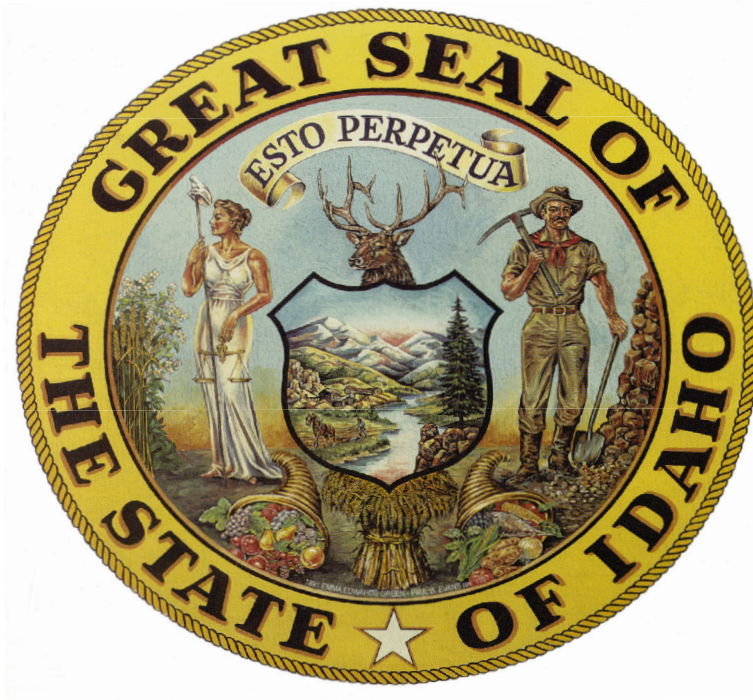


IDAHO ADMINISTRATIVE BULLETIN

August 2, 2023 – Vol. 23-8

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.

Brad Little, Governor
Alex J. Adams, Administrator, Division of Financial Management
Josh Scholer, Bureau Chief, Regulatory & Legislative Affairs
Bradley A. Hunt, Administrative Rules Coordinator
Logan P. Medel, Administrative Rules Specialist
Margaret Major, Desktop Publishing Specialist
All Rights Reserved / Printed in the United States of America

IDAHO ADMINISTRATIVE BULLETIN

Table of Contents

August 2, 2023 – Vol. 23-8

PREFACE	5
IDAPA 12 – IDAHO DEPARTMENT OF FINANCE	
<i>Docket No. 12-ZBRR-2301 (ZBR Chapter Rewrites)</i>	
Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking.....	12
12.01.04, Rules Pursuant to the Idaho Credit Union Act; 12.01.08, Rules Pursuant to the Uniform Securities Act; and 12.01.10, Rules Pursuant to the Idaho Residential Mortgage Practices Act.	
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 <i>Docket No. 15-0401-2301</i>	
Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking	14
IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE	
16.01.02 – Emergency Medical Services (EMS) – Rule Definitions <i>Docket No. 16-0102-2301</i>	
Notice of Rulemaking – Proposed Rule	16
16.01.03 – Emergency Medical Services (EMS) – Agency Licensing Requirements <i>Docket No. 16-0103-2301 (ZBR Chapter Rewrite)</i>	
Notice of Rulemaking – Proposed Rule	28
16.02.06 – Quality Assurance for Clinical Laboratories <i>Docket No. 16-0206-2301 (ZBR Chapter Rewrite)</i>	
Notice of Rulemaking – Proposed Rule	53
16.02.24 – Clandestine Drug Laboratory Cleanup <i>Docket No. 16-0224-2301 (ZBR Chapter Rewrite)</i>	
Notice of Rulemaking – Proposed Rule	60
16.06.02 – Foster Care Licensing <i>Docket No. 16-0602-2301 (ZBR Chapter Rewrite)</i>	
Notice of Rulemaking – Proposed Rule	67
16.06.03 – Daycare Licensing <i>Docket No. 16-0603-2301 (New Chapter, Fee Rule)</i>	
Notice of Rulemaking – Proposed Rule	107
16.07.19 – Certification of Peer Support Specialists and Family Support Partners <i>Docket No. 16-0719-2301 (ZBR Chapter Rewrite)</i>	
Notice of Rulemaking – Proposed Rule	128
16.07.25 – Prevention of Minors’ Access to Tobacco or Electronic Smoking Device Products <i>Docket No. 16-0725-2301 (ZBR Chapter Rewrite)</i>	
Notice of Rulemaking – Proposed Rule	142

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20.01.01 – *Rules of Practice and Procedure Before the State Board of Land Commissioners*
Docket No. 20-0101-2301 (ZBR Chapter Rewrite)
 Notice of Rulemaking – Proposed Rule 153

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.01.01 – *Rules of the Board of Architects and Landscape Architects*
Docket No. 24-0101-2301 (ZBR Chapter Rewrite, Fee Rule)
 Notice of Rulemaking – Proposed Rule 177

24.05.01 – *Rules of the Board of Drinking Water and Wastewater Professionals*
Docket No. 24-0501-2301 (ZBR Chapter Rewrite, Fee Rule)
 Notice of Rulemaking – Proposed Rule 190

24.06.01 – *Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants*
Docket No. 24-0601-2301 (ZBR Chapter Rewrite, Fee Rule)
 Notice of Rulemaking – Proposed Rule 212

24.11.01 – *Rules of the State Board of Podiatry*
Docket No. 24-1101-2301 (ZBR Chapter Rewrite, Fee Rule)
 Notice of Rulemaking – Proposed Rule 224

24.13.01 – *Rules Governing the Physical Therapy Licensure Board*
Docket No. 24-1301-2301 (ZBR Chapter Rewrite, Fee Rule)
 Notice of Rulemaking – Proposed Rule 232

24.15.01 – *Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists*
Docket No. 24-1501-2301 (ZBR Chapter Rewrite, Fee Rule)
 Notice of Rulemaking – Proposed Rule 249

24.16.01 – *Rules of the State Board of Dentistry*
Docket No. 24-1601-2301 (ZBR Chapter Rewrite, Fee Rule)
 Notice of Rulemaking – Proposed Rule 267

24.27.01 – *Rules of the Idaho State Board of Massage Therapy*
Docket No. 24-2701-2301 (ZBR Chapter Rewrite, Fee Rule)
 Notice of Rulemaking – Proposed Rule 280

24.28.01 – *Rules of the Barber and Cosmetology Services Licensing Board*
Docket No. 24-2801-2301 (ZBR Chapter Rewrite, Fee Rule)
 Notice of Rulemaking – Proposed Rule 295

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26.01.10 – *Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation*
Docket No. 26-0110-2301
 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking 327

26.01.20 – *Rules Governing the Administration of Park and Recreation Areas and Facilities*
Docket No. 26-0120-2301
 Notice of Intent to Promulgate Rules – Negotiated Rulemaking 329

26.01.34 – *Idaho Protection Against Invasive Species Sticker Rules*
Docket No. 26-0134-2201 (ZBR Chapter Repeal)
 Notice of Rulemaking – Temporary and Proposed Rule 331

IDAPA 32 – ENDOWMENT FUND INVESTMENT BOARD

32.01.01 – Rules Governing the Credit Enhancement Program for School Districts

Docket No. 32-0101-2301

Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking333

IDAPA 35 – IDAHO STATE TAX COMMISSION

35.01.01 – Income Tax Administrative Rules

Docket No. 35-0101-2301

Notice of Rulemaking – Proposed Rule335

35.01.08 – Mine License Tax Administrative Rules

Docket No. 35-0108-2301 (ZBR Chapter Rewrite)

Notice of Rulemaking – Proposed Rule337

IDAPA 36 – IDAHO STATE BOARD OF TAX APPEALS

36.01.01 – Rules Governing the Idaho State Board of Tax Appeals

Docket No. 36-0101-2301

Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking341

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.07 – Rules Regulating Underground Storage Tank Systems

Docket No. 58-0107-2301 (ZBR Chapter Rewrite, Fee Rule)

Notice of Rulemaking – Proposed Rule343

SECTIONS AFFECTED INDEX 358

LEGAL NOTICE - SUMMARY OF PROPOSED RULEMAKINGS 373

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES 376

SUBJECT INDEX 390

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 YEAR 2023

Vol. No.	Monthly Issue of Bulletin	ARRF Due to DFM	Closing Date for Agency Filing	Bulletin Publication Date	21-day Comment Period End Date
23-2	February 2023	December 23, 2023	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
24-1	January 2024	November 13, 2023	**November 27, 2023	January 3, 2024	January 24, 2024

BULLETIN PUBLICATION SCHEDULE FOR YEAR 2024

Vol. No.	Monthly Issue of Bulletin	ARRF Due to DFM	Closing Date for Agency Filing	Bulletin Publication Date	21-day Comment Period End Date
24-2	February 2024	December 22, 2023	January 5, 2024	February 7, 2024	February 28, 2024
24-3	March 2024	January 26, 2024	February 9, 2024	March 6, 2024	March 27, 2024
24-4	April 2024	February 23, 2024	March 8, 2024	April 3, 2024	April 24, 2024
24-5	May 2024	March 22, 2024	April 5, 2024	May 1, 2024	May 22, 2024
24-6	June 2024	April 19, 2024	May 3, 2024	June 5, 2024	June 26, 2024
24-7	July 2024	May 24, 2024	June 7, 2024	July 3, 2024	July 24, 2024
24-8	August 2024	June 21, 2024	July 5, 2024	August 7, 2024	August 28, 2024
24-9	September 2024	July 19, 2024	August 2, 2024	September 4, 2024	September 25, 2024
24-10	October 2024	August 16, 2024	*August 30, 2024	October 2, 2024	October 23, 2024
24-11	November 2024	September 20, 2024	October 4, 2024	November 6, 2024	November 27, 2024
24-12	December 2024	October 25, 2024	November 8, 2024	December 4, 2024	December 25, 2024
25-1	January 2025	November 15, 2024	**November 29, 2024	January 1, 2025	January 22, 2025

***Last day to submit a proposed rule for the rulemaking to remain on course for review by the upcoming legislature.**

****Last day to submit a pending rule to be reviewed by the upcoming legislature.**

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 38	Administration , Department of
IDAPA 02	Agriculture , Idaho State Department of
IDAPA 40	Arts , Idaho Commission on the
IDAPA 04	Attorney General , Office of the
IDAPA 53	Barley Commission , Idaho
IDAPA 51	Beef Council , Idaho
IDAPA 55	Career Technical Education , Division of
IDAPA 28	Commerce , Idaho Department of
IDAPA 06	Correction , Idaho Department of
IDAPA 08	Education , State Board of and State Department of
IDAPA 32	Endowment Fund Investment Board
IDAPA 58	Environmental Quality , Department of
IDAPA 12	Finance , Idaho Department of
IDAPA 13	Fish and Game , Idaho Department of
IDAPA 15	Governor , Office of the Idaho Commission on Aging (15.01) Idaho Commission for the Blind and Visually Impaired (15.02) Idaho Forest Products Commission (15.03) Division of Human Resources and Personnel Commission (15.04) Idaho Military Division (Division of Homeland Security) (15.06) Idaho State Liquor Division (15.10)
IDAPA 48	Grape Growers and Wine Producers Commission , Idaho
IDAPA 16	Health and Welfare , Department of
IDAPA 41	Health Districts , Public
IDAPA 45	Human Rights Commission
IDAPA 17	Industrial Commission , Idaho
IDAPA 18	Insurance , Idaho Department of
IDAPA 05	Juvenile Corrections , Department of
IDAPA 09	Labor , Idaho Department of
IDAPA 20	Lands , Idaho Department of

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 52	Lottery Commission, Idaho State
IDAPA 24	Occupational and Professional Licenses, Division of (24.20) Accountancy, Board of (24.30) Acupuncture, Board of (24.17) Architectural Examiners, Board of (24.01) Athletic Commission, State (24.02) Barber and Cosmetology Services Licensing Board (24.28) Building Safety, Division of (24.39) Chiropractic Physicians, Board of (24.03) Contractors Board, Idaho State (24.21) Counselors and Marriage and Family Therapists, Licensing Board of Professional (24.15) Dentistry, State Board of (24.31) Dentistry, Board of (24.16) Drinking Water and Wastewater Professionals, Board of (24.05) Driving Businesses Licensure Board, Idaho (24.25) Engineers and Land Surveyors, Board of Licensure of Professional (24.32) Genetic Counselors Licensing Board (24.24) Geologists, Board of Registration for Professional (24.04) Landscape Architects, Board of (24.07) Liquefied Petroleum Gas Safety Board (24.22) Massage Therapy, Board of (24.27) Medicine, Board of (24.33) Midwifery, Board of (24.26) Morticians, Board of (24.08) Nursing, Board of (24.34) Nursing Home Administrators, Board of Examiners of (24.09) Occupational Therapy Licensure Board (24.06) Optometry, Board of (24.10) Outfitters and Guides Licensing Board (24.35) Pharmacy, Board of (24.36) Physical Therapy Licensure Board (24.13) Podiatry, Board of (24.11) Psychologist Examiners, Board of (24.12) Real Estate Appraiser Board (24.18) Real Estate Commission (24.37) Residential Care Facility Administrators, Board of Examiners of (24.19) Shorthand Reporters Board, Idaho Certified (24.29) Social Work Examiners, Board of (24.14) Speech, Hearing and Communication Services Licensure Board (24.23) Veterinary Medicine, State Board of (24.38)
IDAPA 43	Oilseed Commission, Idaho
IDAPA 50	Pardons and Parole, Commission of
IDAPA 26	Parks and Recreation, Idaho Department of

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 11	Police, Idaho State Alcohol Beverage Control (11.05) Brand Board (11.02) Commercial Vehicle Safety (11.13) Forensic Laboratory (11.03) Motor Vehicles (11.07) Peace Officer Standards and Training Council (11.11) Public Safety and Security Information (11.10) Racing Commission (11.04)
IDAPA 29	Potato Commission, Idaho
IDAPA 61	Public Defense Commission, State
IDAPA 59	Public Employee Retirement System of Idaho (PERSI)
IDAPA 31	Public Utilities Commission
IDAPA 34	Secretary of State, Office of the
IDAPA 57	Sexual Offender Management Board
IDAPA 60	Soil and Water Conservation Commission, Idaho State
IDAPA 36	Tax Appeals, Board of
IDAPA 35	Tax Commission, State
IDAPA 39	Transportation Department, Idaho
IDAPA 21	Veterans Services, Division of
IDAPA 47	Vocational Rehabilitation, Division of
IDAPA 37	Water Resources, Department of
IDAPA 42	Wheat Commission, Idaho

IDAPA 12 – IDAHO DEPARTMENT OF FINANCE
DOCKET NO. 12-ZBRR-2301 (ZBR CHAPTER REWRITES)
OMNIBUS NOTICE OF INTENT TO PROMULGATE RULES –
ZERO-BASED REGULATION (ZBR) NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 26-2144, 26-31-103, 26-31-204, and 26-31-302, 30-14-605(a), Idaho Code.

MEETING SCHEDULE: Two public meetings on the negotiated rulemaking will be held as follows:

IN PERSON AND VIRTUAL TELECONFERENCES
Wednesday, August 23, 2023 3:00 p.m. to 5:00 p.m. (MT)
In-person participation is available at: Department of Finance 11341 West Chinden Blvd. Building 4, Floor 3 Boise, ID 83714
Web meeting link: https://www.microsoft.com/microsoft-teams/join-a-meeting Meeting ID: 224 912 264 521 Passcode: G7TERE
Monday, August 28, 2023 10:00 a.m. to 12:00 p.m. (MT)
In-person participation is available at: Department of Finance 11341 West Chinden Blvd. Building 4, Floor 3 Boise, ID 83714
Web meeting link: https://www.microsoft.com/microsoft-teams/join-a-meeting Meeting ID: 218 900 606 692 Passcode: 9SJYWD

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

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meeting in person or via web conferencing. While verbal comments are accepted during the scheduled meeting, the Department requests all comments also be submitted in writing for the record. Information for submitting written comments is provided below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

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

These rules are being presented for authorization as part of the Department's plan to review each rule every five years. Other than changes noted below, there are no specific rulemaking changes planned by the Department at this time except for evaluation and amendment consistent with the Governor's [Executive Order 2020-01: Zero-Based Regulation](#). It is anticipated that rulemaking stakeholders will propose and advocate for rulemaking changes as part of the negotiated rulemaking process. The Department intends to carefully consider all changes presented by the public and may propose certain changes so long as they are consistent with the rules' statutory authority and the Governor's Executive Order.

This negotiated rulemaking applies to the following rule chapters:

- 12.01.04, *Rules Pursuant to the Idaho Credit Union Act*;
- 12.01.08, *Rules Pursuant to the Uniform Securities Act*; and
- 12.01.10, *Rules Pursuant to the Idaho Residential Mortgage Practices Act*.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, contact Anthony Polidori, (208) 332-8060. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Department's web site at the following web address: <https://www.finance.idaho.gov/legal/rulemaking>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 30th, 2023.

DATED this 2nd day of August, 2023.

Anthony Polidori
Deputy Director
Idaho Department of Finance
800 Park Blvd., Suite 200
Boise, ID 83720-0031
Phone: (208) 332-8060
Fax: (208) 332-8099

**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. 15-0401-2301

**NOTICE OF INTENT TO PROMULGATE RULES –
ZERO-BASED REGULATION (ZBR) NEGOTIATED RULEMAKING**

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 67-5308 and 67-5309, Idaho Code.

MEETING SCHEDULE: Two public meetings on the negotiated rulemaking will be held as follows:

Wednesday, August 9, 2023 at 11 a.m. (MT)	Tuesday, August 15, 2023 at 3 p.m. (MT)
In Person: DHR Central Office 304 N 8th Street Boise, ID 83702	

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

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

Provide comments in writing for the record to Michelle Peugh at michelle.peugh@dhr.idaho.gov, or provide oral presentation during the meeting time.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

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

In accordance with the [Zero-Based Regulation E. O. 2020-01](#) and the Division's [5-year review schedule](#), the goal of this rulemaking is to make changes and modifications that remove obsolete language, eliminate unnecessary restrictions, and provide overall clarity.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, or to obtain a preliminary draft copy of the rule text, contact Michelle Peugh at michelle.peugh@dhr.idaho.gov or 208-854-3083. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the agency website at the following web address: www.dhr.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 31, 2023.

DATED this 14th day of July, 2023.

Lori A. Wolff
Administrator
304 North 8th Street
P.O. Box 83720
Boise, Idaho 83720-0066
Lori.Wolff@dhr.idaho.gov
Phone: (208) 334-2263

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.01.02 – EMERGENCY MEDICAL SERVICES (EMS) – RULE DEFINITIONS

DOCKET NO. 16-0102-2301

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 56-1003 and 56-1023, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearings concerning this rulemaking will be held as follows:

VIRTUAL TELECONFERENCES Via WebEx
<p>Tuesday, August 8, 2023 2:00 p.m. - 3:00 p.m. (MT)</p>
<p>Join from the meeting link https://idhw.webex.com/idhw/j.php?MTID=m337cb21b92992e632f54cf068d12512d</p> <p>Join by meeting number Meeting number (access code): 2761 903 8177 Meeting password: 3NWm7vJmNW4 (36967856 from phones and video systems)</p> <p>Join by phone +1-415-527-5035 United States Toll +1-303-498-7536 United States Toll (Denver)</p>
<p>Wednesday, August 9, 2023 6:30 p.m. - 7:30 p.m. (MT)</p>
<p>Join from the meeting link https://idhw.webex.com/idhw/j.php?MTID=m8c663b33f510ba8ee6ee35fdcbaebb41</p> <p>Join by meeting number Meeting number (access code): 2763 503 1838 Meeting password: vkFk8pFDC33 (85358733 from phones and video systems)</p> <p>Join by phone +1-415-527-5035 United States Toll +1-303-498-7536 United States Toll (Denver)</p>

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. Each meeting will conclude after 30 minutes if no participants sign in or wish to comment in the meeting.

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

Under [Executive Order 2020-01](#): Zero-Based Regulation, IDAPA 16.01.03, “Emergency Medical Services (EMS) - Agency Licensing Requirements,” is being rewritten under companion Docket No. 16-0103-2301 publishing concurrently in this Bulletin. The changes being made in this definitions chapter align with the changes being made in the rewrite of the Agency Licensing chapter.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There are no fees in this chapter of rules.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted under this docket number. However, negotiated rulemaking was conducted for the companion docket (16-0103-2301) and input was received regarding the definitions contained herein. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking for IDAPA 16.01.03 was published in the April 5, 2023, Idaho Administrative Bulletin, [Vol. 23-4, pages 25-26](#).

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: There are no incorporations by reference in this chapter of rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jathan Nalls at 208-334-4007.

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 August 23, 2023.

DATED this 6th day of July, 2023.

Trinette Middlebrook and Frank Powell
DHW – Administrative Rules Unit
450 W. State Street – 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500
fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0102-2301
(Only Those Sections With Amendments Are Shown.)

000. LEGAL AUTHORITY.

~~The Idaho Board of Health and Welfare is authorized under~~ Section 56-1023, Idaho Code, ~~and standards concerning the for~~ authorizes the Board to adopt rules ~~and standards concerning the for~~ administration of the Idaho Emergency Medical Services Act, ~~Sections 56-1011 through 56-1023, Idaho Code. The Director is authorized under~~ Sections 56-1003, Idaho Code, authorizes the ~~Director~~ Director to supervise and administer an emergency medical services program. ~~(3-17-22)()~~

001. ~~TITLE AND SCOPE.~~

~~01. Title. These rules are titled IDAPA 16.01.02, “Emergency Medical Services (EMS) – Rule Definitions.” (3-17-22)~~

~~02. Scope. These rules contain the definitions used throughout the Emergency Medical Services chapters of rules adopted by the Department. Those chapters include: (3-17-22)()~~

~~a. IDAPA 16.01.01, “Emergency Medical Services (EMS) – Advisory Committee (EMSAC);” (3-17-22)~~

~~b. IDAPA 16.01.03, “Emergency Medical Services (EMS) – Agency Licensing Requirements;” (3-17-22)~~

~~c. IDAPA 16.01.05, “Emergency Medical Services (EMS) – Education, Instructor, and Examination Requirements;” (3-17-22)~~

~~d. IDAPA 16.01.06, “Emergency Medical Services (EMS) – Data Collection and Submission Requirements;” (3-17-22)~~

~~e. IDAPA 16.01.07, “Emergency Medical Services (EMS) – Personnel Licensing Requirements;” and (3-17-22)~~

~~f. IDAPA 16.01.12, “Emergency Medical Services (EMS) – Complaints, Investigations and Disciplinary Actions.” (3-17-22)~~

002. -- 009. (RESERVED)

010. DEFINITIONS AND ABBREVIATIONS A THROUGH B.

~~For the purposes of the Emergency Medical Services (EMS) chapters of rules 56-1012, Idaho Code, the following definitions apply: (3-17-22)()~~

~~01. **911 Call.** Any request for emergency services that is received or dispatched by a CECS or PSAP, regardless of the method the request was received. ()~~

~~02. **911 Response Transport Service.** An ambulance service type that licenses an agency to provide emergency medical care at emergency scenes, during transports or transfers, and has the primary responsibility of responding to 911 calls dispatched by a CECS or PSAP within a specified geographical area. ()~~

~~03. **911 Response Non-Transport Service.** A non-transport service type that licenses an agency to provide emergency medical care at emergency scenes but does not transport patients and has the primary responsibility of responding to 911 calls dispatched by a CECS or PSAP within a specified geographical area. ()~~

~~04. **Advanced Emergency Medical Technician (AEMT).** An AEMT is a person who: (3-17-22)()~~

~~a. Has met the qualifications for licensure under Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.07, “Emergency Medical Services (EMS) - Personnel Licensing Requirements;” (3-17-22)~~

~~b. Is licensed by the Department EMS Bureau under Sections 56-1011 through 56-1023, Idaho Code; (3-17-22)()~~

~~c. Carries out the practice of emergency medical care within the scope of practice for AEMT determined by the Idaho Emergency Medical Services Physician Commission (EMSPC), under IDAPA 16.02.02, “Idaho Emergency Medical Services (EMS) Physician Commission”; and (3-17-22)()~~

- d. Practices under the supervision of a physician licensed in Idaho. (3-17-22)
- 025. Advanced Life Support (ALS).** The provision of medical care, medication administration and treatment with medical devices that correspond to the knowledge and skill objectives in the Paramedic curriculum currently approved by the State Health Officer and within the scope of practice ~~defined in under~~ IDAPA 16.02.02, “Idaho Emergency Medical Services (EMS) Physician Commission,” by persons licensed as Paramedics by the ~~Department EMS Bureau~~. (3-17-22)()
- 036. Advanced Practice Registered Nurse.** A person who meets ~~all the applicable~~ requirements and is licensed ~~to practice~~ as an Advanced Practice Registered Nurse under Sections 54-1401 through 54-1418, Idaho Code. (3-17-22)()
- 047. Advertise.** Communication of information to the public, institutions, or to any person concerned, by any oral, written, graphic means including handbills, newspapers, television, radio, telephone directories, billboards, or electronic communication methods. (3-17-22)
- 058. Affiliation.** The formal association that exists between an agency and ~~those~~ licensed personnel who appear on the agency’s roster, which includes active participation, collaboration, and involvement. Affiliation can be demonstrated by the credentialing of licensed personnel by the agency medical director. (3-17-22)()
- 069. Affiliating EMS Agency.** The licensed EMS agency(s) ~~or agencies~~, under which licensed personnel are authorized to provide patient care. (3-17-22)()
- 0710. Air Ambulance.** Any privately or publicly owned fixed wing ~~aircraft~~ or rotary wing aircraft used for, or intended to be used for, the transportation of persons experiencing physiological or psychological illness or injury who may need medical attention during transport. This may include dual or multipurpose vehicles that ~~otherwise~~ comply with Sections 56-1011 through 56-1023, Idaho Code, and specifications ~~established in under~~ IDAPA 16.01.03, “Emergency Medical Services (EMS) - Agency Licensing Requirements.” (3-17-22)()
- 0811. Air Medical ~~Agency Service~~.** An agency licensed by the ~~Department EMS Bureau~~ that responds to requests for patient care and transportation from hospitals and EMS agencies using a fixed wing ~~aircraft~~ or rotary wing aircraft. (3-17-22)()
- 0912. Air Medical ~~Transport Service~~.** ~~A service type available to a licensed air medical EMS agency that meets the requirements in IDAPA 16.01.03, “Emergency Medical Services (EMS) – Agency Licensing Requirements.”~~ An air medical service type that licenses an agency to provide air medical response and transport of patients from an emergency scene, and hospital-to-hospital transfers of patients utilizing an air ambulance. (3-17-22)()
- 113. Air Medical ~~Support Rescue Service~~.** ~~An air medical service type available to a that licensed s-air medical EMS an agency that meets the requirements in IDAPA 16.01.03, “Emergency Medical Services (EMS) – Agency Licensing Requirements.”~~ to provide air medical response and transport of patients from an emergency scene to a rendezvous with air medical transport or ground transport ambulance services. (3-17-22)()
- 104. Air Medical Response.** The deployment of an aircraft ~~licensed as an air ambulance to respond~~ to an emergency scene ~~intended~~ for the purpose of patient treatment and transportation. (3-17-22)()
- 125. Ambulance.** Any privately or publicly owned motor vehicle, or nautical vessel, used for, or intended to be used for, the transportation of sick or injured persons who may need medical attention during transport. This may include dual or multipurpose vehicles that ~~otherwise~~ comply with Sections 56-1011 through 56-1023, Idaho Code, and specifications ~~established in under~~ IDAPA 16.01.03, “Emergency Medical Services (EMS) - Agency Licensing Requirements.” (3-17-22)()
- 136. Ambulance-Based Clinicians.** ~~Licensed~~ Registered Nurses and Advanced Practice Registered Nurses who are ~~currently~~ licensed under Sections 54-1401 through 54-1418, Idaho Code, and Physician Assistants who are ~~currently~~ licensed under Sections 54-1801 through 54-1841, Idaho Code. (3-17-22)()

~~147.~~ **Ambulance Agency Service.** An agency licensed by the ~~Department under Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.03, “Emergency Medical Services (EMS) – Agency Licensing Requirements,”~~ EMS Bureau and operated with the intent to provide personnel and equipment for medical treatment at an emergency scene, during transportation or during transfer of persons experiencing physiological or psychological illness or injury who may need medical attention during transport. (3-17-22)()

~~158.~~ **Ambulance Certification.** Designation issued by the EMS Bureau to a licensed EMR indicating that the EMR has ~~successfully~~ completed ambulance certification training, examination, and credentialing as required by the EMS Bureau. The ambulance certification allows a licensed EMR to serve as the sole patient care provider in an ambulance during transport or transfer. (3-17-22)()

~~1619.~~ **Applicant.** Any organization that is requesting an agency license under Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.03, “Emergency Medical Services (EMS) - Agency Licensing Requirements,” including the following: (3-17-22)

- a. An organization seeking a new license; (3-17-22)
- b. An existing agency that intends to: (3-17-22)
 - i. Change the level of licensed personnel it utilizes; (3-17-22)
 - ii. Change its geographic coverage area (except by agency annexation); or (3-17-22)
 - iii. Begin or discontinue providing patient transport services. (3-17-22)

~~1720.~~ **Assessment.** ~~The Patient~~ evaluation ~~of a patient~~ by EMS licensed personnel intending to provide treatment or transportation to that patient. (3-17-22)()

~~1821.~~ **Basic Life Support (BLS).** The provision of medical care, medication administration, and treatment with medical devices that correspond to the knowledge and skill objectives in the EMR or EMT curriculum currently approved by the State Health Officer and within scope of practice ~~defined in under~~ IDAPA 16.02.02, “Idaho Emergency Medical Services (EMS) Physician Commission,” by persons licensed as EMRs or EMTs by the ~~Department~~ EMS Bureau. (3-17-22)()

~~1922.~~ **Board.** The Idaho Board of Health and Welfare. (3-17-22)

011. DEFINITIONS AND ABBREVIATIONS C THROUGH E.

~~For the purposes of the Emergency Medical Services (EMS) chapters of rules, the following definitions apply:~~ (3-17-22)

~~01.~~ **Call Volume.** The number of requests for service that an agency either anticipated or responded to during a designated period ~~of time~~. (3-17-22)()

~~02.~~ **Candidate.** Any individual who is requesting an EMS personnel license under Sections 56-1011 through 56-1023, Idaho Code, ~~and~~ IDAPA 16.01.07, “Emergency Medical Services (EMS) - Personnel Licensing Requirements.” (3-17-22)()

~~03.~~ **Certificate of Eligibility.** Documentation that an individual is eligible for affiliation with an EMS agency, having satisfied all requirements for an EMS Personnel Licensure except for affiliation, but is not licensed to practice. (3-17-22)

~~04.~~ **Certification.** A credential issued by a designated certification body for a specified period ~~of time~~ indicating that minimum standards have been met. (3-17-22)()

~~05.~~ **Certified EMS Instructor.** An individual approved by the ~~Department~~ EMS Bureau, who has met the requirements in IDAPA 16.01.05, “Emergency Medical Services (EMS) -- Education, Instructor, and Examination Requirements,” to provide EMS education and training. (3-17-22)()

06. CoAEMSP. Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions. (3-17-22)

07. Code 3. The use of emergency lights, sirens, and traffic exemptions under Section 49-623, Idaho Code. ()

078. Cognitive Exam. Computer-based exam to demonstrate knowledge learned during an EMS education program. (3-17-22)

~~**08. Compensated Volunteer.** An individual who performs a service without promise, expectation, or receipt of compensation other than payment of expenses, reasonable benefits or a nominal fee to perform such services. This individual cannot be a part-time or full-time employee of the same organization performing the same services as a volunteer and employee. (3-17-22)~~

09. Community Health EMS (CHEMS). The practice of deploying EMS personnel to provide evaluation, advice, or treatment of eligible recipients outside of a hospital setting as part of a community-based team of health and social services providers as authorized by local medical control. ()

~~**0910. Conflict of Interest.** A situation in which a decision by personnel acting in their official capacity is influenced by or may be a benefit to their personal interests. (3-17-22)~~

~~**1011. Consolidated Emergency Communications System (CECS).** An emergency communication system operated or coordinated by a government entity that is composed of facilities, equipment, and dispatching services directly related to establishing, maintaining, or enhancing a 911 emergency communications service defined in Section 31-4802, Idaho Code. (3-17-22)()~~

~~**1112. Core Content.** Set of educational goals, explicitly taught (and not taught), focused on making sure that all students involved learn certain material tied to a specific educational topic and defines the entire domain of out-of-hospital practice and identifies the universal body of knowledge and skills for emergency medical services providers who do not function as independent practitioners. (3-17-22)~~

~~**1213. Course.** The specific portions of an education program that delineate the beginning and the end of an individual's EMS education. A course is also referred to as a "section" on the NREMT website. (3-17-22)()~~

~~**1314. Course Physician.** A physician charged with reviewing and approving both the clinical and didactic content of a course. (3-17-22)~~

~~**1415. Credentialing.** The local process by which licensed EMS personnel are authorized to provide medical care in the out-of-hospital, hospital, and medical clinic setting, including the determination of a local scope of practice. (3-17-22)~~

~~**1516. Credentialed EMS Personnel.** Individuals who are authorized to provide medical care by the EMS medical director, hospital supervising physician, or medical clinic supervising physician. (3-17-22)~~

~~**1617. Critical Care.** The treatment of a patient with continuous care, monitoring, medication, or procedures requiring knowledge or skills not contained within the Paramedic curriculum approved by the State Health Officer. Interventions provided by Paramedics are governed by the scope of practice defined in IDAPA 16.02.02, "Idaho Emergency Medical Services (EMS) Physician Commission." (3-17-22)~~

~~**1718. Critical Care Agency.** An ambulance or air medical EMS agency that advertises and provides all of the skills and interventions defined as critical care in IDAPA 16.02.02, "Idaho Emergency Medical Services (EMS) Physician Commission." (3-17-22)~~

~~**1819. Department.** The Idaho Department of Health and Welfare. (3-17-22)~~

~~**1920. Director.** The Director of the ~~Idaho Department of Health and Welfare~~ or their designee.~~

(3-17-22)()

2021. **Division.** The ~~Department's~~ Division of Public Health, ~~Idaho Department of Health and Welfare.~~

(3-17-22)()

2122. **Emergency.** A medical condition, the onset of which is sudden, that manifests itself by symptoms of sufficient severity, including severe pain, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in placing the person's health in serious jeopardy, or in causing serious impairments of bodily function or serious dysfunction of any bodily organ or part. (3-17-22)

223. **Emergency Medical Care.** The care provided to a person suffering from a medical condition, the onset of which is sudden, that manifests itself by symptoms of sufficient severity, including severe pain, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in placing the person's health in serious jeopardy, or in causing serious impairments of bodily function or serious dysfunction of any bodily organ or part. (3-17-22)

234. **Emergency Medical Responder (EMR).** An ~~EMR is a~~ person who: (3-17-22)()

a. Has met the qualifications for licensure in Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.07, "Emergency Medical Services - Personnel Licensing Requirements"; (3-17-22)

b. Is licensed by the ~~Department~~ **EMS Bureau** under Sections 56-1011 through 56-1023, Idaho Code; (3-17-22)()

c. Carries out the practice of emergency medical care within the scope of practice for EMR determined by the ~~Idaho Emergency Medical Services Physician Commission (EMSPC);~~ under IDAPA 16.02.02, "Emergency Medical Services (EMS) Physician Commission"; and (3-17-22)()

d. Practices under the supervision of a physician licensed in Idaho. (3-17-22)

2425. **Emergency Medical Services (EMS).** Under Section 56-1012(16), Idaho Code, ~~emergency medical services or~~ EMS is aid rendered by an individual or group of individuals who do the following: (3-17-22)()

a. Respond to a perceived need for medical care ~~in order~~ to prevent loss of life, aggravation of physiological or psychological illness, or injury; (3-17-22)()

b. Are prepared to provide interventions that are within the scope of practice as defined by the ~~Idaho Emergency Medical Services Physician Commission (EMSPC);~~ under IDAPA 16.02.02, "~~Rules of the~~ Idaho Emergency Medical Services (EMS) Physician Commission"; (3-17-22)()

c. Use an alerting mechanism to initiate a response to requests for medical care; and (3-17-22)

d. Offer, advertise, or attempt to respond as described in Subsection 011.245.a. through 011.245.c. of this rule. (3-17-22)()

25. **Emergency Medical Services Advisory Committee (EMSAC).** ~~The statewide advisory board of the Department as described in IDAPA 16.01.01, "Emergency Medical Services (EMS) Advisory Committee (EMSAC)." EMSAC members are appointed by the Director of the Idaho Department of Health and Welfare to provide counsel to the Department on administering the EMS Act.~~ (3-17-22)

26. **Emergency Medical Technician (EMT).** An ~~EMT is a~~ person who: (3-17-22)()

a. Has met the qualifications ~~for licensure in~~ **under** Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.07, "Emergency Medical Services - Personnel Licensing Requirements"; (3-17-22)()

- b. Is licensed by the EMS Bureau under Sections 56-1011 through 56-1023, Idaho Code; (3-17-22)
- c. Carries out the practice of emergency medical care within the scope of practice for EMT determined by the ~~Idaho Emergency Medical Services Physician Commission (EMSPC)~~, under IDAPA 16.02.02, “Idaho Emergency Medical Services (EMS) Physician Commission”; and (3-17-22)()
- d. Practices under the supervision of a physician licensed in Idaho. (3-17-22)

~~27.~~ **Emergency Response.** Any EMS response to an emergency utilizing emergency lights, sirens, and traffic exemptions under Section 49-623, Idaho Code. ()

~~27~~**28.** **Emergency Scene.** Any setting outside of a hospital, with the exception of the inter-facility transfer, in which the provision of EMS may take place. (3-17-22)

~~28~~**29.** **EMS Agency.** Any organization licensed ~~by the Department~~ under Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.03, “Emergency Medical Services (EMS) - Agency Licensing Requirements,” that operates an air medical service, ambulance service, or non-transport service. (3-17-22)()

~~29~~**30.** **EMS Bureau.** The Bureau of Emergency Medical Services (EMS) ~~of the~~ ~~Idaho~~ Department ~~of Health and Welfare~~ ~~and~~ Preparedness of the (3-17-22)()

~~30~~**31.** **EMS Education Program.** The institution or agency holding an EMS education course. (3-17-22)

~~31~~**32.** **EMS Education Program Director.** The individual responsible for an EMS education ~~at~~ program ~~(s) or programs~~. (3-17-22)()

~~32~~**33.** **EMS Education Program Objectives.** The measurable outcome used by the program to determine student competencies. (3-17-22)

~~33~~**34.** **EMS Medical Director.** A physician who supervises the medical activities of licensed personnel affiliated with an EMS agency. (3-17-22)

~~34~~**35.** **EMS Physician Commission (EMSPC).** The Idaho Emergency Medical Services Physician Commission created under Section 56-1013A, Idaho Code, also referred to as “the Commission.” (3-17-22)

~~35~~**36.** **EMS Response.** A response to a request for assistance that would involve the medical evaluation or treatment of a patient, or both. (3-17-22)

012. DEFINITIONS AND ABBREVIATIONS F THROUGH N.

~~For the purposes of the Emergency Medical Services (EMS) chapters of rules, the following definitions apply:~~ (3-17-22)

~~01.~~ **01.** **Formative Evaluation.** Assessment, including diagnostic testing, ~~that~~ is a range of formal and informal assessment procedures employed by teachers during the learning process. (3-17-22)()

~~02.~~ **02.** ~~Full-Time Paid Personnel.~~ ~~Personnel who perform a service with the promise, expectation, or receipt of compensation for performing such services. Full-time personnel differ from part-time personnel in that full-time personnel work a more regular schedule and typically work more than thirty-five (35) hours per week.~~ (3-17-22)

~~03.~~ **03.** **Glasgow Coma Score (GCS).** A scale used to determine a patient's level of consciousness. It is a rating from three (3) to fifteen (15) of the patient's ability to open their eyes, respond verbally, and move normally. The GCS is used primarily during the examination of patients with trauma or stroke. (3-17-22)

~~04.~~ **04.** **Ground Transport Time.** The total elapsed time calculated from departure of the ambulance from the scene to arrival of the ambulance at the patient destination. (3-17-22)

~~05.~~ **05.** **Hospital.** A facility in Idaho licensed under Sections 39-1301 through 39-1314, Idaho Code, and

defined in Section 39-1301(a)(1), Idaho Code. (3-17-22)

065. Instructor. Person who assists a student in the learning process and meets the requirements to obtain instructor certification. (3-17-22)

076. Instructor Certification. A credential issued to an individual by the ~~Department~~ EMS Bureau for a specified period of time indicating that minimum standards for providing EMS instruction under IDAPA 16.01.05, “Emergency Medical Services (EMS) -- Education, Instructor, and Examination Requirements,” have been met. (3-17-22)()

087. Intermediate Life Support (ILS). The provision of medical care, medication administration, and treatment with medical devices that correspond to the knowledge and skill objectives in the AEMT curriculum currently approved by the State Health Officer and within the scope of practice defined in IDAPA 16.02.02, “Idaho Emergency Medical Services (EMS) Physician Commission,” by persons licensed as AEMTs by the ~~Department~~ EMS Bureau. (3-17-22)()

098. Investigation. Research of the facts concerning a complaint or issue of non-compliance that may include performing or obtaining interviews, inspections, document review, detailed subject history, phone calls, witness statements, other evidence, and collaboration with other jurisdictions of authority. (3-17-22)

109. License. A document issued by the ~~Department~~ EMS Bureau to an agency or individual authorizing specified activities and conditions ~~as described~~ under Sections 56-1011 through 56-1023, Idaho Code. (3-17-22)()

110. Licensed Personnel. Those individuals who are licensed by the ~~Department~~ EMS Bureau as Emergency Medical Responders (EMR), Emergency Medical Technicians (EMT), Advanced Emergency Medical Technicians (AEMT), and Paramedics. (3-17-22)()

12.1 Licensed Professional Nurse. A person who meets all the applicable requirements and is licensed to practice as a Licensed Professional Nurse under Sections 54-1401 through 54-1418, Idaho Code. (3-17-22)

132. Local Incident Management System. The local system of interagency communications, command, and control established to manage emergencies or demonstrate compliance with the National Incident Management System. (3-17-22)

143. Medical Supervision Plan. The written document describing the provisions for medical supervision of licensed EMS personnel. (3-17-22)

154. National Emergency Medical Services Information System (NEMSIS). ~~NEMSIS is t~~ The national repository used to store national EMS data. NEMSIS that sets the uniform data conventions and structure for the Data Dictionary. NEMSIS and collects and provides aggregate data available for analysis and research through its technical assistance center accessed at <http://www.nemsis.org>. (3-17-22)()

165. National Registry of Emergency Medical Technicians (NREMT). An independent, non-governmental, not-for-profit organization that prepares validated examinations for the state's use in evaluating candidates for licensure. (3-17-22)()

176. Non-Transport Agency Service. ~~An agency licensed by the Department, operated with the intent to provide personnel or equipment for medical stabilization at an emergency scene, but not intended to be the service that will actually transport sick or injured persons. An agency licensed by the EMS Bureau, operated with the intent to provide personnel or equipment for medical stabilization at an emergency scene, but not intended to be the service that will actually transport sick or injured persons.~~ (3-17-22)()

17. Non-Transport Service Type. A non-transport service type that licenses an agency to provide emergency medical care at out-of-hospital locations but does not transport patients or respond Code 3 or respond to 911 calls unless requested by a CECS, PSAP, or a 911 Response agency. ()

18. Non-Transport Vehicle. Any vehicle operated by an agency with the intent to provide personnel or equipment for medical stabilization at an emergency scene, but not intended as the vehicle that will actually transport sick or injured persons. (3-17-22)

19. Nurse Practitioner. An Advanced Practice Registered Nurse, licensed in the category of Nurse Practitioner, ~~as defined in under~~ IDAPA 24.34.01, “Rules of the Idaho Board of Nursing.” (3-17-22)()

013. DEFINITIONS AND ABBREVIATIONS O THROUGH Z.

~~For the purposes of the Emergency Medical Services (EMS) chapters of rules, the following definitions apply:~~ (3-17-22)

01. Optional Module (OM). ~~Optional modules (OMs) are s~~Skills identified by the EMSPC ~~Physician Commission~~ that exceed the floor level Scope of Practice for EMS personnel and may be adopted by the agency medical director. (3-17-22)()

02. Out-of-Hospital. Any setting outside of a hospital, including inter-facility transfers, in which the provision of EMS may take place. (3-17-22)

03. Paid Personnel. ~~Personnel who perform a service with the promise, expectation, or receipt of compensation for performing such services.~~ ()

034. Paramedic. ~~A paramedic is a~~ person who: (3-17-22)()

a. Has met the qualifications ~~for licensure in under~~ Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.07, “Emergency Medical Services - Personnel Licensing Requirements”; (3-17-22)()

b. Is licensed by the EMS Bureau under Sections 56-1011 through 56-1023, Idaho Code; (3-17-22)

c. Carries out the practice of emergency medical care within the scope of practice for paramedics determined by the ~~Idaho Emergency Medical Services Physician Commission (EMSPC);~~ under IDAPA 16.02.02, “Idaho Emergency Medical Services (EMS) Physician Commission”; and (3-17-22)()

d. Practices under the supervision of a physician licensed in Idaho. (3-17-22)

045. Paramedicine. Providing emergency care to sick and injured patients at the ~~advanced life support (ALS)~~ level with defined roles and responsibilities to be credentialed at the Paramedic level. (3-17-22)()

05. Part Time Paid Personnel. ~~Personnel who perform a service with the promise, expectation, or receipt of compensation for performing such services. Part-time personnel differ from the full-time personnel in that the part-time personnel typically work an irregular schedule and work less than thirty-five (35) hours per week.~~ (3-17-22)

06. Patient. A sick, injured, incapacitated, or helpless person who is under medical care or treatment. (3-17-22)

07. Patient Assessment. The evaluation of a patient by EMS licensed personnel intending to provide treatment or transportation to that patient. (3-17-22)

08. Patient Care. The performance of acts or procedures under emergency conditions in responding to a perceived individual need for immediate care ~~in order~~ to prevent loss of life, aggravation of physiological or psychological illness, or injury. (3-17-22)()

09. Patient Movement. The relatively short distance transportation of a patient from an off-highway emergency scene to a rendezvous with an ambulance or air ambulance. (3-17-22)

10. Patient Transport. The transportation of a patient by ambulance or air ambulance from a rendezvous or emergency scene to a medical care facility. (3-17-22)

11. Physician. A person who holds a current active license ~~in accordance with~~ under Section 54-1803, Idaho Code, issued by the ~~State~~ Board of Medicine to practice medicine and surgery, osteopathic medicine and surgery, or osteopathic medicine ~~in Idaho~~ and is in good standing with no restrictions upon, or actions taken against, their license. (3-17-22)()

12. Physician Assistant. A person who meets all the applicable requirements and is licensed to practice as a ~~licensed~~ physician assistant under Title 54, Chapter 18, Idaho Code. (3-17-22)()

13. Planned Deployment. The deliberate, planned placement of EMS personnel outside of an affiliating agency's deployment model declared on the application under which the agency is currently licensed. (3-17-22)

14. Prehospital. A setting where emergency medical care is provided prior to or during transport to a hospital. (3-17-22)

15. Psychomotor Exam. Practical demonstration of skills learned during an EMS education course. (3-17-22)

16. Public Safety Answering Point (PSAP). An emergency communication center operated or coordinated by a government entity that is connected to local 911 phone services for the purpose of dispatching emergency services. ()

167. REPLICA. The Recognition of EMS Personnel Licensure Interstate Compact ~~known as~~ REPLICA that allows recognition of EMS personnel licensed in other jurisdictions that have enacted the compact to have personnel licenses reciprocated in the state of Idaho. (3-17-22)()

178. Response Time. The total time elapsed from when the agency receives a call for service to when the agency arrives and is available at the scene. (3-17-22)

18. Seasonal. ~~An agency that is active and operational only during a period of time each year that corresponds to the seasonal activity that the agency supports.~~ (3-17-22)

19. Skills Proficiency. The process overseen by an EMS agency medical director to verify competency in psychomotor skills. (3-17-22)

20. Special Pathogens Transport (SPT). The practice of deploying specially trained EMS personnel and specialized equipment to provide medical care and transport of patients suffering from exposure or disease caused by highly infectious special pathogens. ()

201. State Health Officer. The Administrator of the Department's Division of Public Health. (3-17-22)()

242. Summative Evaluation. End of topic or end of course evaluation that covers both didactic and practical skills application. (3-17-22)

223. Supervision. The medical direction by a licensed physician of activities provided by licensed personnel affiliated with a licensed ambulance, air medical, or non-transport service, including: (3-17-22)

a. Establishing standing orders and protocols; (3-17-22)

b. Reviewing performance of ~~licensed~~ personnel; (3-17-22)()

c. Providing instructions for patient care via radio or telephone; and (3-17-22)

d. Other oversight. (3-17-22)

- ~~234.~~ **Third Service.** A public EMS agency that is neither law-enforcement nor fire-department-based. (3-17-22)
- ~~245.~~ **Transfer.** The transportation of a patient from one (1) medical care facility to another. (3-17-22)
- ~~26.~~ **Tactical EMS (TEMS).** The practice of deploying specially trained EMS personnel to provide emergency medical care in support of law enforcement activities. ()
- ~~27.~~ **Transport Service.** An ambulance service type that licenses an agency to provide emergency medical care to out-of-hospital locations and during transports and transfers, but does not respond Code 3 except for emergency hospital-to-hospital transfers and does not respond to 911 calls unless requested by a CECS, PSAP, or a 911 Response agency. ()
- ~~258.~~ **Uncompensated-Volunteer.** An individual who performs a service without promise, expectation, or receipt of any compensation for the services rendered. An uncompensated volunteer, and cannot be a part-time or full-time paid employee of the same organization performing the same services as a volunteer and employee. (3-17-22)()

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.01.03 – EMERGENCY MEDICAL SERVICES (EMS) – AGENCY LICENSING REQUIREMENTS

DOCKET NO. 16-0103-2301 (ZBR CHAPTER REWRITE)

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 56-1003 and 56-1023, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearings concerning this rulemaking will be held as follows:

VIRTUAL TELECONFERENCES Via WebEx
<p>Tuesday, August 8, 2023 2:00 p.m. - 3:00 p.m. (MT)</p>
<p>Join from the meeting link https://idhw.webex.com/idhw/j.php?MTID=m337cb21b92992e632f54cf068d12512d</p> <p>Join by meeting number Meeting number (access code): 2761 903 8177 Meeting password: 3NWm7vJmNW4 (36967856 from phones and video systems)</p> <p>Join by phone +1-415-527-5035 United States Toll +1-303-498-7536 United States Toll (Denver)</p>
<p>Wednesday, August 9, 2023 6:30 p.m. - 7:30 p.m. (MT)</p>
<p>Join from the meeting link https://idhw.webex.com/idhw/j.php?MTID=m8c663b33f510ba8ee6ee35fdcbaebb41</p> <p>Join by meeting number Meeting number (access code): 2763 503 1838 Meeting password: vkFk8pFDC33 (85358733 from phones and video systems)</p> <p>Join by phone +1-415-527-5035 United States Toll +1-303-498-7536 United States Toll (Denver)</p>

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. Each meeting will conclude after 30 minutes if no participants sign in or wish to comment in the meeting.

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

Due to [Executive Order 2020-01](#), Zero-Based Regulation, agencies are required to rewrite IDAPA chapters every 5 years on an approved schedule. This rulemaking is complying to this mandate and is scheduled for presentation to the 2024 Legislature. Under this Executive Order, the Department is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. The rule changes are intended to perform a comprehensive review of this chapter by collaborating with the public to streamline or simplify this rule language. As a result of changes made in this docket, changes have been made in IDAPA 16.01.02, “Emergency Medical Services (EMS) - Rule Definitions” under companion Docket No. 16-0102-2301 publishing concurrently in this Bulletin.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There are no fees in this chapter of rules.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 5, 2023, Idaho Administrative Bulletin, [Vol. 23-4, pages 25-26](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: The following documents incorporated by reference in these rules are being updated: (1) the Minimum Equipment Standards for Licensed EMS Services, and (2) the Time Sensitive Emergency System Standards Manual. The EMS Agency Standards Manual is a new manual that is being added. These documents are incorporated by reference to save space in the chapter and ensure that they continue to have the force and effect of law.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jathan Nalls at 208-334-4007.

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 August 23, 2023.

DATED this 6th day of July, 2023.

