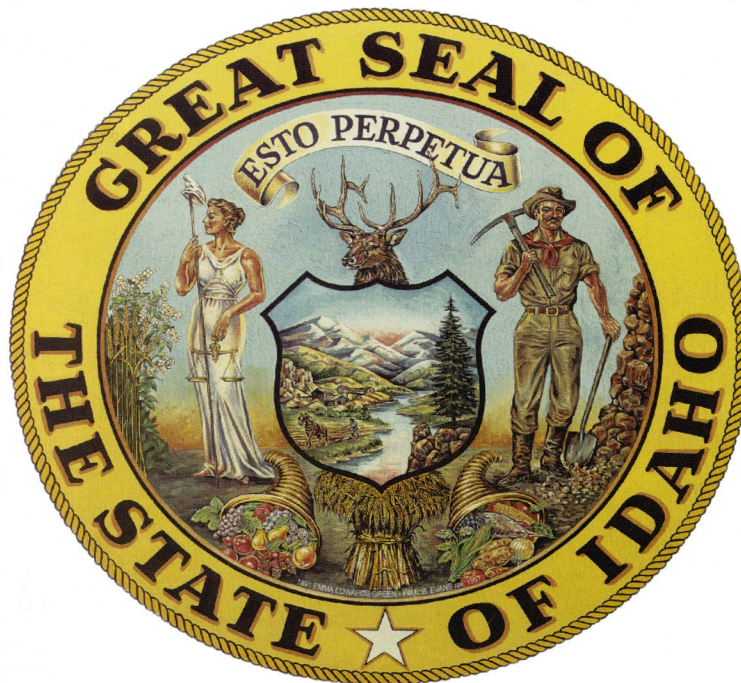


IDAHO ADMINISTRATIVE BULLETIN

November 2, 2022 – Vol. 22-11

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



The Idaho Administrative Bulletin is published monthly by the Office of the Administrative Rules Coordinator, Division of Financial Management, Office of the Governor, pursuant to Title 67, Chapter 52, Idaho Code.

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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, Division of Financial Management, 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 **19-1** refers to the first Bulletin issued in calendar year **2019**; Bulletin **20-1** refers to the first Bulletin issued in calendar year **2020**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **19-1** refers to January 2019; Volume No. **20-2** refers to February 2020; and so forth. Example: The Bulletin published in January 2019 is cited as Volume **19-1**. The December 2019 Bulletin is cited as Volume **19-12**.

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 Bulletin publication. 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 sections to which a two-digit “TITLE” number is assigned. There are “CHAPTER” numbers assigned within the Title and the rule text is divided among major sections that are further subdivided into subsections. An example IDAPA number is as follows:

IDAPA 38.05.01.200.02.c.ii.

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

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

“**05.**” refers to Title **05**, which is the Department of 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. 38-0501-1901”

“**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**).

“**1901**” 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 2019**. A subsequent rulemaking on this same rule chapter in calendar year 2019 would be designated as “**1902**”. The docket number in this scenario would be 38-0501-**1902**.

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 2022

Vol. No.	Monthly Issue of Bulletin	ARRF Due to DFM	Closing Date for Agency Filing	Bulletin Publication Date	21-day Comment Period End Date
22-1	January 2022	November 15, 2022	*November 29, 2021	January 5, 2022	January 26, 2022
22-2	February 2022	December 23, 2022	January 7, 2022	February 2, 2022	February 23, 2022
22-3	March 2022	January 28, 2022	February 11, 2022	March 2, 2022	March 23, 2022
22-4	April 2022	February 25, 2022	March 11, 2022	April 6, 2022	April 27, 2022
22-5	May 2022	March 25, 2022	April 8, 2022	May 4, 2022	May 25, 2022
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22-7	July 2022	May 20, 2022	June 3, 2022	July 6, 2022	July 27, 2022
22-8	August 2022	June 24, 2022	July 8, 2022	August 3, 2022	August 24, 2022
22-9	September 2022	July 22, 2022	August 5, 2022	September 7, 2022	September 28, 2022
22-10	October 2022	August 19, 2022	**September 2, 2022	October 5, 2022	October 26, 2022
22-11	November 2022	September 23, 2022	October 7, 2022	November 2, 2022	November 23, 2022
22-12	December 2022	October 28, 2022	November 10, 2022	December 7, 2022	December 28, 2022

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2023

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23-2	February 2023	December 23, 2022	January 6, 2023	February 1, 2023	February 22, 2023
23-3	March 2023	January 27, 2023	February 10, 2023	March 1, 2023	March 22, 2023
23-4	April 2023	February 24, 2023	March 10, 2023	April 5, 2023	April 26, 2023
23-5	May 2023	March 24, 2023	April 7, 2023	May 3, 2023	May 24, 2023
23-6	June 2023	April 21, 2023	May 5, 2023	June 7, 2023	June 28, 2023
23-7	July 2023	May 26, 2023	June 9, 2023	July 5, 2023	July 26, 2023
23-8	August 2023	June 23, 2023	July 7, 2023	August 2, 2023	August 23, 2023
23-9	September 2023	July 21, 2023	August 4, 2023	September 6, 2023	September 27, 2023
23-10	October 2023	August 18, 2023	**September 1, 2023	October 4, 2023	October 25, 2023
23-11	November 2023	September 22, 2023	October 6, 2023	November 1, 2023	November 22, 2023
23-12	December 2023	October 27, 2023	November 9, 2023	December 6, 2023	December 27, 2023

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

****Last day to submit a proposed rule to remain on course for rulemaking to be completed and submitted for review by upcoming legislature.**

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THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2022-05

ESTABLISHING THE IDAHO EARLY CHILDHOOD ADVISORY COUNCIL

WHEREAS, the long-term academic success of children is dependent on third grade reading proficiency, with a foundation built on the language and literacy experiences of children from birth to age five; and

WHEREAS, the deliberate coordination of Idaho's public and private early childhood services will allow for greater efficiency, expanded parental choice, and allow for a more accurate inventory of existing services, programs and initiatives for use by families and policymakers; and

WHEREAS, early childhood development is directly linked to economic development because it improves the quality of the future workforce and has been shown to create cost savings to taxpayers by reducing the need for educational remediation and diminishing social service and other government service utilization; and

WHEREAS, Idaho's quality of life and long-term economic prosperity depend on a well- educated workforce; and

WHEREAS, the federal Improving Head Start for School Readiness Act of 2007, 42 USC§ 9837b(b)(1), requires the governor of each state to designate or establish a State Advisory Council on Early Childhood Education and Care ("State Advisory Council") as part of a parallel federal effort to ensure coordination and collaboration within the states; and

WHEREAS, the governor is further required to designate an individual charged with coordinating the activities of the State Advisory Council;

NOW, THEREFORE, I, BRAD LITTLE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho, do hereby order creation of the Idaho Early Childhood Advisory Council (ECAC), and in so doing do also order that:

1. The ECAC is designated as the State Advisory Council required by the Improving Head Start for School Readiness Act of 2007.
2. *The ECAC shall:*
 - a. *conduct a periodic statewide needs assessment concerning the quality and availability of early childhood education and development programs and services for children, from birth to school entry, including an assessment of the availability of high- quality pre-kindergarten services for low-income children in the state;*
 - b. *identify opportunities for and barriers to collaboration and coordination among federally funded and state-funded child development, childcare, and early childhood education programs and services, including collaboration and coordination among state agencies responsible for administering such programs;*
 - c. *develop recommendations for increasing the overall participation of children in existing federal, state, and local childcare and early childhood education programs, including outreach to underrepresented and special populations;*
 - d. *develop recommendations regarding the establishment of a unified data collection system for public early childhood education and development programs and services throughout the state;*

- e. develop recommendations regarding statewide professional development and career advancement plans for early childhood educators in the state;*
 - f. assess the capacity and effectiveness of 2- and 4-year public and private institutions of higher education in the state toward supporting the development of early childhood educators, including the extent to which such institutions have in place articulation agreements, professional development and career advancement plans, and practice or internships for students to spend time in a Head Start or pre-kindergarten program;*
 - g. make recommendations for improvements in-state early learning standards and undertake efforts to develop high-quality comprehensive early learning standards, as appropriate; and*
 - h. carry out other responsibilities as designated by the Governor.*
3. *The ECAC's annual report shall be submitted to the Governor no later than December 31, 2023.*
4. *ECAC's members shall be appointed by the Governor, with activities to be coordinated and staffed by the Idaho Association for the Education of Young Children, whose executive director shall serve as the ex-officio chair. Members will be appointed to represent the following:*
- a. Representatives from the Idaho Department of Health and Welfare who represent:*
 - 1. childcare,*
 - 2. Medicaid services,*
 - 3. the ID.EA. Part C early intervention program, and*
 - 4. mental health services;*
 - b. the Idaho State Board of Education;*
 - c. the Idaho State Department of Education;*
 - d. a local school district;*
 - e. an institution of higher education;*
 - f. a local provider of early childhood education and development services;*
 - g. a local Head Start agency;*
 - h. the State Director of Head Start Collaboration;*
 - i. a member of the Idaho Senate;*
 - j. a member of the Idaho House of Representatives;*
 - k. representatives of other entities determined to be relevant by the Governor.*
5. *The Council shall develop and adopt bylaws governing its operation and may accept funds from private, federal, state, or public agencies and any other sources in accordance with state law. The funds shall be used to support statewide efforts in development and sustainability of this council and early childhood programs and services.*



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 October, in the year of our Lord two thousand and twenty-two, and of the Independence of the United States of America the two hundred forty-seventh, and of the Statehood of Idaho the one hundred thirty-third.

