Code, as follows: (3-20-20)T

TABLE 201.02 – CONSTRUCTION MANAGER LICENSING FEES	
License Activity	Fee
Initial Licensing	\$200
License Renewal	\$200
Inactive License	\$50
License Reinstatement	\$200
Exam Administration	Fee established by testing agency
Certificate of Authority	\$100

03. Payment of Fees. Fees are payable to “Division of Building Safety -- Public Works Contractors.” (3-20-20)T

04. Application Filed With Fees. An application filed without the listed fees is deemed incomplete and returned to the applicant. (3-20-20)T

202. COMPLAINTS.

Complaints alleging a violation of Title 54, Chapter 19, Idaho Code, or these rules must be in writing and filed with the administrator. All complaints must be verified and submitted on forms provided by the Board. (3-20-20)T

203. -- 299. (RESERVED)

300. BUSINESS ORGANIZATION -- CHANGES IN ORGANIZATION OR STRUCTURE -- MEMBERS OF JOINT VENTURES - CHANGES FOR REASONS OTHER THAN DEATH.

A licensed public works contractor or construction manager who undergoes a change in business organization or structure (such as a change from an individual proprietor to a partnership, corporation, limited liability partnership, limited liability company, joint venture, or other combination thereof), or where there is a change in ownership, must file an application for a new license on behalf of such successor organization or new owners within sixty (60) days after such change occurs. The administrator may authorize the continuous operation of the licensee as a contractor during the interim period until the application of the successor organization is reviewed; provided written notice of such change is filed within thirty (30) days after such change occurs. Each participant in a joint venture must be licensed at the time of bidding. Where there is a change in the surviving members of a licensed partnership, limited liability company, or limited liability partnership, due to a reason other than the death of one (1) of the partners, the remaining or succeeding member or members are required to file an application for an original license. (3-20-20)T

301. -- 399. (RESERVED)

400. CERTIFICATES -- DISPLAY AND POSSESSION.

Licensee must sign and display the license certificate issued to him in his main office or chief place of business and must furnish satisfactory evidence of the possession of a current license upon the administrator's demand.

(3-20-20)T

401. LICENSE NUMBER ON BIDS.

Licensee must place his license number on any and all bids submitted or contracts entered into, for any public works projects in the state of Idaho.

(3-20-20)T

402. CHANGES IN LICENSE CERTIFICATE.

When any change in the license certificate has been approved by the Board, a new license certificate will be issued.

(3-20-20)T

403. -- 501. (RESERVED)

502. TECHNICALITIES OF FORM.

The administrator may, during any hearing or proceeding waive any technicalities of form not deemed necessary in the circumstances.

(3-20-20)T

503. HEARINGS.

The general procedure for hearings before the administrator and the Board is as prescribed in these rules and Title 67, Chapter 52, Idaho Code.

(3-20-20)T

01. Notes. Any interested persons may request, in writing, five (5) days before any scheduled hearing in a contested case that the oral proceedings thereof be taken in the form of stenographic notes to be transcribed at his own expense.

(3-20-20)T

02. Procedure. The Board reserves the right to amend, modify or repeal all or any part of the above procedure or to dispense with any part thereof, at any hearing before the Board, as it may deem necessary in the circumstances.

(3-20-20)T

504. -- 599. (RESERVED)

600. CONSTRUCTION MANAGER EXAMINATIONS.

If the applicant fails an examination, the applicant may take the examination a second time. A grade of at least seventy-five percent (75%) is required to pass each section of the examination. If the applicant fails to score a passing grade, the applicant must pass all failed sections within one (1) year of the initial test date. If the applicant fails to achieve a passing grade in each individual section on the second examination, the applicant must wait one (1) full year before taking the examination again. The applicant must then take and pass all sections of the examination (receiving no credit for sections successfully completed during the previous year).

(3-20-20)T

601. -- 999. (RESERVED)

24.39.60 – RULES GOVERNING UNIFORM SCHOOL BUILDING SAFETY

000. LEGAL AUTHORITY.

The Administrator of the Division of Building Safety is authorized under Section 39-8007, Idaho Code, to promulgate rules concerning the enforcement and administration of the Idaho Uniform School Building Safety Act. (3-15-02)

001. TITLE AND SCOPE.

01. **Title.** These rules are titled IDAPA 24.39.60, “Rules Governing Uniform School Building Safety.” (3-15-02)

02. **Scope.** These rules prescribe the Idaho Uniform School Building Safety Code and provide for enforcement and administration of the Idaho Uniform School Building Safety Act by the Administrator of the Division. (3-15-02)

002. INCORPORATION BY REFERENCE.

01. **Uniform Codes.** The following uniform codes are hereby incorporated by reference into these rules as, and insofar as, the most recent editions have been adopted by the appropriate governing authority for the state of Idaho pursuant to applicable Idaho Code: (3-20-20)

- a. International Building Code; (3-29-10)
- b. International Mechanical Code; (3-29-10)
- c. International Fuel Gas Code; (3-29-10)
- d. Safety Code for Elevators and Escalators (ASME/ANSI A17.1); (3-29-10)
- e. International Energy Conservation Code; (3-29-10)
- f. Accessible and Usable Buildings and Facilities (ICC/ANSI A117.1); (3-29-10)
- g. Idaho Fire Code (IFC); (3-20-20)
- h. National Electrical Code (NEC); (3-29-10)
- i. Idaho State Plumbing Code (UPC); (3-20-20)
- j. Pacific NW AWWA Manual for Backflow Prevention and Cross Connection Control; and (3-29-10)
- k. Idaho Safety and Occupational Health Standards. (3-20-20)

02. **Idaho Uniform School Building Safety Code.** The codes set forth in Subsection 004.01 of this rule, together with the definitions contained therein and the written interpretations thereof, insofar as they are applicable to school facilities, constitute the Idaho Uniform School Building Safety Code. (3-20-20)

003. -- 009. (RESERVED)

010. DEFINITIONS.

01. **Act.** The Idaho Uniform School Building Safety Act, Section 39-8001, et seq., Idaho Code. (3-15-02)

02. **Administrator.** The Administrator of the Division of Building Safety for the state of Idaho. (3-15-02)

03. **Building Code.** The Building Code specified in Paragraph 004.01.a. of these rules. (4-6-05)

04. **Code.** The Idaho Uniform School Building Safety Code. (3-15-02)

- 05. Division.** The Idaho Division of Building Safety. (3-15-02)
- 06. Imminent Safety Hazard.** A condition that presents an unreasonable risk of death or serious bodily injury to occupants of a building. (3-15-02)
- 07. School Building or Building.** Any school building, including its structures and appurtenances necessary for the operation of the school building, and subject to the provisions of the Act. (3-15-02)
- 08. Serious Safety Hazard.** A condition that presents an unreasonable health risk or risk of injury to occupants of a building. (4-6-05)
- 011. -- 049. (RESERVED)**
- 050. VIOLATION OF CODE.**
- 01. Duty to Act.** The Administrator must immediately undertake the steps set forth in the Act whenever he finds a violation of the Code. (3-15-02)
- 02. Imminent Safety Hazard.** Code violations that constitute an imminent safety hazard, include, but are not limited to, whenever the following are observed: (3-20-20)
- a.** Any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic; (3-15-02)
- b.** The walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic; (3-15-02)
- c.** The stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half (1-1/2) times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location; (3-15-02)
- d.** Any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location; (3-15-02)
- e.** Any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property; (3-15-02)
- f.** Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half (1/2) of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings; (3-15-02)
- g.** Any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction; (3-15-02)
- h.** The building or structure, or any portion thereof, because of: (3-15-02)
- i.** Dilapidation, deterioration or decay; (3-15-02)
- ii.** Faulty construction; (3-15-02)
- iii.** The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (3-15-02)

- iv. The deterioration, decay or inadequacy of its foundation; or (3-15-02)
- v. Any other cause, is likely to partially or completely collapse; (3-15-02)
- i. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings; (4-6-05)
- j. Any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than fifty percent (50%), or in any supporting part, member or portion less than sixty-six percent (66%) of the: (3-15-02)
 - i. Strength; (3-15-02)
 - ii. Fire-resisting qualities or characteristics; or (3-15-02)
 - iii. Weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location; (3-15-02)
- k. Any building or structure, because of obsolescence; dilapidated condition; deterioration; damage; inadequate exits; lack of sufficient fire-resistive construction; faulty electric wiring, gas connections or heating apparatus; or other cause, is determined by the state fire marshal to be a fire hazard; (3-15-02)
- l. A building or structure, because of inadequate maintenance; dilapidation; decay; damage; faulty construction or arrangement; inadequate light, air or sanitation facilities; or otherwise, is determined to be unsanitary, unfit for human occupancy or habitation, or in such a condition that is likely to cause accidents, sickness, or disease; (3-15-02)
- m. Any building or structure, because of dilapidated condition; deterioration; damage; inadequate exits; lack of sufficient fire-resistive construction; faulty electric wiring, gas connections, or heating apparatus; or other cause, is determined by the state fire marshal to be a fire or life safety hazard; and (3-15-02)
- n. There is, within the building, the presence of vapors, fumes, smoke, dusts, chemicals, or materials in any form (natural or man made) in quantities that have been established by national health organizations to be a threat to the health or safety of the building occupants. This does not include materials stored, used, and processed in accordance with nationally recognized safety standards for the materials in question. (3-15-02)

051. -- 999. (RESERVED)

**24.39.70 – RULES GOVERNING INSTALLATION OF HEATING, VENTILATION,
AND AIR CONDITIONING SYSTEMS**

000. LEGAL AUTHORITY.

This chapter is adopted in accordance with Sections 54-5001 and 54-5005(2), Idaho Code. (3-20-20)T

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 24.39.70, “Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems” (HVAC Rules). (3-20-20)T

02. Scope. These rules establish the minimum standards for heating, ventilation, and air conditioning (HVAC) installation practice, certification, registration, and educational programs. (3-20-20)T

002. (RESERVED)

003. ADMINISTRATIVE APPEALS.

Title 67, Chapter 52, Idaho Code, and IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General,” govern administrative appeals and judicial review thereof. (3-20-20)T

004. ADOPTION AND INCORPORATION BY REFERENCE OF THE INTERNATIONAL MECHANICAL CODE, 2018 EDITION; THE INTERNATIONAL FUEL GAS CODE, 2018 EDITION; AND PART V (MECHANICAL) AND PART VI (FUEL GAS) OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE (1)- AND TWO (2)-FAMILY DWELLINGS, 2018 EDITION.

The 2018 editions of the International Residential Code for One (1)- and Two (2)-Family Dwellings, International Mechanical Code, and International Fuel Gas Code are available at the Division’s offices located at 1090 E. Watertower St., Suite, 150 Meridian, Idaho 83642; 1250 Ironwood Dr., Ste. 220, Coeur d’Alene, Idaho 83814; and 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. (3-20-20)T

01. International Mechanical Code. The 2018 Edition, including appendix “A,” (herein IMC) is adopted and incorporated by reference with the following amendments: (3-20-20)T

a. Where differences occur between the IMC and Title 54, Chapter 50, Idaho Code and IDAPA 07, Title 07, the provisions in Idaho Code and IDAPA rules apply. (3-20-20)T

b. All references to the International Plumbing Code (IPC) are construed as referring to the Idaho State Plumbing Code (ISPC) as adopted and amended by the Idaho State Plumbing Board. (3-20-20)T

c. All references to the International Code Council Electrical Code (ICC EC) are construed as referring to the National Electrical Code (NEC) as adopted and amended by the Idaho State Electrical Board. (3-20-20)T

d. Section 109. Delete. (3-20-20)T

e. Section 202 Definitions. Delete the definitions provided in the code for the terms identified herein this paragraph and replace with the following: (3-20-20)T

i. Light-Duty Cooking Appliance. Light-duty cooking appliances include gas and electric ovens (including standard, bake, roasting, revolving, retherm, convection, combination convection/steamer, countertop conveyerized baking/finishing, deck, pastry, and electric and gas conveyor pizza ovens), electric and gas steam jacketed kettles, electric and gas pasta cookers, electric and gas compartment steamers (both pressure and atmospheric) and electric and gas cheesemelters. (3-20-20)T

ii. Medium-Duty Cooking Appliance. Medium-duty cooking appliances include electric discrete element ranges (with or without oven), electric and gas hot-top ranges, electric and gas griddles, electric and gas double sided griddles, electric and gas fryers (including open deep fat fryers, donut fryers, kettle fryers and pressure fryers), electric and gas tilting skillets (braising pans) and electric and gas rotisseries. (3-20-20)T

f. Section 401.1 Scope. Add the following: Exception: The principles specified in ASHREA 62-2010 may be used as an alternative to this chapter to demonstrate compliance with required ventilation air for occupants. (3-20-20)T

g. Section 504.8.1 Material and size. Add the following exception: Dryer duct may be constructed of

0.013 (30 gauge) or equivalent if prefabricated 0.016 (28 gauge) ducts and fittings are not available. (3-20-20)T

h. Table 603.4 Duct Construction Minimum Sheet Metal Thickness for Single Dwelling Units. Add the following exception to the Table: Round duct, enclosed rectangular ducts and fittings less than fourteen (14) inches may be constructed of 0.013 (30 gauge) or equivalent if prefabricated 0.016 (28 gauge) ducts and fittings are not available. (3-20-20)T

02. International Fuel Gas Code. The 2018 Edition, including appendixes “A, B, C, and D,” (herein IFGC) is adopted and incorporated by reference with the following amendments: (3-20-20)T

a. Where differences occur between the IFGC and Title 54, Chapter 50, Idaho Code and IDAPA 07, Title 07, the provisions in Idaho Code and IDAPA rules apply. (3-20-20)T

b. All references to the International Plumbing Code (IPC) are construed as referring to the Idaho State Plumbing Code (ISPC) as adopted and amended by the Idaho State Plumbing Board. (3-20-20)T

c. All references to the International Code Council Electrical Code (ICC EC) are construed as referring to the National Electrical Code (NEC) as adopted and amended by the Idaho State Electrical Board. (3-20-20)T

d. Section 109. Delete. (3-20-20)T

e. Section 406.4. Change the last sentence to: Mechanical gauges used to measure test pressure must have a range such that the highest end of the scale is not greater than two (2) times the test pressure nor lower than one and one-half (1.5) times the test pressure. (3-20-20)T

f. Section 406.4.1. Test Pressure. Not less than twenty (20) psig (140kPa gauge) test pressure is required for systems with a maximum working pressure up to ten (10) inches water column. For systems with a maximum working pressure between ten (10) inches water column and ten (10) psig (70kPa gauge); not less than sixty (60) psig (420kPa gauge) test pressure is required. For systems over ten (10) psig (70kPa gauge) working pressure, minimum test pressure may be no less than six (6) times working pressure. (3-20-20)T

g. Section 406.4.2. The test duration may not be less than twenty (20) minutes. (3-20-20)T

h. Add a new section 503.4.1.2 as follows: Testing. All plastic pipe within a dwelling used for venting flue gases must be tested at five (5) psi for fifteen (15) minutes. (3-20-20)T

i. Section 505.1.1. Addition. An interlock between the cooking appliance and the exhaust hood system is not be required for appliances that are of the manually operated type and are factory equipped with standing pilot burner ignition systems. (3-20-20)T

03. Part V (Mechanical) and Part VI (Fuel Gas) of the International Residential Code for One (1)- and Two (2)-Family Dwellings. The 2018 Edition, including appendixes “A, B, C, and D,” (herein IRC) is adopted and incorporated by reference with the following amendments: (3-20-20)T

a. Where differences occur between the IRC and Title 54, Chapter 50, Idaho Code, and IDAPA 07, Title 07, Chapter 01, the provisions in Idaho Code and IDAPA rules apply. (3-20-20)T

b. All references to the International Plumbing Code (IPC) are construed as referring to the Idaho State Plumbing Code (ISPC) as adopted and amended by the Idaho State Plumbing Board. (3-20-20)T

c. All references to the International Code Council Electrical Code (ICC EC) are construed as referring to the National Electrical Code (NEC) as adopted and amended by the Idaho State Electrical Board. (3-20-20)T

d. Add the following as section M1201.3 and section G2402.4 (201.4): Alternative materials, design and methods of construction equipment. The provisions of this part of the code are not intended to prevent the

installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction must be approved where the authority having jurisdiction finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code. Compliance with the specific performance-based provisions of this part of the code in lieu of specific requirements of this code will also be permitted as an alternate.

(3-20-20)T

e. Add the following as section M1201.3.1 and section G2402.4.1 (201.4.1): Tests. Whenever there is insufficient evidence of compliance with the provisions of this part of the code, or evidence that a material or method does not conform to the requirements of this part of the code, or in order to substantiate claims for alternative materials or methods, the authority having jurisdiction has the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods are as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the authority having jurisdiction approves the testing procedures. Tests must be performed by an approved agency. Reports of such tests must be retained by the authority having jurisdiction for the period required for retention of public records.

(3-20-20)T

f. Add the following as section M1203.1: Carbon monoxide alarms. For new construction, an approved carbon monoxide alarm must be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages.

(3-20-20)T

g. Add the following as section M1203.2: Where required in existing dwellings. Where work requiring a permit occurs in existing dwellings that have attached garages or in existing dwellings within which fuel-fired appliances exist, carbon monoxide alarms must be provided in accordance with Subsection 004.03.f. of these rules.

(3-20-20)T

h. Add the following as section M1203.3: Alarm requirements. Single station carbon monoxide alarms must be listed as complying with UL 2034 and must be installed in accordance with this code and the manufacturer's installation instructions.

(3-20-20)T

i. Section M1502.4.1 Material and size. Add the following exception: Dryer duct may be constructed of 0.013 (30 gauge) or equivalent if prefabricated 0.016 (28 gauge) ducts and fittings are not available.

(3-20-20)T

j. Delete Section M1502.4.2 Duct Installation and replace with the following: Exhaust ducts must be supported at four (4) foot (1,219 mm) intervals and secured in place. The insert end of the duct must extend into the adjoining duct or fitting in the direction of airflow. Ducts must not be joined with screws or similar fasteners that protrude into the inside of the duct.

(3-20-20)T

k. Table M1601.1.1 (2) Gauges of Metal Ducts and Plenums Used for Heating or Cooling. Add the following exception: Round duct, enclosed rectangular ducts and fittings less than fourteen (14) inches may be constructed of 0.013 (30 gauge) or equivalent if prefabricated 0.016 (28 gauge) ducts and fittings are not available.

(3-20-20)T

l. Section G2417.4 (406.4). Change the last sentence to: Mechanical gauges used to measure test pressure must have a range such that the highest end of the scale is not greater than two (2) times the test pressure nor lower than one and one-half (1.5) times the test pressure.

(3-20-20)T

m. Section G2417.4.1 (406.4.1). Test Pressure. Not less than twenty (20) psig (one hundred forty (140) kPa gauge) test pressure is required for systems with a maximum working pressure up to ten (10) inches water column. For systems with a maximum working pressure between ten (10) inches water column and ten (10) psig (seventy (70) kPa gauge), not less than sixty (60) psig (four hundred twenty (420) kPa gauge) test pressure is required. For systems over ten (10) psig (seventy (70) kPa gauge) working pressure, minimum test pressure may be no less than six (6) times working pressure.

(3-20-20)T

n. Section G2417.4.2 (406.4.2). The test duration may not be less than twenty (20) minutes.

(3-20-20)T

o. Add a new section G2427.4.1.2 as follows: Testing. All plastic pipe within a dwelling used for venting flue gases must be tested at five (5) psi for fifteen (15) minutes. (3-20-20)T

005. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Division’s HVAC Program is located at 1090 E. Watertower Street, Suite 150, Meridian, Idaho. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is: Division of Building Safety, HVAC Program, 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. The office telephone number is (208) 334-6180 and the facsimile number is (208) 855-0768. (3-20-20)T

006. FILING OF DOCUMENTS.

All written communications and documents that are intended to be part of an official record for decision in a rulemaking or contested case, must be filed with the administrator of the Division. Communications and documents must be filed by mail, hand-delivery, or by facsimile transmission. One (1) original must be filed with the administrator, and one (1) copy must be submitted to the opposing parties. Whenever documents are filed by facsimile transmission, originals must be deposited in the mail the same day or hand-delivered the following business day to the administrator and opposing parties. (3-20-20)T

007. PUBLIC RECORDS ACT COMPLIANCE.

These rules were promulgated in accordance with the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. These rules and all records of the Board are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (3-20-20)T

008. -- 009. (RESERVED)

010. CHANGES IN NAME AND ADDRESS -- ADDRESS FOR NOTIFICATION PURPOSES.

01. Change of Name. Whenever a change of name occurs for a certified contractor, journeyman, specialty journeyman, specialty contractor, registered apprentice, or specialty apprentice, the Board must be notified immediately, in writing, of the change. Documentation confirming the change of name must be provided to the Board on request. (3-20-20)T

02. Change of Address. Whenever a change of mailing address occurs for a certificated contractor, journeyman, specialty journeyman, specialty contractor, registered apprentice, or specialty apprentice, the Board must be notified immediately, in writing, of the change. (3-20-20)T

03. Address for Notification Purposes. The most recent mailing address on record with the Board will be utilized for purposes of all written communication with certified contractors, journeymen, specialty journeymen, specialty contractors, registered apprentices, and specialty apprentices, including, but not limited to, notification of renewal and notices related to inspections. (3-20-20)T

011. MEETINGS.

Board meetings are subject to the provisions of the Idaho Open Meeting Law, Title 67, Chapter 23, Idaho Code. (3-20-20)T

012. DEFINITIONS.

01. Additional Definitions. Terms defined in Section 54-5003, Idaho Code, will have the same meaning when utilized in these rules. (3-20-20)T

02. Administrator. The administrator of the Idaho Division of Building Safety. (3-20-20)T

03. Board. The Idaho Heating, Ventilation, and Air Conditioning (HVAC) Board. (3-20-20)T

04. Division. The Idaho Division of Building Safety. (3-20-20)T

05. Recognized Jurisdiction. A jurisdiction with an HVAC program that is recognized by the Board

as being substantially equivalent to Idaho’s HVAC program. (3-20-20)T

013. CERTIFICATES OF COMPETENCY -- ISSUANCE, RENEWAL, EXPIRATION -- REVIVAL.

01. Issuance. Certificates of competency will be issued in such a manner as to create a renewal date that coincides with the birth month of the individual to whom the certificate is issued and allows for renewals every three (3) years. Certificates of competency are issued for a period of no less than one (1) year and no more than (3) three years. The fee for issuance of certificates of competency will be prorated based on the number of months for which the certificate is issued. (3-20-20)T

02. Renewal. Certificates of competency will be renewed using the birth month of the individual to whom the certificate is issued as the expiration date. Certificates of competency are renewed for a period of no less than one (1) year and no more than three (3) years. The fee for renewal of certificates of competency will be prorated based on the number of months for which the certificate is issued. (3-20-20)T

03. Expiration-Revival. (3-20-20)T

a. Certificates that are not timely renewed will expire on the last day of the month in which the renewal is due. (3-20-20)T

b. Revived certificates will be issued in such a manner as to create a renewal date that coincides with the birth month of the applicant so as to create a staggered system of renewal. (3-20-20)T

014. -- 019. (RESERVED)

020. HVAC CONTRACTOR AND HVAC JOURNEYMAN APPLICATIONS FOR EXAMINATION AND CERTIFICATES OF COMPETENCY, AND REGISTRATION OF APPRENTICES.

01. Application Forms. All applications for certificates and all applications for registration must be submitted on forms provided by the administrator and be properly completed, giving all pertinent information with notarized signatures. (3-20-20)T

02. Application, Renewal, and Registration Fees. Fees for applications for examination, certificates of competency, renewal of certificates, and fees for apprentice registration are as set forth in Section 54-5012, Idaho Code. (3-20-20)T

03. Application Submission. All applications must be submitted to the board and be approved by an administrator before any examination may be taken and before any certificate of competency is issued. (3-20-20)T

021. HVAC CONTRACTOR CERTIFICATE OF COMPETENCY - REQUIREMENTS.

01. Bond. Applicants must provide a compliance bond in the amount of two thousand dollars (\$2,000). Any such bond is required to be effective for the duration of the contractor licensing period. (3-20-20)T

02. Qualification. Applicants must provide proof, satisfactory to the Board, of having legally acted as an HVAC journeyman for a period of not less than twenty-four (24) months. (3-20-20)T

03. Examination. Applicants for certification as HVAC contractors must successfully complete the examination designated by the Board. (3-20-20)T

04. Out-of-State Contractor Applications. (3-20-20)T

a. An out-of-state applicant for a contractor certificate of competency shall first obtain an Idaho journeyman certificate of competency in accordance with Section 023 of these rules. The applicant shall pay all applicable application and examination fees to the Division and successfully complete the contractor examination administered by the Division. The applicant shall file the compliance bond required by Section 54-5007, Idaho Code, with the Division upon successful completion of the examination. Applications that are incomplete in any detail will

be returned as unacceptable or denied. (3-20-20)T

b. An applicant for a contractor certificate of competency who has previously been licensed as an HVAC journeyman in a Recognized Jurisdiction shall provide to the Division satisfactory proof of two (2) years of work experience as an HVAC journeyman in such jurisdiction. (3-20-20)T

c. An applicant for a contractor certificate of competency who has never been previously licensed as a journeyman in a Recognized Jurisdiction shall provide proof of four (4) years of experience performing HVAC work of a nature equivalent to that which an HVAC journeyman in Idaho must demonstrate to qualify for a contractor certificate of competency. Proof of such work experience may be provided by the submission of three (3) sworn affidavits from individuals attesting that the applicant has had at least four (4) years' experience performing such work. (3-20-20)T

022. HVAC SPECIALTY CONTRACTOR CERTIFICATE OF COMPETENCY - REQUIREMENTS.

Applicants for certification as HVAC specialty contractors must: (3-20-20)T

01. Bond. Provide a compliance bond in the amount of two thousand dollars (\$2,000). Any such bond is required to be effective for the duration of the contractor licensing period. (3-20-20)T

02. Qualification. Provide proof, satisfactory to the board, of having legally acted as an HVAC specialty journeyman for a period of not less than twenty four (24) months. (3-20-20)T

03. Examination. Successfully complete the examination designated by the board. (3-20-20)T

023. HVAC JOURNEYMAN CERTIFICATES OF COMPETENCY AND EXAMINATION REQUIREMENTS.

01. Certificate of Competency Requirements. To obtain a journeyman certificate of competency, an applicant shall submit to the Division sufficient evidence demonstrating the applicant has successfully completed the journeyman examination and four (4) years, defined as a minimum of eight thousand (8,000) hours of work experience as a registered apprentice making installations on the job under the supervision of a qualified journeyman. Notwithstanding the requirement that an apprentice demonstrate four (4) years of on-the-job work experience under the supervision of a qualified journeyman, any apprentice who successfully completes a Board-approved, full-time, one (1)-academic-year training course may receive credit for up to one (1) year of on-the-job work experience. (3-20-20)T

02. Examination Requirement. To take the journeyman examination, an applicant must submit to the Division sufficient evidence demonstrating the applicant has successfully completed a Board-approved training course. (3-20-20)T

03. Out of State Journeyman Applications. (3-20-20)T

a. An out-of-state applicant for a journeyman certificate of competency shall pay all applicable application and examination fees to the Division, and successfully complete the journeyman examination administered by the Division. (3-20-20)T

b. Exhibition of a license issued by another Recognized Jurisdiction may be accepted as proof of meeting the experience and schooling requirements listed in Subsections 023.01 and 023.02 of these rules. An applicant for a journeyman certificate of competency who has previously been licensed as a journeyman in a Recognized Jurisdiction must provide satisfactory proof of licensure in such jurisdiction. (3-20-20)T

c. An applicant for a journeyman certificate of competency who has never been previously licensed as a journeyman in a Recognized Jurisdiction must provide one (1) of the following: (3-20-20)T

i. Proof of four (4) years, defined as eight thousand (8,000) hours, of HVAC work experience of a nature equivalent to that which an HVAC apprentice must perform in Idaho and four (4) years of training equivalent to that which an HVAC apprentice must complete in Idaho. (3-20-20)T

ii. Proof of eight (8) years, defined as a minimum of sixteen thousand (16,000) hours, of HVAC work experience of a nature at least equivalent to that which an HVAC apprentice must perform in Idaho. (3-20-20)T

024. HVAC HEARTH SPECIALTY JOURNEYMAN CERTIFICATES OF COMPETENCY LIMITATIONS: REQUIREMENTS.

Certification as a hearth specialty journeyman entitles the holder to install hearth appliances and the associated gas lines. Hearth Specialty Journeymen are required to meet the experience requirement and either the education or examination requirement to receive a certificate of competency. (3-20-20)T

01. Experience. Demonstrate, to the satisfaction of the board, a minimum of one (1) year experience working in the trade, in compliance with the requirements of the state in which the applicant received his supervision, or as a registered HVAC apprentice or registered HVAC specialty apprentice making HVAC installations on the job under the supervision of a qualified HVAC journeyman or qualified HVAC specialty journeyman. (3-20-20)T

02. Education. Successfully complete a board approved training course(s), such as the National Fireplace Institute program and a minimum of sixty (60) hours of education in fuel gas code and piping installation methods. (3-20-20)T

03. Examination. Successfully complete an examination designated by the board. (3-20-20)T

025. HVAC APPRENTICE REQUIREMENTS FOR REGISTRATION.

01. Registration. To become an apprentice, a person shall comply with Section 54-5012, Idaho Code, and be a minimum of eighteen (18) years of age or sixteen (16) years of age if registered by the Bureau of Apprenticeship and Training of the United States Department of Labor. To renew a registration, an apprentice shall show proof of enrollment in a Board-approved training course or completion of eight (8) hours of Board-approved continuing education for each year of the prior registration period. (3-20-20)T

02. Supervision. Each apprentice must work under the supervision of a certified journeyman. (3-20-20)T

026. HVAC SPECIALTY APPRENTICE REQUIREMENTS FOR REGISTRATION.
Requirements for HVAC Specialty Apprentice. (3-20-20)T

01. Age. Minimum of eighteen (18) years of age unless registered in a Bureau of Apprenticeship Training (BAT) certified HVAC training program. (3-20-20)T

02. Training. Maintain enrollment in or successfully complete a training program approved by the board. (3-20-20)T

03. Supervision. Work under the supervision of a certificated HVAC journeyman or certificated HVAC specialty journeyman. (3-20-20)T

027. HVAC WASTE OIL HEATING SPECIALTY JOURNEYMAN CERTIFICATES OF COMPETENCY LIMITATIONS: REQUIREMENTS.

Certification as a waste oil heating specialty journeyman entitles the holder to install non-duct connected waste oil heaters. Waste oil heating specialty journeymen are limited to the maintenance, installation, and repair of the equipment, controls, and piping directly associated with the waste oil heater, tank, and burner only. Any plumbing, electrical, ducting, venting, or associated equipment beyond the waste oil heater, tank, and burner must be installed by others. Applicants for the waste oil heating specialty journeyman certificate of competency must: (3-20-20)T

01. Experience. Demonstrate to the satisfaction of the board, a minimum of one (1) year experience making waste oil heating installations under the supervision of a qualified HVAC journeyman or HVAC Waste Oil Heating specialty journeyman. (3-20-20)T

02. Examination. Successfully complete a waste oil burner manufacturers certification or examination

as approved by the board. (3-20-20)T

028. HVAC FUEL GAS PIPING SPECIALTY JOURNEYMAN CERTIFICATES OF COMPETENCY LIMITATIONS: REQUIREMENTS.

Certification as fuel gas piping specialty journeyman entitles the holder to install fuel gas piping only and does not make the final termination. Appliances and the associated gas piping, chimney, and vents must be installed by others. Fuel gas specialty journeymen are required to meet the experience requirement and either the education or examination requirement to receive a certificate of competency. (3-20-20)T

01. Experience. Demonstrate, to the satisfaction of the board, a minimum of one (1) year experience working in the trade, in compliance with the requirements of the state in which the applicant received his supervision, or as a registered HVAC apprentice or registered HVAC specialty apprentice making HVAC installations on the job under the supervision of a qualified HVAC journeyman or qualified HVAC specialty journeyman. (3-20-20)T

02. Education. Successfully complete a board approved training course(s), of a minimum of sixty (60) hours of education in fuel gas code and piping installation methods. (3-20-20)T

03. Examination. Successfully complete an examination designated by the board. (3-20-20)T

029. -- 049. (RESERVED)

050. HVAC PERMITS.

01. Serial Number. Each permit must bear a serial number. (3-20-20)T

02. HVAC Contractors and HVAC Specialty Contractors. The Division will furnish permits to certified HVAC contractors and HVAC specialty contractors upon request. The serial numbers of such permits must be registered in the name of the HVAC contractor or HVAC specialty contractor to whom they are issued. (3-20-20)T

03. Home Owners. Home owners or a contract purchaser of residential property, making HVAC installations on their own residences, coming under the provisions of Section 54-5002, Idaho Code, must secure an HVAC permit by making application to the Division as provided in Section 54-5016, Idaho Code. (3-20-20)T

04. HVAC Contractors and HVAC Specialty Contractors. HVAC contractors and HVAC specialty contractors must secure an HVAC permit by making application to the Division as provided in Section 54-5016, Idaho Code. (3-20-20)T

05. Transferring a Permit. A HVAC permit may be transferred to another eligible party if such party provides to the Division written authorization signed and notarized by the original permit holder consenting to the transfer itself as well as assignment of all the responsibilities and conditions incorporated into the original permit issuance. A permit may be transferred to the owner of the property on which the HVAC work is to be performed and for which the permit was issued for such owners' designated legal agent, in cases where the property owner has terminated their legal relationship with the HVAC contractor who originally obtained the permit. An administrative fee in the amount of forty-five dollars (\$45) for the transfer of a permit will be assessed by the Division. (3-20-20)T

06. Refunds of Permits. The Administrator may authorize a refund for any permit fee paid on the following bases: The Administrator may authorize a refund of the entire permit fee paid when no work has been performed related to the installations or HVAC work covered by a permit issued by the Division. A lesser amount up to fifty percent (50%) of the permit fee amount may be refunded if work has commenced and the project is less than fifty percent (50%) complete as determined by the Division. The Administrator will not authorize a refund of any permit fee paid except upon written application for such filed by the original permit holder or the property owner's representative not less than one hundred eighty (180) days after the date the permit was issued. (3-20-20)T

051. HVAC PERMIT FEE SCHEDULE.

Permit fees are to cover the cost of inspections as provided by Section 54-5017, Idaho Code. Any person, partnership, company, firm, association, or corporation making an installation must pay to the Division a permit fee as provided in

the following schedule:

(3-20-20)T

01. Residential. Includes all buildings with HVAC systems being installed on each property. The following permit fees apply to all residential installations:

Type	Fee
Base permit	\$100
Furnace, furnace-air conditioner combination, heat pump, air conditioner, evaporative cooler, unit heater, space heater, decorative gas-fired appliance, incinerator, boiler, pool heater, mini-split system, free-standing solid-fuel stove, factory-built gas fireplace, or similar fixture or appliance, including ducts, vents, and flues attached thereto	Plus \$30 per first fixture or appliance Plus \$15 per additional fixture or appliance
Exhaust duct or ventilation duct, including dryer vents, range hood vents, cook stove vents, bath fan vents, and similar exhaust ducts or ventilation ducts	Plus \$15 per first duct Plus \$5 per additional duct
Fuel gas piping system	Plus \$5 per appliance outlet
Hydronic systems	Plus \$5 per zone

(3-20-20)T

02. Miscellaneous. The following permit fees apply for the types of permits listed:

Type	Fee
Requested inspection	\$65 per hour or portion thereof plus costs of out-of-state travel
Mobile or manufactured home	\$65 per inspection
Modular building	
Plan check or technical service	\$65 per hour or portion thereof

(3-20-20)T

03. Other Installations Including Industrial and Commercial. The permit fees listed in this Subsection apply to installations not specifically mentioned elsewhere in this schedule. The HVAC system cost is the cost to the owner of labor charges and other costs incurred to complete the installation of equipment and materials installed as part of the HVAC system. All permit fees calculated under this Subsection are based on the total HVAC system cost, which must be listed on the permit.