Trinette Middlebrook and Frank Powell
DHW – Administrative Rules Unit
450 W. State Street – 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500
fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0103-2301
(ZBR Chapter Rewrite)**

16.01.03 – EMERGENCY MEDICAL SERVICES (EMS) – AGENCY LICENSING REQUIREMENTS

000. LEGAL AUTHORITY.

~~The Idaho Board of Health and Welfare is authorized under~~ Section 56-1023, Idaho Code, authorizes the Board to adopt rules ~~and standards concerning~~ for the administration of the Idaho Emergency Medical Services Act, ~~Sections 56-1011 through 56-1023, Idaho Code. The Director is authorized under~~ Section 56-1003, Idaho Code, authorizes the Director to supervise and administer an emergency medical service program. (3-17-22)()

001. ~~TITLE AND SCOPE.~~ (RESERVED)

~~01. Title.~~ These rules are ~~titled IDAPA 16.01.03, “Emergency Medical Services (EMS) – Agency Licensing Requirements.”~~ (3-17-22)

~~02. Scope.~~ These rules include the categories of EMS agencies, eligibility requirements and standards for the licensing of EMS agencies, utilization of air medical services, and the initial application and renewal process for EMS agencies licensed by the state. (3-17-22)

002. INCORPORATION BY REFERENCE.

~~The Board and the Department of Health and Welfare have~~ The following documents are incorporated by reference the following documents: (4-6-23)()

01. **Minimum Equipment Standards for Licensed EMS Services.** “Minimum Equipment Standards for Licensed EMS Services,” ~~e~~ Edition 2016 24-1, version 1.0, is the standard for minimum equipment requirements for licensed EMS Agencies. Copies ~~of these standards~~ may be obtained from the Department EMS Bureau, see at <http://www.idahoems.org>. (4-6-23)()

02. **Time Sensitive Emergency System Standards Manual.** “Time Sensitive Emergency System Standards Manual,” Edition 2020 23-1, is the standard for certifying EMS Agencies as TSE Designated EMS Agencies. Copies ~~of these standards~~ may be obtained from the Department, see at <https://tse.idaho.gov/>. (4-6-23)()

03. **EMS Data Collection Standards Manual.** EMS Data Collection Standards Manual, Edition 2023-1 is the standard for data collection by licensed EMS agencies. Copies ~~of the manual~~ may be obtained from the Department EMS Bureau at <http://www.idahoems.org/> ~~or from the Bureau of Emergency Medical Services and Preparedness located at 2224 East Old Penitentiary Road, Boise, ID 83712-8249.~~ (4-6-23)()

04. EMS Agency Standards Manual. EMS Agency Standards Manual, Edition 2024-1, is the standard for policies and agreements required for Idaho EMS agency licensure. Copies may be obtained from the EMS Bureau at http://www.idahoems.org/ or from the Bureau of Emergency Medical Services and Preparedness located at 2224 East Old Penitentiary Road, Boise, ID 83712-8249. ()

003. -- 009. (RESERVED)

010. DEFINITIONS.

For the purposes of this chapter, the definitions in IDAPA 16.01.02, “Emergency Medical Services (EMS) - Rule Definitions,” apply. ()

011. -- 074. (RESERVED)

075. INVESTIGATION OF COMPLAINTS FOR EMS LICENSING VIOLATIONS.

Investigation of complaints and disciplinary actions for EMS agency licensing are provided under IDAPA 16.01.12, “Emergency Medical Services (EMS) - Complaints, Investigations, and Disciplinary Actions.” (3-17-22)()

076. ADMINISTRATIVE LICENSE OR CERTIFICATION ACTION.

Any license or certification may be suspended, revoked, denied, or retained with conditions for noncompliance with

any standard or rule. Administrative license or certification actions, including fines, imposed by the EMS Bureau for any action, conduct, or failure to act that is inconsistent with the professionalism, or standards, or both, are provided under Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.12, “Emergency Medical Services (EMS) - Complaints, Investigations, and Disciplinary Actions.” ()

077. -- 099. (RESERVED)

**EMS AGENCY GENERAL LICENSURE REQUIREMENT
(Sections 100 - 199)**

100. AGENCY LICENSE REQUIRED.

Any organization that advertises or provides ambulance, air medical, or non-transport ~~emergency medical services~~ **EMS** in Idaho must be licensed as an EMS agency under ~~the requirements in~~ Sections 56-1011 through 56-1023, Idaho Code, and ~~this chapter of~~ **these** rules. (3-17-22)()

101. EXEMPTION OF EMS AGENCY LICENSURE.

An organization, licensed without restriction to provide ~~emergency medical services~~ **EMS** in another state and not restricted from operating in Idaho by the ~~Department~~ **EMS Bureau**, may provide ~~emergency medical services~~ **EMS** in Idaho within the limits of its license without an Idaho EMS license only when the organization meets one (1) of the following: (3-17-22)()

01. Interstate Compact with Idaho. The organization holds an EMS license in another state where an interstate compact specific to EMS agency licensure with Idaho is in effect. ()

02. Emergency, Natural, or Man-made Disaster. The organization is responding to an emergency, or a natural or man-made disaster, declared by federal, state, or local officials and the services of the organization are requested by an entity of local or state government in Idaho. ()

03. Transfer of Patient From Out-of-State Medical Facility. The organization is ~~transferring a patient from an out-of-state medical facility:~~ (3-17-22)()

a. ~~Transferring a patient from an out-of-state medical facility t~~**I**o a medical facility in Idaho. The organization may return the patient to the point of origin; or (3-17-22)()

b. ~~Transferring a patient from an out-of-state medical facility t~~**I**through the state of Idaho. (3-17-22)()

04. Transport of Patient From Out-of-State Emergency Scene. The organization is ~~transporting a patient:~~ (3-17-22)()

a. ~~Transporting a patient f~~**R**om an out-of-state emergency scene to a medical facility in Idaho; or (3-17-22)()

b. ~~Transporting a patient t~~**I**o a rendezvous with another ambulance. (3-17-22)()

102. SERVICES PROVIDED BY A LICENSED EMS AGENCY.

An EMS agency can provide only those services that are within the agency’s service types, ~~and~~ **and** clinical levels, ~~and~~ **and** ~~operational declarations~~ stated on the most recent license issued by the ~~Department~~ **EMS Bureau**, except when the agency has a planned deployment agreement described in Section 60**3**~~4~~ of these rules. (3-17-22)()

103. ELIGIBILITY FOR EMS AGENCY LICENSURE.

An entity is eligible for EMS agency licensure upon demonstrated compliance with ~~the requirements in~~ Idaho statutes and administrative rules in effect at the time the ~~Department~~ **EMS Bureau** receives the application. (3-17-22)()

104. -- 199. (RESERVED)

EMS AGENCY LICENSURE MODEL
(Sections 200 - 299)

200. EMS AGENCY-- LICENSING MODEL.

01. **Licensing an EMS Agency.** An eligible EMS agency ~~in Idaho~~ is licensed using a descriptive model that bases the agency licensure on the declarations made in the most recent approved initial or renewal application. An EMS agency must provide only those EMS services described in the most recent application on which the agency was issued a license by the ~~Department~~ **EMS Bureau**. (3-17-22)()

02. **EMS Agency License Models.** An EMS agency license is based on the agency's service types, ~~and~~ **and** clinical levels, ~~license duration, and operational declarations.~~ Geographic coverage areas and resources may differ between the service types, ~~and~~ **and** clinical levels, ~~and operational declarations~~ under which an agency is licensed. (3-17-22)()

03. **EMS Agency Providing ~~Both~~ Air Medical and Ground-Based EMS Services.** An EMS agency that provides both air medical and ground-based EMS services must be licensed accordingly and meet all the requirements of an air medical and either an ambulance or non-transport agency, depending on the ground EMS services provided. (3-17-22)()

04. **Multiple Organization EMS Agency.** An EMS agency may be comprised of multiple organizations licensed under a single responsible authority to which the governing officials of each organization agree. The authority must establish a deployment strategy that declares in which areas and at what times within their geographical response area will be covered by ~~each~~ **the** declared service types, ~~and~~ **and** clinical levels, ~~and operational declaration.~~ (3-17-22)()

201. EMS AGENCY -- SERVICE TYPES.

An EMS agency may be licensed as one (1) or more service types. An agency that provides multiple service types must meet the ~~minimum~~ requirements for each service type provided. The following are the agency services types available for EMS agency licensure. (3-17-22)()

01. **~~Ground Agency~~ Ambulance Service Types.** An agency that is licensed as an ambulance service is intended for patient transport or transfer. (3-17-22)()

a. ~~Non-transport.~~ 911 Response Transport Service. Available to an agency that provides emergency medical care at emergency scenes, during transports or transfers, and has the primary responsibility of responding to 911 calls dispatched by a Public Safety Answering Point (PSAP) or Consolidated Emergency Communication System (CECS) within a specified geographical area. (3-17-22)()

b. ~~Ambulance.~~ Transport Service. Available to an agency that provides emergency medical care during transports or transfers but does not respond Code 3 except for emergency hospital-to-hospital transfers and does not respond to 911 calls unless requested by a CECS, PSAP, or a 911 Response agency. (3-17-22)()

02. **~~Air Medical Agency~~ Non-Transport Service Types.** An agency that is licensed as a non-transport service is not intended for patient transport or transfers and cannot advertise ambulance services. (3-17-22)()

a. ~~Air Medical.~~ 911 Response Non-Transport Service. Available to an agency that provides emergency medical care at an emergency scene and has the primary responsibility of responding to 911 calls dispatched by a CECS or PSAP within a specified geographical area. (3-17-22)()

b. ~~Air Medical Support.~~ Non-Transport Service. Available to an agency that provides emergency medical care but does not respond Code 3 and does not respond to 911 calls unless requested by a CECS, PSAP, or a 911 Response agency. (3-17-22)()

03. **Air Medical Service Types.** An agency that is licensed with an air medical service type is intended for patient transport, transfer, or rescue. ()

a. Air Medical Transport Service. Available to an agency that provides air medical response and transport of patients from emergency scenes and hospitals utilizing a fixed-wing or rotary-wing air ambulance. ()

b. Air Medical Rescue Service. Available to an agency that provides air medical response via fixed-wing or rotary-wing aircraft to emergency scenes for transportation of patients from an emergency scene to a rendezvous with a ground or air medical transport agency. ()

202. EMS AGENCY -- CLINICAL LEVELS.

An EMS agency is licensed at one (1) or more of the following clinical levels depending on the agency’s highest level of licensed personnel and life support services advertised or offered, and provided according to skill requirements under IDAPA 16.02.02, “Idaho Emergency Medical Services Physician Commission.” (3-17-22)()

01. ~~Non-transport:~~Basic Life Support (BLS). Deploys licensed EMS personnel trained and equipped to provide all EMR or EMT skills. (3-17-22)()

- ~~a.~~ EMR/BLS; (3-17-22)
- ~~b.~~ EMT/BLS; (3-17-22)
- ~~c.~~ AEMT/ILS; or (3-17-22)
- ~~d.~~ Paramedic/ALS. (3-17-22)

02. ~~Ambulance:~~Intermediate Life Support (ILS). Deploys licensed EMS personnel trained and equipped to provide Advanced EMT skills. (3-17-22)()

- ~~a.~~ EMR (with Ambulance Certification)/BLS; (3-17-22)
- ~~b.~~ EMT/BLS; (3-17-22)
- ~~c.~~ AEMT/ILS; (3-17-22)
- ~~d.~~ Paramedic/ALS; or (3-17-22)
- ~~e.~~ Paramedic/ALS-Critical Care. (3-17-22)

03. ~~Air-Medical:~~Advanced Life Support (ALS). Deploys licensed EMS personnel trained and equipped to provide Paramedic skills. (3-17-22)()

- ~~a.~~ Paramedic/ALS; or (3-17-22)
- ~~b.~~ Paramedic/ALS-Critical Care. (3-17-22)

04. Air Medical Support; (3-17-22)

- ~~a.~~ EMT/BLS; (3-17-22)
- ~~b.~~ AEMT/ILS; or (3-17-22)
- ~~c.~~ Paramedic/ALS. (3-17-22)

203. EMS AGENCY -- ~~LICENSE DURATION~~ SPECIALTY SERVICES.

Each EMS agency ~~must identify the license duration for each license type. License durations are:~~ offering the following specialty services must report such services to the EMS Bureau. (3-17-22)()

01. ~~Ongoing.~~ The agency is licensed to provide EMS personnel and equipment for an ongoing period of time and plans to renew its license on an annual basis. **Critical Care (CC).** The provision of EMS personnel

trained, credentialed, and equipped to provide all critical care skills and required staffing under IDAPA 16.02.02, “Idaho Emergency Medical Services Physician Commission.” (3-17-22)()

02. ~~Limited.~~ ~~The agency is licensed to provide EMS personnel and equipment for the duration of a specific event or a specified period of time with no expectation of renewing the agency license.~~ **Community Health EMS (CHEMS).** The provision of evaluation, advice, or treatment of eligible recipients outside of a hospital setting as part of a community-based team of health and social services providers as authorized by local medical control. (3-17-22)()

a. Clinical treatments and assessments of CHEMS patients cannot exceed the agency’s licensed clinical level. ()

b. Community Health EMS involving or related to emergency response must be provided by or in coordination with the primary 911 Response Transport agency for that area. ()

03. ~~Seasonal.~~ ~~The agency is licensed to provide EMS personnel and equipment for the duration of time each year that corresponds to the seasonal activity that the agency supports.~~ **Tactical EMS (TEMS).** The provision of emergency medical care in support of law enforcement activities. (3-17-22)()

204. ~~GROUND EMS AGENCY—OPERATIONAL DECLARATIONS.~~

~~An agency providing ground services is licensed with one (1) or more of the following operational declarations depending on the services that the agency advertises or offers.~~ (3-17-22)

01. ~~Prehospital.~~ ~~The prehospital operational declaration is available to an agency that:~~ (3-17-22)

a. ~~Has primary responsibility for responding to calls for EMS within their designated geographic coverage area; and~~ (3-17-22)

b. ~~Is dispatched to prehospital emergency medical calls by a consolidated emergency communications system.~~ (3-17-22)

02. ~~Prehospital Support.~~ ~~The prehospital support operational declaration is available to an agency that:~~ (3-17-22)

a. ~~Provides support under agreement to a prehospital agency having primary responsibility for responding to calls for EMS within a designated geographic coverage area; and~~ (3-17-22)

b. ~~Is dispatched to prehospital emergency medical calls by a consolidated emergency communications system.~~ (3-17-22)

03. ~~Community Health EMS.~~ ~~The community health EMS operational declaration is available to an agency with a prehospital operational declaration or prehospital support operational declaration that provides personnel and equipment for medical assessment and treatment at a non-emergency scene or at the direction of a physician or independent practitioner.~~ (3-17-22)

04. ~~Transfer.~~ ~~The transfer operational declaration is available to an ambulance agency that provides EMS personnel and equipment for the transportation of patients from one (1) medical care facility in their designated geographic coverage area to another. An agency with this operational declaration must declare which sending facilities it routinely responds to if requested.~~ (3-17-22)

05. ~~Standby.~~ ~~The standby operational declaration is available to an agency that provides EMS personnel and equipment to be staged at prearranged events within their designated geographic coverage area.~~ (3-17-22)

06. ~~Non-Public.~~ ~~The non-public operational declaration is available to an agency that provides EMS personnel and equipment intended to treat patients who are employed or contracted by the license holder. An agency with a non-public operational declaration is not intended to treat members of the general public. A non-public agency~~

~~must maintain written plans for patient treatment and transportation. (3-17-22)~~

~~**07. Hospital.** The hospital operational declaration is available to an agency whose primary responsibility is hospital or clinic activity and utilizes licensed EMS personnel in its facility to assist with patient care and movement. (3-17-22)~~

~~**205. AIR MEDICAL AGENCY – OPERATIONAL DECLARATIONS.**~~

~~An agency providing air medical services is licensed with one (1) or more of the following operational declarations depending on the services that the agency advertises or offers. Service levels, geographic coverage areas, and resources may differ between the operational declarations under which an agency is licensed. (3-17-22)~~

~~**01. Air Medical Transport.** The air medical transport operational declaration is available to an air medical agency that provides transportation of patients by air ambulance from a rendezvous or emergency scene to a medical care facility within its designated geographic coverage area. (3-17-22)~~

~~**02. Air Medical Transfer.** The air medical transfer operational declaration is available to an Air Medical I agency that provides transportation of patients by air ambulance from one (1) medical care facility in its designated geographic coverage area to another. An agency with this operational declaration must declare which sending facilities it routinely responds to if requested. (3-17-22)~~

~~**03. Air Medical Support.** The air medical support operational declaration is available to an air medical agency that provides transportation of patients from an emergency scene to a rendezvous with a ground or air medical transport agency within its designated response area. (3-17-22)~~

~~**206.—209. (RESERVED)**~~

~~**210. AMBULANCE EMS AGENCY – PATIENT TRANSPORT OR TRANSFER.**~~

~~An agency that is licensed as an ambulance service is intended for patient transport or transfer. (3-17-22)~~

~~**01. Transport.** An ambulance agency may provide transportation of patients from a rendezvous or emergency scene to a rendezvous or medical care facility when that agency is licensed with one (1) of the following operational declarations: (3-17-22)~~

~~**a.** Prehospital; (3-17-22)~~

~~**b.** Prehospital Support; or (3-17-22)~~

~~**e.** Standby. (3-17-22)~~

~~**02. Transfer.** An ambulance agency that provides the operational declaration of transfer can provide transportation of patients from one (1) medical care facility within their designated geographic coverage area to another. (3-17-22)~~

~~**211. AIR MEDICAL EMS AGENCY – PATIENT TRANSPORT, TRANSFER, OR SUPPORT.**~~

~~An agency that is licensed with an air medical service type is intended for patient transport, transfer, or support. (3-17-22)~~

~~**01. Transport.** An air medical agency that provides the operational declaration of air medical transport may provide transportation of patients from a rendezvous or emergency scene to a medical care facility. (3-17-22)~~

~~**02. Transfer.** An air medical agency that provides the operational declaration of air medical transfer can provide transportation of patients from one (1) medical care facility within their designated geographic coverage area to another. (3-17-22)~~

~~**03. Support.** An air medical agency that provides the operational declaration of air medical support can provide patient movement from a remote area or scene to a rendezvous point where care will be transferred to~~

~~another licensed air medical or ground transport service for transport to definitive care. An air medical support agency must report all patient movement events to the Department within thirty (30) days of the event. (3-17-22)~~

204. – 211. (RESERVED)

212. NON-TRANSPORT EMS AGENCY -- PATIENT MOVEMENT.

~~A non-transport agency is an agency that is not intended for patient transport and cannot advertise ambulance services.~~ A non-transport agency can move a patient by vehicle only when: (3-17-22)()

01. Accessibility of Emergency Scene. The responding ambulance or air ambulance agency cannot access the emergency scene. ()

02. Licensed Personnel Level. Patient care is provided by EMS personnel licensed at: ()

a. EMT level or higher; or ()

b. EMR level only when the patient care integration agreement under which the non-transport agency operates addresses and enables patient movement. The agency must ensure that its personnel are trained and credentialed in patient packaging and movement. (3-17-22)()

03. Rendezvous with Transport EMS Agency. Movement of the patient is to rendezvous with an ambulance or air ambulance agency during which the EMS personnel must be in active communication with the ambulance or air ambulance with which they will rendezvous. ()

04. Report Patient Movement. A non-transport agency must report all patient movement events to the Department EMS Bureau within thirty (30) days of the event. (3-17-22)()

213. -- 299. (RESERVED)

**PERSONNEL REQUIREMENTS FOR EMS AGENCY LICENSURE
(Sections 300 - 399)**

300. EMS AGENCY -- GENERAL PERSONNEL REQUIREMENTS.

Personnel must be licensed ~~according to~~ under IDAPA 16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensing Requirements." (3-17-22)()

01. Personnel Requirements for EMS Agency Licensure. Each agency must ensure availability of affiliated personnel licensed and credentialed at or above the clinical level for the entire anticipated call volume ~~for each of the agency's operational declarations~~, except that an agency holding a ~~prehospital or prehospital support operational declaration~~ 911 Response Transport or 911 Response Non-transport license may request a waiver of this requirement from the EMS Bureau. (3-17-22)()

02. Personnel Requirements for an Agency Utilizing Emergency Medical Dispatch. An agency dispatched by a ~~consolidated emergency communications system~~ CECS that uses an emergency medical dispatch (EMD) process to determine the clinical needs of the patient must ensure availability of personnel licensed and credentialed at clinical levels appropriate to the anticipated call volume for each of the clinical levels the agency provides. (3-17-22)()

03. Personnel Requirements for ~~Prehospital ALS~~ an Agency Utilizing Ambulance-Based Clinicians. ~~A licensed Paramedic must be present whenever prehospital, prehospital support, or air medical transport ALS services are provided. An agency may use ambulance-based clinicians to meet the licensed personnel requirements for agency licensure as follows:~~ (3-17-22)()

a. 911 Response Transport, or 911 Response Non-transport Service licensed at the BLS or ILS clinical level. ()

b. Transport Service licensed at the ALS clinical level. ()

301. ~~AMBULANCE~~ EMS AGENCY -- SPECIALTY SERVICE PERSONNEL REQUIREMENTS.

~~Each ambulance EMS agency must ensure that there are two (2) crew members on each patient transport or transfer offering specialty services under Section 203 of these rules is responsible for reporting personnel trained and credentialed to provide those services to the EMS Bureau. The crew member providing patient care, at a minimum, must be a licensed EMR with an ambulance certification or a licensed EMT.~~ (3-17-22)()

01. Critical Care. EMS personnel must have been formally trained, credentialed, and equipped to provide all critical care skills under IDAPA 16.02.02, "Idaho Emergency Medical Services Physician Commission." ()

02. Community Health EMS. Licensed EMS personnel must have received standardized CHEMS training recognized by the EMS Bureau to participate in patient care related to CHEMS. ()

03. Tactical EMS. Licensed EMS personnel must have received specialized training to provide emergency medical care in support of law enforcement activities. ()

04. Special Pathogens Transport. Licensed EMS personnel must have received specialized training specific to the transport of patients suffering from exposure or disease caused by highly infectious special pathogens. Such training must include, at a minimum, proper use of appropriate PPE, avoiding disease exposure, use of specialized equipment and containment systems used during transport, crew member and public safety concerns, and proper waste management. ()

302. ~~AIR MEDICAL~~ EMS AGENCY AMBULANCE SERVICE -- PERSONNEL REQUIREMENTS.

~~Each air medical agency must ensure that there are two (2) crew members, not including the pilot, on each patient transport or transfer. The crew member providing patient care, at a minimum, must be a licensed EMR with an ambulance certification or a licensed EMT. An air medical agency must also demonstrate that the following exists. Each ambulance service must ensure that there is one (1) EMS provider providing patient care, not including the driver, on each patient transport or transfer. The crew member providing patient care, at a minimum, must be a licensed EMR with an ambulance certification or a licensed EMT.~~ (3-17-22)()

01. Personnel for Air Medical Agency. An Air Medical agency must ensure that each flight includes at a minimum, one (1) licensed registered nurse and one (1) Paramedic. Based on the patient's need, an exception for transfer flights may include a minimum of one (1) licensed respiratory therapist and one (1) licensed registered nurse, or two (2) licensed registered nurses. **Emergency Scene ALS.** A licensed paramedic must be present whenever ALS services are provided at an emergency scene or during patient transport to a medical facility. (3-17-22)()

02. Personnel for Air Medical Support Agency. An Air Medical Support agency must ensure that each flight includes at a minimum, two (2) crew members with one (1) patient care provider licensed at or above the agency's highest clinical level of licensure. **Interfacility Transfers ALS.** (3-17-22)()

a. A licensed paramedic or ambulance-based clinician must provide ALS services during interfacility transfers. ()

b. A BLS or ILS 911 Response Transport Service may conduct ALS interfacility transfers with a licensed paramedic or ambulance-based clinician if equipped with ALS equipment necessary to provide appropriate patient care and ALS interventions. ()

03. Critical Care. A minimum of one (1) credentialed critical care provider and one (1) additional paramedic or ambulance-based clinician are required in the patient compartment during patient transport. Special consideration may be given for the second provider based on a specific specialized patient need. ()

303. ~~CRITICAL CARE~~ AIR MEDICAL TRANSPORT SERVICE -- PERSONNEL REQUIREMENTS.

~~Each ambulance or air medical agency that advertises the provision of critical care clinical capabilities must affiliate and deploy EMS personnel trained and credentialed to provide all critical care skills described in transport service must ensure that the standard medical flight crew consists of, at a minimum, one (1) licensed Paramedic and one (1) licensed Registered Nurse. At least one (1) crew member on each flight must hold critical care credentials under~~

IDAPA 16.02.02, “Idaho Emergency Medical Services (EMS) Physician Commission.” Air Medical Transport Services may utilize alternate medical crew configurations for specific situations as stated below: (3-17-22)()

01. Emergency Scene Transports. Alternate crew configurations for emergency scene response and patient transport. ()

a. Two (2) Paramedics. ()

b. When no other crew with a licensed Paramedic and no other Air Medical Transport Service with a Paramedic crew member is available, an Air Medical Transport Service may deploy a crew of two (2) licensed Registered Nurses. ()

02. Interfacility Transfers. Alternate crew configurations for interfacility transfers, based on patient need. ()

a. Two (2) Registered Nurses. ()

b. One (1) Registered Nurse and One (1) Respiratory Therapist. ()

c. Two (2) Paramedics when both possess critical care credentials under IDAPA 16.02.02, “Idaho Emergency Medical Services Physician Commission.” ()

304. PERSONNEL FOR AIR MEDICAL RESCUE SERVICE.

An Air Medical Rescue service must ensure that each flight includes a minimum of one (1) patient care provider licensed at or above the agency’s clinical level of licensure, not including the pilot. The crew member providing patient care, at a minimum, must be a licensed EMT. ()

3045. PLANNED DEPLOYMENT -- PERSONNEL REQUIREMENTS.

Planned deployment allows affiliated EMS personnel to act and provide predetermined services outside of their affiliating agency's geographic coverage area. It can allow EMS personnel licensed at a higher clinical level to provide patient care within their credentialed scopes of practice even when the agency into which the planned deployment occurs is licensed at a lower clinical level. A planned deployment agreement must be formally documented and meet ~~all~~ the requirements ~~listed in~~ under the incorporated document in Subsection 603.002.04 of these rules. (3-17-22)()

3056. AMBULANCE-BASED CLINICIANS -- PERSONNEL REQUIREMENTS.

01. Ambulance-Based Clinician Certified by ~~Department~~ the EMS Bureau. An EMS agency that advertises or provides out-of-hospital patient care by affiliating and utilizing a currently licensed registered nurse, advanced practice registered nurse, or physician assistant, ~~as defined in~~ under IDAPA 16.01.02, “Emergency Medical Services (EMS) - Rule Definitions,” must ensure that those individuals maintain a current ambulance-based clinician certificate issued by the ~~Department~~ EMS Bureau. See Section 3067 of these rules for exceptions to this requirement. (3-17-22)()

02. Obtaining an Ambulance-Based Clinician Certificate. An agency, on behalf of an individual who desires an ambulance-based clinician certificate, must provide ~~the following information~~ on the ~~Department’s~~ EMS Bureau’s application ~~for a certificate~~ documentation that the individual: (3-17-22)()

a. Documentation that the individual ~~h~~H holds a current, unrestricted license to practice issued by the Board of Medicine or Board of Nursing; and (3-17-22)()

b. Documentation that the individual ~~h~~H has successfully completed an EMS Bureau-approved ambulance-based clinician ~~course~~ training; or (3-17-22)()

c. Documentation that the individual ~~h~~H has successfully completed an EMT course. (3-17-22)()

03. Maintaining an Ambulance-Based Clinician Certificate. An ambulance-based clinician

certificate is valid for as long as the holder of the certificate is continuously licensed by their respective licensing board. ()

04. Revocation of an Ambulance-Based Clinician Certificate. The ~~Department EMS Bureau~~ may revoke an ambulance-based clinician certificate based on the procedures for administrative license actions ~~described in under~~ IDAPA 16.01.12, “Emergency Medical Services (EMS) -- Complaints, Investigations, and Disciplinary Actions.” (3-17-22)()

~~**05. Licensed Personnel Requirements and Ambulance-Based Clinicians.** An EMR/BLS, EMT/BLS, or AEMT/ILS agency may use ambulance-based clinicians to meet the licensed personnel requirements for agency licensure. An ALS agency, licensed with an ALS transfer declaration described in Section 204.04 of these rules, may use ambulance-based clinicians to meet the licensed personnel requirements for the transfer declaration.~~ (3-17-22)

065. Agency Responsibilities for Ambulance-Based Clinicians. The agency must verify that each ambulance-based clinician possesses a current ~~Department-issued~~ ambulance-based clinician certificate ~~issued by the Department~~. The agency must ensure that any ambulance-based clinician meets additional requirements of the corresponding licensing board. (3-17-22)()

~~**3067. UTILIZING PHYSICIAN ASSISTANTS, LICENSED REGISTERED NURSES, OR ADVANCED PRACTICE REGISTERED NURSES.**~~

An AEMT/ILS ambulance agency may use a non-certified physician assistant, licensed registered nurse, or advanced practice registered nurse as the crew member who is providing ILS patient services, only when accompanied by a licensed EMR with an ambulance certification or a licensed EMT in the patient compartment of the transport vehicle. ()

~~**3078.**~~ -- 399. (RESERVED)

EMS AGENCY VEHICLE REQUIREMENTS
(Sections 400 - 499)

400. EMS AGENCY -- VEHICLE REQUIREMENTS.

Not all EMS agencies ~~are required~~ need to have emergency response vehicles. An agency’s need for emergency response vehicles is based on the deployment needs of the agency that is declared on the most recent agency licensure application. An agency with a deployment pattern that requires emergency response vehicles must meet the following requirements: (3-17-22)()

01. Condition of Response Vehicles. Each of the agency’s EMS response vehicles ~~must be~~ is in sound, safe, working condition. (3-17-22)()

02. Quantity of Response Vehicles. Each EMS agency ~~must~~ possesses a sufficient quantity of EMS response vehicles to ensure agency personnel can respond to the anticipated call volume of the agency. (3-17-22)()

03. Motor Vehicle Licensing Requirements. Each ~~of the~~ EMS agency’s response vehicles ~~must~~ meets the ~~applicable~~ Idaho motor vehicle license and insurance requirements. (3-17-22)()

04. Configuration and Standards for EMS Response Vehicles. Each of the EMS agency’s response vehicles ~~must be~~ is appropriately configured ~~in accordance~~ with the declared capabilities on the most recent agency license. Each EMS response vehicle ~~must~~ meets the ~~minimum~~ requirements for applicable federal, state, industry, or trade specifications and standards for ambulance or air ambulance vehicles as appropriate. Uniquely configured EMS response vehicles ~~must be~~ are approved by the ~~Department EMS Bureau~~ prior to being put into service. (3-17-22)()

05. Location of Emergency Response Vehicles. Each ~~of the~~ agency’s EMS response vehicles ~~must be~~ is stationed or staged within the agency’s declared geographic coverage area in a manner that allows agency personnel to effectively respond to the anticipated volume and distribution of requests for service. (3-17-22)()

401. NON-TRANSPORT EMS AGENCY -- VEHICLES.

A licensed non-transport EMS agency may use ambulance vehicles to provide non-transport services. ()

402. EMS AGENCY -- MINIMUM EQUIPMENT INSPECTION REQUIREMENTS.

Any newly acquired EMS response vehicle must be inspected by the ~~Department~~ EMS Bureau for medical care supplies and devices as specified ~~in the “Minimum Equipment Standards for Licensed EMS Services,” under Subsection 002.01 of these rules~~ before being put into service, except when the newly acquired vehicle is a replacement vehicle and all equipment and supplies are transferred from the vehicle being taken out of service. (3-17-22)()

403. EMS AGENCY -- GROUND VEHICLE SAFETY INSPECTION REQUIREMENTS.

Each EMS agency that deploys emergency vehicles titled and registered for use on roads and highways, ~~with the exception of~~ except for all-terrain vehicles and utility vehicles, must meet the following ~~inspection requirements~~. (3-17-22)()

01. New Vehicle Inspection. Each newly acquired, used EMS response vehicle ~~must successfully~~ has passed a safety inspection conducted by an inspector authorized to perform Department of Transportation (DOT) vehicle safety inspections prior to the vehicle being put in service. (3-17-22)()

02. Response Vehicle Involved in a Crash. Each EMS response vehicle, that is involved in a crash that could result in damage to one (1) or more of the vehicle systems identified in Subsection 403.03 of this rule, ~~must successfully~~ has passed a safety inspection conducted by an inspector authorized to perform DOT vehicle safety inspections prior to being put back in service. (3-17-22)()

03. Vehicle Inspection Standards. Each vehicle safety inspection ~~must~~ has ~~verified~~ conformity to the fuel system, exhaust, wheels and tires, lights, windshield wipers, steering, suspension, brakes, frame, and electrical system elements of a DOT vehicle safety inspection defined in Appendix G to Subchapter B of Chapter III at 49 CFR Section 396.17. (3-17-22)()

04. Vehicle Inspection Records. Each EMS agency ~~must~~ keeps records of all emergency response vehicle safety inspections. ~~These records must be made~~ and are available to the ~~Department~~ EMS Bureau upon request. (3-17-22)()

404. -- 499. (RESERVED)

**EMS AGENCY REQUIREMENTS AND WAIVERS
(Sections 500 - 599)**

500. EMS AGENCY -- GENERAL EQUIPMENT REQUIREMENTS AND MODIFICATIONS.

Each EMS agency must meet the requirements of ~~the “Minimum Equipment Standards for Licensed EMS Services,” incorporated by reference in Section 004~~ Subsection 002.01 of these rules, in addition to the following ~~requirements~~: (3-17-22)()

01. Equipment and Supplies. Each EMS agency ~~must~~ maintains sufficient quantities of medical care supplies and devices specified in the minimum equipment standards to ensure availability for each response. (3-17-22)()

02. Safety and Personal Protective Equipment. Each EMS agency ~~must~~ maintains safety and personal protective equipment for licensed personnel and other vehicle occupants as specified in the minimum equipment standards. This includes equipment for body substance isolation and protection from exposure to communicable diseases and pathogens. (3-17-22)()

03. Modifications to an EMS Agency’s Minimum Equipment List. An EMS agency’s minimum equipment list may be modified upon approval by the ~~Department~~ EMS Bureau. Requests for equipment modifications ~~must be~~ are submitted to the ~~Department~~ EMS Bureau and include clinical and operational justification for the modification and ~~be~~ are signed by the EMS agency’s medical director. Approved modifications are granted by

the ~~Department~~ EMS Bureau as either an exception or an exemption. (3-17-22)()

a. Exceptions to the agency’s minimum equipment list requirements may be granted by the ~~Department~~ EMS Bureau upon inspection or review of a modification request, when the circumstances and available alternatives assure that appropriate patient care will be provided for all anticipated incidents. (3-17-22)()

b. Exemptions that remove minimum equipment and do not provide an alternative may be granted by the ~~Department~~ EMS Bureau following review of a modification request. The request must describe the agency’s deployment model and why there is no anticipated need for the specified equipment to provide appropriate patient care. (3-17-22)()

04. Review of an Equipment Modification Request. Each request from an EMS agency for equipment modification ~~may will~~ be reviewed by ~~either~~ the ~~EMS Advisory Committee (EMSAC), or Bureau and may be reviewed by~~ the EMS Physician Commission (EMSPC), or both. The recommendations from ~~EMSAC and EMSPC~~ are submitted to the ~~Department~~ EMS Bureau which has the final authority to approve or deny the modification request. (3-17-22)()

~~a. A modification request of an operational nature will be reviewed by EMSAC;~~ (3-17-22)

~~b. A modification request of a clinical nature will be reviewed by the EMSPC; and~~ (3-17-22)

~~c. A modification request that has both operational and clinical considerations will be reviewed by both.~~ (3-17-22)

05. Denial of an Equipment Modification Request. An EMS agency may appeal the denial of an equipment modification request under ~~the provisions in~~ IDAPA 16.05.03, “Contested Case Proceedings and Declaratory Rulings.” (3-17-22)()

06. Renewal of Equipment Modification. An EMS agency’s equipment modification must be reviewed and reaffirmed as follows: ()

a. Annually, with the agency license renewal application; or ()

b. When the EMS agency changes its medical director. ()

501. AIR MEDICAL EMS AGENCY -- EQUIPMENT REQUIREMENTS AND MODIFICATIONS. Each air medical agency must meet the requirements ~~outlined in under~~ Section 500 of these rules, ~~as well as and~~ the following: (3-17-22)()

01. FAA 135 Certification. The air medical agency ~~must~~ hold s a Federal Aviation Administration 135 certification. (3-17-22)()

02. Configuration and Equipment Standards. Aircraft and equipment configuration that does not compromise the ability to provide appropriate care or prevent emergency care providers from safely performing emergency procedures, if necessary, while in flight. ()

502. -- 509. (RESERVED)

510. EMS AGENCY -- COMMUNICATION REQUIREMENTS. Each EMS agency must meet the following ~~communication requirements~~ to obtain or maintain agency licensure. (3-17-22)()

01. Air Medical EMS Agency. Each air medical agency ~~must have~~ has mobile radios of sufficient quantities to ensure that every aircraft and ground crew has the ability to communicate on the frequencies 155.340 MHZ and 155.280 MHZ, with continuous tone-coded squelch system encoding capabilities to allow access to the Idaho EMS radio communications system. (3-17-22)()

02. Ambulance EMS Agency. Each ambulance EMS agency ~~must have~~ has mobile radios of sufficient quantities to ensure that every vehicle crew has the ability to communicate on the frequencies 155.340 MHZ and 155.280 MHZ, with continuous tone-coded squelch system encoding capabilities to allow access to the Idaho EMS radio communications system. (3-17-22)()

03. Non-transport EMS Agency. Each non-transport EMS agency ~~must have~~ has mobile or portable radios of sufficient quantities to ensure that agency personnel at an emergency scene have the ability to communicate on the frequencies 155.340 MHZ and 155.280 MHZ, with continuous tone-coded squelch system encoding capabilities to allow access to the Idaho EMS radio communications system. (3-17-22)()

511. EMS AGENCY -- DISPATCH REQUIREMENTS.

~~Each EMS agency must have a twenty-four (24) hour dispatch arrangement.~~ (3-17-22)

01. Twenty-four Hour Dispatch Arrangement. Each EMS agency must have a twenty-four (24) hour dispatch arrangement, except an agency with a twenty-four (24) hour response waiver may have a dispatch arrangement specific to the waiver deployment plan. ()

02. Intake Triage Protocols. Each ambulance service that is not dispatched by a CECS or PSAP must utilize intake triage protocols for out-of-hospital transport requests that reasonably identify potential medical emergencies requiring a Code 3 response and direct the caller to contact the local CECS or PSAP when a staffed ambulance is not available on site. ()

03. Incoming Requests for Out-of-Hospital Response. Each ambulance agency that is not dispatched by a CECS or PSAP must record incoming requests for out-of-hospital transports and retain such recordings for a period of one (1) year. ()

512. -- 519. (RESERVED)

520. EMS AGENCY -- RESPONSE REQUIREMENTS AND WAIVERS.

Each EMS agency must respond to calls on a twenty-four (24) hour a day basis within the agency's declared geographic coverage area unless a waiver exists. ()

521. NON-TRANSPORT EMS AGENCY -- WAIVER OF RESPONSE REQUIREMENT.

The controlling authority of a non-transport agency may petition the ~~Department~~ EMS Bureau for a waiver of the twenty-four (24) hour response requirement if one (1) or more of the following ~~conditions~~ exist: (3-17-22)()

01. Not Populated on 24-Hour Basis. The community, setting, industrial site, or event being served by the agency is not populated on a twenty-four (24) hour basis. ()

02. Not on Daily Basis Per Year. The community, setting, industrial site, or event being served by the agency does not exist on a three hundred sixty-five (365) day per year basis. ()

03. Undue Hardship on Community. The provision of twenty-four (24) hour response would cause an undue hardship on the community being served by the agency. ()

04. Abandonment of Service. The provision of twenty-four (24) hour response would cause abandonment of the service provided by the agency. ()

522. NON-TRANSPORT EMS AGENCY -- PETITION FOR WAIVER.

01. ~~Submit~~ Petition for Waiver. The controlling authority of an existing non-transport agency desiring a waiver of the twenty-four (24) hour response requirement must submit a petition for waiver to the ~~Department~~ EMS Bureau and provide the information described under the incorporated document in Subsection 002.04 of these rules. (3-17-22)()

02. Waiver Declared on Initial Application. The controlling authority of an applicant non-transport agency desiring a waiver of the twenty-four (24) hour response requirement must declare the request for waiver on

the initial application for agency licensure to the ~~Department EMS Bureau and provide the information described under the incorporated document in Subsection 002.04 of these rules.~~ (3-17-22)()

~~**03. Not Populated on a 24-Hour or Daily Basis – Petition Content.** A non-transport agency with a service area with less than twenty-four (24) hours population or less than three hundred sixty-five (365) days per year population must include the following information on the petition for waiver of the twenty-four (24) hour response requirement: (3-17-22)~~

~~**a.** A description of the hours or days the geographic area is populated. (3-17-22)~~

~~**b.** A staffing and deployment plan that ensures EMS response availability for the anticipated call volume during the hours or days of operation. (3-17-22)~~

~~**04. Undue Hardship or Abandonment of Service Waiver – Petition Content.** A non-transport agency must include the following information on the application for waiver of the twenty-four (24) hour response requirement when that provision would cause an undue hardship on the community being served by the agency or abandonment of service: (3-17-22)~~

~~**a.** A description of the applicant's operational limitations to provide twenty-four (24) hour response. (3-17-22)~~

~~**b.** A description of the initiatives underway or planned to provide twenty-four (24) hour response. (3-17-22)~~

~~**c.** A staffing and deployment plan identifying the agency's response capabilities and back-up plans for services to the community when the agency is unavailable. (3-17-22)~~

~~**d.** A description of the collaboration that exists with all other EMS agencies providing services within the applicant's geographic response area. (3-17-22)~~

~~**053. Renewal of Waivers.** The controlling authority of a non-transport agency desiring to renew a waiver of the twenty-four (24) hour response requirement must declare the request for renewal of the waiver on the annual renewal application for agency licensure to the ~~Department EMS Bureau.~~ (3-17-22)()~~

523. -- 524. (RESERVED)

525. AMBULANCE OR AIR MEDICAL EMS AGENCY – WAIVER OF RESPONSE REQUIREMENT. The controlling authority of an existing ambulance or air medical agency may petition the Board of Health and for a waiver of the twenty-four (24) hour response requirement if one (1) or more of the following conditions exist as a result of the provision of twenty-four (24) hour response: (3-17-22)()

01. Undue Hardship on the Community Being Served by the Agency. ~~The provision of twenty-four (24) hour response would cause an undue hardship on the community being served by the agency.~~ (3-17-22)()

02. Abandonment of the Service by the Agency. ~~The provision of twenty-four (24) hour response would cause abandonment of the service provided by the agency.~~ (3-17-22)()

526. AMBULANCE OR AIR MEDICAL EMS AGENCY – PETITION FOR WAIVER.

~~**01. Submit Petition for Waiver.** The controlling authority of an existing ambulance or air medical agency desiring a waiver of the twenty-four (24) hour response requirement must submit a petition for waiver to the Board and provide the information described in the incorporated document under Subsection 002.04 of these rules. (3-17-22)()~~

~~**02. Undue Hardship or Abandonment of Service Waiver – Petition Content.** An ambulance EMS agency must include the following information on the petition for waiver of the twenty-four (24) hour response: (3-17-22)~~

- ~~a.~~ A description of the petitioner's operational limitations to provide twenty four (24) hour response. (3-17-22)
- ~~b.~~ A description of the initiatives underway or planned to provide twenty four (24) hour response. (3-17-22)
- ~~c.~~ A staffing and deployment plan identifying the agency's response capabilities and back up plans for services to the community when the agency is unavailable. (3-17-22)
- ~~d.~~ A description of the collaboration that exists with all other EMS agencies providing services within the petitioner's geographic response area. (3-17-22)

527. -- 529. (RESERVED)

530. EMS AGENCY -- MEDICAL SUPERVISION REQUIREMENTS.

Each EMS agency must comply with medical supervision plan requirements and designate a physician as the agency medical director who is responsible for the supervision of medical activities ~~defined in under~~ IDAPA 16.02.02, "Idaho Emergency Medical Services (EMS) Physician Commission." (3-17-22)()

531. -- 534. (RESERVED)

535. RECORDS, DATA COLLECTION, AND SUBMISSION REQUIREMENTS.

Each licensed EMS agency must collect and submit EMS response records to the EMS Bureau as follows: ()

01. Records to be Maintained. ~~Maintain a record that i~~Includes a Patient Care Report completed for each EMS Response. (4-6-23)()

02. Records to be Submitted. Ensure that an accurate and complete electronic Patient Care Report (ePCR) is submitted to the EMS Bureau using approved and validated software in a format determined by the ~~Department~~ EMS Bureau. (4-6-23)()

03. Time Frame for Submitting Records. Submit each month's data to the ~~Department~~ EMS Bureau by the 15th of the following month in a format determined by the ~~Department~~ EMS Bureau. (4-6-23)()

536. -- 599. (RESERVED)

**EMS AGENCY AGREEMENTS, PLANS, AND POLICIES
(Sections 600 - 699)**

600. EMS AGENCY -- AGREEMENTS, PLANS, AND POLICIES.

When applicable, each EMS agency must make the following agreements, plans, and policies, ~~described in under~~ Sections 600 through 699 of these rules, available to the ~~Department~~ EMS Bureau upon request. (3-17-22)()

601. EMS AGENCY -- AMBULANCE SERVICE RESPONSE AGREEMENTS.

Each EMS agency with out-of-hospital customer service agreements to provide ambulance services that are not dispatched by the local CECS or PSAP must provide the customer with written criteria to reasonably identify potential medical emergencies requiring a Code 3 response and direct the customer to contact the local CECS or PSAP when a staffed ambulance is not available on site. ()

604.2. EMS AGENCY -- PATIENT CARE INTEGRATION.

01. Cooperative Agreements for Common Geographic Coverage Area. Each ground EMS agency that shares common geographic coverage areas with other EMS agencies must develop cooperative written agreements that address integration of patient care between the agencies. A ground agency can not provide a level of care that exceeds the clinical level of a prehospital agency receiving the patient, unless the written patient integration plan specifically addresses the continuation of the higher level of care throughout the patient transport. ()

02. Cooperative Agreement for Non-Transport Agency. Each 911 Response non-transport EMS agency must have a cooperative written agreement with ~~a prehospital agency that will provide patient transportation each of the 911 Response Transport Services that provide response and patient transportation within that geographical area.~~ The agreement must address integration of patient care between the agencies. A non-transport ~~prehospital~~ agency may not provide a level of care that exceeds the clinical level of the responding ~~transport prehospital agency 911 Response Transport Service~~ unless the integration plan specifically addresses the continuation of the higher level of care throughout the patient transport. (3-17-22)()

6023. AIR MEDICAL EMS AGENCY -- PATIENT CARE INTEGRATION.

Each air medical agency must declare and make available its patient care integration policies to the ~~Department EMS Bureau~~ upon request. (3-17-22)()

6034. EMS AGENCY -- PLANNED DEPLOYMENT AGREEMENTS.

Each EMS agency that utilizes a planned deployment must develop a cooperative planned deployment agreement between the EMS agencies under the incorporated document in Subsection 002.04 of these rules. ~~The agreement must include the following:~~ (3-17-22)()

~~01. Chief Administrative Officials.~~ Approval of the chief administrative officials of each EMS agency entering into the agreement either as the receiver of the planned deployment or the provider of the planned deployment. (3-17-22)

~~02. Medical Directors.~~ Approval of the medical directors of each EMS agency entering into the agreement either as the receiver of the planned deployment or the provider of the planned deployment. (3-17-22)

~~03. Geographic Locations and Services.~~ The agreement must provide the geographic locations and the services to be provided by the planned deployment. (3-17-22)

~~04. Shared Resources.~~ The agreement must provide for any sharing of resources between each EMS agency covered by the planned deployment. (3-17-22)

~~05. Equipment and Medication.~~ The agreement must provide for the availability and responsibility of equipment and medications for each EMS agency covered by the planned deployment. (3-17-22)

~~06. Patient Integration of Care.~~ The agreement must provide patient integration of care by each EMS agency covered by the planned deployment. (3-17-22)

~~07. Patient Transport.~~ The agreement must provide for patient transport considerations by each EMS agency covered by the planned deployment. (3-17-22)

~~08. Medical Supervision.~~ The agreement must have provisions for medical supervision of each EMS agency covered by the planned deployment. (3-17-22)

~~09. Quality Assurance.~~ The agreement must provide for quality assurance and retrospective case reviews by each EMS agency covered by the planned deployment. (3-17-22)

6045. -- 649. (RESERVED)

650. AIR MEDICAL EMS AGENCY -- REQUIRED POLICIES.

Each air medical EMS agency must have the following policies on file with the ~~Department EMS Bureau~~ as described under the incorporated document in Subsection 002.04 of these rules: (3-17-22)()

~~01. Non-Discrimination Policy.~~ Each air medical EMS agency must have written non-discrimination policies to ensure that requests for service are not evaluated based on the patient's ability to pay. (3-17-22)()

~~02. Weather Turn Down Policy.~~ Each air medical EMS agency must immediately notify other air medical agencies in common geographical areas and the Idaho EMS State Communications Center about any

~~requests for services declined or aborted due to weather. Notification to other agencies of flights declined or aborted due to weather must be documented. (3-17-22)()~~

03. Patient Destination Procedure. ~~Each air medical EMS agency must maintain written procedures for the determination of patient destination. These procedures must: (3-17-22)()~~

- ~~a. Consider the licensed EMS agency destination protocol and medical supervision received; (3-17-22)~~
- ~~b. Be made available to licensed EMS agencies that utilize their services; (3-17-22)~~
- ~~c. Honor patient preference if: (3-17-22)~~
 - ~~i. The requested facility is capable of providing the necessary medical care; and (3-17-22)~~
 - ~~ii. The requested facility is located within a reasonable distance not compromising patient care or the EMS system. (3-17-22)~~

04. Safety Program Policy. ~~Each air medical EMS agency must maintain a safety program policy that includes: (3-17-22)()~~

- ~~a. Designation of a safety officer; (3-17-22)~~
- ~~b. Designation of a multi-disciplinary safety committee that includes: pilot, medical personnel, mechanic, communication specialist, and administrative staff; (3-17-22)~~
- ~~c. Post-Accident Incident Plan; (3-17-22)~~
- ~~d. Fitness for Duty Requirements; (3-17-22)~~
- ~~e. Annual Air Medical Resource Management Training; (3-17-22)~~
- ~~f. Procedures for allowing a crew member to decline or abort a flight; (3-17-22)~~
- ~~g. Necessary personal equipment, apparel, and survival gear appropriate to the flight environment. Helmets must be required for each EMS crew member and pilot during helicopter operations; and (3-17-22)~~
- ~~h. A procedure to review each flight for safety concerns and report those concerns to the safety committee. (3-17-22)~~

05. Training Policy. ~~Each air medical EMS agency must have written documentation of initial and annual air medical specific recurrent training for air ambulance personnel. Education content must include: (3-17-22)()~~

- ~~a. Altitude physiology; (3-17-22)~~
- ~~b. Stressors of flight; (3-17-22)~~
- ~~c. Air medical resource management; (3-17-22)~~
- ~~d. Survival; (3-17-22)~~
- ~~e. Navigation; and (3-17-22)~~
- ~~f. Aviation safety issues including emergency procedures. (3-17-22)~~

651. -- 699. (RESERVED)

EMS AGENCY UTILIZATION OF AIR MEDICAL SERVICES
(Sections 700 - 799)

700. EMS AGENCY -- CRITERIA TO REQUEST AN AIR MEDICAL RESPONSE.

Each ground EMS agency must establish written criteria as described in the document incorporated under Section 002.04 of these rules for the agency's licensed EMS personnel that provides decision-making guidance for requesting an air medical response to an emergency scene. This criteria must be approved by the agency's medical director. The following conditions must be included in the criteria: (3-17-22)()

~~01. **Clinical Conditions.** Each licensed EMS agency must develop written criteria based on best medical practice principles for requesting an air medical response for the following clinical conditions:~~ (3-17-22)

- ~~a. The patient has a penetrating or crush injury to head, neck, chest, abdomen, or pelvis;~~ (3-17-22)
- ~~b. Neurological presentation suggestive of spinal cord injury;~~ (3-17-22)
- ~~c. Evidence of a skull fracture (depressed, open, or basilar) as detected visually or by palpation;~~ (3-17-22)
- ~~d. Fracture or dislocation with absent distal pulse;~~ (3-17-22)
- ~~e. A glasgow coma score of ten (10) or less;~~ (3-17-22)
- ~~f. Unstable vital signs with evidence of shock;~~ (3-17-22)
- ~~g. Cardiac arrest;~~ (3-17-22)
- ~~h. Respiratory arrest;~~ (3-17-22)
- ~~i. Respiratory distress;~~ (3-17-22)
- ~~j. Upper airway compromise;~~ (3-17-22)
- ~~k. Anaphylaxis;~~ (3-17-22)
- ~~l. Near drowning;~~ (3-17-22)
- ~~m. Changes in level of consciousness;~~ (3-17-22)
- ~~n. Amputation of an extremity; and~~ (3-17-22)
- ~~o. Burns greater than twenty percent (20%) of body surface or with suspected airway compromise.~~ (3-17-22)

~~02. **Complications to Clinical Conditions.** Each licensed EMS agency must develop a written policy that provides guidance for requesting an air medical response when there are complicating conditions associated with the clinical conditions listed in Subsection 700.01 of this rule. The complicating conditions must include the following:~~ (3-17-22)

- ~~a. Extremes of age;~~ (3-17-22)
- ~~b. Pregnancy; and~~ (3-17-22)
- ~~c. Patient "do not resuscitate" status.~~ (3-17-22)

~~03. **Operational Conditions for Air Medical Response.** Each licensed EMS agency must have~~

~~written criteria to provide guidance to the licensed EMS personnel for the following operational conditions:~~ (3-17-22)

- ~~a. Availability of local hospitals and regional medical centers;~~ (3-17-22)
- ~~b. Air medical response to the scene and transport to an appropriate hospital will be significantly shorter than ground transport time;~~ (3-17-22)
- ~~c. Access to time sensitive medical interventions such as percutaneous coronary intervention, thrombolytic administration for stroke, or cardiac care;~~ (3-17-22)
- ~~d. When the patient's clinical condition indicates the need for advanced life support and air medical is the most readily available access to advanced life support capabilities;~~ (3-17-22)
- ~~e. As an additional resource for a multiple patient incident;~~ (3-17-22)
- ~~f. Remote location of the patient; and~~ (3-17-22)
- ~~g. Local destination protocols.~~ (3-17-22)

701. EMS AGENCY -- EMS PERSONNEL REQUEST FOR AIR MEDICAL RESPONSE.

Licensed EMS personnel en route to, or at, the emergency scene have the primary responsibility and authority to request the response of air medical services using the local incident management system and licensed EMS agency written criteria ~~described in Section 700 of these rules~~ under the incorporated document in Subsection 002.04 of these rules. (3-17-22)()

702. EMS AGENCY -- CANCELLATION OF AN AIR MEDICAL RESPONSE.

Following dispatch of air medical services, an air medical response may only be canceled upon completion of a patient assessment performed by licensed EMS personnel. ()

703. EMS AGENCY -- ESTABLISHED CRITERIA FOR SIMULTANEOUS DISPATCH.

~~Under the incorporated document in Subsection 002.04 of these rules, A~~ a ground EMS agency may establish criteria for simultaneous dispatch for air and ground medical response. ~~Air medical services will not launch to an emergency scene unless requested in accordance with Subsection 720.01 of these rules.~~ (3-17-22)()

704. EMS AGENCY-- SELECTION OF AIR MEDICAL AGENCY.

Each EMS agency has the responsibility to select an appropriate air medical service ~~EMS agency and have on file selection policies as described in the incorporated document under Subsection 002.04 of these rules.~~ (3-17-22)()

~~01. Written Policy to Select Air Medical Agency.~~ Each EMS agency must have a written policy that establishes a process to select an air medical service. (3-17-22)

~~02. Policy for Patient Requests.~~ The written policy must direct EMS personnel to honor a patient request for a specific air medical service when the circumstances will not jeopardize patient safety or delay patient care. (3-17-22)

705. -- 719: (RESERVED)

~~720. EMS AGENCY -- COMMUNICATIONS WITH AIR MEDICAL SERVICES.~~

~~01. Responsibility to Request an Air Medical Response.~~ In compliance with the local incident management system, each EMS agency must establish a uniform method of communication to request an air medical response. (3-17-22)

~~02. Required Information to Request an Air Medical Response.~~ Requests for an air medical response must include the following information as it becomes available: (3-17-22)

- ~~a. Type of incident; (3-17-22)~~
 - ~~b. Landing zone location or GPS (latitude/longitude) coordinates, or both; (3-17-22)~~
 - ~~c. Scene contact unit or scene incident commander, or both; (3-17-22)~~
 - ~~d. Number of patients if known; (3-17-22)~~
 - ~~e. Need for special equipment; (3-17-22)~~
 - ~~f. Estimated weight of the patient; (3-17-22)~~
 - ~~g. How to contact on scene EMS personnel; and (3-17-22)~~
 - ~~h. How to contact the landing zone officer. (3-17-22)~~
- ~~03. **Notification of Air Medical Response.** The air medical agency must notify the State EMS Communication Center within ten (10) minutes of launching an aircraft in response to a request for medical transport. Notification must include: (3-17-22)~~
- ~~a. The name of the requesting entity; (3-17-22)~~
 - ~~b. Location of the landing zone; and (3-17-22)~~
 - ~~c. Scene contact unit and scene incident commander, if known. (3-17-22)~~
- ~~04. **Estimated Time of Arrival at the Specified Landing Zone.** Upon receipt of a request for air medical emergency services, the air medical agency must provide the requesting entity with an estimated time of arrival (ETA) at the location of the specified landing zone. All changes to that ETA must immediately be reported to the requesting entity. ETAs are to be reported in clock time, specific to the appropriate time zone. (3-17-22)~~
- ~~05. **Confirmation of Air Medical Response Availability.** Upon receipt of a request for an air medical response, the air medical agency must inform the requesting entity whether the specified air medical unit is immediately available to respond. (3-17-22)~~
- ~~721.—729. (RESERVED)~~
- 730. EMS AGENCY -- LANDING ZONE PROCEDURES FOR AIR MEDICAL RESPONSE.**
- ~~01. **Establish Landing Zone Procedures.** A licensed ambulance or non-transport EMS agency in conjunction with an air medical agency must have written procedures for the establishment of a landing zone. These procedures must be compatible with the local incident management system. (3-17-22)()~~
- ~~02. **Responsibilities of Landing Zone Officer.** The procedures for establishment of a landing zone must include identification of a Landing Zone Officer who is responsible for the following: (3-17-22)~~
- ~~a. Landing zone preparation; (3-17-22)~~
 - ~~b. Landing zone safety; and (3-17-22)~~
 - ~~c. Communication between the ground EMS agency and the air medical agency. (3-17-22)~~
- ~~03. **Final Decision to Use Established Landing Zone.** The air medical pilot may refuse the use of an established landing zone. In the event of a pilot's refusal to land, the landing zone officer must initiate communications to identify an alternate landing zone. (3-17-22)~~
- 731. EMS AGENCY -- REVIEW OF AIR MEDICAL RESPONSES.**

Each EMS agency must provide incident-specific patient care related data identified and requested by the ~~Department~~ EMS Bureau in the review of air medical response criteria. (3-17-22)()

732. -- 799. (RESERVED)

EMS AGENCY INSPECTIONS
(Sections 800 - 899)

800. EMS AGENCY -- INSPECTIONS BY THE ~~DEPARTMENT~~ EMS BUREAU.

~~Representatives of the Department~~ EMS Bureau is authorized to enter an agency's facility at reasonable times to inspect an agency's vehicles, equipment, response records, and other necessary items to determine that the EMS agency is in compliance with ~~governing~~ Idaho statutes and administrative rules. (3-17-22)()

801. EMS AGENCY -- INSPECTION REQUESTS AND SCHEDULING.

An applicant eligible for agency inspection must contact the ~~Department~~ EMS Bureau to schedule an inspection. In the event that the acquisition of capital equipment, hiring, or licensure of personnel is necessary for the inspection process, the applicant must notify the ~~Department~~ EMS Bureau when ready for the inspection. (3-17-22)()

802. EMS AGENCY -- INSPECTION TIMEFRAME AFTER NOTIFICATION OF ELIGIBILITY.

An applicant must schedule and have an inspection completed within six (6) months of notification of eligibility by the ~~Department~~ EMS Bureau. An application without an inspection completed within six (6) months is void and must be resubmitted as an initial application. (3-17-22)()

803. -- 804. (RESERVED)

805. EMS AGENCY -- INITIAL AGENCY INSPECTION.

The ~~Department~~ EMS Bureau will perform an initial inspection, which is an integral component of the application process, to ensure the EMS ~~A~~ agency applicant is ~~in compliance regarding~~ complying with the following: (3-17-22)()

01. Validation of Initial Application. Validate the information contained in the application. ()

02. Verification of Compliance. Verify the applicant is ~~in compliance~~ complying with ~~governing~~ Idaho statutes and administrative rules. (3-17-22)()

806. EMS AGENCY -- DEMONSTRATION OF CAPABILITIES DURING INSPECTION.

The ~~Department~~ EMS Bureau will review historical and current information during the annual, random, and targeted inspections whereas an applicant must demonstrate the following during the initial inspection process: (3-17-22)()

01. Validation of Ability to Submit Data. Each EMS agency applicant must demonstrate the ability to submit data described in Section 535 of these rules. ()

02. Validation of Ability to Communicate. Each EMS agency applicant must demonstrate the ability to communicate via radio with the state EMS communications center, local dispatch center, neighboring EMS agencies on which the applicant will rely for support, first response, air and ground patient transport, higher level patient care, or other purposes. ()

807. -- 829. (RESERVED)

830. EMS AGENCY -- CONDITION THAT RESULTS IN VEHICLE OR AGENCY OUT OF SERVICE.

Upon discovery of a condition during inspection that could reasonably pose an immediate threat to the safety of the public or agency staff, the ~~Department~~ EMS Bureau may declare the condition unsafe and remove the vehicle or agency from service until the unsafe condition is corrected. (3-17-22)()

831. -- 839. (RESERVED)

840. EMS AGENCY -- EXEMPTIONS FOR AGENCIES CURRENTLY ACCREDITED BY A NATIONALLY RECOGNIZED PROFESSIONAL EMS ACCREDITATION AGENCY.

Upon petition by the accredited agency, the ~~Department~~ EMS Bureau will review the accreditation standards under which the accredited agency was measured and may waive specific duplicated annual inspection requirements where appropriate. If an external accreditation inspection is found to be more rigorous than that of the Department, the ~~Department~~ EMS Bureau may elect to relax the frequency of ~~Department~~ annual inspections or waive ~~Department~~ annual inspections altogether. (3-17-22)()

841. -- 899. (RESERVED)

**EMS AGENCY LICENSURE PROCESS
(Sections 900 - 999)**

900. EMS AGENCY -- APPLICATION FOR INITIAL LICENSURE.

To be considered for initial EMS agency licensure, an organization seeking licensure must request, complete, and submit the standardized EMS agency initial license application form provided by the ~~Department~~ EMS Bureau. (3-17-22)()

901. EMS AGENCY -- LICENSURE EXPIRATION.

Each EMS agency license, unless otherwise declared on the license, is valid for one (1) year from the end of the month of issuance by the ~~Department~~ EMS Bureau. (3-17-22)()

902. -- 970. (RESERVED)

971. LAPSED LICENSE.

01. Application Not Submitted Prior to Expiration of Current License. An agency that does not submit a complete application as prescribed in these rules will be considered lapsed. The license will no longer be valid. ()

02. Grace Period. No grace periods or extensions to an expiration date will be granted when an agency has not submitted a completed renewal application ~~within the timeframes described in Section 950 of these rules on, or before, the date the current license expires.~~ (3-17-22)()

03. Lapsed License. An agency that has a lapsed license cannot provide EMS services. ()

04. ~~To-Regaining~~ Agency Licensure. An agency with a lapsed license will be considered an applicant for initial licensure and is bound by the same requirements and processes as an initial applicant. (3-17-22)()

972. -- 979. (RESERVED)

980. EMS AGENCY LICENSE -- NONTRANSFERABLE.

An EMS agency license issued by the ~~Department~~ EMS Bureau cannot be transferred or sold. (3-17-22)()

981. CHANGES TO A CURRENT LICENSE.

An agency's officials must submit an agency update to the ~~Department~~ EMS Bureau within sixty (60) days of any of the following ~~changes~~: (3-17-22)()

01. Changes Requiring Update ~~to Department~~. An agency's officials must submit an agency update to the ~~Department~~ EMS Bureau within sixty (60) days of any of the following ~~changes~~: (3-17-22)()

a. Changes made to the geographic coverage area by agency annexation; ()

b. Licensed personnel added or removed from the agency affiliation roster. If licensed personnel are removed for cause, a description of the cause must be included; ()

c. Vehicles or equipment added or removed from the agency; ()

- d. Changes to the agency communication plan or equipment; ()
- e. Changes to the agency dispatch agreement; or ()
- f. Changes to the agency Medical Supervision Plan. ()

02. Changes Requiring Initial Licensure Application. When an agency decides to make any of the following changes, it must submit an initial agency application to the ~~Department~~ EMS Bureau and follow the initial application process described in Sections ~~900 through 922~~ of these rules: ~~(3-17-22)~~ ()

- a. Clinical level of licensed personnel it utilizes; ()
- b. Geographic coverage area changes, except by agency annexation; ()
- c. A non-transport agency that intends to provide patient transport or an ambulance agency that intends to discontinue patient transport and become a non-transport agency; or ()

d. An agency that intends to add ~~prehospital or transfer operational declarations~~ a 911 Response to an Ambulance Service license or Non-Transport Service license. ~~(3-17-22)~~ ()

982. -- 989. (RESERVED)

990. TIME SENSITIVE EMERGENCY CERTIFICATION.

The ~~Department's~~ EMS Bureau will certify an EMS Agency as a TSE Designated EMS Agency when such agency, upon proper application and verification, is found to meet the applicable designation criteria ~~established in the Time Sensitive Emergency System Standards Manual incorporated by reference under Section 004 of these rules~~ under the incorporated document in Subsection 002.04 of these rules. ~~(3-17-22)~~ ()

991. -- 999. (RESERVED)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
16.02.06 – QUALITY ASSURANCE FOR CLINICAL LABORATORIES
DOCKET NO. 16-0206-2301 (ZBR CHAPTER REWRITE)
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 Section 56-1003, 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 August 16, 2023.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no 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:

Under [Executive Order 2020-01](#): Zero-Based Regulation, the Division of Public Health, Bureau of Laboratories, is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. The rule changes are intended to perform a comprehensive review of this chapter by collaborating with the public to streamline or simplify this rule language. This IDAPA chapter title is changing to Quality Assurance for Clinical Laboratories.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There are no fees associated with this chapter of rule.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the March 1st, 2023 and April 5th, 2023, Idaho Administrative Bulletins, [Vol. 23-3](#), pages 18 - 19 and [Vol 23-4](#), pages 27 - 28.