BRAD LITTLE
GOVERNOR

LAWRENCE DENNEY
SECRETARY OF STATE

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-2203

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 20, 2022.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-116, and 33-1612, Idaho Code.

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

The temporary rule would replace the existing incorporated by reference documents, Idaho Standards Achievement Tests (ISAT) Achievement Level Descriptors and Idaho Alternate Assessment Achievement Standards (IDAA), with those approved by the Board at the October Board meeting.

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

In order to comply with statewide assessments that are part of our state and federal accountability system, achievement level descriptors, commonly referred to as cut scores, are necessary for meeting the federal requirements in the Elementary Secondary Education Act for identifying those schools whose students' achievements identified on the assessment is in the lowest 5% of our public schools. Currently, cut scores for all statewide assessments are incorporated by reference into IDAPA 08.02.03. As with all incorporated by reference documents, when these cut scores are updated, the rulemaking process is required to update the version incorporated into the administrative rule. The current cut scores are based on the previous versions of the two assessments and are no longer appropriate for scoring the assessments administered in Spring 2022. Without the temporary rule, the State Department of Education will not be able to appropriately score the two assessments or meet the federal requirements for identifying low-performing schools.

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

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Tracie Bent at tracie.bent@osbe.idaho.gov or (208)332-1582.

DATED this 20th day of October, 2022.

Tracie Bent
Chief Planning and Policy Officer
State Board of Education
650 W State St
PO Box 83720
Boise, ID 83720-0037
Phone: (208)332-1582
Fax: (208)334-2632

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 08-0203-2203
(Only Those Sections With Amendments Are Shown.)

004. INCORPORATION BY REFERENCE.

The following documents are incorporated into this rule: (3-15-22)

01. The Idaho Content Standards. The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-15-22)

- a.** Arts and Humanities Categories: (3-15-22)
 - i.** Dance, as revised and adopted on August 11, 2016; (3-15-22)
 - ii.** Interdisciplinary Humanities, as revised and adopted on August 11, 2016; (3-15-22)
 - iii.** Media Arts, as adopted on August 11, 2016. (3-15-22)
 - iv.** Music, as revised and adopted on August 11, 2016; (3-15-22)
 - v.** Theater, as revised and adopted on August 11, 2016; (3-15-22)
 - vi.** Visual Arts, as revised and adopted on August 11, 2016; (3-15-22)
 - vii.** World languages, as revised and adopted on August 11, 2016. (3-15-22)
- b.** Computer Science, adopted on November 28, 2016. (3-15-22)
- c.** Driver Education, as revised and adopted on August 10, 2017. (3-15-22)
- d.** Health, as revised and adopted on August 11, 2016. (3-15-22)
- e.** Information and Communication Technology, as revised and adopted on August 10, 2017. (3-15-22)
- f.** Limited English Proficiency, as revised and adopted on August 21, 2008. (3-15-22)
- g.** Physical Education, as revised and adopted on August 11, 2016. (3-15-22)
- h.** Social Studies, as revised and adopted on November 28, 2016. (3-15-22)
- i.** College and Career Readiness Competencies adopted on June 15, 2017. (3-15-22)

02. The English Language Development (ELD) Standards. The WIDA 2020 English Language Development (ELD) Standards statements as adopted by the State Board of Education on August 26, 2021. Copies of the document can be found at <https://wida.wisc.edu>. (3-15-22)

03. The Idaho English Language Proficiency Assessment (ELPA) Achievement Standards. The Idaho English Language Proficiency Assessment (ELPA) Achievement Standards as adopted by the State Board of Education on October 18, 2017. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-15-22)

04. The Idaho Standards Achievement Tests (ISAT) Achievement Level Descriptors. Achievement Level Descriptors as adopted by the State Board of Education on ~~April 14, 2016~~ October 20, 2022. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>.

~~(3-15-22)~~(10-20-22)T

05. The Idaho Content Standards Core Content Connectors. The Idaho Content Standards Core Content Connectors as adopted by the State Board of Education. Copies of the document can be found at the State Board of Education website at <https://boardofed.idaho.gov>. (3-15-22)

- a. English Language Arts, as adopted by the State Board of Education on August 10, 2017. (3-15-22)
- b. Mathematics, as adopted by the State Board of Education on August 10, 2017. (3-15-22)
- c. Science, as adopted by the State Board of Education on June 19, 2019. (3-15-22)

06. The Idaho Alternate Assessment Achievement Standards. Alternate Assessment Achievement Standards as adopted by the State Board of Education on ~~October 18, 2017~~ October 20, 2022. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. ~~(3-15-22)~~(10-20-22)T

07. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing. As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-15-22)

08. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired. As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-15-22)

09. The Idaho Special Education Manual. The Idaho Special Education Manual as adopted by the State Board of Education on October 17, 2018. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-15-22)

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

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

DOCKET NO. 15-0401-2202

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is November 1, 2022.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 67-5308, Idaho Code.

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

The Division of Human Resources and Idaho Personnel Commission is promulgating this rule to clarify the authority of the Administrator to implement changes to the current organization of state human resource staff and the administration of the state's personnel system. The Division of Human Resources currently has the authority to administer the personnel system and only delegates authority to agencies when it deems appropriate. To ensure consistency in application of personnel law and rules, HR staff will remain in agencies but report through DHR to ensure alignment with state personnel policies.

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

This rule is being adopted pursuant to Section 67-5226(1), Idaho Code, and to comply with and implement Section 67-5308, Idaho Code.

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

There is no fee being imposed or increased.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Michelle Peugh, 208.854.3073.

DATED this 27th Day of October, 2022.

Lori Wolff
Administrator
Division of Human Resources
304 N 8th street
Boise, ID 83720-0006
(208) 334-2263

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 15-0401-2202
(Only Those Sections With Amendments Are Shown.)

000. LEGAL AUTHORITY.

The rules of the Division of Human Resources and Idaho Personnel Commission are adopted pursuant to Section 67-5309, Idaho Code. The Administrator shall have authority to determine the organization of state human resource staff to administer the state Personnel System. The Division has authority to determine the policies of the Idaho Personnel System and make such rules as are necessary for the administration of the Personnel System. The administrator of the Division is appointed by the Governor, subject to confirmation by the Senate, and serves at the pleasure of the Governor pursuant to Section 67-5308(2), Idaho Code. ~~(3-31-22)~~(11-1-22)T

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.09 – MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-2201

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202(b), 56-264, 56-255, and 56-1610, Idaho Code.

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

The Department is proposing language that addresses stakeholder concerns brought up during the 2022 Legislature. This rulemaking replaces Subsection 16.03.09.772.01.c. with updated and corrected language regarding the requirements for fitting prosthetic and orthotic devices.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 6, 2022, Idaho Administrative Bulletin, [Vol. 22-7, pages 116 through 118](#).

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

This rulemaking is not anticipated to have any fiscal impact on the State General Fund, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Charles Beal at 208-364-1887.

DATED this 3rd day of October, 2022.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5500 phone; (208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.24 – THE MEDICALLY INDIGENT PROGRAM

DOCKET NO. 16-0324-2201 (CHAPTER REPEAL)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202 and 56-203, Idaho Code.

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

This chapter of rule is no longer in effect due to the passage of H0735 by the 2022 legislature and is now being repealed in its entirety.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 6, 2022, Idaho Administrative Bulletin, [Vol. 22-7, page 119](#).

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

This rulemaking has no fiscal impact to the state general fund, or any other funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Kristin Matthews at 208-334-5553.

DATED this 3rd day of October, 2022.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
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(208) 334-5500 phone; (208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.25 – IDAHO MEDICAID PROMOTING INTEROPERABILITY (PI) PROGRAM

DOCKET NO. 16-0325-2201 (CHAPTER REPEAL)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202, 56-203, and 56-1054, Idaho Code.