HVAC System Cost	Fee
Up to \$10,000	\$60 plus 2% of HVAC system cost
\$10,000 to \$100,000	\$260 plus 1% of HVAC system cost exceeding \$10,000
Over \$100,000	\$1,160 plus 5% of HVAC system cost exceeding \$100,000

(3-20-20)T

04. Additional Fees. A fee of sixty-five dollars (\$65) per hour or portion thereof applies to trips to inspect:

(3-20-20)T

a. When the permit holder has given notice to the Division that the work is ready for inspection and it is not;

(3-20-20)T

- b. If the permit holder has not accurately identified the work location; (3-20-20)T
 - c. If the inspector cannot gain access to make the inspection; (3-20-20)T
 - d. Corrections required by the inspector as a result of the permit holder improperly responding to a corrective notice; or (3-20-20)T
 - e. When corrections have not been made in the prescribed time, unless an extension has been requested and granted. (3-20-20)T
- 05. No Permit.** Failure to purchase a permit before commencing work may result in the assessment of a double fee. (3-20-20)T

052. -- 059. (RESERVED)

060. REQUIRED INSPECTIONS.

- 01. Request for Division Inspection.** (3-20-20)T
- a. Inspection. Each permit holder must notify the Division at least one (1) day prior to the desired inspection, Sundays and holidays excluded, that the project is ready for inspection. (3-20-20)T
 - b. Reinspection. If a reinspection is required after the final inspection, due to a failure to meet requirements of Title 54, Chapter 50, Idaho Code, and/or these rules, the permit holder will be charged a fee not to exceed the actual cost of each reinspection. (3-20-20)T
- 02. Inspection Tags.** Inspectors certify to the permit holder that an inspection has been done by securely attaching the inspection tag in a prominent location. (3-20-20)T
- a. Final Inspection Tags. An inspection tag indicating that a final inspection has been performed is attached when the HVAC installation as specified on the permit is complete and conforms to the requirements of the code and rules. (3-20-20)T
 - b. Inspection Tags for Unacceptable HVAC Installations. “Notice of Correction” inspection tags are attached to indicate that the HVAC installation is not acceptable and that corrections are required. (3-20-20)T
 - c. Work-in-Progress Tag. An inspection tag indicating that a work-in-progress inspection has been performed is attached following inspection of ground work, rough-in work, or any portion of the installation that is to be covered or otherwise concealed before completion of the entire HVAC installation as specified on the permit. (3-20-20)T

061. INSPECTOR QUALIFICATIONS.

In accordance with Section 54-5021, Idaho Code, all mechanical inspectors in Idaho employed by the state or a local government must hold an inspector certification as a commercial or residential mechanical inspector, as appropriate depending on the type of mechanical work being inspected. Mechanical inspectors must obtain the requisite certification from either the International Association of Plumbing and Mechanical Officials (IAPMO), the International Code Council (ICC), or other professional certifying body as approved by the board. (3-20-20)T

062. -- 069. (RESERVED)

070. CIVIL PENALTIES.

Except for the acts described in Subsections 070.01 and 07.08 of these rules, the acts described in this section subject the violator to a civil penalty of not more than two hundred dollars (\$200) for the first offense and not more than one thousand dollars (\$1,000) for each offense that occurs thereafter within one (1) year of an earlier violation. (3-20-20)T

- 01. Heating, Ventilation, and Air Conditioning Contractor or Specialty Contractor.** Except as

provided by Section 54-5001, Idaho Code, any person who acts, or purports to act, as an HVAC contractor or specialty contractor as defined by Section 54-5003(3) and 54-5003(6), Idaho Code, without a valid Idaho state HVAC contractor or specialty contractor certification is subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and not more than one thousand dollars (\$1,000) for each offense that occurs thereafter within one (1) year of an earlier violation. (3-20-20)T

02. Knowingly Employing. Knowingly employing a person who does not hold a valid Idaho HVAC certification or apprentice registration, as required by Section 54-5008, Idaho Code, to perform HVAC installations. (3-20-20)T

03. Certification or Registration. Except as provided by Section 54-5001, Idaho Code, performing HVAC work as an HVAC journeyman as defined by Section 54-5003(4), Idaho Code; specialty journeyman as defined by Section 54-5003(7), Idaho Code; apprentice as defined by Section 54-5003(2), Idaho Code; or specialty apprentice as defined by Section 54-5003(5), Idaho Code, without a valid certification or registration. (3-20-20)T

04. Supervision. Working as an HVAC apprentice or specialty apprentice without the required journeyman supervision or employing an apprentice without providing the required journeyman supervision. (3-20-20)T

05. Performance Outside Scope of Specialty License. Performance of any HVAC installation, alteration, or maintenance by an HVAC specialty contractor or specialty journeyman outside the scope of the specialty certification. (3-20-20)T

06. Fees and Permits. Failing to pay applicable fees or properly post an HVAC permit for, or to request an inspection of, any installation, alteration, improvement, or extension of any piping, venting, ductwork, appliances and appurtenances in connection with any HVAC system or subsystems of such. (3-20-20)T

07. Corrections. Failure to make corrections in the time allotted in the notice on any HVAC installation as set forth in Section 54-5019, Idaho Code. (3-20-20)T

08. Gross Violation. In the case of continued, repeated, or gross violation of Title 54, Chapter 50, Idaho Code, or these rules, a certification revocation will be initiated for certificated individuals under this chapter and non-certificated individuals is subject to prosecution by the appropriate jurisdiction under Idaho law. (3-20-20)T

071. -- 999. (RESERVED)

24.39.80 – IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING

**SUBCHAPTER A – GENERAL PROVISIONS
(Rules 000 - 050)**

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 67-2601A, Idaho Code, the Division of Building Safety has the authority to promulgate and adopt rules for affecting the purposes therein. (3-20-20)

001. TITLE AND SCOPE.

These rules are titled IDAPA 24.39.80, “Idaho Minimum Safety Standards and Practices for Logging,” and are applicable to the logging industry in the state of Idaho. (3-20-20)

002. -- 006. (RESERVED)

007. DEFINITIONS A THROUGH C.

Terms used in these standards shall be interpreted in the most commonly accepted sense, excepting only those specifically defined. (3-20-20)

- 01. Administrator.** The Administrator of the Division of Building Safety. (3-20-20)
- 02. A-Frame.** A structure made of the independent columns (of wood or steel) fastened together at the top and separated a reasonable width at the bottom to stabilize the unit from tipping sideways. (3-20-20)
- 03. Approved.** The term approved means approved by the Division of Building Safety. (3-20-20)
- 04. Arch.** A piece of equipment attached to the rear of a vehicle, used for raising one end of logs to facilitate skidding. (3-20-20)
- 05. Division.** The Division of Building Safety. (3-20-20)
- 06. Back Cut.** The final falling cut. (3-20-20)
- 07. Barber Chair.** Slab portion of tree remaining on the stump above the back cut due to improper falling. (3-20-20)
- 08. Bell or Cup Hook with Spike.** A hook consisting of a cylindrical cup from whose center there projects a spike. (3-20-20)
- 09. Bight.** The loop of a line, the ends being “gast” elsewhere, or the angle formed by a line running through a block. (3-20-20)
- 10. Binder.** Chain, cable, or steel strap used for binding loads of logs. (3-20-20)
- 11. Blasting Cap.** A metal shell containing a detonating compound. (3-20-20)
- 12. Brailling.** One (1) section of flat log raft enclosed by boom sticks. To place logs end to end in a long flat raft or boom. (3-20-20)
- 13. Brow Log.** A log placed parallel to any roadway at a landing or dump to protect vehicles while loading or unloading. (3-20-20)
- 14. Bullbuck.** The supervisor over cutting crew. (3-20-20)
- 15. Buckle Guy Line.** Line used to stiffen or support a tree, pole, or structure between the top guys and the base. (3-20-20)
- 16. Bunk.** The cross support for logs on a logging car or truck. (3-20-20)
- 17. Butt Hook.** Hook at the end of a haul-in line for attaching chokers to line. (3-20-20)
- 18. Butt Rigging.** Arrangement at the end of main line for attaching chokers. (3-20-20)

- 19. Cable-Assisted Logging Systems.** Logging systems, including, but not limited to, winch-assisted, cable-assisted, tethered, and traction-assisted systems that enable ground-based timber harvesting machines, including, but not limited to, feller bunchers, harvesters, loaders and shovels, to be operated on slopes. (3-20-20)
- 20. Capped Fuse.** A piece of fuse to which a blasting cap has been crimped. (3-20-20)
- 21. Carriage Logging.** A type of high lead logging using gravity, haul back, or remote control carriages to yard logs. (Bullet carriage is one type). (3-20-20)
- 22. Cat Road.** A tractor road. (3-20-20)
- 23. Chaser.** The member of the yarding crew who unhooks the logs at the landing or fights hang-ups on skid road. (3-20-20)
- 24. Chipper.** A machine that cuts materials into chips. (3-20-20)
- 25. Chock (Bunk Block-Cheese Block).** A wedge that prevents logs from rolling off the bunks. (3-20-20)
- 26. Cheater.** An extension to bunk stakes. (3-20-20)
- 27. Choker.** A wire rope with special attachments put around the log near the end for hauling or lifting. (3-20-20)
- 28. Cold Deck.** Any pile of logs that is yarded and left for future removal. (3-20-20)
- 29. Cold Shut.** A link for joining two (2) chains, the link being closed cold with a hammer, not a weld. (3-20-20)
- 30. Competent Person.** An individual who is capable of identifying existing and predictable hazards in the work site surroundings or working conditions that are unsanitary, hazardous or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate such. (3-20-20)
- 31. Connecting Wires.** Those wires that connect the leg wire of one (1) electric blasting cap or with the leading wires, when blasting in series. (3-20-20)
- 32. Crotch Line.** Two (2) short lines attached to a hoisting line by means of a ring or shackle, the lower ends being attached to loading hooks and used for loading or unloading. (3-20-20)
- 33. Cutter.** A term used to designate faller or buckler. (3-20-20)
- 008. DEFINITIONS D THROUGH I.**
Terms used in these standards shall be interpreted in the most commonly accepted sense, excepting only those specifically defined. (3-20-20)
- 01. D or Strap Socket.** A socket with a closed loop and arranged to be attached to the end of a line. It is used in place of a spliced eye. (3-20-20)
- 02. Dead Man.** A buried log or other object used as an anchor. (3-20-20)
- 03. Detonator.** A blasting cap, electric blasting cap, or delay electric blasting cap. (3-20-20)
- 04. Dog Line.** Any line used to tie logs together. (3-20-20)
- 05. Donkey (Short for “Donkey Engine”).** Power equipment equipped with drum and cable for moving or transporting logs as in loading or yarding. (3-20-20)

06. Drag-Turn. Any log or group of logs attached by some means of power and moved from a point of rest. (3-20-20)

07. Equipment. The term, as used, means and include all machines, machinery, tools, devices, safeguard, and protective facilities used in connection with logging operations, regardless of ownership. (3-20-20)

08. Explosive. Any chemical compound or mechanical mixture commonly used that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that an ignition by fire, friction concussion, percussion, or detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or destroying life or limb. . (3-20-20)

09. Exposed to Contact. Means the location of a hazardous object is so accessible that a workman may, in the course of his employment, come into contact with the object. (3-20-20)

10. Fair Lead. A combination of a pair of sheaves or roller set transversely or vertically in a unit in front of another pair of sheaves to guide a line coming from any direction and leading it properly to a drum. (3-20-20)

11. Gin Pole. A raised pole properly guyed and used to support lines and blocks. (3-20-20)

12. Grapple. A device attached to a hoisting line for mechanically handling logs. (3-20-20)

13. Guarded. Guarded means covered, shielded, or railed so as to remove the possibility of dangerous contact or approach by employees or objects. It further means construction of guards to ensure protection from flying objects where applicable. (3-20-20)

14. Gut Wrapper. An intermediate binder for an individual tier of logs. (3-20-20)

15. Guy Lines. The lines used to stay or support spar trees, booms, etc. (3-20-20)

16. Haul Back. A small wire line traveling between the power skidder and a pulley set near the logs. Used to return the main cable with tongs, chokers, or hooks to the next log. (3-20-20)

17. Hazard. Hazard, as used in these standards, means any condition or circumstance that may cause accident or injury to an employee. (3-20-20)

18. Heel Block. The block heel of boom. (3-20-20)

19. Heel Boom. A type of loading boom where one end of the log is pulled up against the boom. (3-20-20)

20. Hook Tender, Hooker. The worker who supervises the method of moving the logs from the woods to the place of loading. (3-20-20)

21. It is Recommended, or Should. When these terms are used they indicate provisions that are not mandatory. (3-20-20)

009. DEFINITIONS J THROUGH R.

Terms used in these standards shall be interpreted in the most commonly accepted sense, excepting only those specifically defined. (3-20-20)

01. Jaggers. Any projecting broken strand of cable. (3-20-20)

02. Jammer. A machine used for handling logs. (3-20-20)

03. **Jill Poke.** A projecting object out of its normal position. (3-20-20)
04. **Knob.** A metal ferrule arranged to be attached to the end of a line, used in place of a spliced eye. (3-20-20)
05. **Landing, Rollway.** Any place where logs are placed, after being yarded, awaiting loading or unloading. (3-20-20)
06. **Lang Lay Rope.** A wire rope, in which the wires in the strands of the rope are laid in the same direction. (3-20-20)
07. **Leading Wires.** Those wires between the “connecting wires” or “leg wires” and a portable generating devise or an approved type blasting battery in series blasting. (3-20-20)
08. **Leaners.** A live or dead leaning tree. (3-20-20)
09. **Loading Boom.** Any structure projecting from a pivot point to guide a log when lifted. (3-20-20)
10. **Log or Logs.** When the word log or logs is used, it includes poles, piling, pulpwood, skids, etc. (3-20-20)
11. **Log Stacker.** A machine with lift forks used to handle logs. (3-20-20)
12. **Magazine.** Any building or other structure used exclusively for the storage of explosives. (3-20-20)
13. **Operation (Show Woods Layout).** Any place where logging is being done. (3-20-20)
14. **Mainline.** A cable which pulls logs or trees to loading. (3-20-20)
15. **Pan (Skidding Pan).** A solid piece of metal placed behind a tractor on which one end of logs rest. (3-20-20)
16. **Peeling Bar or Spud.** A tool for removing bark from trees or logs. (3-20-20)
17. **Pike, Pole.** A long pole whose end is shod with a sharp pointed steel spike, point, or hook. (3-20-20)
18. **Portable Spar or Tower.** An engineered structure designed to be used in a manner similar to which a wooden spar tree would be used. (3-20-20)
19. **Powder.** Any explosive other than the detonating agent. (3-20-20)
20. **Primer.** A cartridge of explosive with a detonator inserted there in. (3-20-20)
21. **Qualified Person.** An individual who, by possession of a recognized degree, certificate or professional standing, or who by extensive knowledge, training and experience, has successfully demonstrated the ability to solve or resolve problems relating to the subject matter, the work, or the project. (3-20-20)
22. **Reach.** An adjustable beam between a trailer and a motorized logging vehicle. (3-20-20)
23. **Receding Line.** The line on a skidder or slack-line comparable to the haul back line on a yarder. (3-20-20)
24. **Reload.** Any area where logs are dumped and reloaded. (3-20-20)
25. **Running Line.** Any line that moves. (3-20-20)

010. DEFINITIONS S THROUGH Z.

Terms used in these standards shall be interpreted in the most commonly accepted sense, excepting only those specifically defined. (3-20-20)

01. Safety Factor or Factor of Safety. This term as used is the ratio of the ultimate breaking strength of a member or piece of material to the actual working stress or to the maximum permissible (safe load) stress. For example: When a safety factor of six (6) is required, the structure, lines, hoists, or other equipment referred to shall be such as to provide a strength sufficient to support a load equal to six (6) times the total weight or stress to be imposed on it. (3-20-20)

02. Sail Guy. A guy which holds the outer end of a boom. (3-20-20)

03. Sail Block. A block hung inverted on the sail guy to hold the tong block in proper position. (3-20-20)

04. Schoolmarm. A crotched tree consisting chiefly of two (2) trunks. (3-20-20)

05. Shall, Will. Is compulsory or mandatory. (3-20-20)

06. Skids. Any group of timbers spaced a short distance apart on which the logs are placed. (3-20-20)

07. Side, Show, Chance. That unit of a logging operation, including men and equipment that is sufficient to fall, buck, and load a given area ready for transportation of the logs to the mill. (3-20-20)

08. Side Winders. A piece of log, brush, or limb thrown up or sideways during skidding operation, or a tree knocked down by another tree in falling. (3-20-20)

09. Signalman, Whistle Punk. The authorized worker who transfers signals from a given location to the operator. (3-20-20)

10. Skidding. Movement of logs on the ground. (3-20-20)

11. Skyline. The supporting line on various types of logging systems on which carriage, block, or bullet travels. (3-20-20)

12. Slack Line. A form of skyline where skyline is spooled on drum and can be raised or lowered. (3-20-20)

13. Slack Puller. Any device used to increase the movement of a line when its own weight is inadequate. (3-20-20)

14. Snags. Any dead standing trees. (3-20-20)

15. Snubbing. A method of retarding or controlling the movement of logs or machine by means of looping the line around a stationary object. (3-20-20)

16. Spring Board. A board with an iron tip used by fallers to stand on when they must stand above the ground level. (3-20-20)

17. Standard Safeguard. Means a device designed and constructed with the object of removing the hazard of an accident incidental to the machine, appliance, tool, building or equipment to which it is attached. (3-20-20)

18. Strap. Any short piece of line with an eye or “D” in each end. (3-20-20)

19. Strawline. A small line used for miscellaneous purposes. (3-20-20)

20. **Strip.** A definite location of timber allocated to a cutting crew. (3-20-20)
21. **Substantial.** Means constructed of such strength, of such material, and of such workmanship, that the object referred to will withstand normal wear, shock and usage. (3-20-20)
22. **Sweeper.** Unexpected and controlled lateral movement of a log, tree, etc., during skidding operations. (3-20-20)
23. **Swamp.** The falling or clearing of limbs and brush around or along a specific place. (3-20-20)
24. **Tag Line.** A line used to control movement during loading, unloading, or skidding operations. (3-20-20)
25. **Tail Hold.** Any anchor used for making fast any line. (3-20-20)
26. **Tell Tale.** A devise used to serve as a warning for overhead hazards. (3-20-20)
27. **Tight Line.** When power is exerted on both mainline and haul back at the same time. (3-20-20)
28. **Tongs.** A hooking device used to lift or skid logs. (3-20-20)
29. **Transfer.** Changing of a load of logs in a unit from one means of transportation to another. (3-20-20)
30. **Tree Plates.** Steel protectors spiked around a tree to prevent the lines from cutting into the trees. (3-20-20)
31. **Undercut.** A notch cut in the tree to guide and control the tree in falling. (3-20-20)
32. **Windfall.** A tree felled by the wind or other natural causes. (3-20-20)
33. **Widow Maker.** A loose limb, top, or piece of bark which may fall on a logger working beneath it. (3-20-20)
34. **Yarding.** Movement of logs or trees from the place they are felled (bucked) to a central loading or shipping point. (3-20-20)

011. INTERPRETATION AND APPLICATION OF THESE RULES.

01. **Scope.** These rules are part of the state of Idaho industrial accident prevention program and have the full force and effect of law. (3-20-20)
02. **Jurisdiction.** In accordance with the laws of the state of Idaho, every employer and every employee working in the state of Idaho shall comply with the rules contained herein. (3-20-20)
03. **Enforcement.** The enforcement of all rules of this chapter and the right of inspection and examination, at any time, shall rest with the Division. (3-20-20)
04. **Issues Not Covered.** Where specific standards in these rules fail to provide a rule or standard applicable to the operation in question, and other state of Idaho codes or standards are applicable, those codes or standards shall apply. (3-20-20)
05. **Interpretations.** Should any controversy develop as to the intent or application of any standard or rule as set forth in these rules, or the interpretation of any standard or rule set forth in these rules, such controversy shall be called to the direct attention of the Division, which shall render a decision as the applicability of such rule or standard. Any appeal from this decision shall be directed to the Administrator. (3-20-20)

06. Additional Standards. It is recognized that a definite, positive safety standard cannot anticipate all contingencies. The Division, after due notice and opportunity to be heard, may require additional standards and practices to insure adequate safety at any place of any employment, and, on its own motion or upon application of any employer, employee, group, or organization, may modify any provision of this rule. (3-20-20)

07. Exceptions. In exceptional cases where the rigid application or compliance with a requirement can only be accomplished to the detriment and serious disadvantage of an operation, method, or process, exception to the requirement will be considered upon written application to the Division. After thorough investigation, the Division may grant an exception if human life and physical well being will not be endangered by such exception. (3-20-20)

08. Existing Buildings, Structures, and Equipment. Nothing contained in this rule for logging safety shall prevent the use of existing buildings, structures, and equipment during their lifetime when maintained in good safe condition, and properly safeguarded, or require conformance with the applicable safety standards required by Idaho Safety Codes effective prior to the effective date of this rule, provided that replacements and alterations shall conform with all provisions of these rules. (3-20-20)

012. EMPLOYER'S RESPONSIBILITY.

01. General Requirements. (3-20-20)

a. Every employer subject to these rules shall furnish employment and maintain places of employment that are safe according to the standards as set forth herein. (3-20-20)

b. Every employer shall adopt and use practices, means, methods, operations and processes that are adequate to render such employment and place of employment safe. (3-20-20)

i. Employers shall place highly visible "LOGGING AHEAD" or similar-type warning signs at the entrances of active logging jobs. Employers shall also place "TRUCKS AHEAD," "TRUCKS ENTERING," "TREE FALLING," and "CABLES OVERHEAD," whenever applicable (3-20-20)

ii. Every employer shall furnish to its crew a Company Emergency Rescue Plan. (3-20-20)

c. Every employer should insure that Safety Data Sheets (SDS) are reasonably accessible for every hazardous material. (3-20-20)

d. Every employer shall post and maintain in a conspicuous place or places in and about his place or places of business a written notice stating the fact that he has complied with the worker's compensation law as to securing the payment of compensation to his employees and their dependents in accordance with the provisions of Idaho law. Such notice shall contain the name and address of the surety, as applicable, with which the employer has secured payment of compensation. Such notice shall also be readily available on the site where logging operations are occurring, and available for inspection by Division officials upon request. (3-20-20)

e. Every employer shall do all other things as required by these rules to protect the life and safety of employees. (3-20-20)

f. No employer shall require any employee to go or be in any place of employment that does not meet the minimum safety requirement of these rules, except for the purpose of meeting such requirements. (3-20-20)

g. No employer shall fail or neglect: (3-20-20)

i. To make available and use safety devices and safeguards as are indicated. (3-20-20)

ii. To adopt and use methods and processes adequate to render the employment and place of employment safe. (3-20-20)

iii. To do all other things as required by these rules to protect the life and safety of employees.

(3-20-20)

h. No employer, owner or lessee of any real property shall construct or cause to be constructed any place of employment that does not meet the minimum safety requirements of these rules. (3-20-20)

i. No person, employer, employee, other than an authorized person, shall do any of the following: (3-20-20)

i. Remove, displace, damage, destroy or carry off any safeguard, first aid material, notice or warning, furnished for use in any employment or place of employment, or interfere in any way with the use thereof by any other person. (3-20-20)

ii. Interfere with the use of any method or process adopted for the protection of any employee, including himself, in such employment or place of employment. (3-20-20)

iii. No person shall fail or neglect to do all other things as required by these rules to protect the life and safety of employees. (3-20-20)

iv. The use of intoxicants or drugs while on duty is prohibited. Persons reporting for duty while under the influence of or impaired by liquor or other legal or illegal drugs or substances shall not work until completely recovered. (3-20-20)

j. A procedure for checking the welfare of all workers during working hours shall be instituted and all workmen so advised. The employer shall assume responsibility of work assignments so that no worker shall be required to work in a position or location so isolated or hazardous that he is not within visual or audible signal contact with another person who can render assistance in case of emergency. In any operation where cutting, yarding, loading, or a combination of these activities are carried on there shall be a minimum crew of two (2) persons who shall work as a team, and shall be in visual or audible signal contact with one another. This does not apply to operators of motorized equipment, watchmen, or certain other jobs which, by their nature are singular workmen assignments. There shall be some method of checking-in crew members at the end of the shift. Each immediate supervisor shall be responsible for his crew being accounted for. This standard also includes operators of movable equipment. (3-20-20)

k. Every employer shall keep a record of all cases of injuries his employees receive at their work. This record shall be kept in such manner as to enable representatives of the Division to determine by examining the record, the injury rate of the employee force for the period covered by the report. (3-20-20)

l. Every employer shall investigate every accident resulting in a disabling injury that his employees suffer in connection with their employment. Employers shall promptly take any required action to correct the situation. Employees shall assist in the investigation by giving any information and facts they have concerning the accident. (3-20-20)

02. Management Responsibility. (3-20-20)

a. Management shall take an active and interested part in the development and guidance of the operation's safety program, including fire safety. (3-20-20)

b. Management shall apply a basic workable safety plan on the same priority as it does to any other work facet of the operation where elimination of all injuries is to be achieved in all phases of the operation. It is the duty of management to assume full and definite responsibility. To attain these safety objectives, management shall have the full cooperation of employers and the Division. (3-20-20)

c. Every employer shall furnish employment which shall be safe for the employees therein and shall furnish such devices and safeguards and shall adopt and use such practices, means, methods, operation and processes as are adequate to render such employment and places of employment safe to protect the life and safety of employees. The employer shall make available necessary personal protective safety equipment. (3-20-20)

d. Regular safety inspection of all rigging, logging, machinery, rolling stock, bridges, and other equipment shall be made as often as the character of the equipment requires. Defective equipment or unsafe conditions found shall be replaced, repaired or remedied. (3-20-20)

e. All places of employment shall be inspected by a qualified person or persons as often as the type of operation or the character of the equipment requires. Defective equipment or unsafe conditions found by these inspections shall be replaced or repaired or remedied promptly. (3-20-20)

013. EMPLOYEE'S RESPONSIBILITY.

01. General Requirements. (3-20-20)

a. Employees shall not indulge in horseplay, scuffling, practical jokes or any activity that creates or constitutes a hazard while on the employer's property or at any time when being transported from or to work in facilities furnished by the employer. (3-20-20)

b. Employees who are assigned to, or engaged in the operation of any machinery or equipment, shall ensure that all guards, hoods, safety devices, etc., that are provided by the employer are in proper place and properly adjusted. (3-20-20)

02. Employee Accidents. Each employee shall make it his individual responsibility to keep himself, his coworkers, and his machine or equipment free from accidents to the best of his ability. (3-20-20)

03. Study Requirements. So that each worker may be better qualified to cooperate with his fellow workmen in preventing accidents, he shall study and observe these and any other safety standards governing his work. (3-20-20)

04. Employee Responsibilities. Additional responsibilities of an employee insofar as industrial safety is concerned shall be as follows: (3-20-20)

a. The employee shall report immediately, preferably in writing, to his foreman or safety coordinator for the logging operation, all known unsafe conditions and practices. (3-20-20)

b. The employee shall ascertain from the foreman where medical help may be obtained if it is needed. (3-20-20)

c. The employee shall not participate in practical jokes or horseplay. (3-20-20)

d. The employee shall make a prompt report of every accident regardless of severity to the foreman, first aid attendant, or person in charge. Such reports are required and are necessary in order that there may be a record of his injuries. (3-20-20)

e. The employee shall at all times apply the principles of accident prevention in his daily work and shall use proper safety devices and protective equipment. No employee shall remove, displace, damage, destroy, or carry off any safety device or safeguard furnished and provided for use in any employment, or interfere in any way with the use thereof by any other person, or interfere with the use of any method or process adopted for the protection of any employee in such employment, or fail or neglect to do every other thing reasonably necessary to protect the life and safety of himself and fellow employees, and by observing safe practice rules shall set a good example for his fellow workmen. (3-20-20)

f. The employee shall not report to the job impaired by intoxicants or legal or illegal drugs and shall not use intoxicants or such drugs while on the job. The employer shall prohibit any employee from working on or being in the vicinity of any job while under the influence of or impaired by intoxicants or drugs. Employers shall be responsible for the actions of any employee known to be in an intoxicated or impaired condition while on the job. (3-20-20)

g. The employee shall wear, use and properly care for personal protective safety equipment issued to

- him. These items shall be returned to the employer upon termination of employment. (3-20-20)
- h.** Workers exposed to head hazards shall wear approved head protection. (3-20-20)
 - i.** Proper eye protection shall be worn while performing work where a known eye hazard exists. (3-20-20)
 - j.** The employee should consider the benefits of accident prevention to himself and to his job. (3-20-20)
 - k.** The employee should make an effort to understand his job. (3-20-20)
 - l.** The employee should anticipate every way in which a person might be injured on the job, and conduct the work to avoid accidents. (3-20-20)
 - m.** The employee should be on the alert constantly for any unsafe condition or practice. (3-20-20)
 - n.** The employee shall learn first aid. (3-20-20)
 - o.** The employee should keep physically fit, and obtain sufficient rest. (3-20-20)
 - p.** The employee should be certain that all instructions received are understood completely before starting the work. (3-20-20)
 - q.** The employee should actively participate in safety programs. (3-20-20)
 - r.** The employee should study the safety educational material posted on the bulletin boards and distributed by the employer or safety committee. (3-20-20)
 - s.** The employee should advise inexperienced fellow-employees of safe ways to perform their work and warn them of dangers to be guarded against. (3-20-20)
 - t.** It is the employer's responsibility to ensure compliance with the foregoing provisions. (3-20-20)

014. -- 050. (RESERVED)

**SUBCHAPTER B – HEALTH, SAFETY, AND SANITATION
(Rules 051 through 100)**

051. FIRST AID.

- 01. Transportation.** (3-20-20)
 - a.** Suitable means of transportation shall be established and maintained at the site of all operations to be used in the event any employee is seriously injured. (3-20-20)
 - b.** Transportation shall be of a nature to render reasonable comfort to an injured employee. (3-20-20)
 - c.** Each crew bus, or similar vehicle, shall be equipped with at least one (1) first aid kit with the required contents as indicated in Subsection 051.06 of this rule. (3-20-20)
- 02. Communication.** (3-20-20)
 - a.** Every employer shall arrange suitable telephone or radio communication at the nearest reasonable point, and shall establish an emergency action plan to be taken in the event of serious injury to any employee. (3-20-20)

- b.** Instructions covering the emergency action plan shall be made available to all work crews. (3-20-20)
- c.** When practicable, a poster shall be displayed on, or near the cover of each first aid cabinet or phone. The poster shall display the phone numbers of applicable emergency services. The use of the Idaho State EMS Communication Center is recommended. The number is 1-800-632-8000 or 208-846-7610. (3-20-20)
- d.** Every employer shall obtain their specific job location (longitude and latitude preferred) and furnish such to crew for emergency evacuation. (3-20-20)
- 03. Attendance for Seriously Injured.** (3-20-20)

 - a.** Seriously injured employees shall, at all times, be attended by the most qualified available person to care for the injured employees. (3-20-20)
 - b.** Seriously injured employees shall be carefully handled and removed to a hospital, or given medical attention as soon as possible. (3-20-20)
 - c.** Caution shall be used in removing a helpless or unconscious person from the scene of an accident to prevent further injury. (3-20-20)
- 04. First Aid Training.** Any person performing work associated with a logging operation shall be required to complete an approved course in first-aid and have a current card. (3-20-20)
- 05. Stretcher or Spine Board.** A spine board (designed for or adaptable to the work location and terrain) and two blankets maintained in sanitary and serviceable condition shall be available where such conditions require the use of such to provide for the proper transportation and first aid to an injured workman. (3-20-20)
- 06. First Aid Kits.** (3-20-20)

 - a.** The employer shall provide first aid kits at each work site where trees are being felled, at each active landing, and in each employee transport vehicle. (3-20-20)
 - b.** The following list sets forth the minimally acceptable number and type of first-aid supplies for required first-aid kits. The contents of the first-aid kits shall be adequate for small work sites, consisting of approximately two (2) to three (3) employees. When larger operations or multiple operations are being conducted at the same location, additional first-aid kits shall be provided at the work site or additional quantities of supplies shall be included in the first-aid kits:

TABLE 051.06 – REQUIRED FIRST-AID KIT CONTENTS	
1.	Gauze pads (at least 4 x 4 inches)
2.	Two (2) large gauze pads (at least 8 x 10 inches)
3.	Box adhesive bandages (band-aids)
4.	One (1) package gauze roller bandage (at least two (2) inches wide)
5.	Two (2) triangular bandages
6.	Wound cleaning agent such as sealed moistened towelettes
7.	Scissors
8.	At least one (1) blanket
9.	Tweezers
10.	Adhesive tape

TABLE 051.06 – REQUIRED FIRST-AID KIT CONTENTS	
11.	Latex gloves
12.	Resuscitation equipment such as resuscitation bag, airway, or pocket mask
13.	Two (2) elastic wraps
14.	Splint
15.	Directions for requesting emergency assistance

(3-20-20)

c. Special kits, or the equivalent, shall be provided and approved for special hazards peculiar to any given work location. (3-20-20)

d. All kits, as applicable, shall be readily available and kept supplied. (3-20-20)

e. First aid kits shall be in metal, or other sanitary containers. Such containers shall be designed and constructed so as to be impervious to conditions of weather, dust, dirt, or other foreign matter. (3-20-20)

052. SAFETY EQUIPMENT AND PERSONAL PROTECTIVE EQUIPMENT.

01. General Requirements. (3-20-20)

a. Special protective equipment or apparel required for safe employment, other than clothing or equipment customarily supplied by employees, shall be furnished by the employer where necessary for the safety of employees. (3-20-20)

b. Employees are required to utilize all prescribed safety equipment and special protective equipment or apparel, and they shall exercise due care in maintaining it in safe, efficient and sanitary conditions. (3-20-20)

c. Employers are required to provide, at no cost to employees, appropriate eye, face, head, hand, and leg protection. (3-20-20)

d. Defective safety equipment shall not be used. Where the need for their use is indicated, protective covering, ointments, gloves or other effective protection shall be provided for and used by persons exposed to materials that are irritating to the skin. (3-20-20)

02. Inspection, Maintenance and Sanitizing. (3-20-20)

a. Each employer shall maintain a regular system of inspection and maintenance of personal protective equipment furnished to workers. (3-20-20)

b. Air line equipment shall have a necessary regulator and shall be inspected before each use. (3-20-20)

c. Workers shall check their equipment at the beginning of each shift. (3-20-20)

03. Eye Protection. (3-20-20)

a. Where workers are subject to eye hazards (flying particles, dusts, hazardous liquids, gases, mists or vapors, or injurious light rays) they shall be furnished with and shall wear eye protection suitable for the hazards involved. Such eye protection shall conform to the American National Standard Institute standards for Head, Eyes and Respiratory protection. (3-20-20)

b. Face shields may be used in lieu of other forms of eye protection where the nature of the operation

is such that they will furnish equivalent protection. (3-20-20)

c. Clean water in ample quantities shall be immediately available where materials are handled that are caustic or corrosive to the eyes. (3-20-20)

04. Foot and Leg Protection. (3-20-20)

a. Employees shall wear footwear suitable for the work conditions. (3-20-20)

b. Employees shall wear sharp caulk-soled boots or other footwear which will afford maximum protection from slipping. (3-20-20)

c. Special types or designs of shoes, or foot guards, shall be required to be worn where conditions exist that make their use necessary for the safety of the workers. (3-20-20)

d. Leggings or high boots of leather, rubber or other suitable material shall be worn by climbers, persons exposed to hot substances, or caustic solutions, etc., or where poisonous snakes may be encountered. (3-20-20)

e. Each employee who operates a chain saw shall wear leg protection, which meets the requirements of ASTM F 1897 and covers the full length of the thigh to the top of the boot on each leg, except when working as a climber. (3-20-20)

05. Hand Protection. (3-20-20)

a. Hand protection suitable for the required usage shall be worn wherever the nature of the work requires extra protection for the hands. (3-20-20)

b. Gloves shall not be worn where their use would create a hazard. (3-20-20)

06. Head Protection. (3-20-20)

a. Persons required to work where falling or flying objects, overhead structures, exposed electrical conductors, equipment or material create a hazard shall wear approved safety hard hats or caps at all times while exposed to such hazards. (3-20-20)

b. Employees working in locations which present a catching or fire hazard to hair shall wear caps or other head protection that completely covers the hair. (3-20-20)

07. Life Jackets, Vests and Life Rings.

Where personal buoyancy equipment is provided, it shall be of a design and shall be worn in a manner that will maintain the wearer's face above water. It shall be capable of floating a sixteen (16) pound weight for three (3) hours in fresh water. Such equipment shall not be dependent upon manual or mechanical manipulation or chemical action to secure the buoyant effect. (3-20-20)

a. Employees shall be provided with, and shall wear, approved buoyant protective equipment at all times while working on or over water, as follows: (3-20-20)

i. On floating pontoons, rafts and floating stages. (3-20-20)

ii. On open decks of floating plants (such as dredges, pile-drivers, cranes, pond saws, and similar types of equipment) which are not equipped with bulwarks, guardrails or life lines. (3-20-20)

iii. During the construction, alteration or repair of structures extending over or adjacent to water, except when guardrails, safety nets, or safety belts and life lines are provided and used. (3-20-20)

iv. Working alone at night where there are potential drowning hazards regardless of other safeguards

- provided. (3-20-20)
- v. On floating logs, boom sticks or unguarded walkways. (3-20-20)
 - b. Life rings with sufficient line attached to meet conditions shall be located at convenient points along exposed sides of work areas adjacent to water. Such rings, if used at night where a person might be beyond illuminated areas, shall be provided with a means of rendering them visible.
NOTE: Consult U.S. Coast Guard requirements for operations in navigable waters. (3-20-20)
- 08. Life Lines -- Safety Belts.** (3-20-20)
- a. Each life line and safety belt shall be of sufficient strength to support, without breaking, a weight of two thousand five hundred (2,500) pounds. (3-20-20)
 - b. All life lines and safety belts shall be periodically inspected by the supervisor in charge. Employees shall inspect their belts and lines daily. Any defective belts or life lines shall be discarded or repaired before use. (3-20-20)
 - c. Life lines shall be safely secured to strong stable supports and maintained with minimum slack. (3-20-20)
- 09. Work Clothing.** (3-20-20)
- a. Clothing shall be worn which is appropriate to work performed and conditions encountered. (3-20-20)
 - b. Loose sleeves, cuffs or other loose or ragged clothing shall not be worn near moving machinery. (3-20-20)
 - c. Clothing saturated or impregnated with flammable liquids, corrosive substances, irritants or oxidizing agents shall be removed immediately and not worn again until properly cleaned. (3-20-20)
 - d. When it is necessary for workers to wear aprons or similar clothing near moving machines or hazardous materials, such clothing shall be so arranged that it can be instantly removed. (3-20-20)
 - e. Clothing with exposed metal buttons, metal visors or other conductive materials shall not be worn around exposed electrical conductors. (3-20-20)
- 10. Respiratory Equipment.** (3-20-20)
- a. When filter or cartridge-type respirators are required to be used regularly, each employee shall have one such respirator for his own exclusive use. (3-20-20)
 - b. Employers and employees shall familiarize themselves with the use, sanitary care and limitations of such respiratory equipment as they may have occasion to use. (3-20-20)
 - c. Whenever practical, harmful dusts, fumes, mists, vapors and gases shall be suppressed by water, oil or other means which will minimize harmful exposure and permit employees to work without the use of respiratory equipment. (3-20-20)
 - d. Whenever compressed air from an oil-lubricated compressor is used to supply respiratory equipment, a filter shall be inserted in the supply line to remove any oil, sediment or condensation that it may contain. Such filter shall be maintained in efficient working condition. (3-20-20)
 - e. When self-contained respiratory equipment is used in hazardous locations, a standby unit shall be maintained for rescue purposes. (3-20-20)

11. Hearing Protection. Where workers are subject to hazardous noise levels, they shall be furnished with and shall wear hearing protection suitable for the level of hazard involved. (3-20-20)

12. Additional Information and Requirements. Additional information and requirements for the use of safety equipment and personal protective equipment may be found in the Safety and Health Standards established in IDAPA 07.09.01, “Safety and Health Rules for Places of Public Employment.” (3-20-20)

053. FIRE PREVENTION, PROTECTION AND SUPPRESSION.

01. General Requirements. (3-20-20)

a. Additional Standards pertinent to the storage, distribution, and use of liquefied petroleum gases and other flammables or combustibles may be obtained by reference to regulations of the Idaho State Fire Marshal and the National Fire Protective Association pamphlets. (3-20-20)

b. Fire fighting equipment, suitable for the hazards involved, shall be provided for the protection of workmen. Such equipment shall be readily accessible, and shall be plainly labeled as to its character and method of operation. Locations of such equipment shall be conspicuously posted. (3-20-20)

c. All equipment and apparatus for fire protection and fire fighting shall be regularly inspected and be maintained in good and serviceable condition at all times. A record of the date of the latest inspection shall be kept with each portable fire extinguisher. This includes all automatic sprinkler systems and hose lines. (3-20-20)

d. Fire extinguishers, whether portable or automatic, shall comply with appropriate current standards as published by the National Fire Protection Association. Portable fire extinguishers shall also be subject to an annual maintenance inspection by the Division. They must also be visually inspected by the employer each month, and such inspections documented. (3-20-20)

e. Electrical lights, apparatus, and wiring used in locations where flammable or explosive gases, vapors, mists, or dusts are present shall be of the type accepted by the adopted Electrical Code for the State of Idaho. (3-20-20)

f. Smoking while refueling equipment is prohibited. (3-20-20)

g. All fuel storage tanks, service tanks, etc., shall be bonded for ground for fueling purposes. (3-20-20)

h. When lights are used in enclosed rooms, vaults, manholes, tanks or other containers which may contain flammable or explosive vapors, mists, gases, or dusts, such lights shall be of the approved vapor proof types. (3-20-20)

i. No torch, flame, arc, spark, or other source of ignition shall be applied to any tank or container that has contained or does contain flammable or explosive vapors or materials until such container has been made to be inert or otherwise purged of flammable or explosive vapors or materials, except that “hot tapping” on tanks may be done provided that: (3-20-20)

i. There shall be at least four (4) feet of liquid above the point of the “hot tap”; and (3-20-20)

ii. The work shall be carried out under the direction of a supervisor experienced in this type of work.