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: There are no incorporations by reference in this chapter of rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Christopher Ball at 208-334-0568 or Micheal Dillon at 208-334-0545.

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 August 23, 2023.

DATED this 6th day of July, 2023.

Trinette Middlebrook and Frank Powell
DHW – Administrative Rules Unit
450 W. State Street – 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500
fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0206-2301
(ZBR Chapter Rewrite)

16.02.06 – QUALITY ASSURANCE FOR ~~IDAHO~~ CLINICAL LABORATORIES

000. LEGAL AUTHORITY.

~~Under Section 56-1003, Idaho Code, the Idaho Legislature has delegated to~~ authorizes the Board of Health and Welfare ~~the authority~~ to set standards for Idaho laboratories ~~in the state of Idaho.~~ (3-17-22)()

001. ~~TITLE AND SCOPE.~~

~~01. Title.~~ These rules are titled IDAPA 16.02.06, “Quality Assurance for Idaho Clinical Laboratories.” (3-17-22)

~~02. Scope.~~ These rules ~~protect the public and individual health by requiring that all Idaho clinical laboratories develop satisfactory quality assurance programs that meet minimal standards approved by the Board.~~ (3-17-22)

00~~2~~1. -- 009. (RESERVED)

010. DEFINITIONS.

~~For the purposes of these rules, the following terms apply:~~ (3-17-22)

~~01. Board.~~ The Idaho Board of Health and Welfare. ()

~~02. Department.~~ The Idaho Department of Health and Welfare, or its designee. (3-17-22)()

~~03. Director.~~ The ~~Director of the Idaho Department of Health and Welfare, or their designee.~~ (3-17-22)

~~043. Laboratory or Clinical Laboratory.~~ A facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examinations of material derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease, or the impairment or assessment of human health. (3-17-22)()

~~054. Laboratory Director.~~ The person under whose supervision the laboratory is operating. ()

~~06. Pathologist.~~ A physician who is: (3-17-22)

~~a. Licensed by the Idaho State Board of Medicine in accordance with IDAPA 24.33.01, “Rules of the Board of Medicine for the Licensure to Practice Medicine and Surgery and Osteopathic Medicine and Surgery in Idaho”; and~~ (3-17-22)

~~b. Board certified by the American Board of Anatomic and Clinical Pathology.~~ (3-17-22)

~~05. Nonwaived Test.~~ A moderate or high complexity test system, assay, or examination that does not meet the criteria for a waiver as specified under Title 42 USC, Section 263a (3). ()

~~076. Proficiency Testing.~~ Evaluation of a laboratory’s ability to perform laboratory procedures within acceptable limits of accuracy through analysis of unknown specimens distributed at periodic intervals. ()

~~087. Quality Control.~~ A day-to-day a analysis of reference materials to ensure reproducibility and accuracy of laboratory results; ~~and also includes~~ an acceptable system to assure proper functioning of instruments,

equipment, and reagents. (3-17-22)()

~~098. Reviewer. An employee or other designated representative of~~ The Department's ~~Idaho Bureau of Laboratories~~; representative who is knowledgeable and experienced in clinical laboratory methods and procedures. (3-17-22)()

~~09. Waived Test. A low complexity test system, assay, or examination that meets the criteria for waiver specified under Title 42 USC, Section 263a (3).~~ ()

011. -- 099. (RESERVED)

100. REGISTRATION REQUIREMENTS ~~FOR CLINICAL LABORATORIES.~~

01. Registration Timeframes. ()

a. ~~Every person responsible for the operation of a~~ A clinical laboratory ~~that performs tests on material derived from the human body~~ must register ~~such facility~~ with the Department ~~within thirty (30) days after first~~ prior to accepting specimens for testing. (3-17-22)()

b. Existing Registered clinical laboratories must submit a completed ~~laboratory~~ registration form every two (2) years and indicate any changes in laboratory operations. (3-17-22)()

02. Registration Form. Each clinical laboratory must ~~submit its registration information on~~ use the Department-approved form. ~~These forms~~ are available upon request from the Department. Each ~~completed registration~~ form must include the following ~~information~~: (3-17-22)()

a. Name and location of the clinical laboratory; (3-17-22)()

b. Name of the laboratory director; ()

c. ~~Types of laboratory~~ Tests performed in the laboratory; and (3-17-22)()

d. Any ~~Other~~ information requested by the Department ~~that it deems necessary~~ to evaluate ~~the clinical laboratory~~ performance ~~of the laboratory~~. (3-17-22)()

101. -- 109. (RESERVED)

110. EXCLUSIONS.

01. Other Certifying Agencies. Clinical ~~L~~aboratories will be excluded from compliance with these rules (except Sections 100, 130, and 200) upon submission of evidence of certification from one (1) of the following agencies: (3-17-22)()

a. Centers for Medicare and Medicaid Services (CMS), Clinical Laboratory Improvement Amendment (CLIA) certification program http://www.cms.gov/CLIA/01_Overview.asp; (3-17-22)()

~~b. College of American Pathologists;~~ (3-17-22)

~~eb.~~ Agencies approved by CMS as accreditation organizations. To review the current list of CMS-approved accreditation organizations go to, <https://www.cms.gov/Regulations-and-Guidance/Legislation/CLIA/Downloads/AOList.pdf>; ()

~~d. Laboratories located in hospitals approved by the Joint Commission~~ <http://www.jointcommission.org>; and (3-17-22)

~~ec.~~ Other certification programs approved by the Department. ()

02. **Facilities and Laboratories.** The following laboratories and facilities are also excluded from compliance with ~~this chapter~~ these rules: (3-17-22)()

- a. Teaching, research, forensic, and pre-employment drug screening ~~L~~laboratories ~~operated for teaching or research purposes only, provided if~~ tests results are not used for diagnosis or treatment; (3-17-22)()
- b. Prosthetic dental laboratories; and ()
- c. Facilities performing skin testing solely for detection of allergies and sensitivities. ()

111. -- 119. (RESERVED)

120. **DEPARTMENT INSPECTIONS** ~~OF CLINICAL LABORATORIES.~~

A ~~qualified representative of the~~ Department representative is authorized to inspect ~~the premises and operations of all approved laboratories for the purpose of determining any registered clinical laboratory to determine~~ the adequacy of the ~~quality control program and supervision of each laboratory,~~ staffing, and quality control program. (3-17-22)()

121. -- 129. (RESERVED)

130. **GENERAL REQUIREMENTS** ~~FOR CLINICAL LABORATORIES.~~

01. **Clinical Laboratory Facilities.** Each clinical laboratory must have adequate space, equipment, and supplies to perform the services offered, with accuracy, precision, and safety. (3-17-22)()

02. **Records.** ()

- a. Clinical ~~L~~laboratory records must identify the person responsible for performing the procedure. (3-17-22)()
- b. ~~Each laboratory~~ Clinical Laboratories must maintain ~~a suitable testing~~ records ~~of each test result~~ for ~~a period of~~ at least two (2) years. ~~Test R~~reports ~~of tests~~ must be ~~filed in a manner that permits ready identification and accessibility~~ readily accessible upon request. (3-17-22)()

c. Clinical ~~L~~laboratory records and reports must identify specimens referred to other certified laboratories and must identify the reference laboratory ~~testing such referred specimens by name and address.~~ (3-17-22)()

03. **Test Orders and Results.** ()

a. Practitioners legally authorized to diagnose, treat, and prescribe are authorized to order both waived and nonwaived tests and receive results. ()

b. Laboratory directors are authorized to order the waived tests listed on their approved registration form and receive test results. ()

131. -- 149. (RESERVED)

150. **PERSONNEL REQUIREMENTS** ~~FOR CLINICAL LABORATORIES.~~

The laboratory director must ensure that ~~the clinical laboratory~~ staff ~~of the laboratory~~ have appropriate education, experience, and training to maintain records, perform tests, and report results. The clinical laboratory must employ enough staff to provide timely and accurate test results. Staff must receive in-service training appropriate to the type and complexity of testing. Staff must not perform testing outside of their scope of training. (3-17-22)()

01. ~~Appropriate Education, Experience, and Training.~~ Have appropriate education, experience, and training to perform and report laboratory tests promptly and proficiently; (3-17-22)

02. ~~Sufficient in Number for the Scope and Complexity.~~ Are sufficient in number for the scope and

~~complexity of the services provided; (3-17-22)~~

~~03. In-service Training. Receive in-service training appropriate to the type and complexity of the laboratory services offered; and (3-17-22)~~

~~04. Procedures and Tests that are Outside the Scope of Training. Do not perform procedures and tests that are outside the scope of training of the laboratory personnel. (3-17-22)~~

151. -- 199. (RESERVED)

200. PROFICIENCY TESTING ~~OF CLINICAL LABORATORIES.~~

01. Scope. ~~All~~ Clinical laboratories must ~~subscribe to, and~~ satisfactorily participate in, a proficiency testing program ~~that has been~~ approved by the Department. (3-17-22)()

02. Results to the ~~Bureau of Laboratories~~ Department. The clinical laboratory ~~director must furnish the Laboratory Improvement Section with copies of all proficiency testing results within thirty (30) days of receipt or make provisions for a duplicate of the results to be sent by the testing service directly~~ must ensure that all proficiency testing results are available to the Department. (3-17-22)()

201. -- 209. (RESERVED)

210. QUALITY CONTROL PROGRAM REQUIREMENTS ~~FOR CLINICAL LABORATORIES.~~

01. Establishment of Quality Control Program. ~~To ensure reliability of day-to-day results, each laboratory~~ Clinical laboratories must establish a quality control program ~~compatible with regional and statewide practices.~~ (3-17-22)()

02. Program Scope. An acceptable quality control program must include ~~the following~~ written documentation of: (3-17-22)()

a. ~~An effective~~ preventive maintenance program that ensures proper functioning of all instruments and equipment; (3-17-22)()

b. ~~Routine~~ Proper testing of quality control materials along with patient specimens; (3-17-22)()

c. Quality control checks on reagents and media utilized in the performance of tests; ()

d. ~~Maintenance of a~~ Quality control records that will enable determination of demonstrate the reliability of all procedures performed. (3-17-22)()

211. -- 219. (RESERVED)

220. DEPARTMENT APPROVAL ~~OF CLINICAL LABORATORIES.~~

The Department will approve clinical laboratories for performance of tests on material from the human body if the laboratory meets the ~~minimum~~ standards specified in these ~~regulations~~ rules. (3-17-22)()

221. -- 229. (RESERVED)

230. DEPARTMENT REVOCATION OF APPROVAL.

The Department may revoke approval, either in total or in part, for any one (1) of the following reasons: (3-17-22)()

01. Failure to Participate in Proficiency Testing. The ~~approved~~ clinical laboratory fails to participate in a proficiency testing program ~~as outlined in Section 200 of these rules.~~ (3-17-22)()

02. Failure to Participate in Quality Control. The ~~approved~~ clinical laboratory fails to implement a

quality control program ~~as outlined in Section 210 of these rules.~~ (3-17-22)()

03. Failure to Obtain Satisfactory Results. The Department, through the quality review process, determines that the ~~approved~~ clinical laboratory has failed to obtain satisfactory results on two (2) consecutive or on two (2) out of three (3) consecutive sets of proficiency test program specimens in one (1) or more testing categories. (3-17-22)()

04. Failure to Submit Documentation. Failure to submit documentation of corrective action ~~as indicated in Subsection 240.02 of these rules~~ required by the Department. (3-17-22)()

231. -- 239. (RESERVED)

240. REVOCATION PROCEDURE.

01. Unacceptable Results. Clinical ~~L~~laboratories that fail to obtain passing results on two (2) consecutive proficiency testing events, or two (2) out of three (3) events, will be required to submit documentation of corrective action within fifteen (15) working days after receipt of the notification of the failures. Evaluation of proficiency testing results may overlap from one year to the next. (3-17-22)()

02. Corrective Action. Upon receipt of documentation of corrective action, a reviewer will determine the adequacy of the action taken. If, ~~in the opinion of~~ the reviewer, determines the corrective action is not adequate, the clinical laboratory ~~will be required to~~ must submit to an on-site inspection that may include on-site testing of unknown samples. (3-17-22)()

03. On-Site Inspection. If the results of the on-site inspection indicate that the clinical laboratory's performance is unacceptable in one (1) or more testing categories, the approval to perform the test(s) in question will be revoked. (3-17-22)()

04. Satisfactory Performance. The clinical laboratory will continue to be approved for performance of all test procedures for which it has demonstrated satisfactory performance. (3-17-22)()

05. Other Deficiencies. Failure to comply with other provisions of these rules may invoke revocation procedures. ()

241. -- 249. (RESERVED)

250. RENEWAL OF APPROVAL OF DISAPPROVED TEST(S) ~~OR TESTS.~~

01. Renewal Granted. ()

a. A clinical laboratory that has lost approval to perform certain tests ~~for reasons outlined in Section 240 of these rules~~ may gain reapproval ~~by documenting corrective action taken, and~~ by requesting the Department review the unacceptable performance and the corrective action taken. (3-17-22)()

b. Within ten (10) days after completion of this review, the reviewer will submit their report to the ~~Chief of the Bureau of Laboratories~~ Department. (3-17-22)()

c. Upon determination that corrections leading to satisfactory and acceptable performance have been made, the ~~Chief of the Bureau of Laboratories~~ Department may reinstate approval. (3-17-22)()

02. Renewal Denied. If the ~~Chief of the Bureau of Laboratories~~ Department does not grant reapproval of the clinical laboratory, they will provide ~~the laboratory supervisor with~~ written notice of actions to be taken to correct deficiencies. The clinical laboratory ~~supervisor~~ may request a new review at any time after thirty (30) days from the date of last review. The clinical laboratory ~~supervisor~~ may also file a written appeal ~~in accordance with under~~ IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings," ~~Section 400.~~ (3-17-22)()

251. -- 269. (RESERVED)

270. ~~LIST OF APPROVED~~ **REGISTERED** LABORATORIES.

The Department will maintain a list of **registered clinical** laboratories ~~approved in accordance with this chapter. This list must include the name and address of each approved laboratory, and the name of the person directing the laboratory.~~ (3-17-22)()

271. -- 299. (RESERVED)

300. ~~PENALTY FOR FAILURE TO REGISTER OR OPERATION OF AN~~ **NON-APPROVED UNREGISTERED** CLINICAL LABORATORY.

Failure to register a clinical laboratory, operation of an ~~non-approved~~ **unregistered** clinical laboratory, or performance of unapproved testing constitutes a violation of these rules. Any violation of these rules constitutes a misdemeanor under Section 56-1008, Idaho Code. (3-17-22)()

301. -- 999. (RESERVED)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.02.24 – CLANDESTINE DRUG LABORATORY CLEANUP

DOCKET NO. 16-0224-2301 (ZBR CHAPTER REWRITE)

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 Section 6-2604, Idaho Code.

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

VIRTUAL TELECONFERENCE Via WebEx
Monday, August 21, 2023 1:00 p.m. - 2:00 p.m. (MT)
Join from the meeting link https://idhw.webex.com/idhw/j.php?MTID=m7eada4d76a60f753bd9cbcb3f052c2ef
Join by meeting number Meeting number (access code): 2764 132 7544 Meeting password: wiSwXMmD252 (94799663 from phones and video systems)
Join by phone +1-415-527-5035 United States Toll +1-303-498-7536 United States Toll (Denver)

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. Each meeting will conclude after 30 minutes if no participants sign in or wish to comment in the meeting.

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

Under [Executive Order 2020-01](#): Zero-Based Regulation, the Department is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. The rule changes are intended to perform a comprehensive review of this chapter by collaborating with the public to streamline or simplify this rule language.

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

This chapter contains no fees or charges.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 5, 2023, Idaho Administrative Bulletin, [Vol. 23-4, pages 29 through 30](#).

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:

There are no incorporations by reference in this chapter rewrite.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Brigitta Gruenberg at 208-334-5929.

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 August 23, 2023.

DATED this 6th day of July, 2023.

Trinette Middlebrook and Frank Powell
DHW – Administrative Rules Unit
450 W. State Street – 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500
fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0224-2301
(ZBR Chapter Rewrite)

16.02.24 – CLANDESTINE DRUG LABORATORY CLEANUP

000. LEGAL AUTHORITY.

The Department is authorized to adopt rules under the “Clandestine Drug Laboratory Cleanup Act,” Section 6-2604, Idaho Code. ()

001. ~~TITLE AND SCOPE.~~ (RESERVED)

~~01. Title.~~ The title of these rules is IDAPA 16.02.24, “Clandestine Drug Laboratory Cleanup.” (3-17-22)

~~02. Scope.~~ (3-17-22)

~~a. These rules establish the acceptable processes and technology based standards for the cleanup of clandestine drug laboratories in Idaho.~~ (3-17-22)

~~b. The rules also establish a program to add and remove residential properties that housed a clandestine drug laboratory from a list maintained by the Department.~~ (3-17-22)

002. RIGHT TO APPEAL PROPERTY LISTING.

~~Appeal of Property Listing.~~ The certification by the reporting law enforcement agency that ~~it is more likely than not that~~ the property has been contaminated through use as a clandestine drug laboratory ~~(CDL)~~ is prima facie evidence

for listing the property on the Clandestine Drug Laboratory Site Property List (CDLSPL). (3-17-22)()

01. Property Owner's Right to Appeal. The property owner ~~listed on the Clandestine Drug Laboratory Site Property List~~ may appeal the listing by filing a written request for hearing with the Administrative Procedures Section, 10th Floor, 450 West State Street, P.O. Box 83720, Boise, ID 83720-0036, within twenty-eight (28) days of the mailing of the notification by the law enforcement agency. (3-17-22)()

02. Burden of Proof. The burden is on the property owner to show, by a preponderance of evidence, ~~that~~ the property has not been contaminated through use as a ~~clandestine drug laboratory~~ CDL. (3-17-22)()

003. – 009. (RESERVED)

010. DEFINITIONS.

~~For the purposes of these rules, the following terms are used as defined below:~~ Definitions relevant to these rules but not found below may be under Section 6-2603, Idaho Code. (3-17-22)()

01. Certificate of Delisting. A document issued by the Department certifying ~~that~~ a property has met the cleanup standard. (3-17-22)()

02. Certify. To guarantee as meeting a standard. ()

03. Chain of Custody. A procedure used to document each person that has had custody or control of an environmental sample from its source to the analytical laboratory, ~~and the~~ including date and length of time of possession by each person. (3-17-22)()

04. Clandestine Drug Laboratory (CDL). ~~The area(s) where controlled substances or their immediate precursors, as those terms are defined in under Section 37-2701 6-2603(1), Idaho Code, have been, or were attempted to be, manufactured, processed, cooked, disposed of, or stored, and all proximate areas that are likely to be contaminated as a result of such manufacturing, processing, cooking, disposing or storing.~~ (3-17-22)()

05. Clandestine Drug Laboratory Site Property List (CDLSPL). The Department list, ~~maintained by the Department,~~ of properties that have been identified as clandestine drug laboratories. See Department website at <https://healthandwelfare.idaho.gov/health-wellness/environmental-health/clandestine-labs>. (3-17-22)()

06. Cleanup Contractor. One (1) or more individuals or commercial entities hired to conduct cleanup ~~in accordance with the requirements of this~~ under these rules. (3-17-22)()

07. Cleanup Standard. The technology-based numerical value, ~~established in~~ under Section 500 of these rules. (3-17-22)()

08. Clearance Sampling. Testing conducted by a qualified industrial hygienist to verify ~~that~~ cleanup standards have been met. (3-17-22)()

09. Contamination or Contaminated. The presence of chemical residues that exceed the cleanup standard ~~established in~~ under Section 500 of these rules. (3-17-22)()

10. Delisted. Removal of a property from the ~~Clandestine Drug Laboratory Site Property List~~ CDLSPL. (3-17-22)()

11. Demolish. To ~~completely~~ tear down and dispose of a structure ~~in compliance with~~ under local, state, and federal laws and regulations. (3-17-22)()

12. Department. The Idaho Department of Health and Welfare. ()

13. Discrete Sample. A single sample taken. ()

14. Documentation. Preserving a record of an observation through writings, drawings, photographs, or

other appropriate means. ()

15. **Listed.** Addition of a property to the ~~Clandestine Drug Laboratory Site Property List~~ **CDLSPL**. (3-17-22)()

16. **Methamphetamine.** Dextro-methamphetamine, levo-methamphetamine, and any racemic mixture of dextro/levo methamphetamine. ()

17. **Non-Porous.** Resistant to penetration or saturation of chemical substances. ()

18. **Porous.** Subject to penetration or saturation by chemical substances. ()

19. **Qualified Industrial Hygienist.** Must be one (1) of the following: ()

a. **Certified Industrial Hygienist.** An individual who is certified in comprehensive practice by the American Board of Industrial Hygiene. ()

b. **Registered Professional Industrial Hygienist™.** An individual who is a registered member of the Association of Professional Industrial Hygienists ~~and possesses a baccalaureate degree, issued by an accredited college or university, in industrial hygiene, engineering, chemistry, physics, biology, medicine, or related physical and biological sciences who has a minimum of three (3) years full-time industrial hygiene experience. A completed master's degree in a related physical or biological science, or in a related engineering discipline, may be substituted for one (1) year of the experience requirement; and a similar doctoral degree may be substituted for an additional year of the experience requirement.~~ (3-17-22)()

20. **Sampling.** A surface sample collected by wiping a sample media on the surface being sampled. ()

21. **Technology-Based Standard.** A cleanup level based on what is believed to be conservative and protective, while at the same time achievable by currently available technologies. ()

22. **Vacant.** Being without an occupant for the purposes of habitation or occupancy. ()

011. -- 099. (RESERVED)

100. **POSTING THE CLANDESTINE DRUG LABORATORY (CDL) SITE.** ~~In accordance with Under~~ Section 6-2605, Idaho Code, the law enforcement agency having jurisdiction is responsible for posting ~~a property with a sign stating that it has been on the property~~ identified as a ~~clandestine drug laboratory CDL~~. (3-17-22)()

101. -- 109. (RESERVED)

110. **NOTIFICATION PROCESS.** Once a property has been identified as a ~~clandestine drug laboratory CDL~~, the law enforcement agency having jurisdiction is responsible for initiating notification to the property owner and the Department within seventy-two (72) hours using the Department-approved form ~~available to law enforcement~~. (3-17-22)()

111. -- 119. (RESERVED)

120. **RECORD-KEEPING, LISTING, AND DELISTING A PROPERTY.**

01. **Listing a Property.** Upon notification by a law enforcement agency, ~~using the Department approved form~~, the Department will place the property on ~~a Clandestine Drug Laboratory Site Property List~~ **the CDLSPL**. No property may be listed unless the reporting law enforcement agency certifies, on the approved form, that it is more likely than not that the property has been contaminated through use as a ~~clandestine drug laboratory CDL~~. The list ~~will be publicly~~ **is** available online at: <https://publicdocuments.dhw.idaho.gov/WebLink/DocView.aspx?id=1432&dbid=0&repo=PUBLIC-DOCUMENTS&cr=1>. (3-17-22)()

02. **Delisting a Property.** When a property is determined by a qualified industrial hygienist to meet the cleanup standard ~~set forth by the Department~~ in these rules, or the property owner submits documentation establishing ~~that~~ the property has been fully and lawfully demolished, the Department will issue the property owner a certificate of delisting. The certificate will include the date the property was listed as a ~~clandestine drug laboratory~~ CDL site and the date the property was delisted. (3-17-22)()

03. **Voluntary Compliance.** When a property owner voluntarily reports their property as a ~~clandestine drug laboratory~~ CDL, the property will be placed on the ~~Clandestine Drug Laboratory Site Property List~~ CDLSPL and will be delisted ~~when the requirements of these rules are met~~ under Subsection 120.02 of this rule. This action will afford the property owner immunity from civil actions ~~as provided in~~ under Section 6-2608, Idaho Code. (3-17-22)()

121. -- 199. (RESERVED)

200. **RESPONSIBILITIES OF THE PROPERTY OWNER.**

The owner of a listed property must meet the requirements under Section 6-2606(2), Idaho Code, and the following: (3-17-22)()

01. **Ensure the Vacancy of the Listed Property.** Ensure the property remains vacant until the property is delisted ~~in accordance with~~ under Subsection 120.02 of these rules; and (3-17-22)()

02. **Ensure ~~That~~ Cleanup Standards Are Met.** (3-17-22)()

a. Ensure ~~that the~~ property ~~is cleaned up to~~ meets the ~~cleanup~~ standards in Section 500 of these rules and have the analytical results certified by a qualified industrial hygienist; or (3-17-22)()

b. Ensure ~~that~~ the property is demolished, in lieu of clean up, ~~as provided for in~~ under Section 6-2606, Idaho Code. Demolition and removal of materials must ~~be conducted in compliance~~ comply with applicable local, state, and federal laws and regulations; and (3-17-22)()

03. **Provide ~~the~~ Department With a Written Report Under Section 600 of these Rules.** ~~Provide the Department with a written report in accordance with Section 600 of these rules.~~ (3-17-22)()

201. **RESPONSIBILITIES OF THE QUALIFIED INDUSTRIAL HYGIENIST.**

01. **Conduct Sampling by Qualified Industrial Hygienist.** A qualified industrial hygienist must conduct sampling ~~in accordance with~~ under Section 400 of these rules and meet ~~the~~ reporting requirements under Section 600 of these rules. (3-17-22)()

02. **Independent Qualified Industrial Hygienist.** To prevent any real or potential conflicts of interest, qualified industrial hygienists conducting ~~the~~ sampling must be independent of the company or entity conducting the cleanup or analysis, or both. (3-17-22)()

~~202. DEPARTMENT LIST OF QUALIFIED INDUSTRIAL HYGIENISTS.~~

~~The Department will maintain a list of qualified industrial hygienists on their website is <https://healthandwelfare.idaho.gov/health-wellness/environmental-health/ clandestine-labs>.~~ (3-17-22)

~~203~~2. -- 299. (RESERVED)

300. **CLEANUP PROCESS.**

01. **Cleanup Options for the Property Owner.** The property owner may choose to hire a cleanup contractor or conduct the cleanup ~~him~~ them ~~self~~ in accordance with under all applicable local, state, and federal laws and regulations. Cleanup must be conducted to reduce the concentration of methamphetamine to ~~the~~ standards ~~specified in~~ listed under Section 500 of these rules. (3-17-22)()

02. Removal of Porous Materials from Property. Porous materials must be removed from the property unless a qualified industrial hygienist certifies ~~that~~ the porous materials may remain ~~on the property~~. An adequate coating or sealant can be applied to a porous surface as an acceptable cleanup method, if it meets the requirements under Subsection 500.02 of these rules. (3-17-22)()

301. DISPOSAL OF CLEANUP WASTE.

Waste disposal must ~~be conducted in compliance~~ comply with applicable local, state, and federal laws and regulations. (3-17-22)()

302. -- 399. (RESERVED)

400. CLEARANCE SAMPLING REQUIREMENTS.

01. Qualified Industrial Hygienist Required. Sampling must be conducted by a qualified industrial hygienist to verify that cleanup standards have been met. ()

02. General Sampling Procedures. All Ssample collection must be conducted ~~according to~~ with the following ~~minimum~~ requirements: (3-17-22)()

a. All sSample locations ~~must be~~ are photographed, and ~~the photographs show the floor plan of the property, all of which are~~ included in the final report required under Section 600 of these rules. (3-17-22)()

b. ~~All sample locations must be shown on a floor plan of the property, and the floor plan included in the final report required under Section 600 of these rules.~~ (3-17-22)

eb. All sSamples ~~must be~~ are obtained, preserved, and handled ~~in accordance with~~ under professional standards for the types of samples and analytical testing to be conducted under the chain of custody protocol. (3-17-22)()

dc. Samples ~~must be~~ are analyzed by a laboratory certified by the U.S. Environmental Protection Agency or accredited by the American Industrial Hygiene Association laboratory accreditation program for the analyte being analyzed. (3-17-22)()

ed. All sSampling locations ~~must be~~ are numerically identified and the numbered sampling locations delineated on the floor plan, visible in photographs, and linked to samples. (3-17-22)()

fe. Standard three inch by three (3x3) inch gauze ~~must be~~ are used for all sampling. The gauze must be wetted with analytical grade methanol or isopropanol, and ~~Each surface being~~ sampled ~~must be~~ wiped at least five (5) times in two (2) perpendicular directions and the gauze turned onto itself throughout the wiping process. (3-17-22)()

gf. After sampling, the sample ~~must be~~ is placed in a new, clean sample container and sealed with a Teflon-lined lid. The sample container must be ~~properly~~ labeled with ~~at least~~ the site or project identification number, date, time, and ~~actual~~ sample location. ~~The sample container must, and~~ be handled ~~according to~~ by professional standards and conducted under the chain of custody protocol. (3-17-22)()

hg. Discrete sampling ~~must be~~ is used in areas expected to have the highest levels of contamination, as identified on the Department approved form. A ten (10) centimeter by ten (10) centimeter area (one hundred square centimeters (100 cm²), or approximately sixteen (16) square inches) must be sampled from non-porous surfaces such as floors, walls, appliances, sinks, or countertops in each room. The sample area must be composed of no fewer than three (3) discrete samples. (3-17-22)()

ih. All other rooms of the property with lowest levels of contamination ~~must be~~ are sampled using one (1) discrete sample per room. (3-17-22)()

ji. A ten (10) centimeter by ten (10) centimeter area (one hundred square centimeters (100 cm²), or approximately sixteen (16) square inches) ~~must be~~ is sampled from the ventilation system in a location to be

determined by the qualified industrial hygienist.

(3-17-22)()

401. -- 499. (RESERVED)

500. CLEANUP STANDARDS.

01. Cleanup Standard for Methamphetamine. A level of methamphetamine that does not exceed a concentration of point one (0.1) micrograms per one hundred (100) square centimeters (0.1 $\mu\text{g}/100\text{ cm}^2$) as demonstrated by clearance sampling conducted by a qualified industrial hygienist. ()

02. Cleanup Standard for a Porous Surface. If a porous surface has a level of methamphetamine that does not exceed a concentration of point five (0.5) micrograms per one hundred (100) square centimeters (0.5 $\mu\text{g}/100\text{ cm}^2$) as demonstrated by clearance sampling conducted by a qualified industrial hygienist, an adequate coating or sealant appropriate to the material can be used as a method to meet the cleanup standard under Subsection 500.01 of this rule. ()

03. Other Cleanup Standards. Standards may be established for the cleanup of other controlled substances found in clandestine drug laboratories on an ~~ease-by-ease~~ individual basis, based on an inventory of chemicals found, and after consultation with the Department, the property owner, law enforcement, and a qualified industrial hygienist. (3-17-22)()

501. -- 599. (RESERVED)

600. REPORTING REQUIREMENTS.

~~In order for~~ For the property to be delisted, the property owner must provide the Department with an original or certified copy of the final report that includes the following from ~~the~~ a qualified industrial hygienist. ~~The final report must include at least the following information:~~ (3-17-22)()

01. Property Description. The property description including physical street address (apartment or motel number, ~~if applicable~~), city, zip code, legal description, ownership, and number and type of structures present. (3-17-22)()

02. Documentation of Clearance Sampling Procedures. Documentation of sampling procedures ~~in accordance with the~~ as requirements ~~d~~ under Section 400 of these rules. (3-17-22)()

03. Laboratory Results. Analytical results from a laboratory as specified in Section 400 of these rules. ()

04. Qualifications of the Qualified Industrial Hygienist. Qualified industrial hygienist statement of qualifications, including professional certification or documentation. ()

05. Signed Certification Statement. A signed certification statement ~~as~~ stating: "I certify that the cleanup standard established by the Idaho Department of Health and Welfare has been met as evidenced by testing I conducted." (3-17-22)()

06. Demolition Documentation. If the property owner chooses to demolish the property, documentation must be provided to the Department showing ~~that~~ the structure was completely and lawfully demolished and disposed of ~~in compliance~~ complying with local, state, and federal laws and regulations. (3-17-22)()

601. -- 999. (RESERVED)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.06.02 – FOSTER CARE LICENSING

DOCKET NO. 16-0602-2301 (ZBR CHAPTER REWRITE)

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 39-1211, 39-1213, 56-1003, 56-1004A, and 56-1005(8), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearings concerning this rulemaking will be held as follows:

VIRTUAL TELECONFERENCES Via WebEx
<p>Wednesday, August 17, 2023 10:00 a.m. - 12:00 p.m. (MT)</p>
<p>Join from the meeting link https://idhw.webex.com/idhw/j.php?MTID=mf977f9364a62f4a2684571b6ae176e0d</p> <p>Join by meeting number Meeting number (access code): 2764 489 3359 Meeting password: jEhhamvs252 (53442687 from phones and video systems)</p> <p>Join by phone +1-415-527-5035 United States Toll +1-303-498-7536 United States Toll (Denver)</p>
<p>Wednesday, August 17, 2023 4:00 p.m. - 6:00 p.m. (MT)</p>
<p>Join from the meeting link https://idhw.webex.com/idhw/j.php?MTID=m9dd9bc1b157bc221553cc72c6ed5c4</p> <p>Join by meeting number Meeting number (access code): 2764 491 3545 Meeting password: XVjt3DKMS37 (98583356 from phones and video systems)</p> <p>Join by phone +1-415-527-5035 United States Toll +1-303-498-7536 United States Toll (Denver)</p>

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. Meeting(s) will conclude after 30 minutes if no participants sign in or wish to comment in the meeting.

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

The 2023 Legislature requested that IDAPA chapter 16.06.02, “Child Care and Foster Care Licensing,” be separated by content for Child Care Licensing and Foster Care Licensing. IDAPA chapter 16.06.02 will now contain content for “Foster Care Licensing” and IDAPA 16.06.03 will contain content for “Child Care Licensing.” The update to this chapter will reflect the removal of the child care licensing rules.

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

This chapter does not have any fees.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the 2023 Legislature requested that this existing chapter of 16.06.02, “Child Care and Foster Care Licensing,” be split into two (2) different chapters. The administrative rulemaking deadlines did not allow for negotiated rulemaking meetings to take place and due to the legislative request the Department is going forward with the separation and will offer public hearings for all the stakeholders.

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

The only remaining Incorporations By Reference will be for Crib Safety (Full Size Cribs and Non-Full Size Cribs) in Section 004 of these rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kaela Whitehead: 208-789-4789 and Andie Blackwood: 208-334-5960 (FACS); Aubrie Hunt: 208-334-5686 (SR).

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 August 23, 2023.

DATED this 6th day of July, 2023.

Trinette Middlebrook and Frank Powell
DHW – Administrative Rules Unit
450 W. State Street – 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500
fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0602-2301
(ZBR Chapter Rewrite)

16.06.02 – ~~CHILD CARE AND~~ FOSTER CARE LICENSING

000. LEGAL AUTHORITY.

~~Under Sections 39-1107, 39-1111, 39-1207, 39-1211, 39-1213, 56-1003, 56-1004A, and 56-1005(8), and 56-1007, Idaho Code, the Idaho Legislature authorizes the Department and the Board to adopt and enforce rules for licensing daycare centers, group daycare facilities, family daycare homes, and foster homes.~~ (3-28-23)()

~~001. SCOPE AND POLICY.~~

~~01. Scope. These rules establish requirements for licensing, maintaining, and operating the following facilities:~~ (3-28-23)

~~a. Daycare centers;~~ (3-28-23)

~~b. Group daycare facilities;~~ (3-28-23)

~~c. Family daycare homes (voluntarily); and~~ (3-28-23)

~~d. Foster homes.~~ (3-28-23)

~~02. Policy. It is the Department's policy to assure that children receive adequate substitute parental care in the absence or temporary or permanent inability of parents to provide care and protection for their children, or the parents are seeking alternative twenty-four (24) hour long-term care for their children. This policy is because children are vulnerable and not capable of protecting themselves. When parents have relinquished their children's care to others, there arises the possibility of risks to those children's lives, health, and safety. This requires the Department oversight of licensing and registration found in these rules.~~ (3-28-23)

002. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference in this chapter of these rules. (3-28-23)()

~~01. Occupational Safety Health Act (OSHA). A copy of OSHA may be obtained at the Idaho Industrial Commission, 317 Main Street., P.O. Box 83720, Boise, Idaho, 83720-0041.~~ (3-28-23)

~~021. Crib Safety - Full-Size Baby Cribs. Consumer Product Safety Commission, Compliance information for full size Cribs Safety Tips can be found on the Internet at <https://www.cpsc.gov/Regulations-Laws-Standards/Rulemaking/Final-and-Proposed-Rules/Full-Size-Cribs> at <https://www.cpsc.gov/Business--Manufacturing/Business-Education/FAQ?p=3019&tid%5b3028%5d=3028>.~~ (3-28-23)()

~~02. Crib Safety - Non-Full-Size Baby Cribs. Consumer Product Safety Commission, Compliance information for non-full size cribs can be found at <https://www.cpsc.gov/Business--Manufacturing/Business-Education/FAQ?p=3019&tid%5b3029%5d=3029>.~~ ()

003. -- 008. (RESERVED)

009. ~~CRIMINAL HISTORY AND~~ BACKGROUND CHECK REQUIREMENTS.

~~01. Compliance with Department Background Check~~ Compliance. Background checks are required for individuals ~~who are~~ licensed under these rules. ~~Individuals who are required to have background checks~~ and must comply with IDAPA 16.05.06, "Criminal History and Background Checks," except for those individuals described in Subsection 009.04 of this rule. (3-28-23)()

02. When License is Granted. The applicant(s) and any other adult(s) living in a foster home must have a completed background check under IDAPA 16.05.06, "Criminal History and Background Checks," including clearance, prior to licensure. (3-28-23)()

03. Individuals Those Subject to Background Check Requirements. The following individuals must receive ~~background check~~ Department clearance prior to licensure: (3-28-23)()

a. Adoptive Parents. ~~The background check requirements are found in IDAPA 16.04.18, "Children's Agencies and Residential Licensing," Section 009.~~ (3-28-23)()

b. Daycare Center, Group Daycare Facility, and Family Day Care Home. ~~The background check requirements are found in Section 309 of these rules and in Sections 39-1105, 39-1113, and 39-1114, Idaho Code.~~ (3-28-23)

eb. Licensed Foster Care Home Parents. ~~The background check r~~Requirements are ~~found in under~~ Section ~~403202~~ of these rules ~~and in Section 39-1211(4), Idaho Code;~~ and (3-28-23)()

c. Adults residing in a licensed foster home. ()

04. Exceptions to Background Checks ~~for Certain Youths.~~ Background checks are optional for certain youth ~~placed in licensed foster homes and licensed residential care facilities such as youth~~ in foster care who reach the age of eighteen (18) but are less than twenty-one (21) years ~~old of~~ age and continue to reside in the same licensed foster home. (3-28-23)()

05. Background Check at Any Time. ~~The Department can require a background check at any time on any individual who-~~ (3-28-23)

a. ~~Is a resident or an adult living in a licensed foster home; or~~ (3-28-23)

b. ~~Is an owner, operator, daycare center staff, group daycare facility, family daycare home, and all other individuals who are thirteen (13) years old or older who have unsupervised direct contact with children or who are regularly on the premises.~~ (3-28-23)

010. DEFINITIONS A THROUGH M.

01. Attendance. ~~Under Title 39, Chapter 11, Idaho Code, and Sections 300 through 399 of these rules, the number of children present at a daycare facility at any given time-~~ (3-28-23)

02. Board. The Idaho ~~State~~ Board of Health and Welfare. (3-28-23)()

03. Caregiver. A foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed. ()

04. Chief Administrator. The duly authorized representative or designee of an organization responsible for day-to-day operations, management, and compliance with these rules and Title 39, Chapter 12, Idaho Code. ()

05. Child. ()

a. Under Title 39, Chapter 12, Idaho Code, and ~~Sections 400 through 999 of~~ these rules, "child" means an individual less than eighteen (18) years old, ~~synonymous with juvenile or minor.~~ (3-28-23)()

b. Includes individuals age eighteen (18) to twenty-one (21) who are ordered into or voluntarily entered Extended Foster Care through ~~Child and Family Services~~ the Department. (3-28-23)()

e. ~~Under Title 39, Chapter 11, Idaho Code, and Sections 300 through 399 of these rules, "child"~~

~~means an individual less than thirteen (13) years old.~~ (3-28-23)

~~06. Child Care. The care, control, supervision, or maintenance of children for twenty-four (24) hours a day which is provided as an alternative to parental care.~~ (3-28-23)

~~07. Child Staff Ratio. The maximum number of children allowed under the care and supervision of one (1) staff person.~~ (3-28-23)

~~085. Children's Agency. The Department and a person who operates a business for the placement of children in foster homes, or for adoption in a permanent home and who does not provide child care as part of that business. A children's agency does not include a licensed attorney or physician assisting or providing natural and adoptive parents with legal services or medical services necessary to initiate and complete adoptive placements. A business for the placement of children in foster homes or for adoption and who does not provide child care as part of that business. A children's agency includes those providing home studies, post-placement supervision, post-finalization services, and other domestic and international adoptive services under Title 39, Chapter 1202(4), Idaho Code. A children's agency does not include an Idaho certified adoption specialist. (3-28-23)()~~

~~09. Continued Care.~~

~~a. The ongoing placement of an individual in a foster home or transitional living placement who reaches the age of eighteen (18) years but is less than twenty-one (21) years old.~~ (3-28-23)

~~b. Includes Extended Foster Care for children placed through Child and Family Services.~~ (3-28-23)

~~10. Daycare. The care and supervision provided for compensation during part of a twenty-four (24) hour day, for a child or children not related by blood, marriage, adoption, or legal guardianship to the person(s) providing the care, in a place other than the child's or children's own home.~~ (3-28-23)

~~11. Daycare Center. A place or facility providing daycare for compensation for thirteen (13) or more children.~~ (3-28-23)

~~1206. Department. The Idaho Department of Health and Welfare and/or its authorized representatives.~~ (3-28-23)()

~~13. Direct Care Staff. An employee who has direct personal interaction with children in the provision of child care and is included as staff in meeting the child staff ratio requirements.~~ (3-28-23)

~~14. Family Daycare Home. A home, place, or facility providing daycare for six (6) or fewer children.~~ (3-28-23)

~~1507. Foster Care. The twenty-four (24) hour substitute parental care for children placed away from their parents or guardians by persons who may or may not be related to the child and for whom the state agency has placement and care responsibility.~~ ()

~~1608. Foster Home. The private home of an individual or family licensed or approved as meeting the standards for foster care and providing twenty-four (24) hour substitute parental care to six (6) or fewer children.~~ ()

~~1709. Foster Parent. A person(s) residing in a private home under their direct control to whom a foster care license has been issued.~~ ()

~~18. Group Daycare Facility. A home, place, or facility providing daycare for seven (7) to twelve (12) children.~~ (3-28-23)

~~190. Medical Professionals. Persons who have received a degree in nursing or medicine and are licensed as a registered nurse, nurse practitioner, physician's assistant, or medical doctor.~~ ()

~~2011.~~ **Household Member.** Any person, other than a foster child, who resides in, or on the property of, a foster home. ()

011. DEFINITIONS N THROUGH Z.

01. Noncompliance. Violation of, or inability to meet, the requirements of these rules or terms of licensure. ()

~~02. Operator.~~ An individual who operates or maintains a daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department. (3-28-23)

~~03. Person.~~ Any individual, group of individuals, associations, partnerships, or corporations. (3-28-23)

~~04. Placement.~~ The activities and arrangements related to finding a suitable licensed home or facility in which a child will reside for purposes of care, treatment, adoption, or other services. (3-28-23)

~~052. Plan of Correction.~~ The detailed procedures and activities developed between the Department and caregiver required to bring a daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, or foster family into conformity with these rules. (3-28-23)()

~~06. Regularly on the Premises.~~ For Sections 009 and 309 of these rules, “regularly on the premises” means twelve (12) hours or more in any one (1) month, or daily during any hours of operation. (3-28-23)

~~073. Relative.~~ Under Section 39-1202, Idaho Code, “relative” means a child’s grandparent, great grandparent, aunt, great aunt, uncle, great uncle, brother-in-law, sister-in-law, first cousin, sibling, and half-sibling. ()

~~084. Restraint.~~ Physical interventions to control the range and motion of a child. ()

~~095. Second Degree of Relationship.~~ Refers to persons related by blood or marriage and includes their spouses. The number of degrees between two (2) relatives is calculated by summing the number of ties between each relative and the common ancestor. ()

~~10. Social Worker.~~ An individual licensed under Title 54, Chapter 32, Idaho Code, and IDAPA 24.14.01, “Rules of the State Board of Social Work Examiners.” (3-28-23)

~~11. Staff.~~ Under Title 39, Chapter 11, Idaho Code, and Sections 300 through 399 of these rules, “staff” means a person who is sixteen (16) years old or older and employed by a daycare owner or operator to provide care and supervision at a daycare facility. (3-28-23)

~~1206. Supervision.~~ Under Title 39, Chapter 11, Idaho Code, and Sections 300 through 399 of these rules, “supervision” is defined as **being** within sight and normal hearing range of the child or children being cared for. (3-28-23)()

~~13. Time Out.~~ Separation of a child from group activity as a means of behavior management. (3-28-23)

~~1407. Training.~~ The preparation, instruction, and education related to child care that increases the knowledge, skill, and abilities of a foster parent or children’s agency or volunteers. ()

~~1508. Variance.~~ A temporary non-application of a foster care licensing rule that is resolved within six (6) months of approval. ()

~~1609. Waiver.~~ The permanent non-application of a foster care licensing rule for relatives, if in the Department’s judgment, the health and safety of the child is not compromised. ()

012. -- 099. (RESERVED)

LICENSING
(Sections 100-299)

100. LICENSING.

The purpose of licensing is to set requirements and to monitor compliance. Persons applying for licensure need to be physically and emotionally suited to protect the health, safety, and well-being of the children in their care. Physical surroundings must present no hazards to the children in care. (3-28-23)

~~01. Responsibilities of the Foster Parent or Operator.~~ A foster parent or operator must conform to the terms of the license. (3-28-23)

~~02. Responsible for Knowledge of Standards.~~ The foster parent or operator is responsible for knowing the rules applying to and covered by the type of foster home, daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department, covered by the care license, and for always conforming to them. (3-28-23)()

~~03. Responsible for Agency Staff Knowledge.~~ The operator of a child care facility or agency is responsible for ensuring that all staff members are familiar with these rules. (3-28-23)

~~04. Return of License.~~ The foster parent or operator must immediately return their license to the Department under any of the following circumstances: (3-28-23)()

- a. Changes of management or a Address changes; (3-28-23)()
- b. Upon suspension or revocation of the license by the Department; or ()
- c. Upon voluntary discontinuation of service. ()

~~05. Exceptions and Exemptions to Daycare Licensing.~~ Under Section 39-1103, Idaho Code, the licensing requirements in these rules do not apply to: (3-28-23)

~~a. Daycare facilities regulated, licensed, or certified by a city or county with local options under Section 39-1108, Idaho Code;~~ (3-28-23)

~~b. The occasional or irregular care of a neighbor's, relative's or friend's child or children by a person not ordinarily in the business of providing daycare;~~ (3-28-23)

~~c. The operation of a private school or religious school for educational purposes for children over four (4) years old, or a religious kindergarten;~~ (3-28-23)

~~d. The provision of occasional care exclusively for children of parents who are simultaneously in the same building;~~ (3-28-23)

~~e. The operation of day camps, programs, and religious schools for less than twelve (12) weeks during a calendar year or not more often than once a week; or~~ (3-28-23)

~~f. The provision of care for children of a family within the second degree of relationship under Section 011 of these rules.~~ (3-28-23)

~~06. Exceptions and Exemptions to Daycare and Foster Home Licensing.~~ Under Sections 39-1213(b) and 39-1211, Idaho Code, the licensing requirements in these rules do not apply to: (3-28-23)

~~a. Foster homes approved by a licensed children's agency provided the standards for approval by such agency are no less restrictive than the rules established by the Board and that such agency is maintained, operated, and conforms with these rules; or~~ (3-28-23)

~~b.~~ The occasional or irregular care of a neighbor's, relative's, friend's child, or children by a person not ordinarily engaged in child care. (3-28-23)

101. APPLICATIONS FOR LICENSE. (RESERVED)

~~An application for a license must be submitted to the Department. Licensing studies will follow the format of these rules and will contain a specific recommendation for terms of the license. All foster homes, daycare centers, group daycare facilities, and family daycare homes voluntarily licensed by the Department must comply with applicable city and county ordinances. (3-28-23)~~

102. DISPOSITION OF APPLICATIONS.

The Department will initiate action on each completed application within thirty (30) days after receipt that addresses each requirement for the specific type of home ~~or facility~~. Upon receipt of a completed application and study, the Department will review the materials for compliance with these rules. (3-28-23)()

01. Approval of Application. ~~A license will be issued~~ The Department will issue a license to any ~~daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, or foster home found in compliance~~ complying with these rules. The license is issued under the terms specified in the licensing study and will be mailed to the applicant. (3-28-23)()

02. Regular License. ~~A regular license will be issued~~ The Department will issue a regular license to any ~~daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, or foster home found in compliance~~ complying with these rules and will specify the terms of licensure, such as: (3-28-23)()

~~a.~~ Full time or daycare; (3-28-23)

~~ba.~~ The number of children who may receive care at any one (1) time; and ()

~~eb.~~ Age range and gender if there are conditions in the foster home making such limitations necessary; ()

~~dc.~~ The regular license for a foster home is in effect for one (1) year from the date of issuance unless suspended or revoked earlier; ()

~~e.~~ ~~A regular license for a daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department is in effect for two (2) years from the date of issuance unless suspended or revoked earlier; and~~ (3-28-23)

~~fd.~~ If the license for a foster home is for a specific child ~~only~~, the name of that child will be shown on the foster home license. (3-28-23)()

03. Waiver. A regular license may be issued to the foster home of a relative who has received a waiver of licensing rules provided: ()

a. The waiver is considered on an individual case basis; ()

b. The waiver is approved ~~only~~ for non-safety foster care rules; (3-28-23)()

c. All other licensing requirements have been met; ()

d. The approval of ~~a waiver of any foster home~~ waiver of rules requires the Department to document a description of the reasons for issuing a waiver, the rules being waived, and assurance that the waiver will not compromise the child's safety; and (3-28-23)()

e. The approved waiver must be reviewed for continued need and approved annually. ()

04. Variance. A regular license will be issued to a foster home approved for a variance of a licensing

rule provided: ()

a. The variance is considered on an individual case basis; ()

b. The variance is approved for a non-safety licensing rules; (3-28-23)()

c. The ~~approval of a~~ variance must have no adverse effect on the health, safety, and well-being of any child in care at the foster home; (3-28-23)()

d. The ~~approval of a~~ variance is documented by the Department and includes a description of the reasons for issuing a variance and assurances that the variance will not compromise any child's health, safety, and well-being; and (3-28-23)()

e. The ~~approved~~ variance must be reviewed for continued need and approval annually. (3-28-23)()

05. Provisional License. A ~~provisional license m~~May be issued to a foster home, when a licensing standard cannot be met but can be expected to be corrected within six (6) months, provided this does not affect the health, safety, and well-being of any child in care at the home. (3-28-23)()

a. A ~~provisional license w~~Will be in effect for not more than six (6) months. (3-28-23)()

b. Only one (1) provisional license will be issued to a foster home in any twelve-month period ~~of time~~ under Section 39-1216, Idaho Code. (3-28-23)()

06. Limited License. A ~~limited license for a foster home m~~May be issued for the care of a specific child in a home which may not meet the requirements for a license, provided: (3-28-23)()

a. The child is already in the home and has formed strong emotional ties with the foster parents; and ()

b. It can be shown that the child's continued placement in the home would be more conducive to their welfare than ~~would~~ removal to another home. (3-28-23)()

07. Denial of Application. If an application is denied, a signed letter will be sent directly to the applicant by registered or certified mail, advising the applicant of the denial and stating the basis for such denial. An applicant whose application has been denied may not reapply until ~~after~~ one (1) year ~~has elapsed from after~~ the date on the denial of application. (3-28-23)()

08. Failure to Complete Application Process. ()

a. Failure ~~of the applicant~~ to complete the application process within six (6) months ~~of from~~ the original date of application will result in ~~a denial of the~~ application denial. (3-28-23)()

b. An applicant whose application has been denied for being incomplete may not reapply until ~~after~~ one (1) year ~~has elapsed from after~~ the date ~~on the denial~~ of application denial. (3-28-23)()

103. RESTRICTIONS ON APPLICABILITY AND NONTRANSFER.

01. Department-Issued License. A license ~~a~~Applies only to the foster home, ~~daycare center, group daycare facility, family daycare home voluntarily licensed by the Department,~~ or the person and premises designated. Each license is issued in the ~~business name or individual's~~ name, and ~~only~~ to the ~~specified~~ address ~~identified~~ specified on the application ~~of the foster home, daycare center, group daycare facility or family daycare home voluntarily licensed by the Department.~~ A license issued in the name of a foster parent, ~~daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department~~ applies ~~only~~ to the period and services specified in the license. Any change in ~~management or~~ address renders the license null and void, and the foster parent ~~or operator~~ must immediately return the license to the Department ~~under Section 100 of these rules.~~ (3-28-23)()

02. **Nontransferable.** A license is nontransferable or assignable from one (1) individual to another; ~~from one (1) business entity or governmental unit to another,~~ or from one (1) location to another. (3-28-23)()

03. **Change in ~~Ownership, Operator, or Location.~~** When there is a change in ~~ownership, operator, or location, the foster home, daycare center, group daycare facility or family daycare home voluntarily licensed by the Department~~ must reapply for a license ~~under Section 101 of these rules. The new owner or operator must obtain a license before starting operations.~~ (3-28-23)()

104. MANDATORY VISITATIONS.

Under Section 39-1217, Idaho Code, the Department ~~must~~ will visit and be given access to the premises of each ~~licensed~~ foster home, ~~as often~~ as deemed necessary by the Department to assure compliance with these rules but at intervals not to exceed twelve (12) months. (3-28-23)()

105. REVISIT AND RELICENSE.

Revisit and relicense studies will document how the ~~daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, or~~ foster home continues to meet licensing standards. Consideration must be given to each standard, including a review of the previous study and original application to determine what changes have occurred. ~~An application for renewal of a license~~ application must be made by the ~~operator~~ foster home on the Department-furnished form ~~furnished by the Department~~ and filled out prior to the expiration date of the license ~~currently in force~~ effective. When a renewal application has been completed correctly, the existing license will, unless officially revoked, remain ~~in force~~ effective until the Department has acted on the application for renewal. (3-28-23)()

106. COMPLAINTS ~~AGAINST DAYCARE CENTERS, GROUP DAYCARE FACILITIES, FAMILY DAYCARE HOMES, AND FOSTER HOMES.~~

01. **Investigation.** The Department will investigate complaints regarding ~~daycare centers, group daycare facilities, family daycare homes voluntarily licensed by the Department, or~~ foster homes. The investigation may include further contact with the complainant, scheduled or unannounced visits to the foster home, ~~daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department,~~ collateral contacts including interviews with the victim, parents or guardian, ~~operator, staff,~~ consultants, children in care, other persons who may have knowledge of the complaint, and inspections by fire or health officials. (3-28-23)()

02. **Informed of Action.** If an initial preliminary investigation indicates that a more complete investigation must be made, the foster parents, ~~operator, daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department~~ will be informed of the investigation, and any action to be taken, including referral for civil or criminal action. (3-28-23)()

107. SUSPENSION FOR CIRCUMSTANCES BEYOND CONTROL OF FOSTER PARENT ~~OR OPERATOR.~~

When circumstances occur over which the foster parent ~~or operator~~ has no control including illness, epidemics, fire, flood, or contamination, which temporarily place the operation of the foster home, ~~child care facility, daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department~~ out of compliance with these rules, the license must be suspended until the nonconformity is remedied. (3-28-23)()

108. SUSPENSION OR REVOCATION FOR INFRACTIONS.

A license may be suspended for infractions of these rules. ~~Such suspension~~ and may lead to revocation if the foster parent ~~or operator~~ fails to satisfy the Department that the infractions have been corrected in compliance with the rules. (3-28-23)()

109. NON-RENEWAL, DENIAL, REVOCATION, OR SUSPENSION OF LICENSE.

If it is found that an applicant, ~~or~~ foster parent, ~~or operator~~ has failed or refused to comply with any of the provisions of the ~~Basic Daycare License Law, Sections 39-1101 through 39-1120, Idaho Code, or the Child Care Licensing Reform Act, Sections 39-1201 through 39-1224, Idaho Code,~~ with these rules, or with any provision of the license, the Department may deny, suspend, revoke, or not renew a license. The Department may also deny, suspend, revoke, or deny renewal of a license for any ~~daycare center, group daycare facility, family daycare home voluntarily licensed~~

by the Department, ~~child care facility or~~ foster home when any of the following occurs. (3-28-23)()

01. Criminal Conviction or Relevant Record. Any ~~one providing direct care or working onsite under these rules~~ adult residing in a foster home is denied clearance or refuses to comply with IDAPA 16.05.06, "Criminal History and Background Checks." (3-28-23)()

02. Other Misconduct. The applicant, or foster parent, ~~operator, or the person proposed as chief executive officer:~~ (3-28-23)()

a. Fails to furnish any data, statistics, records, or information requested by the Department without good cause or provides false information; ()

b. ~~Has been found guilty of or is under investigation for fraud, deceit, misrepresentation or dishonesty associated with the operation of a daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, children's residential care facility or children's agency;~~ (3-28-23)

b. Has been found guilty of, or is under investigation for, ~~the commission of~~ any felony; (3-28-23)()

c. Has failed to exercise fiscal accountability toward a client or the Department regarding payment for services; or ()

d. Has knowingly permitted, aided, or abetted the commission of any illegal act on the premises of the ~~daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, or~~ foster home. (3-28-23)()

110. (RESERVED)

111. ENFORCEMENT REMEDY OF SUMMARY SUSPENSION AND TRANSFER OF CHILDREN.

The Department may summarily suspend a foster home license, ~~daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department.~~ Children in a foster home require the program to transfer children when the Department has determined a child's health and safety are in immediate jeopardy. ~~Children in a daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department, will not be transported from the home or facility, instead the parent or legal guardian will be contacted.~~ (3-28-23)()

112. ENFORCEMENT REMEDY REVOCATION OF LICENSE AND TRANSFER OF CHILDREN.

The Department may revoke the license of a foster home, ~~daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department,~~ when the Department determines the home, facility, or operator is not in compliance with these rules. ~~Children in a daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department, will not be transported from the facility, instead the parent or legal guardian will be contacted.~~ Revocation and transfer of children may occur under the following circumstances: (3-28-23)()

01. Endangers Health or Safety. Any condition that endangers the health or safety of any child. ()

02. Not in Substantial Compliance. A foster home, ~~daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department~~ is not in substantial compliance with these rules. (3-28-23)()

03. No Progress to Meet Plan of Correction. A foster home, ~~daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department~~ has made little or no progress in correcting deficiencies within thirty (30) days from the date the Department accepted a plan of correction. (3-28-23)()

04. Repeat Violations. Repeat violations ~~of any requirement~~ of these rules or ~~provisions~~ of Title 39, Chapters 11 and 12, Idaho Code. (3-28-23)()

05. Misrepresented or Omitted Information. A foster home, ~~daycare center, group daycare facility,~~

~~or family daycare home voluntarily licensed by the Department~~ has knowingly misrepresented or omitted information on the application or other documents pertinent to obtaining a license. (3-28-23)()

06. Refusal to Allow Access. Refusal to allow Department representatives full access to the foster home, ~~daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department~~ and its grounds, facilities, and records. (3-28-23)()

07. Violation of Terms of Provisional License. A foster home, that has violated any of the terms ~~or conditions~~ of a provisional license. (3-28-23)()