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

These rules have existed to: (a) establish the Idaho Medicaid Promoting Interoperability (PI) Program covered under 42 CFR Part 495; (b) provide the Medicaid PI Program criteria for participation of qualified eligible professionals and hospitals that adopt, implement, or upgrade to become meaningful users of certified electronic health record (EHR) systems in accordance with the American Recovery and Reinvestment Act of 2009 (ARRA), Section 4201; and (c) provide for the audit of providers receiving incentive payments. The Department uses this chapter to administer the federal PI Program that pays incentive payments to eligible providers and eligible hospitals that adopt certified EHR technology in accordance with the federal requirements.

The relevant federal funding for provider payments under this program closes at the end of FFY 2022, and federal funding for related audits and appeals closes at the end of FFY 2023. The state anticipates these audits and appeals will be completed by the end of SFY2022. After that, the entire rule chapter will not be needed. This chapter of rule is being repealed in its entirety.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 6, 2022, Idaho Administrative Bulletin, [Vol. 22-7, page 120](#).

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

This rulemaking is not anticipated to have any fiscal impact on the State Fund, General Fund, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Aaron Howard at 208-287-1141.

DATED this 3rd day of October, 2022.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5500 phone; (208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
16.04.14 – LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)
DOCKET NO. 16-0414-2201 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 56-202, Idaho Code.

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

Under [Executive Order 2020-01: Zero-Based Regulation](#), this chapter of rules is being rewritten. The intent is to prevent the accumulation of costly, ineffective, and outdated regulations and to reduce regulatory burden to achieve a more efficient operation of government. These rule changes represent a comprehensive review and revision of this chapter in collaboration with the public to streamline and simplify this rule language.

The changes being made at this Pending stage are to streamline the rule text and do not contain any substantial content changes.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August 3, 2022 Idaho Administrative Bulletin, [Vol. 22-8, pages 20 through 28](#).

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

This rulemaking is not anticipated to have any fiscal impact on the State General Fund, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Lisa Johnson at (208) 334-5739.

DATED this 3rd day of October, 2022.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5500 phone; (208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail

DOCKET NO. 16-0414-2201 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized red text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
[Volume 22-8, August 3, 2022, pages 20 through 28.](#)

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2023 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 16-0414-2201
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

000. LEGAL AUTHORITY.

The Department has rulemaking authority under Section 56-202, Idaho Code, and is authorized by the Low-Income Home Energy Assistance Act of 1981, 42 U.S.C Sections 8621 to 8629. ()

001. SCOPE AND LIMITATIONS.

01. Scope. *This* program provides assistance to eligible low-income households that pay the highest proportion of their income for home energy needs. ()

02. Program Limitation. This federally funded program does not entitle any household to a certain amount or form of assistance. An eligible participant household will receive one (1) benefit payment from the standard program funding each program year. ()

002. – 009. (RESERVED)

010. DEFINITIONS.

01. Crisis Assistance. Energy assistance provided to an eligible participant household to reduce or eliminate an energy-related, health-threatening situation to the household. ()

02. Department. The Department of Health and Welfare or its designee. ()

03. Federal Poverty Guidelines (FPG). The federal poverty guidelines issued annually by the U. S. Department of Health and Human Services (HHS), <http://aspe.hhs.gov/poverty/>. ()

04. Fraud. A deliberate attempt to conceal or misrepresent pertinent information *that* could affect eligibility or grant amounts. ()

05. Head of Participant Household. The person designated by the household members to receive energy assistance benefit on behalf of the household and in whose favor the energy assistance warrant is written. ()

06. Income. The gross amount of moneys received by the participant household from all sources. ()

07. **Participant.** An individual who has applied for the Low-Income Home Energy Assistance Program from the state of Idaho. ()
08. **Participant Household.** A participant household is one (1) of the following: ()
- a. An individual who lives alone; or ()
- b. A group of individuals living together as one (1) economic unit where residential energy is purchased in common or they make undesignated payments for energy in the form of rent. ()
09. **Primary Fuel.** *Fuel type* declared by the participant household to be the major source of their home heating. ()
10. **Undocumented Residents.** Individuals *entering* the United States illegally who have not obtained legal resident status. ()
11. **Vendor.** A utility company or provider of fuel utilized for home heating. ()

(BREAK IN CONTINUITY OF SECTIONS)

101. ELIGIBLE ACTIVITIES.

Funds made available through the LIHEAP grant will be used as follows: ()

01. **Home Utility and Bulk Fuel Costs.** These costs include those incurred by the eligible participant household for electricity, natural gas, and bulk fuel for home energy needs, but does not include costs incurred for telephone, water, trash, or sewer. ()

02. **Governor Declared Emergency or Disaster.** A portion of the LIHEAP grant funds may be used for home heating supply shortages experienced by the participant household or a weather-related emergency which threatens the health or lives of an area's inhabitants such that the Governor declares a state of emergency. ()

03. **Catastrophic Illness Costs.** Households with income exceeding eligibility guidelines may be eligible due to catastrophic illness. The household's unreimbursed medical expenses from the previous twelve (12) months are subtracted from the household's gross income for the same period. If the household then meets income guidelines, the Department makes a final eligibility determination. ()

102. PARTICIPANT RIGHTS.

The Department must inform participants of the following rights during the application and eligibility determination process: ()

01. **Right to Apply.** Any participant household will be given the opportunity, without delay, to apply for LIHEAP benefits. ()

02. **Right to a Hearing.** Rules governing hearing rights are contained in IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings." ()

03. **Civil Rights.** The rights of participant households must be respected under the U.S. and Idaho Constitutions, the Social Security Act, Title VI of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, and all other relevant provisions of federal and state law, including the avoidance of practices *that* violate a person's privacy or subsection to harassment. ()

103. PARTICIPANT RESPONSIBILITIES.

Applicants of LIHEAP benefits will, to the extent permitted by their physical and mental condition, provide all necessary and reasonable verification to establish eligibility, and otherwise cooperate in the eligibility determination

process. ()

(BREAK IN CONTINUITY OF SECTIONS)

150. ELIGIBILITY REQUIREMENTS AND COLLATERAL CONTACTS.

All participant households assisted through LIHEAP must provide proof they meet *the* eligibility requirements. ()

01. Failing to Meet Eligibility. Participant households failing to meet the eligibility requirements will be denied LIHEAP assistance. ()

02. Participant's Signature. A participant's signature on the application is their consent for the Department to contact collateral sources for verification of the eligibility requirement(s). ()

151. INCOME ELIGIBILITY REQUIREMENTS.

01. Households Receiving SSI or Food Stamps. Households in which one (1) or more individuals are receiving one (1) of the following are eligible for LIHEAP: ()

a. Supplemental Security Income (SSI) under Title XVI of the Social Security Act; or ()

b. Food Stamps under the Food Stamp Act of 1977, under 7 USC 2011 through 2027. ()

02. Income Not Counted. Income listed in Subsections 151.02.a. through 151.02.t. is not counted in determining LIHEAP eligibility or benefit level. ()

a. Benefit payments from Medicare Insurance. ()

b. Private loans made to the participant or the household. ()

c. Assets withdrawn from a personal bank account. ()

d. Sale of real property, if the funds are reinvested within three (3) calendar months. ()

e. Income tax refunds. ()

f. Infrequent, irregular, or unpredictable income from gifts or lottery winnings of less than thirty dollars (\$30) during the three (3) month period before application for LIHEAP. ()

g. Wages or allowances for attendant care when the attendant resides in the household of the disabled member. ()

h. Interest income of thirty dollars (\$30) or less received during the three (3) month period before application for LIHEAP. ()

i. Legal fees or settlements from Workman's Compensation paid in a lump sum. ()

j. Monies received for educational purposes from NSDL, college work-study programs, State Student Incentive grants, SEOG, Pell, Guaranteed Student Loans, and supplemental grants funded under Title IV, A-2. ()

k. Monies from VA-GI Bill for Education. ()

l. Department of Health and Welfare Adoption subsidies. ()

m. Compensation provided volunteers in the Older American Act or Foster Grandparent Program, ()

including Green Thumb and Vista volunteers, Title V Senior Employment Program. ()

- n.** Third-party payments made by a non-household member on behalf of the household. Third-party payments include child care, energy assistance funds, shelter, food, and clothing assistance. ()
- o.** Value of food stamps or donated food to household. ()
- p.** Utility allowance. ()
- q.** TAFI lump sum payments. ()
- r.** Tribal crop or land payments. ()
- s.** AmeriCorps stipend. ()
- t.** Child support income. ()