NOTE: A test for flammability or explosiveness of the interior of such vessels shall be made using a device which will determine the concentration of flammable vapors for this purpose. Unless the percentage of flammable vapors is found to be less than twenty percent (20%) of its lower explosive limit, no source of ignition shall be permitted. (3-20-20)

j. Frequent testing for determining the concentration of flammable and explosive vapors shall be made, and if the concentration is found to exceed twenty percent (20%) of its lower explosive limit, sources of ignition shall be extinguished or removed immediately. Fire extinguishing equipment adequate to cope with possible

hazards shall be maintained close at hand. (3-20-20)

k. Smoking, the use of open flames, tools which are not approved for such areas, and other sources of ignition are prohibited in locations where flammable or explosive gases, vapors, mists, or dusts are present. Warning signs shall be conspicuously posted in such areas. (3-20-20)

l. Where salamanders and other fuel-burning heating devices are used, they shall be provided with adequate means for preventing the emission of sparks or other sources of ignition. Such devices shall be insulated or placed a sufficient distance from combustible structures and materials to prevent causing fires. Adequate ventilation shall be provided. (3-20-20)

m. When welding or cutting is done special precautionary measures shall be exercised before, during and after the job is finished to eliminate any possibility of immediate or delayed fires. (3-20-20)

02. Flammable Liquids. (3-20-20)

a. For the purpose of this section, “Flammable Liquids” shall mean any liquid having a flash point below one hundred forty (140) degrees Fahrenheit and having a vapor pressure not exceeding forty (40) pounds per square inch (absolute) at one hundred (100) degrees Fahrenheit. (3-20-20)

b. All flammable liquids shall be stored in approved containers suitable for their particular contents, and such approved containers shall be stored in areas removed from any direct source of ignition. (3-20-20)

c. Flammable liquids shall be kept in approved covered containers when not in actual use. (3-20-20)

d. The name of the flammable liquid contained therein shall be placed on all stock containers, and whenever such liquids are taken from the stock containers and put into other approved containers for use, it shall be the responsibility of the employer to ensure that these containers (except small containers of flammable liquids which are scheduled for immediate use and disposal) also bear the name of the flammable liquid contained therein. (3-20-20)

e. Flammable liquids shall not be used indoors to clean or wash floors, walls, any part of a building structure, furniture, equipment, machines or machine parts, unless sufficient ventilation is provided to bring and maintain the concentration of explosive vapors in the atmosphere below twenty percent (20%) of its lower explosive limit.

NOTE: The use of flammable liquids may create toxic contaminants in the atmosphere above permissible threshold limit values. (3-20-20)

03. Transferring Flammable Liquids and Powdered Materials. In transferring flammable liquids or finely divided flammable or explosive materials from one metal container to another, the containers shall be in firm contact with each other or be continuously bonded throughout the transfer so as to prevent the accumulation of static charges. Where portable tanks, mixers, or processing vessels are used for flammable liquids or flammable or explosive compounds, they shall be bonded and grounded while being filled or emptied. (3-20-20)

04. Transportation of Flammable Liquids. (3-20-20)

a. When transporting gasoline or other flammable liquids, approved containers shall be used. (3-20-20)

b. If tank truck service is not available or used, gasoline and other flammable liquids shall be transported in approved containers. Bungs shall be tight and containers shall be secured to prevent movement. (3-20-20)

c. It may be permissible to transport gasoline or other flammable liquids on passenger vehicles if in approved, closed safety containers of not more than six and one-half (6 1/2) gallon capacity, provided such containers are carried in a suitable and safe location outside the passenger compartment. (3-20-20)

054. DESIGNATED LOGGING CAMPS.

A camp used in a logging operation shall comply with the following requirements: (3-20-20)

01. Trees and Snags. Trees and snags that may constitute a hazard to persons in the camp area shall be felled. (3-20-20)

02. Sanitation. The Idaho Department of Environmental Quality rules for sanitation must be observed as to water, toilets, washrooms, refuse, etc. (3-20-20)

055. -- 100. (RESERVED)

**SUBCHAPTER C – GARAGES, MACHINE SHOPS, AND RELATED WORK AREAS
(Rules 101 - 150)**

101. GARAGES AND MACHINE SHOPS AND RELATED AREAS.

01. General Requirements. (3-20-20)

a. Machine shops and other structures where workers are employed shall be constructed, ventilated, lighted and maintained in a safe working condition. (3-20-20)

b. Engines, pulleys, belts, gears, sprockets, collars and other moving parts of machinery shall be properly guarded. (3-20-20)

c. Grinding wheels shall have proper and adequate eye guards or hoods. Face shields shall be worn by employees while grinding. (3-20-20)

d. Machines shall be in good repair and good housekeeping shall be maintained. (3-20-20)

e. Proper goggles or hoods shall be made available and used in grinding and cutting, acetylene welding, electric arc and other types of welding. (3-20-20)

f. Tools shall be kept in good condition and care shall be taken in the handling and storing of all tools and materials so as to minimize chances for injury. (3-20-20)

g. An approved screen shall be provided, and used, to protect other workers from welding flashes. (3-20-20)

102. -- 150. (RESERVED)

**SUBCHAPTER D – SIGNALS AND SIGNAL SYSTEMS
(Rules 151 - 200)**

151. GENERAL REQUIREMENTS.

01. Rigging.

a. Rigging shall be moved by established signals and procedures only. (3-20-20)

b. Signals shall be thoroughly understood by the crew. (3-20-20)

02. Daily Test Required. Each electric or radio signal system shall be tested daily before operations begin. (3-20-20)

03. Personnel in Clear Before Moving Logs or Turns. (3-20-20)

a. Operators of yarding equipment shall not move logs or turns until all personnel are in the clear and a signal has been given. (3-20-20)

b. Operators of yarding equipment shall be alert to signals at all times. (3-20-20)

152. SIGNALING.

01. One Worker to Give Signals. (3-20-20)

a. The Worker sending drag shall be the only one to give signals. (3-20-20)

b. Any person is authorized to give a stop signal when a worker is in danger or other emergency conditions are apparent. (3-20-20)

02. Signal Must Be Clear and Distinct. (3-20-20)

a. Machine operators shall not move any line unless the signal received is clear and distinct. (3-20-20)

b. If in doubt the operator shall repeat the signal as understood and wait for confirmation. (3-20-20)

03. Hand Signal Use Restricted. (3-20-20)

a. Hand signals are permitted only when in plain sight of the operator. (3-20-20)

b. Hand signals may be used at any time as an emergency stop signal. (3-20-20)

04. Persons in Clear Before Signal Given. All persons shall be in the clear before a signal is given to move logs or turns. (3-20-20)

05. Throwing Material Prohibited. Throwing of any type of material as a signal is prohibited. (3-20-20)

06. Audible Signaling to Be Installed and Used. A whistle, horn or other audible signaling device, clearly audible to all persons in the affected area, shall be installed and used on all machines operating as yarders. (3-20-20)

07. Audible Signaling Device at the Machine to Be Activated. When radio or other means of signal transmission is used, an audible signal must be activated at the machine. (3-20-20)

153. ELECTRIC SIGNAL SYSTEMS.

01. Weatherproof Wire and Attachments to Be Used. Where an electrical signal system is used, all wire and attachments shall be of the weather proof type. (3-20-20)

02. Electric Signal Systems to Be Properly Installed and Adjusted. Electric signal systems shall be properly installed and adjusted as necessary. They shall be protected against accidental signaling, and shall be maintained in good operating condition at all times. (3-20-20)

03. All Connections to Be Weatherproof. All connections in insulated signal wire shall be weatherproof. (3-20-20)

154. RADIO SIGNALING SYSTEMS.

01. Use of Conventional Space Transmission of Radio Signals. When conventional space transmission of radio signals is used under and in accordance with an authorization granted by the Federal Communications Commissions to initiate any whistle, horn, bell or other audible signaling device, or such

transmission of radio signals is used to activate or control any equipment, the following specific rules contained in this section will apply.

NOTE: This rule shall apply only to devices operating on radio frequencies authorized pursuant to the rules and regulations of the Federal Communications Commission. (3-20-20)

02. Description on Outside of Case. (3-20-20)

a. Each radio transmitter and receiver shall have its tone frequency(s) in hertz (CPS), the manufacturer's serial number, and the assigned radio frequency clearly and permanently indicated on the outside of the case. (3-20-20)

b. When the duration of a tone frequency performs a function, the pulse-tone duration shall also be permanently indicated on the outside of the case. (3-20-20)

c. On the FCC restricted frequencies one hundred fifty-four point fifty-seven (154.57) MHZ and one hundred fifty-four point sixty (154.60) MHZ, a maximum of two (2) watts of power will be allowed. (3-20-20)

03. Activating Pulse-Tone Limitations. The activating pulse-tone of any multi-tone transmitter shall be of not more than forty (40) milliseconds duration. (3-20-20)

04. Adjustment, Repair or Alteration. All adjustments, repairs or alterations of radio-signaling devices shall be done only by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator's license, either radio-telephone or radio-telegraph, issued by the Federal Communications Commission. (3-20-20)

05. Testing of Tone-Signal Controlled Devices. (3-20-20)

a. Tone-signal controlled devices shall be tested each day before work begins. If any part of the equipment fails to function properly, the system shall not be used until the source of trouble is detected and corrected. (3-20-20)

b. Audible signals used for test purposes shall not include signals used for movement of lines or material.

NOTE: Equipment or machines controlled by radio-signaling devices shall be designed and built to "fail safe" or stop, in case of failure of the radio-signaling device. (3-20-20)

06. Interference, Overlap, Fade-Out or Blackout. When interference, overlap, fade-out or blackout of radio signals is encountered, the use of the tone-signal controlled device shall be immediately discontinued. The use of such tone-signal controlled device shall not be resumed until the source of trouble has been detected and corrected. (3-20-20)

07. Number of Transmitters Required. (3-20-20)

a. Two (2) radio transmitters shall be in the vicinity of the rigging crew at all times when transmitters are being used by persons who are around the live rigging. (3-20-20)

b. Only one (1) radio transmitter shall be required, if in possession of a signalman who has no other duties and remains in an area where he is not subjected to hazards created by moving logs or rigging. (3-20-20)

08. Voice Communication. (3-20-20)

a. Voice Communication shall be used for explanation purposes only. (3-20-20)

b. Actual activation of equipment shall be done by audible horn, bell or whistle and not by voice. (3-20-20)

c. The signal must be audible throughout the entire yarding and machine area. (3-20-20)

155. -- 200. (RESERVED)

**SUBCHAPTER E – TRUCK ROAD STANDARDS
(Rules 201 - 250)**

201. TRUCK ROAD STANDARDS.

01. Building Roads. (3-20-20)

a. When building roads, all construction shall be carried on in accordance with good logging engineering practices and shall be constructed and maintained in a manner to insure reasonably safe operation. (3-20-20)

b. The due consideration shall be given to the following factors: (3-20-20)

i. The type of material used for roadbed and surfacing. (3-20-20)

ii. The type of hauling equipment which will travel road. (3-20-20)

iii. The size of loads to be hauled. (3-20-20)

iv. The pitch and length of grades. (3-20-20)

v. The degree of curvature and visibility on turns. (3-20-20)

vi. The volume of traffic. (3-20-20)

c. Truck roads shall not be too steep for safe operation of logging, or work trucks which operate over them, and should not exceed twenty percent (20%) grade unless an auxiliary means of truck lowering is provided. (3-20-20)

d. Sufficient turnouts shall be provided and a safe side clearance maintained along all truck roads. (3-20-20)

e. Brush and other materials that obstruct the view at intersections or on sharp curves shall be eliminated and all possible precautions taken. (3-20-20)

f. Culverts and bridge structures shall be adequate to support the maximum imposed loads without exceeding the maximum safe working unit stresses. Such structures shall be maintained in good condition and shall be inspected annually by a qualified individual. (3-20-20)

g. Dangerous trees, snags and brush, which may create a hazard shall be cleared a safe distance on both sides of the right-of-way. (3-20-20)

02. Main Truck Roads. (3-20-20)

a. Main truck roads shall be of sufficient width and evenness to insure the safe operation of equipment. (3-20-20)

b. Truck roads with blind curves where visibility is less than three hundred (300) feet shall be of sufficient width for two (2) trucks to pass, controlled by some type of signal system, or speed shall be limited to fifteen (15) miles per hour. (3-20-20)

c. Conditions such as broken planking, deep holes, large rocks, logs, etc., which prevent the safe operation of equipment shall be immediately corrected. (3-20-20)

d. Wheel guard rails on bridges shall be not less than eight (8) inches above deck and shall be substantially fastened to withstand impact of shearing wheels. Such guard rails shall extend the full length of the bridge. (3-20-20)

03. Operation of Equipment. Excavators, tractors, bulldozers, and other equipment shall be operated in a safe and careful manner. All precautions shall be taken to insure the safety of all employees. (3-20-20)

202. -- 250. (RESERVED)

**SUBCHAPTER F – TRANSPORTATION OF EMPLOYEES
(Rules 251 - 300)**

251. TRANSPORTATION OF EMPLOYEES.

01. General Requirements. (3-20-20)

a. Anchored seats and seat belts shall be provided for each person riding in any vehicle. (3-20-20)

b. Vehicles used for the transportation of employees shall be constructed or accommodated for that purpose, and shall be equipped with adequate seats with back rests properly secured in place. Vehicles shall be protected on their sides and ends to prevent falling from the vehicle. (3-20-20)

c. Vehicles, as described above, shall be equipped with adequate steps, stirrups, or other similar devices, so placed and arranged that the employees can safely mount or dismount the vehicle. (3-20-20)

d. Vehicles designed to transport nine (9) or more passengers, shall be equipped with an emergency exit not less than six and one-half (6 1/2) feet in area, with the smaller dimension being not less than eighteen (18) inches. Such exit shall be placed at or near the back of the vehicle on the side opposite the regular entrance. The route to and egress from the exit must be unobstructed. (3-20-20)

e. Every emergency exit shall be conspicuously marked “Emergency Exit,” and be so fastened that it can be readily opened by a passenger in the case of emergency. (3-20-20)

f. Emergency doors shall be not less than twenty-four (24) inches in width. (3-20-20)

g. Every vehicle used for the transportation of employees shall be equipped with an Underwriters Laboratories, Inc. approved fire extinguisher, or its equivalent, with at least a four (4) BC rating. (3-20-20)

h. All drivers of vehicles used for the transportation of employees shall have an appropriate operator’s license for the state of Idaho. (3-20-20)

i. Drivers shall inspect vehicles before operating them. If a vehicle is found to be unsafe, it shall be reported to a proper authority and shall not be operated until it has been made safe. (3-20-20)

j. Brakes, steering mechanism and lights shall be tested immediately before starting any trip. (3-20-20)

k. No flammable materials, or toxic substances shall be transported in passenger compartments of vehicles while carrying personnel. (3-20-20)

l. Transporting more individuals than the seating capacity of the vehicle is permitted only under emergency conditions. Should it become necessary in an emergency, all employees not having seats must ride within the vehicle. (3-20-20)

m. Under no circumstances shall employees ride on fenders or running boards. (3-20-20)

n. An employee must never ride in, or on, any vehicle with his legs hanging over the end or sides.

(3-20-20)

o. If tools are transported at the same time that employees are being transported, the tools shall be enclosed in boxes or racks and properly secured to the vehicle. (3-20-20)

p. No one shall board, or leave, moving equipment except in the case of an emergency (except trainmen or others whose duties require such). (3-20-20)

q. Equipment shall be operated in a safe manner and in compliance with traffic regulations. Safe speeds shall be maintained at all times. (3-20-20)

r. No explosives shall be transported on, or in, vehicles used primarily for carrying personnel while such vehicles are being used for carrying personnel. (3-20-20)

s. The driver shall do everything reasonably possible to keep vehicles under control at all times, and shall not operate vehicles at excessive speeds. The driver shall take into consideration the condition of the roadway, weather factors, curves, grades and grade crossings, the mechanical condition of the vehicle and equipment and other pertinent items. The driver shall clear rocks from between dual tires before driving on multi-lane roads. A daily inspection shall be made of trucks and trailers with particular attention to steering apparatus, brakes, boosters, brake hoses and connections, reaches and couplings. Any defects found shall be corrected before the equipment is used. (3-20-20)

252. -- 300. (RESERVED)

**SUBCHAPTER G – FALLING AND BUCKING
(Rules 301 - 350)**

301. FALLING AND BUCKING.

01. General Requirements. (3-20-20)

a. There shall be an established method of checking-in workers from the woods. Each supervisor shall be responsible for their crew being accounted for at the end of each shift. (3-20-20)

b. Cutters not in sight of another employee shall have radio communications with crew members on that job site. (3-20-20)

c. Common sense and good judgment must govern the safety of cutters as effected by weather conditions. At no time shall they work if wind is strong enough to prevent the falling of trees in the desired direction, or when vision is impaired by weather conditions or darkness. (3-20-20)

d. All cutters shall have a current first aid certification. Employers shall provide an opportunity for cutters to take a standard first aid course. (3-20-20)

e. Tools of cutters such as axes, sledges, wedges, saws, etc., must be maintained in safe condition. Battered sledges, and wedges shall not be used. When power saws are used, wedges shall be made of soft material, such as wood or plastic. (3-20-20)

f. Cutters shall not be placed on hillsides immediately below each other or below other operations where there is possible danger. (3-20-20)

g. Trees shall not be felled if a falling tree endangers any worker, line, or any unit in operation. (3-20-20)

h. Before starting to fall or buck any tree or snag, the cutter must survey the area for possible hazards and proceed according to safe practices. Snags, which are unsafe to cut, shall be blown down with explosives, or felled by other methods. (3-20-20)

i. Dangerous or hazardous snags shall be felled prior to or in the course of cutting a strip. No danger tree shall be felled by one (1) cutter where and when the assistance of a fellow employee is necessary to minimize the danger or hazards involved. In the case that any danger tree or snag cannot be safely felled and must remain standing or unattended, such tree or snag shall be clearly identified and suitably marked, including all surrounding impact area, and the employee's supervisor shall be notified as soon as possible. (3-20-20)

j. In falling timber, adjacent brush and snow shall be cleared away from and around the tree to be felled to provide sufficient room to use saws and axes and provide an adequate escape path. (3-20-20)

k. Cutters shall not fall into another strip; leaners on the line shall be traded. Trees shall be felled into the open whenever conditions permit. (3-20-20)

l. Undercuts and side cuts shall be large enough to safely guide the trees and eliminate the possibility of splitting and barber chairing. Particular care shall be taken to hold enough wood to prevent the tree from prematurely slipping or twisting from the stump. Undercuts shall be cleaned out to the full depth of the saw cut. Especially large undercuts are necessary in heavy leaners. When required to safely fell a tree, mechanical or other means shall be employed to accomplish this objective. Pre-cutting of trees for the purpose of production logging is prohibited.

NOTE: Trees with no perceptible lean having an undercut to a depth of one quarter (1/4) of the diameter of the tree with an undercut height equal to one fifth (1/5) of the diameter of the tree will be assumed to be in reasonable compliance with this rule. (3-20-20)

m. Back-cuts shall be above the level of the upper horizontal cut of the undercut. (3-20-20)

n. While wedging, fallers shall watch for limbs or other material which might be jarred loose. Cutting of holding wood in lieu of using wedges is prohibited. (3-20-20)

o. When falling or bucking a tree is completed the power saw motor should be stopped. The power saw motor shall be stopped while the operator is traveling to the next tree. (3-20-20)

p. Cutters shall not work on the downhill side of the log being bucked unless absolutely unavoidable and only when the log is blocked or otherwise secured to prevent rolling when cut is completed. (3-20-20)

q. Cutters must give timely warning to all persons within range of any log which may have a tendency to roll or slide after being cut off. (3-20-20)

r. Logs shall be completely bucked-through whenever possible. If it becomes hazardous to complete a cut, then the log shall be marked and identified by a predetermined method. Rigging crews shall be instructed to recognize such marks and when possible cutters shall warn rigging crew of locations where such unfinished cuts remain. (3-20-20)

s. A competent person properly experienced in this type of work shall be placed in charge of falling and bucking operations. Inexperienced workers shall not be allowed to fall timber or buck logs unless under the direction of experienced workers. (3-20-20)

t. Power saws shall be kept in good repair at all times. All exhaust parts on power chain saws shall be constructed and maintained so the operator is exposed to a minimum amount of fumes and noise. (3-20-20)

u. Combustion engine driven power saws shall be equipped with an automatic throttle which will return the motor to idling speed upon release of the throttle. (3-20-20)

v. Power saw motors shall be stopped while being fueled. (3-20-20)

w. All personnel shall wear approved head protection, proper clothing and footwear. (3-20-20)

x. Each employee who operates a chain saw shall wear leg protection, which meets the requirements

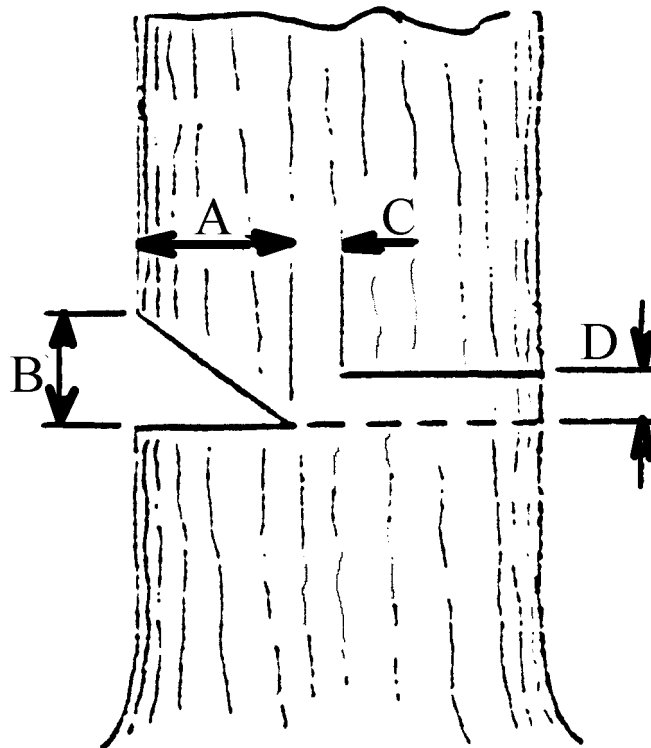
of ASTM F 1897 and covers the full length of the thigh to the top of the boot on each leg, except when working as a climber. (3-20-20)

302. ILLUSTRATION OF UNDERCUTS.

01. Illustration of Undercuts.

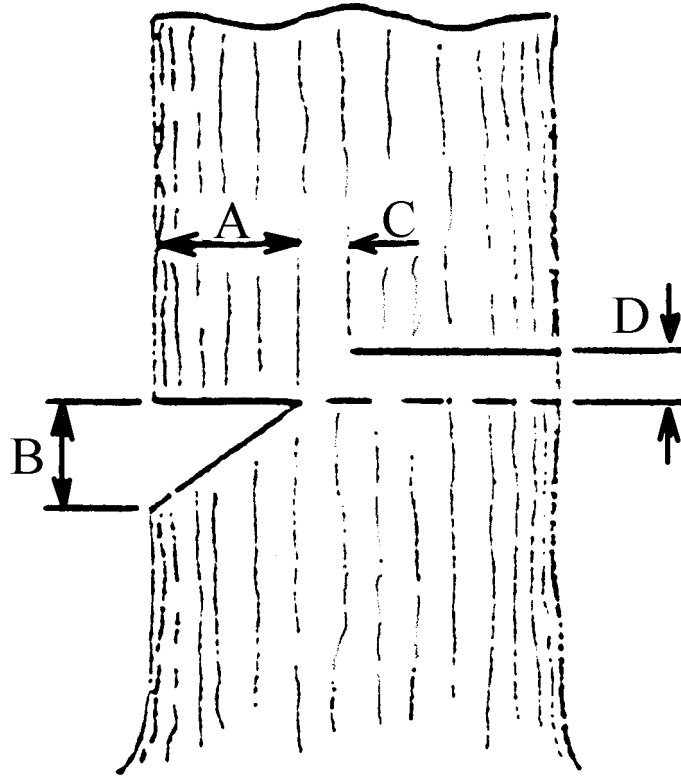
(3-20-20)

FIGURE 302.01.a. – CONVENTIONAL UNDERCUT



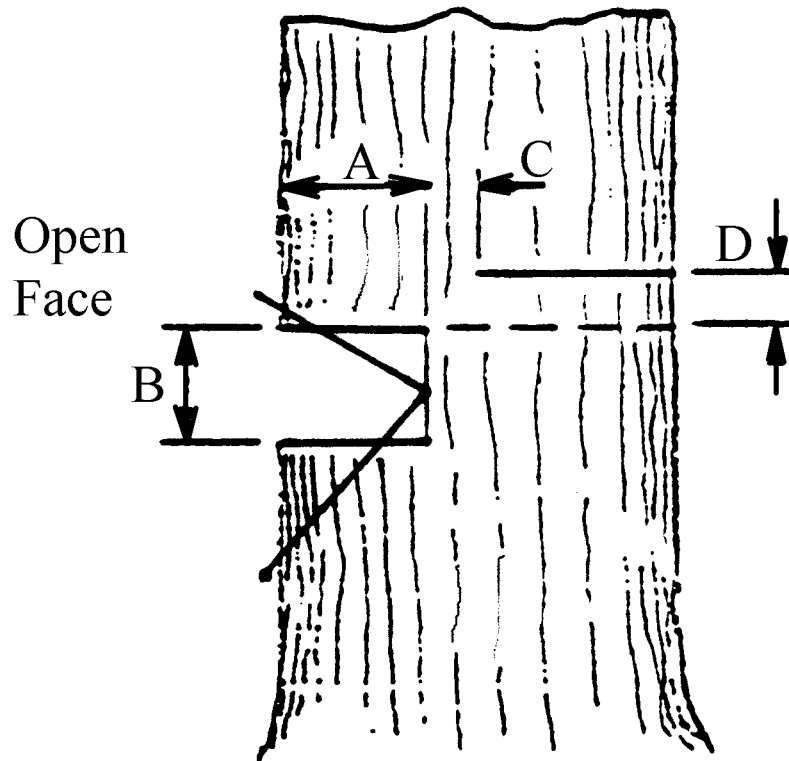
a. Conventional Undercut. May be made with parallel saw cut and a diagonal cut. Backcut (D) shall be above undercut. (3-20-20)

FIGURE 302.01.b. – HUMBOLT UNDERCUT



b. Humbolt Undercut. A cut in which both cuts made with the saw leaves a square end log (See Figure 302.01.b.). The cut is the same as a conventional cut (See Figure 302.01.a.) except that waste is on the stump. Backcut (D) shall be above undercut. (3-20-20)

FIGURE 302.01.c. – OPEN FACE UNDERCUT



c. Open Face Undercut. A cut in which two (2) angle cuts are made with the saw (See Figure 302.01.c.) -- It is used when it is necessary that the face does not close until the tree is near the ground. (3-20-20)

303. MECHANICAL DELIMBERS AND FELLER BUNCHERS.

01. General Requirements. (3-20-20)

a. Before start-up or moving equipment, check the surrounding area for fellow employees or equipment. (3-20-20)

b. If any protective device is missing, it is to be replaced as soon as possible. If it affects a safe operation, the machine is to be shut down. (3-20-20)

c. When a machine is working, extreme caution shall be used when approaching. The operator shall be notified by radio or visual contact. (3-20-20)

d. All raised equipment shall be lowered to the ground or to a safe position and the park brake set before leaving the machine. (3-20-20)

304. -- 350. (RESERVED)

**SUBCHAPTER H – RIGGING, LINES, BLOCKS, AND SHACKLES
(Rules 351 - 400)**

351. RIGGING.

01. General. The determining factor in rigging-up shall be the amount of rated stump pull which a machine can deliver on each line. (3-20-20)

02. Equipment Classification. (3-20-20)

a. Equipment shall be classed according to the manufacturer's rating. (3-20-20)

b. Where lower gear ratios or other devices are installed to increase the power of equipment, the size of the rigging shall be increased proportionately so that it will safely withstand the increased strains to conform to Subsection 010.04 of these rules. (3-20-20)

03. Safe Loading. Rigging, and all parts thereof, shall be of a design and application to safely withstand all expected or potential loading to which it will be subjected. (3-20-20)

04. Allowable Loading or Stress. (3-20-20)

a. In no case shall the allowable loading or stress be imposed on one half (1/2) of the rated breaking strength of any parts of the rigging. (3-20-20)

b. This shall not be construed as applying to chokers. (3-20-20)

05. Chokers. Chokers shall be at least one eighth (1/8) inch smaller than the mainline. (3-20-20)

06. Placing, Condition, and Operation of Rigging. The placing, condition and operation of rigging shall be such as to ensure safety to those who will be working in the vicinity. (3-20-20)

07. Arrangement and Operation. Rigging shall be arranged and operated so that rigging or loads will not pound, rub, or saw against lines, straps, blocks, or other equipment. (3-20-20)

08. Line Hazards. (3-20-20)

a. Running lines and changed settings shall be made in a way to avoid bight of line hazards. (3-20-20)

b. Signals to operator shall be made before moving lines. (3-20-20)

09. Reefing. Reefing or similar practices to increase line pull shall be prohibited. (3-20-20)

10. Inspection of Rigging. (3-20-20)

a. A thorough inspection, by the operator or qualified person, of all blocks, straps, guylines, and other rigging shall be made before the rigging is placed in position for use and subsequently repeated every thirty (30) days for as long as the rigging is in position for use. Each rigging inspection shall be documented and kept onsite for review. (3-20-20)

b. This inspection shall include an examination for damaged, cracked or worn parts, loose nuts and bolts, lubrication, condition of straps and guylines. (3-20-20)

c. The repairs or replacements necessary for safe operation shall be made before rigging is used. (3-20-20)

352. GUYLINES.

- 01. General Requirements.** (3-20-20)
- a.** Guylines shall be of plow steel or equivalent, and in good condition. (3-20-20)
 - b.** Guylines shall be provided in sufficient number, condition and location to develop stability and strength equivalent to the breaking strength of any component part of the rigging or equipment. (3-20-20)
 - c.** Guylines shall be fastened by means of shackles or hooks and slides. The use of loops or molles for attaching guylines is prohibited. The use of wedge buttons on guylines is prohibited. (3-20-20)
 - d.** The “U” part of a shackle shall be around the guyline and the pin passed through the eye of the guyline. Pins shall be secured with molles, cotter-keys, or the equivalent. (3-20-20)
 - e.** Guylines shall be kept tightened while equipment or rigging they support is in use. (3-20-20)
- 02. Anchoring Guylines.** (3-20-20)
- a.** Stumps used for fastening guylines and skylines shall be carefully chosen as to position, height and strength. They shall be tied back if necessary. See Figures 352.02.a. and 352.02.b.

FIGURE 352.02.a.

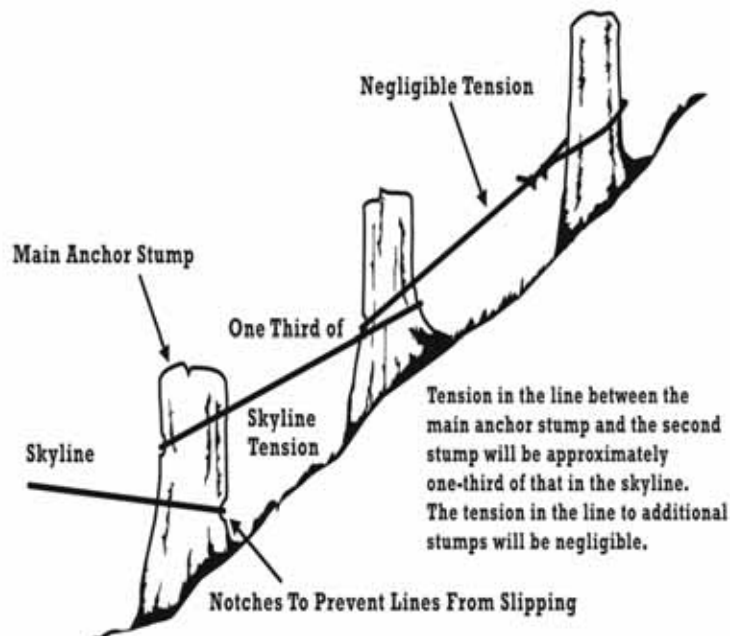
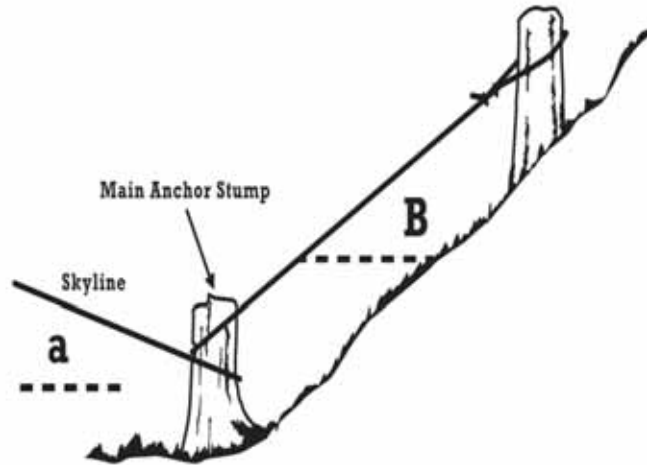


FIGURE 352.02.b.



Profile of a common two-stump anchor.

(3-20-20)

b. Properly installed deadman anchors are permitted. Guylines shall not be directly attached to deadman anchors. Suitable straps or equally effective means shall be used. (3-20-20)

c. Stumps, trees and guyline anchors shall be inspected from time to time while an operation is in progress and hazardous conditions immediately corrected. (3-20-20)

d. Standing trees which will reach landing or work areas shall not be used for guyline anchors. (3-20-20)

e. Any guyline anchor tree that can reach the landing or work area shall be felled before using as an anchor. (3-20-20)

03. Effectiveness of Guys. (3-20-20)

a. Guys making an angle with the horizontal greater than sixty (60) degrees will be considered less than fifty percent (50%) effective. For the effectiveness of other angles see Table 352.03.a.

TABLE 352.03.a.	
Degree	Effectiveness
60 to 45	50% to 75%
45 to 30	75% to 85%
30 to 10	85% to 95%

(3-20-20)

b. For the effectiveness of guys according to the number of guys and their spacing, see Table 352.03.b.

TABLE 352.03.b.		
No. of Guys Equally	Guys Most Effective When Pull Is:	Guys Will Support Strain Equal To The Following:
3	Opposite 1 guy	100% of strength of 1 guy
4	Halfway between 2 guys	140% of strength of 1 guy
5	Opposite 1 guy or halfway between 2 guys	160% of strength of 1 guy
6	Opposite 1 guy or halfway between 2 guys	200% of strength of 1 guy
7	Opposite 1 guy or halfway between 2 guys	225% of strength of 1 guy
8	Halfway between 2 guys	260% of strength of 1 guy
9	Opposite 1 guy or halfway between 2 guys	290% of strength of 1 guy
10	Opposite 1 guy or halfway between 2 guys	325% of strength of 1 guy

(3-20-20)

04. Minimum Guyline Requirements. A minimum of four (4) top guys are required on any portable spar tree used for yarding, swinging, loading or cold-decking. (3-20-20)

353. LINES, SHACKLES AND BLOCKS.

01. General Requirements. (3-20-20)

a. All lines, shackles, blocks, etc., should be maintained in good condition and shall be of sufficient size, diameter and material to withstand one and one half (1 1/2) times the maximum stress imposed. (3-20-20)

b. Wire rope or other rigging equipment which shows a fifteen percent (15%) reduction in strength shall be replaced. (3-20-20)

02. Splices. (3-20-20)

a. Two (2) lines may be connected by a long splice, or by shackles of patent links of the next size larger than the line where practical. (3-20-20)

b. A safe margin of line must be used for making long splices. See Table 353.02.b.

TABLE 353.02.b.		
Rope Diameter	Unraveled	Total Length
3/8"	8'	16'
5/8"	13'	20'

TABLE 353.02.b.		
Rope Diameter	Unraveled	Total Length
3/4"	15'	30'
7/8"	18'	36'
1"	20'	40'

(3-20-20)

03. Wire Rope Clips or Clamps.

(3-20-20)

a. Clips should be spaced at least six (6) rope diameters apart to achieve maximum holding power. See Table 353.03.a.

TABLE 353.03.a.		
Diameter of Rope	Number of Clips	Required Space Between Clips
1-1/2-inch	8	10 inches
1-3/8-inch	7	9 inches
1-1/4-inch	6	8 inches
1-1/8-inch	5	7 inches
1- inch	5	6 inches
7/8-inch	5	5-1/4 inches
3/4-inch	5	5-1/2 inches
3/8 to 5/8-inch	4	3 inches

(3-20-20)

b. Clips should always be attached with the base or saddle of the clip against the longer or “live” end of the rope. See Figure 353.03.b. This is the only approved method.

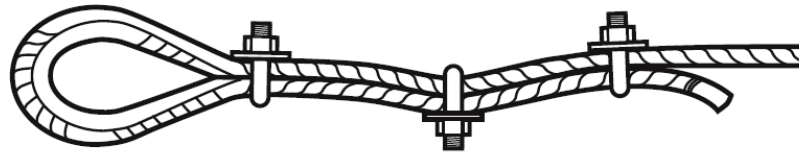
FIGURE 353.03.b.



(3-20-20)

c. Do not reverse the clips or stager them. See Figure 353.03.c. Otherwise the “U” bolt will cut into the live rope when the load is applied.

FIGURE 353.03.c.