113. EFFECT OF PREVIOUS REVOCATION OR DENIAL OF A LICENSE.

An organization cannot apply and the Department will not accept an application from any person, corporation, or partnership, including any owner with a ten percent (10%) or more interest, who has had a license denied or revoked, until five (5) years has elapsed from the date of denial, revocation, or conclusion of a final appeal, whichever occurred last. ()

114. -- ~~21~~199. (RESERVED)

**STANDARDS FOR DAYCARE
(Sections 300-399)**

~~300. STANDARDS FOR DAYCARE.~~

~~**01. Daycare Standards.** In addition to meeting the rules under Sections 000 through 299 of these rules, each owner, operator, or applicant seeking licensure from the Department as a daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department, must also meet the requirements under Title 39, Chapter 11, Idaho Code, and Sections 300 through 399 of these rules. (3-28-23)~~

~~**02. Minimum Age of Applicant.** An individual, applying to the Department to be licensed for a daycare center, group daycare facility, or family daycare home, must be at least eighteen (18) years old. (3-28-23)~~

~~**301. TYPES OF DAYCARE LICENSES.**~~

~~Subject to the requirements under Title 39, Chapter 11, Idaho Code, and these rules, the Department will determine the type of daycare license required by an owner or operator providing daycare by counting each child in attendance, regardless of relationship to the person(s) providing the care. The following types of daycare licenses may be issued by the Department. (3-28-23)~~

~~**01. Daycare Center License.** Is issued for a place or facility providing daycare, where thirteen (13) or more children, regardless of relationship to the person(s) providing the care, are in attendance. (3-28-23)~~

~~**02. Group Daycare Facility.** Is issued for a place or facility providing daycare, where seven (7) to twelve (12) children, regardless of relationship to the person(s) providing the care, are in attendance. (3-28-23)~~

~~**03. Family Daycare Home.** Is not required to be licensed. However, a family daycare home may voluntarily elect to be licensed by the Department. (3-28-23)~~

~~302. — 308. (RESERVED)~~

~~**309. CRIMINAL HISTORY AND BACKGROUND CHECK FOR DAYCARE STANDARDS.**~~

~~**01. Background Check for Daycare Centers and Group Daycare Facilities.** Each owner, operator, or applicant seeking licensure for a daycare center, group daycare facility, or a family daycare home must submit evidence that is satisfactory to the Department that the following individuals have successfully completed and received a clearance for a Department background check under Sections 39-1105 and 39-1113, Idaho Code: (3-28-23)~~

- ~~a. Owners, operators, and staff; (3-28-23)~~

~~b. All other individuals thirteen (13) years old or older who have unsupervised direct contact with children; or - (3-28-23)~~

~~e. All other individuals thirteen (13) years old or older who are regularly on the premises. (3-28-23)~~

~~02. **Juvenile Justice Records.** The criminal history and background check for any individual under eighteen (18) years of age, must include a check of the juvenile justice records, as authorized by the minor and their parent or guardian. Records must be checked for each jurisdiction in which the individual has resided since becoming thirteen (13) years of age through eighteen (18) years of age. Each owner, operator, or applicant is responsible for requesting a check of the juvenile justice record, paying for the costs of a check of the juvenile justice records, and submitting them to the Department for review. A check of the juvenile justice records must include the following: - (3-28-23)~~

~~a. Juvenile justice records of adjudication of the magistrate division of the district court; (3-28-23)~~

~~b. County probation services; and (3-28-23)~~

~~e. Department records. (3-28-23)~~

~~03. **Background Check for Family Daycare Homes.** Under Section 39-1114, Idaho Code, any person providing daycare for four (4) or more children in a family daycare home is required to comply with Sections 39-1105 and 39-1113, Idaho Code. (3-28-23)~~

~~04. **Background Check for Private Schools and Private Kindergartens.** Under Section 39-1105, Idaho Code, any person who owns, operates, or is employed by a private school for educational purposes for children four (4) through six (6) years old or a private kindergarten is required to comply with Sections 39-1105 and 39-1113, Idaho Code. - (3-28-23)~~

~~05. **Cost of Background Check and Juvenile Justice Records.** Each individual who requests and obtains a Department background check is responsible for the cost of the background check and check of juvenile justice records. - (3-28-23)~~

~~06. **On-going Duty to Report Convictions.** Following completion of a background check and clearance, additional criminal convictions and juvenile justice adjudications for disqualifying crimes under Section 39-1113, Idaho Code, must be self disclosed by the individual to the owner or operator of a daycare center, group daycare facility, or family daycare home. The owner or operator must report these additional convictions and adjudications to the Department within five (5) days of learning of the conviction or adjudication. (3-28-23)~~

~~310.—319. (RESERVED)~~

~~320. **DAYCARE LICENSING FEES.**~~

~~A nonrefundable licensing fee must be paid to the Department prior to the issuance or renewal of a daycare license. - (3-28-23)~~

~~01. **Daycare Licensing Fee Amounts.** The total fee for initial licensure or renewal of a daycare center, group daycare facility, or family daycare home voluntarily licensed must not exceed the following amounts: - (3-28-23)~~

~~a. Daycare center with more than twenty five (25) children in attendance at any given time—three hundred twenty five dollars (\$325). (3-28-23)~~

~~b. Daycare center with thirteen (13) to twenty five (25) children in attendance at any given time—two hundred fifty dollars (\$250). (3-28-23)~~

~~e. Group daycare facility—one hundred dollars (\$100). (3-28-23)~~

- ~~d. Family daycare home voluntary license—one hundred dollars (\$100). (3-28-23)~~
- ~~02. **Daycare Fire Inspection Fee.** Daycare fire inspection fees are payable to the local fire department or fire district official. (3-28-23)~~
- ~~**321. APPLICATION FOR DAYCARE LICENSE OR RENEWAL.**
Any individual applying for licensure as a daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department must be at least eighteen (18) years old. The applicant must apply on forms provided by the Department and provide information required by the Department under this rule. (3-28-23)~~
- ~~01. **Completed, Signed, and Dated Application by Applicant.** (3-28-23)~~
- ~~02. **Licensing Fee.** The applicant must pay the appropriate licensing fee prior to the issuance of a daycare license. - (3-28-23)~~
- ~~03. **Inspection Reports.** The following reports must be submitted to the Department with the application that prove the facility or proposed facility meets: (3-28-23)~~
 - ~~a. Building code under IDAPA 24.39.30, “Rules of Building Safety (Building Code Rules),” where required; (3-28-23)~~
 - ~~b. Electrical code under IDAPA 24.39.10, “Rules of the Idaho Electrical Board,” where required; (3-28-23)~~
 - ~~e. Fire code under Section 41-253, Idaho Code, where required; and (3-28-23)~~
 - ~~d. Local planning and zoning requirements. (3-28-23)~~
- ~~04. **Proof of Insurance.** The applicant must provide proof of current fire and liability insurance coverage for the daycare facility. (3-28-23)~~
- ~~05. **Background Clearance.** Evidence that the applicant and all individuals required to have a criminal history and background check have received a clearance from the Department required in Section 309 of these rules. - (3-28-23)~~
- ~~06. **Statement to Comply.** The applicant must provide a written statement that these rules have been thoroughly read and reviewed and the applicant is prepared to comply with all provisions. (3-28-23)~~
- ~~07. **Statement Disclosing Revocation or Disciplinary Actions.** A written statement that discloses any revocation or other disciplinary action taken or in the process of being taken against the applicant as a daycare provider in any jurisdiction, or a statement from the applicant stating they have never been involved in any such action. - (3-28-23)~~
- ~~08. **Other Information as Requested.** The applicant must provide other information that may be requested by the Department for the proper administration and enforcement of these rules. (3-28-23)~~
- ~~09. **Additional Requirements for License Renewal.** A daycare license must be renewed every two (2) years. The daycare operator must submit to the Department the renewal application, fee, and all required documentation in this rule at least forty-five (45) days prior to the expiration of the current daycare license. - (3-28-23)~~
- ~~10. **Termination of Application Process.** Failure of the applicant to cooperate with the Department in the application process may result in the termination of the application process. Failure to cooperate means that the information requested is not provided within ninety (90) days, or not provided in the form requested by the Department, or both. (3-28-23)~~
- ~~**322.—324. (RESERVED)**~~

325. ISSUANCE OF LICENSE.

~~01. Department Action.~~ The Department will order a health and safety inspection of the daycare facility once the application for licensure is complete and the licensing fee has been paid. (3-28-23)

~~02. Issuance of a Regular License.~~ If the Department determines the applicant is in compliance with these rules, the Department will, within sixty (60) days from the date the completed application is submitted, issue one (1) of the following licenses stating the type of facility, the number of children who may be in attendance, and the length of time the license is effective: (3-28-23)

~~a. Daycare Center License;~~ (3-28-23)

~~b. Group Daycare Facility License; or~~ (3-28-23)

~~c. Family Daycare Home License.~~ (3-28-23)

~~03. Denial of Licensure.~~ If the Department determines the applicant is not in compliance with these rules and further determines not to issue a daycare license the Department will, within thirty (30) days from the date the completed application is submitted, issue a letter of denial of licensure stating the basis for the denial. (3-28-23)

~~04. Incomplete Application.~~ The Department is not required to take any action on an application until the application is complete. (3-28-23)

~~05. Notification of License Renewal.~~ The Department will notify the licensed daycare operator at least ninety (90) days prior to expiration of the license. (3-28-23)

~~06. List of Licensed Daycare Facilities.~~ The Department will maintain a list of all licensed daycare facilities for public use. (3-28-23)

~~326.—329. (RESERVED)~~

330. STAFF AND OTHER RECORD REQUIREMENTS.

Each owner or operator of a daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department must maintain a current list covering the previous twelve month period of all staff and other individuals thirteen (13) years of age or older who have unsupervised direct contact with children, or are regularly on the premises. The list must specify, at a minimum, the following: (3-28-23)

~~01. Legal Name.~~ (3-28-23)

~~02. Proof of Age.~~ (3-28-23)

~~03. Phone Number.~~ (3-28-23)

~~04. Training Records.~~ (3-28-23)

~~05. Verification of Background Check Clearance.~~ (3-28-23)

~~06. Results of Juvenile Justice Records.~~ (3-28-23)

~~07. Verification of Pediatric Rescue Breathing, Infant Child CPR, and First Aid Certification from a Certified Instructor.~~ (3-28-23)

~~08. Times, Dates, and Records of Hours on the Premises Each day.~~ (3-28-23)

331. CHILD RECORD REQUIREMENTS.

Each owner or operator of a daycare center, group daycare facility, or family daycare home voluntarily licensed by

~~the Department, must maintain records for each child in attendance covering the previous twelve-month period. The record must contain the following:-~~ (3-28-23)

- ~~01. Child's Full Name. (3-28-23)~~
- ~~02. Date of Birth. (3-28-23)~~
- ~~03. Parent or Guardian's Name, Address, and Contact Information. (3-28-23)~~
- ~~04. Emergency Contact Information. (3-28-23)~~
- ~~05. Child's Health Information. (3-28-23)~~
 - ~~a. Immunization record or waiver of exemption form or statement; (3-28-23)~~
 - ~~b. Any medical conditions that could affect the care of the child; and (3-28-23)~~
 - ~~e. Medications the child is taking or may be allergic to. (3-28-23)~~
- ~~06. Times, Dates, and Record of Attendance Each Day. (3-28-23)~~

~~332.—334. (RESERVED)~~

~~335. CHILD STAFF RATIO.~~

~~Under Section 39-1109, Idaho Code, the Department determines the maximum allowable child-staff ratio based on a point system. - (3-28-23)~~

~~01. Daycare Child Staff Ratio Point System.~~

~~The maximum allowable points for each staff member is twelve (12), using the following point system which is based on the age of each child in attendance:- (3-28-23)~~

- ~~a. Under the age of twenty-four (24) months, each child equals two (2) points. (3-28-23)~~
- ~~b. From the age of twenty-four (24) months to under the age of thirty-six (36) months, each child equals one and one-half (1 1/2) points. (3-28-23)~~
- ~~e. From the age of thirty-six (36) months to under the age of five (5) years, each child equals one (1) point. - (3-28-23)~~
- ~~d. From the age of five (5) years to under the age of thirteen (13) years, each child equals one-half (1/2) point. - (3-28-23)~~

~~02. Compliance with Child Staff Ratios. Child-staff ratios must always be maintained during all hours of operation when children are in attendance and when transporting children. (3-28-23)~~

- ~~a. Each child in attendance is counted by the Department for the purposes of calculating maximum allowable points, counting the number of children in attendance, and for determining compliance with child staff ratios; - (3-28-23)~~
- ~~b. Each adult staff member who is providing direct care for a child or children is counted by the Department as one (1) staff member for the purposes of counting the number of staff on duty and determining compliance with child staff ratios; and (3-28-23)~~
- ~~e. Each staff member sixteen (16) and seventeen (17) years old under the supervision of an adult staff member, when providing direct care for a child or children, may be counted by the Department as one (1) staff member for the purposes of counting the number of staff on duty and determining compliance with child staff ratios. - (3-28-23)~~

~~03. **Supervision of Children.** The owner or operator and all staff are responsible for the direct care, protection, supervision, and guidance of children through active involvement or direct observation. In addition to meeting the child-staff ratio requirements, the owner or operator of a daycare center, group daycare facility, or family daycare home licensed by the Department must ensure that at least one (1) adult staff member is: (3-28-23)~~

~~a. Always awake and on duty on the premises during regular business hours or when children are in attendance, and - (3-28-23)~~

~~b. Currently certified in pediatric rescue breathing, infant child CPR, and first aid. (3-28-23)~~

~~04. **Napping Children.** Napping children who are not within sight of a staff member must always be within easy hearing distance. (3-28-23)~~

~~05. **Overnight Daycare.** For daycare operators providing overnight care of children, the following must apply: - (3-28-23)~~

~~a. A sleeping child must sleep on the same level as the staff member who must be able to hear the child; and - (3-28-23)~~

~~b. A staff member must be awake and on duty to release and receive a child. (3-28-23)~~

~~336. **BEHAVIOR MANAGEMENT AND DISCIPLINE.**~~

~~Methods of behavior management and discipline for children must be positive and consistent. These methods must be based on each child's needs, stage of development, and behavior. Discipline is to promote self-control, self-esteem, and independence. All of the following types of punishment of a child are prohibited: (3-28-23)~~

~~01. **Physical Force.** Any kind of punishment inflicted on the body, including spanking; (3-28-23)~~

~~02. **Cruel and Unusual Physical Exercise.** Includes forcing a child to take an uncomfortable position; (3-28-23)~~

~~03. **Use of Excessive Physical Labor.** With no benefit other than for punishment; (3-28-23)~~

~~04. **Restraint(s).** (3-28-23)~~

~~05. **Locking a Child in a Room.** Or any area of the home or facility; (3-28-23)~~

~~06. **Denying Necessities.** Includes necessary food, clothing, bedding, rest, toilet use, personal care and sanitation, or entrance to the home or facility; (3-28-23)~~

~~07. **Mental or Emotional Cruelty.** (3-28-23)~~

~~08. **Verbal Abuse.** Includes ridicule, humiliation, profanity, threats, or other forms of degradation directed at a child or a child's family. (3-28-23)~~

~~337.—339. **(RESERVED)**~~

~~340. **DAYCARE CENTER TRAINING REQUIREMENTS.**~~

~~Each owner or operator of a daycare center licensed by the Department must receive and ensure that each staff member receives and completes four (4) hours of ongoing training every twelve (12) months after the staff member's date of hire. - (3-28-23)~~

~~01. **Child Development Training.** Training must be related to continuing education in child development. - (3-28-23)~~

~~02. **Training Hours.** It is the responsibility of the owner or operator of the daycare center to ensure that~~

~~each staff member has completed four (4) hours of training each year. The training must be documented in the staff member's record. - (3-28-23)~~

~~**03. Pediatric Rescue Breathing, Infant-Child CPR, and First Aid Training.** Pediatric rescue breathing, infant child CPR, and first aid training will not count towards the required four (4) hours of annual training. - (3-28-23)~~

~~**04. Staff Training Records.** Each owner or operator of the daycare center is responsible for maintaining documentation of staff's training and may be asked to produce documentation at the time of license renewal. - (3-28-23)~~

~~**341.—344. (RESERVED)**~~

~~**345. MANDATORY REPORTING OF ABUSE, ABANDONMENT, OR NEGLECT.**~~

~~Under Section 16-1605, Idaho Code, daycare personnel, including the owners, operators, staff, and any other person who has reason to believe that a child has been abused, abandoned, or neglected, or is being subjected to conditions or circumstances which would reasonably result in abuse, abandonment, or neglect, must report or cause to be reported within twenty-four (24) hours, such conditions or circumstances to the Department or the proper law enforcement agency. - (3-28-23)~~

~~**346. VISITATION AND ACCESS.**~~

~~**01. Visitation Rights.** Parents and guardians have the absolute right to enter the daycare premises when their child is in the care of the daycare operator. Failure or refusal to allow parental or guardian entry to the daycare premises or access to their child may result in the suspension or revocation of a daycare license. - (3-28-23)~~

~~**02. Denied or Limited Visitation Rights by Court Order.** If a parent or guardian has been granted limited visitation rights or denied visitation rights by a court of competent jurisdiction, and the daycare operator has written documentation from the court, Subsection 346.01 of this rule does not confer a right to visitation upon the parent or guardian. - (3-28-23)~~

~~**03. Department Access.** The owner or operator of a daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department, must allow the Department access to the premises for reinspection at any time during the licensing period. - (3-28-23)~~

~~**347.—349. (RESERVED)**~~

~~**350. FIRE SAFETY STANDARDS.**~~

~~Each daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department, must comply with the fire safety standards in this rule. - (3-28-23)~~

~~**01. Inspections.** Inspections must be completed by the local fire official or designee. For a daycare located outside of the area of authority under Section 39-1109, Idaho Code, the Department can designate an approved inspector for daycare licensing purposes only. - (3-28-23)~~

~~**02. Unobstructed Exits.** Required exits must be located in such a way that an unobstructed path outside the building is provided to a public way or area of refuge. - (3-28-23)~~

~~**a.** Exit doors must open from the inside without the use of a key or any special knowledge or effort. - (3-28-23)~~

~~**b.** There must be at least two (2) exits located a distance apart of not less than one-half (1/2) the diagonal dimension of the building or portion used for daycare, but not to exceed seventy-five (75) feet. An exception may be made for the following: - (3-28-23)~~

~~**i.** The distance between exits may be extended to ninety (90) feet if the building is totally protected throughout with smoke detectors; or - (3-28-23)~~

~~ii. The distance between exits may be increased to one hundred ten (110) feet if the building is equipped with an automatic fire sprinkler system. (3-28-23)~~

~~e. The required dimensions of exits must not be less than thirty two (32) inches of clear exit width and not be less than six (6) feet, eight (8) inches in height. An exception for sliding patio doors will be accepted as a required second exit in a family daycare home and group daycare facilities only. (3-28-23)~~

~~d. Sleeping room exits must be provided with at least one (1) emergency egress window having at least a single net clear opening of five point seven (5.7) square feet, minimum height twenty four (24) inches, minimum width twenty (20) inches, and maximum finished sill height not over forty four (44) inches. (3-28-23)~~

~~i. Approved egress windows from sleeping areas must be operable from the inside without the use of separate tools. - (3-28-23)~~

~~ii. In lieu of egress windows, an approved exit door is acceptable. (3-28-23)~~

~~iii. An approved piece of furniture or platform, if anchored in place, may be approved to sit in front of a window if the sill height is over forty four (44) inches. (3-28-23)~~

~~e. Where children are located on a story below the level of exit discharge (basement), there must be at least two (2) exits, one (1) of which must open directly to the outside. More than one (1) exit from the basement opening directly to the outside may be required, depending on the structure of the building, to ensure the safety of the occupants. - (3-28-23)~~

~~f. Where children are located on a story above the level of exit discharge, there must be two (2) exits, one (1) of which must open directly to the outside and comply with building codes. (3-28-23)~~

~~**351. FACILITY CAPACITY AND DETERMINING OCCUPANT LOAD.**
Occupant load is determined by the local fire official or designee. (3-28-23)~~

~~**01. Area for Daycare Use Only.** The local fire official or designee will only use those areas used for daycare purposes when determining the occupant load. (3-28-23)~~

~~**02. Facilities with an Occupancy Load of Fifty or More.** Facilities with an occupancy load of fifty (50) or more occupants must meet the requirements in Section 350 of these rules in addition to this rule. (3-28-23)~~

~~**a.** Exit doors must swing in the direction of egress. (3-28-23)~~

~~**b.** Exit doors from rooms, if provided with a latch, must have panic hardware installed. (3-28-23)~~

~~**03. Exit Signs.** Exit signs must be installed at required exit doorways and wherever else necessary to clearly indicate the direction of egress. (3-28-23)~~

~~**352. FIRE EXTINGUISHERS AND SAFETY REQUIREMENTS.**
Each daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department, must comply with the fire extinguisher and safety requirements in this rule as applicable for size and type of facility. - (3-28-23)~~

~~**01. Portable Fire Extinguisher.** There must be an approved portable fire extinguisher (minimum 2A-10BC) mounted securely in a visible location not to exceed five (5) feet from the floor to the top of the extinguisher and not more than seventy five (75) feet travel distance to an extinguisher and maintained properly. (3-28-23)~~

~~**02. Kitchen Area.** An approved fire extinguisher must be present, or a hood type fire suppression system must be installed in the kitchen area. (3-28-23)~~

~~**03. Fire Extinguishers.** Approved fire extinguishers must be maintained properly. (3-28-23)~~

~~04. **Facilities Over Three Thousand Square Feet.** Each daycare facility over three thousand (3,000) square feet is required to have additional fire extinguishers as approved by the local fire official or designee.~~

~~- (3-28-23)~~

~~05. **Fire Alarm System.** Each daycare facility with over fifty (50) children, must have an approved fire alarm system installed.~~

~~(3-28-23)~~

~~06. **Smoke Detectors.** Smoke detectors must be installed and maintained in the following locations:~~

~~- (3-28-23)~~

~~a. On the ceiling, wall outside, or each separate sleeping area in the immediate vicinity of bedrooms;~~

~~- (3-28-23)~~

~~b. In each room used for sleeping purposes; and (3-28-23)~~

~~c. In each story within a facility including basements. (3-28-23)~~

~~d. If there is a basement, there must be a smoke detector installed in the basement having a stairway which opens from the basement into the facility. Such detector must be connected to a sounding device or other detector to provide an alarm which is audible in the sleeping area. (3-28-23)~~

~~07. **Automatic Sprinkler Systems.** An automatic sprinkler system must be provided in all daycare facilities greater than twenty thousand (20,000) square feet in area or when the number of children under the age of eighteen (18) months exceeds one hundred (100). (3-28-23)~~

~~353. **FIRE SAFETY AND EVACUATION PLANS.**~~

~~Each daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department, must have an approved fire safety and evacuation plan prepared that includes the following. (3-28-23)~~

~~01. **Evacuation.** Procedures and policies for accounting for staff and children after an evacuation is completed. - (3-28-23)~~

~~02. **Evacuation Plan and Assembly Point for Children and Staff.** (3-28-23)~~

~~03. **Locations of Facility Exits.** (3-28-23)~~

~~04. **Evacuation Routes.** (3-28-23)~~

~~05. **Location of Fire Alarms.** (3-28-23)~~

~~06. **Location of Fire Extinguishers.** (3-28-23)~~

~~07. **Annual Review.** Fire safety and evacuation plans must be reviewed or updated annually and available in the facility for reference and review. (3-28-23)~~

~~08. **Frequency of Fire and Emergency Evacuation Drills.** Fire and evacuation drills must be conducted on a routine schedule and all staff and children must participate. (3-28-23)~~

~~354.—359. **(RESERVED)**~~

~~360. **HEALTH STANDARDS.**~~

~~Each daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department, must comply with the following. Health inspections will be completed by a qualified inspector designated by the Department. - (3-28-23)~~

~~01. **Food Source.** Food must be from an approved source under IDAPA 16.02.19, "Idaho Food Code." (3-28-23)~~

~~Food must not be served past expiration or “use by” date. (3-28-23)~~

~~**02. Food Preparation.** Food for use in daycare facilities must be prepared and served in a sanitary manner with sanitized utensils and on surfaces that have been cleaned, rinsed, and sanitized prior to use to prevent cross-contamination. (3-28-23)~~

~~**a.** Frozen food must be thawed in the refrigerator, under cold running water, or as part of the cooking process. Food must be cooked to proper temperatures under IDAPA 16.02.19, “Idaho Food Code.” (3-28-23)~~

~~**b.** Individuals preparing food must use proper hand-washing techniques, minimize bare hand contact with food, and wear clean clothes. (3-28-23)~~

~~**03. Food Temperatures.** Potentially hazardous foods must be kept refrigerated at forty-one degrees Fahrenheit (41°F) or below, held hot at one hundred thirty five degrees Fahrenheit (135°F) or more, and reheated or cooled at safe temperatures under IDAPA 16.02.19, “Idaho Food Code.” Refrigerators must be equipped with an accurate thermometer. (3-28-23)~~

~~**04. Food Storage.** All food that is served in daycare facilities must be stored in such a manner that protects it from potential contamination. There must be no evidence of pests present in the daycare facility. (3-28-23)~~

~~**05. Food Contact Surfaces.** Food contact surfaces must be kept clean and sanitized, including counters, serving tables, high chair trays, and cutting boards. (3-28-23)~~

~~**06. Dishwashing Sanitizing.** Dishes, glasses, utensils, silverware, and all other objects used for food preparation and eating must be sanitized using appropriate sanitizing procedures. (3-28-23)~~

~~**07. Utensil Storage.** Clean utensils must be stored on clean shelves or drawers and not subject to recontamination, and sharp knives and other sharp objects be kept out of reach of children. (3-28-23)~~

~~**08. Garbage.** Garbage must be kept covered or inaccessible to children. (3-28-23)~~

~~**09. Hand Washing.** Children and facility staff must be provided with individual or disposable towels for hand drying, and the hand washing area be equipped with soap and warm and cold running water. (3-28-23)~~

~~**10. Diaper Changing.** Diaper changing must be conducted in such a manner as to prevent the spread of communicable diseases, be separate from food preparation and serving areas, and have easy access to a hand-washing sink. (3-28-23)~~

~~**11. Sleeping Areas.** Children sleeping at the facility must have separate cots, mats, or beds and blankets. (3-28-23)~~

~~**12. Restrooms, Water Supply, and Sewage.** All daycare facilities must have restrooms. (3-28-23)~~

~~**a.** Each facility must have at least one (1) flushable toilet and at least one (1) hand washing sink with warm and cold water per restroom. (3-28-23)~~

~~**b.** Plumbing and bathroom fixtures must be in good condition. (3-28-23)~~

~~**e.** All daycare facilities and homes must comply with IDAPA 24.39.30, “Rules of Building Safety (Building Code Rules).” (3-28-23)~~

~~**13. Water Supply.** The facility's water supply must meet one (1) of the following requirements: (3-28-23)~~

~~**a.** Be from a public water system that is maintained under IDAPA 58.01.08, “Idaho Rules for Public Drinking Water Systems,” at the time of initial or renewal application; or (3-28-23)~~

~~b. Be from a private source, such as well or spring, be tested annually for bacteria and nitrate, and be approved by the Department. (3-28-23)~~

~~e. Water used for consumption at a daycare facility is from an acceptable source. Temporary use of bottled water or boiled water may be allowed for a period specified by the Department. (3-28-23)~~

~~14. **Sewage Disposal.** Facility sewage must be disposed of through a public system, or in the absence of a public system, in a manner approved by the local health authority under IDAPA 58.01.03 "Individual/Subsurface Sewage Disposal Rules." (3-28-23)~~

~~15. **Use of Alcohol and Illegal Drugs.** Alcohol and illegal drugs must not be used by operators, children, staff, volunteers, visitors at daycare facilities, in the presence of children during hours of operation, or in vehicles while transporting children. (3-28-23)~~

~~a. Any individual under the influence of alcohol or drugs is not be permitted at or in the daycare facility. (3-28-23)~~

~~b. Illegal drugs are prohibited by law and therefore are not allowed on the premises of a licensed daycare facility at any time. (3-28-23)~~

~~16. **Smoke Free Environment.** Children must be afforded a smoke free environment during all daycare hours, whether indoors or outdoors. While children are in care, the operator and all staff must ensure that no smoking or other tobacco use occurs within the facility, in outdoor areas, or in vehicles when children are present. (3-28-23)~~

~~17. **Medication.** No person can administer any medication to a child without it first being authorized by a parent or caretaker. All medications, refrigerated or unrefrigerated, must be in a locked box or otherwise inaccessible to children. (3-28-23)~~

~~18. **Adequate Heat, Light, and Ventilation.** A daycare facility must have adequate heat, light, and ventilation. Windows and doors must be screened if used for ventilation. (3-28-23)~~

~~19. **Immunizations.** Daycare operators must comply with requirements under IDAPA 16.02.11, "Immunization Requirements for Licensed Day care Facility Attendees." (3-28-23)~~

~~361. **MISCELLANEOUS SAFETY REQUIREMENTS.**~~

~~Each daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department must comply with the following. (3-28-23)~~

~~01. **Telephone.** An operable telephone or cell phone must always be available in the facility with the following conditions: (3-28-23)~~

~~a. The telephone number used must be made available to parents and guardians. (3-28-23)~~

~~b. Emergency phone numbers to include 911, an adult emergency substitute operator, and the address and phone number of the facility must be posted by the telephone or in a location that is easily and always visible. (3-28-23)~~

~~02. **Heat Producing Equipment.** A furnace, fireplace, wood burning stove, water heater, and other flame or heat producing equipment must be installed and maintained as recommended by the manufacturer and protected on all surfaces by screens or other means. (3-28-23)~~

~~03. **Portable Heating Devices.** Portable heating devices must be limited and approved for use and location by the Fire Inspector prior to use within a facility. (3-28-23)~~

~~04. **Storage of Weapons, Firearms, and Ammunition.** Firearms or other weapons stored at a daycare~~

~~facility must be kept in a locked cabinet, gun safe, or other container that is inaccessible to children, while children are in attendance. Keys to these containers must also be inaccessible to children.~~ (3-28-23)

- ~~a. Ammunition must be stored in a locked container separate from firearms.~~ (3-28-23)
- ~~b. Matches, lighters, and any other means of starting fires must be kept away from and out of the reach of children.~~ (3-28-23)
- ~~c. Other weapons that could cause harm must be stored out of reach of children.~~ (3-28-23)

~~**05. Animals and Pets.** Any pet or animal present at the facility, indoors or outdoors, must be in good health, show no evidence of carrying disease, and be a friendly companion of the children. The operator must maintain the animal's vaccinations and vaccination records which will be made available to the Department upon request.~~ (3-28-23)

~~**06. Storage of Hazardous Materials.** Cleaning materials, flammable liquids, detergents, aerosol cans, pesticides, and other poisonous and toxic materials must be kept in their original containers and in a place inaccessible to children. They must be used in such a way that will not contaminate play surfaces, food, food preparation areas, or constitute a hazard to the children.~~ (3-28-23)

~~**362.—364. (RESERVED)**~~

~~**365. BUILDINGS, GROUNDS, FURNISHINGS, AND EQUIPMENT.**~~

~~Each daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department must comply with the following:~~ (3-28-23)

~~**01. Appliances and Electrical Cords.** All appliances, lamp cords, exposed light sockets, and electrical outlets will be protected to prevent electrocution.~~ (3-28-23)

~~**02. Balconies and Stairways.** Balconies and stairways accessible to children will have substantial railings as required by IDAPA 24.39.30, "Rules of Building Safety (Building Code Rules)."~~ (3-28-23)

~~**03. Stairway Protection.** Where an operator cares for children less than three (3) years old, stairways will be protected to prevent child access to stairs.~~ (3-28-23)

~~**04. Hazardous Area Restrictions.** Based on the age and functioning level of children in care and the type of hazard and the area surrounding the hazard will be restricted to prevent easy access to the hazard.~~ (3-28-23)

~~**05. Fueled Equipment.** Fueled equipment including motorcycles, mopeds, lawn care equipment, and portable cooking equipment will not be stored or repaired in areas where children are present.~~ (3-28-23)

~~**06. Water Hazards.** Above and below ground pools, hot tubs, ponds, and other bodies of water that are on the daycare facility premises must provide the following safeguards:~~ (3-28-23)

~~a. The area surrounding the body of water must be fenced and locked in a manner that prevents access by children and meets the following:~~ (3-28-23)

~~i. The fence will be at least four (4) feet high with no vertical opening more than four (4) inches wide and designed so that a young child cannot climb or squeeze under or through the fence. The fence will surround all sides of the pool and have a self closing gate that has a self latching mechanism in proper working order that is out of the reach of young children.~~ (3-28-23)

~~ii. If the house forms one (1) side of the barrier for the pool, all doors that provide unrestricted access to the pool will have alarms that produce an audible sound when the door is opened.~~ (3-28-23)

~~b. Furniture or other large objects will not be left near the fence in a manner that would enable a child to climb on the furniture or other large object and gain access to the pool. If the area surrounding a pool, hot tub,~~

~~pond, or other body of water is not fenced and locked, there will be a secured protective covering that prevents access by a child. - (3-28-23)~~

~~**e.** Wading pools and buckets will be empty when not in use. (3-28-23)~~

~~**d.** Children will be under direct supervision of an adult staff member who is certified in pediatric rescue breathing, infant-child CPR, and first aid while using a bathtub, pool, hot tub, pond, or other body of water. - (3-28-23)~~

~~**e.** A minimum of a four (4) foot high fence that prevents access from the daycare facility premises, if the daycare premises are adjacent to a body of water. (3-28-23)~~

~~**07. Indoor Play Areas and Toys.** The indoor play areas will be clean, have age appropriate toys, and be free from accumulation of dirt, rubbish, or other health hazards. (3-28-23)~~

~~**08. Outdoor Play Areas and Toys.** Any outdoor play area must be maintained free from hazards such as wells, machinery, and animal waste. (3-28-23)~~

~~**a.** If any part of the play area is adjacent to a busy roadway, drainage or irrigation ditch, stream, large holes, or other hazardous areas, the play area will be enclosed with a fence in good repair that is at least four (4) feet high without any holes or spaces greater than four (4) inches in diameter. (3-28-23)~~

~~**b.** Outdoor equipment, such as climbing apparatus, slides, and swings will be anchored firmly and placed in a safe location and according to the manufacturer's instructions. (3-28-23)~~

~~**e.** Outdoor play areas will be designed so that all parts always visible and are easily supervised by a staff member. - (3-28-23)~~

~~**d.** Toys, play equipment, and any other equipment used by the children will be of substantial construction and free from rough edges and sharp corners. Unguarded ladders on slides will be kept in good repair and well maintained. (3-28-23)~~

~~**e.** Toys and objects with a diameter of less than one (1) inch (two point five (2.5) centimeters), objects with removable parts that have a diameter of less than one (1) inch (two point five (2.5) centimeters), plastic bags, styrofoam objects, and balloons will not be accessible to children ages three (3) and under or children who are known to place such objects in their mouths. (3-28-23)~~

~~**366.—389. (RESERVED)**~~

~~**390. CONTINUED COMPLIANCE, REPORTING CHANGES, AND CRITICAL INCIDENTS.**~~

~~Each daycare owner or operator must always remain in compliance with fire, safety, and health requirements under these rules. - (3-28-23)~~

~~**01. Posting of License and Other Information.** (3-28-23)~~

~~**a.** A daycare license issued by the Department to operators must be posted in plain view where it can be seen by parents and the public upon entering the facility. (3-28-23)~~

~~**b.** A daycare must post the Department's contact information and the statewide number to file daycare complaints. - (3-28-23)~~

~~**02. Reporting Changes.** The Department must be notified of any changes that would affect the terms of licensure or could affect the health, well being, or safety of children. (3-28-23)~~

~~**03. Critical Incidents.** A daycare operator must report any of the following to the Department within twenty four (24) hours: (3-28-23)~~

~~a. Serious injury or death of a child at the facility; (3-28-23)~~

~~b. Any arrests, citations, withheld judgments, or criminal convictions of disqualifying crimes under Section 39-1113, Idaho Code, of an operator or any individual regularly on the premises of the facility and provide documentation that the individual is not working with children or is not on the premises. (3-28-23)~~

~~391.—394. (RESERVED)~~

~~395. FAILURE TO COMPLY.~~

~~01. Misdemeanors to Operate Without a License. It is a misdemeanor to operate a daycare center or group daycare facility without first obtaining a daycare license from the Department or to operate a daycare center or group daycare facility without posting the license in a place easily seen by a parent or the general public. (3-28-23)~~

~~a. The Department may grant a grace period of no more than sixty (60) days to allow the daycare facility to comply with these rules and with Title 39, Chapter 11, Idaho Code. (3-28-23)~~

~~b. The operator or owner must agree to begin the application process under Section 321 of these rules within one (1) business day of identification by the Department that a daycare owner or operator is noncompliant with Title 39, Chapter 11, Idaho Code, or this chapter of rules. (3-28-23)~~

~~02. Misdemeanor to Operate Without Obtaining a Background Check. It is a misdemeanor to operate a family daycare home caring for four (4) or more children without obtaining the required background check under Section 39-1105, Idaho Code. If there is an initial citation for violation of Section 39-1115, and a person makes the applications required within twenty (20) days, the complaint will be dismissed. Operating a family daycare home for four (4) or more children after failure to pass the required background check is a misdemeanor. (3-28-23)~~

~~03. Misdemeanor to Provide Daycare if Guilty of Certain Offenses. It is a misdemeanor to provide daycare services if found guilty of any offenses under Section 39-1113, Idaho Code. (3-28-23)~~

~~396.—399. (RESERVED)~~

STANDARDS FOR FOSTER HOMES
(Sections 400-499)

~~400. STANDARDS FOR FOSTER HOMES.~~

~~The standards for licensing foster homes are to insure that children of the state who must live away from their parents receive adequate substitute parental care to address their need for safety, health, and well being, that the persons providing this care are capable and suitable to meet the protection needs of children living in foster homes, and the physical environment in which these children reside is a safe setting. (3-28-23)~~

~~401~~**200. LICENSING PROVISIONS RELATED TO THE INDIAN CHILD WELFARE ACT.**

~~These rules do not supersede the licensing authority of Indian tribes under the Indian Child Welfare Act, P.L. 95-608, 25 USC, Sections 1901 – 1963. ()~~

~~402~~**201. FOSTER PARENT QUALIFICATIONS AND SUITABILITY.**

~~Foster parents must be physically and emotionally suited to care for children and to deal with the problems presented by children placed away from their own parents, family, and homes. An applicant for licensure as a foster parent must meet the following: ()~~

~~01. **Minimum Age.** Be twenty-one (21) years old or older. (3-28-23)()~~

~~02. **Be of Good Character.** Be of good character. (3-28-23)()~~

~~03. **Communication.** Be able to communicate with the child, the licensing agency, and health care and other service providers. ()~~

04. Personal Attributes and Experiences. Have the maturity, interpersonal qualities, temperament, and life experiences that prepare the foster parent to provide foster care. ()

05. Availability for Child Placement. Express a willingness to provide care for the kind of children the children's agency has available for placement. ()

06. Knowledge and Skill. Demonstrate an understanding of the care that must be provided to the children served by the children's agency or express a willingness to learn how to provide that care. ()

07. Child Care and Supervision. Have adequate time to provide care and supervision for children. ()

08. Income and Resources. Have a defined and sufficient source of income and be capable of managing that income to meet the needs of the foster family without relying on the payment made for the care of a foster child. ()

09. Health. Have the physical, intellectual, and emotional health to assure appropriate care of children. ()

10. Harmonious Home Life. Establish and maintain a harmonious home life to give children the emotional stability they need. No marital or personal problems may exist within the family that would result in undue emotional strain in the home or be harmful to the interest of children placed in the home. ()

11. Literacy. At least one (1) adult caretaker in the home must have functional literacy. ()

12. Acceptance of Foster Children. Demonstrate a willingness and ability to accept a child into the home as a member of the family. ()

13. Family Supports. Demonstrate a willingness and ability to work with a foster child's legal family, future family, relatives, or Indian tribe. ()

14. Compliance with Licensing Rules. Demonstrate a willingness and ability to comply with the licensing rules for foster homes these rules. ~~(3-28-23)~~()

15. Illegal Substance. Foster parents will not use any illegal substances, abuse alcohol by consuming it in excessive amounts, or abuse legal prescription or nonprescription drugs, or both, by consuming them in excessive amounts or using them contrary to medication instructions. ()

16. Nicotine Use. Foster parents and their guests will not smoke or vape in the foster family home, in any vehicle used to transport the child, or in the presence of the child in foster care. ()

~~403202. CRIMINAL HISTORY AND BACKGROUND CHECKS FOR FOSTER CARE LICENSE.~~

All applicants for a foster care license and other adult members of the household must comply with IDAPA 16.05.06, "Criminal History and Background Checks," and the following: ()

01. Required Procedures. Each applicant for a foster home license, and any other adult household member, must ~~participate in~~ complete a background check. ~~(3-28-23)~~()

02. Change in Household Membership. By the next working day after another adult begins residing in a ~~licensed~~ foster home, a foster parent must notify the children's agency of the change in household membership and assure that the new adult household member will complete a background check within fifteen (15) days of residence in the foster home. ()

03. Foster Parent's Child Turns Eighteen. A foster parent's child who turns eighteen (18) and lives continuously in the home is not required to have a background check except as specified in ~~Subsection 404.03.e. of~~ this rule. ~~(3-28-23)~~()

a. After turning eighteen (18) years old, if the foster parent's adult child no longer lives in the foster parent's home and subsequently resumes living in the ~~licensed~~ foster home, they will be considered an adult household member and must complete a background check within fifteen (15) days from the date they became an adult household member. (3-28-23)()

b. If the adult child leaves the foster home for the purpose of higher education or military service, and periodically returns to the home for less than ninety (90) days, they are not considered to be an adult household member and are not required to complete a background check. While in the home, they cannot have any unsupervised direct care responsibilities for any foster children in the home. Should they remain in the foster home for more than ninety (90) days, they will immediately be considered an adult household member and must complete a background check within fifteen (15) days from the date they became an adult household member. ()

c. If the adult child continues to live in their parent's ~~licensed~~ foster home or on the same property, they must complete a background check within fifteen (15) days of turning twenty-one (21). This requirement is not necessary if the adult child has completed a background check between the ages of eighteen (18) and twenty-one (21). (3-28-23)()

04. **Background Check at Any Time.** The Department retains the authority to require a background check at any time on individuals who are residing in a ~~licensed~~ foster home or on the foster parent's property. (3-28-23)()

05. Emergency Placement of Children. An emergency occurs when a child enters or experiences an unplanned placement change in foster care. The Department may request that a criminal justice agency perform a Federal Interstate Identification Index name-based criminal history record check of each adult residing in the home. This refers to those limited instances when placing a child in the home of relatives or fictive kin, as a result of a sudden unavailability of the child's parent or caretaker. ()

a. All adult household members will submit fingerprints to the Department's Background Check Unit within ten (10) calendar days and follow requirements outlined in IDAPA 16.05.06, "Criminal History and Background Checks." The Department forwards the fingerprints to the State Central Record Repository for submission to the FBI within fifteen (15) calendar days from the date the name search was conducted. The Department's background check unit will positively identify the individual that is being considered to receive the child in an emergency situation as their fingerprints are submitted. ()

b. When placement of a child in a home is denied as a result of the Department review of the name-based criminal history record check of any adult household member, all adults must still comply with Subsection 202.05.a. of this rule and IDAPA 16.05.06, "Criminal History and Background Checks." ()

c. The child will be removed from the home immediately if any adult household member fails to provide written permission to perform a federal criminal history record check, submit fingerprints, or any adult household member is denied a Department background check clearance. ()

404203. INITIAL AND ONGOING EVALUATION.

An applicant must participate in the process and tasks to complete an initial evaluation for foster care licensure. ()

01. **Applicant Participation.** The applicant must do all the following: ()

a. Cooperate with and allow the children's agency to determine compliance with these rules to conduct an initial foster home study; ()

b. Inform the children's agency if the applicant is currently licensed or has been previously licensed as a foster parent or the applicant has been involved in the care and supervision of children or adults; ()

c. Provide a medical statement for each applicant, signed by a medical professional, within the twelve (12) month period prior to initial licensure for family foster care, indicating the applicant is in such physical and mental health ~~so as~~ to not adversely affect either the health or quality of care for children placed in the home;

(3-28-23)()

d. Provide the name of, and a signed release to obtain the following information about, each household member: ()

i. Admission to or release from a facility, hospital, or institution for the treatment of an emotional, intellectual, or substance abuse issue; ()

ii. Outpatient counseling, treatment, or therapy for an emotional, intellectual, or substance abuse issue; and ()

e. Provide three (3) satisfactory references, one (1) of which may be from a person related to the applicant(s). An applicant will provide additional references upon the request of the children's agency. ()

02. Physical and Mental Health of Household Members. All household members must be in such physical and mental health that the health, safety, or well-being of a foster child will not be adversely affected. A health status report of any household member may be required from a medical professional if this appears advisable to the children's agency. To assure the safety and well-being of children, each household member must comply with these rules. (3-28-23)()

03. Disclosure of Information. An applicant must provide the children's agency with the following or any additional information the children's agency deems necessary to complete the initial family home study: ()

a. ~~The n~~Names, including maiden or other names used, and ages of the applicant(s); (3-28-23)()

b. Social Security Number; ()

c. Education; ()

d. Verification of marriages and divorces; ()

e. Religious and cultural practices of the applicant including their willingness and ability to accommodate or provide care to a foster child of a different race, religion, or culture; ()

f. ~~A s~~Statement of income and financial resources and the family's management of these resources; (3-28-23)()

g. Marital relationship, if applicable, including decision making, communication, and familial roles within the family; (3-28-23)()

h. Individual and family functioning and interrelationships with each household member; ()

i. Any current family problems, including medical or mental illness, illegal drug use, prescription drug abuse, and excessive alcohol use; ()

j. Previous criminal convictions and valid incidents of child abuse and neglect; ()

k. Family history, including how the applicant was disciplined, childhood experiences, and problem solving; ()

l. Child care and parenting skills; ()

m. Methods of discipline; ()

n. ~~The n~~Names, ages, and addresses of all biological and adopted children currently residing in or outside the home; (3-28-23)()

- o. Adjustment and special needs of the applicant's children; ()
- p. Interests and hobbies; ()
- q. Reasons for applying to be a foster parent; ()
- r. Understanding of the purpose and goals of foster care; ()
- s. Prior and current experiences with foster care; ()
- t. Emotional stability and maturity in dealing with the needs, challenges, and related issues associated with the child's placement into applicant(s) home; ()
- u. ~~The a~~Attitudes toward foster care by immediate and extended family members ~~of the family~~ and other persons who reside in the home; (3-28-23)()
- v. ~~The a~~Applicant's attitudes about a foster child's family and the applicant's willingness to work with the child's family and tribe; (3-28-23)()
- w. Specifications of the children preferred by the family that include the number of children, age, gender, race, ethnic background, social, emotional, and educational characteristics of children preferred; ()
- x. Adequacy of the applicant's house, property, and neighborhood for the purpose of providing foster care as determined by onsite observations; ()
- y. ~~The a~~Applicant(s) willingness to abide by the children's agency policies and procedures for discipline; (3-28-23)()
- z. Three (3) personal references, at least two (2) that are from persons not related to the applicants, reflecting the applicants to be of good character and possess good habits; ()
- aa. Training needs of the applicant(s); and ()
- bb. ~~The e~~Capacity and willingness to transport a foster child in a motor vehicle. (3-28-23)()

405204. SUBSEQUENT EVALUATIONS.

A foster parent must comply with the following ~~for the subsequent evaluation required for a foster care license:~~ (3-28-23)()

01. Reasonable Access. A foster parent will allow the children's agency reasonable access to the foster home, including interviewing each foster parent, each foster child, and any household member to determine ~~continued~~ compliance with ~~licensing standards~~ these rules, for child supervision purposes, and to conduct a ~~recertification~~ relicense study. (3-28-23)()

02. Update Information. Provide all changes to the information ~~contained~~ in the initial evaluation and subsequent evaluations. (3-28-23)()

03. Family Functioning. Provide information on ~~any~~ changes in family functioning and inter-relationships. (3-28-23)()

04. Other Circumstances. Provide the children's agency with any information regarding circumstances within the family that may adversely impact the foster child. ()

05. ~~Written~~ Plan of Correction. Cooperate with the children's agency in developing and carrying out a written plan required to correct any rule noncompliance identified by any evaluation conducted by the children's agency. (3-28-23)()

406205. FOSTER PARENT DUTIES.

A foster parent must do the following: ()

01. Case Plan Implementation. Cooperate with, and assist the children's agency ~~in the~~ with implementation of the case plan for children and their families. ~~(3-28-23)~~()

02. Reporting Progress and Problems. Promptly and fully disclose to the children's agency information concerning a child's progress and problems. ()

03. Termination of Placement ~~by the Foster Family.~~ Provide notification to the children's agency of the need for a child to be moved from the foster home not less than fourteen (14) calendar days before the move, except when a delay would jeopardize the child's care or safety, or the safety of members of the foster family. ~~(3-28-23)~~()

04. Written Policies and Procedures ~~for Foster Families.~~ Maintain a copy of, be familiar with, and follow these rules and any other rules, policies, or procedures which an agency may require for foster parents and foster care. ~~(3-28-23)~~()

407206. FOSTER PARENT TRAINING.

Each foster parent must comply with the following: ()

01. Orientation. Each foster home applicant ~~for a foster home license~~ will receive an orientation related to the foster care program and services. ~~(3-28-23)~~()

02. Pre-Service. Complete not less than twenty-four (24) hours of identified training prior to the issuance of an initial foster care license. ()

03. First Year. Prior to first annual licensing renewal, complete not less than fifteen (15) hours of identified training. ()

04. Annual Training. Complete not less than ten (10) hours of training annually following the first year of licensing. ()

05. Individualized Training. Complete training identified by the Department as meeting the individual needs of the foster parent(s). ()

06. Additional Training. Complete any additional training ~~as~~ required by the children's agency foster parent training plan. ~~(3-28-23)~~()

408207. -- 4229. (RESERVED)

4230. HOME ENVIRONMENT SAFETY REQUIREMENTS.

The property, structure, premises, and furnishings of a foster home must be constructed and maintained in good repair, ~~in a~~ clean condition, with proper trash and recycling disposal, and free from rodents or insect infestation, safety hazards, and dangerous machinery and equipment. Areas and equipment that present a hazard to children must not be accessible by children. ~~(3-28-23)~~()

01. Living Space. The living space or structure of a foster home will be a house, mobile home (as defined under Title 39, Chapter 41, Idaho Code), housing unit, or apartment occupied by an individual or family. ()

02. Swimming Pools, Hot Tubs, Ponds, and Other Bodies of Water ~~for Use by Children.~~ Any licensed foster home with these water hazards on or adjacent to their property must provide the following safeguards: ~~(3-28-23)~~()

a. Around any of the water hazards listed in ~~Subsection 430.02 of~~ this rule, a foster child must have

appropriate adult supervision consistent with the child's age, physical ability, and developmental level; (3-28-23)()

b. The area surrounding a body of water must be fenced and locked in a manner that prevents access by children under the age of twelve (12), children of any age who are not competent swimmers, or children who are developmentally younger than their chronological age of twelve (12); or ()

c. Above ground pools must have a four-foot barrier that may be the pool structure or attached fencing, or both with a maximum vertical clearance between the top of the pool and the bottom of the barrier not exceeding four (4) inches; and ()

i. The ladder must be removed and stored inaccessible to children under the age of twelve (12) when not in use; and ()

ii. If the ladder cannot be removed, the steps or ladder must be surrounded by a barrier as required in Subsection ~~4230.042.b.~~ of this rule. (3-28-23)()

d. If the area surrounding any of the water hazards listed in ~~Subsection 430.02~~ of this rule, is not fenced and locked, there must be a secured protective covering that will not allow access by a child. (3-28-23)()

i. Pool or hot tub covers must be completely removed when in use; ()

ii. When the pool or hot tub cover is in place, the cover must be free from standing water; ()

iii. Covers must always be locked when the pool or hot tub is not in use. ()

03. Access by Children Five Years Old and Under. Any ~~licensed~~ foster home that cares for children five (5) years old and under and chooses to prevent access to a body of water by fencing must provide a fence that meets the following: (3-28-23)()

a. The fence must be at least four (4) feet high with no vertical opening more than four (4) inches wide, be designed so that a young child cannot climb or squeeze under or through the fence, and surround all sides of the pool or pond; ()

b. The gate must be self-closing and have a self-latching mechanism in proper working order out of the reach of young children; ()

c. If the house forms one (1) side of the barrier for the pool, doors that provide unrestricted access to the pool must have alarms that produce an audible sound when the doors are opened; and ()

d. Furniture or other large objects must not be left near the fence that would enable a child to climb on the furniture and gain access to the pool; or ()

e. Above ground pools meet the requirements in Subsection ~~4230.042.eb.~~ in this rule. (3-28-23)()

04. Irrigation Canals or Similar Bodies of Water. A ~~licensed~~ foster home caring for a child five (5) years old and under or a child who is physically or developmentally vulnerable, whose property adjoins an irrigation canal or similar body of water, must have fencing that prevents access to the canal or similar body of water by the child. (3-28-23)()

05. Other Water Safety Precautions. ()

a. Wading pools must be empty when not being used; ()

b. Children must be under direct supervision of an adult while using a wading pool; ()

c. Toys that attract young children to the pool area must be kept picked up and away from the pool

area when not in use; ()

d. A child who does not know how to swim must use an approved lifesaving personal flotation device; ()

e. All swimming pools will be equipped with a life-saving device, such as a ring buoy; and ()

f. Swimming pools that cannot be emptied after each use will have a working pump and filtration system. ()

4231. INSTALLATION, MAINTENANCE, AND INSPECTION OF FLAME AND HEAT-PRODUCING EQUIPMENT.

A foster parent must assure: ()

01. Installation and Maintenance of Flame and Heat-Producing Equipment. That a furnace, fireplace, wood-burning stove, water heater, and other flame or heat-producing equipment is installed and maintained as recommended by the manufacturer, and fireplaces are protected by screens or other means. ()

02. Portable Heating Devices. That portable heating devices will not be used during sleeping hours. ()

03. Fire Inspections. An inspection by a certified fire inspector may be required at the discretion of the children's agency. ()

04. Water Heater. The water temperature will not exceed 120 degrees Fahrenheit (49 degrees Celsius). ()

4232. FIRE SAFETY, EMERGENCY PLANNING, AND EVACUATION PLAN.

Each foster home must meet the following standards: ~~(3-28-23)~~()

01. Smoke Detectors. There will be at least one (1) single-station smoke detector (approved by a nationally recognized testing laboratory) that is installed and maintained as recommended by the manufacturer, and as follows: ()

a. One (1) smoke detector on each floor of the home, including the basement; ()

b. One (1) smoke detector in each bedroom used by a foster child; and ()

c. One (1) smoke detector in areas of the home that contain flame or heat-producing equipment other than domestic stoves and clothes dryers. ()

02. Carbon Monoxide Detectors. There will be at least one (1) carbon monoxide detector (approved by a nationally recognized testing laboratory) that is installed and maintained as recommended by the manufacturer. Living space that does not have equipment ~~which~~ that produces carbon monoxide or does not have an attached garage is exempt from this requirement. Multi-level homes will have one (1) carbon monoxide detector on each level of the home and at least one (1) near all sleeping areas. ~~(3-28-23)~~()

03. Additional Fire Safety Requirements. To be within the structure of the home: ()

a. Have at least one (1) operable fire extinguisher that is readily accessible; ()

b. Be free of obvious fire hazards such as defective heating equipment or improperly stored flammable materials; ()

c. Have a written emergency evacuation plan posted in a prominent place in the home and reviewed with children placed for foster care; ()

d. Maintain a comprehensive list of emergency telephone numbers including poison control and posted in a prominent place in the home; and ()

e. Maintain first aid supplies. ()

4233. EXITS.

There must be at least two (2) exits from each floor level used by a family member that are remote from each other, one (1) of which provides a direct, safe means of unobstructed travel to the outside at street or ground level. A window may be used as a second exit if it complies with these rules. ()

4234. DANGEROUS AND HAZARDOUS MATERIALS.

Dangerous and hazardous materials, objects, or equipment, including poisonous, explosive, or flammable substances that could present a risk to a child placed in a foster home must be stored securely and out of reach of a child, as appropriate for the age and functioning level of the child. ()

4235. FIREARMS AND AMMUNITION.

Firearms at a foster home must be stored: ()

01. Trigger Locks. Unloaded and equipped with a trigger lock; ()

02. Unassembled and Inoperable. Unloaded, fully inoperable, and incapable of being assembled and fired; ()

03. Locked Cabinet or Container. Unloaded and locked in a cabinet or storage container that is inaccessible to children; or ()

04. Gun Safe. Locked in a gun safe that is inaccessible to children; ()

05. Ammunition. Stored and locked separately from all guns in the home. ()

4236. PETS AND DOMESTIC ANIMALS.

Any pet or domestic animal that is suspected or known to be dangerous must be kept in an area inaccessible to children. Dogs must be vaccinated for rabies. ()

4237. ADEQUATE HEAT, LIGHT, AND VENTILATION.

A foster home must have adequate heat, light, and ventilation and windows and doors will be screened if used for ventilation. ()

4238. BATHROOMS, KITCHENS, WATER SUPPLY, AND SEWAGE DISPOSAL.

A foster home must meet the following: ()

01. Toilet Facilities. A foster home will have a minimum of one (1) flush toilet, one (1) washbasin that has warm and cold running water, and one (1) bathtub or shower that has warm and cold running water, all of which are in good working order. ()

02. Water Supply. The water supply will meet one (1) of the following requirements: ()

a. That it is from a source approved for a private home by the health authority under IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," at the time of application and for annual renewal of such licenses; or ()

b. Water used for consumption at a foster home is from an acceptable source, bottled water from an acceptable source, or boiled for a period specified by the local health authority under IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems." ()

03. Sewage Disposal. Sewage will be disposed of through a public system, or in the absence of a public system, in a manner approved by the local health authority, under IDAPA 58.01.03 "Individual/Subsurface

Sewage Disposal Rules.” ()

04. Kitchen. A foster home will include a properly operating kitchen with a sink, refrigerator, stove, and oven. ()

4239. TRANSPORTATION.

A foster parent must comply with the following: ()

01. Legal Requirements for Transporting Children. A foster parent, or any person acting on behalf of a foster parent, that transports a child, will possess a valid driver's license, be insured under Idaho Law, and abide by all traffic laws including the requirement that all children are in proper safety restraints while being transported as required under Sections 49-672 and 49-673, Idaho Code, ~~and Section 49-673, Idaho Code.~~ (3-28-23)()

02. Reliable Transportation. A foster parent will arrange for safe, reliable transportation of any foster child in their care to assure the child has access to school, community services, and the children's agency. ()

a. Privately owned vehicles used to transport children in foster care will be properly maintained and be owned by the foster family or friends. ()

b. Public transportation includes all reliable public transportation. ()

03. Prohibitions of Foster Child Transportation. A foster parent will not transport a foster child while impaired by any substance including alcohol, prescription medication, or any illegal substances. ()

4240. CELL PHONE OR TELEPHONE.

Unless previously approved by the licensing agency, there must be an operating cell phone or telephone in a foster home. ()

4241. WHEELCHAIR ACCESS.

A foster home that provides care to a child who regularly requires the use of a wheelchair must be wheelchair accessible. ()

4242. CHILD PLACEMENT REQUIREMENTS.

A foster family must accept the placement of children into the home within the terms of the foster home license ~~or certification~~ and the children's agency placement agreement. The following provisions will be considered for determining placement: (3-28-23)()

01. Determining Factors. The number and the age group of children placed in a foster home will be determined by the following: ()

a. The accommodations and the space in the home; ()

b. The interest of the foster family; and ()

c. The experience or skill of the foster family. ()

02. Maximum Number of Children. Except as specified, the maximum number of children in care at any time, including the foster family's own children, or daycare children, will be limited to not more than six (6) children. ()