152. NON-FINANCIAL ELIGIBILITY REQUIREMENTS.

01. Residence. When the application is completed, the household must reside in the state of Idaho. LIHEAP benefits are not transferable to an out-of-state residence. ()

02. Living Situations. The household resides in housing where they are responsible for home energy costs and incur the costs either directly or as an undesignated portion of their rent. ()

03. Native Americans. Native American households whose tribe has entered into a separate agreement with the federal funding agency and the Department to receive LIHEAP grant funds, are not entitled to benefits under this program unless: ()

- a.** Tribal funds are not available. ()
- b.** Funds are depleted and an emergency exists. ()

04. Resident Status. As part of the application process, participants must sign a declaration, under penalty of perjury, attesting to the residency or citizenship status of all household members. At least one (1) household member must be a citizen or legal resident of the United States. ()

153. -- 200. (RESERVED)

201. APPLICATION PROCESS.

A participant will be provided a prompt opportunity to complete an application for assistance. ()

01. Date of Application. The participant application process begins the date the completed and signed application is received. ()

02. Participant Representation. A participant household may be assisted by an adult person or persons of their choice and, when accompanied by such persons, may be represented by them. ()

03. Signature. The application must be signed by the participant designated as the head of household, or their designee. Electronic signatures are acceptable. ()

a. Applications signed by a designee must have a letter of authorization or power of attorney from the participant included in the file. ()

- b.** Department *employees* are not authorized to sign the application. ()

04. Signature by Mark. A signature by mark requires two (2) witnesses. The signatures and addresses

of the witnesses must appear on the application, followed by the word “witness.” ()

05. Application Assistance. When completing the application forms or obtaining required documentation, the Department will assist limited or non-English speaking applicants by providing interpreter services. ()

202. APPLICATION TIME LIMITS AND DISPOSAL ACTIONS.

Unless circumstances beyond the Department’s *control* prohibit it, each application is to be acted upon within thirty (30) days from the date the application is completed and signed by the participant. An application for LIHEAP assistance will be disposed of by one (1) of the following three (3) methods: ()

01. Approval. A determination the participant household is eligible for LIHEAP benefits. ()

02. Denial. A determination the participant household is ineligible for LIHEAP benefits or that eligibility could not be determined due to lack of necessary information or verification. ()

03. Withdrawal. The participant household voluntarily requests that no further consideration be given to their application or the participant becomes deceased. ()

203. NOTIFICATION OF DECISION.

Each participant household will be notified, in writing, of the decision made with regard to their LIHEAP application for assistance. ()

01. Approvals. *When* the application is completed, the participant household will receive a copy of their preliminary approval notification. The Department issuance of the benefit payment or denial notice will be the participant household’s formal eligibility notification. ()

02. Denials or Withdrawals. The LIHEAP Notice of Denial will be provided to participant households denied assistance and include the reason for the denial and an explanation of the participant household’s right to appeal the eligibility decision. ()

(BREAK IN CONTINUITY OF SECTIONS)

302. RECOUPMENT OF OVERPAYMENT.

01. Recoupment. The Department may recoup or recover the amount issued on behalf of a LIHEAP participant. Interest will accrue on overpayments at the statutory rate set under Section 28-22-104, Idaho Code, from the date of the final determination of the amount owed for services. Recoupment of an overpayment based on Department error may be collected from a vendor or participant when the overpayment is one hundred dollars (\$100), or more. Interest will not accrue on overpayments made due to Department error. An overpayment due to vendor or participant error, intentional program violations (IPV), or fraud must be recovered in full. ()

02. Repayment. A vendor or participant must repay any overpayment, but may negotiate a repayment schedule with the Department. Failure to comply with the negotiated repayment agreement will result in revocation of that agreement and may result in the revocation of the vendor agreement. ()

(BREAK IN CONTINUITY OF SECTIONS)

350. TERMINATION OF VENDOR STATUS.

Under Section 56-209h, Idaho Code, the Department may terminate the vendor agreement of, or otherwise deny vendor status for up to five (5) years from when the Department’s action becomes final to any individual or entity providing LIHEAP. The following are bases for the Department to terminate vendor status: ()

- 01. Knowing Submission of an Incorrect Claim.** ()
- 02. Submission of a Fraudulent Claim.** ()
- 03. False Statements.** Knowingly making a false statement or representation of material facts in any document required to be maintained or submitted to the Department. ()
- 04. Failure to Provide Immediate Access to Required Documentation Upon the Department's Written Request.** ()
- 05. Non-Compliance With Rules and Regulations.** ()
- 06. Violation of Material Term or Condition of the Vendor Agreement.** ()
- 07. Failure to Repay.** Failure by a managing employee or one with an ownership or control interest in any entity to repay overpayments or claims previously found to have been obtained contrary to statute, rule, regulation, or vendor agreement. ()
- 08. Fraudulent or Abusive Conduct in the Delivery of LIHEAP-Funded Services.** Being found, or being a managing employee in any entity who is found, to have engaged in fraudulent or abusive conduct. ()
- 351. (RESERVED)**
- 352. VENDOR OR PARTICIPANT NOTIFICATION.**
When the Department determines any actions *under* Sections 310 through 350 of these rules are appropriate, it will send written notice of the decision to the vendor or participant. The notice will state the basis for the action, the length of the action, the effect of the action on the participant or the vendor's ability to provide services under state and federal programs, and appeal rights. ()
- 353. -- 994. (RESERVED)**
- 995. PROVISIONS CONTINGENT UPON FEDERAL FUNDING.**
*T*hese rules are contingent upon availability and receipt of funds appropriated through federal legislation. When federal funds are not available, these provisions or any part therein are considered dormant; there may be no advance notice of termination or reduction of benefits. If additional funds are available, a supplemental payment may be made, in an equitable manner, to each eligible household at the discretion of the Director. ()

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.05.04 – DOMESTIC VIOLENCE COUNCIL GRANTS

DOCKET NO. 16-0504-2101 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 39-5209, Idaho Code.

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

In accordance with [Executive Order 2020-01: Zero-Based Regulation](#), this chapter of rules is being rewritten. The intent is to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. These rule changes represent a comprehensive review and revision of this chapter, in collaboration with the public, to streamline and simplify this rule language. These rule changes also include language to allow the Council to take into account the demand and need for services in distributing grant funds throughout the state. In IDAPA 16.05.04, the chapter title is changing from “Idaho Council on Domestic Violence and Victim Assistance Grant Funding,” to “Domestic Violence Council Grants.”

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 3, 2022, Idaho Administrative Bulletin, [Vol. 22-8, pages 29 through 35](#).

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

This rulemaking is not anticipated to have any fiscal impact on the State General Fund, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Heather Cunningham at (208) 332-1542.

DATED this 3rd day of October, 2022.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5500 phone; (208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.02.02 – AUTOMOBILE INSURANCE POLICIES

DOCKET NO. 18-0202-2201 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 41-211 and 41-2502(3), Idaho Code.

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

This rule provides uniform interpretation and implementation of Section 41-2502, 41-2506, 41-2507, 41-2508, and 41-2509, Idaho Code, relating to insurance cancellation, non-renewal, and under/uninsured motorist coverages. This rulemaking clarifies language, removes duplicative language, and directs to the Department's website for certain information. It also improves transparency to consumers as to their underinsured motorist coverage.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 6, 2022, Idaho Administrative Bulletin, [Vol. 22-7, pages 125 to 126](#).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Wes Trexler, (208) 334-4214, weston.trexler@doi.idaho.gov.

DATED this October 6, 2022.

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

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.02.03 – CERTIFICATE OF LIABILITY INSURANCE FOR MOTOR VEHICLES

DOCKET NO. 18-0203-2201 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 41-211, 49-1229, 49-1231, and 49-1608A, Idaho Code.

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

This rule identifies requirements of Sections 49-1229, 49-1231, and 49-1608A, Idaho Code, relating to the certificate of liability insurance for motor vehicles. This rulemaking clarifies language and removes duplicative language.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 6, 2022 Idaho Administrative Bulletin, [Vol. 22-7, pages 127 to 129](#).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Wes Trexler, (208) 334-4214, weston.trexler@doi.idaho.gov.

DATED this October 6, 2022.

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IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.07.01 – RULES FOR ACQUIRING CONTROL, INSURANCE HOLDING COMPANY SYSTEMS AND MUTUAL INSURANCE HOLDING COMPANIES

DOCKET NO. 18-0701-2201 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 41-211 and 41-3817, Idaho Code.

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

This rule sets forth rules and procedural requirements necessary to administer the Idaho Acquisitions of Control and Insurance Holding Company Systems Regulatory Act, including provisions relating to Section 41-3824, Idaho Code, on mutual holding companies. This rulemaking clarifies language and removes duplicative language.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 6, 2022 Idaho Administrative Bulletin, [Vol. 22-7, pages 130 to 142](#).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Wes Trexler, (208) 334-4214, weston.trexler@doi.idaho.gov.