Wrong



Wrong

(3-20-20)

d. After the rope has been used and is under tension, the clips should again be tightened to take up any looseness caused by the tension reducing the rope diameter. Remember that even when properly applied a clip fastening has only about ninety percent (90%) of the strength of the rope and far less than that when rigged improperly. (3-20-20)

e. U-bolt wire rope clamps must not be used to form eyes on running lines, skylines, machine guylines, or straps. (3-20-20)

04. Blocks. All blocks must be of steel construction or of material of equal or greater strength and so hung that they will not strike or interfere with other blocks or rigging. (3-20-20)

05. Pins. All pins in blocks shall be properly secured by keys of the largest size the pin hole will accommodate (3-20-20)

06. Shackles. (3-20-20)

a. Spread in jaws of shackles shall not exceed by more than one (1) inch the size of yoke or swivel of the block to which it is connected. (3-20-20)

b. All shackles must be made of forged steel or material of equivalent strength and one (1) size larger than the line it connects. (3-20-20)

07. Cable Cutting. Cable cutters, soft hammers, or a cutting torch shall be available and used for cutting cables. Eye protection must be used when cutting cable. (3-20-20)

08. Damaged or Worn Wire Rope. Worn or damaged wire rope creating a safety hazard shall be taken out of service or properly repaired before further use. (3-20-20)

354. -- 400. (RESERVED)

**SUBCHAPTER I – CANOPY AND CANOPY CONSTRUCTION FOR LOGGING EQUIPMENT
(Rules 401 - 450)**

401. GENERAL REQUIREMENTS.

01. Driver Protection Guard. (3-20-20)

a. A substantial metal guard for the protection of the driver shall be installed on every piece of equipment, where exposed to overhead hazards. (3-20-20)

b. This guard shall be strongly constructed to afford adequate protection for the driver against overhead hazards. (3-20-20)

c. This guard shall be of sufficient width and height so that it will not impair the movements of the driver or prevent his immediate escape from the equipment in emergencies. (3-20-20)

d. This guard shall be of open construction to allow the driver all the visibility possible. (3-20-20)

02. Canopy Framework. (3-20-20)

a. The canopy framework shall consist of at least two (2) arches, either transverse or longitudinal. (3-20-20)

b. If transverse, one (1) arch shall be installed at the rear of the equipment and the other at the center of the equipment. They shall be joined together by three (3) longitudinal braces, one (1) at the top and one (1) at each side of the arches. (3-20-20)

c. There shall be a shear or deflecting guard extending from the leading edge of the forward arch to the front part of the frame of the tractor or similar equipment. (3-20-20)

d. If longitudinal arches are used, they shall be extended from the rear of the tractor or equipment to the front frame of the tractor or equipment and each arch shall have an intermediate support located approximately at the dash so that ingress or egress will not be impeded. (3-20-20)

e. Regardless of the type of construction used, the fabrication and method of connecting to the tractor or equipment shall be of such design as to develop a strength equivalent to that of the upright members. (3-20-20)

03. Canopy Structure. The canopy structural framework shall be fabricated of pipe of the following size, or materials of equivalent strength, depending upon the gross weight of the tractor or similar equipment as equipped. Under twenty-eight thousand (28,000) lbs., two (2) inch double extra strong pipe (XXS); twenty-eight thousand (28,000) to fifty-eight thousand (58,000) lbs., three (3) inch double extra strong pipe (XXS); over fifty-eight thousand (58,000) lbs., four (4) inch double extra strong pipe (XXS). (3-20-20)

04. Gusset Plates or Braces. Gusset plates or braces shall be installed on the canopy framework so that the framework will withstand a horizontal pressure equal to twenty-five percent (25%) of the gross weight of the tractor or similar equipment, as equipped, when such pressure is applied to any vertical member at a point not more than six (6) inches below the roof of the canopy. (3-20-20)

05. Clearance Above the Deck. The clearance above the deck of the tractor or similar equipment at points of egress shall be not less than fifty-two (52) inches and the clearance above the driver's seat shall be of such height as will allow sufficient clearance above the driver's head. (3-20-20)

06. Overhead Covering. The overhead covering on the canopy structure shall be of not less than three-sixteenth (3/16) inch steel plate except that the forward eighteen (18) inches may be made of one quarter (1/4) inch woven wire having not more than one (1) inch mesh. (3-20-20)

- 07. Rear Covering.** (3-20-20)
- a.** The opening in the rear of the structure shall be covered with one quarter (1/4) inch woven wire having not less than one and one half (1 1/2) inch or more than two (2) inch wire mesh. This covering shall be affixed to the structural members so that ample clearance will be provided between the screen and the back of the operator. (3-20-20)
- b.** Structural members shall present smooth, rounded edges and the covering shall be free from projections which would tend to puncture or tear flesh or clothing. (3-20-20)
- 08. Pin Connections.** (3-20-20)
- a.** Pin connections are recommended for joints in the structural frame and especially at connections to the tractor frame or similar equipment frame. (3-20-20)
- b.** Gusset plates shall be installed at each place where individual pieces of pipe are joined. (3-20-20)
- 09. Sideguards.** When practical, sideguards shall be installed to protect the operator from hazards. (3-20-20)
- 402. TRACTORS AND SIMILAR LOGGING EQUIPMENT.**
- 01. Operating Condition.** (3-20-20)
- a.** The general operating condition of a tractor or equipment shall be sufficient to ensure the safety of the driver and other workmen. (3-20-20)
- b.** An operating manual shall be readily available in either print or electronic format for each piece of machinery. (3-20-20)
- 02. Guards.** All guards shall be kept in place and in good repair at all times when the tractor or similar equipment is used. (3-20-20)
- 03. Repairs or Adjustments.** Repairs or adjustments to clutches, frictions, or other parts of equipment which may cause hazardous movement of equipment shall not be done while engines are running. (3-20-20)
- 04. Blades or Similar Equipment.** (3-20-20)
- a.** Blades or similar equipment shall be blocked or otherwise securely supported when making repairs or performing other work around such equipment when they are elevated from the ground. (3-20-20)
- b.** Equipment under repair or adjustment should be tagged out. (3-20-20)
- 05. Brakes and Steering.** (3-20-20)
- a.** All equipment shall be equipped with a braking system capable of stopping and holding the maximum load on all grades at all times. (3-20-20)
- b.** Any defect found in the braking system or steering devices of any equipment used in skidding or yarding operations shall not be used until repaired or replaced. (3-20-20)
- 06. Starting of Equipment.** Equipment shall be started (cranked) only by the operator or other experienced persons. (3-20-20)
- 07. Seatbelts.** (3-20-20)
- a.** Seatbelts shall be installed on all tractors and mobile equipment having roll-over protection or in

accordance with a design by a professional engineer which offers equivalent employee protection. (3-20-20)

b. Seatbelts shall be used when operating any machine equipped with Roll Over Protection Structure (ROPS), Falling Object Protection Structure (FOPS), or overhead guards. (3-20-20)

08. Pin Connections. (3-20-20)

a. Pin connections are recommended for joints in the structural frame and especially at connections to the tractor frame or similar equipment frame. (3-20-20)

b. Gusset plates shall be installed at each place where individual pieces of pipe are joined. (3-20-20)

09. Sideguards. When practical, sideguards shall be installed to protect the operator from hazards. (3-20-20)

403. -- 450. (RESERVED)

**SUBCHAPTER J – SKIDDING AND YARDING
(Rules 451 - 500)**

451. SKIDDING AND YARDING.

01. General Requirements. (3-20-20)

a. All personnel shall wear approved head protection and proper clothing at all times in skidding and yarding. (3-20-20)

b. Getting on or off moving equipment is strictly prohibited. (3-20-20)

c. Equipment operators shall move rigging only upon the signal of an authorized person. (3-20-20)

d. Workers shall at all times watch for and protect themselves and their fellow workers from side-winders, rolling logs, up ending logs, snags, and other hazards caused by the movement of equipment, logs and/or lines. (3-20-20)

e. Chokers should be placed near, but not closer than two (2) feet, from the ends of logs if possible. (3-20-20)

f. Choker holes shall be dug from the uphill side of a log if there is any danger of its rolling. (3-20-20)

g. Knots shall not be used to connect separate lengths of chain or cable. (3-20-20)

h. Chaser (hooker) shall not unhook logs (trees) until rigging has stopped and the equipment operator is aware of his location. (3-20-20)

i. Riding on drag or logs or any part of equipment used in skidding and yarding except in the area of the driver's seat is prohibited. (3-20-20)

j. A tool handle, stick, iron bar, or similar object shall be used in guiding lines onto drums. Guiding lines with hands is prohibited. (3-20-20)

k. Make sure all personnel are in the clear before skidding turn, drag, log, or tree into landing. (3-20-20)

l. All personnel shall keep out of the bight of line and clear of running lines. (3-20-20)

- m. Logs shall not be swung over personnel. (3-20-20)
- n. Knot bumping should be done before a log is loaded. (3-20-20)

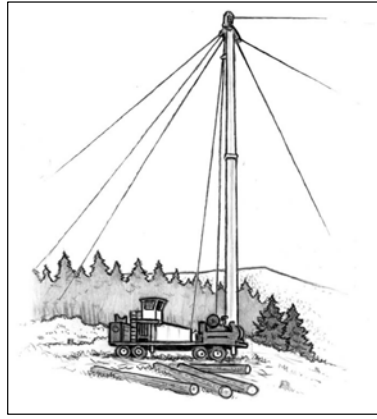
452. CABLE YARDING.

- 01. Safety A.** Personnel shall not ride hooks, lines, rigging, or logs suspended in the air or being moved. (3-20-20)
- 02. Safety B.** Personnel shall not hold on to haywire, running lines, drop lines, or chokers as an assist when walking uphill. (3-20-20)
- 03. Safety C.** Personnel shall not work in the bight of lines under tension. (3-20-20)
- 04. Safety D.** Personnel shall be “in the clear” before any signal to move any lines is given. (3-20-20)
- 05. Safety E.** All swing yarders shall have the outer swing radius marked with hi-vis tape or cones while skidding is in progress. No tools or supplies may be kept inside that radius outside the machine unless in a locked box. No employee may get inside that radius without first notifying the operator. (3-20-20)

453. YARDING MACHINERY.

- 01. Equipment Assessment.** When personnel arrive at a job site with a set of machinery on hand to perform yarding operations, evaluation of the conditions at the landing shall be made, and reassessment of the capacity of the available equipment shall be performed to determine if it meets the task. The principal options and features for yarders, log loaders, and processors are described in this section. (3-20-20)
- 02. Manufacturer’s Manual.** Yarders of various types are used in logging operations, including ground-based and rigged trees to lift the lines, and mobile steel towers. The manufacturer’s manual shall always be consulted for essential features and inspection points on each particular machine. (3-20-20)
- 03. Types of Yarding Equipment.** Yarding operations may include the use of, but is not limited to the following yarding equipment: (3-20-20)
 - a.** Straight Tube Telescoping Tower. This equipment uses a hydraulic ram or multiple-sheave cable system to raise the tower. Some telescoping towers allow use at the telescoped height. The tower may be used partially retracted if guyline anchors need to be placed closer to the landing or on steep slopes. (3-20-20)
 - i. This equipment may travel by self-propulsion, or be either trailer or track-mounted. It has long reach capacity with a typical height of ninety (90) to one hundred ten (110) feet. (3-20-20)
 - ii. The advantages of this equipment include the ability to operate heavy payloads, the tower height allows for more line deflection, and some yarders allow yarding one hundred eighty (180) degrees without moving yarder or guylines. (3-20-20)
 - iii. The disadvantages of this equipment are that it is heavy and difficult to move, it requires appropriate roads and it may have to be disassembled to move on public roads, it requires large landing areas, and it needs large guyline anchor capacity.

FIGURE 453.03.a.



STRAIGHT TUBE TELESCOPING TOWER

(3-20-20)

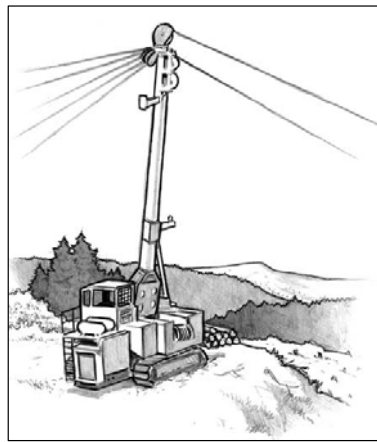
b. Fixed Leaning Tower. This equipment is a one (1)-piece tower that may be front-mounted vertical, or leaning. The height of the tower varies with make and model. (3-20-20)

i. This equipment may travel by self-propulsion, or be either trailer or track-mounted. It has medium reach capacity with a typical height of forty (40) to eighty (80) feet. (3-20-20)

ii. The advantages of this equipment include faster line setup, smaller landing area requirements, it is lighter and easier to move, and has lower guyline anchor requirements. (3-20-20)

iii. The disadvantages include a smaller yarding window which necessitates moving the tower and guylines more frequently, and smaller payloads than straight tube towers.

FIGURE 453.03.b.



FIXED LEANING TOWER

(3-20-20)

c. Swing Yarder. This equipment is similar to the fixed leaning tower in nearly all respects; however,

the swing yarder is also capable of swinging logs onto the road or landing, and capable of using a running skyline. Track mounts are more stable when moving. (3-20-20)

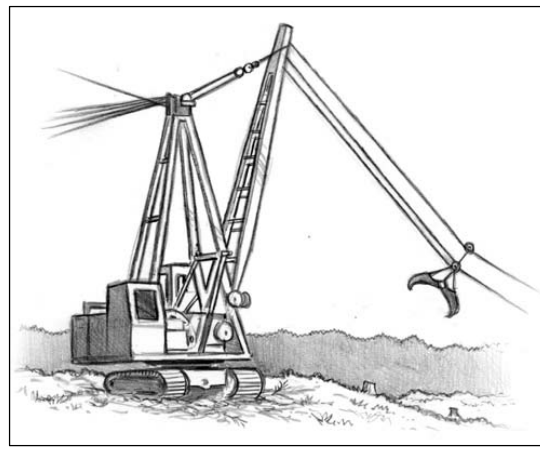
d. Grapple Yarder. This equipment uses a swing yarder or yoader system. The grapple is controlled by signals from the rigging slinger, or by the yarder engineer using a video link on the carriage. Swing capability is necessary to allow a wider logging corridor. A grapple system is typically used in conjunction with a machine anchor and elevated support on the back end of the unit, making for quick road changes. (3-20-20)

i. This equipment may travel by track-mount or rubber-tire mount. It has medium to short reach capacity. (3-20-20)

ii. The advantages of this equipment include the need for a smaller crew size, typically only a yarder engineer, landing worker, and a hooktender, and it is easier to rig up which is ideal for smaller logging areas. (3-20-20)

iii. The disadvantages of this equipment are that it requires extensive planning to achieve full production, it must have moderate to good deflection, access to the back of unit is generally necessary, and it possesses limited yarding width.

FIGURE 453.03.d.



GRAPPLE YARDER

(3-20-20)

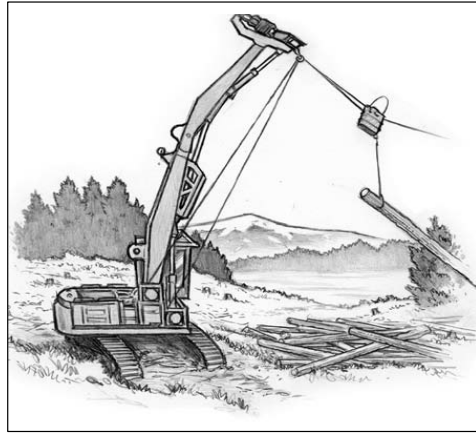
e. Yoader. This yarder is typically a log loader with two (2) drums mounted at the base of the boom. Both lines run through sheaves mounted on the boom or heel rack. The lines can be set up in a standing, live, or running skyline configuration, or a high-lead configuration. (3-20-20)

i. This equipment may travel by track-mount or rubber-tire mount. It has medium reach capacity. (3-20-20)

ii. The advantages of this equipment are that guylines are not necessary, it is easier to move, easy road changes, it is easier to rig up which is ideal for smaller logging areas, and it may be used as a loader. (3-20-20)

iii. The disadvantages of this equipment are that it requires/results in slower line speeds, it requires blocking up front of the tracks to create stability, and rigging height is limited.

FIGURE 453.03.e.



YOADER

(3-20-20)

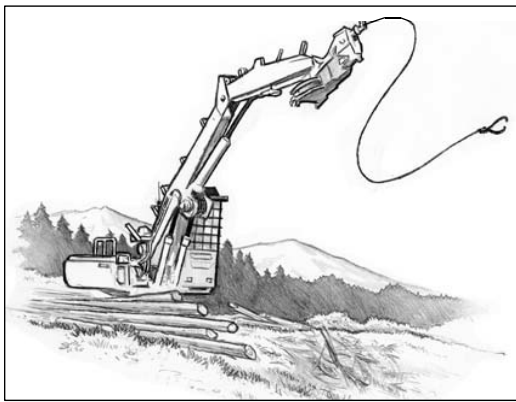
f. Tong-tosser/Jammer System. These are two (2) systems which basically use the same machine as the yoader, with either tongs or chokers on the end of the line to secure the logs. This version typically uses one (1) drum on the machine with a spitter wheel at the end of the boom to pull the line from the drum and push it out to the brush. The yarder engineer usually gets the tongs or chokers swinging and then tosses them to the waiting choker setters. (3-20-20)

i. This equipment travels by track-mount. It has short reach capacity. (3-20-20)

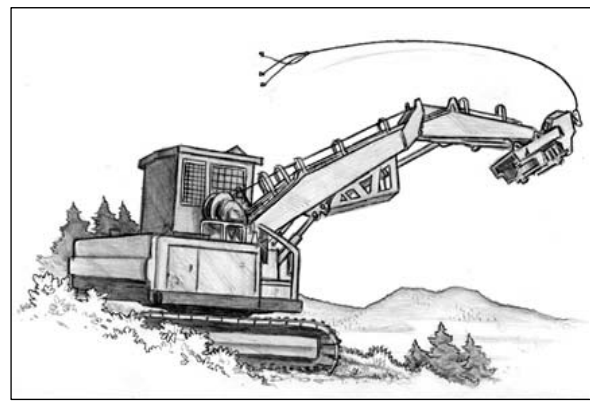
ii. The advantages of this equipment are that guylines are not necessary, it is easier to move, it is easier to rig up which is ideal for smaller logging areas, and it may be used as a loader. Additionally, it does not require line layouts or anchors. (3-20-20)

iii. The disadvantages of this equipment are that it results in slower line speeds, it requires blocking up front of the tracks to create stability, rigging height is limited, and there is a greater potential risk to the rigging crew.

FIGURE 453.03.f.



TONG-TOSSER WITH GRAPPLE

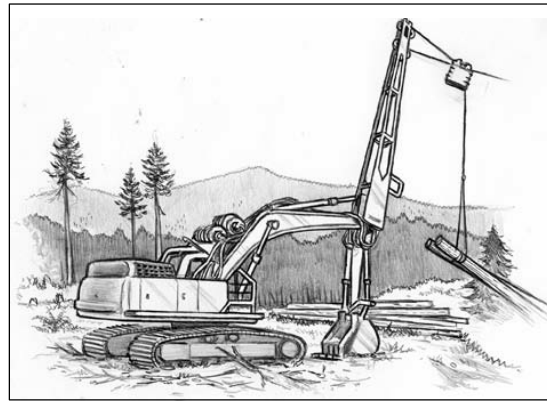


JAMMER-SYSTEM WITH CHOKERS

(3-20-20)

- g.** Stiff-leg Spar Yarder. One of various configurations for this yarder uses an excavator or log loader fitted with a third boom between the main and jib boom, which is elevated to provide lift. The elevated boom is typically rigged with two (2) or three (3) lines. Works with high lead, standing, running, or slackline configurations. (3-20-20)
- i.** This equipment travels by track-mount. It has medium reach capacity. (3-20-20)
- ii.** The advantages of this equipment are that guylines may not be necessary, it is easier to move, it is easier to rig up which is ideal for smaller logging areas, and it may be used as a loader or excavator. Additionally, it does not require line layouts or anchors. Additionally, jib boom offers greater stability, and the rigging height is greater than yoader or tong-tosser/jammer system. (3-20-20)
- iii.** The disadvantages of this equipment are that it results in slower line speeds, the attached tower boom may need to be removed for other operations, and it generates heavy stress on boom and components.

FIGURE 453.03.g.



STIFF-LEG SPAR YARDER

(3-20-20)

454. WIRE ROPE.

01. General Characteristics. Wire rope comes in many grades and dimensions, and every rope has its own characteristics with regard to strength and resistance to crushing and fatigue. A larger rope will outlast a smaller rope of the same materials and construction, used in the same conditions, because wear occurs over a larger surface. Similarly, a stronger rope will outlast a weaker rope, because it performs at a lower percentage of its breaking strength, with reduced stress. (3-20-20)

02. Wire Rope Terms. Common grades of wire rope include extra improved plow steel (EIPS) and swaged powerflex, among others. The following terms are commonly used for wire rope: (3-20-20)

- a.** Abrasion Resistance. Ability of outer wires to resist wear. Abrasion resistance is greater with larger wires. (3-20-20)
- b.** Core. The foundation of a wire rope which is made of materials that will provide support for the strands under normal bending and loading conditions. A fiber core (FC) can be natural or synthetic. If the core is steel, it can be a wire strand core (WSC) or an independent wire rope core (IWRC). (3-20-20)
- c.** Crushing Resistance. Ability of the rope to resist being deformed. A rope with an independent wire core is more resistant to crushing than one with a fiber core. (3-20-20)
- d.** Die-form Line. Made from strands that are first compacted by drawing them through a drawing die

to reduce their diameter. The finished rope is then swaged or further compressed. (3-20-20)

e. Fatigue Resistance. Ability of the rope to withstand repeated bending without failure (the ease of bending a rope in an arc is called its “bendability”). Fatigue resistance is greater with more wires. (3-20-20)

f. Strength. Referred to as breaking strength, usually measured as a force in pounds or tons. The breaking strength is not the same as the load limit, which is calculated as a fraction of the breaking strength to ensure safety. (3-20-20)

g. Swaged Line. Manufactured by running a nominal-sized line through a drawing die to flatten the outer crown and thus reduce the rope diameter. This compacted rope allows for increased drum capacity and increased line strength. (3-20-20)

03. Typical Wire Rope Specifications. The table below lists a few examples of wire-rope breaking strengths. (3-20-20)

TABLE 454.03 – Typical Wire Rope Specifications						
6x26 Improved Plow Steel			6x26 Swaged		Swaged Compact-Strand	
Diameter (inches)	Weight (lbs/ft)	Breaking Strength (tons)	Weight (lbs/ft)	Breaking Strength (tons)	Weight (lbs/ft)	Breaking Strength (tons)
1/2	0.46	11.5	0.6	15.2	0.63	18.6
9/16	0.59	14.5	0.75	19	0.78	23.7
5/8	0.72	17.9	0.93	23.6	1.01	28.5
11/16			1.10	28.8	1.18	35.3
3/4	1.04	25.6	1.37	34.6	1.41	42.2
13/16			1.56	39.6	1.63	49.3
7/8	1.42	34.6	1.83	46.5	1.91	56.0
15/16			1.95	53.3	2.20	66.1
1	1.85	44.9	2.42	60.6	2.53	73.7
1-1/8	2.34	56.5	2.93	75.1	2.97	92.9
1-1/4	2.89	69.3	3.52	92.8	3.83	112.1
1-3/8	3.5	83.5	4.28	108.2	4.62	128.6

Source: Cable Yarding Systems Handbook, 2006. Worksafe BC. Table lists typical breaking strengths. See manufacturer’s specifications for specific lines. (3-20-20)

04. Synthetic Rope. High-tensile strength synthetic lines are considerably lighter than standard wire rope; however, some lines are dimensionally as strong as standard wire rope. Accordingly, high-tensile strength synthetic lines are permitted to be used in appropriate logging applications, including as substitutes for brush straps,

tree straps, tail and intermediate support guylines, guyline extensions, skyline extensions, and haywire. Manufacturers' standards and recommendations for determining usable life or criteria for retirement of such lines shall be followed. Personnel shall examine the lines for broken or abraded strands, discoloration, inconsistent diameter, glossy or glazed areas caused by compression and heat, and other inconsistencies. Rope life is affected by load history, bending, abrasion, and chemical exposure. Most petroleum products do not affect synthetic ropes. (3-20-20)

05. Inspection and Care. (3-20-20)

a. Wire rope shall be inspected daily by a qualified individual and repaired or taken out of service when there is evidence of any of the following conditions: (3-20-20)

i. Twelve and five tenths percent (12.5%) of the wires are broken within a distance of one (1) lay. (3-20-20)

ii. Evidence of chafing, sawing, crushing, kinking, crystallization, bird-caging, corrosion, heat damage, or other damage that has weakened the rope structure. (3-20-20)

b. Qualified personnel shall closely inspect those points subject to the most wear, including the knob ends of lines, eye splices, and those sections of line that most often run through blocks or carriages. If there is doubt about the integrity of the line, it is far safer to replace a suspect line, or cut out and resplice a defective area, than risk a failure during operation. Evaluation of the load-bearing yarder lines shall be stringent. A qualified person shall also inspect all other lines used on site and remove any that are unsafe. (3-20-20)

06. Additional Precautions. The following precautions shall also be observed: (3-20-20)

a. Ensure the working load limit for any line is adequate for the intended use. (3-20-20)

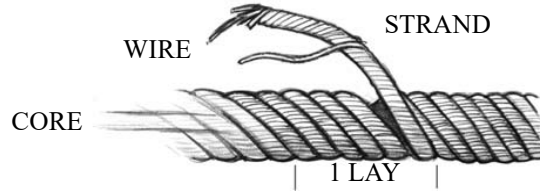
b. The manufacturer's specifications with regard to assigned breaking strength shall be followed. Such specifications as determined by engineering test results should factor the grade of the wire, number of strands, number of wires per strand, filler wire construction, lay pattern of the wires, and the diameter of the line. (3-20-20)

07. Safety Factor. Operators shall follow the manufacturer's specifications in determining load limits. The working load limit is a fraction of a line's breaking strength – a factor of three (3), or one-third (1/3) the breaking strength, is commonly used as a safety factor for running and standing lines, when workers are not exposed to breaking lines or loads passing overhead. A safety factor of three (3) is commonly used to determine the working load limit for a standing or running line. A standard six (6) x twenty-six (26) IWRC wire rope with a diameter of one (1) inch has a breaking strength of approximately forty-five (45) tons – divide by three (3) – equals fifteen (15) tons working load limit. (3-20-20)

08. Wire Labeling. (3-20-20)

a. The elements of a typical wire rope are labeled, for example, six (6) x twenty-five (25) FW PRF RL EIPS IWRC. The label indicates a six (6)-strand rope with twenty-five (25) wires per strand (six (6) x twenty-five (25)), filler-wire construction (FW), strands pre-formed in a helical pattern (PRF), laid in a right-hand lay pattern (RL), using an extra-improved plow steel (EIPS) grade of wire, and strands laid around an independent wire rope core (IWRC). See figure 013.08-A for proper labeling of wire rope. (3-20-20)

FIGURE 454.08.a.



(3-20-20)

b. Out of Service Standard Example. A six (6) x twenty-five (25) IWRC wire rope = six (6) strands in one (1) lay with twenty-five (25) wires per strand = one hundred fifty (150) wires. The rope must be taken out of service when twelve and five tenths percent (12.5%), or one-eighth (1/8), of the wires are broken within the distance of one (1) lay = one hundred fifty (150) divided by eight (8) = eighteen and seventy-five one hundredths (18.75), or nineteen (19) broken wires. (3-20-20)

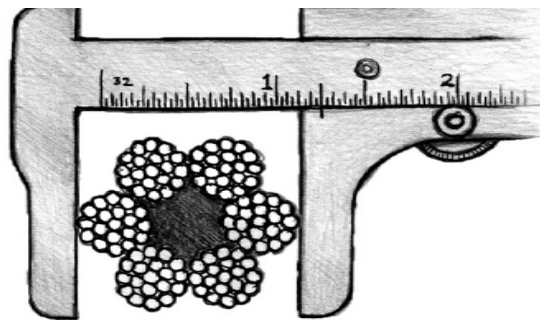
09. Wire Line Life. Table 454.09 provides the allowable life of a line in million board feet in accordance with line size and use. Figure 454.09.a. illustrates both the correct and incorrect manner in which to measure line size (diameter). (3-20-20)

TABLE 454.09 LINE LIFE BY WOOD HAULED			
System	Use	Line Size (inches)	Line Life (million board feet)
Standing Sky-line	Skyline	1-3/4	20-25
		1-1/2	15-25
		1-3/8	8-15
	Mainline	1 to 1-1/8	15-20
		1	10-15
Haulback	3/4 to 7/8	8-12	

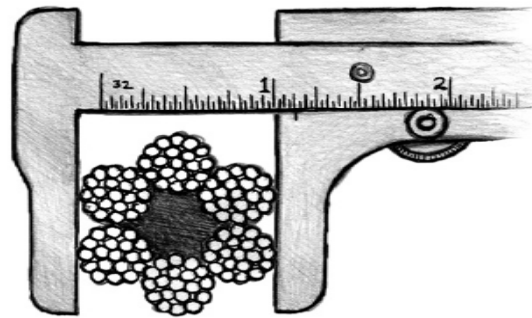
TABLE 454.09 LINE LIFE BY WOOD HAULED			
System	Use	Line Size (inches)	Line Life (million board feet)
Live Skyline	Skyline	1-1/2	10-20
		1-3/8	8-15
		1	6-10
	Mainline	1	10-15
		3/4	8-12
		5/8	8
	Haulback	3/4 to 7/8	8-12
		1/2	6-10
	Dropline	7/16	5-8
High Lead	Mainline	1-3/8	8-15
		1-1/8	6-12

Source: Willamette Logging Specialist's Reference by Keith L McGonagill. 1976. Portland, OR: Willamette National Forest. Calculations of line life refer to EIPS 6x21 wire rope for the skyline, and EIPS 6x26 for other lines. Figures will be different for other classes of wire rope. (3-20-20)

FIGURE 454.09.a.



Correct way to measure line diameter



Incorrect way to measure line diameter

(3-20-20)

10. Dynamic Loads. Operators shall consider high dynamic loads when calculating safe working limits of wire ropes. Wire ropes are often subjected to high dynamic loads, which greatly multiply the force on a line and may exceed the safe working limit. Even a split second of time over the limit can lead to premature failure of a line. Typical dynamic loads occur when a turn hits a stump, a turn comes down off of the back hillside to full suspension, or when excessive force is applied to pulling a turnout of its bed. A high dynamic load or a sudden shock load that exceeds the working limit may not result in immediate failure, but rope strands may stretch and weaken, and may fail at a later time. (3-20-20)

11. Other Common Wire Rope Considerations. (3-20-20)

a. Wire Rope Stretching and Line Diameter. A stretched wire rope has a reduced diameter. Operators shall check for stretched lines by measuring the diameter, particularly on older lines and any line used in stressful situations. (3-20-20)

b. Older Wire Rope. Standing lines and guylines are often kept in service for multiple years (four (4) to five (5), and as long as ten (10) years in some instances) without exhibiting any obvious signs of excessive wear other than rust. Operators shall check date stamps of wire rope and evaluate line life. Operators shall also inspect the core of older lines periodically for a fractured or dry core, which could indicate other deficiencies such as broken wires, excessive wear, or line deformation. (3-20-20)

c. Hard Use. The life of a wire rope is also affected by hard use. Line life can be measured by the volume of wood hauled (see Table 459.09). Line life is reduced when a line exceeds its elastic limits, is heavily shocked, or rubbed against rocks or other lines. As a line wears, the safe working load limit shall be lower and the payload adjusted appropriately. (3-20-20)

d. Wire Rope endurance and elastic limits. Working within the endurance and elastic limits of lines can help preserve line life. The following principles shall be observed when evaluating the integrity and safe use of wire rope: (3-20-20)

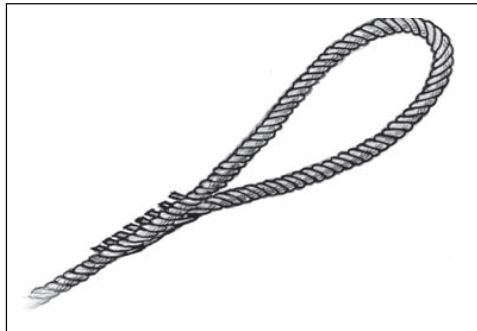
i. The “endurance limit” for all lines is fifty percent (50%) of the breaking strength. If wire rope tensioning regularly exceeds the endurance limit, the life of the line is reduced through fatigue. (3-20-20)

ii. The “elastic limit” for all lines is sixty to sixty-five percent (60-65%) of the breaking strength. When a wire rope is loaded to its normal safe working limit, the line stretches, but then returns to its original size when the load is released. If a load increases past the elastic limit through prolonged exertion or repeated stress, the line will stretch and stay stretched, resulting in a permanent reduction in the breaking strength. (3-20-20)

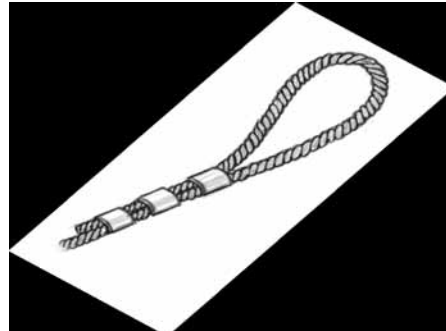
e. Lubrication and Abrasion. Wire rope is lubricated in the factory to reduce internal friction and corrosion, and prolong the life of the rope. Heat from friction causes the internal lubricant to deteriorate. Friction occurs when the rope stretches under load, particularly in places where it bends around sheaves or other objects. An improperly lubricated line can pick up particles of dirt and sand that will increase abrasion. Accordingly, operators

- shall: (3-20-20)
- i. Check for and ensure the proper lubrication of all lines and wire rope, following the manufacturer’s instructions. Commercial wire rope lubricants are available. (3-20-20)
 - ii. Carefully inspect lines for faults in areas where dust and sand may collect. (3-20-20)
 - iii. Store all wire rope and lines off the ground. (3-20-20)
- 12. Line Connections.** (3-20-20)
- a. **Inspection.** Operators shall regularly inspect shackles, hooks, splices, and other connecting equipment for damage and wear, as well as ensure the connectors are the correct type and size for the line and intended use. (3-20-20)
 - b. **Wire Splicing.** Splices are used to form an eye at the end of a line, extend the length of a line, or repair a broken or damaged line. The splicing of wire rope requires special skill and shall only be performed under the supervision of a competent person with using the proper tools. Reference materials are available with detailed instructions for numerous types of splices. Individuals splicing wire shall always wear appropriate eye protection while splicing or assisting with a splicing procedure. (3-20-20)
 - c. The logger’s eye splice and three (3)-pressed eye are the most common methods to form an eye for use as a skyline terminal. See Figure 454.12.c. The spliced eye is approximately eighty percent (80%) efficient. A three (3)-pressed eye can reach ninety percent (90%) line strength. The pressed eye is typically performed at the rigging shop. Spliced eyes may be placed in the field, but may require additional time to install. (3-20-20)

FIGURE 454.12.c.



THE LOGGER’S EYE SPLICE



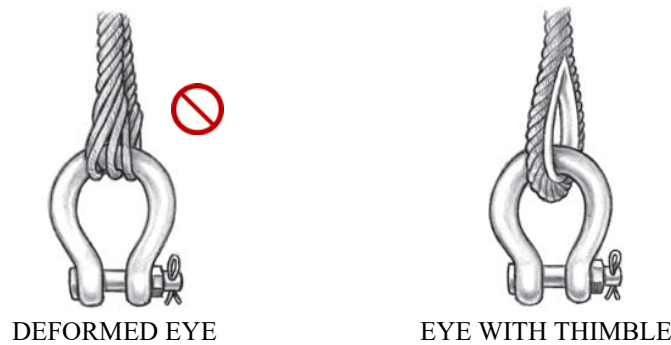
THREE-PRESSED EYE

(3-20-20)

- d. When Flemish (Farmers, Rolled) eye splices are used on load-bearing lines, the strand ends must be secured by: (3-20-20)
 - i. Hand tucking each strand three (3) times; or (3-20-20)
 - ii. Applying a compression (pressed-eye) fitting. (3-20-20)
- e. **Guyline Care.** Guylines are a vital link in holding up a tower. Guyline extensions shall not be excessively moved around by dragging on the ground, or left on the ground for long periods of time as they will deteriorate faster. (3-20-20)
- f. Guyline extensions must be connected by: (3-20-20)

- i. A bell shackle using a safety pin to connect spliced eyes or pressed eyes; or (3-20-20)
- ii. Poured nubbins (buttons) and a double-ended hook. (3-20-20)
- g. Line Deformity. A line may deform where it loops around a shackle or pin, producing weakness that may result in line failure. A thimble in the loop protects the line. Thimbles may be used on standing lines, but not on running lines. Examples of the appearance of deformed lines and the use of thimbles in shackles are illustrated in Figure 454.12.g. (3-20-20)

FIGURE 454.12.g.



(3-20-20)

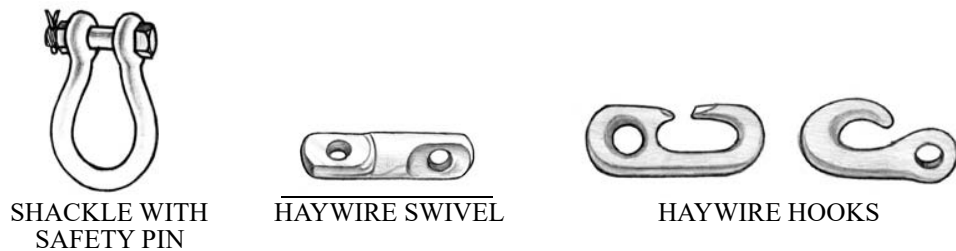
13. Shackles and Hooks.

(3-20-20)

a. Hooks. Hooks shall be inspected to ensure that they have not sprung open. Ensure that shackles are positioned correctly to bear the load. Haywire swivels shall be inspected frequently, due to their susceptibility to wear rapidly. (3-20-20)

b. Shackle Safety. Proper bells or shackles shall be used to connect the guylines to the stumps, and the guyline lead blocks to the ring at the top of the tower. Connections shall have at least one and a half (1-1/2) times the strength of the guyline. The pins of the shackles must be secured to protect against dislodgement, and a nut and cotter key, or a nut and molly may be used for that purpose. The use of loops or mollies to attach guylines is prohibited. Examples of the appearance of some shackle equipment is illustrated in Figure 454.13.b.

FIGURE 454.13.b.



(3-20-20)

c. The following practices shall be observed in order to ensure the safe use of shackles: (3-20-20)

i. A shackle must have a rated breaking strength greater than the rated breaking strength of the lines attached to it, and the manufacturer's rated strengths to determine oversized requirements shall be used. Accepted industry standards shall be utilized and adhered to when determining the correct shackle size based on the type and

nature of the logging operation being performed. Examples of the appearance of some shackle equipment for the purposes of proper selection is illustrated in Figure 454.13.c.i (3-20-20)

- ii. Shackles with pins, and securing nuts with mollies or a cotter key shall be used on standing or overhead rigging. (3-20-20)
- iii. Screw shackle pins shall not be used in any standing or overhead rigging. (3-20-20)
- iv. Screw shackle pins, where allowed to be used, shall be tightened securely. (3-20-20)
- v. Shackle pin mollies shall be rolled sufficiently and fit the pin hole fully. Mollies shall be tucked a minimum of three (3) times. (3-20-20)
- vi. The shackle shall always be placed with the pin nearest to the yarder, so that in the event the shackle fails the least amount of hardware may be thrown at the yarder. (3-20-20)
- vii. Replace shackles that are bent, broken, or show excess wear on the inner surfaces. Examples of the appearance of some damaged or non-conforming shackles are illustrated in Figure 454.13.c.vii. (3-20-20)

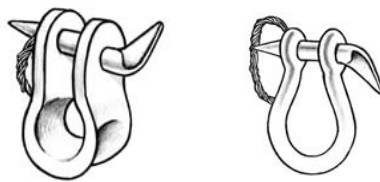
FIGURE 454.13.c.vii.



**REPLACE SHACKLES THAT ARE BENT, BROKEN, OR SHOW
EXCESS WEAR ON THE INNER SURFACES.**

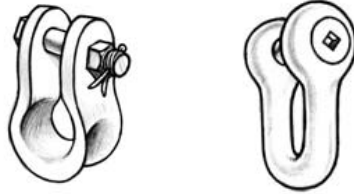
- viii. Sleeve shackles or choker bells must be used when choked lines are permitted. (3-20-20)

FIGURE 454.13.c.i.