03. Children Under Two Years Old. Except as specified in Subsection 4242.04 of this rule, the maximum number of children under two (2) years old, including those of the foster family, will be limited to two (2) children or less. (3-28-23)()

04. Special Circumstances Regarding Maximum Numbers of Children. The maximum number of children in care at any time may be based on the children's agency assessment and at a minimum one (1) of the following: ()

- a. To allow siblings to remain together; ()
 - b. To allow a child who has an established, meaningful relationship with the family to remain with the family; ()
 - c. To allow a family with special training or skills to provide care for a child who has a severe disability; or ()
 - d. To allow a parenting youth in foster care to remain with the child of the parenting youth. ()
- 05. Continued Care.** A foster child who reaches the age of eighteen (18) may continue in foster care placement until the age of twenty-one (21) if the safety, health, and well-being of other foster children residing in the home is not jeopardized. ()

4243. INTERAGENCY PLACEMENT OF CHILDREN.

A foster family must only accept for placement children referred from the children's agency that licenses ~~or certifies~~ the foster home. A foster family may accept for placement a foster child from another children's agency only if that children's agency and the foster family have received prior approval for the placement of a child from the children's agency that licensed ~~or certified~~ the home. (3-28-23)()

4244. SUBSTITUTE CARE PLACEMENT AND CHILDREN'S AGENCY NOTIFICATION.

A foster parent must: ()

01. Substitute Care. Place a child in substitute care only with the prior knowledge and consent of the children's agency; and ()

02. Notification to Agency. Notify the children's agency before the beginning of any planned absence that requires substitute care of a child for a period of twenty-four (24) hours or more. ()

4245. BEDROOMS.

A foster parent must comply with the following: ()

- 01. Sleeping Arrangements.** A bedroom occupied by a foster child will: ()
 - a. Provide an adequate opportunity for both rest and privacy for each child; ()
 - b. Be readily accessible to adult supervision as appropriate for the age and functioning level of each child; ()
 - c. Have sufficient floor space to provide two (2) feet of space between beds; ()
 - d. Have sufficient space for the storage of clothing and personal belongings; ()
 - e. Have a finished ceiling, permanently affixed floor-to-ceiling walls, and finished flooring; ()
 - f. Have a latchable door that leads to an exit from the foster home; ()
 - g. Have at least one (1) outside window that complies with the following: ()
 - i. ~~Is~~Be readily accessible to children and the foster parent; (3-28-23)()
 - ii. ~~Is~~Be readily opened from the inside of the room; and (3-28-23)()
 - iii. ~~Is~~Be of sufficient size and design to allow for the evacuation of children and caregivers. (3-28-23)()

- h.** ~~Is~~**Be** free of the following: (3-28-23)()
- i.** Household heating equipment excluding baseboard heating systems; ()
 - ii.** Water heater; and ()
 - iii.** Clothes washer and dryer. ()
- 02. Non-Ambulatory Child.** A child who is non-ambulatory and cannot readily be carried by one (1) household member will sleep in a bedroom located at ground level. ()
- 03. Sharing Bedroom with a Non-Parent Adult.** A child will not share a bedroom with a non-parent adult unless the child and adult are of the same gender and there is not more than four (4) years difference in age between the adult and the youngest child in the bedroom. ()
- 04. Sharing a Bedroom with a Foster Parent.** A child three (3) years old or older will not routinely share the bedroom with a foster parent unless the child has special health or emotional needs that require the attention of the foster parent(s) during sleeping hours. ()
- 05. Maximum Number of Children in a Bedroom.** No more than four (4) children will occupy a bedroom. The placement of more than one (1) child in a bedroom will be based on the age, behavior, functioning, individual needs of each child, and sufficient available space. ()
- 06. Children of the Opposite Gender.** Children of the opposite gender, any of whom are more than five (5) years old, will not share the same bedroom. ()
- 07. Number of Children in a Bed.** Each child will have an individual bed, except that two (2) brothers or two (2) sisters of comparable age may share a bed if they have previously shared a bed or when there are no health, behavioral, or other factors indicating this is undesirable. ()
- 08. Restrictions on Sleeping Arrangements.** The following must not be used for sleeping purposes: ()
- a.** A room or area of the foster home that is primarily used for purposes other than sleeping; ()
 - b.** A room or space, including an attic, that is accessible only by a ladder, folding stairway, or through a trapdoor; or ()
 - c.** A detached building, except in the case of an older child preparing for emancipation when it can be documented that the child's needs can best be met by that arrangement. ()
- 09. Appropriate Bedding.** A child will have a bed that is appropriate for the age and development of the child. Beds will be equipped with a clean and comfortable mattress that complies with the Consumer Product Safety Commission standard (<https://www.cpsc.gov/>), pillow, linens, and blankets appropriate for the weather. ()
- 10. Infants.** Adults and children, or both, will not co-sleep or bed-share with infants. Cribs will comply with ~~Sub~~section 002-02 of these rules. (3-28-23)()

4246. BEHAVIOR MANAGEMENT AND DISCIPLINE.

Methods of behavior management and discipline for children must be positive and consistent. These methods must be based on each child's needs, stage of development, and behavior. Discipline is to promote self-control, self-esteem, and independence. ()

- 01. Prohibitions.** The following types of punishment of a foster child are prohibited: ()
- a.** Physical force or any kind of punishment inflicted on the body, including spanking; ()

- b. Cruel and unusual physical exercise or forcing a child to take an uncomfortable position; ()
- c. Use of excessive physical labor with no benefit other than for punishment; ()
- d. Mechanical, medical, or chemical restraint; ()
- e. Locking a child in a room or area of the home; ()
- f. Denying necessary food, clothing, bedding, rest, toilet use, bathing facilities, or entrance to the foster home; ()
- g. Mental or emotional cruelty; ()
- h. Verbal abuse, ridicule, humiliation, profanity, threats, or other forms of degradation directed at a child or a child's family; ()
- i. Threats of removal from the foster home; ()
- j. Denial of visits or communication with a child's family unless authorized by a children's agency in its service plan for the child and family; and ()
- k. Denial of necessary educational, medical, counseling, or social services. ()

02. Restraint. A foster parent who has received specific training in the use of child restraint may use reasonable restraint methods, approved by the children's agency, to prevent a child from harming themselves, other persons or property, or to allow a child to gain control of themselves. ()

03. Authority. The authority for the discipline of a foster child must not be delegated by a foster parent to other members of the household. ()

04. Agency Consultation. A foster parent must consult with the children's agency prior to using any behavior management or discipline technique that exceeds the scope of these rules. ()

4247. MEDICAL AND DENTAL CARE.

01. Health Care Services. A foster parent must follow and carry out the health or dental care plan for a child as directed by a medical professional. ()

02. Child Injury and Illness. Follow the children's agency approved policies for medical care of a child who is injured or ill. ()

03. Dispensing of Medications. Provide prescription medication as directed by a medical professional. A foster parent must not discontinue or in any way change the medication provided to a child unless directed to do so by a medical professional. ()

04. Storage of Medication. A foster parent must store vitamins, prescriptions, and over-the-counter medications in an area that is inaccessible to a child. ()

4248. PERSONAL CARE AND HYGIENE.

A foster parent must instruct the child in personal care, hygiene, and grooming and provide the child with necessary personal care, hygiene, and grooming products appropriate to the age, gender, and needs of the child. The foster parents will seek approval from the children's agency before altering a child's physical appearance including haircuts, body piercing, and tattooing. ()

4249. FOOD AND NUTRITION.

A foster parent must provide a foster child with meals that are nutritious, well-balanced, of sufficient quantity, and

serve the foster child the same meals as other members of the household unless a special diet has been prescribed by a medical professional, or unless otherwise dictated by differing needs based on a child's age, medical condition, or cultural or religious beliefs. A foster child is required to eat with other members of the family unless the child's medical condition dictates a different arrangement. Perishable foods must be refrigerated. Milk provided to foster children must be pasteurized, from a licensed dairy, or come from an animal that is documented to be free from tuberculosis, brucellosis, or other conditions that could be injurious to a child's health. ()

4250. NECESSARY CLOTHING.

A foster parent must provide a child with sufficient, clean, properly fitting clothing appropriate for the child's age, gender, individual needs, and season with clothing reflecting cultural and community standards. ()

4251. PERSONAL POSSESSIONS, ALLOWANCES, AND MONEY.

A foster parent must follow the children's agency policy regarding a child's personal possessions and when a child moves from a foster home, the foster parent will provide the child or the children's agency with all ~~of~~ the child's possessions. ~~(3-28-23)~~()

4252. CHILD TASKS.

A parent must permit a child to perform only those routine tasks that are within the child's ability, are reasonable, and are similar to the routine tasks expected of other members of the household of similar age and ability. ()

4253. EDUCATION.

A foster parent must cooperate with the children's agency and applicable educational organizations to implement the education and training plan for each child. ()

4254. RELIGIOUS AND CULTURAL PRACTICES.

A foster parent must provide a child in care with opportunity for spiritual development and cultural practices according to the wishes of the child and the child's parent or tribe. ()

4255. RECREATION.

A foster parent must provide or arrange access to a variety of indoor and outdoor recreational activities and encourage a child to participate in recreational activities that are appropriate for the child's age, interests, and ability. ()

4256. MAIL.

A foster parent must permit a child to send and receive mail according to the mail policy of the children's agency. ()

4257. REASONABLE AND PRUDENT PARENT STANDARD.

A caregiver must follow the reasonable and prudent parent standard. ()

01. Reasonable and Prudent Parent Standard Defined. The reasonable and prudent parent standard means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child that a caregiver must use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural, or social activities. See "Caregiver" in the definitions. "Age or developmentally appropriate" means the following: ()

a. Activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and ()

b. In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child. ()

02. Training. Each caregiver will complete training to include knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally appropriate activities, including knowledge and skills relating to the developmental stages of the cognitive, emotional, physical,

and behavioral capacities of a child, and applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural, and social activities, including sports, field trips, and overnight activities lasting one (1) or more days, and involving the signing of permission slips and arranging transportation for the child to and from extracurricular enrichment and social activities. ()

4258. -- 4269. (RESERVED)

4270. RECORD MANAGEMENT AND REPORTING REQUIREMENTS.

A foster parent must maintain a record for each child in the home that will include all written material provided to the foster home by the children's agency and additional information gathered by the foster parent that includes the following: ()

01. **Personal Data.** The child's name, gender, date of birth, religion, race, and tribe, if applicable; ()
02. **Any Known History of Abuse and Neglect of the Child.** ()
03. **Any Known Emotional and Psychological Needs of the Child.** ()
04. **Any Information Known about the Child's Health.** ()
05. **Any Known Behavioral Problems of the Child.** ()

4271. REPORTING FOSTER HOME CHANGES.

A foster parent must report to the children's agency any significant change in the foster home by the next working day from the time a foster parent becomes aware of a change, including the following: ()

01. **Serious Illness Including Physical or Mental Health, Injury, or Death of a Foster Parent or Household Member.** ~~Serious illness including physical or mental health, injury, or death of a foster parent or a household member.~~ (3-28-23)()

02. **Arrests, Citations, Withheld Judgments, or Criminal Convictions of a Foster Parent or Household Member.** ~~Any arrests, citations, withheld judgments, or criminal convictions of a foster parent or household member.~~ (3-28-23)()

03. **Initiation of Court-Ordered Parole and or Probation of a Foster Parent or Household Member.** ~~Initiation of court-ordered parole or probation of a foster parent or household member.~~ (3-28-23)()

04. **Admission or Release From Facilities.** Admission to, or release from, a correctional facility, a hospital, or an institution for the treatment of an emotional, mental health, or substance abuse issue of a foster parent or household member. ()

05. **Change of Employment Status of a Foster Parent.** ~~A change of employment status of a foster parent.~~ (3-28-23)()

06. **Counseling, Treatment, or Therapy.** Counseling or other methods of therapeutic treatment on an outpatient basis for an emotional, mental, or substance abuse issue of a foster parent or household member. ()

07. **Change of Residence.** A foster parent will inform the children's agency of any planned change in residence and apply for licensure at the new address not less than two (2) weeks prior to a change in residence. ()

08. **Household Members.** Inform the children's agency of changes in household members including minor children. ()

09. **Additional Licensing Application.** A foster parent will notify the children's agency within five (5)

calendar days after filing an application for a certified family home, daycare, or group daycare license. ()

4272. CONFIDENTIALITY.

A foster parent must maintain the confidentiality of any information and records regarding a foster child and the child's parents and relatives. A foster parent will release information about the foster child only to persons authorized by the children's agency responsible for the foster child. Foster parents will follow the Department's policies for the use of social media and posting of pictures of children in foster care. ()

4273. CRITICAL INCIDENT NOTIFICATION.

The foster parent must immediately notify the responsible children's agency of any of the following incidents: ()

01. Death. Death or near death of a child in care. ()

02. Suicide. Suicidal ideation, threats, or attempts to commit suicide by the foster child. ()

03. Missing. When a foster child is missing from a foster home. ()

04. Illness. Any illness or injury that requires hospitalization of a foster child. ()

05. Law Enforcement Authorities. A foster child's detainment, arrest, or other involvement with law enforcement authorities. ()

06. Removal of Child. Attempted removal or removal of a foster child from the foster home by any person who is not authorized by the children's agency. ()

4274. -- 999. (RESERVED)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.06.03 – DAYCARE LICENSING

DOCKET NO. 16-0603-2301 (NEW CHAPTER, FEE RULE)

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 39-1107, 39-1111, 56-1003, 56-1004A, 56-1005(8), and 56-1007, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearings concerning this rulemaking will be held as follows:

VIRTUAL TELECONFERENCES Via WebEx
<p>Wednesday, August 17, 2023 10:00 a.m. - 12:00 p.m. (MT)</p>
<p>Join from the meeting link https://idhw.webex.com/idhw/j.php?MTID=mf977f9364a62f4a2684571b6ae176e0d</p> <p>Join by meeting number Meeting number (access code): 2764 489 3359 Meeting password: jEhhamvs252 (53442687 from phones and video systems)</p> <p>Join by phone +1-415-527-5035 United States Toll +1-303-498-7536 United States Toll (Denver)</p>
<p>Wednesday, August 17, 2023 4:00 p.m. - 6:00 p.m. (MT)</p>
<p>Join from the meeting link https://idhw.webex.com/idhw/j.php?MTID=m9dd9bc1b157bc221553cc72c6ed5c4</p> <p>Join by meeting number Meeting number (access code): 2764 491 3545 Meeting password: XVjt3DKMS37 (98583356 from phones and video systems)</p> <p>Join by phone +1-415-527-5035 United States Toll +1-303-498-7536 United States Toll (Denver)</p>

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. Meeting(s) will conclude after 30 minutes if no participants sign in or wish to comment in the meeting.

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

The House Health and Welfare Committee of the 2023 Legislature requested that IDAPA chapter 16.06.02, “Child Care and Foster Care Licensing,” be separated by content for Daycare Licensing and Foster Care Licensing. IDAPA chapter 16.06.03 will now contain content for “Daycare Licensing” and IDAPA 16.06.02 will contain content for “Foster Care Licensing.” The update to this chapter will reflect only content regarding daycare licensing rules.

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

This chapter contains fees associated with Daycare Licensing, which specifies licensing fees for daycare centers, daycare facilities, group daycare facilities, and family daycare home voluntary licenses.

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

This rulemaking is not anticipated to have any fiscal impact on the State General Fund, or any other known funds. As required in state statute, any additional costs will be funded completely by the federal Child Care Development Block Grant using preexisting processes and automated systems. Such funds are sufficient to meet all proposed costs for the foreseeable future.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the 2023 Legislature requested that the existing chapter of 16.06.02, “Child Care and Foster Care Licensing,” be split into two (2) different chapters. The administrative rulemaking deadlines did not allow for negotiated rulemaking meetings to take place and due to the legislative request the Department is going forward with the separation and will offer public hearings for all the stakeholders.

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

The Incorporations By Reference (IBRs) include Occupational Safety Health Act (OSHA) and Crib Safety (for Full Size Baby Cribs and Non-Full Size baby Cribs) by the Consumer Product Safety Commission in Section 001 of these rules. The IBRs are not changing from the current version of IDAPA 16.06.02, “Child Care and Foster Care Licensing,” to this new chapter of proposed language in IDAPA 16.06.03, “Daycare Licensing.”

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Aubrie Hunt: 208-334-5686.

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 August 23, 2023.

DATED this 6th day of July, 2023.

Trinette Middlebrook and Frank Powell
DHW – Administrative Rules Unit
450 W. State Street – 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500
fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 16-0603-2301
(New Chapter)

16.06.03 – DAYCARE LICENSING

000. LEGAL AUTHORITY.

Sections 39-1107, 39-1111, 56-1003, 56-1004A, 56-1005(8), and 56-1007, Idaho Code, authorize the Department and the Board to adopt and enforce rules for licensing daycare centers, group daycare facilities, and family daycare homes. ()

001. INCORPORATION BY REFERENCE.

01. Occupational Safety Health Act (OSHA). A copy of OSHA may be obtained at the Idaho Industrial Commission, 317 Main Street., P.O. Box 83720, Boise, Idaho, 83720-0041 or at <https://www.osha.gov/sites/default/files/publications/OSHA2001.pdf>. ()

02. Crib Safety – Full Size Baby Cribs. Crib Safety. Consumer Product Safety Commission. Compliance information for full size cribs can be found at <https://www.cpsc.gov/Business--Manufacturing/Business-Education/FAQ?p=3019&tid%5b3028%5d=3028>. ()

03. Crib Safety -- Non-Full-Size Baby Cribs. Crib Safety. Consumer Product Safety Commission. Compliance information for non-full size cribs can be found at <https://www.cpsc.gov/Business--Manufacturing/Business-Education/FAQ?p=3019&tid%5b3029%5d=3029>. ()

002. – 008. (RESERVED)

009. BACKGROUND CHECK REQUIREMENTS.

01. Compliance. Department enhanced background checks are required for individuals licensed under these rules and must comply with IDAPA 16.05.06, “Criminal History and Background Checks.” ()

02. Background Check Requirements. Each owner, operator, or applicant seeking licensure for a daycare facility must submit evidence that the following individuals successfully completed and received a clearance for a Department enhanced background check, at least every five (5) years, under Sections 39-1105 and 39-1113, Idaho Code: ()

a. Owners, operators, and staff; ()

b. All other individuals thirteen (13) years old or older who have unsupervised direct contact with children; or ()

c. All other individuals thirteen (13) years old or older who are in the household or regularly on the premises. ()

03. Family Daycare Homes. Under Section 39-1114, Idaho Code, any person providing daycare for four (4) or more children in a family daycare home is required to comply with Sections 39- 1105 and 39-1113, Idaho Code. ()

04. Background Check Frequency. The Department can require a background check at any time on any individual who is an owner, operator, staff, household member of a daycare facility, and all other individuals who are thirteen (13) years old or older who have unsupervised direct contact with children or who are regularly on the premises. ()

05. Juvenile Justice Records. The enhanced background check for individuals under eighteen (18) years, must include a check of the juvenile justice records, as authorized by the minor and their parent or guardian. Records must be checked for each jurisdiction in which the individual has resided since becoming thirteen (13) through eighteen (18) years old. Each owner, operator, or applicant is responsible for requesting a check of the juvenile justice record, the associated costs of these records, and submitting them to the Department for review. A check of the juvenile justice records must include the following: ()

- a.** Juvenile justice records of adjudication of the magistrate division of the district court; ()
- b.** County probation services; and ()
- c.** Department records. ()

06. Cost of Background Check and Juvenile Justice Records. Each individual who requests and obtains a Department background check is responsible for the cost of the background check and check of juvenile justice records. ()

07. Private Schools and Private Kindergartens. Under Section 39-1105, Idaho Code, any person who owns, operates, or is employed by a private school for educational purposes for children four (4) through six (6) years old or a private kindergarten must comply with Sections 39-1105 and 39-1113, Idaho Code. ()

08. Reporting Convictions. Following completion of a background check and clearance, additional criminal convictions, and juvenile justice adjudications for disqualifying crimes under Section 39-1113, Idaho Code, must be self-disclosed by the individual to the owner or operator of a daycare facility. The owner or operator must report these additional convictions and adjudications to the Department within five (5) days of learning of the conviction or adjudication. ()

010. DEFINITIONS A THROUGH M.

01. Attendance. Under Title 39, Chapter 11, Idaho Code, and these rules, the number of children present at a daycare facility at any given time. ()

02. Board. The Idaho Board of Health and Welfare. ()

03. Child. Under Title 39, Chapter 11, Idaho Code, and these rules, "child" means an individual less than thirteen (13) years old. ()

04. Child-Staff Ratio. The maximum number of children allowed under the care and supervision of one (1) staff person. ()

05. Daycare. The care and supervision provided for compensation during part of a twenty-four (24) hour day, for a child(ren) not related by blood, marriage, adoption, or legal guardianship to the person(s) providing the care, in a place other than the child(ren)'s own home. ()

06. Daycare Center. A place or facility providing daycare for compensation for thirteen (13) or more children. ()

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

08. Family Daycare Home. A home, place, or facility providing daycare for six (6) or fewer children. ()

09. Group Daycare Facility. A home, place, or facility providing daycare for seven (7) to twelve (12) children. ()

10. Household Member. Any individual who resides in, or on the property of, a daycare center, group daycare facility, or family daycare home. ()

011. DEFINITIONS N THROUGH Z.

01. Noncompliance. Violation of, or inability to meet, the requirements of these rules or terms of licensure. ()

02. Plan of Correction. The detailed procedures and activities developed between the Department and the owner, operator, or both, required to bring a daycare facility into conformity with these rules. ()

03. Regularly on the Premises. Means twelve (12) hours or more in any one (1) month, or daily during any hours of operation. ()

04. Relative. A child's grandparent, great grandparent, aunt, great aunt, uncle, great uncle, brother-in-law, sister-in-law, first cousin, sibling, and half-sibling. ()

05. Restraint. Physical interventions to control the range and motion of a child. ()

06. Second Degree of Relationship. Refers to persons related by blood or marriage, and includes their spouses. The number of degrees between two (2) relatives is calculated by summing the number of ties between each relative and the common ancestor. ()

07. Staff. A person who is sixteen (16) years old or older and employed by a daycare owner or operator to provide care and supervision at a daycare facility under Title 39, Chapter 11, Idaho Code, and these rules and includes the following: ()

a. Operator. An individual who operates or maintains a licensed daycare facility. ()

b. Owner. A person, individual, group of individuals, associations, partnerships, corporation, or any other entity that has legal control and authority over a daycare business. ()

c. Provider. A person who is sixteen (16) years old or older, who provides care and supervision at a daycare facility and is included in meeting the child-staff ratio requirements. ()

08. Supervision. Within sight and normal hearing range of the child(ren) being cared for under Title 39, Chapter 11, Idaho Code, and these rules. ()

09. Training. Preparation, instruction, and continuing education related to daycare services that increase the knowledge, skill, and abilities of a provider, owner, operator, staff, or volunteer. ()

012. – 099. (RESERVED)

100. DAYCARE LICENSING.

The purpose of licensing is to set requirements and to monitor compliance. Providers need to be physically and emotionally suited to protect the health, safety, and well-being of the children in their care. Physical surroundings must present no hazards to the children in care. ()

01. Operator Responsibilities. An operator must conform to the terms of the license. ()

02. Knowledge of Standards. The operator is responsible for knowing the rules applying to the daycare facility covered by the license, and for always complying with these rules. ()

03. Staff Knowledge. The operator of a daycare facility is responsible for ensuring that all staff are familiar with these rules. ()

04. Daycare Standards. Each owner, operator, or applicant seeking licensure from the Department as a daycare facility, must meet the requirements under Title 39, Chapter 11, Idaho Code, and these rules. ()

05. List of Licensed Daycare Facilities. The Department will maintain a list of all licensed daycare facilities for public use. ()

06. Exceptions and Exemptions to Daycare Licensing. Under Section 39-1103, Idaho Code, the licensing requirements in these rules do not apply to: ()

a. Daycare facilities regulated, licensed, or certified by a city or county with local options under Section 39-1108, Idaho Code; ()

b. The occasional or irregular care of a neighbor's, relative's or friend's child or children by a person not ordinarily in the business of providing daycare; ()

c. The operation of a private school or religious school for educational purposes for children over four (4) years old, or a religious kindergarten; ()

d. The provision of occasional care exclusively for children of parents who are simultaneously in the same building; ()

e. The operation of day camps, programs, and religious schools for less than twelve (12) weeks during a calendar year or not more often than once a week and after school programs for children over four (4) years of age or in kindergarten; and ()

f. The provision of care for children of a family within the second degree of relationship under Section 011 of these rules. ()

101. TYPES OF DAYCARE LICENSES.

Under Title 39, Chapter 11, Idaho Code, and these rules, the Department will determine the type of daycare license needed by an owner or operator providing daycare by counting each child in attendance, regardless of relationship to the person(s) providing the care. The following types of daycare licenses may be issued by the Department. ()

01. Daycare Center License. Issued for a place or facility providing daycare, where thirteen (13) or more children, regardless of relationship to the person(s) providing the care, are in attendance. ()

02. Group Daycare Facility. Issued for a place or facility providing daycare, where seven (7) to twelve (12) children, regardless of relationship to the person(s) providing the care, are in attendance. ()

03. Family Daycare Home. Not required to be licensed. A family daycare home, place, or facility may voluntarily elect to be licensed by the Department. ()

102. – 120. (RESERVED)

121. APPLICATION FOR DAYCARE LICENSE OR RENEWAL.

Any individual applying for licensure as a daycare facility must be at least eighteen (18) years old, apply, and provide information required by the Department under this rule, to include: ()

01. Completed Licensing Application. ()

02. Licensing Fee. The applicant must pay the appropriate licensing fee prior to the issuance of a daycare license. ()

03. Inspection Reports. The following reports must be submitted to the Department with the application that prove the facility or proposed facility meets: ()

a. Building code under IDAPA 24.39.30, "Rules of Building Safety (Building Code Rules)," where required; ()

b. Electrical code under IDAPA 24.39.10, "Rules of the Idaho Electrical Board," where required;

- ()
- c.** Fire code under Section 41-253, Idaho Code, where required; and ()
- d.** Local planning and zoning requirements. All daycare facilities must comply with applicable city and county ordinances. ()
- 04.** **Proof of Insurance.** The applicant must provide proof of current fire and liability insurance coverage for the daycare facility. ()
- 05.** **Background Clearance.** Evidence that the applicant and all individuals required to have a background check have received a clearance from the Department. ()
- 06.** **Statement to Comply.** As part of the application, the applicant must thoroughly read and review these rules and agree that they are prepared to comply with all provisions. Providers must also certify that they will not harm, shake, or abuse children, and that children in their care will not experience maltreatment under 45 CFR 98.41. ()
- 07.** **Statement Disclosing Revocation or Disciplinary Actions.** A written statement that discloses any revocation or other disciplinary action taken or in the process of being taken against the applicant as a daycare provider in any jurisdiction, or a statement from the applicant stating they have never been involved in any such action. ()
- 08.** **Other Information as Requested.** The applicant must provide other information that may be requested by the Department for the proper administration and enforcement of these rules. ()
- 09.** **Health and Safety Inspection.** The Department will order a health and safety inspection of the daycare facility once the application for licensure is complete and the licensing fee has been paid. ()
- 10.** **Additional Requirements for License Renewal.** A daycare license must be renewed every two (2) years. The daycare operator must submit to the Department the renewal application, fee, and all required documentation in this rule at least forty-five (45) days prior to the expiration of the current daycare license. ()
- 11.** **Relicense.** When a renewal application has been completed correctly, the existing license will, unless officially revoked, remain in force until the Department has acted on the application for renewal. ()
- 122.** **DAYCARE LICENSING FEES.** A nonrefundable licensing fee must be paid to the Department prior to the issuance or renewal of a daycare license. The total fee for initial licensure or renewal of a daycare facility must not exceed the following amounts: ()
- 01.** **Daycare Center with More than Twenty-Five Children in Attendance at Any Given Time.** Three hundred twenty-five dollars (\$325). ()
- 02.** **Daycare Center with Thirteen to Twenty-Five Children in Attendance at Any Given Time.** Two hundred fifty dollars (\$250). ()
- 03.** **Group Daycare Facility.** One hundred dollars (\$100). ()
- 04.** **Family Daycare Home Voluntary License.** One hundred dollars (\$100). ()
- 123.** **DISPOSITION OF APPLICATIONS.** The Department will initiate action on each completed application within thirty (30) days after receipt that addresses each requirement for the specific type of daycare license. Upon receipt of a completed application, the Department will review the materials for compliance with these rules. ()
- 01.** **Termination of Application Process.** Failure of the applicant to cooperate with the Department in the application process may result in the termination of the application process. Failure to cooperate means that the

information requested is not provided within ninety (90) days, or not provided in the form requested by the Department, or both. ()

02. Denial of Application. If an application is denied, a signed letter will be sent directly to the applicant by registered or certified mail, advising the applicant of the denial and stating the basis for such denial. An applicant whose application has been denied may not reapply until after one (1) year has elapsed from the date of the denial of application. ()

03. Failure to Complete Application Process. Failure of the applicant to complete the application process within six (6) months of the original date of application will result in a denial of the application. ()

04. Denial of Licensure. If the Department determines the applicant is not in compliance with these rules and further determines not to issue a daycare license, the Department will, within thirty (30) days from the date the completed application is submitted, issue a letter of denial of licensure stating the basis for the denial. ()

05. Incomplete Application. The Department is not required to take any action on an application until the application is complete. ()

06. Notification of License Renewal. The Department will notify the licensed daycare operator at least ninety (90) days prior to expiration of the license. ()

124. ISSUANCE OF LICENSE.

01. Regular License. If the Department determines the applicant is complying with these rules, the Department will, within sixty (60) days from the date the completed application is submitted, issue one (1) of the following licenses: ()

a. Daycare Center; ()

b. Group Daycare Facility; or ()

c. Family Daycare Home. ()

02. Licensing Document. The license will state the type of facility, the occupancy load, number of children who may be in attendance if such limitations are necessary, and the length of time the license is effective. The license is issued under the terms specified and will be mailed to the applicant. ()

a. A regular license for a daycare facility licensed by the Department is in effect for two (2) years from the date of issuance unless suspended or revoked earlier. ()

b. A daycare license issued by the Department to operators must be posted in plain view where it can be seen by parents and the public upon entering the facility. ()

125. – 149. (RESERVED)

150. RESTRICTIONS ON APPLICABILITY AND NONTRANSFER.

01. Issued License. A license applies only to the daycare facility licensed by the Department, or the person and premises designated. Each license is issued in the business name or individual name, and only to the specified address identified on the application of the facility. A license issued in the name of a daycare facility licensed by the Department applies only to the period and services specified in the license. ()

02. Return of License. The operator must immediately return their license to the Department under any of the following circumstances: ()

a. Changes of management or address; ()

b. Upon suspension or revocation of the license; or ()

c. Upon voluntary discontinuation of service. ()

03. Nontransferable. A license is nontransferable or assignable from one (1) individual to another, from one (1) business entity or governmental unit to another, or from one (1) location to another. ()

04. Change in Ownership or Location. When there is a change in ownership or location, the daycare facility must reapply for a license. A license must be obtained before starting operations. ()

151. – 199. (RESERVED)

200. STAFF AND OTHER RECORD REQUIREMENTS.

Each owner or operator of a daycare facility must maintain a current list covering the previous twelve-month period of all staff and other individuals thirteen (13) years old or older who have unsupervised direct contact with children, or are regularly on the premises. The record must contain the following: ()

01. Legal Name. ()

02. Proof of Age. ()

03. Phone Number. ()

04. Training Records. ()

05. Verification of Background Check Clearance. ()

06. Results of Juvenile Justice Records. ()

07. Verification of Pediatric Rescue Breathing, Infant-Child CPR, and Pediatric First Aid Certification from a Certified Instructor. ()

08. Times, Dates, and Records of Hours on the Premises Each Day. ()

201. CHILD RECORD REQUIREMENTS.

Each owner or operator of a daycare facility must maintain records for each child in attendance covering the previous twelve-month period. The record must contain the following: ()

01. Child's Full Name. ()

02. Date of Birth. ()

03. Parent or Guardian's Name, Address, and Contact Information. ()

04. Emergency Contact Information. ()

05. Child's Health Information. ()

a. Immunization record or waiver of exemption form or statement; ()

b. Any medical conditions or allergies that could affect the care of the child; and ()

c. Medications the child is taking or may be allergic to. ()

06. Times, Dates, and Record of Attendance Each Day. Sign-in/out records, electronic or manual, including the signature of a parent or guardian. ()

202. – 299. (RESERVED)

300. CHILD-STAFF RATIO.

Under Section 39-1109, Idaho Code, the Department determines the maximum allowable child-staff ratio based on a point system. ()

01. Daycare Child-Staff Ratio Point System. The maximum allowable points for each staff is twelve (12), using the following point system which is based on the age of each child in attendance: ()

a. Under twenty-four (24) months old, each child equals two (2) points. ()

b. From twenty-four (24) months old to under thirty-six (36) months, each child equals one and one-half (1 1/2) points. ()

c. From thirty-six (36) months old to under five (5) years, each child equals one (1) point. ()

d. From five (5) years old to under thirteen (13) years, each child equals one-half (1/2) point. ()

02. Child-Staff Ratios. Ratios must be maintained during all hours of operation when children are in attendance and when transporting children. ()

a. Each child in attendance is counted by the Department for the purposes of calculating maximum allowable points, counting the number of children in attendance, and for determining compliance with child-staff ratios; ()

b. Each adult staff who is providing direct care for a child(ren) is counted by the Department as one (1) staff for the purposes of counting the number of staff on-duty and determining compliance with child-staff ratios; and ()

c. Each staff sixteen (16) and seventeen (17) years old must be under the supervision of an adult staff, when providing direct care for a child(ren), and may be counted by the Department as one (1) staff for the purposes of counting the number of staff on-duty and determining compliance with child-staff ratios. ()

03. Supervision of Children. The owner or operator and all staff are responsible for the direct care, protection, supervision, and guidance of children through active involvement or direct observation. In addition to meeting the child-staff ratio requirements, the owner or operator of a daycare facility must ensure that: ()

a. At least one (1) adult staff is always awake and on duty on the premises during regular business hours or when children are in attendance; and ()

b. All providers, owners, and staff who provide direct care to children must have current certification in pediatric rescue breathing (CPR) and pediatric first aid from a certified instructor. Providers who do not have these certifications will not count in child-staff ratios. ()

04. Sleeping Children. Must be within sight and normal hearing range of a provider. ()

05. Overnight Daycare. For daycare operators providing overnight care of children, the following must apply: ()

a. A sleeping child sleeps on the same level as the staff member who must be able to hear the child; and ()

b. A staff member is awake and on duty to release and receive a child. ()

c. Children sleeping at the facility have separate cots, mats, or beds and blankets. ()

d. A child will not share a bed with a non-parent adult. ()

301. BEHAVIOR MANAGEMENT AND DISCIPLINE.

Methods of behavior management and discipline for children must be positive and consistent. These methods must be based on each child's needs, stage of development, and behavior. Discipline is to promote self-control, self-esteem, and independence. All of the following are prohibited: ()

01. Physical Force. Any punishment inflicted on the body, including spanking; ()

02. Cruel and Unusual Physical Exercise. Includes forcing a child to take an uncomfortable position; ()

03. Use of Excessive Physical Labor. With no benefit other than for punishment; ()

04. Restraint(s). ()

05. Locking a Child in a Room. Or any area of the home or facility; ()

06. Denying Necessities. Includes necessary food, clothing, bedding, rest, toilet use, personal care and sanitation, or entrance to the home or facility; ()

07. Mental or Emotional Cruelty. ()

08. Verbal Abuse. Includes ridicule, humiliation, profanity, threats, or other forms of degradation directed at a child or their family. ()

302. – 329. (RESERVED)

330. TRAINING REQUIREMENTS.

Each owner or operator of a daycare facility must receive and ensure that each staff receives and completes four (4) hours of ongoing child development training every twelve (12) months after the staff's date of hire. ()

01. Child Development Training. Must be related to continuing education in child development areas related to daycare such as continuing education in: ()

a. Child development; ()

b. Behavior management and support; ()

c. Teaching and curriculum; ()

d. Health and safety; and ()

e. Business practices. ()

02. Training Hours. It is the responsibility of the owner or operator of the daycare center to ensure that each staff has completed four (4) hours of training each year. The training must be documented in the staff's record. ()

03. Pediatric Rescue Breathing, Infant-Child CPR, and Pediatric First Aid Training. These trainings do not count towards the required four (4) hours of annual training. ()

04. Staff Training Records. Each owner or operator of the daycare facility is responsible for maintaining documentation of each staff's training and may be asked to produce documentation at license renewal. ()

331. – 349. (RESERVED)

350. PARENTAL VISITATION AND ACCESS.

01. Visitation Rights. Parents and guardians have the absolute right to enter the daycare premises when their child is in the care of the daycare operator. Failure or refusal to allow parental or guardian entry to the daycare premises or access to their child may result in the suspension or revocation of a daycare license. ()

02. Denied or Limited Visitation Rights by Court Order. If a parent or guardian has been granted limited visitation rights or denied visitation rights by a court of competent jurisdiction, and the daycare operator has written documentation from the court, this rule does not confer a right to visitation upon the parent or guardian. ()

351. – 359. (RESERVED)

360. FIRE SAFETY STANDARDS.

Each daycare facility must comply with the following. ()

01. Inspections. Must be completed by the local fire official or designee. For a daycare located outside of the area of authority under Section 39-1109, Idaho Code, the Department can designate an approved inspector for daycare licensing purposes only. ()

02. Daycare Fire Inspection Fees. Are payable to the local fire department or fire district official. ()

03. Unobstructed Exits. Required exits must be located in such a way that an unobstructed path outside the building is provided to a public way or area of refuge. ()

a. Exit doors must open from the inside without the use of a key or any special knowledge or effort. ()

b. There must be at least two (2) exits located a distance apart of not less than one-half (1/2) the diagonal dimension of the building or portion used for daycare, but not to exceed seventy-five (75) feet. An exception may be made for the following: ()

i. The distance between exits may be extended to ninety (90) feet if the building is totally protected throughout with smoke detectors; or ()

ii. The distance between exits may be increased to one hundred ten (110) feet if the building is equipped with an automatic fire sprinkler system. ()

c. The required dimensions of exits must not be less than thirty-two (32) inches of clear exit width and not be less than six (6) feet, eight (8) inches in height. An exception for sliding patio doors will be accepted as a required second exit in a family daycare home and group daycare facility only. ()

d. Sleeping room exits must be provided with at least one (1) emergency egress window having at least a single net clear opening of five point seven (5.7) square feet, minimum height twenty-four (24) inches, minimum width twenty (20) inches, and maximum finished sill height not over forty-four (44) inches. ()

i. Approved egress windows from sleeping areas must be operable from the inside without the use of separate tools. ()

ii. In lieu of egress windows, an approved exit door is acceptable. ()

iii. An approved piece of furniture or platform, if anchored in place, may be approved to sit in front of a window if the sill height is over forty-four (44) inches. ()

e. Where children are located on a story below the level of exit discharge (basement), there must be at least two (2) exits, one (1) of which must open directly to the outside. More than one (1) exit from the basement

opening directly to the outside may be required, depending on the structure of the building, to ensure the safety of the occupants. ()

f. Where children are located on a story above the level of exit discharge, there must be two (2) exits, one (1) of which must open directly to the outside and comply with building codes. ()

361. FACILITY CAPACITY AND DETERMINING OCCUPANT LOAD.

Occupant load is determined by the local fire official or designee. ()

01. Area for Daycare Use Only. The local fire official or designee will only use those areas used for daycare purposes when determining the occupant load. ()

02. Facilities with an Occupancy Load of Fifty or More. Must meet the requirements in Section 360 of these rules and this rule. ()

a. Exit doors must swing in the direction of egress. ()

b. Exit doors from rooms, if provided with a latch, must have panic hardware installed. ()

03. Exit Signs. Must be installed at required exit doorways and wherever else necessary to clearly indicate the direction of egress. ()

362. FIRE EXTINGUISHERS AND SAFETY REQUIREMENTS.

Each daycare facility must comply with the following fire extinguisher and safety requirements as applicable for size and type of facility. ()

01. Portable Fire Extinguisher. There must be an approved portable fire extinguisher (minimum 2A-10BC) mounted securely in a visible location not to exceed five (5) feet from the floor to the top of the extinguisher and not more than seventy five (75) feet travel distance to an extinguisher and maintained properly. ()

02. Kitchen Area. An approved fire extinguisher must be present, or a hood-type fire suppression system be installed in the kitchen area. ()

03. Fire Extinguishers. Approved fire extinguishers must be maintained properly. ()

04. Facilities Over Three Thousand Square Feet. Each daycare facility over three thousand (3,000) square feet is required to have additional fire extinguishers as approved by the local fire official or designee. ()

05. Fire Alarm System. Each daycare facility with over fifty (50) children, must have an approved fire alarm system installed. ()

06. Smoke Detectors. Must be installed and maintained in the following locations: ()

a. On the ceiling, wall outside, or each separate sleeping area in the immediate vicinity of bedrooms; ()

b. In each room used for sleeping purposes; and ()

c. In each story within a facility including basements. ()

d. If there is a basement, there must be a smoke detector installed in the basement having a stairway which opens from the basement into the facility. Such detector must be connected to a sounding device or other detector to provide an alarm that is audible in the sleeping area. ()

07. Automatic Sprinkler Systems. Must be provided in all daycare facilities greater than twenty thousand (20,000) square feet in area or when the number of children under the age of eighteen (18) months exceeds one hundred (100). ()

363. FIRE SAFETY AND EVACUATION PLANS.

Each daycare facility must have an approved fire safety and evacuation plan prepared that includes the following: ()

01. Evacuation. Procedures and policies for accounting for staff and children after an evacuation is completed. ()

02. Evacuation Plan and Assembly Point for Children and Staff. ()

03. Locations of Facility Exits. ()

04. Evacuation Routes. ()

05. Location of Fire Alarms. ()

06. Location of Fire Extinguishers. ()

07. Annual Review. Fire safety and evacuation plans must be reviewed or updated annually and available in the facility for reference and review. ()

08. Fire and Emergency Evacuation Drills. Must be conducted on a routine schedule at least two (2) times each year and all staff and children must participate. ()

364. – 379. (RESERVED)

380. HEALTH STANDARDS.

Each daycare facility licensed by the Department, must comply with the following. Health inspections must be conducted annually by a qualified inspector designated by the Department and will be unannounced. ()

01. Food. Must be from an approved source under IDAPA 16.02.19, “Idaho Food Code.” Food must not be served past expiration or “use by” date. ()

02. Food Preparation. Food for use in daycare facilities must be prepared and served in a sanitary manner with sanitized utensils and on surfaces that have been cleaned, rinsed, and sanitized prior to use to prevent cross-contamination. ()

a. Frozen food must be thawed in the refrigerator, under cold running water, or as part of the cooking process and cooked to proper temperatures under IDAPA 16.02.19, “Idaho Food Code.” ()

b. Individuals preparing food must use proper hand-washing techniques, minimize bare hand contact with food, and wear clean clothes. ()

03. Food Temperatures. Potentially hazardous foods must be kept refrigerated at forty-one degrees Fahrenheit (41°F) or below, held hot at one hundred thirty-five degrees Fahrenheit (135°F) or more, and reheated or cooled at safe temperatures under IDAPA 16.02.19, “Idaho Food Code.” Refrigerators must be equipped with an accurate thermometer. ()

04. Food Storage. All food that is served in daycare facilities must be stored in such a manner that protects it from potential contamination. There must be no evidence of pests present in the daycare facility. ()

05. Food Contact Surfaces. Must be kept clean and sanitized, including counters, serving tables, high chair trays, and cutting boards. ()

06. Dishwashing Sanitizing. Dishes, glasses, utensils, silverware, and all other objects used for food preparation and eating must be sanitized using appropriate sanitizing procedures. ()

- 07. Utensil Storage.** Clean utensils must be stored on clean shelves or drawers and not subject to recontamination, and sharp knives and other sharp objects be kept out of reach of children. ()
- 08. Garbage.** Must be kept covered or inaccessible to children. ()
- 09. Hand Washing.** Children and facility staff must be provided with individual or disposable towels for hand drying, and the hand washing area be equipped with soap and warm and cold running water. ()
- 10. Diaper Changing.** Must be conducted in such a manner as to prevent the spread of communicable diseases, be separate from food preparation and serving areas, and have easy access to a hand washing sink. ()
- 11. Sleeping Areas.** Children sleeping at the facility must have separate cots, mats, or beds and blankets. ()
- 12. Safe Sleep.** Providers must place newborn infants up to twelve (12) months old in a safe sleep environment. Safe sleep practices include alone, on their backs, and in a Consumer Product Safety Commission (CPSC) certified sleep space. ()
- 13. Restrooms, Water Supply, and Sewage.** All daycare facilities must have restrooms. ()
- a.** Each facility must have at least one (1) flushable toilet and one (1) hand washing sink with warm and cold water per restroom. ()
- b.** Plumbing and bathroom fixtures must be in good condition. ()
- c.** All daycare facilities and homes must comply with IDAPA 24.39.30, "Rules of Building Safety (Building Code Rules)." ()
- 14. Water Supply.** The facility's water supply must meet one (1) of the following requirements: ()
- a.** Be from a public water system that is maintained under IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," at the time of initial or renewal application; or ()
- b.** Be from a private source, such as well or spring, be tested annually for bacteria and nitrate, and be approved by the Department. ()
- c.** Water used for consumption at a daycare facility is from an acceptable source. Temporary use of bottled water or boiled water may be allowed for a period specified by the Department. ()
- 15. Sewage Disposal.** Facility sewage must be disposed of through a public system, or in the absence of a public system, in a manner approved by the local health authority under IDAPA 58.01.03 "Individual/Subsurface Sewage Disposal Rules." ()
- 16. Alcohol and Illegal Drugs.** Must not be used by providers, owners, operators, staff, volunteers, children, or visitors at daycare facilities, in the presence of children during hours of operation, or in vehicles while transporting children. ()
- a.** Any individual under the influence of alcohol or drugs is not permitted at or in the daycare facility. ()
- b.** Illegal drugs are prohibited by law and therefore are not allowed on the premises of any licensed daycare facility at any time. ()
- 17. Smoke-Free Environment.** Children must be afforded a smoke-free environment during all daycare hours, whether indoors or outdoors. While children are in care, the operator and all staff must ensure that no smoking or other tobacco use occurs within the facility, in outdoor areas, or in vehicles when children are present. ()

()

18. Transportation. Provider that transports a child(ren) will possess a valid driver's license, be insured under Idaho Law, and abide by all traffic laws including the requirement that all children are in proper safety restraints while being transported under Section 49-672, Idaho Code, and Section 49-673, Idaho Code. Vehicles used to transport children will be properly maintained and in good working condition. ()

19. Disaster and Emergency Planning. Providers must have documented plans for emergencies resulting from a natural disaster, or human-caused event that include: ()

a. Procedures for evacuation, relocation, shelter-in-place, lock-down, communication and reunification with families, continuity of operations, and accommodation of infants and toddlers and children with disabilities or chronic medical conditions. ()

b. Procedures for staff and volunteer emergency preparedness training and practice drills. ()

c. Guidelines for the continuation of daycare services in the period following the emergency or disaster. ()

d. Procedures for the prevention of and response to emergencies due to food and allergic reactions. ()

20. Medication. No person can administer any medication to a child without it first being authorized by a parent or caretaker. All medications, refrigerated or unrefrigerated, must be in a locked box or otherwise in inaccessible to children. ()

21. Adequate Heat, Light, and Ventilation. A daycare facility must have adequate heat, light and ventilation. Windows and doors must be screened if used for ventilation. ()

22. Immunizations. Daycare operators must comply with requirements under IDAPA 16.02.11, "Immunization Requirements for Licensed Daycare Facility Attendees." ()

381. MISCELLANEOUS SAFETY REQUIREMENTS.
Each daycare facility licensed by the Department must comply with the following: ()

01. Telephone. An operable telephone or cell phone must always be available in the facility with the following conditions: ()

a. The telephone number used must be made available to parents and guardians. ()

b. Emergency phone numbers to include 911, an adult emergency substitute operator, and the address and phone number of the facility must be posted by the telephone or in a location that is easily and always visible. ()

02. Heat-Producing Equipment. A furnace, fireplace, wood-burning stove, water heater, and other flame or heat-producing equipment must be installed and maintained as recommended by the manufacturer and protected on all surfaces by screens or other means. ()

03. Portable Heating Devices. Must be limited and approved for use and location by the Fire Inspector prior to use within a facility and will not be used during sleeping hours. ()

04. Storage of Weapons, Firearms, and Ammunition. Firearms or other weapons stored at a daycare facility must be kept in a locked cabinet, gun safe, or other container that is inaccessible to children, while children are in attendance. Keys to these containers must also be inaccessible to children. ()

a. Ammunition must be stored in a locked container separate from firearms. ()

b. Matches, lighters, and any other means of starting fires must be kept away from and out of the reach of children. ()

c. Other weapons that could cause harm must be stored out of reach of children. ()

05. Animals and Pets. Any pet or animal present at the facility, indoors or outdoors, must be in good health, show no evidence of carrying disease, and be a friendly companion of the children. The operator must maintain the animal's vaccinations and vaccination records which will be made available to the Department upon request. ()

06. Hazardous Materials. Cleaning materials, flammable liquids, detergents, aerosol cans, pesticides, and other poisonous and toxic materials must be kept in their original containers and in a place inaccessible to children. They must be used in such a way that will not contaminate play surfaces, food, food preparation areas, or constitute a hazard to the children. Biocontaminants must be disposed of appropriately. ()

382. – 399. (RESERVED)

400. BUILDINGS, GROUNDS, FURNISHINGS, AND EQUIPMENT.

Each daycare facility licensed by the Department must comply with the following: ()

01. Appliances and Electrical Cords. All appliances, lamp cords, exposed light sockets, and electrical outlets will be protected to prevent electrocution. ()

02. Balconies and Stairways. Balconies and stairways accessible to children will have substantial railings as required by IDAPA 24.39.30, "Rules of Building Safety (Building Code Rules). ()

03. Stairway Protection. Where an operator cares for children less than three (3) years old, stairways will be protected to prevent child access to stairs. ()

04. Hazardous Area Restrictions. Based on the age and functioning level of children in care and the type of hazard and the area surrounding the hazard, the area will be restricted to prevent easy access to the hazard. ()

05. Fueled Equipment. Fueled equipment including motorcycles, mopeds, lawncare equipment, and portable cooking equipment. This equipment will not be stored or repaired in areas where children are present. ()

06. Water Hazards. Above and below ground pools, hot tubs, ponds, and other bodies of water that are on the daycare facility premises must provide the following safeguards: ()

a. The area surrounding the body of water must be fenced and locked in a manner that prevents access by children and meets the following ()

i. The fence will be at least four (4) feet high with no vertical opening more than four (4) inches wide and designed so that a young child cannot climb or squeeze under or through the fence. The fence will surround all sides of the pool and have a self-closing gate that has a self-latching mechanism in proper working order that is out of the reach of young children. ()

ii. If the house forms one (1) side of the barrier for the pool, all doors that provide unrestricted access to the pool will have alarms that produce an audible sound when the door is opened. ()

b. Furniture or other large objects will not be left near the fence in a manner that would enable a child to climb on the furniture or other large object and gain access to the pool. If the area surrounding a pool, hot tub, pond, or other body of water is not fenced and locked, there will be a secured protective covering that prevents access by a child. ()

c. Wading pools and buckets will be empty when not in use. ()

d. Children will be under direct supervision of adult staff who are certified in pediatric CPR and pediatric first aid while using a bathtub, pool, hot tub, pond, or other body of water. ()

e. A minimum of a four (4) foot high fence that prevents access from the daycare facility premises if the daycare premises are adjacent to a body of water. ()

07. **Indoor Play Areas and Toys.** The indoor play areas will be clean, have age-appropriate toys, and be free from accumulation of dirt, rubbish, or other health hazards. ()

08. **Outdoor Play Areas and Toys.** Any outdoor play area must be maintained free from hazards such as wells, machinery, and animal waste. ()

a. If any part of the play area is adjacent to a busy roadway, drainage or irrigation ditch, stream, large holes, or other hazardous areas, the play area will be enclosed with a fence in good repair that is at least four (4) feet high without any holes or spaces greater than four (4) inches in diameter. ()

b. Outdoor equipment, such as climbing apparatus, slides, and swings will be anchored firmly and placed in a safe location and according to the manufacturer's instructions. ()

c. Outdoor play areas will be designed so that all parts are always visible and easily supervised by staff. ()

d. Toys, play equipment, and any other equipment used by the children will be of substantial construction and free from rough edges and sharp corners. Unguarded ladders on slides will be kept in good repair and well-maintained. ()

e. Toys and objects with a diameter of less than one (1) inch (two point five (2.5) centimeters), objects with removable parts that have a diameter of less than one (1) inch (two point five (2.5) centimeters), plastic bags, styrofoam objects, and balloons will not be accessible to children ages three (3) and under, or children who are known to place such objects in their mouths. ()

401. – 419. (RESERVED)

420. CONTINUED COMPLIANCE, REPORTING CHANGES, AND CRITICAL INCIDENTS.

Each daycare owner or operator must always comply with the fire, safety, and health requirements under these rules and the following: ()

01. **Department Access.** The owner, operator, or staff of a daycare facility must allow the Department access to the premises and records for reinspection at any time during the licensing period. ()

02. **Posting Information.** A daycare must post the Department's contact information and the statewide number to file daycare complaints. ()

03. **Reporting Changes.** The owner, operator, or staff of a daycare facility notifies the Department of any changes that affect the terms of licensure or could affect the health, well-being, or safety of children. ()

04. **Critical Incidents.** A daycare operator must report any of the following to the Department within twenty-four (24) hours: ()

a. Any injury that requires hospitalization of a child. ()

b. Death or near death of a child in care. ()

c. When a child is missing from a daycare facility. ()

d. Any arrests, citations, withheld judgments, or criminal convictions of disqualifying crimes under ()

Section 39-1113, Idaho Code, of an operator or any individual regularly on the premises of the facility and provide documentation that the individual is not working with children or is not on the premises. ()

421. MANDATORY REPORTING OF ABUSE, ABANDONMENT, OR NEGLECT.

Under Section 16-1605, Idaho Code, daycare owners, operators, staff, and any other person who has reason to believe that a child has been abused, abandoned, or neglected, or is being subjected to conditions or circumstances which would reasonably result in abuse, abandonment, or neglect, must report or cause to be reported within twenty-four (24) hours, such conditions or circumstances to the Department or the proper law enforcement agency. ()

422. – 439. (RESERVED)

440. FAILURE TO COMPLY.

01. Misdemeanors to Operate Without a License. It is a misdemeanor to operate a daycare center or group daycare facility without first obtaining a daycare license from the Department or to operate a daycare center or group daycare facility without posting the license in a place easily seen by a parent or the general public. ()

a. The Department may grant a grace period of no more than sixty (60) days to allow the daycare facility to comply with these rules and with Title 39, Chapter 11, Idaho Code. ()

b. The operator or owner must agree to begin the application process under Section 121 of these rules within one (1) business day of identification by the Department that a daycare owner or operator is noncompliant with Title 39, Chapter 11, Idaho Code, or these rules. ()

02. Misdemeanor to Operate Without Obtaining a Background Check. It is a misdemeanor to operate a family daycare home caring for four (4) or more children without obtaining the required background check under Section 39-1105, Idaho Code. If there is an initial citation for violation of Section 39-1115, and a person makes the applications required within twenty (20) days, the complaint will be dismissed. Operating a family daycare home for four (4) or more children after failure to pass the required background check is a misdemeanor. ()

03. Misdemeanor to Provide Daycare if Guilty of Certain Offenses. It is a misdemeanor to provide daycare services if found guilty of any offenses under Section 39-1113, Idaho Code. ()

441. COMPLAINTS AGAINST DAYCARE FACILITIES.

01. Investigation. The Department will investigate complaints regarding daycare facilities. The investigation may include further contact with the complainant, scheduled or unannounced visits to the daycare facility, collateral contacts including interviews with the victim, parents or guardian, operator, staff, consultants, children in care, other persons who may have knowledge of the complaint, and inspections by fire or health officials. ()

02. Informed of Action. If an initial preliminary investigation indicates that a more complete investigation must be made, the operator of the licensed daycare facility licensed by the Department will be informed of the investigation, and any action to be taken, including referral for civil or criminal action. ()

442. SUSPENSION FOR CIRCUMSTANCES BEYOND CONTROL OF OPERATOR.

When circumstances occur over which the operator has no control including illness, epidemics, fire, flood, or contamination, which temporarily place the operation of the daycare facility out of compliance with these rules, the license must be suspended until the nonconformity is remedied. ()

443. SUSPENSION OR REVOCATION FOR INFRACTIONS.

A license may be suspended for infractions of these rules. Such suspension may lead to revocation if the operator fails to satisfy the Department that the infractions have been corrected in compliance with these rules. ()

444. NON-RENEWAL, DENIAL, REVOCATION, OR SUSPENSION OF LICENSE.

If it is found that an owner or operator has failed or refused to comply with any of the provisions of the Basic Daycare License Law, Sections 39-1101 through 39-1120, Idaho Code, with these rules, or with any provision of the license,

the Department may deny, suspend, revoke, or not renew a license. The Department may also deny, suspend, revoke, or deny renewal of a license for any daycare facility when any of the following occurs. ()

01. Criminal Conviction or Relevant Record. Anyone providing direct care or working onsite under these rules is denied clearance or refuses to comply with IDAPA 16.05.06, "Criminal History and Background Checks." ()

02. Other Misconduct. The owner, operator, or both: ()

a. Fail to furnish any data, statistics, records, or information requested by the Department without good cause or provide false information. ()

b. Have been found guilty of or is under investigation for fraud, deceit, misrepresentation, or dishonesty associated with the operation of a daycare facility licensed by the Department. ()

c. Have been found guilty of or is under investigation for the commission of any felony. ()

d. Have failed to exercise fiscal accountability toward a client or the Department regarding payment for services; or ()

e. Have knowingly permitted, aided, or abetted the commission of any illegal act on the premises of the daycare facility. ()

445. – 449. (RESERVED)

450. ENFORCEMENT REMEDY OF SUMMARY SUSPENSION AND TRANSFER OF CHILDREN. The Department may summarily suspend a daycare facility. Children in a daycare facility will not be transported from the facility, instead the parent or legal guardian will be contacted. ()

451. ENFORCEMENT REMEDY REVOCATION OF LICENSE AND TRANSFER OF CHILDREN. The Department may revoke the license of a daycare facility when the Department determines the facility or operator is not complying with these rules. Children in a daycare facility will not be transported from the facility, instead the parent or legal guardian will be contacted. Revocation may occur under the following circumstances: ()

01. Endangers Health or Safety. Any condition that endangers the health or safety of any child. ()

02. Not in Substantial Compliance. A daycare facility is not in substantial compliance with these rules. ()

03. No Progress to Meet Plan of Correction. A daycare facility has made little or no progress in correcting deficiencies within thirty (30) days from the date the Department accepted a plan of correction. ()

04. Repeat Violations. Repeat violations of any requirement of these rules or provisions of Title 39, Chapters 11, Idaho Code. ()

05. Misrepresented or Omitted Information. A daycare facility has knowingly misrepresented or omitted information on the application or other documents pertinent to obtaining a license. ()

06. Refusal to Allow Access. Refusal to allow Department or its representatives full access to the daycare facility and its grounds, facilities, and records. ()

07. Immediate Access to Documentation. Fails to provide, upon written request by the Department or its agents, immediate access to documentation required to be maintained. ()

08. Abusive Conduct. Has been found to have engaged in abusive conduct that fails to meet professionally recognized standards for daycare, or results in physical harm, pain, or mental anguish to children.