DATED this October 6, 2022.

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IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.07.02 – RESERVE LIABILITIES AND MINIMUM VALUATIONS FOR ANNUITIES AND PURE ENDOWMENT CONTRACTS

DOCKET NO. 18-0702-2201 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 41-211 and 41-612, Idaho Code.

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

This rule recognizes mortality table for use in determining minimum standard valuations for annuity and pure endowment contracts. This rulemaking clarifies language, removes duplicative language, and directs to the Department website for certain information.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 6, 2022, Idaho Administrative Bulletin, [Vol. 22-7, pages 143 to 146](#).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Wes Trexler, (208) 334-4214, weston.trexler@doi.idaho.gov.

DATED this October 6, 2022.

Dean L. Cameron, Director
Idaho Department of Insurance
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IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.07.03 – VALUATION OF LIFE INSURANCE POLICIES INCLUDING THE USE OF SELECT MORTALITY FACTORS

DOCKET NO. 18-0703-2201 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 41-211 and 41-612, Idaho Code.

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

This rule provides tables of select mortality factors and rules for their use; and minimum standard rules for valuations of plans with nonlevel premiums or benefits and for valuation of plans with secondary guarantees. This rulemaking clarifies language and removes duplicative language.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 6, 2022, Idaho Administrative Bulletin, [Vol. 22-7, pages 147 to 157](#).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Wes Trexler, (208) 334-4214, weston.trexler@doi.idaho.gov.

DATED this October 6, 2022.

Dean L. Cameron, Director
Idaho Department of Insurance
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IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE
18.07.08 – PROPERTY AND CASUALTY ACTUARIAL OPINION RULE
DOCKET NO. 18-0708-2201 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 41-211, Idaho Code.

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

This rule provides the Director with additional means to monitor insurer's loss reserves in accordance with Section 41-610, Idaho Code. This rulemaking clarifies language and removes duplicative language.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 6, 2022 Idaho Administrative Bulletin, [Vol. 22-7, pages 158 to 160](#).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Wes Trexler, (208) 334-4214, weston.trexler@doi.idaho.gov.

DATED this October 6, 2022.

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Idaho Department of Insurance
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IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.07.09 – LIFE AND HEALTH ACTUARIAL OPINION AND MEMORANDUM RULE

DOCKET NO. 18-0709-2201 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 41-211, Idaho Code.

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

This rule allows the appointed actuary to use professional judgement and opinion in asset analysis and supporting communication. Also, the rule provides the Director with authority to specify methods and assumptions of actuarial analysis in order to render adequacy of reserves and related items. This rulemaking clarifies language and removes duplicative language.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 6, 2022 Idaho Administrative Bulletin, [Vol. 22-7, pages 161 to 169](#).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Wes Trexler, (208) 334-4214, weston.trexler@doi.idaho.gov.

DATED this October 6, 2022.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
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IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE
18.08.02 – FIRE PROTECTION SPRINKLER CONTRACTORS
DOCKET NO. 18-0802-2201 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 41-211 and 41-254, Idaho Code, and Chapter 9, International Fire Code.

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

This rule specifies requirements of fire sprinkler systems by qualified personnel. This includes all facets of fire sprinklers and bonding of personnel and organizations. This rulemaking clarifies language and removes duplicative or unnecessary language.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 6, 2022 Idaho Administrative Bulletin, [Vol. 22-7, pages 170 to 175](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 41-401, Idaho Code. This rulemaking does not impose a new fee or charge, or increase an existing fee or charge, beyond what has previously been reviewed. The fees within this rulemaking apply to the State Fire Marshal's actions on applications and licenses (014.02 and 022.02) and sprinkler design review (020.06).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: None.

The fees are unchanged from the previous rule.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Wes Trexler, (208) 334-4214, weston.trexler@doi.idaho.gov.

DATED this October 6, 2022.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID, 83720-0043
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IDAPA 21 – IDAHO DIVISION OF VETERANS SERVICES
21.01.01 – RULES GOVERNING ADMISSION, RESIDENCY, AND MAINTENANCE
CHARGES IN IDAHO STATE VETERANS HOMES AND DIVISION OF
VETERANS SERVICES ADMINISTRATIVE PROCEDURE

DOCKET NO. 21-0101-2201

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 65-202; 65-204; and 66-907, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than November 16, 2022.

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

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

This rule change removes a contradiction in the existing rule that conflicts with Title 14 Chapter 5, Idaho Code, the Unclaimed Property Act (UCPA). It also clarifies the rights of a resident regarding a notice of transfer or discharge and the rights of an applicant regarding notice of a denial of an application for residency.

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

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: None.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this brings the Division's existing rule in alignment with existing Idaho Statute.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kevin Wallior at 208-780-1308.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 23, 2022.

DATED this November 2, 2022.

Kevin Wallior, Management Assistant
Idaho Division of Veterans Services
351 Collins Road
Boise, ID 83702
Phone: 208-780-1308
Fax: 208-780-1301
Email: kevin.wallior@veterans.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 21-0101-2201
(Only Those Sections With Amendments Are Shown.)

200. ~~CONDITIONS FOR DENIAL OF~~ **DENIAL OF** ADMISSION.

~~01. Denial of Admission.~~ Admission may be denied to an otherwise eligible applicant for any reason for which an admitted resident could be involuntarily discharged. (3-23-22)()

~~02. Assignment of Personal Property.~~ Prior to admission to a Home, an eligible applicant must agree that while he is a resident of a Home he will assign the following, under the conditions specified: (3-23-22)

~~a. Pursuant to Section 66-906, Idaho Code, all personal property owned, money held, or assets to which he is entitled at the time of his death—unless disposed of by will or rightfully claimed within five (5) years of the death of the resident by an heir or person named in the resident's will—must be assigned to the Division Administrator at the time of application for the sole use and benefit of a Home. (3-23-22)~~

~~b. Upon discharge or voluntary departure from a Home, and after written notification is sent to the resident, all personal property owned or money deposited with the Home which is unclaimed by the former resident will be converted for the sole use and benefit of a Home as specified below: (3-23-22)~~

~~i. Personal property unclaimed within thirty (30) days of departure or discharge will be made available to needy Home residents or disposed of at public auction or private sale and the proceeds deposited with the state; or (3-23-22)~~

~~ii. Money deposited with the Home will be retained and deposited with the state; however, said money may be claimed by the former resident within five (5) years of departure or discharge. (3-23-22)~~

(BREAK IN CONTINUITY OF SECTIONS)

980. **NOTICE OF RESIDENT TRANSFER OR DISCHARGE AND NOTICE OF DENIAL OF AN APPLICATION FOR RESIDENCY.**

The Home Administrator or his designee must notify the applicant or resident of any action to be taken regarding rejection of an application or involuntary transfer or discharge from a Home. The Home does not need to provide notice of voluntary transfer or discharge pursuant to Subsection 350.04 of these rules. (3-23-22)()

01. **Form of Notice.** (3-23-22)

~~a. The notices of denial of application may be made orally. (3-23-22)~~

~~b. The notice of or ineligibility for residency; transfer; or discharge must be in writing. (3-23-22)()~~

02. **Content of Notice of Transfer or Discharge.** The notice must state the following: (3-23-22)

a. The reason for the impending action and a reference to the pertinent rules under which the action is being brought or decision has been made; (3-23-22)

b. The effective date of the action; (3-23-22)

c. The location to which the resident is transferred or discharge, which is established for Nursing Care transfers and discharges only; (3-23-22)

d. The applicant's or resident's right to request a hearing according to the provisions deadlines in

Section 982 of these rules; and ~~(3-23-22)~~()

- e. The procedure for requesting a hearing, as provided in Subsection 982.03 of these rules. (3-23-22)
- f. The name, address, and telephone number of the State long term care ombudsman; (3-23-22)
- g. The name, address, and telephone number of the State Disability Rights agency responsible for the protection and advocacy for those residents with developmental disabilities or mental illness. (3-23-22)

03. Notification Deadlines ~~for Domiciliary Care~~. ~~The~~ Notice shall be provided to the applicant or resident according to ~~the following notification~~ deadlines ~~are established for Domiciliary Care only~~:

~~(3-23-22)~~()

a. Denial of application or findings of ineligibility. Notice of a denial of application or findings of ineligibility for residency must be mailed to the applicant within three (3) working days after receipt of the completed application citing the reasons for rejection. ()