**SLEEVE WITH
KNOCKOUT PIN**

**BELL WITH
KNOCKOUT PIN**



SLEEVE WITH
SAFETY PIN

FLUSH PIN
STRAIGHT SIDE

(3-20-20)

14. Knobs, Ferrules, and Eyes.

(3-20-20)

a. Poured nubbins and a double-end hook are acceptable connectors in place of shackles in some instances. The use of quick nubbins (wedge buttons) as guylines and skyline end fittings is prohibited unless attaching guylines to guyline drums. Operators shall follow the manufacturer's recommendations when attaching sockets and similar end fastenings. (3-20-20)

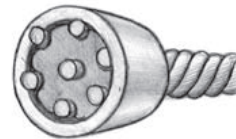
b. Poured nubbins achieve ninety-nine percent (99%) of line strength and may be used. Quick nubbins only achieve a maximum of sixty-five percent (65%) under ideal conditions, and accordingly operators shall consider whether they are appropriate for safe use in any given application. Pressed ferrules are not certifiable for strength, and shall not be used. Examples of the appearance of some knob, ferrule, and nubbin equipment are illustrated in Figure 454.14. (3-20-20)

c. Operators shall inspect knobs, ferrules, and eyes at cable ends for loose or broken wires, and corroded, damaged, or improperly applied end connections. Poured nubbins shall be date stamped.

FIGURE 454.14



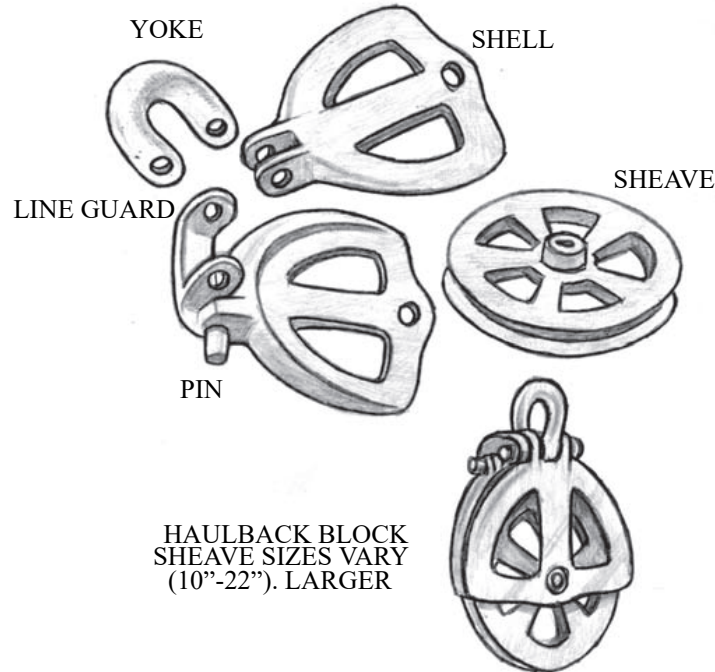
BABBITED KNOB & PRESSED FERRULE



QUICK NUBBIN (WEDGE BUTTON)
(3-20-20)

15. Brush Blocks. Brush blocks shall be thoroughly inspected for cracks, wear, or deterioration. Operators shall closely examine the areas subject to the most wear, including bearings, sheave, frame, yoke, and pins. Defective parts shall be replaced immediately. Blocks shall be greased every time before each use.

FIGURE 454.15

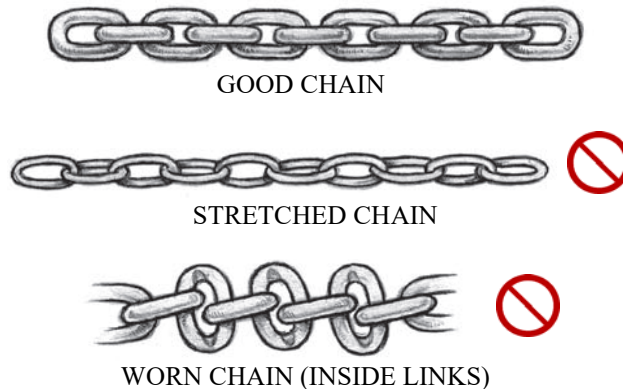


(3-20-20)

16. Chains and Straps. Chains or straps shall always be sized and used correctly for the intended purpose. Determining which size to use may depend on various factors. Oversized trailer lift straps, for example, shall have a breaking strength equal to five (5) times the load to be lifted. Towing chains shall have a tensile strength equivalent to the gross weight of the towed vehicle. The manufacturer's specifications or other appropriate reference materials shall always be consulted to ensure the right chain or strap is used for a task. (3-20-20)

a. Operators shall periodically inspect chains for damaged, worn, or stretched links. Chains with more than ten percent (10%) wear at the bearing surface shall be replaced. Operators shall periodically inspect straps, and examine them for broken wires or wear. Examples of the appearance of damaged and safe chains are illustrated in Figure 454.16.a.

FIGURE 454.16.a.



(3-20-20)

455. TREE CLIMBING.

Loggers are often required to climb considerable heights to top trees or hang rigging on lift trees. All workers who may be exposed to fall hazards shall be specifically trained and equipped with fall protection. (3-20-20)

01. Rescue Plan. Before rigging any tree, the employer must develop rescue procedures, which includes identifying appropriate equipment, personnel, and training to perform a rescue in case a climber is injured or incapacitated in the tree. A second set of climbing gear and a person with climbing experience shall be readily available. Equipment and procedures that will support an injured climber's chest and pelvis in an upright position during a rescue shall be used. When an injured climber is wearing only a climbing belt, provisions must be made to prevent the climber from slipping through it; this may include using a rope to create an upper-body support system. Consideration should be made to replacing climbing belts with a climbing harness. (3-20-20)

02. Before Leaving the Ground. Employers shall check climbing equipment and immediately remove defective equipment from service. Personnel shall ensure that hardware and safety equipment is securely fastened before placing weight on the lanyard or life-support rope. All climbing knots shall be tied, dressed, and set prior to ascending. All personnel shall follow the recommendations of the manufacturer of the cordage with respect to the use of splices. (3-20-20)

03. Climbing Equipment. (3-20-20)

a. A climbing harness provides both pelvic and upper-body support, and may be a one (1)-piece, full-body harness, or any two (2)-piece design that meets industry standards. (3-20-20)

b. Climbing and life-support lines shall be conspicuous and easily identifiable. (3-20-20)

c. All lines and webbing used for life support shall have a minimum breaking strength of five thousand four hundred (5,400) pounds and may only be used for climbing. (3-20-20)

d. When a cutting tool is used in a tree, the climbing rope (lanyard) shall be a high-quality steel safety chain of three-sixteenths (3/16) inch size or larger, or a wire-core rope. (3-20-20)

e. A life-support rope evidencing excessive wear or damage or that has been subjected to a shock load shall be removed from climbing service. (3-20-20)

04. Climbing Operations. (3-20-20)

a. Ensure climbers are appropriately well-trained in climbing and in the use of all equipment to carry out assigned tasks. (3-20-20)

b. While climbing operations are underway, co-workers and others on the ground shall stay clear of potential falling objects. If co-workers must work directly below a climber, the climber shall stop any activity in which objects could be dropped or dislodged until the area below is cleared. Climbers shall provide warning whenever any material may be likely to fall or is dropped deliberately. Unsecured equipment, rigging, or material shall not be left in the tree. (3-20-20)

c. Yarding activity must cease within reach of a tree or guylines of a tree where a climber is working. Machinery may operate in reach of the climber to hoist rigging into the tree. In such circumstance the following shall apply: (3-20-20)

i. A spotter shall be utilized and yarding operations shall be performed with extra caution; (3-20-20)

ii. The machine operator and the spotter shall give the task their undivided attention; (3-20-20)

iii. Equipment that is nearby and which may be noisy, such as power saws, tractors, or logging machines shall be shut down if the noise interferes with signal communications with the climber; and (3-20-20)

iv. Lines attached to a tree in which a climber is working shall not be moved except on a signal from the climber. (3-20-20)

d. Tree climbers shall use a three (3)-point climbing system whereby three (3) points of contact must be firmly in place on a secure surface before moving to another point. Along with hands and feet, other points on the body, such as a hooked knee, can be considered a point of contact if it can support the full body weight. Additionally, the places of support must be secure, and climbers should use care to void unsound branches or stubs as a contact point. A lanyard around the tree secured to the safety harness or climbing belt on both ends constitute two (2) points of contact. (3-20-20)

e. Climbing without being secured to the tree is prohibited, except in conifers, when in the judgment of a qualified climber, the density of branches growing from the stem make attaching the lanyard more hazardous than simply climbing the tree. In such instances, the climber shall evaluate the tree farther up, and use attachments when it is safe to do so. (3-20-20)

05. Topping Trees. Only an experienced climber with experience felling trees shall top a tree. Cutters shall not cut when wind or other conditions make doing so hazardous. Standard safe felling procedures shall apply, with the additional following requirements: (3-20-20)

a. A chainsaw with a bar short enough to make both the face-cut and backcut easily from one side shall be used. (3-20-20)

b. Cutters shall determine the felling direction and ensure there are no obstructions. Consideration shall be given to the fact that an impact could cause violent movement in the tree being topped where the climber is perched. (3-20-20)

c. A safety chain shall be wrapped around the tree just below the cut to prevent the tree from splitting or slabbing down inside the climbing rope. (3-20-20)

d. The cutter shall ensure he is comfortable, and avoid any awkward cutting position. (3-20-20)

e. Exact cuts should be made. There is no escape route for the climber to get away from the stem to avoid kickback or a splintered hinge. When making horizontal side cuts, extra care shall be used to stay on the line of the backcut to avoid wood breaking away with the saw as the top falls. (3-20-20)

456. TYPICAL RIGGING SYSTEMS.

01. See Figures 456.01-A through 456.01-H.

FIGURE 456.01-A

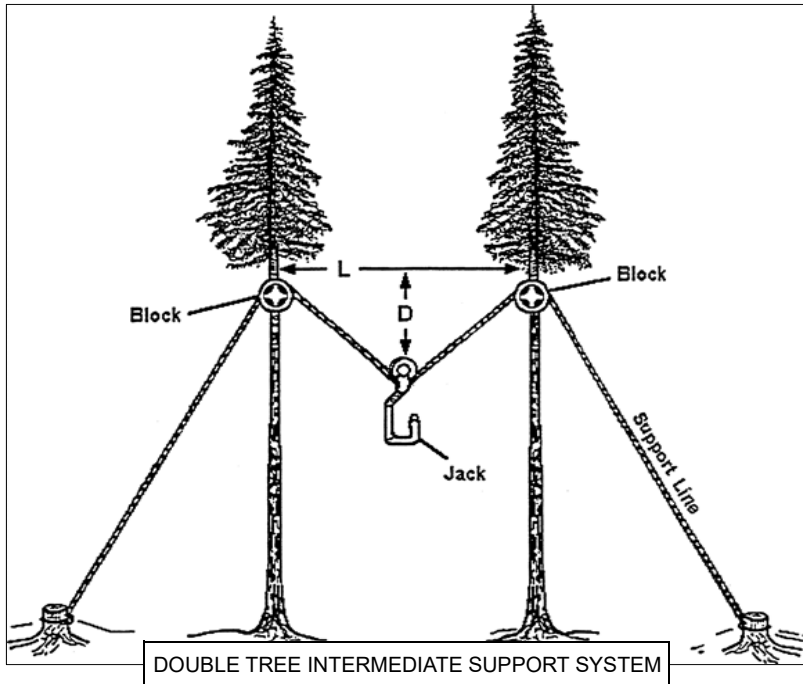


FIGURE 456.01-B

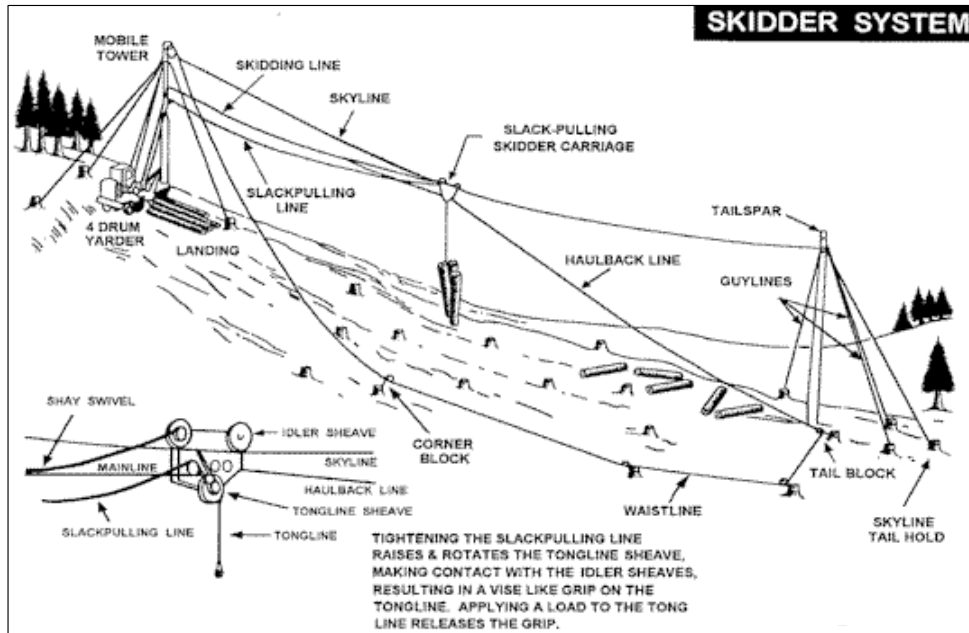


FIGURE 456.01-C

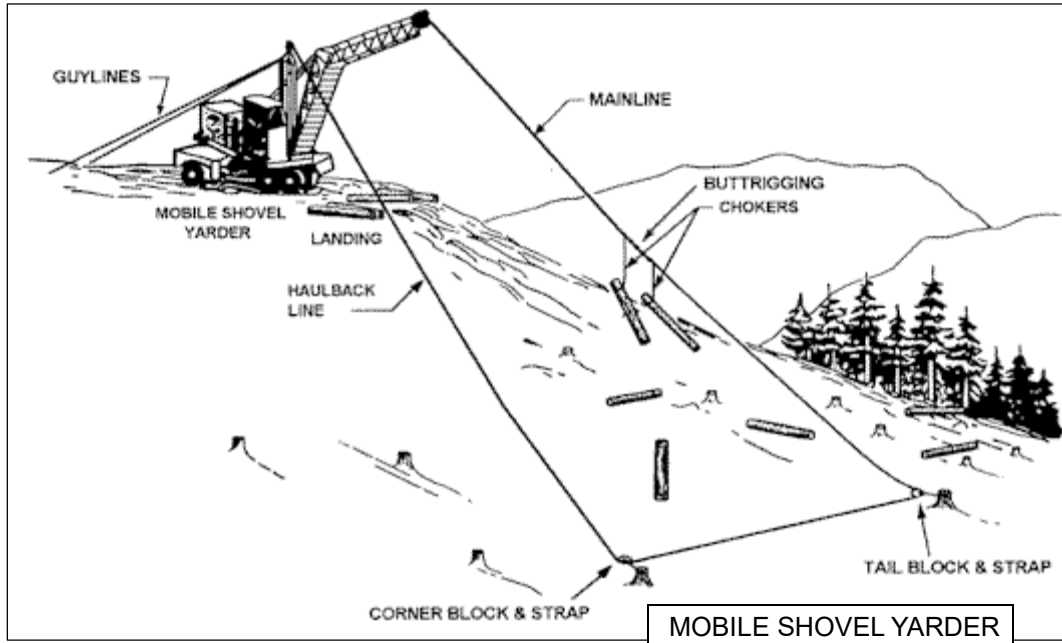


FIGURE 456.01-D

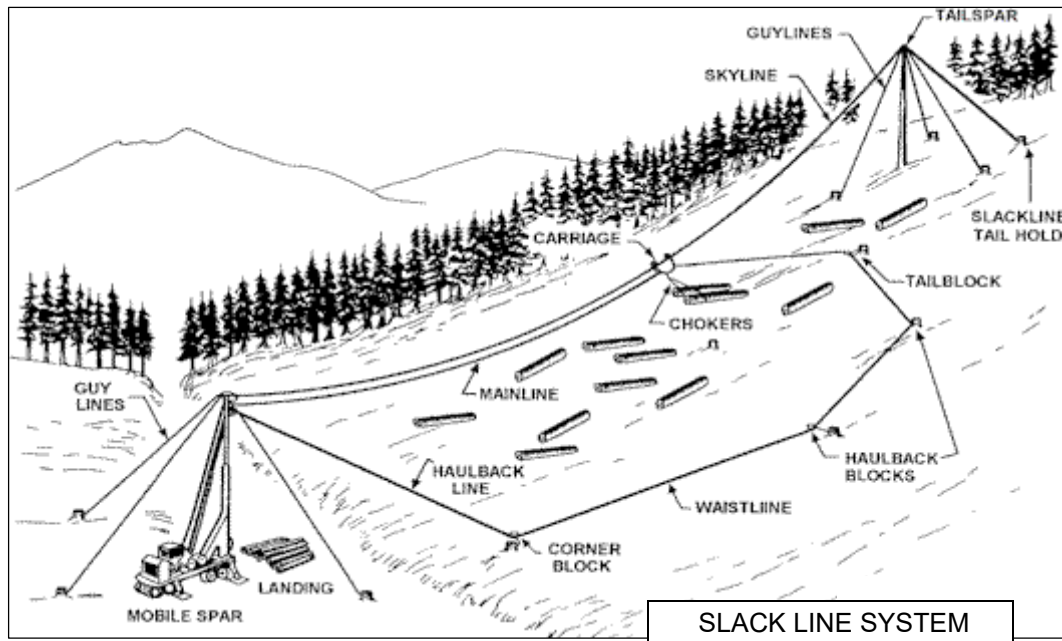


FIGURE 456.01-E

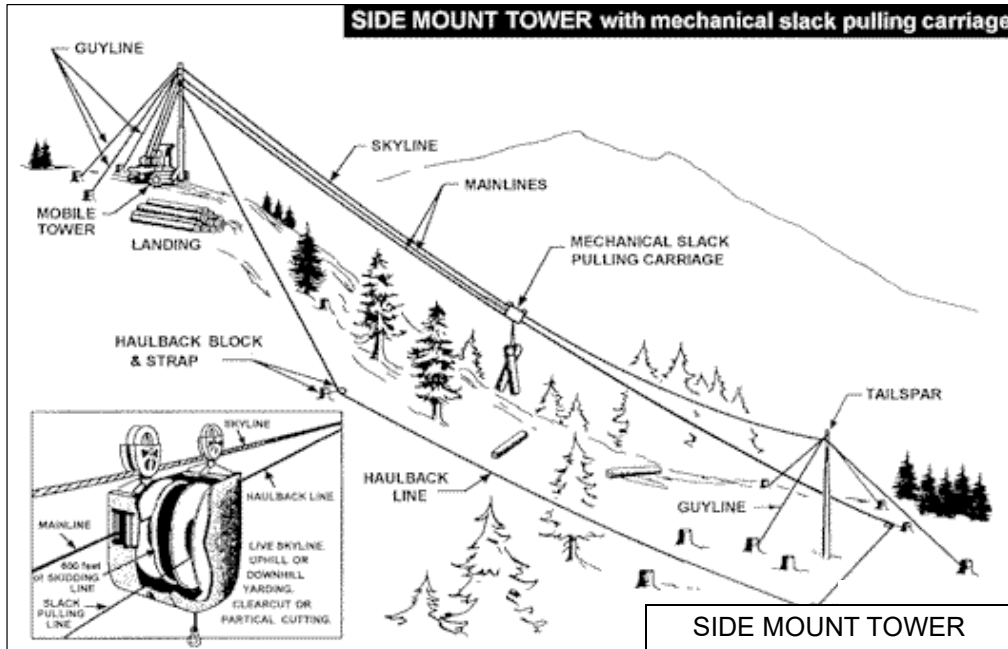


FIGURE 456.01-F

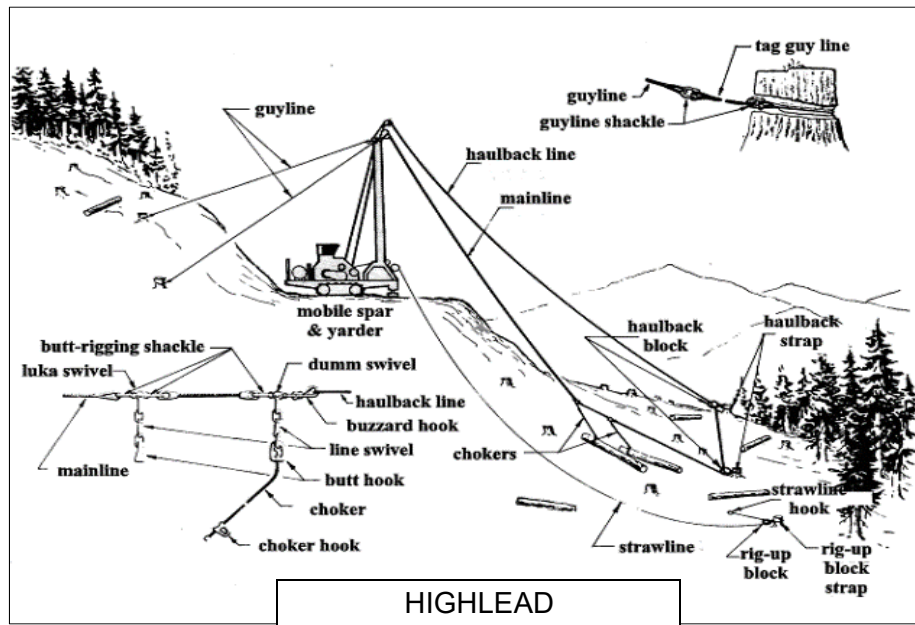


FIGURE 456.01-G

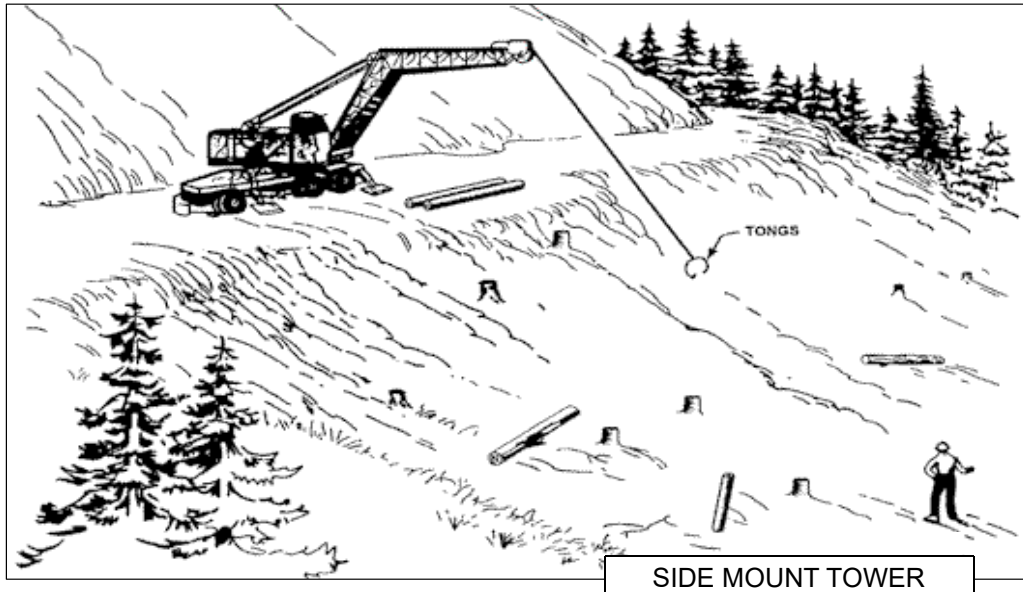
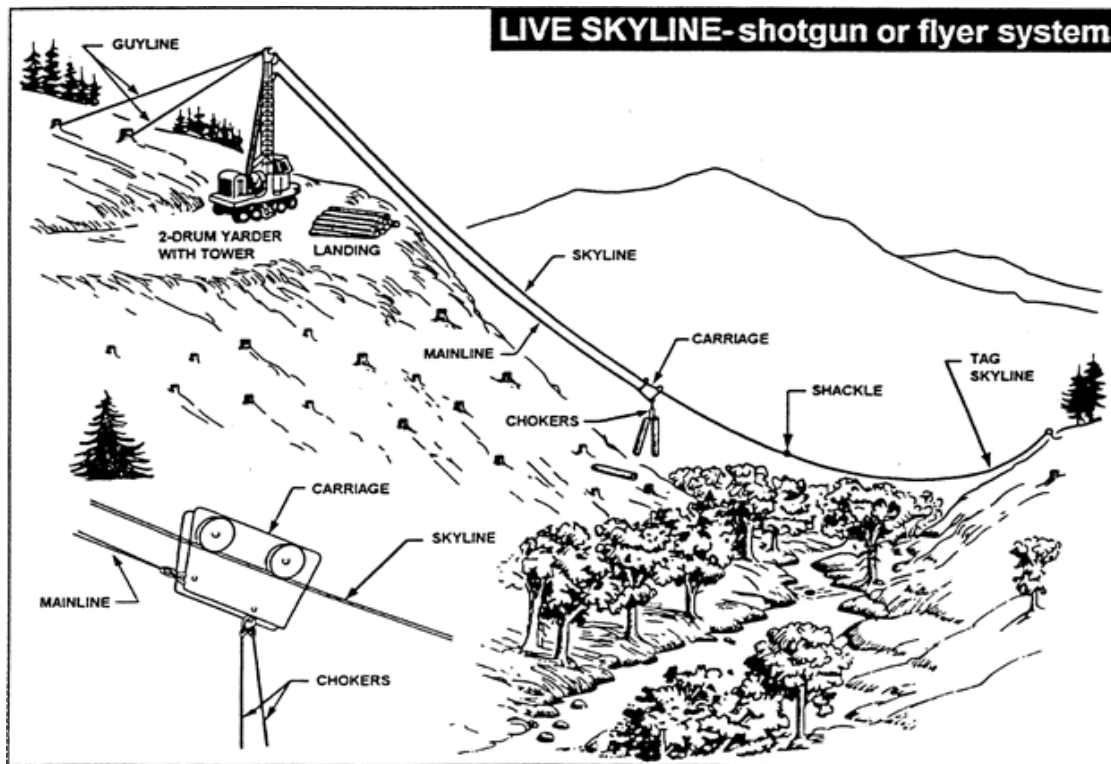


FIGURE 456.01-H



(3-20-20)

457. -- 500. (RESERVED)

**SUBCHAPTER K – ROAD TRANSPORTATION
(Rules 501 - 550)**

501. LOG TRUCK TRANSPORTATION.

01. General. The following requirements are supplemental to any Idaho law governing automobiles, trucks, tractors, trailers, and any combination of these units. If there are any discrepancies in the codes between this section and any federal or Idaho motor vehicle regulations pursuant to title 49, Idaho Code, applicable in the state of Idaho, such federal or other governmental regulations will govern. (3-20-20)

02. Stopping and Holding Devices for Log Trucks. (3-20-20)

a. Motor logging trucks and trailers must be equipped with brakes or other control methods which will safely stop and hold the maximum load on the maximum grade. Air or vacuum brake lines shall be of the type intended for such use and shall have fittings which will not be interchangeable with water or other lines. (3-20-20)

b. Brake Test - A brake test shall be made before and immediately after moving a vehicle. Any defects shall be eliminated before proceeding. (3-20-20)

03. Lighting Equipment Required. (3-20-20)

a. Motor vehicles used on roads not under the control of the Idaho Transportation Board, counties or cities, shall have equipment necessary for safe operation, such as head, tail, and stop lights. (3-20-20)

b. Such lights shall be used during clearance periods of reduced visibility. (3-20-20)

04. Safe Operating Requirements. (3-20-20)

a. The driver shall do everything reasonably possible to keep his truck under control at all times and shall not operate in excess of a speed at which he can stop the truck in one-half (1/2) the distance between him and the range of unobstructed vision. (3-20-20)

b. The driver shall take into consideration the condition of the roadway, weather factors, curves, grades and grade crossings, the mechanical condition of his equipment, and other relevant factors. (3-20-20)

c. The driver shall clear rocks from between dual tires before driving on multi-lane roads. (3-20-20)

d. A daily inspection shall be made of trucks and trailers with particular attention to steering apparatus, brakes, boosters, brake hoses and connections, reaches, and couplings. Any defects found shall be corrected before equipment is used. (3-20-20)

05. Stakes, Bunks, or Chock Blocks. All stakes and bunks, installed on log trucks and trailers, together with the means provided for securing and locking the stakes in a hauling position, shall be designed and constructed of materials of such size and dimensions that will withstand a pressure of fifteen thousand (15,000) pounds applied outward against the tops of the stakes, and, or extensions when used, without yield or permanent set resulting in the stakes, bunks or the means provided for securing and locking the stakes.

NOTE: Test Procedure - A test pressure of fifteen thousand (15,000) pounds is applied to the top of one (1) stake, using the top of the stake opposite as a base for applying pressure. Bunk is not to be secured to floor or other base except in a manner similar to that used to mount it to truck or trailer. Stakes must return to normal upright position at end of test and stakes and all component parts examined and checked with original specifications. If no yield results in any part, the design and construction may be considered as meeting code requirements. (3-20-20)

06. Stake Extensions. (3-20-20)

a. Stake extensions shall not be used unless all component parts of the bunking system are of sufficient size and strength to support the added stresses involved. (3-20-20)

b. Truck drivers shall report missing or broken stake extensions to the proper authority. (3-20-20)

07. Stake and Chock Tripping Mechanisms. Stakes and chocks that trip shall be constructed in such a manner that the tripping mechanism, which releases the stake or chocks, is activated at the opposite side of the load from the stake being tripped. (3-20-20)

08. Linkage for Stakes or Chocks. (3-20-20)

a. The linkage used to support the stakes or chock must be of adequate size and strength to withstand the maximum imposed impact load. (3-20-20)

b. “Molly Hogans” or cold shuts are prohibited in chains or cable used for linkage. (3-20-20)

09. Notify Engineer When Around Truck. (3-20-20)

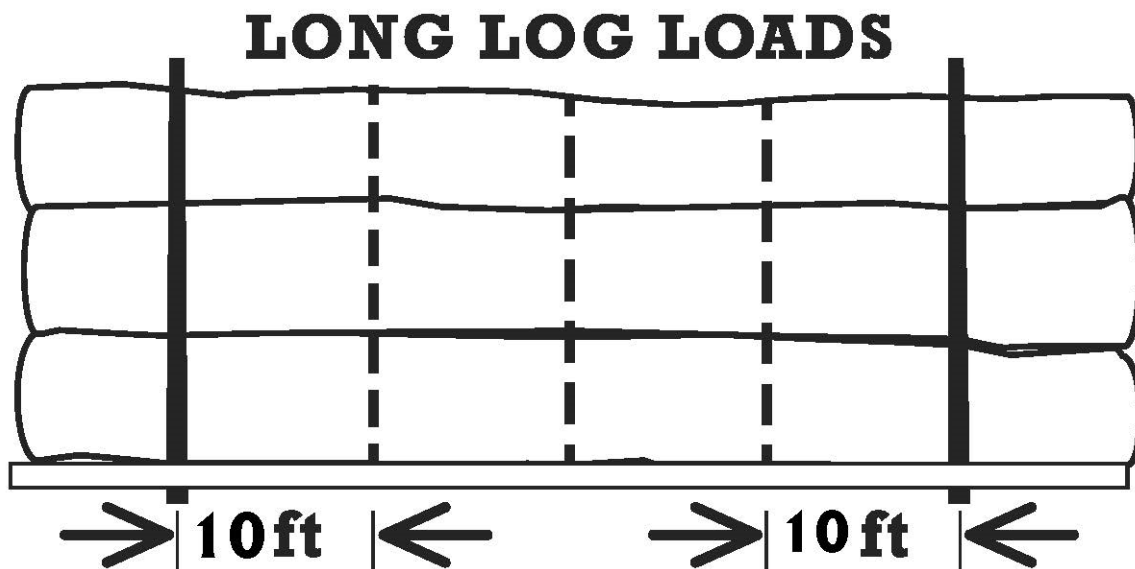
a. Persons shall not walk along side of or be underneath any truck being loaded. (3-20-20)

b. Prior to performing any duties, such as releasing bunk locks, placing or removing compensating pin, scaling logs, reading scale, chopping limbs or making connections, persons shall notify the loading engineer of their intentions and be acknowledged. (3-20-20)

10. Number of Wrappers Required. (3-20-20)

a. Each unit used for hauling logs longer than twenty six (26) feet, shall have the load secured by a minimum of three (3) wrappers. Wrappers shall be placed in positions that effectively secure the load. One (1) wrapper shall be placed within ten (10) feet of each bunk. See Figure 501.10.a.

FIGURE 501.10.a.

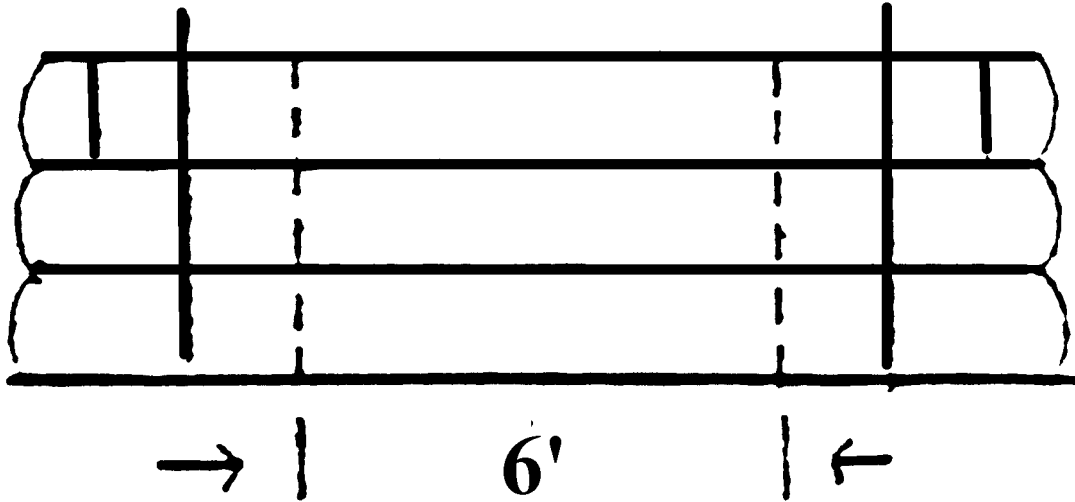


(3-20-20)

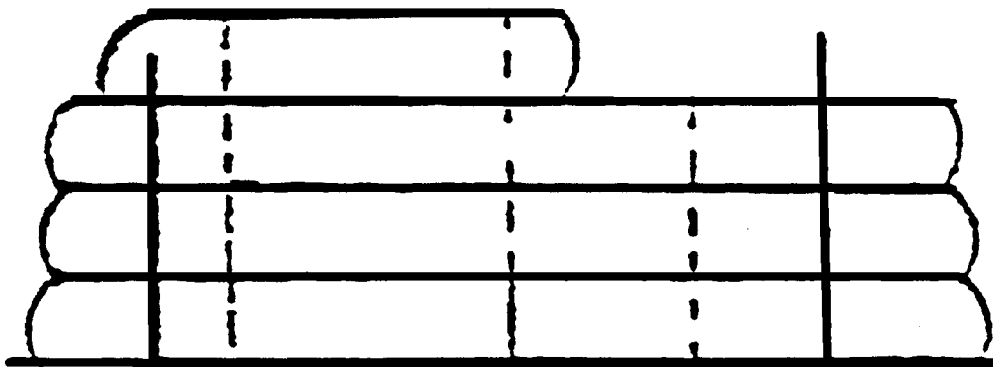
b. All exposed outside logs shall be secured by one (1) wrapper passing near each end of the log. See Figure 501.10.b.

FIGURE 501.10.b.

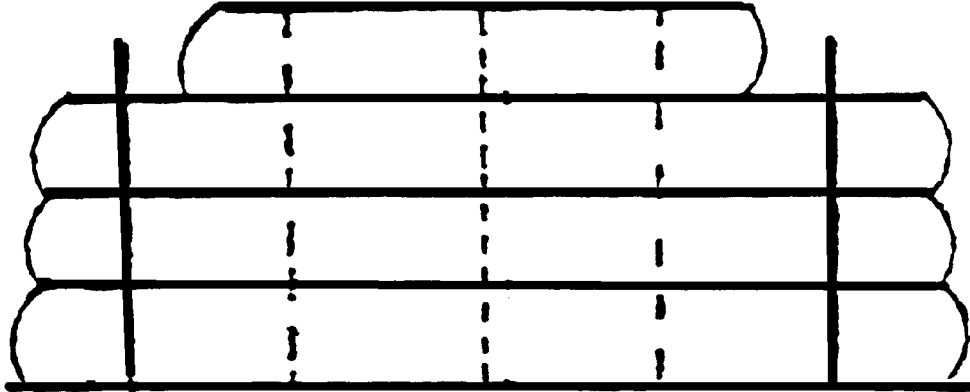
SHORT LOG LOADS



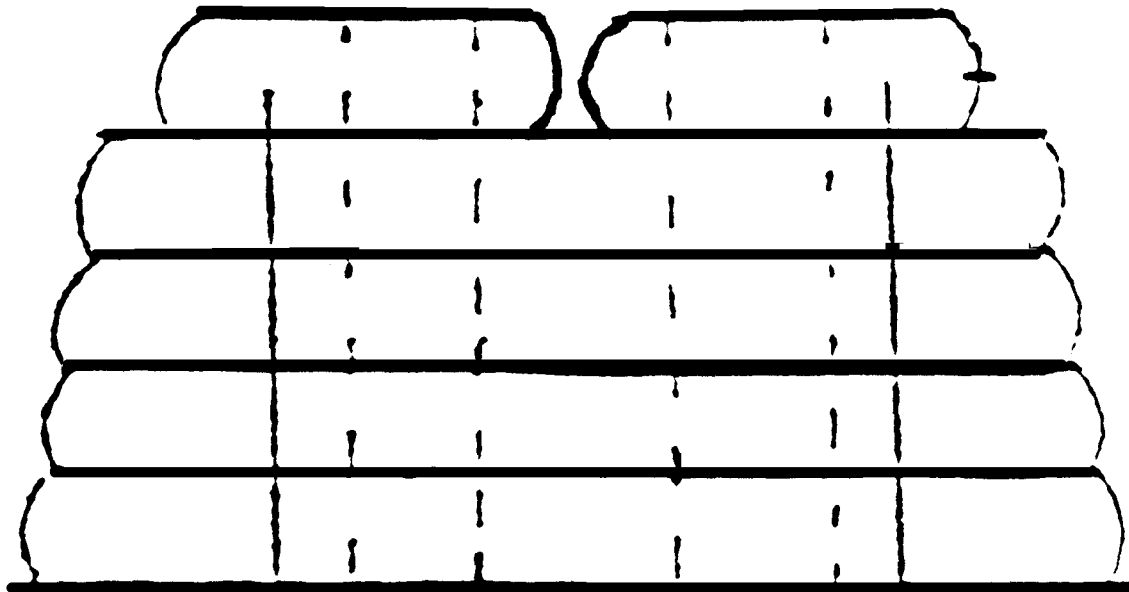
LONG LOG LOAD WITH SHORT LOGS IN REAR OR IN FRONT



LONG LOG LOAD WITH SHORT LOGS IN CENTER



LONG LOG LOAD WITH SHORT LOGS BUTTED



(3-20-20)

c. On one (1) log load where trailer bunk is equipped with cheese blocks, one (1) wrapper securing log to the trailer bunk will be sufficient. Outside wrappers on short logs shall have a minimum of six (6) feet spread. (See Figure 501.10.c.)