()

452. EFFECT OF PREVIOUS REVOCATION OR DENIAL OF A LICENSE.

An organization cannot apply and the Department will not accept an application from any person, corporation, or partnership, including any managing employee, officer, owner, or spouse, partner, or relative of an owner of an entity who has had a license denied or revoked, until five (5) years has elapsed from the date of denial, revocation, or conclusion of a final appeal, whichever occurred last. ()

453. – 999. (RESERVED)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.07.19 – CERTIFICATION OF PEER SUPPORT SPECIALISTS AND FAMILY SUPPORT PARTNERS

DOCKET NO. 16-0719-2301 (ZBR CHAPTER REWRITE)

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 39-3140, 56-1003, and 56-1004, Idaho Code.

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

VIRTUAL TELECONFERENCE Via WebEx
Wednesday, August 15, 2023 11:00 a.m. - 12:00 p.m. (MT)
Join from the meeting link https://idhw.webex.com/idhw/j.php?MTID=ma8341dbc2a87a354a0c47691193cbf76
Join by meeting number Meeting number (access code): 2762 529 7876 Meeting password: 7PpJUGXMS32 (77758496 from phones and video systems)
Join by phone +1-415-527-5035 United States Toll +1-303-498-7536 United States Toll (Denver)

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. Meeting(s) will conclude after 30 minutes if no participants sign in or wish to comment in the meeting.

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

Under [Executive Order 2020-01](#): Zero-Based Regulation, the Department is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. The rule changes are intended to perform a comprehensive review of this chapter by collaborating with the public to streamline or simplify this rule language.

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

This chapter contains no fees or charges.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the February 1, 2023, Idaho Administrative Bulletin, Vol. 23-2, pages 12 - 13.

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:

This chapter of rule contains two (2) new incorporations by reference:

1. Idaho Certified Peer Support Specialist Code of Ethics and Professional Conduct, rev 08/2015; and
2. Idaho Certified Family Support Partner Code of Ethics, rev 09/2020.

These codes of ethics have been revised and posted online. The text related to these has been removed from the chapter and the revised versions incorporated by reference, both to save space in the chapter and ensure that the codes of ethics continue to have the force and effect of law.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Treena Clark at 208-334-6611, or Cade Hulbert at 208-334-0463.

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 August 23, 2023.

DATED this 6th day of July, 2023.

Trinette Middlebrook and Frank Powell
DHW – Administrative Rules Unit
450 W. State Street – 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500
fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0719-2301
(ZBR Chapter Rewrite)

16.07.19 – CERTIFICATION OF PEER SUPPORT SPECIALISTS AND FAMILY SUPPORT PARTNERS

000. LEGAL AUTHORITY.

~~Under~~ Title 39, Chapter 31, Idaho Code, ~~delegates~~ the ~~Idaho Legislature has delegated to the~~ Department of Health and Welfare as the state behavioral health authority ~~for~~ the establishment, maintenance, and oversight of ~~the state of Idaho's~~ behavioral health services. Section 39-3140, Idaho Code, authorizes the Department to promulgate and enforce rules ~~to carry out the purposes and intent of~~ ~~under~~ the Regional Behavioral Health Services Act. ~~Under~~ Sections 56-1003, 56-1004, Idaho Code, ~~authorize~~ the Director ~~of the Department is authorized~~ to adopt and enforce rules to ~~supervise and~~ administer mental health programs. (3-17-22)()

001. ~~TITLE AND SCOPE. (RESERVED)~~

~~01. Title.~~ These rules are titled IDAPA 16.07.19, “Certification of Peer Support Specialists and Family Support Partners.” (3-17-22)

~~02. Scope.~~ These rules establish the minimum qualifications and requirements for certification of peer support specialists and family support partners in Idaho including enforcement actions. (3-17-22)

002. INCORPORATION BY REFERENCE.
The following documents are incorporated by reference: ()

01. Idaho Certified Peer Support Specialist Code of Ethics and Professional Conduct, rev 08/2015. Copies may be obtained from the Department at: <https://publicdocuments.dhw.idaho.gov/WebLink/DocView.aspx?id=4037&dbid=0&repo=PUBLIC-DOCUMENTS> ()

02. Idaho Certified Family Support Partner Code of Ethics, rev 09/2020. Copies may be obtained from the Department at <https://publicdocuments.dhw.idaho.gov/WebLink/DocView.aspx?id=4036&dbid=0&repo=PUBLIC-DOCUMENTS> ()

~~003.~~ -- 009. (RESERVED)

010. DEFINITIONS.
~~For the purposes of these rules~~ In addition to definitions under Section 39-3122, Idaho Code, the following terms definitions apply. (3-17-22)()

~~01. Behavioral Health Program.~~ A behavioral health program refers to an organization offering mental health or substance use disorders treatment services that includes the organization’s facilities, management, staffing patterns, treatment, and related activities. (3-17-22)

021. Certificate. A certificate is issued by the Department to an individual who is a behavioral health peer support specialist or a family support partner who the Department deems to be in compliance with these rules. (3-17-22)()

032. Department. The Idaho Department of Health and Welfare, or its designee. ()

043. Director. The Director of the Department of Health and Welfare, or designee. (3-17-22)()

054. Family Support Partner. An individual who has lived experience raising a child who has a behavioral health disorder diagnosis, mental illness, or mental illness with a co-occurring substance use disorder, has specialized training related to such care, and who has successfully navigated the various systems of care. ()

065. Family Support Partner Services. Family-to-family services are non-clinical support services provided by family support partners who have participated in mental health services, and who have received training in how to share their experiences with others facing similar challenges. ()

076. Lived Experience. Life experiences of an individual who has received behavioral health services or has raised a child who is living with a behavioral health diagnosis, mental illness, or mental illness with a co-occurring substance use disorder, and has at least one (1) year of lived experience navigating the behavioral health systems. ()

087. Peer Support Services. Non-clinical services are provided by peer support specialists who are on their own recovery journey, and who have received training in supporting others who are actively involved in their own recovery process. (3-17-22)()

098. Peer Support Specialist. An individual in recovery from mental illness or mental illness with a co-occurring substance use disorder who uses lived experience and specialized training to assist other individuals in recovery. ()

011. -- 099. (RESERVED)

100. APPLICATION FOR CERTIFICATION.

An applicant ~~for any certification by the Department~~ must furnish the following information prior to any certification being issued. (3-17-22)()

01. Completed Application. Each applicant ~~must~~ ~~complete~~s and ~~sign~~s an application for certification on ~~Department-approved~~ forms ~~approved by the Department~~. (3-17-22)()

02. Verification of Education, Training, and Experience. Each applicant must provide verification to the Department of the following: ()

a. A copy of their high school diploma, GED certificate, or a Bachelor's degree in a human services field; ()

b. Documentation of ~~successful~~ completion of training required for the certification being sought according to the requirements in Sections 200 and 300 of these rules; and (3-17-22)()

c. A summary of work or volunteer experience, including documentation of supervised hours. ()

03. Code of Ethics Acknowledgment. Each applicant ~~must~~ ~~submit~~s a signed and dated Code of Ethics Acknowledgment. (3-17-22)()

101. -- 109. (RESERVED)

110. TYPES OF CERTIFICATION.

01. Peer Support Specialist. ()

02. Family Support Partner. ()

111. DURATION OF CERTIFICATION.

01. Six-Month Certification. ~~A six (6) month certification a~~ Applies to an applicant that has completed the requirements in Sections 200 and 300 of these rules for initial certification, but may be lacking work or volunteer experience and supervised hours. (3-17-22)()

02. Full Certification. ~~A full certification a~~ Applies to an applicant that has completed ~~all the~~ requirements in Sections 200 and 300 of these rules for certification, including work or volunteer experience and supervised hours. Full certification is valid for one (1) year. (3-17-22)()

112. RENEWAL OF CERTIFICATION.

~~Each certified peer support specialist or certified family support partner must:~~ ()

01. Submit Renewal Application. ~~Each certified peer support specialist or certified family support partner who is~~ When seeking certification renewal ~~must~~ submit a completed renewal application prior to expiration of current certificate. (3-17-22)()

02. Continuing Education. ~~Each certified peer support specialist or certified family support partner~~ ~~must p~~ Provide documentation of a minimum of ten (10) hours of continuing education as follows: (3-17-22)()

a. Continuing education obtained in competency areas listed in training requirements germane to the type of certification being renewed; and ()

b. At least one (1) hour of continuing education for each renewal period must be in ethics. ()

03. **Code of Ethics Acknowledgment.** ~~Each certified peer support specialist or certified family support partner must s~~Submit an updated signed, and dated Code of Ethics Acknowledgment. (3-17-22)()

113. EXTENSION OF CERTIFICATION.

~~Certified peer support specialists or certified family support partners may request an extension prior to the expiration of their certificate if they need more time to gain required work or volunteer experience, supervised hours, or continuing education hours. Certified peer support specialists or certified family support partners on:~~ ()

01. Six-Month Certifications. ~~Are eligible for one (1) four-month extension while they work towards the requirements for full certification.~~ ()

02. Full Certification. ~~Are eligible for one (1) four-month extension while they work towards the continuing education hours required for certification renewal.~~ ()

1134. -- 119. (RESERVED)

120. RECIPROCITY.

~~An applicant for who holds a valid and current certificate or license in good standing issued by the regulatory entity of another state, which in the opinion of the Department imposed substantially equivalent requirements, may apply for reciprocity for certification as a peer support specialist or a family support partner. certificate must be a holder of a current and active license or certificate at the level for which certification is sought, and be in good standing in the profession, and with the other state who is the authorizing regulatory entity for licensure or certification. Each applicant seeking reciprocity must:~~ (3-17-22)()

01. Completed and Sign an Application on Department-Approved Forms. ~~Each applicant must complete and sign an application for reciprocity on forms approved by the Department.~~ (3-17-22)()

02. Provide Verification of Education, Training, and Experience the Following Verification of Education and Experience. ~~Each applicant seeking reciprocity must provide the Department with the following:~~ (3-17-22)()

- a. Education experience summary; ()
- b. Continuing education/training hours received since certification; ()
- c. Statement of personal experience; ~~and~~ (3-17-22)()
- d. Work or volunteer experience summary form with documentation of supervised hours; ~~and~~ (3-17-22)()
- e. Documentation of current certification or licensure issued by the other state's regulatory entity. ()

03. Submit a Signed and Dated Idaho Code of Ethics Acknowledgment. ~~Each applicant seeking reciprocity must submit a signed and dated Code of Ethics Acknowledgment.~~ (3-17-22)()

04. Documentation From Other State. ~~Documentation of licensure or certification must be received from the other state's issuing regulatory agency. The other state's licensing or certification requirements must be substantially equivalent to, or higher than, those required in this chapter of rules.~~ (3-17-22)

121. -- 149. (RESERVED)

150. INACTIVE STATUS.

A certified peer specialist or certified family support partner, in good standing, may request an temporary inactive status due to an inability to meet ~~re~~certification requirements related to a decline in physical, mental health, or extenuating circumstances. (3-17-22)()

01. Request for Inactive Status. An individual who is certified must submit a request in writing to the Department asking for inactive status. ()

02. Inactive Certification Status. The Department may grant inactive status to a certified individual for up to one (1) year. ()

03. Reactivation of Certification. When the individual desires to reactivate status, **they must submit** a new application **along with an updated and signed Code of Ethics Acknowledgment** and documentation of fulfillment of continuing education requirements for the previous twelve (12) months **must be submitted** to the Department. (3-17-22)()

151. -- 199. (RESERVED)

200. PEER SUPPORT SPECIALIST -- CERTIFICATION QUALIFICATIONS AND REQUIREMENTS. Each applicant must be at least eighteen (18) years **of age old** and meet the **following** minimum qualifications and requirements **listed below** to be certified as a Peer Support Specialist **in Idaho**. (3-17-22)()

01. Educational Requirements. Each applicant **for a peer support specialist certification must have has** a high school diploma or GED certificate. (3-17-22)()

02. Training Requirements. Each applicant **must has** completed forty (40) hours of training that includes the following Peer Support Specialist competency areas: (3-17-22)()

- a. Motivation and empowerment; ()
- b. The stages of recovery and the role peers play within it; ()
- c. The state behavioral health system and the role peers play within it; ()
- d. Advocacy for recovery programs and for the peers they serve; ()
- e. The practice of recovery values: authenticity, self-determination, diversity, and inclusion; ()
- f. How to tell your recovery story and use your story to help others; ()
- g. Ethics; ()
- h. The awareness of risk factors in participants' behaviors and the ability to access appropriate services; ()
- i. The use of interpersonal and professional communication skills; ()
- j. Stages of change; ()
- k. Work place dynamics and processes; ()
- l. The Certified Peer Support Specialist's roles and duties on the job; ()
- m. Relationship building; ()
- n. Family dynamics; ()
- o. The effects of trauma and use of a trauma-informed approach; (3-17-22)()
- p. Wellness and natural supports; ()

- q. Boundaries and self-care; ()
- r. Cultural sensitivity; ()
- s. Recovery plans; and ()
- t. Local, state, and national resources. ()

03. Work or Volunteer Experience Requirements. Each applicant ~~must~~^{has} obtained supervised experience providing peer support services. A six-month (6) certification may be granted ~~according to~~^{under} Section 111 of these rules to an applicant who lacks the required experience. (3-17-22)()

a. An applicant who holds a bachelor's degree in a human services field ~~must~~^{documents} one hundred (100) hours of peer support specialist experience. (3-17-22)()

b. An applicant who does not hold a bachelor's degree in a human support services field ~~must~~^{documents} two hundred (200) hours of peer support specialist experience. (3-17-22)()

c. An applicant ~~must~~^{documents} at a minimum twenty (20) hours of supervised peer support services work or volunteer experience. (3-17-22)()

~~**04. Supervision Requirements.** A six-month (6) certification may be granted according to Section 111 of these rules to an applicant who lacks the required work or volunteer supervision hours required in Subsection 200.03 of this rule. (3-17-22)~~

~~**05. Person Self-Identified with Lived Experience.** Each applicant ~~must~~^{identifies} as an individual with lived experience in recovery from mental illness or mental illness with a co-occurring substance use disorder. (3-17-22)()~~

201. -- 249. (RESERVED)

250. PEER SUPPORT SPECIALISTS -- CODE OF ETHICS AND PROFESSIONAL CONDUCT.
All certified peer support specialists must understand and comply with the Idaho Certified Peer Support Specialist Code of Ethics and Professional Conduct incorporated by reference under Section 002 of these rules. ()

~~**01. Peer Support.** Peer Support is a helping relationship between mental health clients and Certified Peer Support Specialists. The primary responsibility of Certified Peer Support Specialists is to help those they serve achieve self-directed recovery. They believe that every individual has strengths and the ability to learn and grow. (3-17-22)~~

~~**02. Certified Peer Support Specialists.** Certified peer support specialists are committed to providing and advocating for effective recovery-based services for the people they serve in order for these individuals to meet their own needs, desires, and goals. (3-17-22)~~

~~**03. Certified Peer Support Specialist Professional Conduct.** A certified peer support specialist must: (3-17-22)~~

- ~~a. Seek to role-model recovery; (3-17-22)~~
- ~~b. Respect the rights and dignity of those they serve; (3-17-22)~~
- ~~c. Respect the privacy and confidentiality of those they serve; (3-17-22)~~
- ~~d. Openly share their personal recovery stories with colleagues and those they serve; (3-17-22)~~
- ~~e. Maintain high standards of personal conduct and conduct themselves in a manner that fosters their own recovery; (3-17-22)~~

- ~~f.~~ Never intimidate, threaten, or harass those they serve; never use undue influence, physical force, or verbal abuse with those they serve; and never make unwarranted promises of benefits to those they serve; (3-17-22)
- ~~g.~~ Not practice, condone, facilitate, or collaborate with any form of discrimination on the basis of ethnicity, race, gender, sexual orientation, age, religion, national origin, marital status, political belief, or mental or physical disability; (3-17-22)
- ~~h.~~ Never engage in sexual/intimate activities with colleagues or those they serve; (3-17-22)
- ~~i.~~ Not accept gifts of significant value from those they serve; (3-17-22)
- ~~j.~~ Not enter into dual relationships or commitments that conflict with the interests of those they serve; (3-17-22)
- ~~k.~~ Not abuse substances under any circumstances while they are employed as a Certified Peer Support Specialist; (3-17-22)
- ~~l.~~ Work to equalize the power differentials that may occur in the peer support/client relationship; (3-17-22)
- ~~m.~~ Ensure that all information and documentation provided is true and accurate to the best of their knowledge; (3-17-22)
- ~~n.~~ Keep current with emerging knowledge relevant to recovery, and openly share this knowledge with their colleagues and those they serve; (3-17-22)
- ~~o.~~ Remain aware of their skills and limitations, and do not provide services or represent themselves as expert in areas for which they do not have sufficient knowledge or expertise; and (3-17-22)
- ~~p.~~ Not hold a clinical role nor offer primary treatment for mental health issues, prescribe medicine, act as a legal representative or provide legal advice, participate in the determination of competence, or provide counseling, therapy, social work, drug testing, or diagnosis of symptoms and disorders. (3-17-22)

~~04. Ethics Training.~~ A certified peer support specialist must complete ethics training at least once per year, and maintain personal documentation of completed ethics training. (3-17-22)

~~05. Comply with Code of Ethics.~~ A certified peer support specialist must understand and comply with these rules and Idaho's Certified Peer Support Specialists Code of Ethics and Professional Conduct. (3-17-22)

251. -- 299. (RESERVED)

300. FAMILY SUPPORT PARTNER -- CERTIFICATION QUALIFICATIONS AND REQUIREMENTS.

Each applicant must be at least eighteen (18) years of age and meet the following minimum qualifications and requirements ~~listed below~~ to be certified as a family support partner ~~in Idaho~~. (3-17-22)()

01. **Educational Requirements.** Each applicant ~~for a family support partner certification must have, at a minimum, has~~ a high school diploma or GED certificate. (3-17-22)()

02. **Training Requirements.** Each applicant ~~must~~ has completed d a minimum of forty (40) hours of training that includes, ~~at a minimum,~~ the following Family Support Partner competency areas: (3-17-22)()

- a. Overview of mental illness and substance use disorders and their effects on the brain; ()
- b. Advocacy skills used in multiple systems (children's behavioral health system, education and special education system, child welfare system, and juvenile court system); ()

- c. Ethics; ()
- d. The awareness of risk factors in participants' behaviors and the ability to access appropriate services; ()
- e. The use of interpersonal and professional communication skills; ()
- f. Stages of change; ()
- g. Motivation and empowerment; ()
- h. Parenting special needs children and family dynamics; ()
- i. The recovery process; ()
- j. The effects of trauma and use of a trauma-informed approach; ()
- k. Wellness and natural supports; ()
- l. Family-centered planning; ()
- m. Boundaries and self-care; ()
- n. Cultural sensitivity; ()
- o. The children's mental health system; ()
- p. How to tell your story and use your story to help others; ()
- q. The child and family team and how to be a team player; ()
- r. Work place dynamics and process; ()
- s. The Certified Family Support Partner's role and duties on the job; ()
- t. Relationship building; ()
- u. Recovery plans; and ()
- v. Local, state, and national resources. ()

03. Work or Volunteer Experience Requirements. Each applicant ~~must~~^{has} obtained supervised experience providing family support services. A six (6) month certification may be granted ~~according to~~^{under} Section 111 of these rules to an applicant who lacks required experience. (3-17-22)()

a. An applicant that holds a bachelor's degree in a human services field ~~must~~^{documents} one hundred (100) hours of family support partner experience. (3-17-22)()

b. An applicant that does not hold a bachelor's degree in a human support services field ~~must~~^{documents} two hundred (200) hours of family support partner experience. (3-17-22)()

c. An applicant ~~must~~^{documents} at a minimum twenty (20) hours of supervised family support services work or volunteer experience. (3-17-22)()

~~**04. Supervision Requirements.** A six (6) month certification may be granted according to Section 111 of these rules to an applicant who lacks the required work or volunteer supervision hours required in Subsection~~

~~300.03 of this rule.~~

~~(3-17-22)~~

~~054. Person Self-Identified with Lived Experience. Each applicant must identify as an individual with lived experience as a parent or adult caregiver who is raising, ~~a child~~ or has raised, a child who lives with a mental illness or mental illness with a co-occurring substance use disorder. ~~(3-17-22)()~~~~

301. -- 349. (RESERVED)

350. FAMILY SUPPORT PARTNERS -- CODE OF ETHICS AND PROFESSIONAL CONDUCT.

All certified family support partners must understand and comply with the Idaho Certified Family Support Partner Code of Ethics incorporated by reference under Section 002 of these rules. ()

~~01. Family Support Principles. These family support principles are intended to serve as a guide for certified family support partners and those who are working toward full certification in their everyday professional conduct that includes various roles, relationships, and levels of responsibilities within their jobs. (3-17-22)~~

~~02. Certified Family Support Partner Integrity. In order to maintain high standards of competency and integrity, a certified family support partner must: (3-17-22)~~

~~a. Apply the principles of resiliency, wellness and recovery, or both, family driven approach, youth-guided or youth-driven approach, consumer-driven approach, and peer-to-peer mutual learning principles in every day interactions with family members; (3-17-22)~~

~~b. Promote the family member's ethical decision-making and personal responsibility consistent with that family member's culture, values, and beliefs; (3-17-22)~~

~~c. Promote the family members' voices and the articulation of their values in planning and evaluating children's behavioral health related issues; (3-17-22)~~

~~d. Teach, mentor, coach, and support family members to articulate goals that reflect each family member's current needs and strengths; (3-17-22)~~

~~e. Demonstrate respect for the cultural-based values of the family members engaged in peer support; (3-17-22)~~

~~f. Communicate information in ways that are both developmentally and culturally appropriate; (3-17-22)~~

~~g. Empower family members to be fully informed in preparing to make decisions and understand the implications of these decisions; (3-17-22)~~

~~h. Maintain high standards of professional competence and integrity; (3-17-22)~~

~~i. Abstain from discriminating against or refusing services to anyone on the basis of race, ethnicity, gender, gender identity, religion/spirituality, culture, national origin, age, sexual orientation, marital status, language preference, socioeconomic status, or disability; (3-17-22)~~

~~j. Only assist family members whose concerns are within one's competency as determined by one's education, training, experience, and on-going supervision or consultation; (3-17-22)~~

~~k. Abstain from establishing or maintaining a relationship for the sole purpose of financial remuneration to self or the agency with which one is associated; and (3-17-22)~~

~~l. Terminate a relationship when it becomes reasonably clear that the peer relationship is no longer the desire of the family member. (3-17-22)~~

~~03. Certified Family Support Partner Safety. In order to maintain the safety of all family members~~

~~involved with family support services, a certified family support partner must: (3-17-22)~~

~~**a.** Comply with all laws and regulations applicable to the jurisdiction in which the peer support services are provided, including confidentiality; (3-17-22)~~

~~**b.** Maintain confidentiality in personal and professional communication and ensure that family members have authorized the use or release of any and all information about themselves or family members for whom they have legal authority, including verbal statements, writings, or re-release of documents; (3-17-22)~~

~~**c.** Respect the privacy of partner agencies and not distribute internal or draft documents or share private, internal conversations; (3-17-22)~~

~~**d.** When complying with laws and regulations involving mandatory reporting of harm, abuse, or neglect, make every effort to involve the family members in the planning for services and ensure that no further harm is done to family members as the result of the reporting; (3-17-22)~~

~~**e.** Discuss and explain to family members the rights, roles, expectations, benefits, and limitations of the peer support process; (3-17-22)~~

~~**f.** Avoid ambiguity in the relationship with family members and ensure clarity of the certified family support partner's role at all times; (3-17-22)~~

~~**g.** Maintain a positive relationship with family members, refraining from premature or unannounced ceasing of the relationship until a reasonable alternative arrangement is made for continuation of similar peer support services; (3-17-22)~~

~~**h.** Abstain from engaging in intimate, emotional, or physical relationships with family members engaged in a peer support relationship; (3-17-22)~~

~~**i.** Neither offer nor accept gifts, other than token gifts, related to the professional service of peer support, including personal barter services, payment for referrals, or other remunerations; and (3-17-22)~~

~~**j.** Abstain from engaging in personal financial transactions with family members engaged in a peer support relationship. (3-17-22)~~

~~**04. Certified Family Support Partner Professional Responsibility.** Through educational activities, supervision and personal commitment, a certified family support partner must: (3-17-22)~~

~~**a.** Stay informed and up-to-date with regard to the research, policy, and developments in the field of parent/peer support and children's emotional, developmental, behavioral (including substance use), or mental health which relates to one's own practice area and children's general health and wellbeing; (3-17-22)~~

~~**b.** Engage in helping relationships that include skills building, not exceeding one's scope of practice, experience, training, education, or competence; (3-17-22)~~

~~**c.** Perform or hold oneself out as competent to perform only peer services not beyond one's education, training, experience, or competence; (3-17-22)~~

~~**d.** Seek appropriate professional supervision/consultation or assistance for one's personal problems or conflicts that may impair or affect work/volunteer performance or judgment; (3-17-22)~~

~~**e.** File a complaint with the certification body for Family Support Partners when one has reason to believe that another family support partner is, or has been, engaged in conduct that violates the law or these rules. Making a complaint to the certification body for Family Support Partners is an additional requirement, not a substitute for, or alternative to, any duty of filing reports required by statute or regulation; (3-17-22)~~

~~**f.** Refrain from distorting, misusing, or misrepresenting one's experience, knowledge, skills, or~~

~~research findings;~~ (3-17-22)

~~g. Refrain from financially or professionally exploiting a colleague or representing a colleague's work, associated with the provision of peer support or the profession of peer support, as one's own;~~ (3-17-22)

~~h. In the role of a supervisor/consultant, be responsible for maintaining the quality of one's own supervisory/consultation skills and obtaining supervision/consultation for work as a supervisor/consultant;~~ (3-17-22)

~~i. In the role of a researcher, be aware of and comply with federal and state laws and regulations, agency regulations, and professional standards governing the conduct of research, including ensuring the participants' complete informed consent for participating or declining to participate in a study; and~~ (3-17-22)

~~j. In the role as a volunteer, member, or employee of an organization, give credit to persons for published or unpublished ideas, take reasonable precautions to ensure that one's employer or affiliate organization promotes and advertises materials accurately and factually.~~ (3-17-22)

~~05. **Ethics Training.** A certified family support partner must complete ethics training at least once per year, and maintain personal documentation of completed ethics training.~~ (3-17-22)

~~06. **Comply with Code of Ethics.** A certified family support partner must understand and comply with these rules and Idaho's Certified Family Support Partners Code of Ethics.~~ (3-17-22)

351. -- 399. (RESERVED)

400. SUPERVISOR FOR PEER SUPPORT SPECIALIST OR FAMILY SUPPORT PARTNER -- QUALIFICATIONS AND REQUIREMENTS.

An individual must meet the following requirements to provide supervision to a peer support specialist or family support partner. ()

01. Bachelor's Degree or Higher. ~~In order t~~Io supervise a peer support specialist or family support partner, an individual ~~must hold~~s a bachelor's degree or higher in a human services field. (3-17-22)()

02. Supervisory Position. An individual ~~must be~~is in a supervisory position and works in that capacity within the agency. (3-17-22)()

401. -- 499. (RESERVED)

500. COMPLAINTS.

A complaint is an informal process to address the concerns of an individual. Any individual may file a written complaint or concern with the Department regarding a certified peer support specialist; or certified family support partner; ~~or a behavioral health program.~~ (3-17-22)()

01. Complaint Content. A complaint must include: ()

a. The full name, mailing address, phone number, and email contact for the person reporting the complaint; ()

b. A description of the nature of the complaint, including the desired outcome. ()

02. Department Response ~~to Complaint.~~ The Department will respond to the complaint within thirty (30) days of receipt of the complaint. This process may include gathering additional information from involved parties, including the complainant. (3-17-22)()

501. -- 509. (RESERVED)

510. GRIEVANCES.

A grievance is a type of complaint about the certification decision that has been made following application to the

Department. When an applicant is denied certification, questions the results of the application review process, or is subject to an action that they deem unjustified, the applicant may submit a written grievance to the Department. ()

01. Grievance Content. The grievance must include: ()

a. The full name, mailing address, phone number, and email contact for the person reporting the grievance; and ()

b. A detailed explanation of the decision that is being contested, from the perspective of the complainant, including any steps already taken to resolve the issue. ()

02. Department Response ~~to Grievance~~. The Department will respond within sixty (60) days of receipt of the grievance. This process may include gathering additional information from involved parties. (3-17-22)()

511. -- 519. (RESERVED)

520. DENIAL, REVOCATION, OR SUSPENSION OF CERTIFICATION.

The Department may deny, suspend, or revoke an individual's application, certification, or ~~recertification~~ renewal as a peer support specialist or family support partner for noncompliance with these rules. (3-17-22)()

521. -- 524. (RESERVED)

525. IMMEDIATE DENIAL, REVOCATION, OR SUSPENSION.

The Department may deny, revoke, or suspend a certification or ~~recertification~~ renewal, without prior notice, when conditions exist that endanger the health and safety of any participant. (3-17-22)()

526. -- 529. (RESERVED)

530. REASONS FOR DENIAL, REVOCATION, OR SUSPENSION.

An individual may have a certification denied, revoked, or suspended for any ~~one (1)~~ of the following reasons listed below. (3-17-22)()

01. Failure to Comply with These Rules and the Code of Ethics. ~~Failure to comply with these rules and the code of ethics described in Sections 250 and 350 of these rules.~~ (3-17-22)()

02. Failure to Provide Information Requested by the Department. ~~Failure to provide information requested by the Department.~~ (3-17-22)()

03. ~~Failure to Perform.~~ ~~Inadequate knowledge or performance that is demonstrated by repeated substandard peer or quality assurance reviews.~~ (3-17-22)

04.3. Misrepresentation of Information ~~Provided~~. Misrepresentation by the applicant in an application, or in documents required by the Department for certification. (3-17-22)()

05.4. Conflict of Interest. Conflict of interest in which a certified individual exploits their position as a Certified Peer Support Specialist or a Certified Family Support Partner for personal benefit. ()

06.5. Negligent Performance or Fraud. A criminal, civil, or administrative determination that a certified individual has committed fraud or gross negligence in their capacity as a Certified Peer Support Specialist or Certified Family Support Partner. ()

07.6. Failure to Correct. Failure to correct within thirty (30) days of written notice, any unacceptable conduct, practice, or condition as determined by the Department. ()

531. -- 534. (RESERVED)

535. APPEAL OF DEPARTMENT DECISION.

An applicant or certificate holder may appeal a Department decision to deny, suspend, or revoke a certification ~~according to~~under IDAPA 16.05.03, “Contested Case Proceedings and Declaratory Rulings.” (3-17-22)()

536. -- 539. (RESERVED)

540. REAPPLICATION FOR CERTIFICATION.

Following a denial, suspension, or revocation of certification or ~~re~~certification renewal, the same applicant may not reapply for certification for a period of six (6) months after the effective date of the action. Applicants reapplying after a suspension or revocation adhere to the same continuing education and ethics requirements under Section 112 of these rules. (3-17-22)()

541. -- 999. (RESERVED)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

**16.07.25 – PREVENTION OF MINORS’ ACCESS TO TOBACCO
OR ELECTRONIC SMOKING DEVICE PRODUCTS**

DOCKET NO. 16-0725-2301 (ZBR CHAPTER REWRITE)

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 39-5704, Idaho Code.

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

<p>VIRTUAL Public Hearing via WebEx</p>
<p>Thursday, August 17, 2023 1:00 p.m. to 2:00 p.m. (MT)</p>
<p>Join from the meeting link: https://idhw.webex.com/idhw/j.php?MTID=mdaa511429fd71130a544f088517221da</p> <p>Join by meeting number: Meeting number (access code): 2763 435 3346 Meeting password: 7pfHxVaNx66 (77349826 from phones and video systems)</p> <p>Join by phone +1-415-527-5035 United States Toll +1-303-498-7536 United States Toll (Denver)</p>

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. Meeting(s) will conclude after 30 minutes if no participants sign in or wish to comment in the meeting.

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

Under [Executive Order 2020-01](#): Zero-Based Regulation, the Department is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. The rule changes are intended to perform a comprehensive review of this chapter by collaborating with the public to streamline or simplify this rule language.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There are no fees in this chapter of rules.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the March 1, 2023, Idaho Administrative Bulletin, [Vol. 23-3, pages 24-25](#).

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: There are no incorporations by reference in this chapter of rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Treena Clark at 208-334-6611.

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 August 23, 2023.

DATED this 6th day of July, 2023.

Trinette Middlebrook and Frank Powell
DHW – Administrative Rules Unit
450 W. State Street – 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500
fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0725-2301
(ZBR Chapter Rewrite)

16.07.25 – PREVENTION OF MINORS' ACCESS TO TOBACCO
OR ELECTRONIC SMOKING DEVICE PRODUCTS

000. LEGAL AUTHORITY.

~~Under~~ Section 39-5704, Idaho Code, ~~authorizes~~ the Department of Health and Welfare ~~is authorized~~ to promulgate rules ~~in compliance with Title 39, Chapter 57 for the prevention of minors' access to tobacco products regarding permitting of tobacco product or electronic smoking device retailers, inspections, and compliance checks, training program, and employment practices.~~ ~~(3-17-22)()~~

001. TITLE AND SCOPE.

- 01. Title.** These rules are titled IDAPA 16.07.25, ~~"Prevention of Minors' Access to Tobacco Products."~~ ~~(3-17-22)~~
- 02. Scope.** This rule implements provisions of Section 39-5701 et seq., Idaho Code. The Code defines the following: ~~(3-17-22)~~
- a.** Possession, distribution, or use of tobacco products by a minor; ~~(3-17-22)~~
 - b.** Permit process for tobacco product retailers; ~~(3-17-22)~~
 - c.** Sale or distribution of tobacco products to a minor; ~~(3-17-22)~~
 - d.** Vendor-assisted sales; ~~(3-17-22)~~

- e. ~~Opened packages and samples;~~ (3-17-22)
- f. ~~Civil and criminal penalties for sales violations; and~~ (3-17-22)
- g. ~~Conduct of enforcement actions.~~ (3-17-22)

0021. -- 009. (RESERVED)

010. DEFINITIONS.

~~The terms used in this rule are defined as follows:~~ In addition to the definitions under Section 39-5702, Idaho Code, the following definitions apply: (3-17-22)(____)

01. **Business.** Any company, partnership, firm, sole proprietorship, association, corporation, organization, or other legal entity, or a representative of the foregoing entities that sells or distributes tobacco or electronic smoking device products. Wholesalers' or manufacturers' representatives in the course of their employment are not included in ~~the scope of~~ these rules. (3-17-22)(____)

02. **Delivery Sale.** The distribution of tobacco or electronic smoking device products to a consumer in a state where either: (3-17-22)(____)

a. The individual submits the order for a purchase of tobacco or electronic smoking device products by a telephone call or other voice transmission method; data transfer via computer networks, including the internet and other online services; or by use of a facsimile machine transmission or use of the mails; or (3-17-22)(____)

b. When tobacco or electronic smoking device products are delivered by use of the mails or a delivery service. (3-17-22)(____)

03. **Delivery Service.** Any person who is engaged in the commercial delivery of letters, packages, or other containers. This includes permittees who take an order for tobacco or electronic smoking device products and then deliver the tobacco or electronic smoking device products without using a third-party delivery service. (3-17-22)(____)

04. **Department.** The Idaho Department of Health and Welfare, ~~(DHW)~~ or its duly authorized representative. (3-17-22)(____)

05. **Direct Sale.** Any face to face, or in person sale, of a tobacco or electronic smoking device product by a permittee, or their employee, to an individual. (3-17-22)(____)

~~06. **Distribute.** To give, deliver, sell, offer to give, offer to deliver, offer to sell, or cause any person to do the same or hire any person to do the same. (3-17-22)~~

~~07. **Effective Training.** Training must include, at a minimum, the provisions of the law regarding minors' access to tobacco products as indicated on the suggested Employee Training form that is included with the permit provided by the Department and found in Appendix A of these rules. Such training will be presumed effective for purposes of civil penalty actions in the first, second, and third violations within a two (2) year period. (3-17-22)~~

~~08. **Evidence of Effective Training.** Documentation provided by a permittee in response to a violation of this chapter clearly identifying that the permittee had a training program meeting the definition for effective training in place at the time of the violation and had on file a form signed by the employee prior to the violation stating understanding of the tobacco laws dealing with minors and the unlawful purchase of tobacco. (3-17-22)~~

096. **Location.** The street address and building in which the tobacco or electronic smoking device products are sold, or the uniform resource locator (URL) for retailers who sell tobacco or electronic smoking device products exclusively via the internet. (3-17-22)(____)

- ~~107.~~ **Minor.** A person under ~~eighteen~~twenty-one (~~18~~21) years ~~of age~~old. (3-17-22)()
- ~~11.~~ **Permit.** A permit issued by the Department for the sale or distribution of tobacco products. (3-17-22)
- ~~1208.~~ **Permit Endorsement.** An endorsement identifies a sale or delivery method used by a permittee to sell tobacco or electronic smoking device products. There are three (3) types of endorsements that may be included on a permit. The three (3) endorsement types are: (3-17-22)()
- a. Delivery Sales; ()
 - b. Delivery Service; and ()
 - c. Direct Sales. ()
- ~~13.~~ **Permittee.** ~~The holder of a valid permit for the sale or distribution of tobacco products.~~ (3-17-22)
- ~~1409.~~ **Photographic Identification.** In all cases, the identification ~~must~~bears a photograph and a date of birth. Verification is not required by these rules if the buyer is known to the seller to be age ~~eighteen~~twenty-one (~~18~~21) or older. Types of identification include: (3-17-22)()
- a. State, district, territorial, possession, provincial, national, or other equivalent government driver's license; or ()
 - b. State identification card or military identification card; or ()
 - c. A valid passport. ()
- ~~150.~~ **Purchaser.** An individual who seeks to buy or who buys a tobacco product or electronic smoking device. (3-17-22)()
- ~~161.~~ **Random Unannounced Inspection.** An inspection of business by a law enforcement agency or by the Department, with or without the assistance of a minor, to monitor compliance ~~of this chapter~~with these rules. (3-17-22)()
- a. Random. At any time, without a schedule or frequency. ()
 - b. Unannounced. Without previous notification. ()
- ~~172.~~ **Retail Sales Minor-Exempt Permit.** A permit that is issued to retail locations whose revenues from the sale of alcoholic beverages for on-site consumption are at least fifty-five percent (55%) of total revenues, or whose products and services are primarily obscene, pornographic, profane, or sexually oriented. A permittee issued this type of permit is exempt from minor-assisted inspections where minors are not allowed on the premises and such prohibition is clearly posted at all entrances. ()
- ~~18.~~ **Seller.** ~~The person who physically sells or distributes tobacco products.~~ (3-17-22)
- ~~193.~~ **Tobacco or Electronic Smoking Device Product.** Any substance that contains is made of, or is derived from tobacco or nicotine including devices and device components used to consume these products, as outlined under Section 39-5702(13), Idaho Code. (3-17-22)()
- ~~a.~~ Cigarettes; (3-17-22)
 - ~~b.~~ Cigars; (3-17-22)
 - ~~c.~~ Pipes; (3-17-22)

- ~~d.~~ Snuff; (3-17-22)
- ~~e.~~ Smoking Tobacco; (3-17-22)
- ~~f.~~ Tobacco Paper; and (3-17-22)
- ~~g.~~ Smokeless Tobacco. (3-17-22)
- ~~20.~~ **Vending Machine.** Any mechanical, electronic, or other similar device which, upon the insertion of tokens, money, or any other form of payment, dispenses tobacco products. (3-17-22)

~~21.~~ **214. Vendor Assisted Sales.** Any sale or distribution in which the customer has no access to the product except through the assistance of the seller. The seller ~~must~~ physically dispenses the tobacco or electronic smoking device product to the purchaser. (3-17-22)()

~~22.~~ **215. Violation.** An action contrary to Title 39, Chapter 57, Idaho Code, or IDAPA 16.07.25, "Prevention of Minors' Access to Tobacco or Electronic Smoking Device Products." (3-17-22)()

~~23.~~ **Without a Permit.** A business that has failed to obtain a permit or a business whose permit is suspended or revoked. (3-17-22)

011. -- 019. (RESERVED)

020. APPLICATION FOR PERMIT.

All businesses that sell or distribute tobacco or electronic smoking device products to the public must obtain a permit issued annually by the Department ~~of Health and Welfare~~. (3-17-22)()

01. Where to Obtain an Application for Permit. A hard-copy application can be obtained, at no cost to the applicant, from the Department ~~of Health and Welfare, Division of Behavioral Health,~~ at PO Box 83720, Boise, Idaho 83720-0036. A permit may also be obtained, at no cost to the applicant, via the internet at <http://www.tobaccopermits.com/Idaho>. (3-17-22)()

02. Permits. A separate permit must be obtained for each business location. The permit is non-transferable to another person, business, or location. The applicant ~~must request~~ selects endorsements for each method of sale or delivery it uses. If a place of business sells or distributes tobacco or electronic smoking device by more than one (1) method, it ~~must have~~ selects an endorsement for each type. (3-17-22)()

a. Issuance of a Permit. A permit ~~may be~~ is issued when a new tobacco or electronic smoking device retail outlet has been established, when a currently permitted business is sold to new owners, or when a currently permitted business is moved to a different physical location. Permits ~~may be~~ are issued to tobacco or electronic smoking device retailers established in a permanent location. Permits may not be issued for a retailer doing business in a temporary location. (3-17-22)()

b. Closure of a Permit. A permit ~~may be~~ is closed when the permittee closes the business, no longer sells tobacco or electronic smoking device products, moves to a different physical location, or sells the business ~~to a new owner~~. (3-17-22)()

c. Revocation of a Permit. A permit ~~may be~~ is revoked by the Department ~~of Health and Welfare~~ when:

i. It is determined a new permit was fraudulently obtained to avoid penalties accrued on an existing permit; or ()

ii. The holder of a permit, suspended ~~as established in~~ under Section 39-5708(5), has failed to provide ~~an effective~~ evidence of a training plan to the Department that complies with Subsection 021.04 of these rules. (3-17-22)()

d. Temporary Permits. ~~Temporary permits are not allowed under 39-5704, Idaho Code. This includes permits for temporary markets, community events, fairs, tasting events, and mobile businesses.~~ (3-17-22)()

e. Expiration of a Permit. All permits expire annually at midnight on December 31 of each calendar year. ()

03. Renewal of Permit. All permits must be renewed annually and are valid only for ~~twelve (12) calendar months~~ that calendar year. (3-17-22)()

a. The Department will mail notices of renewal for permits no later than ninety (90) days prior to the expiration date on the permit. ()

b. ~~An~~ applications for renewal must be submitted annually for each business location through written application or online services, where available. (3-17-22)()

c. A business with multiple locations may submit a single written application to renew the permit at each site, so long as the application is accompanied by a list of business permit numbers, locations, and addresses. ()

d. A permit will not be renewed for any location until any past due fines for violations are paid in full. Fines are considered past due when not paid within ten (10) days of the citation date, or within ten (10) days after notification that the fine is upheld upon appeal, whichever is later. Violation fines under appeal are not considered past due. ()

04. Application for Exemption. Businesses seeking exemption from vendor assisted sales must submit information to the Department to establish compliance with the following criteria: ()

a. Tobacco or electronic smoking device products comprise at least seventy-five percent (75%) of total merchandise as determined by sales reported to the Idaho State Tax Commission; (3-17-22)()

b. Minors are not allowed in exempt businesses and there is a sign on all entrances prohibiting minors; and ()

c. There ~~must be~~ is a separate entrance to the outside air or to a common area not under shared ownership by the exempt business. (3-17-22)()

021. PERMITTEE RESPONSIBILITIES. The permittee ~~is responsible for~~ must comply with the following: (3-17-22)()

01. Possession of Permit. Each business location ~~must have~~ has a permit. (3-17-22)()

02. Visibility. The permit ~~must be~~ is available upon request at each site. (3-17-22)()

03. Display of Sign. Each business ~~may~~ displays, at each business site, a sign that states: "State Law Prohibits the Sale of Tobacco or Electronic Smoking Device Products to Persons Under the Age of ~~Eighteen~~ twenty-one (21) Years. Proof of Age Required. Anyone Who Sells or Distributes Tobacco or Electronic Smoking Device to a Minor is Subject to Strict Fines and Penalties. Minors are Subject to Fines and Penalties." (3-17-22)()

04. ~~Effective~~ Training Program. Each permittee is responsible to train employees ~~as to the requirements of~~ responsible for the sale or distribution of tobacco or electronic smoking device products under Title 39, Chapter 57, Idaho Code, and these rules. Training must cover the provisions of the law regarding minors' access to tobacco or electronic smoking device products, and, at a minimum, include the following elements: (3-17-22)()

a. ~~Unless the permittee has its own training program as described in Subsection 021.04.b. of this rule, the employer must, at a minimum, read to the seller or prospective seller who may be responsible for sale or~~

~~distribution of tobacco products, or assure the seller or prospective seller has read the information contained on the Employee Training form found in Appendix A of these rules and have them initial each statement, and sign and date the form indicating an understanding of the provisions of the law governing minors' access to tobacco products. Understanding that state law prohibits the sale of any tobacco or electronic smoking device products to anyone under twenty-one (21) years old, that photo identification verification of age is required for any persons not personally known to be at least twenty-one (21) years old to the seller, and that anyone who sells to someone under twenty-one (21) years old will be fined one hundred dollars (\$100) per offense.~~ (3-17-22)()

~~b. Permittee may have their own training program, but it must contain all of the elements listed in the Employee Training form found in Appendix A of these rules. The seller or prospective seller who may be responsible for sale or distribution of tobacco products must affirm in writing their acknowledgment of such training. Understanding of the definitions of "tobacco or electronic smoking device" products as defined under Section 39-5702(13), Idaho Code.~~ (3-17-22)()

~~c. Understanding that random inspections will be conducted to ensure compliance with Section 39-5701 et. seq., Idaho Code.~~ ()

~~d. All sales must be vendor-assisted unless the store is exempt from the vendor-assisted requirement.~~ ()

~~e. Products must be sold in their original sealed packaging from the manufacturer.~~ ()

~~f. Employee is given a copy of, and has reviewed, Section 39-5701 et. seq., Idaho Code, and these rules.~~ ()

~~g. Permittee retains a form signed by that employee on file stating that the employee understands the tobacco product or electronic smoking device laws dealing with minors and the consequences of an unlawful purchase of tobacco products or electronic smoking devices.~~ ()

05. Permit Requirements. All permittees are required to be familiar with and comply with the requirements of Title 39, Chapter 57, Idaho Code, as that act pertains to the permittee's sales of tobacco or electronic smoking device products. (3-17-22)()

022. DELIVERY SALE ADDITIONAL REQUIREMENTS.

In addition to the requirements of Title 39, Chapter 57, Idaho Code, all permittees holding a Delivery Sale Endorsement, who mail or ship tobacco or electronic smoking device products must: (3-17-22)

~~01. Shipping Package Requirements. Imprint in clearly legible, black ink letters, that are no less than one (1) inch tall, text the words: "TOBACCO OR ELECTRONIC SMOKING DEVICE PRODUCT, MUST BE 18 21 YEARS OF AGE TO ACCEPT" on the exterior top and bottom of the shipping package.~~ (3-17-22)()

~~02. Delivery Requirements. Require that tobacco products only be delivered in a face to face delivery to the address on the original shipping label. The individual receiving the delivery must be verified to be at least eighteen (18) years of age and have the same address as on the original shipping label.~~ (3-17-22)

023. -- 050. (RESERVED)

051. CIVIL PENALTIES FOR VIOLATION OF PERMIT.

Civil penalties for violation of a permit are addressed under Section 39-5708, Idaho Code. ()

01. Violations by the Seller. ()

a. The seller will receive a one hundred dollar (\$100) fine for each violation of these rules. (3-17-22)()

b. Each violation will be recorded with the Department and may be accessed by potential employers upon the written consent of the seller as a portion of the training permit documentation. ()

02. Violations by the Permittee. ()

~~a. First violation. The permittee will be notified in writing of the violation and penalties to be levied for further violations. No fine will be imposed. The permittee may provide evidence of training to the Department as a mitigating factor of a violation. Such evidence must be submitted to the Department within ten (10) business days from the date of the violation. (3-17-22)()~~

~~b. Second violation in a two (2) year period. When a permit is suspended, the Department will set the beginning date of the suspension. The permittee's training and employment practices will be considered as a mitigating factor in determining the length of the permit suspension. (3-17-22)()~~

~~i. The permittee will be fined two hundred dollars (\$200). (3-17-22)~~

~~ii. If the permittee provides evidence of effective training, provided to the seller prior to the second violation, within ten (10) business days from the date of violation, the Department will waive the fine. (3-17-22)~~

~~iii. The permittee will be notified in writing of the penalties to be levied for further violations. (3-17-22)~~

~~e. Third violation in a two (2) year period. (3-17-22)~~

~~i. The permittee will be fined two hundred dollars (\$200). (3-17-22)~~

~~ii. The permit will be suspended for up to seven (7) days beginning upon a date set by the Department following the third violation. Evidence of effective employee training will be a mitigating factor in determining the length of the permit suspension. (3-17-22)~~

~~iii. The permittee must remove all tobacco products from public sight for the duration of the revocation of the permit. (3-17-22)~~

~~iv. If the violation is by an employee, at the same location, who was involved in any previous citation for violation, the permittee will be fined four hundred dollars (\$400). (3-17-22)~~

~~d. Fourth or subsequent violation in a two (2) year period. (3-17-22)~~

~~i. The permittee will be fined four hundred dollars (\$400). (3-17-22)~~

~~ii. The permit will be revoked until such time as the permittee demonstrates an effective training program to the Department, but in no case will the revocation be less than thirty (30) days. (3-17-22)~~

~~iii. The permittee must remove all tobacco products from public sight for the duration of the revocation of the permit. (3-17-22)~~

~~03. **All Fine Payments of Fines.** All fine payments must be received by the Department within ten (10) days of the date of the citation. Fine payments should be paid online or mailed to, Tobacco Project Office, 450 West State Street, 3rd Floor, Boise, ID 83720-0036 the Department address in the citation letter. (3-17-22)()~~

052. CRIMINAL PENALTIES.

01. Selling or Distributing Without a Permit. Criminal penalties apply to any business or individual(s) who sells or distributes tobacco or electronic smoking device products to the public without a permit. (3-17-22)()

02. Department Notified of Violation. If the Department is notified of a violation of Section 39-5709 et seq., Idaho Code, the Department will contact the appropriate law enforcement authority. ()

053. -- 100. (RESERVED)

101. INSPECTIONS.

01. Random and Unannounced Inspections. The total number of random and unannounced inspections under ~~Section 101 of~~ this rule will be determined by: (3-17-22)()

a. The number of permittees on the last day of each calendar year multiplied by the percentage of violations for the preceding year multiplied by a factor of ten (10). ~~A calculation checklist is provided under Appendix B;~~ (3-17-22)()

b. In no instance will the total number of inspections be less than the number of permittees, or exceed twice the number of permittees. ()

c. The Department and the Idaho State Police must will conduct at least one (1) unannounced inspection per year at every known business location identified as a retailer of tobacco or electronic smoking device products to the public. All additional inspections required to meet the total number specified under Section 101 of this rule must will be conducted in a random manner. (3-17-22)()

~~**02. Who Will Inspect.** Inspections will be conducted for all minor exempt permit locations by an adult enforcement officer. For all other permit locations, inspections will be conducted by an adult enforcement officer accompanied by a minor. (3-17-22)~~

~~**032. Law Enforcement Agency Inspections.** ()~~

a. In addition to the inspections ~~set forth in~~ Subsection 101.01 of this rule, any law enforcement agency may conduct inspections consistent with agency policy and procedure with or without a minor at any business location, at any time, where tobacco or electronic smoking device products are sold or distributed to the public. (3-17-22)()

b. Law enforcement agencies conducting inspections under Subsection 101.032.a. of this rule will report the results from their inspections to the Department. All citations will become part of the permittee's permanent record. (3-17-22)()

~~**043. Complaint Investigation.** ()~~

a. The Department must will refer all written complaints concerning the sale of tobacco or electronic smoking device products to minors to the appropriate agency, as determined by the Department, for investigation. (3-17-22)()

b. Inspections conducted as part of the investigation of a written complaint are not included in the overall number of inspections identified under Subsections 101.01 and 101.032 of this rule. Citations issued during the investigation of a written complaint must will be added to the permittee's permanent record. (3-17-22)()

~~**054. Issuance of Citation or Report.** For inspections conducted under Subsection 101.01 of this rule, a representative of the business will be provided with a report, within two (2) business days, after the inspection. The date the Department provides notification of the citation must will be used for determination of timely payment of fines and all other administrative actions including requests for waivers and request for appeals. (3-17-22)()~~

102. -- 999. (RESERVED)

APPENDIX A
EMPLOYEE TRAINING FORM

~~The following may be used for training of employees to assure that they are aware of the current law regarding youth~~

~~access to tobacco products in the state of Idaho. This would constitute "minimum" training required by the employer as indicated in Section 39-5701 et seq., Idaho Code.~~

~~Have the employee initial each section and sign at the bottom.~~

~~_____ I understand the state law prohibits the sale of ANY tobacco products to persons under 18 years of age and that verification of age is required for any sale of tobacco products.~~

~~_____ I understand that I am to ask for photo identification from any persons whom I do not personally know to be at least 18 years of age and verify their age before a sale of tobacco products.~~

~~_____ I understand that sales to anyone under the age of 18 can result in a personal fine to me of \$100 for the first offense.~~

~~_____ I understand that "tobacco products" includes any substance that contains tobacco including, but not limited to, cigarettes, cigars, pipes, snuff, smoking tobacco, tobacco papers, or smokeless tobacco. (Section 39-5702 (13), Idaho Code)~~

~~_____ I understand that this store may be inspected at any time for compliance with the state law regarding "youth access to tobacco products."~~

~~_____ I understand that all sales must be "vendor assisted" unless the store in which I work has 75% of the total merchandise available for sale as tobacco products. This store is _____ is not _____ exempted from the vendor assisted requirement. (check one)~~

~~_____ I understand that cigarettes **must** be sold only in their original sealed package from the manufacturer. (Section 39-5707, Idaho Code)~~

~~_____ I have been given a copy of Section 39-5701 et seq., Idaho Code, and IDAPA 16.07.25, "Prevention of Minor's Access to Tobacco Products."~~

~~I have read and agree to these statements and have had all my questions answered regarding my responsibilities as a seller of tobacco products in the state of Idaho.~~

~~By signing this agreement, I consent to having a current or potential employer contact the Department of Health and Welfare to determine if I have received citations for violation Title 39, Chapter 57, Idaho Code.~~

Printed Name of Employee

Employee's Signature

Witnessed

Date

(3-17-22)

**APPENDIX B
RANDOM AND UNANNOUNCED INSPECTION CHECKLIST**

Inspection Year _____

1. Overall Violation Rate for Prior Year (20__) (Percentage) _____ x _____

2. Number of Permittees as of December 31, 20__ : _____

~~3. Multiply the Overall Violation Rate for Prior Year by the Number of Permittees: _____~~

~~4. Multiply the results of Step 3 by 10: _____~~

~~5. The Result of Step 4 is the Total of Random and Unannounced Inspections: _____~~
~~(3-17-22)~~

IDAPA 20 – IDAHO DEPARTMENT OF LANDS
20.01.01 – RULES OF PRACTICE AND PROCEDURE BEFORE
THE STATE BOARD OF LAND COMMISSIONERS
DOCKET NO. 20-0101-2301 (ZBR CHAPTER REWRITE)
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 58-104(6) and 58-105, 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 August 16, 2023.

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:

The Idaho Department of Lands initiated this rulemaking in compliance with [Executive Order 2020-01: Zero-Based Regulation](#). This rule chapter is scheduled for a comprehensive review in 2024 with the goal of simplifying and streamlining the rules for increased clarity and ease of use. The overall regulatory burden has been reduced by decreasing both total word count (-95%) and the number of restrictive words (-97%) in the proposed rule.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the March 3, 2023 Idaho Administrative Bulletin, [Vol. 23-5, pages 163-164](#).

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:

IDAPA 04.11.01, Idaho Rules of Administrative Procedure of the Attorney General, excluding Section 741.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Scott Phillips at (208) 334-0294 or SPhillips@idl.idaho.gov.

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 August 23, 2023.

DATED this 6th day of July, 2023.

Scott Phillips, Policy, and Communications Chief
Idaho Department of Lands
300 N. 6th St, Suite 103
P.O. Box 83720
Boise, Idaho 83720-0050
Phone: (208) 334-0294
Fax: (208) 334-3698
rulemaking@idl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 20-0101-2301
(ZBR Chapter Rewrite)

20.01.01 – RULES OF PRACTICE AND PROCEDURE BEFORE
THE STATE BOARD OF LAND COMMISSIONERS

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 58-104 and 67-5206(5)(b), Idaho Code. ()

001. TITLE AND SCOPE.

This chapter is titled IDAPA 20.01.01, “Rules of Practice and Procedure Before the State Board of Land Commissioners.” These rules govern the practice and procedure in contested cases before the Board and the Idaho Department of Lands. These rules do not govern practice and procedure during regular or special meetings of the Board. Furthermore, these rules are not intended to create the substantive right to a contested case hearing; any right to a contested case hearing must be established by other provision of law. ()

002. DEFINITIONS.

~~As used in this chapter:~~ (3-31-22)

- ~~01. Agency. The state board of land commissioners and the Idaho department of lands.~~ (3-31-22)
- ~~02. Agency Action. Agency action means:~~ (3-31-22)
 - ~~a. The whole or part of a rule or order;~~ (3-31-22)
 - ~~b. The failure to issue a rule or order; or~~ (3-31-22)
 - ~~c. An agency’s performance of, or failure to perform, any duty placed on it by law.~~ (3-31-22)
- ~~03. Agency Head. The state board of land commissioners and the board secretary, the director of the Idaho department of lands.~~ (3-31-22)
- ~~04. Board. The State Board of Land Commissioners.~~ (3-31-22)
- ~~05. Contested Case. A proceeding which results in the issuance of an order.~~ (3-31-22)
- ~~06. Document. Any proclamation, executive order, notice, rule or statement of policy of an agency.~~ (3-31-22)
- ~~07. License. The whole or part of any agency permit, certificate, approval, registration, charter, or similar form of authorization required by law, but does not include a license required solely for revenue purposes.~~ (3-31-22)
- ~~08. Order. An agency action of particular applicability that determines the legal rights, duties, privileges, immunities, or other legal interests of one (1) or more specific persons.~~ (3-31-22)
- ~~09. Party. Each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party.~~ (3-31-22)
- ~~10. Person. Any individual, partnership, corporation, association, governmental subdivision or agency, or public or private organization or entity of any character.~~ (3-31-22)

~~003. FILING OF DOCUMENTS—NUMBER OF COPIES.~~

~~01. Where to File.~~ In general, all documents in contested cases may be filed with the Board Secretary/ Department of Lands Director at the address set forth at www.idl.idaho.gov if no other officer is designated for the particular proceeding. When a specific officer is designated to receive documents in a particular proceeding, documents may be filed with the designated officer as set forth in the order appointing a hearing officer. (3-31-22)

~~02. Number of Copies.~~ An original and five (5) legible copies of all documents shall be filed with the Board in all contested cases wherein a hearing officer has not been appointed by the Board. If a hearing officer has been appointed to hear a contested case, then one (1) original and one (1) legible copy of all documents shall be filed with the hearing officer. (3-31-22)

~~004.—049. (RESERVED)~~

~~050~~02. PROCEEDINGS GOVERNED.