~~#b. Domiciliary Care. Discharge or transfer notices to residents receiving Domiciliary Care must be sent to the resident three (3) days prior to the intended effective date of the action, except under the conditions noted in Subsections 350.01, 350.03 and 350.04 of these rules.~~ ~~(3-23-22)~~()

~~b. Notification of findings of ineligibility for residency will be mailed to the applicant within three (3) working days after receipt of the completed application citing the reasons for rejection.~~ ~~(3-23-22)~~

~~04. Notification Deadlines for Residential Care. The following notification deadlines are established for Residential Care only:~~ ~~(3-23-22)~~

~~#c. Residential Care. Discharge or transfer notices to residents receiving Residential Care must be sent to the resident fifteen (15) days prior to the intended effective date of the action, except under the conditions noted in Subsections 350.01, 350.03 and 350.04 of these rules.~~ ~~(3-23-22)~~()

~~b. Notification of findings of ineligibility for residency will be mailed to the applicant within three (3) working days after receipt of the completed application citing the reasons for rejection.~~ ~~(3-23-22)~~

~~05. Notification Deadlines for Nursing Care. The following notification deadlines are established for Nursing Care only:~~ ~~(3-23-22)~~

~~d. Nursing Care. Residents receiving Nursing Care must receive notice as follows:~~ ()

~~di. Notices of general discharge or transfer pursuant to Subsection 350.02 of these rules must be sent to the resident thirty (30) days prior to the intended effective date of the action.~~ (3-23-22)

~~bii. Notices of emergency discharge or transfer pursuant to Subsection 350.01 of these rules must be sent to the resident as soon as practical.~~ (3-23-22)

~~eiii. Notices of discharge or transfer during absence pursuant to Subsection 350.03 of these rules must be sent to the resident within three (3) working days of the Home's determination to transfer or discharge.~~ ~~(3-23-22)~~()

~~div. Notice of discharge or transfer for unauthorized absences pursuant to Paragraph 350.02.g. of these rules must be sent to the resident within three (3) days of the last unauthorized absence establishing a basis for discharge.~~ ~~(3-23-22)~~()

~~e. The Home does not need to provide notice of voluntary transfer or discharge pursuant to Subsection 350.04 of these rules.~~ ~~(3-23-22)~~

~~f. Notification of the denial of an application for residency will be mailed to the applicant within~~

~~three (3) working days after receipt of the completed application citing the reasons for rejection.~~

~~(3-23-22)~~

(BREAK IN CONTINUITY OF SECTIONS)

982. PROVISIONS FOR CONTESTED CASES.

01. Inapplicability of Idaho Rules of Administrative Procedure of the Attorney General. All contested cases shall be governed by the provisions of these rules. The Commission and Division Administrator find that the provisions of IDAPA 04.11.01, et seq., "Idaho Rules of Administrative Procedure of the Attorney General," are inapplicable and inappropriate for contested cases before the Commission, because of the specific and unique requirements of federal and state law regarding notices, hearing processes, procedural requirements, time lines, and other provisions requiring the Division to adopt its own procedures pursuant to Section 67-5206(5)(b), Idaho Code, and hereby affirmatively promulgate and adopt alternative procedures and elect not to be governed by any of the provisions of IDAPA 04.11.01, et seq., "Idaho Rules of Administrative Procedure of the Attorney General." (3-23-22)

02. Hearing Rights. Residents and applicants have the following rights to a hearing: (3-23-22)

a. If a resident of a Home is notified of transfer or discharge, the resident will be afforded an opportunity for a hearing. A resident of a Home must attempt to resolve the bases stated on the notice of action through verbal discussions with the Home Administrator or his designee prior to submission of a written request for a hearing. A resident will not be afforded an opportunity for a hearing based upon a voluntary transfer or discharge under Subsection 350.04 of these rules. (3-23-22)

b. If an application for residency in a Home is rejected, the applicant may request a hearing. (3-23-22)

03. Requesting a Hearing for Nursing Care. A request for a hearing from a nursing care resident for residency in a Home must be submitted to the Idaho Department of Health and Welfare, *Fair Hearing Office*, P.O. Box 83720, Boise, Idaho 83720-0036. Requests for appeal should be received by the Idaho Department of Health and Welfare before thirty (30) days have passed in order to stop the discharge or transfer before it occurs. ~~(3-23-22)~~ ()

04. Requesting a Hearing for Residential and Domiciliary Care. (3-23-22)

a. A request for a hearing from a resident for residential and domiciliary care residency in a Home must be submitted through the Home Administrator to the Division Administrator for possible resolution or the scheduling of a hearing. A resident's request must contain a description of what effort he has taken to satisfy the requirements of Paragraph 982.02.a. of these rules. (3-23-22)

b. A request for a hearing must be in writing and signed by the applicant/resident. (3-23-22)

c. A request for a hearing must be submitted within three (3) days of receipt of the written notice of action or denial. (3-23-22)

d. Pending a hearing, benefits will be continued or held in abeyance as follows: (3-23-22)

i. Benefits for domiciliary care, residential care, and nursing care residents will not be continued when the transfer or discharge is an emergency discharge under Subsection 350.01 of these rules or a discharge for unauthorized absences under Paragraph 350.02.g. of these rules. If the hearing request is made before the effective date of action and within three (3) days of receipt of the notice, no action will be taken by the Home Administrator on a general discharge under Subsection 350.02 of these rules, except Paragraph 350.02.g., or a transfer under Subsection 350.03 of these rules pending receipt of the final order. (3-23-22)

e. The Division Administrator will not accept a request for a hearing from a voluntary transfer or discharge pursuant to Subsection 350.04 of these rules. (3-23-22)

IDAPA 38 – DEPARTMENT OF ADMINISTRATION

38.04.06 – RULES GOVERNING USE OF STATE PROPERTY IN THE CAPITOL MALL, MULTI-AGENCY FACILITIES, AND OTHER STATE PROPERTIES

DOCKET NO. 38-0406-2201 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-5709, Idaho Code.

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

The Department of Administration has performed a critical and comprehensive review of the statutes and existing rule chapter. The Department has rewritten this chapter under the premise of zero-based rulemaking, as per [Executive Order 2020-01: Zero-Based Regulation](#).

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 7, 2022, Idaho Administrative Bulletin, [Vol. 22-9, pages 266-277](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Steve Bailey, (208) 332-1825.

DATED this October 7, 2022.

Steve Bailey, Deputy Director
Department of Administration
650 W. State Street
Room 100
Boise, Idaho 83720
steven.bailey@adm.idaho.gov
(208) 332-1825

IDAPA 38 – DEPARTMENT OF ADMINISTRATION

38.04.07 – RULES GOVERNING USE OF THE INTERIOR OF STATE PROPERTY IN THE CAPITOL MALL AND OTHER STATE FACILITIES

DOCKET NO. 38-0407-2201 (ZBR CHAPTER REPEAL)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-5709, Idaho Code.

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

The Department of Administration has performed a critical and comprehensive review of the statutes and existing rule chapter. As a result of the review, the Department has made the determination to repeal this chapter under the premise of zero-based rulemaking, as per [Executive Order 2020-01: Zero-Based Regulation](#). Necessary provisions have been retained and included in companion docket no. 38-0406-2201 published in this bulletin.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 7, 2022, Idaho Administrative Bulletin, [Vol. 22-9, page 278](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Steve Bailey, (208) 332-1825.

DATED this October 7, 2022

Steve Bailey, Deputy Director
Department of Administration
650 W. State Street
Room 100
Boise, Idaho 83720
steven.bailey@adm.idaho.gov
(208) 332-1825

IDAPA 38 – DEPARTMENT OF ADMINISTRATION
38.04.08 – RULES GOVERNING USE OF IDAHO STATE CAPITOL
DOCKET NO. 38-0408-2202 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-1604, Idaho Code.

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

The Department of Administration has performed a critical and comprehensive review of the statutes and existing rule chapter. The Department has rewritten this chapter under the premise of zero-based rulemaking, as per [Executive Order 2020-01: Zero-Based Regulation](#).

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 7, 2022, Idaho Administrative Bulletin, [Vol. 22-9, pages 279-290](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Steve Bailey, (208) 332-1825.

DATED this October 7, 2022

Steve Bailey, Deputy Director
Department of Administration
650 W. State Street
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IDAPA 38 – DEPARTMENT OF ADMINISTRATION

38.04.09 – RULES GOVERNING USE OF THE CHINDEN OFFICE COMPLEX

DOCKET NO. 38-0409-2201 (ZBR CHAPTER REPEAL)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-5709, Idaho Code.

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

The Department of Administration has performed a critical and comprehensive review of the statutes and existing rule chapter. As a result of the review, the Department has made the determination to repeal this chapter under the premise of zero-based rulemaking, as per [Executive Order 2020-01: Zero-Based Regulation](#). Necessary provisions have been retained and included in companion docket no. 38-0406-2201 published in this bulletin.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 7, 2022, Idaho Administrative Bulletin, [Vol. 22-9, page 291](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Steve Bailey, (208) 332-1825.