NOTE: High loads are defined as logs loaded above bunk stakes.

FIGURE 501.10.c.



(3-20-20)

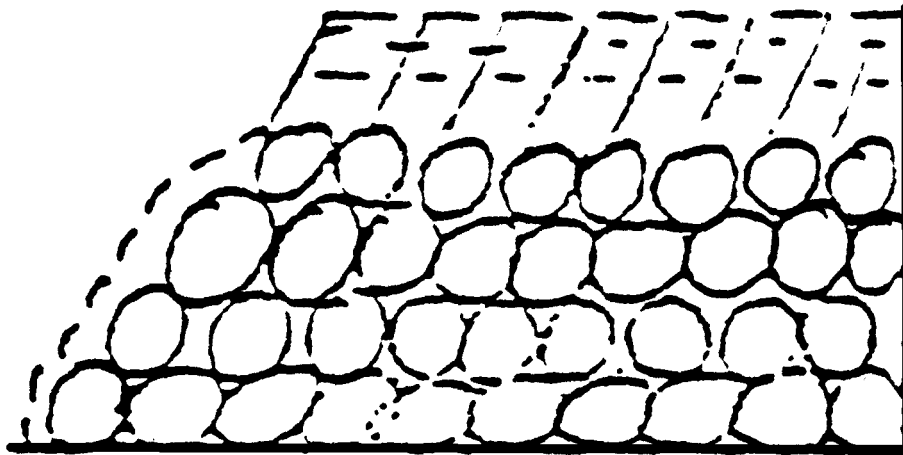
11. Requirements for Crosswise Loaded Trucks.

(3-20-20)

a. When loads of short logs are loaded crosswise, the logs shall be properly contained by use of stake or chock blocks and shall be secured by a minimum of two (2) wrappers. (See Figure 501.11.a.)

FIGURE 501.11.a.

CROSSWISE LOADED TRUCK



(3-20-20)

b. Binders shall be securely fastened to the vehicle.

(3-20-20)

12. Construction of Wrappers and Binders.

(3-20-20)

a. Cables shall have a spliced eye or swaged fittings.

(3-20-20)

- b. “Molly Hogans” or cold shuts are prohibited to make splices or connections. (3-20-20)
- c. Each wrapper shall have a minimum breaking strength of not less than fifteen thousand (15,000) pounds. (3-20-20)
- d. Binders must be stamped with a working load limit of four thousand (4,000) pounds or greater. (3-20-20)
- 13. Binder Placement Requirements. (3-20-20)**

 - a. Binders shall be placed in a manner whereby they will be released on the side opposite the brow log, or on the side where the unloading equipment operator can see the binders. (3-20-20)
 - b. Truck drivers shall be required to stop vehicles, dismount, check and tighten loose load binders, either just before or immediately after leaving a private road to enter the first public road they encounter. (3-20-20)
- 14. Precautions When Placing or Removing Binders and Wrappers. (3-20-20)**

 - a. Binders and wrappers shall remain on the load until an approved safeguard has been provided to prevent logs from rolling off the side of truck where binders are being released. (3-20-20)
 - b. At least one (1) wrapper shall remain secured while relocating or tightening other binders. (3-20-20)
- 15. Binders and Wrappers to Be Placed Before Leaving Landing Area.** Binders and wrappers shall be placed and tightened around the completed load before shifting the load for proper balance. Each load must have all required wrappers placed and secured at the loader before the truck is moved. If it is unsafe to do so, the truck may be moved to the nearest safe place in sight of the loader. (3-20-20)
- 16. Adequate Reaches Required. (3-20-20)**

 - a. Log trailers must be connected to tractors by reaches of a size and strength to withstand all imposed stresses. (3-20-20)
 - b. Spliced reaches shall not be used. (3-20-20)
 - c. Documented reach inspections shall be performed annually. (3-20-20)
- 17. Proper Lay of Logs in Stakes or Bunks. (3-20-20)**

 - a. The method of loading shall be such that the logs in any tier or layer unsecured by stakes or cheese blocks shall have their centers inside of the centers of the outer logs of the next lower tier or layer so that the load is stable without the aid of binders. (3-20-20)
 - b. Logs shall be well saddled without crowding so that there will be no excessive strain on the wrappers or stakes. (3-20-20)
 - c. No more than one half (1/2) of any log shall extend above the stakes unless properly and securely saddled. (3-20-20)
 - d. Bunk logs shall extend not less than twelve (12) inches beyond the bunk, with the exception of non-oscillating bunks. (3-20-20)
- 18. Traffic Travel on Right Side of Road Except Where Posted.** All trucks shall keep to the right side of the road, except where road is plainly and adequately posted for left side traveling. (3-20-20)
- 19. Towing of Trucks.** When trucks must be towed on any road, the person guiding the vehicle being

towed shall, by prearranged signals, govern the speed of travel. (3-20-20)

20. Scaling and Branding. When at the dump or reload and where logs are scaled or branded on the truck, the logs shall be scaled or branded before the wrappers are released. (3-20-20)

21. Metal Parts Between Bunk and Cab to Be Covered. Suitable material shall be used on treading surfaces between the bunk and cab to prevent persons from slipping on the metal parts. (3-20-20)

22. Bunks to Be Kept in Good Condition and Repair. (3-20-20)

a. Log bunks or any part of bunk assembly bent enough to cause bunks to bind shall be straightened. (3-20-20)

b. Bunks shall be sufficiently sharp to prevent logs from slipping. (3-20-20)

23. Following Other Vehicles. (3-20-20)

a. A vehicle not intending to pass shall not follow another vehicle closer than one hundred fifty (150) feet. (3-20-20)

b. Passing shall be done only when it can be done safely. The passing vehicle shall consider all factors which may be essential, such as condition of the roadway, width of the road, and distance of clear visibility ahead. (3-20-20)

24. Reaches to Be Clamped When Towing Unloaded Trailer. A positive means, in addition to the clamp, shall be installed on the reach of log truck trailers when the trailers are being towed without a load. (3-20-20)

25. Inserting of Compensating Pin. (3-20-20)

a. Persons shall never enter the area below suspended logs or trailers. (3-20-20)

b. At dumps where the load must remain suspended above the bunks until the truck is moved away and when the trailer is the type with a compensating pin in the reach, a device shall be installed that will allow the trailer to be towed away from the danger area. (3-20-20)

26. Safety Chains. (3-20-20)

a. All trailers shall be secured with a safety chain, or chains, which connect the frame of the truck assembly to the trailer unit. (3-20-20)

b. The chains shall be capable of holding the trailer in line in case of failure of the hitch assembly. (3-20-20)

502. STEERED TRAILERS.

01. Steered Trailers. Steered trailers not controlled from the truck cab shall be designed, constructed, and operated in accordance with this section. (3-20-20)

a. Secure seat. A secure seat with substantial foot rests shall be provided for the steerer at the rear of the bunk. Any arrangement that permits the steerer to ride in front of the bunk is prohibited. (3-20-20)

b. Unobstructed exit. The seat for the steerer shall be so arranged that the steerer has an unobstructed exit from both sides and the rear. (3-20-20)

c. Bunk support. The bunk support shall be so constructed that the steerer has a clear view ahead at all times. (3-20-20)

- d.** Adequate means of communication. Adequate means of communication shall be provided between the steerer and the truck driver. (3-20-20)
- e.** Eye protection and respirator. Eye protection and respirator shall be provided for the steerer. (3-20-20)
- f.** Fenders and splash plates. The trailer shall be equipped with fenders or splash plates to protect the steerer from mud and dust so far as possible. (3-20-20)
- g.** Lights. If used during a period of reduced visibility on roads not under the control of the Idaho Transportation Board, counties or cities, the trailer shall be equipped with head, tail and stop lights. (3-20-20)

503. COMMON CARRIERS.

- 01. Responsibility.** It shall be the responsibility of the common carrier, and particularly the operator of the common carrier, upon entering the premises of any sawmill, woodworking or allied industry, to exercise all possible caution and to use all necessary safety devices and precautions to their fullest extent. (3-20-20)
- 02. Audible and Visual Warning Devices.** (3-20-20)

 - a.** All common carriers equipped with audible and visual warning devices shall activate such warning devices before entering a danger zone, and they shall remain activated as long as the carrier is moving in that zone. (3-20-20)
 - b.** A danger zone shall be defined as an area where men or vehicles are working or normally work. (3-20-20)
- 03. Train Operations.** When a train is operating on a plant railway system, the safety rules shall apply as outlined by the Association of American Railroads governing train, engine and transportation of employees. (3-20-20)

504. SELF-LOADING LOG TRUCKS.

- 01. Self-Loading Log Trucks.** Self-loading log trucks manufactured after January 1, 1981, shall be equipped with: (3-20-20)

 - a.** A load check valve (velocity fuse) or similar device installed on the main boom. (3-20-20)
 - b.** A seat that is offset from the point of attachment of the boom. The seat and boom structure shall rotate concurrently. (3-20-20)
- 02. Operator.** The operator of a self-loading log truck shall not: (3-20-20)

 - a.** Heel the log over his head; or (3-20-20)
 - b.** Heel the log on the operator side of the boom of the seat if offset from the point of attachment of the boom. (3-20-20)
- 03. Safe and Adequate Access.** A safe and adequate means of access to and from the loading work station on self-loading log trucks shall be provided. (3-20-20)
- 04. Overhead Hazards.** A self-loading log truck shall not load itself or another truck when the loading process is under or within a guylines circle or similar overhead hazard. (3-20-20)
- 05. Trailers Secured.** Self-loading truck trailers shall be secured to the truck when the trailer is being hauled on the truck. (3-20-20)

505. -- 550. (RESERVED)

**SUBCHAPTER L – LOG DUMPS, LANDING, LOG HANDLING EQUIPMENT,
LOADING AND UNLOADING BOOMS, AND TRAILER LOADING HOISTS
(Rules 551 - 600)**

551. SPECIFIC REQUIREMENTS.

01. Log Dumps, Landings, Log Handling Equipment, Loading, and Unloading. (3-20-20)

a. Only authorized persons shall operate log handling equipment. Machine operators shall be capable and experienced personnel. No persons other than the operator may be in the operator's compartment while machinery is operating, except for purposes of operating instructions. Unnecessary talking to the operator of log handling equipment while the machine is in operation is prohibited. (3-20-20)

b. Machine operators shall make necessary inspection of machines each day before starting work. All repairs or adjustments shall be made before any strain or load is placed upon the equipment. (3-20-20)

c. Substantial barriers or bulkheads protecting the operator shall be provided for all log handling machines where the design, location, or use of such machines exposes the operator to material or loads being handled. Such barriers or bulkheads shall be of adequate area and capable of withstanding impact of materials handled. (3-20-20)

d. A safe and adequate means of access to, and egress from, the operator's station shall be provided. Necessary ladders, steps, step plates, foot plates, running boards, walkways, grab irons, handrails, etc., shall be provided and maintained. (3-20-20)

e. All moving parts shall be guarded in an approved manner to afford complete protection to the operator and other workers. (3-20-20)

f. Throttles and all power controls shall be maintained in good operating condition. (3-20-20)

g. Landings shall be prepared and arranged to provide maximum safety for all employees and shall provide ample space for the safe movement of equipment and storage and handling of logs. (3-20-20)

h. Adequate means shall be used to prevent logs from rolling into the road or against trucks. Workers shall be sure that logs are securely landed before approaching them. While unhooking chokers, workers shall choose the safest approach. This is usually from the upper side of the log. (3-20-20)

i. Logs shall not be landed at loading areas until all workers, tractors, trucks, or equipment are in the clear. All persons shall stay in the clear of running lines, moving rigging, and loads until rigging or loads have stopped. (3-20-20)

j. The loading machine shall be set so that the operator shall have an unobstructed view of the loading area, or a signalman shall be properly placed and his signal shall be followed. Signaling the operator shall be done by standard hand signals, whistles, or other positive means of communication. (3-20-20)

k. Machines, sleds, or bases shall be of sufficient strength to safely withstand moving, and machines shall be securely anchored to their bases. (3-20-20)

l. Mufflers shall be installed on all internal combustion engines of log handling equipment and located or guarded in such a manner as to prevent accidental contact with the muffler or exhaust pipes and afford protection from fumes. (3-20-20)

m. Brakes shall be installed on all machine drums and maintained in effective working condition. (3-20-20)

- n.** Brake levers shall be provided with a ratchet or other equally effective means for securely holding the drum. (3-20-20)
- o.** Brake bands shall have a safety factor of five (5) times the stress to be imposed and they shall be of a design which will render them impervious to exposure. Operators shall test brakes before lifting any load at the start of each shift. (3-20-20)
- p.** In no case shall stresses in excess of the manufacturer's recommendation be permitted. Equipment not carrying a manufacturer's recommendation shall not exceed stresses of more than one half of the yield strength of the material used. Conversion of cranes, shovels, etc., into yarders shall be in conformity with these rules. Necessary guylines or outriggers shall be provided and used to effectively prevent mast, A-frames, etc., from tipping or overturning. (3-20-20)
- q.** The manufacturer's recommendations for line sizes, if in compliance with these rules, shall be followed and such line sizes shall not exceed the rated capacity of the machine using it. (3-20-20)
- r.** Fork lifts or arms, tongs, clams or grapples shall be lowered to their lowest position and all equipment brakes set before the operator leaves the machine. (3-20-20)
- s.** Log unloaders shall not be moved about the premises for distances greater than absolutely necessary with the lift extended or with the loads higher than necessary for clear vision. (3-20-20)
- t.** All log handling machines which have lift arms that create a shear point with the driver's cab or position shall be provided sheer guards that will eliminate the operator's exposure to such hazard. Grapple arms or other positive means of keeping logs on the forks shall be required on fork lift-type loading machines. (3-20-20)
- u.** All workers shall be in the clear and in view of the machine operator before a lift is made. (3-20-20)
- v.** All mobile log handling machines shall be equipped with rearview mirrors, a horn or other audible warning device, and lights front and rear so as to illuminate the entire length of the load being lifted or carried. An automatic warning device that will activate when the vehicle is moved is preferable in areas where other workers are employed. (3-20-20)
- w.** Logs or loads shall not be swung over occupied equipment or workers and no person shall ride the load or rigging. (3-20-20)
- x.** While logs are being loaded, no person shall remain on the chain deck or behind the truck cab protector where they could be pinned between the end of a log and cab, tank, or cab protector. Cab protectors shall be cleaned of all loose gear before trucks are moved from the landing. (3-20-20)
- y.** An unimpaired clearance of not less than three (3) feet shall be maintained from swinging or moving parts of machines, where such swinging or moving parts create a hazard to personnel. If this clearance cannot be maintained, suitable barricades or safeguards shall be installed to isolate the hazardous area. (3-20-20)
- z.** A-frames, towers, masts, etc., shall be designed and constructed to provide adequate structural strength and height for positive control of materials or loads lifted. When in use, they shall be guyed or braced to provide stability and prevent tipping. Their bases shall be secured against possible displacement. (3-20-20)
- aa.** All log handling equipment shall be equipped with brakes capable of holding and controlling the vehicle with capacity load. (3-20-20)
- bb.** A limit stop which will prevent the lift arms from over-traveling shall be installed on all electric powered log unloaders. (3-20-20)
- cc.** Gas powered vehicles shall not be refueled while motor is running nor in the vicinity of smoking or open flames. (3-20-20)

- dd.** All log handling equipment shall be equipped with approved fire extinguisher of at least five (5) B.C. rating easily accessible to operator. (3-20-20)
- ee.** Methods of unloading logs shall be properly arranged and used in a manner to provide protection to all employees. (3-20-20)
- ff.** After cars or trucks are spotted at such dump or landing, no person will be permitted to pass between a brow log and a truck or rail car. (3-20-20)
- gg.** Where there is danger of tongs or hooks pulling out of the logs, straps shall be used. (3-20-20)
- hh.** All equipment should be so positioned, equipped, or protected so that no part shall be capable of coming within ten (10) feet of any power line. (3-20-20)
- ii.** Bunk logs shall extend not less than twelve (12) inches beyond the bunks, with the exception of non-oscillating bunks. (3-20-20)
- jj.** The method of loading shall be such that the logs in any tier or layer unsecured by stakes or cheese blocks shall have their centers inside of the centers of the outer logs of the next lower tier or layer so that the load is stable without the aid of binders. Logs shall be well saddled without crowding so that there will be no excessive strain on the binders, bunk chains, or stakes. No more than one half (1/2) of any log shall extend above the stakes unless properly and securely saddled. (3-20-20)
- kk.** Binders shall be so placed that they will not be fouled by the unloading machine and that they may be released from the side on which the unloader operates. Proper protection shall be provided for workers while removing wrappers. (3-20-20)
- ll.** Truck drivers shall be in the clear and in view of the log unloader operator before forks are moved into the load or against it, before a lift is made. All persons are prohibited from standing under, or near, the ends of logs being lifted or moved. (3-20-20)
- mm.** Loads or logs shall not be moved or shifted while binders are being applied or adjusted.
NOTE: For logs in transit see Section 501 of these rules “Log Truck Transportation.” (3-20-20)
- nn.** All log dumps, trailer loading areas, and landings shall be kept reasonably free from bark and other debris. (3-20-20)
- oo.** Logs in storage decks shall be so arranged as to prevent logs from rolling off the face of the deck. (3-20-20)
- pp.** All log load wrappers shall be arranged so that they must be released in view of the unloader operator or signal person. When binders are released by remote control devices and when the person releasing the binders is in a safe location, and when in view of the unloading operators, or signal person, the binders may be released from either side. After the unloading machine is in position to hold the load, the binders shall be removed and the person removing them shall be in a safe location in view of the operator. The operator will be given a signal by the person releasing the binders before the machine or load is moved. (3-20-20)
- 02. Trailer Loading Hoist/Sawmill Log Dump.** (3-20-20)
- a.** The hoist shall be designed and constructed in accordance with the National Electrical Code, so as to provide safe loading or unloading of the trailer. (3-20-20)
- b.** The hoist shall be equipped with a limiting device to maintain safe take-up limits of line on the hoisting drum. (3-20-20)
- c.** Regular service and inspection of the hoist and hoisting equipment shall be made to assure reliable

serviceability of the facility. (3-20-20)

552. -- 600. (RESERVED)

**SUBCHAPTER M – HELICOPTER LOGGING
(Rules 601 -- 650)**

601. GENERAL REQUIREMENTS.

Safety requirements are as follows: (3-20-20)

01. Briefings. Prior to each day's operation, a briefing shall be conducted. This briefing shall set forth the daily plan of operation for the pilot and ground personnel. (3-20-20)

02. Personal Protective Equipment. Personal protective equipment for employees receiving the load shall, as a minimum, consist of complete eye protection and hard hats secured by chinstraps. (3-20-20)

03. Loose-Fitting Clothing. Loose-fitting clothing likely to flap in the downwash, and perhaps be snagged on the hoist line, shall not be worn. (3-20-20)

04. Reduced Visibility. When visibility is reduced by dust or other conditions, ground personnel shall keep clear of main and stabilizing rotors. (3-20-20)

05. Unauthorized Personnel. No unauthorized person shall be allowed to approach within fifty (50) feet of the helicopter when the rotor blades are turning. (3-20-20)

06. Approaching or Leaving Helicopter. All employees approaching or leaving a helicopter with blades rotating shall remain in full view of the pilot and remain in a crouched position. (3-20-20)

07. Areas to Avoid in Helicopter. Employees shall avoid the area from the cockpit or cabin rearward unless authorized to be there by the helicopter operator. (3-20-20)

08. Approach and Departure Zones. Helicopter approach and departure zones shall be designated and no equipment or personnel will occupy these areas during helicopter arrival or departure. (3-20-20)

09. External Loads. Helicopters with an external load shall not pass over areas where fallers are working. (3-20-20)

10. Open Fires. Open fires shall not be permitted in an area that could result in such fires being spread by rotor downwash. (3-20-20)

11. Compliance with FAA Regulations. Helicopter operations shall comply with any applicable regulation of the Federal Aviation Administration. (3-20-20)

12. Protective Precautions. Every practical precaution shall be taken to provide for the protection of employees from flying objects in the rotor downwash. (3-20-20)

602. SPECIFIC REQUIREMENTS.

01. Signal Systems. (3-20-20)

a. Signal systems between air crew and ground personnel shall be understood and checked before hoisting the load. This applies to either radio or hand signal systems. (3-20-20)

b. There shall be constant reliable communication between the pilot and a designated signalman during the period of loading and unloading. (3-20-20)

c. The helicopter shall be equipped with a siren to warn workers of hazardous situations. (3-20-20)

- 02. Loading Logs.** (3-20-20)
- a.** It shall be the responsibility of the firm, supervisor, or person who is in charge of the actual loading operation to comply with the provisions of these rules applicable to log loading. (3-20-20)
- b.** The helicopter operator shall be responsible for the size, weight and manner in which loads are attached to the helicopter. If, for any reason, the helicopter operator believes the lift cannot be made safely, the lift shall not be made. (3-20-20)
- c.** When employees are required to perform work under hovering aircraft, a safe means of access shall be provided for employees to reach the hoist line hook and engage or disengage cargo slings. (3-20-20)
- d.** Employees shall not work under hovering aircraft except while hooking or unhooking loads. (3-20-20)
- e.** The weight of an external load shall not exceed the manufacturer's rating. (3-20-20)
- f.** The hook-up crew shall not work on slopes below felled and bucked timber when an unsafe situation exists. Culls left, which have a potential of rolling, should be moved to a safe position. (3-20-20)
- 03. Loading and Landing Areas.** (3-20-20)
- a.** The minimum dimensions of a drop zone shall be determined by the length of the logs being hauled. All zones shall be at least one and one-half (1 1/2) times as long, and as wide as the length of the average log being harvested. (3-20-20)
- b.** Landing or loading machinery shall be a reasonable distance away from where logs are to be landed. (3-20-20)
- c.** Landing crew shall be in the clear before logs are landed. (3-20-20)
- d.** The approach to the landing shall be clear and long enough to prevent tree tops from being pulled onto the landing. (3-20-20)
- e.** Separate areas shall be designated for landing logs and fueling helicopters. (3-20-20)
- f.** Sufficient ground personnel shall be provided for safe helicopter loading and unloading operations. (3-20-20)
- g.** A clear area shall be maintained in all helicopter loading and unloading areas. (3-20-20)
- h.** Emergency landing areas for injured workers shall be located within a reasonable distance from all working areas. (3-20-20)
- 04. Hooks and Chokers.** (3-20-20)
- a.** The electrical activating device of all electrically operated cargo hooks shall be designed and installed to prevent inadvertent operation. In addition, these cargo hooks shall be equipped with an emergency mechanical control for releasing the load. (3-20-20)
- b.** Logs will be laid on the ground and the helicopter completely free of the chokers before workers approach the logs. (3-20-20)
- c.** One (1) end of all the logs in the turn shall be touching the ground and at an angle no greater than forty-five degrees (45°) before the chokers are released. (3-20-20)

d. If the load must be lightened, the hook shall be placed on the ground on the uphill side of the turn before the hooker approaches to release the excess logs. (3-20-20)

603. -- 650. (RESERVED)

**SUBCHAPTER N – RECOMMENDED SAFETY PROGRAM
(Rules 651 - 700)**

651. INTRODUCTION.

01. Scope. (3-20-20)

a. These rules are part of the accident prevention program of the state of Idaho. This program is dedicated to the safety and well-being of all workers in Idaho's logging industry. It has been established according to the processes prescribed by law. (3-20-20)

b. These rules contain the primary safety rules for the logging industry. However, other Idaho Safety Standards promulgated and adopted by the Industrial Commission shall be applicable to this industry where not inconsistent with the provisions herein, or where any particular activity which is being carried on is not specifically covered or regulated herein. (3-20-20)

02. Enforcement. The enforcement of these rules is the responsibility of the Division of Building Safety. These rules will not serve their purpose if their requirements are considered anything but a minimum for safe operation. So much variation exists in the logging industry that each operation should be judged, not by its compliance to the letter of this Standard, but according to a higher standard -- that of absolute safety under all conditions. (3-20-20)

03. Accident Prevention. Accident prevention is often a problem of organization and education. It does not succeed solely on detailed safety codes but consists largely of the desire to institute a common sense safety program and determination to carry out the program effectively. Effective accident prevention embodies the following five (5) principles: management leadership; employee cooperation; effective organization; thorough training; and good supervision. (3-20-20)

652. FIRE AND SAFETY POLICY.

01. Elements. The basic elements or management responsibility for fire and safety policy are enumerated in this section. (3-20-20)

02. Management Leadership. The establishment of the safety policy should be made clear to all levels of supervision, purchasing, engineering, industrial and construction; and communicated to all employees that top management has approved the operation's safety program. (3-20-20)

03. Planning. The program should be based on the following: accounting record of safety cost, accident recording system, accident investigation recommendations, operation inspection recommended corrections, employee suggestions, and job analysis to determine the work hazards. The hazard appraisal can be summarized as follows: mechanical and physical hazards; environmental hazards; and work procedure and practices. (3-20-20)

04. Management Discharge of Duty. (3-20-20)

a. If management is to discharge its duty in proper directing of the fire and safety program, it must organized a definite planned program of continuous supervision and leadership by all facets of the management organization. The very fact that safety must be woven into all operations and activities should not require extra managerial time beyond the ordinary to operate a business successfully, i.e., if the entire management team will assume their safety responsibility. (3-20-20)

b. The first task of management is to determine the operational hazards. Once these are ascertained and appraised, suitable corrective action can be initiated. If the working unit is operating, the following specific activities should be carried out to find the hazards. These are: job inspection; job analysis; accident investigation

(near accident, non-disabling injuries) to determine necessary remedial action to prevent reoccurrence of the accident. (3-20-20)

05. Hazard Appraisal. The partial list of terms covered by appraisals are summarized briefly as follows: mechanical and physical hazards; adequacy of mechanical guarding of machines and equipment; preventing the use of inferior manufactured and unsafe supplies, equipment, chain, cables, sheaves, tires, power saws, tractor canopy guards, approved head protection, fire extinguishers, solvents, mill saws, etc.; and physical exhaustion such as may be caused by excessive work hours by truck drivers and mill maintenance employees. (3-20-20)

06. Environmental Hazards Inherent to the Operation. (3-20-20)

a. Personal protection devices (approved head protection, ear plugs, knee pads, proper eye protection, respirators, etc.) (3-20-20)

b. Storage and use of flammable liquids and gases (gasoline, diesel, acetone, acetylene, acids, etc.) (3-20-20)

c. All employees should be familiar with proper work signals (falling, blasting, high lead signals, loading, mill signals, operation fire signal, etc.) (3-20-20)

d. Noise and fatigue hazards that are inherent to the industry (planers, cutoff saws, jack hammers, etc.). (3-20-20)

07. Work Procedures and Practices. (3-20-20)

a. Hazards directly related to work practices should be carefully observed and evaluated. (3-20-20)

b. Work practices that should be investigated include, but are not necessarily limited to: use, care and maintenance of hand and portable power tools; degree of supervision given the worker; the extent of job training provided; the safety indoctrination and training of new or transferred employees; the proper use of fire extinguishers; the use of personal protective devices (approved head protection, shoes, etc.); and the repair and maintenance of equipment with respect to machines, mechanical handling equipment, log loaders, yarding equipment, tractors, fork lifts, overhead cranes, headrigs, etc.; (3-20-20)

08. Reporting of Injuries. (3-20-20)

a. The employer shall instruct all employees to report all job injuries to the supervisor at the time injuries occur. The employer shall check specifications for new machines, processes and equipment for compliance with existing safety standards, laws and safety requirements, and shall have such equipment fully inspected before it is placed in use. (3-20-20)

b. The employer is responsible for reporting all industrial lost time injuries to the Industrial Commission within forty-eight (48) hours. (3-20-20)

c. The employer is responsible for reporting all in-patient hospitalization, amputation, or the loss of an eye for any employee to the Occupational Safety and Health Administration (OSHA) and the Division of Building Safety Logging Safety Program within twenty-four (24) hours. (3-20-20)

09. Fatalities. All work fatalities should be immediately reported to the County Sheriff or Coroner, the Division of Building Safety Logging Safety Program, and OSHA in accordance with the Code of Federal Regulations, 29 CFR 1904.39. (3-20-20)

10. Management of Personnel. (3-20-20)

a. The recruiting and placing of a new worker on the job is a major responsibility of the management organization. Every effort should be made to match the qualifications of the worker with the demands of the job. (3-20-20)

b. The furnishing of first aid services, treatment of injuries, and inspection of working conditions is the employer's responsibility. (3-20-20)

11. Assignment of Responsibilities. (3-20-20)

a. Supervisors, purchasing agents, engineering personnel, safety directors, personnel directors, and employees have responsibilities to ensure conformance with the organization's fire and safety objectives in every operation. (3-20-20)

b. Management must accept the normal obligation for preventing accidents. In many operations it is a practice to delegate the actual administration of the safety program to a person who can devote full-time to it. In smaller operations, safety administration may be a collateral duty carried on in conjunction with some other duties. The safety director should function in a staff capacity. Because the safety director operates in a consultant capacity, ultimate responsibility for accident prevention rests with the workers' supervisor, the foreman and line production organization. There is no doubt that the foreman is the key person in every safety program. Safety is not something separate and apart from production. If the job is done right, it is done safely. (3-20-20)

c. Safety is an integral and important part of production, just as is quality and quantity, or meeting production schedules. (3-20-20)

d. All these duties are foreman or project superintendent duties, and the most important part of the line production organization. This obligation cannot be delegated. As the person in charge of production, the foreman is responsible for the safety of his people. This fact must be made clear and should be included in the statement of policy. (3-20-20)

12. Safety Director (Part-Time or Full-Time): (3-20-20)

a. Makes periodic inspections of the operations and suggests corrective measures to eliminate hazards. (3-20-20)

b. Should assist in investigation of all types of accidents to determine the cause, so as to prevent like accidents in the future. (3-20-20)

c. Aids foremen in developing safe work procedures and practices and assists foremen in training their workers. (3-20-20)

d. Keeps accident records and makes periodic reports to the proper official on the progress being made. Reports and records; report of accidents; accident investigation report; performance report (injury frequency and severity); accident cost report; safety committee reports; report on degree of corrective action taken on different recommendations. (3-20-20)

e. Conducts or initiates safety training courses including first aid and fire fighting, where appropriate, and any other course inherent to the job (truck driver courses, power saw courses, welding, grinder usage, fork lift truck operator, etc.). (3-20-20)

f. Establishes safety committee. (3-20-20)

g. Ensures that recommendations are promptly and properly implemented. (3-20-20)

h. Checks specifications for new machines, processes and equipment for compliance with existing safety standards, laws and safety requirements, and shall have such equipment fully inspected before it is placed in use. (3-20-20)

i. He shall assist the safety committee in developing agendas for their meetings. (3-20-20)

13. Foreman Responsibilities. It is widely accepted that the foreman is the key man in attaining

proper work habits in any operation. It is the obligation of management to give the most careful attention to the selection, education, and training of foremen and train them in the proper way to train employees in correct and safe work methods to attain the best production in the safest way. (3-20-20)

14. First Aid Training. It shall be the responsibility of management to arrange to have all employees take a full course in first aid training. It is required that supervisory personnel shall take an approved first aid course, and have a current first aid card. (3-20-20)

15. Injury Record and Reporting System. (3-20-20)

a. If an employer had ten (10) or fewer employees at all times during the last calendar year, it does not need to keep OSHA injury and illness records unless OSHA or the Bureau of Labor Statistics (BLS) informs the employer in writing that it must keep records under OSHA regulations. However, as required by such regulations, all employers covered by the OSH Act must report to OSHA and the Division of Building Safety Logging Safety Program any workplace incident that results in a fatality or the hospitalization, the amputation of a limb, or the loss of an eye for any employee. (3-20-20)

b. For those employers subject to the injury and illness recording requirements under OSHA, the employer shall establish in its main Idaho office an injury record and reporting system which is consistent with reporting, record, and statistical requirements of the Occupational Safety and Health Administration (OSHA). (3-20-20)

c. Injury frequency rates shall be calculated annually commencing the first of January each year. These rates shall be kept on file in the office of the employer for at least four (4) years after the date of entry thereof, and shall be made available to the Division of Building Safety, upon request. (3-20-20)

d. The injury frequency rate shall be the number of lost time injuries to all employees per one million (1,000,000) man hours of exposure. The frequency rate is computed by multiplying the number of lost time injuries by one million (1,000,000) (the standard of measurement) and dividing the product by the total number of man hours worked during the period. The formula is expressed as follows: Frequency equals the number of lost time injuries times one million (1,000,000) total man hours of exposure. (3-20-20)

e. A lost time injury shall be the term applied to any injury, arising out of, and in the course of employment which makes it impossible for the injured person to return to an established regular job at the beginning of the next regular shift following the shift during which the injury occurred, or some future shift. (3-20-20)

f. Man hours of exposure shall be the total number of man hours actually worked by all personnel in the industrial unit during the period for which the rate is being computed. (3-20-20)

16. Training and Education. (3-20-20)

a. Training and education includes: (3-20-20)

i. Establishment of effective job training methods and safety education. (3-20-20)

ii. First aid courses, proper work signals and job hazard warnings. (3-20-20)

iii. Pamphlets, bulletin boards, safety meetings, posters, etc. (3-20-20)

b. The employer shall establish an adequate job training and safety education program. The relationship of safety to job quality and modern quantity production methods should be clearly understood. Good work production is governed by careful planning and accurate control of all phases of the operation. Accidents are the result of inadequate planning of faulty operation. (3-20-20)

c. Safety must be made an essential and integral part of every operation and integrated into the activity if the most successful quantity production is to be attained. The soundness of this statement has been proven many times by comparing the accident cost with the day by day curve of production. (3-20-20)

d. It is the responsibility of management to train employees in all phases of the work they are assigned. The worker training should begin at the time of employment with a careful presentation of the general safety information the employee must have to work on and in logging and lumbering or wood working operations. When the worker is placed on the job, the worker must be given detailed training on proper work methods for accomplishment of the job. The correct way is the safe way. Telling is not training. (3-20-20)

e. People learn to do things primarily through action. The employee's job training should be given using the five (5) step job training method: (3-20-20)

- i.** Tell the employee; (3-20-20)
- ii.** Show the employee; (3-20-20)
- iii.** Have the employee do it; (3-20-20)
- iv.** Correct until the employee does it right; and (3-20-20)
- v.** Supervise to see that the employee keeps doing it right. (3-20-20)

f. Education and promotion are a supplemental means of reducing injuries. This device employs any number of methods to accomplish results. A good program may use but will not overemphasize emotional appeal to the workers using such devices as scholarships, stamps, posters, safety meetings, contests, and awards. It is management's responsibility to integrate education and training program and balance its effectiveness to employee training. Unsafe acts or unsafe work practices are the result of failure to train workers in safe work procedures. In establishing or operating a safe and quality work program, an appraisal of unsafe work procedures and poor quality of work is called for, and job training methods initiated to correct these practices. (3-20-20)

17. Employer, Employee, and Labor Representative Cooperation. (3-20-20)

a. The workers have a responsibility to obey the units safety rules, smoking rules, report unsafe conditions, to serve on the different safety committees, perform their work in a safe way, and to help fellow workers by showing them how to do their job safely. (3-20-20)

b. Many safety programs fail because the worker has not been made to feel that it is their program; or that they can contribute as well as benefit from the program. It often fails because it lacks employee participation and interest. The fact that employees are given the opportunity to participate and to contribute to the program not only opens a reservoir of valuable information on practical experience in accident prevention, it also gives the employee a feeling of being a part of the organization. (3-20-20)

c. The committee on safety should be made up of personnel selected from management and workers. Management members are supervisors and worker members may be selected by the union or by the employees. (3-20-20)

d. The labor unions should help develop a safe behavior among the workers. (3-20-20)

18. Maintenance of Safe Working Conditions. (3-20-20)

a. The employer shall provide a safe and healthy work area in which to work, including purchasing of safe equipment and tools and provide proper maintenance of such equipment. (3-20-20)

b. Since a safe and healthy place to work is the very foundation of the safety program, the mechanical, physical, and environmental conditions should be given first consideration. (3-20-20)

c. For almost every accident there are typically two (2) contributing causes - an unsafe condition and an unsafe act. A safe and healthy place to work will diminish or eliminate the first cause, the unsafe condition; but unless the unsafe act is corrected, accidents will continue to occur. Unsafe acts may stem from a number of factors,

such as improper selection of the worker for the job, lack of job training, physical or mental limitations or inadequate supervision. When a safety program is first established or a new project with a new crew is started, this may necessitate a thorough periodic survey of the entire operation to determine hazards. (3-20-20)

19. Remedial Measures of Corrective Action. (3-20-20)

a. The employees shall support and correct the findings of job analysis, inspections, accident investigations, employee suggestions, etc. (3-20-20)

b. The assumption of responsibility for fire and accident prevention by management carries with it the continuing responsibility to assess the progress being made on the program, and where progress is unsatisfactory to take necessary steps to bring about improvement. Inspection alone is primarily a means of finding and eliminating fire and physical hazards, particularly in connection with enforcement. All educational and promotional activities should be integrated with inspection activities, and should be based on the specific needs of the establishment or operation. Inspection and educational and promotional programs are sometimes looked upon as entirely unrelated activities rather than a single integrated program. (3-20-20)

c. None of the foregoing activities are of value unless followed by effective corrective action. The responsible executive within top management must establish specific procedures to effect proper and complete corrective action in each area for problems that occur. In well-managed organizations the areas of responsibility are clearly defined. The activities are well coordinated, supervision is adequate and proactive, employees' safety behavior is excellent, and policies are well-defined to permit smooth organization. This is not difficult; the corrective measures are applied as part of the day to day operating procedure. (3-20-20)