01. Contested Case. Sections ~~100 through 780~~ These rules govern procedure before the Board in contested cases, unless otherwise provided by statute, rule, notice or order of the Board. (3-31-22)()

02. Other Specified Procedures. Where another statute or rule requires specific procedures in a contested case before the Board, such other procedures will preempt these rules to the extent that these rules conflict with the other procedures. To the extent the other statute or rule does not address any matter of practice and procedure set forth in these rules, however, these rules shall govern. ()

03. Rules Not Applicable to Board Meetings. These rules do not govern practice and procedure before regular or special board meetings. Board meetings are conducted informally and are not contested case hearings. A person who is dissatisfied with any decision of the Board may apply to appear before and be heard by the Board. Such appearances are informal and minutes will be taken and recorded the same as for regular Board meetings, unless application is made for a contested case hearing. A contested case hearing is available ~~only~~ when authorized by statute. ~~See Subsection 104.02.~~ (3-31-22)()

~~04. Rules Not Applicable to Proceedings or Public Hearings.~~ These rules do not govern proceedings in any public comment hearing that the Board may direct for the purpose of taking public comment on any matter. (3-31-22)

~~051. REFERENCE TO AGENCY.~~

Reference to the agency in these rules includes the Board and its Secretary, the Director of the Department of Lands, the hearing officer appointed by the agency, or the presiding officer, as context requires. Reference to the agency head means to the Board and its Secretary, the Director of the Department of Lands, as context requires, or such other officer designated by the agency head to review recommended or preliminary orders. (3-31-22)

~~052. LIBERAL CONSTRUCTION.~~

The rules in this chapter will be liberally construed to secure just, speedy and economical determination of all issues presented to the agency. Unless prohibited by statute, the agency may permit deviation from these rules when it finds that compliance with them is impracticable, unnecessary or not in the public interest. Unless required by statute, the Idaho Rules of Civil Procedure and the Idaho Rules of Evidence do not apply to contested case proceedings conducted before the agency. (3-31-22)

~~053. COMMUNICATIONS WITH AGENCY.~~

All written communications and documents that are intended to be part of an official record for a decision in a contested case must be filed with the Board's Secretary/Director of the Department of Lands, or such officer appointed by the Board. Unless otherwise provided by statute, rule, order or notice, documents are considered filed when received by the officer designated to receive them, not when mailed. (3-31-22)

~~054. IDENTIFICATION OF COMMUNICATIONS.~~

Parties' communications addressing or pertaining to a given proceeding must be written under that proceeding's case

~~caption and case number. General communications by other persons should refer to case captions, case numbers, permit or license numbers, or the like, if this information is known. (3-31-22)~~

~~055. SERVICE BY AGENCY.~~

~~Unless otherwise provided by statute or these rules, the officer designated by the agency to serve rules, notices, summonses, complaints, and orders issued by the agency may serve these documents by certified mail, return receipt requested, to a party's last known mailing address or by personal service. Unless otherwise provided by statute, these rules, order or notice, service of orders and notices is complete when a copy, properly addressed and stamped, is deposited in the United States mail or the Statehouse mail, if the party is a state employee or state agency. The officer designated by the agency to serve documents in a proceeding must serve all orders and notices in a proceeding on the representatives of each party designated pursuant to these rules for that proceeding and upon other persons designated by these rules or by the agency. (3-31-22)~~

~~056. COMPUTATION OF TIME.~~

~~Whenever statute, these or other rules, order, or notice requires an act to be done within a certain number of days of a given day, the given day is not included in the count. If the day the act must be done is Saturday, Sunday or a legal holiday, the act may be done on the first day following that is not Saturday, Sunday or a legal holiday. (3-31-22)~~

~~057. FEES AND REMITTANCES.~~

~~Fees and remittances to the agency must be paid by money order, bank draft or check payable to agency. Remittances in currency or coin are wholly at the risk of the remitter, and the agency assumes no responsibility for their loss. (3-31-22)~~

~~058.—099. (RESERVED)~~

~~100. INFORMAL PROCEEDINGS DEFINED.~~

~~Informal proceedings are proceedings in contested cases authorized by statute, rule or order of the agency to be conducted using informal procedures, i.e., procedures without a record to be preserved for later agency or judicial review, without the necessity of representation according to Section 202, without formal designation of parties, without the necessity of hearing examiners or other presiding officers, or without other formal procedures required by these rules for formal proceedings. Unless prohibited by statute, an agency may provide that informal proceedings may precede formal proceedings in the consideration of a rulemaking or a contested case. (3-31-22)~~

~~101. INFORMAL PROCEDURE.~~

~~Statute authorizes and these rules encourage the use of informal proceedings to settle or determine contested cases. Unless prohibited by statute, the agency may provide for the use of informal procedure at any stage of a contested case. Informal procedure may include individual contacts by or with the agency staff asking for information, advice or assistance from the agency staff, or proposing informal resolution of formal disputes under the law administered by the agency. Informal procedures may be conducted in writing, by telephone or television, or in person. (3-31-22)~~

~~102. FURTHER PROCEEDINGS.~~

~~If statute provides that informal procedures shall be followed with no opportunity for further formal administrative review, then no opportunity for later formal administrative proceedings must be offered following informal proceedings. Otherwise, except as provided in Section 103, any person participating in an informal proceeding must be given an opportunity for a later formal administrative proceeding before the agency, if such person is entitled to a contested case hearing, at which time the parties may fully develop the record before the agency. (3-31-22)~~

~~103. INFORMAL PROCEEDINGS DO NOT EXHAUST ADMINISTRATIVE REMEDIES.~~

~~Unless all parties agree to the contrary in writing, informal proceedings do not substitute for formal proceedings and do not exhaust administrative remedies, and informal proceeding are conducted without prejudice to the right of the parties to present the matter formally to the agency. Settlement offers made in the course of informal proceedings are confidential. (3-31-22)~~

~~104. FORMAL PROCEEDINGS.~~

~~**01. Initiation of Proceedings.** Formal proceedings, which are governed by rules of procedure other than Sections 100 through 103, must be initiated by a document (generally a notice, order or complaint if initiated by~~

~~the agency) or another pleading listed in Sections 220 through 260 if initiated by another person. Formal proceedings may be initiated by a document from the agency informing the party(ies) that the agency has reached an informal determination that will become final in the absence of further action by the person to whom the correspondence is addressed, provided that the document complies with the requirements of Sections 210 through 280. Formal proceedings can be initiated by the same document that initiates informal proceedings.~~ (3-31-22)

~~**024. Right to Contested Case, Board Discretion.** Formal proceedings may be initiated by a party only where such party is given the statutory right to a contested case hearing. The Board may, in its discretion, direct that a contested case hearing be held in a contested case, or on any matter. The Board may, in its discretion, deny any request for a contested case hearing on any matter that is not a contested case.~~ (3-31-22)()

~~**05. Rules Not Applicable to Proceedings or Public Hearings.** These rules do not govern proceedings in any public comment hearing that the Board may direct for the purpose of taking public comment on any matter.~~ ()

~~**003. OPT OUT OF ATTORNEY GENERAL'S RULES - TABLE.** The Board declines to adopt the following Idaho Rules of Administrative Procedure of the Attorney General, IDAPA 04.11.01 as follows for the reasons listed:~~

<p><u>Rules Promulgated by the Office of the Attorney General will be followed except the following section of IDAPA 04.11.01 will be excluded:</u></p>
<p><u>741: Idaho Department of Lands has no authority to award costs or attorney fees.</u></p>

()

~~105.—149. (RESERVED)~~

~~**150. PARTIES TO CONTESTED CASES LISTED.** Parties to contested cases before the agency are called applicants or claimants or appellants, petitioners, complainants, respondents, protestants, or intervenors. On reconsideration or appeal within the agency parties are called by their original titles listed in the previous sentence.~~ (3-31-22)

~~**151. APPLICANTS/CLAIMANTS/APPELLANTS.** Persons who seek any right, license, award or authority from the agency are called “applicants” or “claimants” or “appellants.”~~ (3-31-22)

~~**152. PETITIONERS.** Persons not applicants who seek to modify, amend or stay existing orders or rules of the agency, to clarify their rights or obligations under law administered by the agency, to ask the agency to initiate a contested case (other than an application or complaint), or to otherwise take action that will result in the issuance of an order or rule, are called “petitioners.”~~ (3-31-22)

~~**153. COMPLAINANTS.** Persons who charge other person(s) with any act or omission are called “complainants.” In any proceeding in which the agency itself charges a person with an act or omission, the agency is called “complainant.”~~ (3-31-22)

~~**154. RESPONDENTS.** Persons against whom complaints are filed or about whom investigations are initiated are called “respondents.”~~ (3-31-22)

~~**155. PROTESTANTS.** Persons who oppose an application or claim or appeal and who have a statutory right to contest the right, license, award or authority sought by an applicant or claimant or appellant are called “protestants.”~~ (3-31-22)

156. INTERVENORS.

Persons, not applicants or claimants or appellants, complainants, respondents, or protestants to a proceeding, who are permitted to participate as parties pursuant to Sections 350 through 354 are called “intervenor.” (3-31-22)

157. RIGHTS OF PARTIES AND OF AGENCY STAFF.

Subject to Sections 558, 560, and 600, all parties and agency staff may appear at hearing or argument, introduce evidence, examine witnesses, make and argue motions, state positions, and otherwise fully participate in hearings or arguments. (3-31-22)

158. PERSONS DEFINED — PERSONS NOT PARTIES — INTERESTED PERSONS.

The term “person” includes natural persons, partnerships, corporations, associations, municipalities, government entities and subdivisions, and any other entity authorized by law to participate in the administrative proceeding. Persons other than the persons named in Sections 151 through 156 are not parties for the purpose of any statute or rule addressing rights or obligations of parties to a contested case. In kinds of proceedings in which persons other than the applicant or claimant or appellant, petitioner, complainant, or respondent would be expected to have an interest, persons may request the agency in writing that they be notified when proceedings of that kind are initiated. These persons are called “Interested Persons.” Interested persons may become protestants, intervenors or public witnesses. The agency must serve notice of such proceedings on all interested persons. (3-31-22)

159.—199. (RESERVED)

200. INITIAL PLEADING BY PARTY — LISTING OF REPRESENTATIVES.

The initial pleading of each party at the formal stage of a contested case (be it an application or claim or appeal, petition, complaint, protest, motion, or answer) must name the party’s representative(s) for service and state the representative’s (s’) address(es) for purposes of receipt of all official documents. Service of documents on the named representative (s) is valid service upon the party for all purposes in that proceeding. If no person is explicitly named as the party’s representative, the person signing the pleading will be considered the party’s representative. (3-31-22)

201. TAKING OF APPEARANCES — PARTICIPATION BY AGENCY STAFF.

The presiding officer at a formal hearing or prehearing conference will take appearances to identify the representatives of all parties or other persons. In all proceedings in which the agency staff will participate, or any report or recommendation of the agency staff (other than a recommended order or preliminary order prepared by a hearing officer) will be considered or used in reaching a decision, at the timely request of any party the agency staff must appear at any hearing and participate in the same manner as a party. (3-31-22)

202. REPRESENTATION OF PARTIES AT HEARING.

01. Appearances and Representation. To the extent authorized or required by law, appearances and representation of parties or other persons at formal hearing or prehearing conference must be as follows: (3-31-22)

- a.** Natural person. A natural person may represent himself or herself or be represented by a duly authorized employee, attorney, family member, or next friend. (3-31-22)
- b.** A partnership may be represented by a partner, duly authorized employee, or attorney. (3-31-22)
- c.** A corporation may be represented by an officer, duly authorized employee, or attorney. (3-31-22)
- d.** A municipal corporation, local government agency, unincorporated association or nonprofit organization may be represented by an officer, duly authorized employee, or attorney. (3-31-22)

02. Representatives. The representatives of parties at hearing, and no other persons or parties appearing before the agency, are entitled to examine witnesses and make or argue motions. (3-31-22)

203. SERVICE ON REPRESENTATIVES OF PARTIES AND OTHER PERSONS.

From the time a party files its initial pleading in a contested case, that party must serve and all other parties must serve all future documents intended to be part of the agency record upon all other parties’ representatives designated

~~pursuant to Section 200, unless otherwise directed by order or notice or by the presiding officer on the record. The presiding officer may order parties to serve past documents filed in the case upon those representatives. The presiding officer may order parties to serve past or future documents filed in the case upon persons not parties to the proceedings before the agency. (3-31-22)~~

204. WITHDRAWAL OF PARTIES.
~~Any party may withdraw from a proceeding in writing or at hearing. (3-31-22)~~

205. SUBSTITUTION OF REPRESENTATIVE—WITHDRAWAL OF REPRESENTATIVE.
~~A party's representative may be changed and a new representative may be substituted by notice to the agency and to all other parties so long as the proceedings are not unreasonably delayed. The presiding officer at hearing may permit substitution of representatives at hearing in the presiding officer's discretion. Persons representing a party who wish to withdraw their representation of a party in a proceeding before the agency must immediately file in writing a notice of withdrawal of representation and serve that notice on the party represented and all other parties. (3-31-22)~~

206. CONDUCT REQUIRED.
~~Representatives of parties and parties appearing in a proceeding must conduct themselves in an ethical and courteous manner. (3-31-22)~~

~~207.—209. (RESERVED)~~

210. PLEADINGS LISTED—MISCELLANEOUS.
~~Pleadings in contested cases are called applications or claims or appeals, petitions, complaints, protests, motions, answers, and consent agreements. Affidavits or declarations under penalty of perjury may be filed in support of any pleading. A party's initial pleading in any proceeding must comply with Section 200, but the presiding officer may allow documents filed during informal stages of the proceeding to be considered a party's initial pleading without the requirement of resubmission to comply with this rule. All pleadings filed during the formal stage of a proceeding must be filed in accordance with Sections 300 through 303. A party may adopt or join any other party's pleading. Two (2) or more separately stated grounds, claims or answers concerning the same subject matter may be included in one (1) pleading. (3-31-22)~~

~~211.—219. (RESERVED)~~

220. APPLICATIONS/CLAIMS/APPEALS—DEFINED—FORM AND CONTENTS.
~~All pleadings requesting a right, license, award or authority from the agency are called "applications" or "claims" or "appeals." Applications or claims or appeals must: (3-31-22)~~

~~01. **Facts.** Fully state the facts upon which they are based. (3-31-22)~~

~~02. **Refer to Provisions.** Refer to the particular provisions of statute, rule, order, or other controlling law upon which they are based. (3-31-22)~~

~~03. **Other.** State the right, license, award, or authority sought. (3-31-22)~~

~~221.—229. (RESERVED)~~

230. PETITIONS—DEFINED—FORM AND CONTENTS.
~~01. **Pleadings Defined.** All pleadings requesting the following are called "petitions": (3-31-22)~~

~~a. Modification, amendment or stay of existing orders or rules; (3-31-22)~~

~~b. Clarification, declaration or construction of the law administered by the agency or of a party's rights or obligations under law administered by the agency; (3-31-22)~~

~~e. The initiation of a contested case not an application, claim or complaint or otherwise taking action that will lead to the issuance of an order or a rule; (3-31-22)~~

- ~~d.~~ Rehearing; or (3-31-22)
- ~~e.~~ Intervention. (3-31-22)
- ~~02.~~ ~~Petitions.~~ Petitions must: (3-31-22)
 - ~~a.~~ Fully state the facts upon which they are based; (3-31-22)
 - ~~b.~~ Refer to the particular provisions of statute, rule, order or other controlling law upon which they are based; (3-31-22)
 - ~~e.~~ State the relief desired; and (3-31-22)
 - ~~d.~~ State the name of the person petitioned against (the respondent), if any. (3-31-22)
- ~~231.—239.~~ (RESERVED)
- ~~240.~~ ~~COMPLAINTS — DEFINED — FORM AND CONTENTS.~~
 - ~~01.~~ ~~Defined.~~ All pleadings charging other person(s) with acts or omissions under law administered by the agency are called “complaints.” (3-31-22)
 - ~~02.~~ ~~Form and Contents.~~ Complaints must: (3-31-22)
 - ~~a.~~ Be in writing; (3-31-22)
 - ~~b.~~ Fully state the acts or things done or omitted to be done by the persons complained against by reciting the facts constituting the acts or omissions and the dates when they occurred; (3-31-22)
 - ~~e.~~ Refer to statutes, rules, orders or other controlling law involved; (3-31-22)
 - ~~d.~~ State the relief desired; and (3-31-22)
 - ~~e.~~ State the name of the person complained against (the respondent). (3-31-22)
- ~~241.—249.~~ (RESERVED)
- ~~250.~~ ~~PROTESTS — DEFINED — FORM AND CONTENTS — TIME FOR FILING.~~
 - ~~01.~~ ~~Defined.~~ All pleadings opposing an application or claim or appeal as a matter of right are called “protests.” (3-31-22)
 - ~~02.~~ ~~Form and Contents, Time for Filing.~~ Protests must: (3-31-22)
 - ~~a.~~ Fully state the facts upon which they are based, including the protestant’s claim of right to oppose the application or claim; (3-31-22)
 - ~~b.~~ Refer to the particular provisions of statute, rule, order or other controlling law upon which they are based; and (3-31-22)
 - ~~e.~~ State any proposed limitation (or the denial) of any right, license, award or authority sought in the application. (3-31-22)
- ~~251.—259.~~ (RESERVED)
- ~~260.~~ ~~MOTIONS — DEFINED — FORM AND CONTENTS — TIME FOR FILING.~~

~~01. **Defined.** All other pleadings requesting the agency to take any other action in a contested case, except consent agreements or pleadings specifically answering other pleadings, are called “motions.” (3-31-22)~~

~~02. **Form and Contents.** Motions must: (3-31-22)~~

~~a. Fully state the facts upon they are based; (3-31-22)~~

~~b. Refer to the particular provision of statute, rule, order, notice, or other controlling law upon which they are based; and (3-31-22)~~

~~e. State the relief sought. (3-31-22)~~

~~03. **Other.** If the moving party desires oral argument or hearing on the motion, it must state so in the motion. Any motion to dismiss, strike or limit an application or claim or appeal, complaint, petition, or protest must be filed before the answer is due or be included in the answer, if the movant is obligated to file an answer. If a motion is directed to an answer, it must be filed within fourteen (14) days after service of the answer. Other motions may be filed at any time upon compliance with Section 565. (3-31-22)~~

~~261.—269. (RESERVED)~~

~~270. **ANSWERS—DEFINED—FORM AND CONTENTS—TIME FOR FILING.**~~

~~All pleadings responding to the allegations or requests of applications or claims or appeals, complaints, petitions, protests, or motions are called “answers.” (3-31-22)~~

~~01. **Answers to Pleadings Other Than Motions.** Answers to applications, claims, or appeals, complaints, petitions, or protests must be filed and served on all parties of record within twenty one (21) days after service of the pleading being answered, unless order or notice modifies the time within which answer may be made, or a motion to dismiss is made within twenty one (21) days. When an answer is not timely filed under this rule, the presiding officer may issue a notice of default against the respondent pursuant to Section 700. Answers to applications or claims, complaints, petitions, or protests must admit or deny each material allegation of the applications or claims, complaint, petition or protest. Any material allegation not specifically admitted shall be considered to be denied. Matters alleged by cross-complaint or affirmative defense must be separately stated and numbered. (3-31-22)~~

~~02. **Answers to Motions.** Answers to motions may be filed by persons or parties who are the object of a motion or by parties opposing a motion. The person or party answering the motion must do so with all deliberate and reasonable speed. In no event is a party entitled to more than fourteen (14) days to answer a motion or to move for additional time to answer. The presiding officer may act upon a prehearing motion under Section 565. (3-31-22)~~

~~271.—279. (RESERVED)~~

~~280. **CONSENT AGREEMENTS—DEFINED—FORM AND CONTENTS.**~~

~~Agreements between the agency or agency staff and another person(s) in which one or more person(s) agree to engage in certain conduct mandated by statute, rule, order, case decision, or other provision of law, or to refrain from engaging in certain conduct prohibited by statute, rule, order, case decision, or other provision of law, are called “consent agreements.” Consent agreements are intended to require compliance with existing law. (3-31-22)~~

~~01. **Requirements.** Consent agreements must: (3-31-22)~~

~~a. Recite the parties to the agreement; and (3-31-22)~~

~~b. Fully state the conduct proscribed or prescribed by the consent agreement. (3-31-22)~~

~~02. **Additional.** In addition, consent agreements may: (3-31-22)~~

~~a. Recite the consequences of failure to abide by the consent agreement; (3-31-22)~~

- b.** Provide for payment of civil or administrative penalties authorized by law; (3-31-22)
- c.** Provide for loss of rights, licenses, awards or authority; (3-31-22)
- d.** Provide for other consequences as agreed to by the parties; and (3-31-22)
- e.** Provide that the parties waive all further procedural rights (including hearing, consultation with counsel, etc.) with regard to enforcement of the consent agreement. (3-31-22)

281.—299. (RESERVED)

300. FILING DOCUMENTS WITH THE AGENCY — NUMBER OF COPIES — FACSIMILE TRANSMISSION (FAX).

An original and necessary copies (if any are required by the agency) of all documents intended to be part of an agency record must be filed with the officer designated by the agency to receive filing in the case. Pleadings and other documents not exceeding ten (10) pages in length requiring urgent or immediate action may be filed by facsimile transmission (FAX) if the agency's individual rule of practice lists a FAX number for that agency. Whenever any document is filed by FAX, if possible, originals must be delivered by overnight mail the next working day. (3-31-22)

301. FORM OF PLEADINGS.

- 01. Pleadings.** All pleadings submitted by a party and intended to be part of an agency record must: (3-31-22)
 - a.** Be submitted on white, eight and one half by eleven inch (8 1/2" x 11") paper copied on one (1) side only; (3-31-22)
 - b.** State the case caption, case number and title of the document; (3-31-22)
 - c.** Include on the upper left corner of the first page the name(s), mailing and street address(es), and telephone and FAX number(s) of the person(s) filing the document or the person(s) to whom questions about the document can be directed; and (3-31-22)
 - d.** Have at least one inch (1") left and top margins. (3-31-22)
- 02. Form.** Documents complying with this rule will be in the following form:

Name of Representative		
Mailing Address of Representative		
Street Address of Representative (if different)		
Telephone Number of Representative		
FAX Number of Representative (if there is one)		
Attorney/Representative for (Name of Party)		
	BEFORE THE AGENCY	
(Title of Proceeding)		CASE NO.
		(TITLE OF DOCUMENT)

(3-31-22)

302. SERVICE ON PARTIES AND OTHER PERSONS.

All documents intended to be part of the agency record for decision must be served upon the representatives of each party of record concurrently with filing with the officer designated by the agency to receive filings in the case. When a document has been filed by FAX, it must be served upon all other parties with FAX facilities by FAX and upon the remaining parties by overnight mail, hand delivery, or the next best available service if these services are not

~~available. The presiding officer may direct that some or all of these documents be served on interested or affected persons who are not parties.~~ (3-31-22)

303. ~~PROOF OF SERVICE.~~

~~Every document filed with and intended to be part of the agency record must be attached to or accompanied by proof of service by the following or similar certificate:~~

I HEREBY CERTIFY (swear or affirm) that I have this day of —, served the foregoing (name(s) of document(s)) upon all parties of record in this proceeding, (by delivering a copy thereof in person: (list names)) (by mailing a copy thereof, properly addressed with postage prepaid, to: (list names)).
(Signature)

(3-31-22)

304. ~~DEFECTIVE, INSUFFICIENT OR LATE PLEADINGS.~~

~~Defective, insufficient or late pleadings may be returned or dismissed.~~ (3-31-22)

305. ~~AMENDMENTS TO PLEADINGS—WITHDRAWAL OF PLEADINGS.~~

~~The presiding officer may allow any pleading to be amended or corrected or any omission to be supplied. Pleadings will be liberally construed, and defects that do not affect substantial rights of the parties will be disregarded. A party desiring to withdraw a pleading must file a notice of withdrawal of the pleading and serve all parties with a copy. Unless otherwise ordered by the presiding officer, the notice is effective fourteen (14) days after filing.~~ (3-31-22)

306.—349. (RESERVED)

350. ~~ORDER GRANTING INTERVENTION NECESSARY.~~

~~Persons not applicants or claimants or appellants, petitioners, complainants, protestants, or respondents to a proceeding who claim a direct and substantial interest in the proceeding may petition for an order from the presiding officer granting intervention to become a party.~~ (3-31-22)

351. ~~FORM AND CONTENTS OF PETITIONS TO INTERVENE.~~

~~Petitions to intervene must comply with Sections 200 and 300 through 303. The petition must set forth the name and address of the potential intervenor and must state the direct and substantial interest of the potential intervenor in the proceeding. If affirmative relief is sought, the petition must state the relief sought and the basis for granting it.~~ (3-31-22)

352. ~~TIMELY FILING OF PETITIONS TO INTERVENE.~~

~~Petitions to intervene must be filed at least fourteen (14) days before the date set for formal hearing or prehearing conference, whichever is earlier, unless a different time is provided by order or notice. Petitions not timely filed must state a substantial reason for delay. The presiding officer may deny or conditionally grant petitions to intervene that are not timely filed for failure to state good cause for untimely filing, to prevent disruption, prejudice to existing parties or undue broadening of the issues, or for other reasons. Intervenor who do not file timely petitions are bound by orders and notices earlier entered as a condition of granting the untimely petition.~~ (3-31-22)

353. ~~GRANTING PETITIONS TO INTERVENE.~~

~~If a petition to intervene shows direct and substantial interest in any part of the subject matter of a proceeding and does not unduly broaden the issues, the presiding officer will grant intervention, subject to reasonable conditions. If it appears that an intervenor has no direct or substantial interest in the proceeding, the presiding officer may dismiss the intervenor from the proceeding.~~ (3-31-22)

354. ~~ORDERS GRANTING INTERVENTION—OPPOSITION.~~

~~No order granting a petition to intervene will be acted upon fewer than seven (7) days after its filing, except in a hearing in which any party may be heard. Any party opposing a petition to intervene by motion must file the motion within seven (7) days after receipt of the petition to intervene and serve the motion upon all parties of record and~~

upon the person petitioning to intervene. (3-31-22)

355. PUBLIC WITNESSES.

Persons not parties and not called by a party who testify at hearing are called “public witnesses.” Public witnesses do not have parties’ rights to examine witnesses or otherwise participate in the proceedings as parties. Public witnesses’ written or oral statements and exhibits are subject to examination and objection by parties. Subject to Sections 558 and 560, public witnesses have a right to introduce evidence at hearing by their written or oral statements and exhibits introduced at hearing, except that public witnesses offering expert opinions at hearing or detailed analysis or detailed exhibits must comply with Section 530 with regard to filing and service of testimony and exhibits to the same extent as expert witnesses of parties. (3-31-22)

356.—399. (RESERVED)

400. FORM AND CONTENTS OF PETITION FOR DECLARATORY RULINGS.

Any person petitioning for a declaratory ruling on the applicability of a statute, rule or order administered by the agency must substantially comply with this rule. (3-31-22)

01. Form. The petition shall: (3-31-22)

a. Identify the petitioner and state the petitioner’s interest in the matter; (3-31-22)

b. State the declaratory ruling that the petitioner seeks; and (3-31-22)

e. Indicate the statute, order, rule, or other controlling law, and the factual allegations upon which the petitioner relies to support the petition. (3-31-22)

02. Legal Assertions. Legal assertions in the petition may be accompanied by citations of cases and/or statutory provisions. (3-31-22)

401. NOTICE OF PETITION FOR DECLARATORY RULING.

Notice of petition for declaratory ruling may be issued in a manner designed to call its attention to persons likely to be interested in the subject matter of the petition. (3-31-22)

402. PETITIONS FOR DECLARATORY RULINGS TO BE DECIDED BY ORDER.

01. Final Agency Action. The agency’s decision on a petition for declaratory ruling on the applicability of any statute, rule, or order administered by the agency is a final agency action decided by order. (3-31-22)

02. Content. The order issuing the declaratory ruling shall contain or must be accompanied by a document containing the following paragraphs or substantially similar paragraphs: (3-31-22)

a. This is a final agency action issuing a declaratory ruling. (3-31-22)

b. Pursuant to Sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by this declaratory ruling may appeal to district court by filing a petition in the District Court in the county in which: (3-31-22)

i. A hearing was held; (3-31-22)

ii. The declaratory ruling was issued; (3-31-22)

iii. The party appealing resides; or (3-31-22)

iv. The real property or personal property that was the subject of the declaratory ruling is attached. (3-31-22)

e. This appeal must be filed within twenty-eight (28) days of the service date of this declaratory

~~ruling. See Section 67-5273, Idaho Code. (3-31-22)~~

~~403.—409. (RESERVED)~~

~~410. APPOINTMENT OF HEARING OFFICERS.~~

~~A hearing officer is a person other than the agency head appointed to hear contested cases on behalf of the agency. Unless otherwise provided by statute or rule, hearing officers may be employees of the agency or independent contractors. Hearing officers may be (but need not be) attorneys. Hearing officers who are not attorneys should ordinarily be persons with technical expertise or experience in issues before the agency. The appointment of a hearing officer is a public record available for inspection, examination and copying. (3-31-22)~~

~~411. HEARING OFFICERS CONTRASTED WITH AGENCY HEAD.~~

~~Agency heads are not hearing officers, even if they are presiding at contested cases. The term “hearing officer” as used in these rules refers only to officers subordinate to the agency head. (3-31-22)~~

~~412. DISQUALIFICATION OF OFFICERS HEARING CONTESTED CASES.~~

~~Pursuant to Section 67-5252, Idaho Code, hearing officers are subject to disqualification for bias, prejudice, interest, substantial prior involvement in the case other than as a presiding officer, status as an employee of the agency, lack of professional knowledge in the subject matter of the contested case, or any other reason provided by law or for any cause for which a judge is or may be disqualified. Any party may promptly petition for the disqualification of a hearing officer after receiving notice that the officer will preside at a contested case or upon discovering facts establishing grounds for disqualification, whichever is later. Any party may assert a blanket disqualification for cause of all employees of the agency hearing the contested case, other than the agency head, without awaiting the designation by a presiding officer. A hearing officer whose disqualification is requested shall determine in writing whether to grant the petition for disqualification, stating facts and reasons for the hearing officer’s determination. Disqualification of agency heads, if allowed, will be pursuant to Sections 74-704 and 67-5252(4), Idaho Code. (3-31-22)~~

~~413. SCOPE OF AUTHORITY OF HEARING OFFICERS.~~

~~The scope of hearing officers’ authority may be restricted in the appointment by the agency. (3-31-22)~~

~~01. Scope of Authority. Unless the agency otherwise provides, hearing officers have the standard scope of authority, which is: (3-31-22)~~

~~a. Authority to schedule cases assigned to the hearing officer, including authority to issue notices of prehearing conference and of hearing, as appropriate; (3-31-22)~~

~~b. Authority to schedule and compel discovery, when discovery is authorized before the agency, and to require advance filing of expert testimony, when authorized before the agency; (3-31-22)~~

~~c. Authority to preside at and conduct hearings, accept evidence into the record, rule upon objections to evidence, and otherwise oversee the orderly presentations of the parties at hearing; and (3-31-22)~~

~~d. Authority to issue a written decision of the hearing officer, including a narrative of the proceedings before the hearing officer and recommended findings of fact, conclusions of law, and recommended or preliminary orders by the hearing officer. (3-31-22)~~

~~02. Limitation. The hearing officer’s scope of authority may be limited from the standard scope, either in general, or for a specific proceeding. For example, the hearing officer’s authority could be limited to scope iii (giving the officer authority only to conduct hearing), with the agency retaining all other authority. Hearing officers can be given authority with regard to the agency’s rules as provided in Section 416. (3-31-22)~~

~~03. Final Decision by Board. All final decisions in contested cases will be made by the Board. A hearing officer will only issue recommended findings of fact, conclusions of law, and orders to the Board, and the Board will make the final decision to adopt, modify, or reject any or all of the proposed findings, conclusions, and order. (3-31-22)~~

414. ~~PRESIDING OFFICER(S).~~

~~One (1) or more members of the agency board, the agency director, or duly appointed hearing officers may preside at hearing as authorized by statute or rule. When more than one (1) officer sits at hearing, they may all jointly be presiding officers or may designate one of them to be the presiding officer. (3-31-22)~~

415. ~~CHALLENGES TO STATUTES.~~

~~A hearing officer in a contested case has no authority to declare a statute unconstitutional. However, when a court of competent jurisdiction whose decisions are binding precedent in the state of Idaho has declared a statute unconstitutional, or when a federal authority has preempted a state statute or rule, and the hearing officer finds that the same state statute or rule or a substantively identical state statute or rule that would otherwise apply has been challenged in the proceeding before the hearing officer, then the hearing officer shall apply the precedent of the court or the preemptive action of the federal authority to the proceeding before the hearing officer and decide the proceeding before the hearing officer in accordance with the precedent of the court or the preemptive action of the federal authority. (3-31-22)~~

416. ~~REVIEW OF RULES.~~

~~When an order is issued by the agency head in a contested case, the order may consider and decide whether a rule of that agency is within the agency's substantive rulemaking authority or whether the rule has been promulgated according to proper procedure. The agency head may delegate to a hearing officer the authority to recommend a decision on issues of whether a rule is within the agency's substantive rulemaking authority or whether the rule has been promulgated according to proper procedure or may retain all such authority itself. (3-31-22)~~

417. ~~EX PARTE COMMUNICATIONS.~~

~~Unless required for the disposition of a matter specifically authorized by statute to be done ex parte, a presiding officer serving in a contested case shall not communicate, directly or indirectly, regarding any substantive issue in the contested case with any party, except upon notice and opportunity for all parties to participate in the communication. The presiding officer may communicate ex parte with a party concerning procedural matters (e.g., scheduling). Ex parte communications from members of the general public not associated with any party are not required to be reported by this rule. However, when a presiding officer has received a written ex parte communication regarding any substantive issue from a party or representative of a party during a contested case, the presiding officer shall place a copy of the communication in the file for the case and distribute a copy of it to all parties of record or order the party providing the written communication to serve a copy of the written communication upon all parties of record. Written communications from a party showing service upon all other parties are not ex parte communications. (3-31-22)~~

418.—499. ~~(RESERVED)~~

500. ~~ALTERNATIVE RESOLUTION OF CONTESTED CASES.~~

~~The Idaho Legislature encourages informal means of alternative dispute resolution (ADR). For contested cases, the means of ADR include, but are not limited to, settlement negotiations, mediation, factfinding, minitrials, and arbitration, or any combination of them. These alternatives can frequently lead to more creative, efficient and sensible outcomes than may be attained under formal contested case procedures. An agency may use ADR for the resolution of issues in controversy in a contested case if the agency finds that such a proceeding is appropriate. Reasons why an agency may find that using ADR is not appropriate may include, but are not limited to, a finding that an authoritative resolution of the matter is needed for precedential value, that formal resolution of the matter is of special importance to avoid variation in individual decisions, that the matter significantly affects persons who are not parties to the proceeding, or that a formal proceeding is in the public interest. Nothing in this rule shall be interpreted to require the Board to utilize ADR procedures in a contested case, nor shall it require the Board to make any findings of fact, conclusions of law, or orders with respect to a decision concerning utilization of ADR procedures. A Board decision on utilization of ADR procedures is not reviewable. (3-31-22)~~

501. ~~NEUTRALS.~~

~~When ADR is used for all or a portion of a contested case, the agency may provide a neutral to assist the parties in resolving their disputed issues. The neutral may be an employee of the agency or of another state agency or any other individual who is acceptable to the parties to the proceeding. A neutral shall have no official, financial, or personal conflict of interest with respect to the issues in controversy, unless such interest is disclosed in writing to all parties and all parties agree that the neutral may serve. (3-31-22)~~

~~502. CONFIDENTIALITY.~~

~~Communications in an ADR proceeding shall not be disclosed by the neutral or by any party to the proceeding unless all parties to the proceeding consent in writing, the communication has already been made public, or is required by court order, statute or agency rule to be made public.~~ (3-31-22)

~~503.—509. (RESERVED)~~

~~510. PURPOSES OF PREHEARING CONFERENCES.~~

~~The presiding officer may by order or notice issued to all parties and to all interested persons as defined in Section 158 convene a prehearing conference in a contested case for the purposes of formulating or simplifying the issues, obtaining concessions of fact or identification of documents to avoid unnecessary proof, scheduling discovery (when discovery is allowed), arranging for the exchange of proposed exhibits or prepared testimony, limiting witnesses, discussing settlement offers or making settlement offers, scheduling hearings, establishing procedure at hearings, and addressing other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.~~ (3-31-22)

~~511. NOTICE OF PREHEARING CONFERENCE.~~

~~Notice of the place, date and hour of a prehearing conference will be served at least fourteen (14) days before the time set for the prehearing conference, unless the presiding officer finds it necessary or appropriate for the conference to be held earlier. Notices for prehearing conference must contain the same information as notices of hearing with regard to an agency's obligations under the American with Disabilities Act.~~ (3-31-22)

~~512. RECORD OF CONFERENCE.~~

~~Prehearing conferences may be held formally (on the record) or informally (off the record) before or in the absence of a presiding officer, according to order or notice. Agreements by the parties to the conference may be put on the record during formal conferences or may be reduced to writing and filed with the agency after formal or informal conferences.~~ (3-31-22)

~~513. ORDERS RESULTING FROM PREHEARING CONFERENCE.~~

~~The presiding officer may issue a prehearing order or notice based upon the results of the agreements reached at or rulings made at a prehearing conference. A prehearing order will control the course of subsequent proceedings unless modified by the presiding officer for good cause.~~ (3-31-22)

~~514. FACTS DISCLOSED NOT PART OF THE RECORD.~~

~~Facts disclosed, offers made and all other aspects of negotiation (except agreements reached) in prehearing conferences in a contested case are not part of the record.~~ (3-31-22)

~~515.—519. (RESERVED)~~

~~520. KINDS AND SCOPE OF DISCOVERY LISTED.~~

~~01. Kinds of Discovery.~~ The kinds of discovery recognized and authorized by these rules in contested cases are: (3-31-22)

- ~~a. Depositions;~~ (3-31-22)
- ~~b. Production requests or written interrogatories;~~ (3-31-22)
- ~~c. Requests for admission;~~ (3-31-22)
- ~~d. Subpoenas; and~~ (3-31-22)
- ~~e. Statutory inspection, examination (including physical or mental examination), investigation, etc.~~ (3-31-22)

~~02. Rules of Civil Procedure.~~ Unless otherwise provided by statute, rule, order or notice, the scope of discovery, other than statutory inspection, examination, investigation, etc., is governed by the Idaho Rules of Civil Procedure (see Idaho Rule of Civil Procedure 26(b)). (3-31-22)

~~521. WHEN DISCOVERY AUTHORIZED.~~

~~No party before the agency is entitled to engage in discovery unless the party moves to compel discovery and the agency issues an order directing that the discovery be answered, or upon agreement of all parties to the discovery that discovery may be conducted. The presiding officer shall provide a schedule for discovery in the order compelling discovery, but the order compelling and scheduling discovery need not conform to the timetables of the Idaho Rules of Civil Procedure. The agency or agency staff may conduct statutory inspection, examination, investigation, etc., at any time without filing a motion to compel discovery.~~ (3-31-22)

~~522. RIGHTS TO DISCOVERY RECIPROCAL.~~

~~All parties to a proceeding have a right of discovery of all other parties to a proceeding according to Section 521 and to the authorizing statutes and rules. The presiding officer may by order authorize or compel necessary discovery authorized by statute or rule.~~ (3-31-22)

~~523. DEPOSITIONS.~~

~~Depositions may be taken in accordance with the Idaho Rules of Civil Procedure for any purpose allowed by statute, the Idaho Rules of Civil Procedure, or rule or order of the agency.~~ (3-31-22)

~~524. PRODUCTION REQUESTS OR WRITTEN INTERROGATORIES AND REQUESTS FOR ADMISSION.~~

~~Production requests or written interrogatories and requests for admission may be taken in accordance with the Idaho Rules of Civil Procedure for any purpose allowed by statute, the Idaho Rules of Civil Procedure, or rule or order of the agency.~~ (3-31-22)

~~525. SUBPOENAS.~~

~~The agency may issue subpoenas as authorized by statute, upon a party's motion or upon its own initiative. The agency upon motion to quash made promptly, and in any event, before the time to comply with the subpoena, may quash the subpoena, or condition denial of the motion to quash upon reasonable terms.~~ (3-31-22)

~~526. STATUTORY INSPECTION, EXAMINATION, INVESTIGATION, ETC.—CONTRASTED WITH OTHER DISCOVERY.~~

~~This rule recognizes, but does not enlarge or restrict, an agency's statutory right of inspection, examination (including mental or physical examination), investigation, etc. This statutory right of an agency is independent of and cumulative to any right of discovery in formal proceedings and may be exercised by the agency whether or not a person is party to a formal proceeding before the agency. Information obtained from statutory inspection, examination, investigation, etc., may be used in formal proceedings or for any other purpose, except as restricted by statute or rule. The rights of deposition, production request or written interrogatory, request for admission, and subpoena, can be used by parties only in connection with formal proceedings before the agency.~~ (3-31-22)

~~527. ANSWERS TO PRODUCTION REQUESTS OR WRITTEN INTERROGATORIES AND TO REQUESTS FOR ADMISSION.~~

~~Answers to production requests or written interrogatories and to requests for admission shall be filed or served as provided by the order compelling discovery. Answers must conform to the requirements of the Idaho Rules of Civil Procedure. The order compelling discovery may provide that voluminous answers to requests need not be served so long as they are made available for inspection and copying under reasonable terms.~~ (3-31-22)

~~528. FILING AND SERVICE OF DISCOVERY RELATED DOCUMENTS.~~

~~Notices of deposition, cover letters stating that production requests, written interrogatories or requests for admission have been served, cover letters stating answers to production requests, written interrogatories, or requests for admission have been served or are available for inspection under Section 527, and objections to discovery must be filed and served as provided in the order compelling discovery.~~ (3-31-22)

~~529. EXHIBIT NUMBERS.~~

~~The agency assigns exhibit numbers to each party.~~ (3-31-22)

~~530. PREPARED TESTIMONY AND EXHIBITS.~~

~~Order, notice or rule may require a party or parties to file before hearing and to serve on all other parties prepared~~

~~expert testimony and exhibits to be presented at hearing. Assigned exhibits numbers should be used in all prepared testimony.~~ (3-31-22)

~~531. SANCTIONS FOR FAILURE TO OBEY ORDER COMPELLING DISCOVERY.~~

~~The agency may impose all sanctions recognized by statute or rules for failure to comply with an order compelling discovery.~~ (3-31-22)

~~532. PROTECTIVE ORDERS.~~

~~As authorized by statute or rule, the agency may issue protective orders limiting access to information generated during settlement negotiations, discovery, or hearing.~~ (3-31-22)

~~533.—549. (RESERVED)~~

~~550. NOTICE OF HEARING.~~

~~Notice of the place, date and hour of hearing will be served on all parties at least fourteen (14) days before the time set for hearing, unless the agency finds by order that it is necessary or appropriate that the hearing be held earlier. Notices must comply with the requirements of Section 551. Notices must list the names of the parties (or the lead parties if the parties are too numerous to name), the case number or docket number, the names of the presiding officers who will hear the case, the name, address and telephone number of the person to whom inquiries about scheduling, hearing facilities, etc., should be directed, and the names of persons with whom the documents, pleadings, etc., in the case should be filed if the presiding officer is not the person who should receive those documents. If no document previously issued by the agency has listed the legal authority of the agency to conduct the hearing, the notice of hearing must do so. The notice of hearing shall state that the hearing will be conducted under these rules of procedure and inform the parties where they may read or obtain a copy.~~ (3-31-22)

~~551. FACILITIES AT OR FOR HEARING AND ADA REQUIREMENTS.~~

~~All hearings must be held in facilities meeting the accessibility requirements of the Americans with Disabilities Act, and all notices of hearing must inform the parties that the hearing will be conducted in facilities meeting the accessibility requirements of the Americans with Disabilities Act. All notices of hearing must inform the parties and other persons notified that if they require assistance of the kind that the agency is required to provide under the Americans with Disabilities Act (e.g., sign language interpreters, Braille copies of documents) in order to participate in or understand the hearing, the agency will supply that assistance upon request a reasonable number of days before the hearing. The notice of hearing shall explicitly state the number of days before the hearing that the request must be made.~~ (3-31-22)

~~552. HOW HEARINGS HELD.~~

~~Hearings may be held in person or by telephone or television or other electronic means, if each participant in the hearing has an opportunity to participate in the entire proceeding while it is taking place.~~ (3-31-22)

~~553. CONDUCT AT HEARINGS.~~

~~All persons attending a hearing must conduct themselves in a respectful manner. Smoking is not permitted at hearing.~~ (3-31-22)

~~554. CONFERENCE AT HEARING.~~

~~In any proceeding the presiding officer may convene the parties before hearing or recess the hearing to discuss formulation or simplification of the issues, admissions of fact or identification of documents to avoid unnecessary proof, exchanges of documents, exhibits or prepared testimony, limitation of witnesses, establishment of order of procedure, and other matters that may expedite orderly conduct of the hearing. The presiding officer shall state the results of the conference on the record.~~ (3-31-22)

~~555. PRELIMINARY PROCEDURE AT HEARING.~~

~~Before taking evidence the presiding officer will call the hearing to order, take appearances of parties, and act upon any pending motions or petitions. The presiding officer may allow opening statements as necessary or appropriate to explain a party's presentation.~~ (3-31-22)

~~556. CONSOLIDATION OF PROCEEDINGS.~~

~~The agency may consolidate two (2) or more proceedings for hearing upon finding that they present issues that are~~

~~related and that the rights of the parties will not be prejudiced. In consolidated hearings the presiding officer determines the order of the proceeding.~~ (3-31-22)

557. STIPULATIONS.

~~Parties may stipulate among themselves to any fact at issue in a contested case by written statement filed with the presiding officer or presented at hearing or by oral statement at hearing. A stipulation binds all parties agreeing to it only according to its terms. The agency may regard a stipulation as evidence or may require proof by evidence of the facts stipulated. The agency is not bound to adopt a stipulation of the parties, but may do so. If the agency rejects a stipulation, it will do so before issuing a final order, and it will provide an additional opportunity for the parties to present evidence and arguments on the subject matter of the rejected stipulation.~~ (3-31-22)

558. ORDER OF PROCEDURE.

~~The presiding officer may determine the order of presentation of witnesses and examination of witnesses.~~ (3-31-22)

559. TESTIMONY UNDER OATH.

~~All testimony presented in formal hearings will be given under oath. Before testifying each witness must swear or affirm that the testimony the witness will give before the agency is the truth, the whole truth, and nothing but the truth.~~ (3-31-22)

560. PARTIES AND PERSONS WITH SIMILAR INTERESTS.

~~If two (2) or more parties or persons have substantially like interests or positions, to expedite the proceeding and avoid duplication, the presiding officer may limit the number of them who testify, examine witnesses, or make and argue motions and objections.~~ (3-31-22)

561. CONTINUANCE OF HEARING.

~~The presiding officer may continue proceedings for further hearing.~~ (3-31-22)

562. RULINGS AT HEARINGS.

~~The presiding officer rules on motions and objections presented at hearing. When the presiding officer is a hearing officer, the presiding officer's rulings may be reviewed by the agency head in determining the matter on its merits and the presiding officer may refer or defer rulings to the agency head for determination.~~ (3-31-22)

563. ORAL ARGUMENT.

~~The presiding officer may set and hear oral argument on any matter in the contested case on reasonable notice according to the circumstances.~~ (3-31-22)

564. BRIEFS—MEMORANDA—PROPOSED ORDERS OF THE PARTIES—STATEMENTS OF POSITION—PROPOSED ORDER OF THE PRESIDING OFFICER.

~~In any contested case, any party may ask to file briefs, memoranda, proposed orders of the parties or statements of position, and the presiding officer may request briefs, proposed orders of the parties, or statements of position. The presiding officer may issue a proposed order and ask the parties for comment upon the proposed order.~~ (3-31-22)

565. PROCEDURE ON PREHEARING MOTIONS.

~~The presiding officer may consider and decide prehearing motions with or without oral argument or hearing. If oral argument or hearing on a motion is requested and denied, the presiding officer must state the grounds for denying the request. Unless otherwise provided by the presiding officer, when a motion has been filed, all parties seeking similar substantive or procedural relief must join in the motion or file a similar motion within seven (7) days after receiving the original motion. The party(ies) answering to or responding to the motion(s) will have fourteen (14) days from the time of filing of the last motion or joinder pursuant to the requirements of the previous sentence in which to respond.~~ (3-31-22)

566. JOINT HEARINGS.

~~The agency may hold joint hearings with federal agencies, with agencies of other states, and with other agencies of the state of Idaho. When joint hearings are held, the agencies may agree among themselves which agency's rules of practice and procedure will govern.~~ (3-31-22)

567.—599. (RESERVED)

~~600. RULES OF EVIDENCE—EVALUATION OF EVIDENCE.~~

~~Evidence should be taken by the agency to assist the parties' development of a record, not excluded to frustrate that development. The presiding officer at hearing is not bound by the Idaho Rules of Evidence. No informality in any proceeding or in the manner of taking testimony invalidates any order. The presiding officer, with or without objection, may exclude evidence that is irrelevant, unduly repetitious, inadmissible on constitutional or statutory grounds, or on the basis of any evidentiary privilege provided by statute or recognized in the courts of Idaho. All other evidence may be admitted if it is of a type commonly relied upon by prudent persons in the conduct of their affairs. The agency's experience, technical competence and specialized knowledge may be used in evaluation of evidence.~~ (3-31-22)

~~601. DOCUMENTARY EVIDENCE.~~

~~Documentary evidence may be received in the form of copies or excerpts. Upon request, parties shall be given an opportunity to compare the copy with the original if available.~~ (3-31-22)

~~602. OFFICIAL NOTICE—AGENCY STAFF MEMORANDA.~~

~~Official notice may be taken of any facts that could be judicially noticed in the courts of Idaho and of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified of the specific facts or material noticed and the source of the material noticed, including any agency staff memoranda and data. Notice that official notice will be taken should be provided either before or during the hearing, and must be provided before the issuance of any order that is based in whole or in part on facts or material officially noticed. Parties must be given an opportunity to contest and rebut the facts or material officially noticed. When the presiding officer proposes to notice agency staff memoranda or agency staff reports, responsible staff employees or agents shall be made available for cross-examination if any party timely requests their availability.~~ (3-31-22)

~~603. DEPOSITIONS.~~

~~Depositions may be offered into evidence.~~ (3-31-22)

~~604. OBJECTIONS—OFFERS OF PROOF.~~

~~Grounds for objection to the admission or exclusion of evidence must be stated briefly at the time the evidence is offered. Formal exceptions to rulings admitting or excluding evidence are unnecessary and need not be taken. An offer of proof for the record consists of a statement of the substance of the excluded evidence. When a party objects to the admission of evidence, the presiding officer will rule on the objection, or, if the presiding officer is a hearing officer, the presiding officer may receive the evidence subject to later ruling by the agency head or refer the matter to the agency head.~~ (3-31-22)

~~605. PREPARED TESTIMONY.~~

~~The presiding officer may order a witness's prepared testimony previously distributed to all parties to be included in the record of hearing as if read. Admissibility of prepared testimony is subject to Section 600.~~ (3-31-22)

~~606. EXHIBITS.~~

~~Exhibit numbers may be assigned to the parties before hearing. Exhibits prepared for hearing must ordinarily be typed or printed on eight and one-half inch by eleven inch (8-1/2" x 11") white paper, except maps, charts, photographs and non-documentary exhibits may be introduced on the size or kind of paper customarily used for them. A copy of each documentary exhibit must be furnished to each party present and to the presiding officer, except for unusually bulky or voluminous exhibits that have previously been made available for the parties' inspection. Copies must be of good quality. Exhibits identified at hearing are subject to appropriate and timely objection before the close of proceedings. Exhibits to which no objection is made are automatically admitted into evidence without motion of the sponsoring party. Motion pictures, slides, opaque projections, videotapes, audiotapes or other materials not capable of duplication by still photograph or reproduction on paper shall not be presented as exhibits without approval of the presiding officer.~~ (3-31-22)

~~607.—609. (RESERVED)~~

~~610. CONFIDENTIALITY OF SETTLEMENT NEGOTIATIONS.~~

~~Settlement negotiations in a contested case are confidential, unless all participants to the negotiation agree to the contrary in writing. Facts disclosed, offers made and all other aspects of negotiation (except agreements reached) in~~

~~settlement negotiations in a contested case are not part of the record. (3-31-22)~~

~~**611. SUGGESTION FOR OR INQUIRY ABOUT SETTLEMENTS.**~~

~~Through notice or order or on the record at prehearing conference or hearing, the presiding officer may inquire of the parties in any proceeding whether settlement negotiations are in progress or are contemplated or may invite settlement of an entire proceeding or certain issues. (3-31-22)~~

~~**612. CONSIDERATION OF SETTLEMENTS.**~~

~~Settlements must be reviewed under this rule. When a settlement is presented to the presiding officer, the presiding officer will prescribe procedures appropriate to the nature of the settlement to consider the settlement. For example, the presiding officer could summarily accept settlement of essentially private disputes that have no significant implications for administration of the law for persons other than the affected parties. On the other hand, when one (1) or more parties to a proceeding is not party to the settlement or when the settlement presents issues of significant implication for other persons, the presiding officer may convene an evidentiary hearing to consider the reasonableness of the settlement and whether acceptance of the settlement is consistent with the agency's charge under the law. (3-31-22)~~

~~**613. BURDENS OF PROOF.**~~

~~Proponents of a proposed settlement carry the burden of showing that the settlement is in accordance with the law. The presiding officer may require the development of an appropriate record in support of or opposition to a proposed settlement as a condition of accepting or rejecting the settlement. (3-31-22)~~

~~**614. SETTLEMENT NOT BINDING.**~~

~~The presiding officer is not bound by settlement agreements that are not unanimously accepted by all parties or that have significant implications for persons not parties. In these instances, the presiding officer will independently review any proposed settlement to determine whether the settlement is in accordance with the law. (3-31-22)~~

~~**615.—649. (RESERVED)**~~

~~**650. RECORD FOR DECISION.**~~

~~**01. Requirement.** The agency shall maintain an official record for each for each contested case and (unless statute provides otherwise) base its decision in a contested case on the official record for the case. (3-31-22)~~

~~**02. Contents.** The record for a contested case shall include: (3-31-22)~~

~~**a.** All notices of proceedings; (3-31-22)~~

~~**b.** All applications or claims or appeals, petitions, complaints, protests, motions, and answers filed in the proceeding; (3-31-22)~~

~~**c.** All intermediate or interlocutory rulings of hearing officers or the agency head; (3-31-22)~~

~~**d.** All evidence received or considered (including all transcripts or recordings of hearings and all exhibits offered or identified at hearing); (3-31-22)~~

~~**e.** All offers of proof, however made; (3-31-22)~~

~~**f.** All briefs, memoranda, proposed orders of the parties or of the presiding officers, statements of position, statements of support, and exceptions filed by parties or persons not parties; (3-31-22)~~

~~**g.** All evidentiary rulings on testimony, exhibits, or offers of proof; (3-31-22)~~

~~**h.** All staff memoranda or data submitted in connection with the consideration of the proceeding; (3-31-22)~~

~~**i.** A statement of matters officially noticed; and (3-31-22)~~

j. All recommended orders, preliminary orders, final orders, and orders on reconsideration. (3-31-22)

651. RECORDING OF HEARINGS.

All hearings shall be recorded on audiotape or videotape at the agency's expense. The agency may provide for a transcript of the proceeding at its own expense. Any party may have a transcript prepared at its own expense.

(3-31-22)

652.—699. (RESERVED)

700. NOTICE OF PROPOSED DEFAULT AFTER FAILURE TO APPEAR.

If an applicant or claimant or appellant, petitioner, complainant, or moving party fails to appear at the time and place set for hearing on an application or claim or appeal, petition, complaint, or motion, the presiding officer may serve upon all parties a notice of a proposed default order denying the application or claim or appeal, petition, complaint, or motion. The notice of a proposed default order shall include a statement that the default order is proposed to be issued because of a failure of the applicant or claimant or appellant, petitioner, complainant or moving party to appear at the time and place set for hearing. The notice of proposed default order may be mailed to the last known mailing address of the party proposed to be defaulted.

(3-31-22)

701. SEVEN DAYS TO CHALLENGE PROPOSED DEFAULT ORDER.

Within seven (7) days after the service of the notice of proposed default order, the party against whom it was filed may file a written petition requesting that a default order not be entered. The petition must state the grounds why the petitioning party believes that default should not be entered.

(3-31-22)

702. ISSUANCE OF DEFAULT ORDER.

The agency shall promptly issue a default order or withdraw the notice of proposed default order after expiration of the seven days for the party to file a petition contesting the default order or receipt of a petition. If a default order is issued, all further proceedings necessary to complete the contested case shall be conducted without participation of the party in default (if the defaulting party is not a movant) or upon the results of the denial of the motion (if the defaulting party is a movant). All issues in the contested case shall be determined, including those affecting the defaulting party. If authorized by statute or rule, costs may be assessed against a defaulting party.

(3-31-22)

703.—709. (RESERVED)

710. INTERLOCUTORY ORDERS.

Interlocutory orders are orders that do not decide all previously undecided issues presented in a proceeding, except the agency may by order decide some of the issues presented in a proceeding and provide in that order that its decision on those issues is final and subject to review by reconsideration or appeal, but is not final on other issues. Unless an order contains or is accompanied by a document containing one of the paragraphs set forth in Sections 720, 730 or 740 or a paragraph substantially similar, the order is interlocutory. The following orders are always interlocutory: orders initiating complaints or investigations; orders joining, consolidating or separating issues, proceedings or parties; orders granting or denying intervention; orders scheduling prehearing conferences, discovery, hearing, oral arguments or deadlines for written submissions; and orders compelling or refusing to compel discovery. Interlocutory orders may be reviewed by the officer issuing the order pursuant to Sections 711, 760, and 770.

(3-31-22)

711. REVIEW OF INTERLOCUTORY ORDERS.

Any party or person affected by an interlocutory order may petition the officer issuing the order to review the interlocutory order. The officer issuing an interlocutory order may rescind, alter or amend any interlocutory order on the officer's own motion, but will not on the officer's own motion review any interlocutory order affecting any party's substantive rights without giving all parties notice and an opportunity for written comment.