DATED this October 7, 2022

Steve Bailey, Deputy Director
Department of Administration
650 W. State Street
Room 100
Boise, Idaho 83720
steven.bailey@adm.idaho.gov
(208) 332-1825

IDAPA 38 – DEPARTMENT OF ADMINISTRATION
38.05.01 – RULES OF THE DIVISION OF PURCHASING
DOCKET NO. 38-0501-2201 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 67-9204, 67-9205, 67-9206, 67-9215, 67-9219, 67-9226, Idaho Code.

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

The Department of Administration has performed a critical and comprehensive review of the statutes and existing rule chapter. The Department has rewritten this chapter under the premise of zero-based rulemaking, as per [Executive Order 2020-01: Zero-Based Regulation](#).

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 7, 2022, Idaho Administrative Bulletin, [Vol. 22-9, pages 292-309](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Steve Bailey, (208) 332-1825.

DATED this October 7, 2022.

Steve Bailey, Deputy Director
Department of Administration
650 W. State Street
Room 100
Boise, Idaho 83720
steven.bailey@adm.idaho.gov
(208) 332-1825

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY
BEAVER-CAMAS SUBBASIN 2022 TOTAL MAXIMUM DAILY LOADS (TMDLS) (HUC 17040214)
DOCKET NO. 58-0000-2203
NOTICE OF FINAL DECISION

AUTHORITY: In compliance with Section 39-3611, Idaho Code, notice is hereby given that this agency has issued a final decision on the Beaver-Camas Subbasin 2022 Temperature, E. coli Bacteria, and Sediment TMDLs.

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Beaver-Camas Subbasin 2022 Temperature, E. coli Bacteria, and Sediment TMDLs. The final decision may be appealed to the Board of Environmental Quality by initiating a contested case in accordance with Sections 39-107(5), 67-5240 et seq., Idaho Code, and IDAPA 58.01.23, “Contested Case Rules and Rules for Protection and Disclosure of Records.” The petition initiating a contested case must be filed with the undersigned hearing coordinator within thirty-five (35) days of the publication date of this notice in the Idaho Administrative Bulletin.

The area covered by Beaver Camas Subbasin 2022 Temperature, E. coli Bacteria, and Sediment TMDLs (Hydrologic Unit Code 17040214) addresses the temperature, E. coli bacteria, and sediment impairments for twenty-eight (28) water quality impaired stream reaches (assessment units). This TMDL was approved by the U.S. Environmental Protection Agency on September 8, 2022.

AVAILABILITY OF THE TMDL: Electronic copy of the TMDL can be obtained at: [2022 Temperature, Sediment, and Bacteria TMDLs and Five-Year Review](#). Or by contacting Thea Wickersham, Water Quality Coordinator, 208-373-0153, thea.wickersham@deq.idaho.gov.

Dated this 2nd day of November, 2022

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706
paula.wilson@deq.idaho.gov

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IDAPA 08 – STATE BOARD OF EDUCATION

08.02.03 – Rules Governing Thoroughness

Docket No. 08-0203-2203

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

15.04.01 – Rules of the Division of Human Resources and Idaho Personnel Commission

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Docket No. 16-0414-2201 (ZBR Chapter Rewrite)

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Docket No. 21-0101-2201

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LEGAL NOTICE

Summary of Proposed Rulemakings

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

*The proposed rule public hearing request deadline is November 16, 2022, unless otherwise posted.
The proposed rule written comment submission deadline is November 23, 2022, unless otherwise posted.
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 21 – IDAHO DIVISION OF VETERANS SERVICES 351 Collins Rd, Boise, ID 83702

21-0101-2201, Rules Governing Admission, Residency, and Maintenance Charges in Idaho State Veterans Homes and Division of Veterans Services Administrative Procedure. Rulemaking accurately comports rule with the Unclaimed Property Act in state statute regarding an eligible applicant's assignment of assets upon death, discharge, or voluntary departure; and clarifies rights of a resident for notices of transfer, discharge, or denial of an application for residency.

NOTICE OF ADOPTION OF TEMPORARY RULE ONLY

IDAPA 08 – STATE BOARD OF EDUCATION
08-0203-2203, Rules Governing Thoroughness

**IDAPA 15 – OFFICE OF THE GOVERNOR / DIVISION OF HUMAN RESOURCES
AND PERSONNEL COMMISSION**
15-0401-2202, Rules of the Division of Human Resources and Idaho Personnel Commission

Please refer to the Idaho Administrative Bulletin **November 2, 2022, Volume 22-11**, for the notices and text of all rulemakings, proclamations, negotiated rulemaking and public hearing information and schedules, executive orders of the Governor, and agency contact information.

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

Office of the Administrative Rules Coordinator, Division of Financial Management
P.O. Box 83720, Boise, ID 83720-0032
Phone: 208-334-3900; Email: adminrules@dfm.idaho.gov

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 31, 2022 – November 2, 2022

(PLR 2023) – Final Effective Date Is Pending Legislative Review in 2023

(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 02 – IDAHO DEPARTMENT OF AGRICULTURE

02-ZBRR-2201 *Rules of the Idaho Department of Agriculture* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 01, Chapter 04; Title 02, Chapter 02; Title 04, Chapters 04, 15, 17, 29; and Title 06, Chapters 02, 05 – Bulletin Vol. 22-1

02.01.04, Rules Governing the Voluntary Idaho Preferred® Promotion Program

02-0104-2201 Adoption of Pending Fee Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-10 (PLR 2023)

02-0104-2201 Notice of Temporary and Proposed Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 22-7 (eff. 7-6-22)T

02-ZBRR-2201 *Rules of the Idaho Department of Agriculture* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 01, Chapter 04 – Bulletin Vol. 22-1

02.02.02, Rules Governing Grading and Controlled Atmosphere Storage of Apples

02-0202-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-10 (PLR 2023)

02-0202-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-7

02-ZBRR-2201 *Rules of the Idaho Department of Agriculture* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 02, Chapter 02 – Bulletin Vol. 22-1

02.04.04, Rules for Artificial Dairy Products

02-0404-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-10 (PLR 2023)

02-0404-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-7

02-ZBRR-2201 *Rules of the Idaho Department of Agriculture* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 04, Chapter 04 – Bulletin Vol. 22-1

02.04.15, Rules Governing Beef Cattle Animal Feeding Operations

02-0415-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-10 (PLR 2023)

02-0415-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-7

02-ZBRR-2201 *Rules of the Idaho Department of Agriculture* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 04, Chapter 15 – Bulletin Vol. 22-1

02.04.17, Rules Governing Dead Animal Movement and Disposal

02-0417-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-10 (PLR 2023)

02-0417-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-7

02-ZBRR-2201 *Rules of the Idaho Department of Agriculture* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 04, Chapter 17 – Bulletin Vol. 22-1

02.04.19, Rules Governing Domestic Cervidae

02-0419-2201 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 22-5

02.04.25, Rules Governing Private Feeding of Big Game Animals

02-0425-2201 Notice of Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 22-10

02.04.29, Rules Governing Trichomoniasis

02-0429-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-10 (PLR 2023)

02-0429-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-7

02-ZBRR-2201 *Rules of the Idaho Department of Agriculture* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 04, Chapter 29 – Bulletin Vol. 22-1

02.06.02, Rules Governing Registrations and Licenses

02-0602-2201 Adoption of Pending Fee Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-10 (PLR 2023)

02-0602-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 22-7

02-ZBRR-2201 *Rules of the Idaho Department of Agriculture* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 06, Chapter 02 – Bulletin Vol. 22-1

02.06.05, Rules Governing Plant Disease and Quarantines

- 02-0605-2201** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-10 (PLR 2023)
02-0605-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-7
02-ZBRR-2201 *Rules of the Idaho Department of Agriculture* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 06, Chapter 05 – Bulletin Vol. 22-1

02.06.33, Organic Food Products Rules

- 02-0633-2201** Notice of Temporary and Proposed (Fee) Rule, Bulletin Vol. 22-7 (eff. 5-4-22)T

02.08.01, Sheep and Goat Rules of the Idaho Sheep and Goat Health Board

- 02-0801-2201** Notice of Temporary and Proposed Rule (New Chapter, Fee Rule), Bulletin Vol. 22-7 (eff. 4-27-22)T

IDAPA 05 – DEPARTMENT OF JUVENILE CORRECTIONS

05.01.03, Rules of the Custody Review Board

- 05-0103-2201** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-10 (PLR 2023)
05-0103-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-7
05-0103-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-4