20. Safety Order By the Administrator. In accordance with the provisions of section 67-2601A (3), Idaho Code, the administrator may issue a safety order requiring an owner, operator or other party responsible for ensuring safe logging operations to immediately stop work or close any work site, or portion thereof where an inspection has revealed evidence of a condition that poses an immediate threat of bodily harm or loss of life to any person. The process governing the issuance of a safety order is contained herein this section. (3-20-20)

a. Upon receiving information evidencing an unsafe condition or unsafe practices at any logging workplace or place of employment, the administrator shall inspect or cause to be inspected such place of employment unless such information was obtained by previous inspection of the Division. If upon such inspection the administrator determines that an unsafe condition or unsafe practice exists which may pose an immediate threat of bodily harm or loss of life, the administrator may issue a safety order requiring the employer to immediately stop work or close any work site, or portion thereof. Any safety order issued by the administrator shall specifically identify the unsafe condition or practice, as well as the safety risks associated therewith. Written notice of such order shall immediately be provided by the administrator to the owner or operator of the business, or any other appropriate party responsible for abating the unsafe condition or practice. (3-20-20)

b. Upon receiving such notice from the administrator, such owner, operator or responsible party shall immediately comply with such, and may notify the administrator in writing of their objection to the notice and request to contest such at a hearing. The owner, operator or responsible party shall provide the administrator with information, documentation, or other evidence supporting their objection. (3-20-20)

c. Upon receipt and review of such information from the owner, operator, or responsible party, the administrator may reconsider the matter and issue appropriate findings to the owner, operator, or party responsible for abating the unsafe condition or practice, including rescission of the order. (3-20-20)

d. If after review it is the determination of the administrator to keep the safety order in place, he shall so notify the owner, operator or responsible party and designate a time and place for hearing, and may assign the matter for hearing by a hearing officer. The hearing shall be afforded at such time not to exceed five (5) business days from the date the administrator received the notice of objection unless additional time is requested by the owner, operator, or responsible party. The hearing proceedings shall be governed by the provisions of Title 67, Chapter 52, Idaho Code. The hearing officer shall issue an order in accordance with Section 67-5243, Idaho Code. The hearing may be held at such location or by such means as the administrator determines most convenient for the parties. (3-20-20)

e. The safety order shall remain in effect, and shall not be rescinded until the administrator has determined that the safety threat has been corrected or removed from the workplace. Upon verification by the administrator that the safety threat has been corrected or otherwise removed from the worksite, the administrator shall immediately notify the owner, operator or responsible party of the rescission of the safety order. Any party aggrieved by the final order of the administrator shall be entitled to judicial review thereof in accordance with the provisions of Title 67, Chapter 52, Idaho Code. (3-20-20)

f. Any person who knowingly fails or refuses to comply with the provisions of a safety order issued by the administrator shall be guilty of a misdemeanor, and the administrator may seek criminal prosecution of any such violations. (3-20-20)

653. -- 700. (RESERVED)

SUBCHAPTER O – CABLE-ASSISTED LOGGING SYSTEMS
(Rules 701 - 999)

701. MACHINE SAFETY REQUIREMENTS.

01. Harvesting Machines. Harvesting machines for cable-assisted logging operations shall comply with each of the following: (3-20-20)

a. Meet the protective structure requirements set forth in IDAPA 07.08.10.010; (3-20-20)

b. Be equipped with a certified roll-over protective structure (ROPS); and (3-20-20)

c. Be equipped with at least a four (4)-point restraint system approved by the machine’s manufacturer or a qualified person. (3-20-20)

02. System Approval. The cable-assisted logging system shall be designed and constructed for cable-assisted logging applications by the original equipment manufacturer, or approved for cable-assisted logging applications in writing by the original equipment manufacturer or a registered professional engineer. (3-20-20)

03. Operation of System. The cable-assisted logging system shall be operated, inspected and maintained in accordance with the manufacturer’s recommendations, specifications and limitations, or if no manufacturer’s recommendations exist, then by the recommendations of a registered professional engineer. Cable-assisted logging systems not in safe operating condition shall be removed from service until repaired by a qualified person. (3-20-20)

702. TETHERED LINE SAFETY REQUIREMENTS.

01. Inspection of Tethered Lines. Tether lines shall be new wire rope and have a rated breaking load according to the cable-assisted logging system manufacturer’s recommendations and specifications. At a minimum, a competent person shall inspect the entire length of each tether line and drum connection prior to the startup of each cable-assisted logging operation, and thereafter on a monthly basis. A competent person shall also inspect the first fifty (50) feet of each tether line daily prior to use. These inspections shall be documented in writing. Tether lines must not be spliced and shall be replaced if there is evidence of chafing, sawing, crushing, kinking, crystallization, bird-caging, significant corrosion, heat damage, other damage that has weakened the tether line, or if the tether line reaches two thousand (2,000) hours of use. (3-20-20)

02. Line Tension. The tether line tension and machine travel shall be synchronized to ensure tether line tension is continuously provided and does not exceed thirty-three percent (33%) of the rope’s rated breaking load. The operator shall have an immediate and self-reliant or automated method to identify tether line tension, winch rotation and speed, amount of line on and off the drum, and anchor movement. (3-20-20)

03. Tether Line Components. All tether line assembly components shall be rated with a greater safe working load than the wire rope. Tether line attachment points and hitches shall be engineered and certified to

maintain a safety factor equal to or greater than the recommendations and specifications of the cable-assisted logging system manufacturer. Inspections of tether line assembly components (except drum connection as specified in Subsection 011.01 of these rules), hitches, winches, machines, and anchors shall be performed daily by a competent person prior to use. (3-20-20)

703. OPERATION AND SAFETY REQUIREMENTS.

01. General. Cable-assisted logging systems shall be operated, inspected and maintained in accordance with the manufacturer’s recommendations and specifications. Inspections shall be documented in writing. (3-20-20)

02. Planning. All cable-assisted logging operations shall be planned by the operator and a competent person who has the knowledge, training or experience to identify existing and predictable hazards in the work site surroundings or working conditions, which could be hazardous to employees, and has been authorized by the employer or employer representative to eliminate the hazard or take corrective action therefrom. Items to consider during site-specific planning must include, but are not limited to, the following: (3-20-20)

- a. Experience of the operator; (3-20-20)
- b. Limitations of the equipment; (3-20-20)
- c. Soil and terrain conditions; (3-20-20)
- d. Environmental conditions; (3-20-20)
- e. Poor visibility and lighting conditions; (3-20-20)
- f. Weather conditions; (3-20-20)
- g. Direction of travel; (3-20-20)
- h. Requirements for turning the machine on slopes; (3-20-20)
- i. Load sizes; (3-20-20)
- j. Method and adequacy of anchorage; and (3-20-20)
- k. Any other condition that may adversely affect operations. (3-20-20)

03. Operator Qualifications. Cable-assisted logging operators shall have documented training or adequate experience to safely operate the equipment on slopes. (3-20-20)

04. Operating Plans. A cable-assisted logging system operator shall have a written operating plan on site detailing the following: (3-20-20)

- a. Tether line replacement criteria; (3-20-20)
- b. Cable size, type and breaking strength, and method of assurance that tensions do not exceed one-third (1/3) of breaking strength to maintain a 3:1 safety factor or greater; (3-20-20)
- c. Inspection and maintenance to be performed on tether lines, end connectors, machines and winches; (3-20-20)
- d. How the operator will use tension limiting controls to maintain desired tension; (3-20-20)
- e. How the winch cable tension and machine travel are synchronized; (3-20-20)

- f.** How the operator will monitor machine slope, anchor movement, winch tension, amount of line on and off drum, and winch function; (3-20-20)
- g.** How the tether line attachment points to the harvesting machine are engineered to withstand potential loads; (3-20-20)
- h.** All harvesting machine modifications that allow it to operate on steep slopes, including operator harness or restraint system; (3-20-20)
- i.** How pre-operations planning and daily assessments will identify hazards for soil and terrain conditions; (3-20-20)
- j.** How the operator will determine if soil and terrain conditions are unsafe during operations; (3-20-20)
- k.** How operators will report new hazards identified during operations; (3-20-20)
- l.** Operating guidance given to the operator; and (3-20-20)
- m.** How emergencies are handled by the system, including line failure, machine failure, winch failure, anchor failure, winch machine movement or anchor movement, and whether there is an emergency stop for the operator or at the anchor. (3-20-20)

05. Unsafe Conditions. The employer shall establish and use procedures for operators to report unsafe conditions to a supervisor or qualified person. Such conditions must be corrected prior to resuming cable-assisted logging operations. Procedures shall also include steps to take in the event of equipment breakdown and for upset conditions. (3-20-20)

06. Warning Signs. Effective signage shall be affixed to all remotely operated equipment warning employees and others that lines and machines may start, stop, or move without warning. All employees working in close proximity of cable-assisted logging operations must receive training that enables them to recognize the potential hazards involved and to maintain safe distances. (3-20-20)

704. -- 999. (RESERVED)

24.39.90 – RULES GOVERNING THE DAMAGE PREVENTION BOARD

000. LEGAL AUTHORITY.

The Idaho Damage Prevention Board of the Division of Building Safety is authorized under Section 55-2203, Idaho Code, to promulgate rules for the administration of Title 55, Chapter 22, Idaho Code. (3-20-20)T

001. TITLE AND SCOPE.

01. **Title.** These rules are titled IDAPA 24.39.90, “Rules Governing the Damage Prevention Board.” (3-20-20)T

02. **Scope.** These rules are applicable to underground facilities, and facility owners as established in Title 55, Chapter 22, Idaho Code. (3-20-20)T

002. ADMINISTRATIVE APPEALS.

01. **Governing Procedural Requirements.** IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General,” Section 100, et seq., applies to contested cases, in addition to the provisions of Title 55, Chapter 22, Idaho Code. (3-20-20)T

02. **Appeal Bond.** Upon notice of the imposition of training or a civil penalty, the notified party may contest the imposition of such before the Damage Prevention Board in accordance with Section 018 of these rules. An appeal bond in the amount of two hundred dollars (\$200) must accompany the request for hearing to contest the matter. In the case of training, the Division of Building Safety will refund the bond if the contesting party appears at the hearing. In the case of a civil penalty, the Division will refund any portion of the bond not used to satisfy the penalty imposed by the Board or the entire bond if the contesting party prevails at the hearing. (3-20-20)T

004. -- 006. (RESERVED)

007. FUNDING OF BOARD ACTIVITIES.

Each owner of an underground facility must pay a fee of ten cents (\$.10) each time such owner receives notice from a one-number notification service as prescribed by Section 55-2205, Idaho Code. The fee assessed upon the underground facility owner is collected by the one-number notification service, and is payable to the board in accordance with the following schedule: (3-20-20)T

01. **Fee Assessed.** The fee will be assessed on an underground facility owner for each notification issued by the one-number notification service to the underground facility owner, with the one-number notification service required to submit a summary of the number of notices issued in a given month to the board no later than fifteen (15) days following the end of the month in which the notices were issued. (3-20-20)T

02. **Payment Submission.** The one-number notification service must submit payment to the board for all payments received from underground facility owners no later than seventy (70) days following the end of the month in which the notices were issued to the facility owners. In those cases where the payment from the underground facility owner is received after the seventy-day (70) period, the one-number service must include late payments in its next payment to the board. (3-20-20)T

03. **Notices Issued.** The one-number notification service must also submit a detailed list of notices issued, including the facility owner’s contact information, for which payment has not been received within the seventy (70) day period following the end of the month in which the notices were issued. Such list must be updated on a monthly basis to reflect the status of all past-due payments due from underground facility owners that have not been received. (3-20-20)T

008. AUDIT OF ONE-NUMBER SERVICE RECORDS.

The Board has the right to review and audit the payment records of any one-number notification service relating to the collection of the fee imposed on underground facility owners. In the event the board wishes to conduct a review and/or audit of a one-number notification service, the board will provide no less than a five (5) business day advance notice of the intended action. The board may delegate any responsibilities contained herein this chapter to the Division of Building Safety. (3-20-20)T

009. -- 014. (RESERVED)

015. EDUCATIONAL AND TRAINING MATERIALS.

01. Approval of Training and Educational Programs. The Board approves acceptable training courses or programs and educational materials on relevant underground facility damage prevention topics pertaining to safe excavation, locating and marking of facilities, determining facility damage, emergency procedures, excavator downtime, pre-marking of intended excavation areas, and appropriate procedures when encountering unmarked facilities. (3-20-20)T

02. Scope of Training and Educational Programs. Such training programs and educational materials must relate to various aspects of underground facility damage prevention, and contain practices, information, and standards generally accepted and recognized among stakeholders in Idaho. (3-20-20)T

03. Accessibility of Training and Educational Programs. The Division maintains and periodically updates a database of approved educational materials and training programs. (3-20-20)T

04. Purposes of Training and Educational Programs. Such programs may be used for general educational use by stakeholders or for remedial training that may be ordered by the board or the administrator pursuant to Section 55-2211, Idaho Code. (3-20-20)T

016. ADEQUACY OF FACILITY OWNERS LOCATING UNDERGROUND FACILITIES.

The board reviews all stakeholder complaints of violations related to underground facility line locating, as well as generally accepted practices and procedures related to locating. Stakeholders must take remedial actions to improve line-locating performance and monitor and report performance improvements to the board. (3-20-20)T

017. IMPROVEMENT OF TECHNOLOGY AND COMMUNICATIONS BY STAKEHOLDERS.

01. Adoption of Technology and Communications Materials. On an annual basis the board reviews and adopts any available technology and communications materials which promote effective underground facility locating. The board will make available any such appropriate technology and communications materials as it may determine to all stakeholders on the Division website. (3-20-20)T

02. Availability of Technology and Communications Materials. The board may request that stakeholders provide it with information or data related to procedures, methods, or technologies utilized by such stakeholders to enhance communications among other stakeholders, or that enhances underground facility locating capabilities, or enhances the stakeholder's ability to gather and analyze data related to underground facility damage. The board will review such technologies, methods, or materials adopted by stakeholders to ensure that such use is adequate, as well as to provide stakeholders with best practices. The Division of Building Safety must maintain an approved database of such referenced stakeholder data for public viewing and analysis on its website. (3-20-20)T

018. DAMAGE PREVENTION COMPLAINTS.

01. Complaint Forms. Persons may submit written complaints to the administrator regarding an alleged violation of Title 55, Chapter 22, Idaho Code, on such forms as required by the Division of Building Safety. Forms are available at the Division of Building Safety offices and electronically on the Division's website. Notice of the complaint may be served concurrently on the alleged violator by the person submitting the complaint. Verifiable proof of such notification of a complaint provided to the alleged violator must also be provided to the administrator. (3-20-20)T

02. Contents. Complaints must include the name and address of the complainant and the alleged violator, the date and location of the alleged violation, as well as a complete description of the nature of the violation alleged, including whether it resulted in damage to an underground facility or an excavator downtime event. Complainants may also provide additional documentation in support of a complaint. Complaints must be accompanied by a sworn declaration from the complainant declaring that the information contained therein is true and accurate. The administrator may request additional information or documents in support of the complaint. (3-20-20)T

03. Complaint Procedures and Timelines. The following timelines and procedure govern the process of filing and administering complaints related to violations of Title 55, Chapter 22, Idaho Code, and the rules of the Board. (3-20-20)T

a. Initial Filing. Complaints must be filed with the administrator not later than thirty (30) days from the date of the alleged violation giving rise to the complaint or from the date the violation should have reasonably been discovered by the complainant, whichever is later. (3-20-20)T

b. Response. The administrator must notify the alleged violator of the complaint and request a response and any additional information from the alleged violator as may be necessary. The alleged violator may provide a response to the administrator within thirty (30) days from the date they are notified of the complaint by the administrator. (3-20-20)T

c. Recommendation. Within thirty (30) days of receipt of the response, or if no response is received, within fifteen (15) days from the deadline for filing a response, the administrator must notify the complainant and the alleged violator of his recommended course of action. The administrator may extend the period of time in which to determine a recommended course of action, and so notify the parties, if he determines it is necessary to further review or investigate the complaint. (3-20-20)T

d. Contest. The alleged violator has the right to contest the imposition of a civil penalty before the damage prevention board. Notice of such contest must be provided by the alleged violator not more than thirty (30) days after receipt of the administrator's recommended course of action. Recommendations of the administrator regarding complaints may be reviewed by the board at its next regularly scheduled meeting. (3-20-20)T

019. CLAIMS AND REPORTS OF DAMAGE OR EXCAVATOR DOWNTIME.

01. Claims. Claims for the cost of repairs for damaged underground facilities are enforced by the affected underground facility owner in accordance with procedures as may be established by the facility owner, and in accordance with applicable law. Underground facility owners must provide notice to excavator contractors of such procedures, along with sufficient information supporting the basis for the amount of a claim within six (6) months from the date of the event giving rise to the claim or from the date the event should have reasonably been discovered by the underground facility owner, whichever is later. (3-20-20)T

02. Reports. Underground facility owners and excavators who observe, suffer or cause damage to an underground facility or observe, suffer or cause excavator downtime related to a failure of one (1) or more stakeholders to comply with applicable damage prevention statutes or regulations must report such information to the board on forms or by such method adopted for such by the board. Forms are available at the Division offices and electronically on the Division's website. (3-20-20)T

020. CIVIL PENALTIES.

The Idaho Damage Prevention Board is authorized under Section 55-2203(17), Idaho Code, to establish by administrative rule the fines to be paid for civil penalties issued for violations of Title 55, Chapter 22, Idaho Code. To the extent authorized by Section 55-2211, Idaho Code, the acts described in this section subject the violator to a civil penalty of not more than one thousand dollars (\$1,000) for a second offense and a civil penalty of not more than five thousand dollars (\$5,000) for each offense that occurs thereafter within eighteen (18) months from an earlier violation, and where facility damage has occurred. (3-20-20)T

01. Violations of Title 55, Chapter 22, Idaho Code. The following acts subject a person to civil penalties: (3-20-20)T

a. Pre-marking Excavation Site. Any person who fails to adequately pre-mark onsite the path of proposed excavation as reasonably required under the circumstances in accordance with Section 55-2205(1)(b), Idaho Code, is subject to a civil penalty. (3-20-20)T

b. Notice of Excavation. Any person who fails to provide notice of the scheduled commencement of excavation to any underground facility owner through a one-number notification service, or directly to a facility owner, as applicable within the prescribed time as required by Section 55-2205(1)(c), Idaho Code, is subject to a civil penalty. (3-20-20)T

c. One-Number Notification to Facility Owner. A one-number notification service that fails to provide

notice of a scheduled excavation upon notification from an excavator is subject to a civil penalty. (3-20-20)T

d. Failure to Locate or Mark. An underground facility owner, owner’s agent, or locator who fails to locate or mark underground facilities when responsible to do so in accordance with Section 55-2205(2), Idaho Code, or within the prescribed time provided therein, is subject to a civil penalty. (3-20-20)T

e. Failure to Wait for Locate or Maintain Markings. An excavator who commences excavation prior to waiting the time prescribed by Section 55-2205(2), Idaho Code, for all known facilities to be located and marked, or an excavator who fails to maintain the markings of underground facilities previously so marked subsequent to the commencement of excavation in accordance with Section 55-2205(2), Idaho Code, is subject to a civil penalty. (3-20-20)T

f. Failure to Cease Excavation or Report Unidentified Facilities. An excavator who does not cease excavation in the immediate vicinity upon the discovery of underground facilities therein, whether such facilities be active or abandoned, which were not previously identified or located with reasonable accuracy, or does not notify the owner or operator of the facilities, or a one-number notification service in accordance with Section 55-2205(4), Idaho Code, is subject to a civil penalty. (3-20-20)T

g. Failure to Identify Facilities in Contract Documents. Project owners who fail to indicate in bid or contract documents the existence of underground facilities known by the owner to be located within the proposed area of excavation in accordance with Section 55-2207, Idaho Code, is subject to a civil penalty. (3-20-20)T

h. Precautions to Avoid Damage. An excavator who does not engage in any of the activities required by Section 55-2207(2), Idaho Code, or use reasonable care to avoid damage to underground facilities is subject to a civil penalty. (3-20-20)T

i. Reporting of Damage to Facility. An excavator who fails to report to a facility owner and a one-number notification service any contact or damage to an underground facility caused by such excavator in the course of excavation, or fails to alert an appropriate authority upon an actual breach of a facility which causes the release of gas or hazardous liquids as required by Section 55-2208(1), Idaho Code, is subject to a civil penalty. (3-20-20)T

j. Reporting to the Board. An excavator or underground facility owner who observes, suffers or causes damage to an underground facility or excavator downtime related to the failure of one (1) or more stakeholders to comply with the damage prevention regulations and fails to report such information to the board as required by Section 55-2208(5), Idaho Code, is subject to a civil penalty. (3-20-20)T

k. Failure to Participate. Any person who fails to participate or cooperate with a one-number notification service as prescribed by Section 55-2206, Idaho Code, is subject to a civil penalty. (3-20-20)T

02. Second Offense. For the purpose of this section, a second offense is deemed to be any violation of Title 55, Chapter 22, Idaho Code, for which a civil penalty may be imposed in accordance with this section which occurs within eighteen (18) months of a previous violation of any provision. (3-20-20)T

03. Multiple Violations. Each day that a violation of Title 55, Chapter 22, Idaho Code, occurs for which a civil penalty may be imposed as provided herein constitutes a separate offense. (3-20-20)T

021. -- 999. (RESERVED)

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR,
DIVISION OF FINANCIAL MANAGEMENT**

IDAPA 25 – IDAHO OUTFITTERS AND GUIDES LICENSING BOARD

DOCKET NO. 25-0000-2000

**NOTICE OF LEGISLATIVE AND EXECUTIVE ACTION AFFECTING THE IDAHO OUTFITTERS AND
GUIDES LICENSING BOARD UNDER THE DEPARTMENT OF SELF-GOVERNING AGENCIES –
HOUSE BILL 318, SESSION LAW 96, AND EXECUTIVE ORDER 2020-10
AND ASSIGNMENT OF NEW IDAPA DESIGNATION NUMBER
UNDER THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES**

EFFECTIVE DATE: The effective date of this action is July 1, 2020.

AUTHORITY: In compliance with Sections 67-5202(2), 67-5202(3), and 67-5203, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Sixty-fifth Legislature in the Second Regular Session – 2020, passed [House Bill 318](#) and that said bill was signed into law by Governor Brad Little, Session Law Chapter 96, and that [Executive Order 2020-10](#) was signed on June, 3, 2020, and hereby ordered by Governor Brad Little thereby assigning a new IDAPA designation number for the Idaho Outfitters and Guides Licensing Board, under the Division of Occupational and Professional Licenses existing within the Department of Self Governing Agencies.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the notice and the legislative and executive action:

House Bill 318 established the Division of Occupational and Professional Licenses (DOPL) created in the Department of Self-Governing Agencies. Through written agreement with each specific agency, DOPL is tasked with providing administrative or other services as provided by law relative to the licensing of trades, businesses, occupations, and professions. House Bill 318 also provides the Governor the authority to orderly arrange these entities into divisions, sections, or units to help achieve the administrative organization of state government.

The Governor signed Executive Order 2020-10 on June 3, 2020, that assigned to DOPL the Idaho Outfitters and Guides Licensing Board (Board) to help centralize, organize, and maximize efficiencies and streamline processes and standards associated with protecting the public through the licensing of outfitted and guided activities. Furthermore, the Board has an ongoing duty to protect, enhance, and facilitate management of Idaho's fish, wildlife, and recreational resources in Idaho. The Board will be organized under the Occupational Licenses section within DOPL to assist in carrying out these functions.

This notice, in accordance with Section 67-5203, Idaho Code, complies with the legislative intent of House Bill 318, and the Governor's action in Executive Order 2020-10, by redesignating the affected chapter of rules of the Idaho Outfitters and Guides Licensing Board, to the Division of Occupational and Professional Licenses. The rules are now indexed as **IDAPA 24, Title 35, Chapter 1**.

Notwithstanding the provisions of Title 67, Chapter 52, Idaho Code, and further complying with the legislative intent of House Bill No. 318 and the Governor's executive action in Executive Order 2020-10, non-substantive changes will be made to update all references and citations within the rules currently under the authority of the Board and include, but are not limited to, the following:

All citations and references to **IDAPA 25, Title 01, Chapter 01**, Outfitters and Guides Licensing Board, are hereby redesignated as:

- **24.35.01** – Rules of the Outfitters and Guides Licensing Board.

Pursuant to Sections 67-5202, 67-5203, and 67-5204, Idaho Code, the text of the above listed chapter is being published under companion docket number 24-0000-2000 in this Bulletin and will be incorporated into the current Idaho Administrative Code. All rule citations and references have been updated to reflect the transfer to the rules of the Division of Professional and Occupational Licenses.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this notice contact Dawn Hall, Occupational Licenses Section Chief at (208) 334-3233.

Dated this 1st Day of July, 2020.

Bradley A. Hunt
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Division of Financial Management
P. O. Box 83720
Boise, ID 83720-0032
Phone: (208) 854-3096

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR,
DIVISION OF FINANCIAL MANAGEMENT**

IDAPA 27 – BOARD OF PHARMACY

DOCKET NO. 27-0000-2000

**NOTICE OF LEGISLATIVE AND EXECUTIVE ACTION AFFECTING THE IDAHO BOARD OF
PHARMACY UNDER THE DEPARTMENT OF SELF-GOVERNING AGENCIES –
HOUSE BILL 318, SESSION LAW 96, AND EXECUTIVE ORDER 2020-10
AND ASSIGNMENT OF NEW IDAPA DESIGNATION NUMBER
UNDER THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES**

EFFECTIVE DATE: The effective date of this action is July 1, 2020.

AUTHORITY: In compliance with Sections 67-5202(2), 67-5202(3), and 67-5203, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Sixty-fifth Legislature in the Second Regular Session – 2020, passed [House Bill 318](#) and that said bill was signed into law by Governor Brad Little, Session Law Chapter 96, and that [Executive Order 2020-10](#) was signed on June, 3, 2020, and hereby ordered by Governor Brad Little thereby assigning a new IDAPA designation number for the Idaho Board of Pharmacy, under the Division of Occupational and Professional Licenses existing within the Department of Self Governing Agencies.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the notice and the legislative and executive action:

House Bill 318 established the Division of Occupational and Professional Licenses (DOPL) created in the Department of Self-Governing Agencies. Through written agreement with each specific agency, DOPL is tasked with providing administrative or other services as provided by law relative to the licensing of trades, businesses, occupations, and professions. House Bill 318 also provides the Governor the authority to orderly arrange these entities into divisions, sections, or units to help achieve the administrative organization of state government.

The Governor signed Executive Order 2020-10 on June 3, 2020, that assigned to DOPL the Idaho Board of Pharmacy (Board) to help centralize, organize, and maximize efficiencies and streamline processes associated with the Board's responsibility to regulate and control the practice of pharmacy in the state of Idaho. Furthermore, the Board is directed to regulate and control the manufacture, distribution, and dispensing of controlled substances within or into the state. The Board will be organized under the Health Professions section within DOPL to assist in carrying out these functions.

This notice, in accordance with Section 67-5203, Idaho Code, complies with the legislative intent of House Bill 318, and the Governor's action in Executive Order 2020-10, by redesignating the affected chapter of rules of the Idaho Board of Pharmacy, to the Division of Occupational and Professional Licenses. The rules are now indexed as **IDAPA 24, Title 36, Chapter 1**.

Notwithstanding the provisions of Title 67, Chapter 52, Idaho Code, and further complying with the legislative intent of House Bill No. 318 and the Governor's executive action in Executive Order 2020-10, non-substantive changes will be made to update all references and citations within the rules currently under the authority of the Board and include, but are not limited to, the following:

All citations and references to **IDAPA 27, Title 01, Chapter 01**, Board of Pharmacy, are hereby redesignated as:

- **24.36.01** – Rules of the Idaho State Board of Pharmacy;

Pursuant to Sections 67-5202, 67-5203, and 67-5204, Idaho Code, the text of the above listed chapter is being published under companion docket number 24-0000-2000 in this Bulletin and will be incorporated into the current Idaho Administrative Code. The docket includes minor updates to further Executive Order 2020-13 and technical corrections to enhance readability. All rule citations and references have been updated to reflect the transfer to the rules of the Division of Professional and Occupational Licenses.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this notice contact Nicki Chopski, Health Professions Section Chief at (208) 334-2356.

Dated this 1st Day of July, 2020.

Bradley A. Hunt
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Division of Financial Management
P. O. Box 83720
Boise, ID 83720-0032
Phone: (208) 854-3096

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR,
DIVISION OF FINANCIAL MANAGEMENT
IDAPA 33 – REAL ESTATE COMMISSION**

DOCKET NO. 33-0000-2000

**NOTICE OF LEGISLATIVE AND EXECUTIVE ACTION AFFECTING THE IDAHO REAL ESTATE
COMMISSION UNDER THE DEPARTMENT OF SELF-GOVERNING AGENCIES –
HOUSE BILL 318, SESSION LAW 96, AND EXECUTIVE ORDER 2020-10
AND ASSIGNMENT OF NEW IDAPA DESIGNATION NUMBER
UNDER THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES**

EFFECTIVE DATE: The effective date of this action is July 1, 2020.

AUTHORITY: In compliance with Sections 67-5202(2), 67-5202(3), and 67-5203, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Sixty-fifth Legislature in the Second Regular Session – 2020, passed [House Bill 318](#) and that said bill was signed into law by Governor Brad Little, Session Law Chapter 96, and that [Executive Order 2020-10](#) was signed on June, 3, 2020, and hereby ordered by Governor Brad Little thereby assigning a new IDAPA designation number for the Idaho Real Estate Commission, under the Division of Occupational and Professional Licenses existing within the Department of Self Governing Agencies.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the notice and the legislative and executive action:

House Bill 318 established the Division of Occupational and Professional Licenses (DOPL) created in the Department of Self-Governing Agencies. Through written agreement with each specific agency, DOPL is tasked with providing administrative or other services as provided by law relative to the licensing of trades, businesses, occupations, and professions. House Bill 318 also provides the Governor the authority to orderly arrange these entities into divisions, sections, or units to help achieve the administrative organization of state government.

The Governor signed Executive Order 2020-10 on June 3, 2020, that assigned to DOPL the Idaho Real Estate Commission (Commission) to help centralize, organize, and maximize efficiencies and streamline processes associated with the application, licensure, and termination of real estate licenses in Idaho. Furthermore, the Commission oversees the business conduct and continuing education and teaching standards for licensees. The Commission will be organized under the Building, Construction, and Real Estate section within DOPL to assist in carrying out these functions.

This notice, in accordance with Section 67-5203, Idaho Code, complies with the legislative intent of House Bill 318, and the Governor's action in Executive Order 2020-10, by redesignating the affected chapter of rules of the Idaho Real Estate Commission, to the Division of Occupational and Professional Licenses. The rules are now indexed as **IDAPA 24, Title 37, Chapter 1**.

Notwithstanding the provisions of Title 67, Chapter 52, Idaho Code, and further complying with the legislative intent of House Bill No. 318 and the Governor's executive action in Executive Order 2020-10, non-substantive changes will be made to update all references and citations within the rules currently under the authority of the Commission and include, but are not limited to, the following:

All citations and references to **IDAPA 33, Title 01, Chapter 01**, Real Estate Commission, are hereby redesignated as:

- **24.37.01** – Rules of the Idaho Real Estate Commission.

Pursuant to Sections 67-5202, 67-5203, and 67-5204, Idaho Code, the text of the above listed chapter is being published under companion docket number 24-0000-2000 in this Bulletin and will be incorporated into the current Idaho Administrative Code. All rule citations and references have been updated to reflect the transfer to the rules of the Division of Professional and Occupational Licenses.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this notice contact MiChell M. Bird, Building, Construction, and Real Estate Section Chief at (208) 334-3285.

Dated this 1st Day of July, 2020.

Bradley A. Hunt
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Division of Financial Management
P. O. Box 83720
Boise, ID 83720-0032
Phone: (208) 854-3096

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR,
DIVISION OF FINANCIAL MANAGEMENT**

IDAPA 46 – IDAHO BOARD OF VETERINARY MEDICINE

DOCKET NO. 46-0000-2000

**NOTICE OF LEGISLATIVE AND EXECUTIVE ACTION AFFECTING THE STATE OF IDAHO BOARD
OF VETERINARY MEDICINE UNDER THE DEPARTMENT OF SELF-GOVERNING AGENCIES –
HOUSE BILL 318, SESSION LAW 96, AND EXECUTIVE ORDER 2020-10
AND ASSIGNMENT OF NEW IDAPA DESIGNATION NUMBER
UNDER THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES**

EFFECTIVE DATE: The effective date of this action is July 1, 2020.

AUTHORITY: In compliance with Sections 67-5202(2), 67-5202(3), and 67-5203, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Sixty-fifth Legislature in the Second Regular Session – 2020, passed [House Bill 318](#) and that said bill was signed into law by Governor Brad Little, Session Law Chapter 96, and that [Executive Order 2020-10](#) was signed on June, 3, 2020, and hereby ordered by Governor Brad Little thereby assigning a new IDAPA designation number for the state of Idaho Board of Veterinary Medicine, under the Division of Occupational and Professional Licenses existing within the Department of Self Governing Agencies.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the notice and the legislative and executive action:

House Bill 318 established the Division of Occupational and Professional Licenses (DOPL) created in the Department of Self-Governing Agencies. Through written agreement with each specific agency, DOPL is tasked with providing administrative or other services as provided by law relative to the licensing of trades, businesses, occupations, and professions. House Bill 318 also provides the Governor the authority to orderly arrange these entities into divisions, sections, or units to help achieve the administrative organization of state government.

The Governor signed Executive Order 2020-10 on June 3, 2020, that assigned to DOPL the State of Idaho Board of Veterinary Medicine (Board) to help centralize, organize, and maximize efficiencies and streamline processes associated with the licensing procedures, supervision requirements, standards of practice, inspections, and grounds for discipline of veterinarians and veterinary technicians. Furthermore, the Board appoints and oversees the Committee on Humane Euthanasia for the purpose of training, examining, and certifying euthanasia agencies and euthanasia technicians in the state of Idaho. The Board will be organized under the Health Professions section within DOPL to assist in carrying out these functions.

This notice, in accordance with Section 67-5203, Idaho Code, complies with the legislative intent of House Bill 318, and the Governor's action in Executive Order 2020-10, by redesignating the affected chapter of rules of the State of Idaho Board of Veterinary Medicine, to the Division of Occupational and Professional Licenses. The rules are now indexed as **IDAPA 24, Title 38, Chapter 1**.

Notwithstanding the provisions of Title 67, Chapter 52, Idaho Code, and further complying with the legislative intent of House Bill No. 318 and the Governor's executive action in Executive Order 2020-10, non-substantive changes will be made to update all references and citations within the rules currently under the authority of the Board and include, but are not limited to, the following:

All citations and references to **IDAPA 46, Title 01, Chapter 01**, Board of Veterinary Medicine, are hereby redesignated as:

- **24.38.01** – Rules of the State of Idaho Board of Veterinary Medicine.

Pursuant to Sections 67-5202, 67-5203, and 67-5204, Idaho Code, the text of the above listed chapter is being published under companion docket number 24-0000-2000 in this Bulletin and will be incorporated into the current Idaho Administrative Code. All rule citations and references have been updated to reflect the transfer to the rules of the Division of Professional and Occupational Licenses.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this notice contact Nicki Chopski, Health Professions Section Chief at (208) 334-2356.

Dated this 1st Day of July, 2020.

Bradley A. Hunt
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Division of Financial Management
P. O. Box 83720
Boise, ID 83720-0032
Phone: (208) 854-3096

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.04 – RULES FOR ADMINISTRATION OF WASTEWATER TREATMENT FACILITY GRANTS

DOCKET NO. 58-0104-1901 (CHAPTER REPEAL)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2021 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Sixty- sixth Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

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

DESCRIPTIVE SUMMARY: A detailed summary of the reason for repealing the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, November 6, 2019, [Vol. 19-11, page 310](#). DEQ received no public comments, and the rule has been repealed as initially proposed. More information regarding this rule docket is available at www.deq.idaho.gov/58-0104-1901.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning the rulemaking, contact the undersigned.

Dated this 1st day of July, 2020.

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

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.22 – RULES FOR ADMINISTRATION OF PLANNING GRANTS FOR DRINKING WATER FACILITIES

DOCKET NO. 58-0122-1901

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2021 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Sixty- sixth Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

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

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, November 6, 2019, [Vol. 19-11, pages 366 through 381](#). DEQ received no public comments, and the rule has been adopted as initially proposed. More information regarding this rule docket is available at www.deq.idaho.gov/58-0122-1901.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning the rulemaking, contact the undersigned.

Dated this 1st day of July, 2020.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton Street
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IDAPA 61 – IDAHO STATE PUBLIC DEFENSE COMMISSION

61.01.01 THROUGH 61.01.08

CONSOLIDATION AND REORGANIZATION OF CHAPTERS UNDER THE DIRECTION OF ISPD

DOCKET NO. 61-0100-20010M

NOTICE OF INTENT TO PROMULGATE RULES – OMNIBUS NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 19-850(1)(a), Idaho Code.

MEETING SCHEDULE: A two hour public meeting via Zoom (or other virtual platform) on the negotiated rulemaking will be held at 4:30 p.m. Pacific/5:30 p.m. Mountain Time on July 23, 2020. Information about how to join the meeting will be emailed to counties and posted and made accessible on the agency website at <https://pdc.idaho.gov/>.

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

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

Present oral comments at scheduled meeting or submit written comments to the undersigned by email to the email address or by mail to the address listed below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

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

The agency is doing a single negotiated rulemaking to rewrite all current rules to simplify and clarify them. The draft rule also carries over the agency's rule proposal from last year. The draft rule will result in fewer rules that precisely address necessary regulatory measures.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, contact Kathleen Elliott at (208) 332-1735. Available materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho State Public Defense Commission web site at the following web address: <https://pdc.idaho.gov/>

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before 5:00 p.m Mountain Time. on July 27, 2020.

Dated this 5th day of June, 2020.

Kathleen J. Elliott, Executive Director
Idaho State Public Defense Commission
816 W. Bannock, Suite 201
Mailing Address
Boise, Idaho 83702
Phone: (208) 332-1735
Fax: (208) 364-6147
Kathleen.Elliott@pdc.idaho.gov

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IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

Docket No. 24-0000-2000

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CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Office of the Administrative Rules Coordinator
Division of Financial Management
Office of the Governor*

July 1, 1993 – Present

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

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

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

(Index of Current and Active Rulemakings)

*Office of the Administrative Rules Coordinator
Division of Financial Management*

March 20, 2020 – July 1, 2020

(PLR 2021) – Final Effective Date Is Pending Legislative Review in 2021

(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

(MOVED AND REDESIGNATED) 01.01.01, Idaho Accountancy Rules

01-0000-2000 **IDAPA 01 – IDAHO BOARD OF ACCOUNTANCY** – Notice of Legislative and Executive Action Affecting the Idaho Board of Accountancy Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 30, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

01-0101-2000F **Idaho Accountancy Rules** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE

02-0000-2000F **Rules of the Idaho Department of Agriculture** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 01**, Chapters 04, 05; **Title 02**, Chapters 07, 11-15; **Title 03**, Chapter 03; **Title 04**, Chapters 03, 05, 19, 26, 32; **Title 06**, Chapters 01, 02, 04-06, 09, 10, 33 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

02-0701-2000F **Rules of the Idaho Hop Growers Commission** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 07**, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

02-0801-2000F **Rules of the Idaho Sheep and Goat Health Board** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 08**, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

02.01.06, Rules Governing the Labeling of Hemp Receptacles

02-0106-2001 *Adoption of Temporary Rule (New Chapter), Bulletin Vol. 20-1 (eff. 11-26-19)T (Expired)*

02-0106-2002 *Adoption of Temporary Rule (New Chapter), Bulletin Vol. 20-4 (eff. 3-20-20)T*

02.02.14, Rules for Weights and Measures

02-0214-2001 *Notice of Intent to Promulgate a Rule (New Chapter) – Negotiated Rulemaking, Bulletin Vol. 20-6*

02.03.03, Rules Governing Pesticide and Chemigation Use and Application

02-0303-2001 *Notice of Intent to Promulgate a Rule (New Chapter) – Negotiated Rulemaking, Bulletin Vol. 20-6*

02.04.14, Rules Governing Dairy Byproduct

02-0414-2002 *Notice of Intent to Promulgate a Rule (New Chapter) – Negotiated Rulemaking, Bulletin Vol. 20-6*

02-0414-2001 *Adoption of Temporary Rule, Bulletin Vol. 20-4 (eff. 3-20-20)T*

02.07.01, Rules of the Idaho Hop Growers' Commission

02-0701-2000F **Rules of the Idaho Hop Growers Commission** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 07**, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

02.08.01, Sheep and Goat Rules of the Idaho Board of Sheep Commissioners

02-0801-2000F **Rules of the Idaho Sheep and Goat Health Board** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 08**, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

IDAPA 07 – DIVISION OF BUILDING SAFETY

07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 01* through *Chapter 90* – Bulletin Vol. 20-7 (eff. 7-1-20)

07-0000-2000F Rules of the Division of Building Safety – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01; Title 02, Chapter 02; Title 03, Chapters 01, 03, 11-12; Title 04, Chapter 02; Title 05, Chapter 01; Title 07, Chapter 01; Title 10, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

(MOVED AND REDESIGNATED) *07.01.01, Rules of the Idaho Electrical Board*

07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 10* – Bulletin Vol. 20-7 (eff. 7-1-20)

07-0000-2000F Rules of the Division of Building Safety – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 01, Chapter 01** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

(MOVED AND REDESIGNATED) *07.02.02, Rules Governing Plumbing*

07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 20* – Bulletin Vol. 20-7 (eff. 7-1-20)

07-0000-2000F Rules of the Division of Building Safety – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 02, Chapter 02** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

(MOVED AND REDESIGNATED) *07.03.01, Rules of Building Safety (Building Code Rules)*

07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 30* – Bulletin Vol. 20-7 (eff. 7-1-20)

07-0000-2000F Rules of the Division of Building Safety – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 03, Chapter 01** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

(MOVED AND REDESIGNATED) *07.03.03, Rules for Modular Buildings*

07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 31* – Bulletin Vol. 20-7 (eff. 7-1-20)

07-0000-2000F Rules of the Division of Building Safety – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 03, Chapter 03** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

(MOVED AND REDESIGNATED) *07.03.09, Rules Governing Manufactured Homes – Consumers Complaints –
Dispute Resolution*

07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 32* – Bulletin Vol. 20-7 (eff. 7-1-20)

(MOVED AND REDESIGNATED) *07.03.11, Rules Governing Manufactured/Mobile Home Industry Licensing*

07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 33** – Bulletin Vol. 20-7 (eff. 7-1-20)

07-0000-2000F Rules of the Division of Building Safety – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 03, Chapter 11** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

(MOVED AND REDESIGNATED) 07.03.12, Rules Governing Manufactured or Mobile Home Installations

07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 34** – Bulletin Vol. 20-7 (eff. 7-1-20)

07-0000-2000F Rules of the Division of Building Safety – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 03, Chapter 12** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

(MOVED AND REDESIGNATED) 07.03.13, Rules Governing Mobile Home Rehabilitation

07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 35** – Bulletin Vol. 20-7 (eff. 7-1-20)

(MOVED AND REDESIGNATED) 07.04.02, Safety Rules for Elevators, Escalators, and Moving Walks

07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 40** – Bulletin Vol. 20-7 (eff. 7-1-20)

07-0000-2000F Rules of the Division of Building Safety – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 04, Chapter 02** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

(MOVED AND REDESIGNATED) 07.05.01, Rules of the Public Works Contractors License Board

07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 50** – Bulletin Vol. 20-7 (eff. 7-1-20)

07-0000-2000F Rules of the Division of Building Safety – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 05, Chapter 01** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

(MOVED AND REDESIGNATED) 07.06.01, Rules Governing Uniform School Building Safety

07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 60** – Bulletin Vol. 20-7 (eff. 7-1-20)

(MOVED AND REDESIGNATED) 07.07.01, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems

07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 70** – Bulletin Vol. 20-7 (eff. 7-1-20)

07-0000-2000F Rules of the Division of Building Safety – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 07, Chapter 01** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

(MOVED AND REDESIGNATED) 07.08.01, *Idaho Minimum Safety Standards and Practices for Logging*

07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 80** – Bulletin Vol. 20-7 (eff. 7-1-20)

(MOVED AND REDESIGNATED) 07.10.01, *Rules Governing the Damage Prevention Board*

07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 90** – Bulletin Vol. 20-7 (eff. 7-1-20)

07-0000-2000F *Rules of the Division of Building Safety* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 10, Chapter 01** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

(MOVED AND REDESIGNATED) 07.11.01, *Rules of the Division of Building Safety*

07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

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

08-0000-2000F *Rules of the State Board of Education and the Department of Education* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 11, Sections 200 and 300 only; Title 02, Chapter 02, Sections 066 and 075 only; Title 02, Chapter 03, Section 128 only – Bulletin Vol. 20-4SE (eff. 3-20-20)T

08.02.02, Rules Governing Uniformity

08-0202-2001 Notice of Adoption of Temporary Rule, Bulletin Vol. 20-5 (eff. 4-1-20)T

08-0000-2000F *Rules of the State Board of Education and the Department of Education* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 02, Chapter 02, Sections 066 and 075 only – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**IDAPA 10 – IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS**

(MOVED AND REDESIGNATED) 10.01.01, *Rules of the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors*

10-0000-2000 IDAPA 10 – IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS – Notice of Legislative and Executive Action Affecting the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 32, Chapter 01**, – Bulletin Vol. 20-7 (eff. 7-1-20)

10-0101-2000F *Rules of the Board of Professional Engineers and Professional Land Surveyors* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

IDAPA 11 – IDAHO STATE POLICE

11-0000-2000F *Rules of the Idaho State Police* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 05, Chapter 01; Title 10, Chapter 02 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

Idaho State Brand Board

11.02.01, Rules of the Idaho State Brand Board

11-0201-2000F *Rules of the Idaho State Brand Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 02, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

Idaho State Racing Commission

11-0400-2000F *Rules of the Idaho State Racing Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 04, Chapters 02, 03, 05, 07, 11, 15 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

11.08.01, Rules Governing Hemp Transportation

11-0801-2002 Adoption of Temporary Rule (New Chapter), Bulletin Vol. 20-4 (eff. 3-20-20)T

11-0801-2001 *Adoption of Temporary Rule (New Chapter), Bulletin Vol. 20-1 (eff. 11-19-19)T (Expired 3-20-20)*

Public Safety and Security Information Bureau

11.10.01, Rules Governing Idaho Public Safety and Security Information System

11-1001-2000F *Idaho Public Safety and Public Information Systems* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 10, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

Peace Officer Standards and Training (POST) Council

11.11.01, Rules of the Idaho Peace Officer Standards and Training Council

11-1101-2000F *Rules of the Peace Officer Standards and Training Council* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 11, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

IDAPA 12 – DEPARTMENT OF FINANCE

12-0000-2000F *Rules of the Department of Finance* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 08 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

IDAPA 13 – IDAHO FISH AND GAME COMMISSION

13-0000-2000F *Rules of the Idaho Fish and Game Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 02, Sections 200 and 201 only; Title 01, Chapter 04, Section 601 only; Title 01, Chapter 08, Section 263 only; Title 01, Chapter 10, Section 410 only; Title 01, Chapter 19, Section 102 only – Bulletin Vol. 20-4SE (eff. 3-20-20)T

13.01.04, Rules Governing Licensing

13-0104-2002 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 20-6

13-0104-2001 *Notice of Rulemaking – Rescission of Temporary Rule, Bulletin Vol. 20-6*

13-0104-2001 *Notice of Adoption of Temporary Rule, Bulletin Vol. 20-5 (eff. 4-4-20)T / (4-9-20)T*

13.01.07, Rules Governing the Taking of Upland Game Animals

13-0107-2001P Notice of Proclamation of Rulemaking, Bulletin Vol. 20-2

13.01.08, Rules Governing the Taking of Big Game Animals

- 13-0108-2001 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 20-6
- 13-0108-1902AAAAAP* Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 20-5 (*4th Amendment)
- 13-0108-1902AAAP* Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 20-4 (*3rd Amendment)
- 13-0108-1902AAP* Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 20-2 (*2nd Amendment)
- 13-0108-1902AP* Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 19-6 (*1st Amendment)
- 13-0108-1902P Notice of Proclamation of Rulemaking, Bulletin Vol. 19-4

13.01.09, Rules Governing the Taking of Game Birds

- 13-0109-2003P Notice of Proclamation of Rulemaking, Bulletin Vol. 20-6
- 13-0109-2002 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 20-6
- 13-0109-2001P Notice of Proclamation of Rulemaking, Bulletin Vol. 20-2

13.01.11, Rules Governing Fish

- 13-0111-1901AAAAAP* Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 20-5 (*5th Amendment)
- 13-0111-1901AAAAP* Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 20-2 (*4th Amendment)
- 13-0111-1901AAAP* Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 19-12 (*3rd Amendment)
- 13-0111-1901AAP* Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 19-11 (*2nd Amendment)
- 13-0111-1901AP* Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 19-10 (*1st Amendment)
- 13-0111-1901P Notice of Proclamation, Bulletin Vol. 19-1
- 13-0111-2001AP* Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 20-6 (*1st Amendment)
- 13-0111-2001P Notice of Proclamation of Rulemaking, Bulletin Vol. 20-5

13.01.16, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals

- 13-0116-2002 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 20-6
- 13-0116-2001P Notice of Proclamation of Rulemaking, Bulletin Vol. 20-2

IDAPA 15 – OFFICE OF THE GOVERNOR

Executive Orders of the Governor

- Executive Order No. 2020-13 Regulatory Relief to Support Economic Recovery, Bulletin Vol. 20-7
- Executive Order No. 2020-12 Related to Return to Work Bonuses, Bulletin Vol. 20-7
- Executive Order No. 2020-11 Related to the Idaho Department of Labor, Bulletin Vol. 20-7
- Executive Order No. 2020-10 Enhancing Licensing Freedom: Organization of the Department of Self-Governing Agencies, Bulletin Vol. 20-7
- Executive Order No. 2020-09 Establishing a Program to Procure & Distribute Personal Protective Equipment to Idaho Businesses & Nonprofits, Bulletin Vol. 20-7
- Executive Order No. 2020-08-A Establishing Idaho Rebound Cash Grants for Small Businesses, Bulletin Vol. 20-6
- Executive Order No. 2020-08 Establishing Idaho Rebound Cash Grants for Small Businesses, Bulletin Vol. 20-5
- Executive Order No. 2020-07 Establishing a Process to Evaluate & Implement Federal Coronavirus Funding, Bulletin Vol. 20-5
- Executive Order No. 2020-06 Authorizing the Transfer of Funds to the Disaster Emergency Account, Bulletin Vol. 20-4
- Executive Order No. 2020-05 Temporary Reduction of General Fund Spending Authority, Bulletin Vol. 20-4
- Executive Order No. 2020-04 Creating the Idaho Behavioral Health Council, Bulletin Vol. 20-4
- Executive Order No. 2020-03 Families First Act, Bulletin Vol. 20-4
- Executive Order No. 2020-02 Transparency In Agency Guidance Documents, Bulletin Vol. 20-2
- Executive Order No. 2020-01 Zero-Based Regulation, Bulletin Vol. 20-2
- Executive Order No. 2019-15 Assignments of All-Hazard Prevention, Protection, Mitigation, Response and Recovery Functions to State Agencies in Support of Local and State Government Relating to Emergencies and Disasters, Bulletin Vol. 20-6

Executive Order No. **2019-14** Establishing the Idaho Early Childhood Advisory Council, Bulletin Vol. 20-6
Executive Order No. **2019-13** Transportation of Hemp, Bulletin Vol. 20-1

Idaho Forest Products Commission

15-0300-2000F *Rules of the Idaho Forest Products Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 03, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

Division of Human Resources and Personnel Commission

15.04.01, Rules of DHR & Idaho Personnel Commission

15-0401-2001 Adoption of Temporary Rule, Bulletin Vol. 20-4 (eff. 3-25-20)T

Idaho Military Division

15-0600-2000F *Rules of the Idaho Military Division* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 06, Chapter 03 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

Idaho State Liquor Division

15-1000-2000F *Rules of the Idaho State Liquor Division* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 10, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16-0000-2000F *Rules of the Department of Health and Welfare* – Notice of Omnibus Rulemaking – Amendment to Temporary Rule – Amends Title 02, Chapter 01; Title 03, Chapters 19, 22; Title 05, Chapter 06 – Bulletin Vol. 20-7 (eff. 7-1-20)

16-0000-2000F *Rules of the Department of Health and Welfare* – Notice of Correction to Omnibus Rulemaking – Adoption of Temporary Rule – Corrects Title 02, Chapter 01; Title 03, Chapters 19, 22; Title 05, Chapter 06 – Bulletin Vol. 20-6 (eff. 3-20-20)T

16-0000-2000F *Rules of the Department of Health and Welfare* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 07; Title 02, Chapters 01, 08, 13, 14, 25-27; Title 03, Chapters 03, 18, 19, 22; Title 04, Chapter 07; Title 05, Chapter 06; Title 06, Chapters 01, 02; Title 07, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

16.02.01, Rules of the Idaho Time Sensitive Emergency System Council

16-0000-2000F *Rules of the Department of Health and Welfare* – Notice of Omnibus Rulemaking – Amendment to Temporary Rule – Amends Title 02, Chapter 01 – Bulletin Vol. 20-7 (eff. 7-1-20)

16-0000-2000F *Rules of the Department of Health and Welfare* – Notice of Correction to Omnibus Rulemaking – Adoption of Temporary Rule – Corrects Title 02, Chapter 01 – Bulletin Vol. 20-6 (eff. 3-20-20)T

16-0000-2000F *Rules of the Department of Health and Welfare* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 02, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

16.03.09, Medicaid Basic Plan Benefits

16-0309-2003 Adoption of Temporary Rule, Bulletin Vol. 20-4 (eff. 3-13-20)T

16-0309-2002 Adoption of Temporary Rule, Bulletin Vol. 20-4 (eff. 3-20-20)T

16-0309-2001 *OARC Omnibus Notice of Legislative Action - Temporary Rule Not Extended, Bulletin Vol. 20-5 (Expired: Null and Void)*

16-0309-2001 *Adoption of Temporary Rule, Bulletin Vol. 20-1 (eff. 1-1-20)T (Expired)*

16.03.10, Medicaid Enhanced Plan Benefits

16-0310-2001 Adoption of Temporary Rule, Bulletin Vol. 20-4 (eff. 3-13-20)T

16.03.13, Consumer-Directed Services

16-0313-2001 Adoption of Temporary Rule, Bulletin Vol. 20-4 (eff. 3-13-20)T

16.03.19, Certified Family Homes

- 16-0000-2000F** *Rules of the Department of Health and Welfare* – Notice of Omnibus Rulemaking – Amendment to Temporary Rule – Amends Title 03, Chapter 19 – Bulletin Vol. 20-7 (eff. 7-1-20)
- 16-0000-2000F** *Rules of the Department of Health and Welfare* – Notice of Correction to Omnibus Rulemaking – Adoption of Temporary Rule – Corrects Title 03, Chapter 19 – Bulletin Vol. 20-6 (eff. 3-20-20)T
- 16-0000-2000F** *Rules of the Department of Health and Welfare* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 03, Chapter 19 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

16.03.22, Residential Assisted Living Facilities

- 16-0000-2000F** *Rules of the Department of Health and Welfare* – Notice of Omnibus Rulemaking – Amendment to Temporary Rule – Amends Title 03, Chapter 22 – Bulletin Vol. 20-7 (eff. 7-1-20)
**Rulemaking changes chapter name from “Residential Care or Assisted Living Facilities in Idaho”*
- 16-0000-2000F** *Rules of the Department of Health and Welfare* – Notice of Correction to Omnibus Rulemaking – Adoption of Temporary Rule – Corrects Title 03, Chapter 22 – Bulletin Vol. 20-6 (eff. 3-20-20)T
- 16-0000-2000F** *Rules of the Department of Health and Welfare* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 03, Chapter 22 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

16.05.06, Criminal History and Background Checks

- 16-0000-2000F** *Rules of the Department of Health and Welfare* – Notice of Omnibus Rulemaking – Amendment to Temporary Rule – Amends Title 05, Chapter 06 – Bulletin Vol. 20-7 (eff. 7-1-20)
- 16-0000-2000F** *Rules of the Department of Health and Welfare* – Notice of Correction to Omnibus Rulemaking – Adoption of Temporary Rule – Corrects Title 05, Chapter 06 – Bulletin Vol. 20-6 (eff. 3-20-20)T
- 16-0000-2000F** *Rules of the Department of Health and Welfare* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 05, Chapter 06 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

IDAPA 17 – INDUSTRIAL COMMISSION

- 17-0000-2000F** *Rules of the Idaho Industrial Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

IDAPA 18 – DEPARTMENT OF INSURANCE

- 18-0000-2000F** *Rules of the Idaho Department of Insurance* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 02; Title 08, Chapter 02 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

18.08.01, Adoption of the International Fire Code

- 18-0801-2001** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 20-6

IDAPA 19 – BOARD OF DENTISTRY

(MOVED AND REDESIGNATED) 19.01.01, Rules of the Idaho State Board of Dentistry

- 19-0000-2000** **IDAPA 19 – IDAHO STATE BOARD OF DENTISTRY** – Notice of Legislative and Executive Action Affecting the Idaho State Board of Dentistry Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 31, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)
- 19-0101-2000F** *Rules of the Idaho State Board of Dentistry* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

IDAPA 20 – DEPARTMENT OF LANDS

20-0000-2000F *Rules of the Idaho Department of Lands* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 02, Chapter 14; Title 03, Chapters 01-05, 08, 09, 13-17; Title 04, Chapter 02; Title 06, Chapter 01; Title 07, Chapter 02 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

20.03.02, Rules Governing Mined Land Reclamation

20-0302-2001 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking (New Chapter), Bulletin Vol. 20-5

20-0000-2000F *Rules of the Idaho Department of Lands* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 03, Chapter 02 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

IDAPA 21 – DIVISION OF VETERANS SERVICES

21-0000-2000F *Rules of the Division of Veterans Services* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapters 01, 04 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

IDAPA 22 – BOARD OF MEDICINE

22-0000-2000 **IDAPA 22 – BOARD OF MEDICINE** – Notice of Legislative and Executive Action Affecting the Idaho Board of Medicine Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapters 01** through **07** – Bulletin Vol. 20-7 (eff. 7-1-20)

22-0000-2000F *Rules of the Idaho Board of Medicine* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapters 01, 03, 07, 10, 11, 13 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

(MOVED AND REDESIGNATED) *22.01.01, Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine in Idaho*

22-0000-2000 **IDAPA 22 – BOARD OF MEDICINE** – Notice of Legislative and Executive Action Affecting the Idaho Board of Medicine Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

22-0000-2000F *Rules of the Idaho Board of Medicine* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 01, Chapter 01** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

(MOVED AND REDESIGNATED) *22.01.03, Rules for the Licensure of Physician Assistants*

22-0000-2000 **IDAPA 22 – BOARD OF MEDICINE** – Notice of Legislative and Executive Action Affecting the Idaho Board of Medicine Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 02** – Bulletin Vol. 20-7 (eff. 7-1-20)

22-0000-2000F *Rules of the Idaho Board of Medicine* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 01, Chapter 03** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

(MOVED AND REDESIGNATED) *22.01.05, General Provisions of the Board of Medicine*

22-0000-2000 **IDAPA 22 – BOARD OF MEDICINE** – Notice of Legislative and Executive Action Affecting the Idaho Board of Medicine Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 03** – Bulletin Vol. 20-7 (eff. 7-1-20)

(MOVED AND REDESIGNATED) *22.01.07, Rules for the Licensure of Naturopathic Medical Doctors*

22-0000-2000 IDAPA 22 – BOARD OF MEDICINE – Notice of Legislative and Executive Action Affecting the Idaho Board of Medicine Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 04** – Bulletin Vol. 20-7 (eff. 7-1-20)

22-0000-2000F Rules of the Idaho Board of Medicine – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 01, Chapter 07** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

(MOVED AND REDESIGNATED) 22.01.10, Rules for the Licensure of Athletic Trainers to Practice in Idaho

22-0000-2000 IDAPA 22 – BOARD OF MEDICINE – Notice of Legislative and Executive Action Affecting the Idaho Board of Medicine Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 05** – Bulletin Vol. 20-7 (eff. 7-1-20)

22-0000-2000F Rules of the Idaho Board of Medicine – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 01, Chapter 10** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

(MOVED AND REDESIGNATED) 22.01.11, Rules for Licensure of Respiratory Therapists and Permitting of Polysomnographers in Idaho

22-0000-2000 IDAPA 22 – BOARD OF MEDICINE – Notice of Legislative and Executive Action Affecting the Idaho Board of Medicine Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 06** – Bulletin Vol. 20-7 (eff. 7-1-20)

22-0000-2000F Rules of the Idaho Board of Medicine – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 01, Chapter 11** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

(MOVED AND REDESIGNATED) 22.01.13, Rules for the Licensure of Dietitians

22-0000-2000 IDAPA 22 – BOARD OF MEDICINE – Notice of Legislative and Executive Action Affecting the Idaho Board of Medicine Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 07** – Bulletin Vol. 20-7 (eff. 7-1-20)

22-0000-2000F Rules of the Idaho Board of Medicine – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 01, Chapter 13** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

IDAPA 23 – BOARD OF NURSING

(MOVED AND REDESIGNATED) 23.01.01, Rules of the Idaho Board of Nursing

23-0000-2000 IDAPA 23 – BOARD OF NURSING – Notice of Legislative and Executive Action Affecting the Idaho Board of Nursing Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 34, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

23-0101-2000F Rules of the Idaho Board of Nursing – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 01, Chapter 01** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24-0000-2000 OARC Omnibus Notice of Legislative & Executive Action - Affecting Certain Boards & Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, & Executive Order 2020-10 & Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses, Bulletin Vol. 20-7 (eff. 7-1-20)T

- 24-0101-2000F** *Rules of the Board of Architectural Examiners* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-0201-2000F** *Rules of the State Athletic Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 02, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-0301-2000F** *Rules of the State Board of Chiropractic Physicians* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 03, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-0401-2000F** *Rules of Procedure of the Board of Registration for Professional Geologists* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 04, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-0501-2000F** *Rules of the Board of Drinking Water and Wastewater Professionals* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 05, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-0601-2000F** *Rules for the Licensure of Occupational Therapists & Occupational Therapy Assistants* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 06, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-0701-2000F** *Rules of the Idaho State Board of Landscape Architects* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 07, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-0801-2000F** *Rules of the State Board of Morticians* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 08, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-0901-2000F** *Rules of the Board of Examiners of Nursing Home Administrators* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 09, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-1001-2000F** *Rules of the Board of Optometry* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 10, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-1101-2000F** *Rules of the State Board of Podiatry* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 11, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-1201-2000F** *Rules of the Idaho State Board of Psychological Examiners* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 12, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-1301-2000F** *Rules Governing the Physical Therapy Licensure Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 13, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-1401-2000F** *Rules of the State Board of Social Work Examiners* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 14, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-1501-2000F** *Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 15, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-1601-2000F** *Rules of the State Board of Dentistry* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 16, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-1701-2000F** *Rules of the State Board of Acupuncture* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 17, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-1801-2000F** *Rules of the Real Estate Appraiser Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 18, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-1901-2000F** *Rules of the Board of Examiners of Residential Care Facility Administrators* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 19, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

- 24-2101-2000F** *Rules of the Idaho State Contractors Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 21, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-2201-2000F** *Rules of the Idaho State Liquefied Petroleum Gas Safety Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 22, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-2301-2000F** *Rules of the Speech, Hearing and Communication Services Licensure Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 23, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-2401-2000F** *Rules of the Genetic Counselors Licensing Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 24, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-2501-2000F** *Rules of the Idaho Driving Businesses Licensure Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 25, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-2601-2000F** *Rules of the Idaho Board of Midwifery* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 26, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-2701-2000F** *Rules of the Idaho State Board of Massage Therapy* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 27, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-2801-2000F** *Rules of the Barber and Cosmetology Services Licensing Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 28, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-2901-2000F** *Rules of Procedure of the Idaho Certified Shorthand Reporters Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 29, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

24.02.01, Rules of the State Athletic Commission

- 24-0201-2001** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 20-4
- 24-0201-2000F** *Rules of the State Athletic Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 02, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

24.03.01, Rules of the State Board of Chiropractic Physicians

- 24-0301-2001** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking (New Chapter), Bulletin Vol. 20-6
- 24-0301-2000F** *Rules of the State Board of Chiropractic Physicians* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 03, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

24.08.01, Rules of the State Board of Morticians

- 24-0801-2001** Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 20-4
- 24-0801-2000F** *Rules of the State Board of Morticians* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 08, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

24.12.01, Rules of the Idaho State Board of Psychologist Examiners

- 24-1201-2001** Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 20-4
- 24-1201-2000F** *Rules of the Idaho State Board of Psychological Examiners* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 12, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

24.13.01, Rules Governing the Physical Therapy Licensure Board

- 24-1301-2001** Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 20-4
- 24-1301-2000F** *Rules Governing the Physical Therapy Licensure Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 13, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

24.20.01, Rules of the Division of Occupational and Professional Licenses

24-2001-2001 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 20-4

24.25.01, Rules of the Idaho Driving Businesses Licensure Board

24-2501-2001 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 20-4

24-2501-2000F *Rules of the Idaho Driving Businesses Licensure Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 25, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

24.28.01, Rules of the Barber and Cosmetology Services Licensing Board

24-2801-2001 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 20-4

24-2801-2000F *Rules of the Barber and Cosmetology Services Licensing Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 28, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

24.30.01, Idaho Accountancy Rules

**(Re-designated from IDAPA 01.01.01 to 24.30.01)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 30, Chapter 01* – Bulletin Vol. 20-7 (eff. 7-1-20)

24.31.01, Rules of the Idaho State Board of Dentistry

**(Re-designated from IDAPA 19.01.01 to 24.31.01)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 31, Chapter 01* – Bulletin Vol. 20-7 (eff. 7-1-20)

24.32.01, Rules of the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors

**(Re-designated from IDAPA 10.01.01 to 24.32.01)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 32, Chapter 01* – Bulletin Vol. 20-7 (eff. 7-1-20)

24.33.01, Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine in Idaho

**(Re-designated from IDAPA 22.01.01 to 24.33.01)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 33, Chapter 01* – Bulletin Vol. 20-7 (eff. 7-1-20)

24.33.02, Rules for the Licensure of Physician Assistants

**(Re-designated from IDAPA 22.01.03 to 24.33.02)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 33, Chapter 02* – Bulletin Vol. 20-7 (eff. 7-1-20)

24.33.03, General Provisions of the Board of Medicine

**(Re-designated from IDAPA 22.01.05 to 24.33.03)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 33, Chapter 03* – Bulletin Vol. 20-7 (eff. 7-1-20)

24.33.04, Rules for the Licensure of Naturopathic Medical Doctors

**(Re-designated from IDAPA 22.01.07 to 24.33.04)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 33, Chapter 04* – Bulletin Vol. 20-7 (eff. 7-1-20)

24.33.05, Rules for the Licensure of Athletic Trainers to Practice in Idaho

**(Re-designated from IDAPA 22.01.10 to 24.33.05)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 33, Chapter 05* – Bulletin Vol. 20-7 (eff. 7-1-20)

24.33.06, Rules for Licensure of Respiratory Therapists and Permitting of Polysomnographers in Idaho

**(Re-designated from IDAPA 22.01.11 to 24.33.06)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 33, Chapter 06* – Bulletin Vol. 20-7 (eff. 7-1-20)

24.33.07, Rules for the Licensure of Dietitians

**(Re-designated from IDAPA 22.01.13 to 24.33.07)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 33, Chapter 07* – Bulletin Vol. 20-7 (eff. 7-1-20)

24.34.01, Rules of the Idaho Board of Nursing

**(Re-designated from IDAPA 23.01.01 to 24.34.01)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 34, Chapter 01* – Bulletin Vol. 20-7 (eff. 7-1-20)

24.35.01, Rules of the Outfitters and Guides Licensing Board

**(Re-designated from IDAPA 25.01.01 to 24.35.01)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 35, Chapter 01* – Bulletin Vol. 20-7 (eff. 7-1-20)

24.36.01, Rules of the Idaho State Board of Pharmacy

**(Re-designated from IDAPA 27.01.01 to 24.36.01)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 36, Chapter 01* – Bulletin Vol. 20-7 (eff. 7-1-20)

24.37.01, Rules of the Idaho Real Estate Commission

**(Re-designated from IDAPA 33.01.01 to 24.37.01)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 37, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

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

**(Re-designated from IDAPA 46.01.01 to 24.38.01)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 38, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

24.39.01, Rules of the Division of Building Safety

**(Re-designated from IDAPA 07.11.01 to 24.39.01)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

24.39.10, Rules of the Idaho Electrical Board

**(Re-designated from IDAPA 07.01.01 to 24.39.10)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 10** – Bulletin Vol. 20-7 (eff. 7-1-20)

24.39.20, Rules Governing Plumbing

**(Re-designated from IDAPA 07.02.02 to 24.39.20)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 20** – Bulletin Vol. 20-7 (eff. 7-1-20)

24.39.30, Rules of Building Safety (Building Code Rules)

**(Re-designated from IDAPA 07.03.01 to 24.39.30)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 30** – Bulletin Vol. 20-7 (eff. 7-1-20)

24.39.31, Rules for Modular Buildings

**(Re-designated from IDAPA 07.03.03 to 24.39.31)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 31** – Bulletin Vol. 20-7 (eff. 7-1-20)

24.39.32, Rules Governing Manufactured Homes – Consumer Complaints – Dispute Resolution

**(Re-designated from IDAPA 07.03.09 to 24.39.32)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 32** – Bulletin Vol. 20-7 (eff. 7-1-20)

24.39.33, Rules Governing Manufactured/Mobile Home Industry Licensing

**(Re-designated from IDAPA 07.03.11 to 24.39.33)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 33* – Bulletin Vol. 20-7 (eff. 7-1-20)

24.39.34, Rules Governing Manufactured or Mobile Home Installations

**(Re-designated from IDAPA 07.03.12 to 24.39.34)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 34* – Bulletin Vol. 20-7 (eff. 7-1-20)

24.39.35, Rules Governing Mobile Home Rehabilitation

**(Re-designated from IDAPA 07.03.13 to 24.39.35)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 35* – Bulletin Vol. 20-7 (eff. 7-1-20)

24.39.40, Safety Rules for Elevators, Escalators, and Moving Walks

**(Re-designated from IDAPA 07.04.02 to 24.39.40)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 40* – Bulletin Vol. 20-7 (eff. 7-1-20)

24.39.50, Rules of the Public Works Contractors License Board

**(Re-designated from IDAPA 07.05.01 to 24.39.50)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 50* – Bulletin Vol. 20-7 (eff. 7-1-20)

24.39.60, Rules Governing Uniform School Building Safety

**(Re-designated from IDAPA 07.06.01 to 24.39.60)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 60* – Bulletin Vol. 20-7 (eff. 7-1-20)

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

**(Re-designated from IDAPA 07.07.01 to 24.39.70)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 70* – Bulletin Vol. 20-7 (eff. 7-1-20)

24.39.80, Idaho Minimum Safety Standards and Practices for Logging

**(Re-designated from IDAPA 07.08.01 to 24.39.80)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 80* – Bulletin Vol. 20-7 (eff. 7-1-20)

24.39.90, Rules Governing the Damage Prevention Board

**(Re-designated from IDAPA 07.10.01 to 24.39.90)*

24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 90** – Bulletin Vol. 20-7 (eff. 7-1-20)

IDAPA 25 – OUTFITTERS AND GUIDES LICENSING BOARD

(MOVED AND REDESIGNATED) 25.01.01, Rules of the Outfitters and Guides Licensing Board

25-0000-2000 IDAPA 25 – IDAHO OUTFITTERS AND GUIDES LICENSING BOARD – Notice of Legislative and Executive Action Affecting the Idaho Outfitters and Guides Licensing Board Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 35, Chapter 01**, – Bulletin Vol. 20-7 (eff. 7-1-20)

25-0101-2000F Rules of the Outfitters and Guides Licensing Board – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

25-0101-2001 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 20-3

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26-0000-2000F Rules of the Department of Parks and Recreation – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapters 10, 20, 33 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

IDAPA 27 – BOARD OF PHARMACY

(MOVED AND REDESIGNATED) 27.01.01, Rules of the Idaho State Board of Pharmacy

27-0000-2000 IDAPA 27 – BOARD OF PHARMACY – Notice of Legislative and Executive Action Affecting the Idaho Board of Pharmacy Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 36, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

27-0101-2000F Rules of the Idaho State Board of Pharmacy – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

IDAPA 32 – ENDOWMENT FUND INVESTMENT BOARD

32-0101-2000F Rules of the Credit Enhancement Program for School Districts – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

IDAPA 33 – REAL ESTATE COMMISSION

(MOVED AND REDESIGNATED) 33.01.01, Rules of the Idaho Real Estate Commission

33-0000-2000 IDAPA 33 – REAL ESTATE COMMISSION – Notice of Legislative and Executive Action Affecting the Idaho Real Estate Commission Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 37, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

33-0101-2000F *Rules of the Idaho Real Estate Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

IDAPA 34 – SECRETARY OF STATE

34-0000-2000F *Rules of the Idaho Secretary of State* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 05, Chapters 01-03, 06 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

34.07.01, Rules Governing Notarial Acts Performed for Remotely Located Individuals

34-0701-2002 Adoption of Temporary Rule (New Chapter), Bulletin Vol. 20-4 (eff. 3-20-20)T

34-0701-2001 *OARC Omnibus Notice of Legislative Action – Temporary Rule Not Extended, Bulletin Vol. 20-5 (Expired: Null & Void)*

34-0701-2001 *Adoption of Temporary Rule (New Chapter), Bulletin Vol. 20-1 (eff. 1-1-20)T (Expired)*

IDAPA 36 – IDAHO BOARD OF TAX APPEALS

36-0101-2000F *Idaho Board of Tax Appeals Rules* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

IDAPA 37 – DEPARTMENT OF WATER RESOURCES

37-0000-2000F *Rules of the Idaho Department of Water Resources* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01; Title 02, Chapter 03; Title 03, Chapters 01-10 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

IDAPA 38 – IDAHO DEPARTMENT OF ADMINISTRATION

38-0000-2000F *Rules of the Idaho Department of Administration* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 04, Chapter 04 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39-0000-2000F *Rules of the Idaho Transportation Department* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 02, Chapters 04, 05, 22, 26, 41, 60; Title 03, Chapter 03 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

39.02.60, Rules Governing License Plate Provisions

39-0260-2001 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking (New Chapter), Bulletin Vol. 20-6

39-0000-2000F *Rules of the Idaho Transportation Department* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 02, Chapter 60 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

39.02.71, Rules Governing Driver’s License Violation Point System

39-0271-2001 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 20-6

IDAPA 41 – PUBLIC HEALTH DISTRICTS

41-0101-2000 *Rules of the Idaho Public Health Districts (Panhandle Health District #1)* – Notice of Omnibus Rulemaking – Adoption of Temporary Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

IDAPA 42 – IDAHO WHEAT COMMISSION

42-0101-2000F *Rules of the Idaho Wheat Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

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46-0101-2000F *Rules of the Idaho Board of Veterinary Medicine* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

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- 58-0000-2000F** *Rules of the Department of Environmental Quality* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule
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58.01.01, Rules for the Control of Air Pollution in Idaho

- 58-0000-2000F** *Rules of the Department of Environmental Quality* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule
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58.01.02, Water Quality Standards

58-0102-2001 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 20-4

58.01.03, Individual/Subsurface Sewage Disposal Rules and Rules for Cleaning of Septic Tanks

58-0103-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6

58.01.04, Rules for Administration of Wastewater Treatment Facility Grants

58-0104-1901 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 20-7 (PLR 2021)

58-0104-1901 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 19-11 (**Repeals and Consolidates into 58.01.22*)

58-0104-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8

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58-0000-2000F *Rules of the Department of Environmental Quality* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule
– Reauthorizes Title 01, Chapter 06 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

58-0106-1901 Proposed Rulemaking, Bulletin Vol. 19-11

58-0106-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8

58.01.12, Rules for Administration of Water Pollution Control Loans

58-0000-2000F *Rules of the Department of Environmental Quality* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule
– Reauthorizes Title 01, Chapter 12 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

58-0112-1901* Proposed Rulemaking**, Bulletin Vol. 19-11 (**Consolidates 58.01.20 into this chapter*)

(***Rulemaking changes chapter name to: "Rules for Administration of Wastewater and Drinking Water Loan Funds"*)

58-0112-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8

58.01.13, Rules for Ore Processing by Cyanidation

58-0000-2000F *Rules of the Department of Environmental Quality* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule
– Reauthorizes Title 01, Chapter 13 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

58-0113-1901 (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 20-2

58-0113-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

58.01.19, Rules for the Design and Construction of Phosphogypsum Stacks

58-0119-2001 Notice of Intent to Promulgate Rules – Negotiated Rulemaking (New Chapter), Bulletin Vol. 20-4

58.01.20, Rules for Administration of Drinking Water Loan Program

58-0000-2000F *Rules of the Department of Environmental Quality* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 20 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

58-0120-1901* Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 19-11 (**Repeals and Consolidates into 58.01.12*)

58-0120-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8

58.01.22, Rules for Administration of Planning Grants for Drinking Water Facilities

58-0122-1901* Adoption of Pending Rule, Bulletin Vol. 20-7 (PLR 2021)

(**Rulemaking changes chapter name to: “Rules for Administration of Planning Grants for Drinking Water and Wastewater Facilities”*)

58-0122-1901* Proposed Rulemaking**, Bulletin Vol. 19-11 (**Consolidates 58.01.04 into this chapter*)

58-0122-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8

58.01.25, Rules Regulating the Idaho Pollutant Discharge Elimination System Program

58-0000-2000F *Rules of the Department of Environmental Quality* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 25 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

58-0125-2001 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 20-4

IDAPA 60 – IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION

60.05.01, Rules of the Idaho State Soil and Water Conservation Commission

60-0501-2000F *Rules of the Idaho State Soil and Water Conservation Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 05, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

IDAPA 61 – STATE PUBLIC DEFENSE COMMISSION

Omnibus Rulemaking – Consolidation and Reorganization of Chapters Under the Direction of ISPDC

Chapters 61.01.01, through 61.01.08

61-0100-2001OM Notice of Intent to Promulgate Rules – Omnibus Negotiated Rulemaking, Bulletin Vol. 20-7

LEGAL NOTICE

Summary of Proposed Rulemakings

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

*THERE ARE NO PROPOSED RULES PUBLISHED
IN THE JULY 1, 2020, IDAHO ADMINISTRATIVE BULLETIN, VOL. 20-7.*

Please refer to the Idaho Administrative Bulletin [July 1, 2020, Volume 20-7](#), for the notices and text of all rulemakings, proclamations, negotiated rulemaking and public hearing information and schedules, executive orders of the Governor, and contact information.

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

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