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

08.01.11, Registration of Postsecondary Educational Institutions and Proprietary Schools

- 08-0111-2201** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 22-10
08-0111-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-7

08.01.13, Rules Governing the Opportunity Scholarship Program

- 08-0113-2201** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-10
08-0113-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-7

08.02.01, Rules Governing Administration

- 08-0201-2201** Adoption of Temporary Rule, Bulletin Vol. 22-6 (eff. 4-20-22)T

08.02.02, Rules Governing Uniformity

- 08-0202-2201** Notice of Proposed Rulemaking, Bulletin Vol. 22-10
08-0202-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-7

08.02.03, Rules Governing Thoroughness

- 08-0203-2203** Adoption of Temporary Rule, Bulletin Vol. 22-11 (eff. 10-20-22)T

08-0203-2202 Adoption of Temporary Rule, Bulletin Vol. 22-8 (eff. 6-15-22)T

08-0203-2201 Notice of Proposed Rulemaking, Bulletin Vol. 22-10
08-0203-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-7

08.02.04, Rules Governing Public Charter Schools

- 08-0204-2201** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-10
08-0204-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-7

08.03.01, Rules of the Public Charter School Commission

- 08-0301-2201** Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 22-10
08-0301-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-7

IDAPA 11 – IDAHO STATE POLICE

Idaho State Racing Commission

11.04.01, Rules Governing the Idaho State Racing Commission

11-0401-2201 Notice of Proposed Rulemaking (New ZBR Chapter, Fee Rule), Bulletin Vol. 22-10

11.04.02, Rules Governing Simulcasting

11-0402-2201 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 22-10

11-ZBRR-2201 *Rules of the Idaho State Racing Commission* – Notice of Intent to Promulgate Rules – Zero-Based Regulation
Negotiated Rulemaking – Negotiates Title 04, Chapter 02 – Bulletin Vol. 22-7

11.04.03, Rules Governing Licensing and Fees

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11-ZBRR-2201 *Rules of the Idaho State Racing Commission* – Notice of Intent to Promulgate Rules – Zero-Based Regulation
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11-ZBRR-2201 *Rules of the Idaho State Racing Commission* – Notice of Intent to Promulgate Rules – Zero-Based Regulation
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11-ZBRR-2201 *Rules of the Idaho State Racing Commission* – Notice of Intent to Promulgate Rules – Zero-Based Regulation
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11-ZBRR-2201 *Rules of the Idaho State Racing Commission* – Notice of Intent to Promulgate Rules – Zero-Based Regulation
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16-0319-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-5

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16-0324-2201 Notice of Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 22-7

16-0324-2201 Adoption of Temporary Rule (Chapter Repeal), Bulletin Vol. 22-6 (eff. 3-29-22)T

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16-0414-2201* Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-8

*Renames chapter from: “Rules Governing the Low Income Home Energy Assistance Program”
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- 16-0504-2101* Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-8
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*Renames chapter from: “Child Care Licensing,” to: “Child Care and Foster Care Licensing”
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18-ZBRR-2201 *Rules of the Idaho Department of Insurance* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 02, Chapter 03 – Bulletin Vol. 22-4

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18-ZBRR-2201 *Rules of the Idaho Department of Insurance* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 07, Chapter 01 – Bulletin Vol. 22-4

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18-ZBRR-2201 *Rules of the Idaho Department of Insurance* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 07, Chapter 02 – Bulletin Vol. 22-4

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18-0703-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-11 (PLR 2023)

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18-ZBRR-2201 *Rules of the Idaho Department of Insurance* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 07, Chapter 03 – Bulletin Vol. 22-4

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18-ZBRR-2201 *Rules of the Idaho Department of Insurance* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 07, Chapter 08 – Bulletin Vol. 22-4

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18-0709-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-7

18-ZBRR-2201 *Rules of the Idaho Department of Insurance* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 07, Chapter 09 – Bulletin Vol. 22-4

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20-0317-2201* Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 22-9

*Renames chapter from: “Rules Governing Leases on State-Owned Submerged Lands and Formerly Submerged Lands,”
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24-0000-2201F *Rules of the Division of Occupational and Professional Licenses (health care related)* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 03, Chapter 01; Title 06, Chapter 01; Title 09, Chapter 01; Title 10, Chapter 01; Title 11, Chapter 01; Title 12, Chapter 01; Title 13, Chapter 01; Title 14, Chapter 01; Title 15, Chapter 01; Title 16, Chapter 01; Title 17, Chapter 01; Title 19, Chapter 01; Title 23, Chapter 01; Title 24, Chapter 01; Title 26, Chapter 01; Title 27, Chapter 01; Title 31, Chapter 01; Title 33, Chapters 01, 02, 04-07; Title 34, Chapter 01; and Title 36, Chapter 01 – Bulletin Vol. 22-6 (eff. 3-31-22)T

24-0000-2202F *Rules of the Division of Occupational and Professional Licenses (occupations, building, construction, and real estate related)* – Notice of Omnibus Rulemaking – Proposed (Fee) Rule – Proposes Title 01, Chapter 01; Title 04, Chapter 01; Title 07, Chapter 01; Title 08, Chapter 01; Title 18, Chapter 01; Title 21, Chapter 01; Title 22, Chapter 01; Title 25, Chapter 01; Title 28, Chapter 01; Title 29, Chapter 01; Title 30, Chapter 01; Title 32, Chapter 01; Title 37, Chapter 01; and Title 39, Chapters 20, 31, 40, 50, 70, 90 – Bulletin Vol. 22-10

24-0000-2202F *Rules of the Division of Occupational and Professional Licenses (occupations, building, construction, and real estate related)* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01; Title 04, Chapter 01; Title 07, Chapter 01; Title 08, Chapter 01; Title 18, Chapter 01; Title 21, Chapter 01; Title 22, Chapter 01; Title 25, Chapter 01; Title 28, Chapter 01; Title 29, Chapter 01; Title 30, Chapter 01; Title 32, Chapter 01; Title 37, Chapter 01; and Title 39, Chapters 10, 20, 30, 31, 40, 50, 70, 90 – Bulletin Vol. 22-6 (eff. 3-31-22)T

24-ZBRR-2201* *Rules of the Division of Occupational and Professional Licenses* – (*Second) Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 10, Chapter 01; Title 12, Chapter 01; Title 23, Chapter 01; Title 30, Chapter 01; Title 34, Chapter 01; Title 35, Chapter 01; and Title 39, Chapters 10, 30 – Bulletin Vol. 22-7

24-ZBRR-2201 *Rules of the Division of Occupational and Professional Licenses* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 10, Chapter 01; Title 12, Chapter 01; Title 17, Chapter 01; Title 23, Chapter 01; Title 25, Chapter 01; Title 26, Chapter 01; Title 30, Chapter 01; Title 34, Chapter 01; Title 35, Chapter 01; and Title 39, Chapters 10, 20, 30, 70 – Bulletin Vol. 22-5

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24-0501-2200F *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. 22-6 (eff. 3-31-22)T

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24-ZBRR-2201* *Rules of the Division of Occupational and Professional Licenses* – (*Second) Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 10, Chapter 01 – Bulletin Vol. 22-7

24-ZBRR-2201 *Rules of the Division of Occupational and Professional Licenses* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 10, Chapter 01 – Bulletin Vol. 22-5

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24-ZBRR-2201* *Rules of the Division of Occupational and Professional Licenses* – (*Second) Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 12, Chapter 01 – Bulletin Vol. 22-7

24-ZBRR-2201 *Rules of the Division of Occupational and Professional Licenses* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 12, Chapter 01 – Bulletin Vol. 22-5

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24-0000-2201F *Rules of the Division of Occupational and Professional Licenses (health care related)* – Notice of Omnibus Rulemaking – Proposed (Fee) Rule – ZBR Chapter Rewrite of Title 17, Chapter 01 – Bulletin Vol. 22-10

24-ZBRR-2201 *Rules of the Division of Occupational and Professional Licenses* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 17, Chapter 01 – Bulletin Vol. 22-5

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24-ZBRR-2201* *Rules of the Division of Occupational and Professional Licenses* – (*Second) Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 23, Chapter 01 – Bulletin Vol. 22-7

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24-ZBRR-2201 *Rules of the Division of Occupational and Professional Licenses* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 25, Chapter 01 – Bulletin Vol. 22-5

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- 24-3501-2200** *Rules of the Outfitters and Guides Licensing Board* – Notice of Omnibus Rulemaking – Adoption of Temporary Rule – Reauthorizes Title 35, Chapter 01 – Bulletin Vol. 22-7 (eff. 7-1-22)T
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- 38-0406-2201*** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-9
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- 39-0271-2201*** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-8
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