(3-31-22)

712.—719. (RESERVED)

720. RECOMMENDED ORDERS.

01. Definition. Recommended orders are orders issued by a person other than the agency head that will

~~become a final order of the agency only after review of the agency head (or the agency head's designee) pursuant to Section 67-5244, Idaho Code. (3-31-22)~~

~~**02. Content.** Every recommended order must contain or be accompanied by a document containing the following paragraphs or substantially similar paragraphs: (3-31-22)~~

~~**a.** This is a recommended order of the hearing officer. It will not become final without action of the agency head. Any party may file a petition for reconsideration of this recommended order with the hearing officer issuing the order within fourteen (14) days of the service date of this order. The hearing officer issuing this recommended order will dispose of any petition for reconsideration within twenty one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3), Idaho Code. (3-31-22)~~

~~**b.** Within twenty one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of this recommended order and file briefs in support of the party's position on any issue in the proceeding. (3-31-22)~~

~~**c.** Written briefs in support of or taking exceptions to the recommended order shall be filed with the agency head (or designee of the agency head). Opposing parties shall have twenty one (21) days to respond. The agency head or designee may schedule oral argument in the matter before issuing a final order. The agency head or designee will issue a final order within fifty six (56) days of receipt of the written briefs or oral argument, whichever is later, unless waived by the parties or for good cause shown. The agency may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. (3-31-22)~~

~~721.—729. (RESERVED)~~

~~730. PRELIMINARY ORDERS.~~

~~**01. Definition.** Preliminary orders are orders issued by a person other than the agency head that will become a final order of the agency unless reviewed by the agency head (or the agency head's designee) pursuant to Section 67-5245, Idaho Code. (3-31-22)~~

~~**02. Content.** Every preliminary order must contain or be accompanied by a document containing the following paragraphs or substantially similar paragraphs: (3-31-22)~~

~~**a.** This is a preliminary order of the hearing officer. It can and will become final without further action of the agency unless any party petitions for reconsideration before the hearing officer issuing it or appeals to the hearing officer's superiors in the agency. Any party may file a motion for reconsideration of this preliminary order with the hearing officer issuing the order within fourteen (14) days of the service date of this order. The hearing officer issuing this order will dispose of the petition for reconsideration within twenty one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3), Idaho Code. (3-31-22)~~

~~**b.** Within twenty one (21) days after (a) the service date of this preliminary order, (b) the service date of the denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing appeal or take exceptions to any part of the preliminary order and file briefs in support of the party's position on any issue in the proceeding to the agency head (or designee of the agency head). Otherwise, this preliminary order will become a final order of the agency. (3-31-22)~~

~~**c.** If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty one (21) days to respond to any party's appeal within the agency. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the agency head (or designee). The agency head (or designee) may review the preliminary order on its own motion. (3-31-22)~~

~~**d.** If the agency head (or designee) grants a petition to review the preliminary order, the agency head (or designee) shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary~~

~~order and may schedule oral argument in the matter before issuing a final order. The agency head (or designee) will issue a final order within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless waived by the parties or for good cause shown. The agency head (or designee) may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. (3-31-22)~~

~~**e.** Pursuant to Sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which: (3-31-22)~~

~~i. A hearing was held; (3-31-22)~~

~~ii. The final agency action was taken; (3-31-22)~~

~~iii. The party seeking review of the order resides; or (3-31-22)~~

~~iv. The real property or personal property that was the subject of the agency action is attached. (3-31-22)~~

~~**f.** This appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See Section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. (3-31-22)~~

~~731.—739. (RESERVED)~~

740. FINAL ORDERS.

~~**01. Definition.** Final orders are preliminary orders that have become final under Section 730 pursuant to Section 67-5245, Idaho Code, or orders issued by the agency head pursuant to Section 67-5246, Idaho Code. (3-31-22)~~

~~**02. Content.** Every final order issued by the agency head must contain or be accompanied by a document containing the following paragraphs or substantially similar paragraphs: (3-31-22)~~

~~**a.** This is a final order of the agency. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The agency will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5246(4), Idaho Code. (3-31-22)~~

~~**b.** Pursuant to Sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which: (3-31-22)~~

~~i. A hearing was held; (3-31-22)~~

~~ii. The final agency action was taken; (3-31-22)~~

~~iii. The party seeking review of the order resides; or (3-31-22)~~

~~iv. The real property or personal property that was the subject of the agency action is attached. (3-31-22)~~

~~**e.** An appeal must be filed within twenty-eight (28) days (a) of the service date of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. (3-31-22)~~

~~741. — 749.~~ (RESERVED)

750. ORDER NOT DESIGNATED.

~~If an order does not designate itself as recommended, preliminary or final at its release, but is designated as recommended, preliminary or final after its release, its effective date for purposes of reconsideration or appeal is the date of the order of designation. If a party believes that an order not designated as a recommended order, preliminary order or final order according to the terms of these rules should be designated as a recommended order, preliminary order or final order, the party may move to designate the order as recommended, preliminary or final, as appropriate.~~
(3-31-22)

~~751. — 759.~~ (RESERVED)

760. MODIFICATION OF ORDER ON PRESIDING OFFICER'S OWN MOTION.

~~A hearing officer issuing a recommended or preliminary order may modify the recommended or preliminary order on the hearing officer's own motion within fourteen (14) days after issuance of the recommended or preliminary order by withdrawing the recommended or preliminary order and issuing a substitute recommended or preliminary order. The agency head may modify or amend a final order of the agency (be it a preliminary order that became final because no party challenged it or a final order issued by the agency head itself) at any time before notice of appeal to District Court has been filed or the expiration of the time for appeal to District Court, whichever is earlier, by withdrawing the earlier final order and substituting a new final order for it.~~
(3-31-22)

~~761. — 769.~~ (RESERVED)

770. CLARIFICATION OF ORDERS.

~~Any party or person affected by an order may petition to clarify any order, whether interlocutory, recommended, preliminary or final. Petitions for clarification from final orders do not suspend or toll the time to petition for reconsideration or appeal the order. A petition for clarification may be combined with a petition for reconsideration or stated in the alternative as a petition for clarification and/or reconsideration.~~
(3-31-22)

~~771. — 779.~~ (RESERVED)

780. STAY OF ORDERS.

~~Any party or person affected by an order may petition the agency to stay any order, whether interlocutory or final. Interlocutory or final orders may be stayed by the judiciary according to statute. The agency may stay any interlocutory or final order on its own motion.~~
(3-31-22)

004. IDAHO OFFICE OF ADMINISTRATIVE HEARINGS RULES.

Upon the effective date of rules promulgated by the Idaho Office of Administrative Hearings to govern the practice and procedure in contested cases, the Office of Administrative Hearings rules will govern contested case proceedings which have been delegated or assigned (whether statutorily or by the Board) to the director of the Idaho Department of Lands or his designee. These Rules of Practice and Procedure Before the State Board of Land Commissioners will govern contested case proceedings before the Board.
()

~~781~~**005. -- 999.** (RESERVED)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.01.01 – RULES OF THE BOARD OF ARCHITECTS AND LANDSCAPE ARCHITECTS

DOCKET NO. 24-0101-2301 (ZBR CHAPTER REWRITE, FEE RULE)

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 Section 67-2604, Idaho Code, and Sections 54-306, 54-308, 54-313, 54-3003, 67-2614, 67-9406, and 67-9409, Idaho Code.

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

Wednesday, August 23, 2023 -- 11:00 a.m. (MT)
Division of Occupational and Professional Licenses Chinden Campus Building 4 11341 W. Chinden Blvd., Bldg. #4 Boise, ID 83714
Telephone and web conferencing information will be posted on: https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/

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

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

Under [Executive Order 2020-01](#), Zero-Based Regulation, the Board of Architects and Landscape Architects is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

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

The fees for applications, licenses, and reinstatement as designated in Rule 400 of these proposed rules are authorized in Section 54-313, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho legislature.

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

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2301. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 5, 2023 Idaho Administrative Bulletin, [Vol. 23-4, pp. 42-46](#).

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 Michael Hyde, Bureau Chief, at (208) 332-7133.

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 August 23, 2023.

DATED this July 6, 2023.

Michael Hyde
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 332-7133
Email: michael.hyde@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-0101-2301
(ZBR Chapter Rewrite)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the proposed rule.*

24.01.01 – RULES OF THE BOARD OF ARCHITECTS AND LANDSCAPE ARCHITECTS

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections 54-306, 54-308, 54-313, 54-3003, 67-2614, 67-9406, and 67-9409, Idaho Code. ()

001. SCOPE.

These rules govern the practice of architecture and landscape architecture in Idaho. ()

002. -- 099. (RESERVED)

100. LICENSURE.

01. Architect Requirements. ()

a. Approved Architectural Experience Program. The National Council of Architectural Registration Boards (NCARB) Architectural Experience Program (AXP). ()

b. Satisfactory Experience In Lieu Of Education. The eight (8) years must consist of at least four (4) years of experience under the supervision of a licensed landscape architect, with the remainder being directly related to landscape architecture. ()

c. Continuing Education. Beginning the second year of licensure, to renew, a licensed architect must complete, during the prior licensure period, and retain proof of completion of twelve (12) hours of approved continuing education germane to the health, safety, and welfare in the practice of architecture. Approved courses are those offered by providers approved by NCARB, the National Architectural Accreditation Board (NAAB), or the American Institute of Architects (AIA). A licensee may submit a request for Board approval of other courses.

()

i. A licensee may carryover a maximum of six (6) hours of continuing education to meet the next year's continuing education requirement. ()

02. Landscape Architect Requirements. ()

a. Approved Education. A landscape architecture program accredited by the Landscape Architectural Accreditation Board. ()

b. Satisfactory Experience in Lieu of Education. The eight (8) years must consist of at least four (4) years of experience under the supervision of a licensed landscape architect, with the remainder being directly related to landscape architecture. ()

c. Required Examination. Passage of the Landscape Architect Registration Examination administered by the Council of Landscape Architects Registration Boards (CLARB). ()

101. – 199. (RESERVED)

200. PRACTICE STANDARDS.

01. Architectural Intern. Only individuals who fall within the Section 54-303(2), Idaho Code, definition of “architectural intern” may represent themselves as an “architectural intern”. ()

02. Architecture Firm Name. The firm name may only incorporate the names of individuals who are licensed architects, with the exception that a firm may continue to utilize the name of a retired or deceased formerly licensed architect if the unlicensed status is clearly disclosed. ()

201. -- 399. (RESERVED)

400. FEES.

01. Architects.

TYPE	AMOUNT (Not to Exceed)
Application	\$25
License	\$50 annually
Reinstatement	\$35

()

02. Landscape Architects.

TYPE	AMOUNT (Not to Exceed)
Application	\$75
License	\$125 annually
Reinstatement	\$35

()

401. -- 999. (RESERVED)

[Agency redlined courtesy copy]

24.01.01 – RULES OF THE BOARD OF ARCHITECTS AND LANDSCAPE
ARCHITECTS ARCHITECTURAL EXAMINERS

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections 54-306, 54-308, 54-313, 67-2614, 67-9406, and 67-9409, Idaho Code. ()

001. SCOPE.

These rules govern the practice of architecture in Idaho.()

~~002. INCORPORATION BY REFERENCE.~~

~~The document titled NCARB Rules of Conduct as published by the National Council of Architectural Registration Boards, dated July 2014, is hereby incorporated by reference.~~

~~003.—009.(RESERVED)~~

010. DEFINITIONS.

~~01. AXP. Architectural Experience Program. (—)~~

~~02. Direct Supervision. Direct supervision of an unlicensed individual in the practice of architecture means the exercise of management, control, authority, responsibility, oversight and guidance over the unlicensed individuals work, activities and conduct.(—)~~

~~03. NAAB. National Architectural Accrediting Board. (—)~~

~~04. NCARB. National Council of Architectural Registration Board. (—)~~

~~011.—174.(RESERVED)~~

~~175. APPLICANT PAST CRIME REVIEW.~~

~~01. Review Authority. In reviewing an Applicant for licensure who has been convicted of a felony or misdemeanor as set forth in section 54-314(1)(d) Idaho Code, the Board may utilize the follow process and factors to determine the applicant's suitability for licensure:(—)~~

~~02. Exemption Review. The exemption review consists of a review of any documents relating to the crime and any supplemental information provided by the applicant bearing upon his suitability for registration. The Board may, at its discretion, grant an interview of the applicant and consider the factors set forth in Section 67-9411, Idaho Code. The applicant bears the burden of establishing their current suitability for licensure.(—)~~

~~176.—199.(RESERVED)~~

~~200. FEES FOR EXAMINATIONS AND LICENSURE.~~

~~Fees are non-refundable.~~

01.Architects.

FEE-TYPE	AMOUNT (Not to Exceed)
Examination	Established by NCARB
Application	\$25.00
Annual renewal License	\$50.00 annually
Endersement license	\$50.00
Temporary license	\$50.00
Reinstatement	\$35 As provided in Section 67-2614, Idaho Code

()

~~201.—249.(RESERVED)~~

~~250. QUALIFICATIONS OF APPLICANTS FOR EXAMINATION.~~
100. LICENSURE

~~01. Accredited Degree Applicants.~~
01. Architect Requirements.

~~a. Approved Architectural Experience Program. All applicants for the Architectural Registration Examination (ARE) will possess a professional degree in architecture from a program that is accredited by the The National Council of Architectural Registration Boards (NCARB) Accrediting Board (NAAB) or that is approved by the Board. All applicants for the ARE must have started or completed the Architectural Experience Program (AXP) requirements.(—)~~

~~02.b. Satisfactory Experience in Lieu of Education. Degree Applicants. The Board may allow an applicant without an architecture degree to sit for the architecture examination upon determining that such applicant has attained the knowledge and skill approximating that attained by graduation from an accredited architecture curriculum including the submission of a record of The eight (8) years must consist of at least six (6) years of experience under the direct supervision of a licensed architect and the remaining two (2) years may be under the direct supervision of a licensed engineer who practices in the field of building construction as approved by the Board. or more of experience in architecture work of a character deemed satisfactory by the Board. Said experience may include that necessary for completion of the AXP. Two (2) years of eight (8) or more years of experience may be accepted if determined that such experience is directly related to architecture under the direct supervision of a registered engineer (practicing as a structural, civil, mechanical or electrical engineer in the field of building construction) or a registered landscape architect. At least six (6) years of such experience must be obtained while working under the direct supervision of a licensed architect. A person is qualified for the examination once they have met the experience requirement and started the AXP.(—)~~

~~251.—299.(Reserved)~~

~~300. Application.~~

~~01. Licensure by Examination.~~

(—)

~~a.~~ Application for licensure by examination is made on the uniform application form adopted by the Board. (—)

~~b.~~ Applicants must furnish all information required by the uniform application form and will include the following: (—)

~~i.~~ If applying based upon an accredited degree: Furnish certification of graduation and a certified transcript of all subjects and grades received for all college courses taken.(—)

~~ii.~~ If applying based upon experience in lieu of an accredited degree: Furnish statement or statements, of all actual architectural or other applicable experience signed by the person under whose supervision the work was performed, giving kind and type of work done, together with dates of employment.(—)

~~c.~~ Application will not be reviewed by the Board until all required information is furnished and the required fee is paid.(—)

~~d.~~ Applications received less than seven (7) days prior to a Board meeting may be held over to the next meeting. (—)

~~02.~~ **Licensure by Endorsement—Blue Cover.** General requirements: Application includes a current blue cover dossier compiled by the NCARB certifying that the applicant has satisfactorily passed the standard NCARB examinations, or NCARB authorized equivalent and includes letters, transcripts, and other documents substantiating all statements relative to education and experience made in said application as required by the Board. (—)

~~03.~~ **Licensure by Endorsement—Equivalency.** (—)

~~a.~~ Applicants for licensure by endorsement must submit a complete application, verified under oath, to the Board at its official address. The application must be on the forms approved by the Board and submitted together with the appropriate fee(s) and supporting documentation including but not limited to:(—)

~~b.~~ Proof of holding a current and valid license issued by another state, a licensing authority recognized by the Board.(—)

~~c.~~ Proof of satisfactorily passing the NCARB examinations or NCARB authorized equivalent examination, as determined by the Board.(—)

~~301.—349.(Reserved)~~

~~350. Registration Examination.~~

~~The Board, having found that the content and methodology of the ARE prepared by NCARB is the most practicable and effective examination to test an applicant's qualifications for registration, adopts the ARE as the single, written and/or electronic examination for registration of architects in this state, and further adopts the following rules with respect thereto: (—)~~

~~01.~~ **When Taken.** The Board will cause the ARE, prepared by NCARB, to be administered to all applicants eligible, in accordance with the requirements of the Board, by their training and education to be examined for registration on dates scheduled by the NCARB. The Board will cause repeat divisions of the ARE to be administered to qualified candidates on such dates as are scheduled by the NCARB. The ARE examination is a multiple part examination prepared by NCARB. Content of the examination in all of its sections is available from the Board or NCARB.(—)

~~02. Grading.~~ The ARE is graded in accordance with the methods and procedures recommended by the NCARB. Grades from the individual division are not averaged. Applicants will have unlimited opportunities to retake division which they fail except as set forth in these rules. The Board accepts passing grades of computer administered divisions of the ARE as satisfying the requirements for said division(s) when such examinations are administered as prescribed by the NCARB.(—)

~~03. Passing (ARE).~~ To pass the ARE, an applicant must achieve a passing grade on each division. Subject to certain conditions, a passing grade for any division of the ARE is valid for five (5) years, after which time the division must be retaken unless all divisions have been passed. The Board may allow a reasonable extension of such period in circumstances where completion of all divisions is prevented by a medical condition, active duty in military service, or other like causes. Approval to take the ARE will terminate unless the applicant has passed or failed a division of the ARE within a period of five (5) years. Any applicant whose approval has so terminated must reapply for approval to take the ARE.(—)

~~351.—374.(Reserved)~~

~~375. Architectural Intern.~~

~~An individual may represent themselves as an architectural intern only under the following conditions:(—)~~

~~200.02 Architectural Intern. Only individuals who fall within the Section 54-303(2), Idaho Code, definition of "architectural intern" may represent themselves as an architectural intern.~~

~~01. Supervision.~~ Each architectural intern is employed by and work under the direct supervision of an Idaho licensed architect.(—)

~~02. AXP Enrollment.~~ Each architectural intern must be enrolled in NCARB's AXP and maintain a record in good standing.(—)

~~03. Record.~~ Each architectural intern possesses either: (—)

~~a. A record with the NCARB establishing that AXP training has been started; or (—)~~

~~b. A record establishing completion of all AXP training regulations as specified by NCARB. (—)~~

~~04. Prohibitions.~~ An architectural intern may not sign or seal any architectural plan, specification, or other document. An architectural intern may only engage in the practice of architecture under the direct supervision of an Idaho licensed architect.(—)

~~376.—399.(Reserved)~~

~~400. Firm Name.~~

200. PRACTICE STANDARDS. ()

01. Architectural Intern. Only individuals who fall within the Section 54-303(2), Idaho Code, definition of "architectural intern" may represent themselves as an "architectural intern".()

0201. Architecture Firm Names. Firm names incorporating the use of names of unlicensed individuals are considered in violation of Section 54-315, Idaho Code. **A**The firm name may **only incorporate the names of individuals who are licensed architects, with the exception that a firm may** continue to utilize the name of a retired or deceased formerly licensed architect **so long as their if the** unlicensed status is clearly disclosed.()

~~401. 409.(RESERVED)~~

~~410. USE OF AN ARCHITECT'S SEAL.~~

~~An architect's seal may be placed on all technical submissions prepared personally by the architect or prepared under the architect's responsible control or as otherwise allowed under the provisions of Section 54-304, Idaho Code. Nothing in this rule limits an architect's responsibility to the owner for the work of other licensed professionals to the extent established by contract between the owner and architect.()~~

~~411. 449.(RESERVED)~~

~~450. CONTINUING EDUCATION.~~

~~In order to protect the public health and safety and promote the public welfare, the Board has adopted the following rules for continuing education.()~~

~~**100.01.c.** Continuing Education. **Requirement.** Each Idaho Beginning the second year of licensure, to renew, a licensed architect must successfully complete, during the prior licensure period, and retain proof of completion a minimum of twelve (12) hours of approved continuing education in germane to architectural the health, safety, and welfare in the practice of architecture. Approved courses are those offered by providers approved by NCARB, the National Architectural Accreditation Board (NAAB), or the American Institute of Architects (AIA). A licensee may submit a request for Board approval of other courses. calendar year prior to license renewal.()~~

~~**a.** Each licensee will submit to the Board their annual renewal application form and required fees, and will certify that they have complied with annual CE requirements for the previous calendar year. Each licensee will provide to the Board together with their application for reinstatement of an expired license form and required fees, proof of compliance with annual CE requirements for each year that their license was expired. A license that has been canceled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code.()~~

~~**b.** A licensee is considered to have satisfied their CE requirements for the first renewal of their initial license. Licensees who have failed to meet the annual continuing education requirement may petition the Board for additional time to complete their continuing education requirements.()~~

~~**e.i.** A licensee may carryover a maximum of six (6) hours of continuing education to meet the next year's continuing education requirement.()~~

~~**d.** One (1) continuing education hour is equal to one (1) learning unit, as determined by the American Institute of Architects, or one (1) clock hour of education, as determined by the Board.()~~

~~**02. Architectural Health, Safety and Welfare Requirement.** To qualify for continuing education, a course must involve architectural health, safety and welfare, which generally relates to the structural integrity or unimpairedness of a building or building sites and be germane to the practice of architecture. Courses may include the following subject areas:()~~

~~**a.** Legal, which includes laws, codes, zoning, regulations, standards, life safety, accessibility, ethics, insurance to protect owners and public.()~~

~~**b.** Building systems, which includes structural, mechanical, electrical, plumbing, communications, security, and fire protection.()~~

~~**e.** Environmental, which includes energy efficiency, sustainability, natural resources, natural hazards, hazardous materials, weatherproofing, and insulation.()~~

- ~~d. Occupant comfort, which includes air quality, lighting, acoustics, ergonomics. (—)~~
- ~~e. Materials and methods, which includes construction systems, products, finishes, furnishings, and equipment. (—)~~
- ~~f. Preservation, which includes historical, reuse, and adaptation. (—)~~
- ~~g. Pre-Design, which includes land use analysis, programming, site selection, site and soils analysis, and surveying. (—)~~
- ~~h. Design, which includes urban planning, master planning, building design, site design, interiors, safety and security measures. (—)~~
- ~~i. Construction documents, which includes drawings, specifications, and delivery methods. (—)~~
- ~~j. Construction contract administration, which includes contracts, bidding, contract negotiations. (—)~~
- ~~03. **Approved Credit.** Continuing education courses must be presented by: (—)~~
 - ~~a. Providers approved by the National Architectural Accreditation Board (NAAB) schools of architecture; or (—)~~
 - ~~b. Providers approved by the National Council of Architectural Registration Board (NCARB); or (—)~~
 - ~~e. Providers approved by the American Institute of Architects (AIA); or (—)~~
 - ~~d. Providers as otherwise approved by the Board. All requests for approval or pre-approval of continuing education credits must be made to the Board in writing and must be accompanied by a statement that includes the name of the instructor or instructors, his or her qualifications, the date, time and location of the course, the specific agenda for the course, the number of continuing education hours requested, and a statement of how the course is believed to be in the nature of architectural health, safety and welfare. (—)~~
- ~~04. **Verification of Attendance.** It shall be necessary for each licensee to maintain verification of attendance by securing authorized signatures or other documentation from the course instructors or sponsoring institution substantiating any and all hours attended by the licensee. This verification shall be maintained by the licensee for a period of five (5) years and provided to the Board upon request of the Board or its agent. (—)~~
- ~~05. **Failure to Fulfill the Continuing Education Requirements.** The license will not be renewed for those licensees who fail to certify or otherwise provide acceptable documentation of meeting the CE requirements. Licensees who make a false attestation regarding compliance with the CE requirements shall be subject to disciplinary action by the Board. (—)~~
- ~~06. **Exemptions.** A licensed architect shall be deemed to have complied with the CE requirements if the licensee attests in the required affidavit that for not less than ten (10) months of the preceding one (1) year period of licensure, the architect has met one (1) of the following criteria: (—)~~
 - ~~a. Meets the military exemption set forth in Section 67-2602A, Idaho Code. (—)~~

~~b.~~ Is a government employee working as an architect and assigned to duty outside the United States. ()

~~e.~~ ~~Special Exemption.~~ The Board shall have authority to make exceptions for reasons of individual hardship, including health (certified by a medical doctor) or other good cause. The architect must provide any information requested by the Board to assist in substantiating hardship cases. This exemption is granted at the sole discretion of the Board. ()

~~451.—749.(RESERVED)~~

~~750.: CODE OF ETHICS.~~

~~01.: Rules of Conduct.~~ The NCARB Rules of Conduct are hereby adopted as the Code of Ethics for all Idaho licensed architects. ()

~~751.—999.(RESERVED)~~

[Agency redlined courtesy copy]

24.07.01 – RULES OF THE IDAHO STATE BOARD OF ARCHITECTS AND LANDSCAPE ARCHITECTS

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Section 54-3003, 67-2614, 67-9406, and 67-9409, Idaho Code. ()

001. SCOPE.

These rules govern the practice of landscape architecture in Idaho. ()

~~002.: INCORPORATION BY REFERENCE.~~

~~THE DOCUMENT TITLED THE COUNCIL OF LANDSCAPE ARCHITECTURAL REGISTRATION BOARDS (CLARB) MODEL RULES OF PROFESSIONAL CONDUCT AS AMENDED FEBRUARY 2007, REFERENCED IN SUBSECTION 425, IS HEREIN INCORPORATED BY REFERENCE. ()~~

~~003.—100.(RESERVED)~~

~~101.~~ 100.02. Landscape Architect Requirements.

Aa. Approved Education:

~~An approved college or school of landscape architecture shall have~~ A landscape architecture program accredited by the Landscape Architectural Accreditation Board (LAAB), ~~or shall substantially meet the accrediting standards of the LAAB as may be determined by the Board.~~ ()

~~102.B:~~ PRACTICAL SATISFACTORY

Bb. Satisfactory Experience In Lieu Of Education.

~~An applicant shall document at least~~ The eight (8) years must consist of at least four (4) years of experience under the supervision of a licensed landscape architect, with the remainder being directly related to landscape architecture. ~~of actual practical experience in landscape architecture in lieu of graduation from an approved college or school of landscape architecture. Such experience shall establish the applicant's education in those subjects and areas contained in the curriculum of an approved college or school of landscape architecture. No less than fifty percent (50%) of such practical experience shall be under the supervision of a licensed landscape architect.~~ ()

~~103.—199.(RESERVED)~~

~~200. APPLICATION.~~

~~EACH APPLICANT FOR LICENSURE SHALL SUBMIT A COMPLETE APPLICATION TOGETHER WITH THE REQUIRED FEES TO THE BOARD. AN APPLICATION SHALL BE MADE ON THE UNIFORM APPLICATION FORM ADOPTED BY THE BOARD AND FURNISHED TO THE APPLICANT BY THE DIVISION. AN APPLICATION SHALL NOT BE REVIEWED BY THE BOARD UNTIL ALL REQUIRED INFORMATION IS FURNISHED AND THE REQUIRED FEES PAID.(—)~~

~~201. APPLICATION FORM.~~

~~01. Materials Submitted to Board.~~ All required applications, statements, fees and other documentation must be submitted to the Board in care of the Division of Occupational and Professional Licenses, and shall include: (—)

~~a.~~ Either certification of graduation from an approved college or school of landscape architecture; or (—)

~~b.~~ Documentation of all actual landscape architectural or other applicable experience signed by the person under whose supervision the work was performed, giving kind and type of work done, together with dates of employment; and (—)

~~e.~~ Proof of successful passage of an examination approved by the Board. (—)

~~202.—249.(RESERVED)~~

~~250. LANDSCAPE ARCHITECT IN TRAINING.~~

~~An individual may represent themselves as a landscape architect in training only under the following conditions: (—)~~

~~01. Qualifications.~~ Any person who is at least eighteen (18) years of age and has graduated from an approved college or school of landscape architecture, or who documents at least eight (8) years of actual practical experience in landscape architecture approved by the Board.(—)

~~02. Supervision.~~ Each landscape architect in training shall be employed by and work under the direct supervision of an Idaho licensed landscape architect. Any change in supervision shall require a new application and registration. (—)

~~03. Prohibitions.~~ A landscape architect in training shall not sign or seal any plan, specification, or other document, and shall not engage in the practice of landscape architecture except under the direct supervision of an Idaho licensed landscape architect.(—)

~~04. Registration.~~ Each landscape architect in training shall register with the Board on forms provided by the Division of Occupational and Professional Licenses that shall include the application fee and the names and addresses of their employer, and supervisor.(—)

~~05. Termination.~~ A registration for a landscape architect in training shall not exceed a total of six (6) years. (—)

~~251.—299.(RESERVED)~~

300. EXAMINATIONS:

~~100.02.c. Required Examination. Passage of the Landscape Architect Registration Examination administered by the Council of Landscape Architects Registration Boards (CLARB). The examination prepared by the Council of Landscape Architectural Registration Boards is an approved examination. The Board may approve other examinations it deems appropriate.(—)~~

~~01. Minimum Passing Score. The minimum passing score for each section of the examination shall be the score as determined by the examination provider.(—)~~

~~02. Failing a Section of Exam. An applicant failing any section of the examination will be required to retake only that section failed.(—)~~

301. (Reserved)

~~302. Endorsement.~~

~~The Board may approve the registration and licensure of an applicant who holds a current license in another state and who has successfully passed the Landscape Architect Registration Examination as required by Section 300 or holds a current Council of Landscape Architectural Registration Boards certificate.(—)~~

~~303.—399.(Reserved)~~

400. FEES.

Fees are not refundable.

02. Landscape Architects.

FEETYPE	AMOUNT (Not to Exceed)
Application	\$75
Landscape Architect in training Application	\$25
Examination	As established by CLARB
Original License and Annual Renewal	\$125 <u>annually</u>
Reinstatement	<u>\$ 35</u> As provided in Section 67-2614, Idaho Code

(—)

~~401.—424.(RESERVED)~~

~~**425. RULES OF PROFESSIONAL RESPONSIBILITY.**~~

~~01. Rules of Professional Responsibility. The CLARB model rules of professional conduct, as incorporated, are the Rules of Professional Responsibility for all Idaho licensed landscape architects.(—)~~

~~02. Violation of the Rules of Professional Responsibility. The Board will take action against a licensee under Section 54-3004(5), Idaho Code, who is found in violation of the Rules of Professional Responsibility.(—)~~

~~426. 449.(RESERVED)~~

~~450. DISCIPLINE.~~

~~01. Civil Fine. The Board may impose a civil fine not to exceed one thousand dollars (\$1,000) upon a licensed landscape architect for each violation of Section 54-3004, Idaho Code.(—)~~

~~02. Costs and Fees. The Board may order a licensed landscape architect to pay the costs and fees incurred by the Board in the investigation or prosecution of the licensee for violation of Section 54-3004, Idaho Code.
(—)~~

~~451. 999.(RESERVED)~~

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES
24.05.01 – RULES OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS
DOCKET NO. 24-0501-2301 (ZBR CHAPTER REWRITE, FEE RULE)
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 Section 67-2604, Idaho Code, and Sections 54-2406, 54-2607, 67-2614, 67-9406, and 67-9609, Idaho Code.

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

Thursday, August 10, 2023, 9:00 a.m. MT
Division of Occupational and Professional Licenses Chinden Campus Building 4 11341 W. Chinden Blvd., Bldg. #4 Boise, ID 83714
Telephone and web conferencing information will be posted on: https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/

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

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

Under [Executive Order 2020-01, Zero-Based Regulation](#), the State Board of Drinking Water and Wastewater Professionals is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

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

The fees for applications, licenses, certificates, and reinstatement as designated in Rule 400 of these proposed rules are authorized in Section 54-2407, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho legislature.

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

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2301. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 5, 2023 Idaho Administrative Bulletin, [Vol. 23-4, pp. 42-46](#).

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 Michael Hyde, Bureau Chief, at (208) 332-7133.

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 August 23, 2023.

DATED this 6th day of July, 2023.

Michael Hyde
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 332-7133
Email: michael.hyde@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-0501-2301
(ZBR Chapter Rewrite)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the proposed rule.*

24.05.01 – RULES OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections 54-2406, 54-2607, 67-2614, 67-9406, 67-9609, Idaho Code. ()

001. SCOPE.

These rules govern the practice of drinking water operators, wastewater operators, and backflow assembly testers. ()

002. DEFINITIONS.

01. Very Small Public Drinking Water System. A community or non-transient non-community public water system that serves five hundred (500) persons or less and has no treatment other than disinfection or has only treatment which does not require any chemical treatment, process adjustment, backwashing or media regeneration by an operator (e.g. calcium carbonate filters, granular activated carbon filters, cartridge filters, ion exchangers). ()

02. Very Small Wastewater System. A public wastewater system that serves five hundred (500) connections or less and includes a collection system with a system size of six (6) points or less on the Idaho Department of Environmental Quality (DEQ) system classification rating form and is limited to only one (1) of the following wastewater treatment processes: aerated lagoons; non-aerated lagoon(s); primary treatment; or primary treatment discharging to a large soil absorption system (LSAS). ()

003. -- 099. (RESERVED)

100. LICENSURE.

01. Classifications.

License Type	Classification
Drinking Water Distribution Operator Drinking Water Treatment Operator	Operator-In-Training, Very Small System, Class I Restricted, Class I, II, III, or IV
Wastewater Treatment Operator Wastewater Collections Operator	Operator-In-Training, Very Small System, Class I Restricted, Class I, II, III, IV, or Land Application
Wastewater Laboratory Analyst	Class I, II, III, or IV
Backflow Assembly Tester	

()

02. Examination Requirement. Applicants must pass a written examination for each license type and classification. ()

03. Education and Experience Requirements. Applicants must present proof of the following: ()

a. Operator-In-Training. Passage of the board-approved examination or enrollment in a board-approved apprenticeship program. The Operator-In-Training license is valid for five (5) years. ()

b. Very Small Water. Eighty-eight (88) hours of on-site operating experience at a water system and twelve (12) hours of chlorination and water distribution course(s). ()

c. Very Small Wastewater. Eighty-eight (88) hours of on-site operating experience at a wastewater collection or treatment system; six (6) hours of pumps and motors or collection course(s); and six (6) hours of lagoon operation and maintenance, large soil absorption system, or wastewater treatment course(s). ()

d. Class I Restricted. Two hundred sixty (260) hours of on-site operating experience at a Class I or higher system during twelve (12) consecutive months with the system and sixteen (16) hours of continuing education relevant to the license. A restricted license is limited to a specific system. ()

e. Class I Operator. One thousand six hundred (1,600) hours of on-site operating experience at a Class I or higher system or successful completion of one (1) year of an approved apprenticeship program. ()

f. Class II Operator. Four thousand eight hundred (4,800) hours of on-site operating experience at a Class I or higher system or successful completion of an approved apprenticeship program. ()

g. Class III Operator. Two (2) years of postsecondary education in environmental control, engineering or related science or successful completion of an approved apprenticeship program and six thousand four hundred (6,400) hours of on-site operating experience, including three thousand two hundred (3,200) hours of responsible charge of a major segment of the system, at a Class II or higher system. ()

h. Class IV Operator. Four (4) years of postsecondary education in environmental control, engineering or related science or successful completion of an approved apprenticeship program; and six thousand four hundred (6,400) hours of on-site operating experience, including three thousand two hundred (3,200) hours of responsible charge of a major segment of the system, at a Class III or higher system. ()

i. Wastewater Land Application. A wastewater Class I or higher operation license and eight hundred (800) hours of on-site operating experience at a wastewater land application system. A wastewater land application operator who is in responsible charge must be licensed at a class equal to or greater than the wastewater system classification. The wastewater treatment license must be maintained to renew the wastewater land application. ()

j. Backflow Assembly Tester. Successful completion of a Board-approved training program and passage of a practical examination using University of Southern California (USC) testing procedures. ()

k. Class I Wastewater Laboratory Analyst. One thousand six hundred (1,600) hours of lab experience at a Class I or higher system. ()

l. Class II Wastewater Laboratory Analyst. Four thousand eight hundred (4,800) hours of lab experience at a Class I or higher system. ()

m. Class III Wastewater Laboratory Analyst. Two (2) years of postsecondary education in environmental control, engineering or related science and six thousand four hundred (6,400) hours of lab experience at a Class II or higher system. ()

n. Class IV Wastewater Laboratory Analyst. Four (4) years of postsecondary education in environmental control, engineering or related science and six thousand four hundred (6,400) hours of lab experience at a Class III or higher system. ()

04. Substitutions. An applicant may substitute education and experience requirements as follows: ()

a. Completion of an apprenticeship program will be accepted in lieu of education or experience requirements as identified in Rule 100.03 if the program provides experience and education related to the operation of Class I-IV systems; is registered with the U.S. Department of Labor, Office of Apprenticeship; meets the Standards of Apprenticeship developed by the U.S. Department of Labor; and fulfills the requirements in Rules 100.03. ()

b. Education for Experience. For Classes I, II, III and IV, postsecondary education in environmental control, engineering or related science can be substituted for up to fifty percent (50%) of the required experience, at a rate of thirty (30) college semester credits or forty-five (45) hours of continuing education for one thousand six hundred (1,600) hours of experience. Education substituted for experience must be in addition to the minimum education requirement. ()

c. Experience for Education. One thousand six hundred (1,600) hours of on-site operating experience may be substituted for one (1) year of high school. For Class III and IV, responsible charge experience may be substituted for postsecondary education at a rate of one thousand six hundred (1,600) hours of experience for one (1) year postsecondary education. Experience substituted for education must be in addition to the minimum experience requirement. ()

d. Experience for Experience. ()

i. Experience as a laboratory analyst may count towards one-half (1/2) of the required wastewater operating experience and experience as a wastewater operator may count towards one-half (1/2) of the required laboratory analyst experience. ()

ii. The following experience may be substituted for one-half (1/2) of the operating experience requirement for Class I, II, III and IV: environmental or operations consultant; environmental or engineering branch of federal, state, county, or local government; wastewater collection system operator; wastewater treatment plant operator; water distribution system operator or manager; and/or waste treatment operation or maintenance. ()

iii. The following experience may be substituted for one-half (1/2) of the operating experience requirement for Class I and II: construction of a water or wastewater distribution or collections system if such experience is documented in a declaration from a system owner or licensed operator. ()

05. Continuing Education. To renew, a licensee must complete, during the prior licensing period, and retain proof of completion of six (6) classroom hours (0.6 CEUs) of continuing education germane to the license type, except that backflow assembly testers must complete an eight (8) hour refresher course every two (2) years. A licensee holding both drinking water and wastewater licenses must complete six (6) classroom hours for each license

type. A remote or distant study course is acceptable if it is germane to the license type. ()

101. -- 199. (RESERVED)

200. PRACTICE STANDARDS.

01. Operator-in-Training. Operators-in-training must practice under the direct supervision of a licensed operator of a type, category, and classification higher than the operator-in-training. No operator-in-training can accept or perform the designated responsible charge duties at any system. ()

02. Grandparent License. The licensee may operate in responsible charge of the specific facility identified in the original application. The license is site specific, non-transferable, and does not grant authority for the holder to practice as an operator at any other system. The license becomes invalid when the classification of the system changes to a higher classification. ()

03. Operators and Backflow Assembly Testers Code of Conduct. Operators and backflow assembly testers must: ()

- a.** Perform duties with due care and diligence to protect the safety, health, and welfare of the public. ()
- b.** Comply with all applicable local, state, and federal laws relating to their respective profession(s). ()
- c.** Perform only those duties within their education, training, and experience and scope of licensure. ()
- d.** Prepare reports which are accurate, objective, and include all relevant information. ()
- e.** Use standard test procedures, operating procedures, methods, and equipment when conducting inspections, sampling, and field tests. ()
- f.** Backflow assembly testers will observe or inspect existing installations of backflow prevention assemblies to identify whether the assembly is properly installed the assembly is adequate for the degree of hazard. ()
- g.** When a backflow prevention assembly passes a field test, the report will be submitted to the consumer and relevant public water system within fifteen (15) business days of the field test. When a backflow prevention assembly is defective or fails to pass the field test, the report will be submitted to the consumer and relevant public water system within two (2) business days of the field test. ()

201. -- 399. (RESERVED)

400. FEES.

TYPE	AMOUNT (Not to Exceed)
Application	\$25
License or Certificate	\$30 annually
Reinstatement	\$35

()

401. -- 999. (RESERVED)

[Agency redlined courtesy copy]

24.05.01 – RULES OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections 54-2406, ~~54-2407, 67-2604, 67-2614, 67-9406, 67-9609~~, Idaho Code. ()

001. SCOPE.

These rules govern the practice of drinking water operators, wastewater operators, and backflow assembly testers. ()

~~002.—009.(RESERVED)~~

~~010~~**002. DEFINITIONS.**

~~01. **Class I Restricted License.** Class I restricted license means a water or wastewater license associated with a specific class I system. A restricted license is available for water distribution or treatment or for wastewater collection or treatment. A restricted license is not transferable and does not qualify for endorsement. ()~~

~~02. **DEQ.** The Idaho Department of Environmental Quality. ()~~

~~03. **Direct Supervision.** Supervision in a way that will ensure the proper operation and maintenance of the public drinking water or public wastewater system. Supervision shall include, but not be limited to, providing written, hands-on, or oral instruction as well as verification that the instructions are being completed. The supervisor has an active on-site or on-call presence at the specific facility. ()~~

~~04. **Endorsement.** Endorsement (often referred to as “reciprocity”) is that process by which a person licensed in another jurisdiction may apply for a license in Idaho. ()~~

~~05. **EPA.** The United States Environmental Protection Agency. ()~~

~~06. **Experience.** One (1) year of experience is based upon a minimum of one thousand six hundred hours (1,600) worked. ()~~

~~07. **On-Site Operating Experience.** On-site operating experience means experience obtained while physically present at the location of the system. ()~~

~~08. **Operating Personnel.** Operating personnel means any person who is employed, retained, or appointed to conduct the tasks associated with the day to day operation and maintenance of a public drinking water system or a public wastewater system. Operating personnel shall include every person making system control or system integrity decisions about water quantity or water quality that may affect public health. ()~~

~~09. **Person.** A human being, municipality, or other governmental or political subdivision or other public agency, or public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent or other legal representative of the foregoing or other legal entity. ()~~

~~10. **Responsible Charge Operator.** An operator of a public drinking water system or wastewater system, designated by the system owner, who holds a valid license at a class equal to or greater than the drinking~~

water system or wastewater classification, who is in responsible charge of the public drinking water system or the wastewater system. ()

~~11. **Substitute or Back-Up Responsible Charge Operator.** An operator of a public drinking water or wastewater system who holds a valid license at a class equal to or greater than the drinking water or wastewater system classification, designated by the system owner to replace and to perform the duties of the responsible charge operator when the responsible charge operator is not available or accessible. ()~~

~~1201. **Very Small Public Drinking Water System.** A community or non-transient non-community public water system that serves five hundred (500) persons or less and has no treatment other than disinfection or has only treatment which does not require any chemical treatment, process adjustment, backwashing or media regeneration by an operator (e.g. calcium carbonate filters, granular activated carbon filters, cartridge filters, ion exchangers). ()~~

~~1302. **Very Small Wastewater System.** A public wastewater system that serves five hundred (500) connections or less and includes a collection system with a system size of six (6) points or less on the [Idaho](#) Department of Environmental Quality (DEQ) system classification rating form and is limited to only one (1) of the following wastewater treatment processes: ()~~

- ~~a. Aerated lagoons; ()~~
- ~~b. Non-aerated lagoon(s); ()~~
- ~~c. Primary treatment; or ()~~
- ~~d. Primary treatment discharging to a large soil absorption system (LSAS). ()~~

~~011.—149.(RESERVED)~~

~~150. **APPLICATION.**~~

~~Each applicant for licensure must submit a complete application together with the required fees. The applicant must provide or facilitate the provision of any supplemental third party documents that may be required. The Board will not review an application until all required information is furnished and the required fees paid.~~

~~01. **Licensure by Examination.** An application is made on the uniform application form adopted by the Board and furnished to the applicant by the Division. All applications will include: ()~~

- ~~a. Documentation of having met the appropriate educational requirement; ()~~
- ~~b. Documentation of all actual applicable experience giving kind and type of work done, together with dates of employment, and verification by affidavit of the most current applicable experience, signed by the person under whose supervision the work was performed. ()~~

~~02. **Licensure by Endorsement.** An application is made on the uniform application form adopted by the Board and furnished to the applicant by the Division. All applications must include: ()~~

- ~~a. Official documentation of licensure sent to the Division directly from each regulatory authority from which the applicant has obtained licensure. Documentation will include name, address, current status, date originally issued, expiration date, and any disciplinary action imposed; ()~~
- ~~b. A copy of the current regulations governing licensure in each jurisdiction from which the applicant obtained licensure. ()~~

~~03. **Application Required.** Applicants seeking licensure in any type or classification of licensure must submit a separate application for each type and classification of licensure being sought. Applicants holding a current type and classification of license and who are seeking a classification upgrade within the same license type and category are not required to submit an original license fee with their application.(—)~~

~~151003. -- 174099.(RESERVED)~~

~~175100. **LICENSURE TYPES AND CLASSIFICATIONS.**~~

~~The Board issues the following licenses under the provisions of Chapter 24, Title 54, Idaho Code.(—)~~

<u>License Type</u>	<u>Classification</u>
01. Classifications.	

<u>License Type</u>	<u>Classifications</u>
<u>Drinking Water Distribution Operator</u>	<u>Class Operator-In-Training, Very Small, Class I</u>
<u>Drinking Water Treatment Operator</u>	<u>Restricted, Class I, II, III, or IV</u>
<u>Wastewater Collections Operator</u>	
<u>Wastewater Treatment Operator</u>	<u>Class Operator-In-Training, Very Small, Lagoon, Class I</u>
<u>Wastewater Collections Operator</u>	<u>Restricted, Class I, II, III, IV, or Land Application</u>
<u>Wastewater Laboratory Analyst</u>	<u>Class I, II, III, or IV</u>
<u>Backflow Assembly Tester</u>	
<u>Drinking Water Very Small System Operator</u>	
<u>Wastewater Very Small Systems Operator</u>	

- ~~**01. Drinking Water Distribution Operator.** (—)~~
- ~~a. Class Operator In Training, Class I Restricted, Class I, Class II, Class III, or Class IV. (—)~~
- ~~**02. Drinking Water Treatment Operator.** (—)~~
- ~~a. Class Operator In Training, Class I Restricted, Class I, Class II, Class III, or Class IV. (—)~~
- ~~**03. Wastewater Treatment Operator.** (—)~~
- ~~a. Class Operator In Training, Lagoon, Class I Restricted, Class I, Class II, Class III, Class IV, or Land Application.(—)~~
- ~~**04. Wastewater Collection Operator.** (—)~~
- ~~a. Class Operator In Training, Class I Restricted, Class I, Class II, Class III, or Class IV. (—)~~
- ~~**05. Wastewater Laboratory Analyst.** (—)~~
- ~~a. Class I, Class II, Class III, or Class IV. (—)~~
- ~~**06. Backflow Assembly Tester.** (—)~~

~~07. Drinking Water Very Small System Operator. ()~~

~~08. Wastewater Very Small System Operator. ()~~

~~176.—199.(RESERVED)~~

200400. FEES FOR EXAMINATION AND LICENSURE.

Application and examination fees are non-refundable.

FEE-TYPE	AMOUNT (Not to Exceed)
Application	\$25
Examination	Amount set by examination provider
Endorsement	\$30
Original License <u>or Certificate</u>	\$30 <u>annually</u>
Annual renewal	\$30
Reinstatement	As provided in Section 67-2614, Idaho Code, <u>\$35</u> \$35

()

~~201.—249.(RESERVED)~~

250200. LICENSE REQUIRED—SCOPE OF PRACTICE STANDARDS.

All water and wastewater operating personnel, including those in responsible charge and those in substitute responsible charge, of public water systems and public wastewater systems, and all backflow assembly testers, shall be licensed under the provisions of these rules and Chapter 24, Title 54, Idaho Code.()

~~01. Drinking Water and Wastewater Operator Scope. Operating personnel shall only act in accordance with the nature and extent of their license. Those in responsible charge or substitute of a public drinking water or wastewater system must hold a valid license equal to or greater than the classification of the public water system, where the responsible charge or substitute responsible charge operator is in responsible charge. The types of drinking water systems are distribution and treatment. The types of wastewater systems are collections, laboratory analyst, treatment, and land application.()~~

~~02. Wastewater Operator Scope. Operating personnel may only act in accordance with the nature and extent of their license. Those in responsible charge or substitute responsible charge of a public wastewater system must hold a valid license equal to or greater than the classification of the public wastewater system where the responsible charge or substitute responsible charge operator is in responsible charge. The types of wastewater systems are collection, laboratory analyst, and treatment.()~~

~~03. Backflow Assembly Tester. Individuals licensed as backflow assembly testers may inspect and test backflow prevention assemblies, as defined in Title 54, Chapter 24, Idaho Code.()~~

~~0401. Operator-in-Training. Operators-in-training may must practice only under the direct supervision~~

of a licensed operator of a type, category, and classification higher than the operator-in-training. No operator-in-training can accept or perform the designated responsible charge duties at any system.()

02. Grandparent License. The licensee may operate in responsible charge of the specific facility identified in the original application. The license is site specific, non-transferable, and does not grant authority for the holder to practice as an operate at any other system. The license becomes invalid when the classification of the system changes to a higher classification.

~~251.—299.(RESERVED)~~

300. GENERAL REQUIREMENTS FOR LICENSE.

Applicants must submit an application together with the required fees and required documentation.()

Rule 100.042. Examination Requirement. Applicants must pass a written examination for each individual license type and classification in each type of licensure, with a minimum score of seventy percent (70%):()

~~a. The examination will reflect different levels of knowledge, ability and judgment required for the established license type and class. The Board will administer examinations at such times and places as the Board may determine. ()~~

~~b. The examination for all types and classes of licensure will be validated and provided by the Association of Boards of Certification (ABC). The American Backflow Prevention Association (ABPA) backflow assembly tester examination is also approved for backflow assembly tester licensure.()~~

~~e. Applicants who fail an examination must make application to retake the same type and class examination and pay the required examination fees prior to retaking the examination.()~~

~~d. Applicants must take and pass the examination within one (1) year of application approval. After one (1) year a new application and applicable application fees must be submitted.()~~

02. Education Requirements. Documentation must be provided showing proof of education required for the type and level of license being sought.()

~~023. Experience Requirement.~~ Only actual verified on site operating experience at a treatment, distribution or collection system will be acceptable except as may be allowed by substitution, as set forth in these rules. Experience as a laboratory analyst can be counted as wastewater operating experience for up to one half (1/2) of the wastewater operating experience requirement but cannot be counted as responsible charge experience. Experience as a wastewater operator can be counted as laboratory analyst experience for up to one half (1/2) of the laboratory analyst experience. Applicants may not receive more than one (1) year of experience for hours worked in excess of one thousand six hundred (1,600) hours of experience in a calendar year unless specifically approved by the Board based upon documentation submitted by the Applicant.()

~~034. Apprenticeship Program.~~ The Board may approve Apprenticeship Programs that are designed to provide either experience or experience and education for individuals seeking licensure in Idaho as an Operator In-Training, or a Class I, II, III, or IV Water or Wastewater Operator. A basic An Apprenticeship Program is designed to provide hands on experience and education related to the operation of Class I and through Class IV II facilities. An advanced Apprenticeship Program is designed to provide hands on experience and education related to Class III and IV facilities. All approved Apprenticeship Programs will be registered with the U.S. Department of Labor, Office of Apprenticeship, meet the Standards of Apprenticeship developed by the U.S. Department of Labor, and meet the intent of these rules regarding the education and experience necessary for Operator In Training, Class I, II, III, and IV licensure. Sponsors of Apprenticeship Programs must seek Board approval by application along with all supporting documentation necessary to establish the program meets the intent of these rules regarding education and

experience. The Board may revoke the approval of any program that fails to comply with the Board's rules. (—)

~~301.— 309.(RESERVED)~~

~~100.03. Education and Experience Requirements. Applicants must present proof of the following:~~

~~310 a. REQUIREMENTS FOR Operator-In-Training LICENSE.~~

~~Each applicant for an Operator In-Training License must meet the following requirements:(—)~~

~~01. Education. Possess a high school diploma or GED; and (—)~~

~~02. Examination. Applicants must submit an application together with the required fees and pass a of the board-approved written examination, the relevant Class I examination or be enrolled in an board-approved Apprenticeship Program approved by the Board. The Operator-In-Training license is valid for five (5) years.()~~

~~311.— 314.(RESERVED)~~

~~315B. Requirements For A Very Small Water System License.~~

~~TO QUALIFY FOR A VERY SMALL WATER SYSTEM LICENSE AN OPERATOR MUST MEET THE FOLLOWING REQUIREMENTS:(—)~~

~~01. EDUCATION. POSSESS A HIGH SCHOOL DIPLOMA OR GED AND;(—)~~

~~02. EXPERIENCE. DOCUMENT EIGHTY-EIGHT (88) HOURS OF ACCEPTABLE ON-SITE OPERATING EXPERIENCE AT A WATER SYSTEM; AND;(—)~~

~~A. COMPLETE AN APPROVED SIX-TWELVE HOURS WATER TREATMENT COURSE OR AN APPROVED SIX HOUR CHLORINATION COURSE OR A COMBINATION OF SAID APPROVED CHLORINATION AND WATER DISTRIBUTION COURSE(S), EQUALING SIX (6) HOURS; AND(—)~~

~~B. COMPLETE AN APPROVED SIX HOUR WATER DISTRIBUTION COURSE; AND (—)~~

~~03. EXAMINATION. PASS THE RELEVANT VERY SMALL WATER SYSTEM EXAMINATION.(—)~~

~~316.— 319.(RESERVED)~~

~~320c. Requirements For A Very Small Wastewater System License.~~

~~To qualify for a Very Small Wastewater System license, an operator must meet the following requirements:~~

~~01. Education. Possess a high school diploma or GED; and (—)~~

~~02. Experience. Document fifty (50) Eighty-eight (88) hours of acceptable on-site operating experience at a wastewater collection or treatment system; and(—)~~

~~a. Fifty (50) hours of acceptable relevant on-site operating experience at a wastewater treatment system or lagoon; and(—)~~

~~b. Complete an approved six (6)- hours of pumps and motors or collection course(s) or an approved~~

~~six-hour collection course or a combination of said approved courses equaling six (6) hours; and ()~~

~~e. Complete an approved six (6)-hours of lagoon operation and maintenance, large soil absorption system, or wastewater treatment course(s); or an approved six-hour large soil absorption system course or an approved six-hour wastewater treatment course or a combination of said approved courses equaling six (6) hours; and ()~~

~~03. Examination. Pass the relevant lagoon examination. ()~~

~~321. 324.(RESERVED)~~

~~325. d. REQUIREMENTS FOR Class I Restricted-WATER OR WASTEWATER LICENSE.
To qualify for a Class I Restricted water or wastewater license an operator must meet the following requirements: ()~~

~~01. Education. Possess a high school diploma or GED; and ()~~

~~02. Experience. Document tTwo hundred sixty (260) hours of acceptable relevant on-site operating experience at a Class I or higher system during twelve (12) consecutive months with the system and complete sixteen (16) hours of continuing education relevant to the license; and ()~~

~~03. Examination. Pass the relevant Class I examination. ()~~

~~a04. Restricted License Upgrade. Upon obtaining one thousand six hundred (1,600) hours of supervised on-site operating experience for each license, the operator shall be eligible to apply for an unrestricted Class I license. There is no limit on the amount of time needed to obtain the necessary experience to qualify for the unrestricted license. A restricted license is limited to a specific system. ()~~

~~326. 327.(RESERVED)~~

~~328. Requirements For A
e. Class I Operator License.~~

~~To qualify for a Class I operator license an applicant must meet the following requirements:()~~

~~01. Education. Possess a high school diploma or GED; and ()~~

~~02. EXPERIENCE. DOCUMENT A MINIMUM OF ONE THOUSAND SIX HUNDRED HOURS (1,600) HOURS ONE (1) YEAR OF ACCEPTABLE RELEVANT ON-SITE OPERATING EXPERIENCE AT A CLASS I OR HIGHER SYSTEM OR SUCCESSFULLY COMPLETION OF ONE (1) YEAR OF AN APPROVED APPROVED APPRENTICESHIP APPRENTICESHIP PROGRAM PROGRAM.; AND ()~~

~~03. EXAMINATION. PASS THE RELEVANT CLASS I EXAMINATION:()~~

~~329. (Reserved)~~

~~330 f. Requirements For A Class II Operator License.
TO QUALIFY FOR A CLASS II LICENSE AN APPLICANT MUST MEET THE FOLLOWING REQUIREMENTS:()~~

~~01. EDUCATION. POSSESS A HIGH SCHOOL DIPLOMA OR GED; AND ()~~

~~02. EXPERIENCE. DOCUMENT A MINIMUM OF FOUR THOUSAND EIGHT HUNDRED (4,800) HOURS THREE (3) YEARS OF ACCEPTABLE RELEVANT ON-SITE OPERATING EXPERIENCE AT A CLASS I OR HIGHER SYSTEM OR SUCCESSFULLY COMPLETION OF AN APPROVED APPRENTICESHIP PROGRAM; AND (—)~~

~~03. EXAMINATION. PASS THE RELEVANT CLASS II EXAMINATION. (—)~~

~~331.—334.(RESERVED)~~

~~335. Requirements For A~~

~~G. Class III Operator License.~~

~~TO QUALIFY FOR A CLASS III LICENSE AN APPLICANT MUST MEET THE FOLLOWING REQUIREMENTS:(—)~~

~~01. Education. Possess a high school diploma or GED and two (2) years of post-high school postsecondary education in the environmental control field, engineering or related science or successful completion of an approved apprenticeship program; and ()~~

~~02. Experience. Document a minimum of four (4) years of acceptable relevant six thousand four hundred (6,400) hours on-site operating experience, including a minimum of two (2) years three thousand two hundred (3,200) hours of responsible charge of a major segment of thea system, in the sameat a Class II or next lower higher system. class,, of a Class I or higher system for collection or distribution or Class II or higher system for treatment; and (—)~~

~~03. Examination. Pass the relevant Class III examination. (—)~~

~~336.—339.(Reserved)~~

~~340H. Requirements For A Class IV Operator License.~~

~~TO QUALIFY FOR A CLASS IV LICENSE AN APPLICANT MUST MEET THE FOLLOWING REQUIREMENTS:(—)~~

~~01. Education. Possess a high school diploma or GED and four (4) years of post-high school postsecondary education in the environmental control field, engineering or related science or successful completion of an approved apprenticeship program; and (—)~~

~~02. Experience. Document a minimum of four (4) years of acceptable relevant six thousand four hundred (6,400) hours of on-site operating experience, including a minimum of two (2) years of in three thousand two hundred (3,200) hours of responsible charge of a major segment of thea system, at a Class III or higher system, in the same or next lower class,, at a Class I or higher system for collection or distribution or Class III or higher system for treatment; and (—)~~

~~03. Examination. Pass the relevant Class IV examination. (—)~~

~~341.—344.(Reserved)~~

~~345. Requirements For A Lagoon Operator License.~~

~~To qualify for a lagoon license, an operator must meet the following requirements:(—)~~

~~01. Education. Possess a high school diploma or GED; and (—)~~

~~02. Experience. Document twelve (12) consecutive months of acceptable on-site operating experience~~

at a Lagoon system; and()

03. Examination. Pass the relevant Lagoon examination. ()

~~346.—349.(Reserved)~~

~~350.i. Requirements For A Wastewater Land Application. LICENSE.
TO QUALIFY FOR A WASTEWATER LAND APPLICATION LICENSE, AN OPERATOR MUST MEET THE FOLLOWING REQUIREMENTS:()~~

~~01. EDUCATION. POSSESS A HIGH SCHOOL DIPLOMA OR GED; AND()~~

~~02. EXPERIENCE. DOCUMENT A MINIMUM OF E A WASTEWATER CLASS I OR HIGHER OPERATION LICENSE and eight hundred (800) hours SIX (6) MONTHS OF ON-SITE OPERATING EXPERIENCE AT A WASTEWATER LAND APPLICATION SYSTEM; AND()~~

~~03. EXAMINATION. PASS THE RELEVANT WASTEWATER LAND APPLICATION EXAMINATION; AND()~~

~~04. Other. Possess a wastewater Class I or higher operation license. The A wastewater land application operator that who is ina responsible charge operator or substitute responsible charge operator must be licensed at the type and a class equal to or greater than the classification of the wastewater system classification. The wastewater treatment license must be maintained to renew the wastewater land application.()~~

~~351.—354.(RESERVED)~~

~~355.j. REQUIREMENTS FOR A Backflow Assembly Tester. License.
TO QUALIFY FOR A BACKFLOW ASSEMBLY TESTER LICENSE, AN APPLICANT MUST MEET THE FOLLOWING REQUIREMENTS:()~~

~~01. EDUCATION. POSSESS A HIGH SCHOOL DIPLOMA OR GED, AND()~~

~~02. Experience. Document S successful completion of a Board-approved backflow assembly tester training program, in compliance with the Cross Connection Control Accepted Procedure and Practice Manual and consisting of theory instruction, practical instruction, and passage of a practical examination in compliance with the using University of Southern California (USC) T testing procedures; and()~~

~~03. Examination.~~ Pass the relevant Backflow Assembly Tester examination. ()

~~356.—359.(RESERVED)~~

~~360. Requirements For Wastewater Laboratory Analyst LICENSE.~~

~~To qualify for a wastewater laboratory analyst license, an applicant must meet the following requirements for the relevant class: ()~~

~~01.k. Class I Wastewater Laboratory Analyst. ()~~

~~a. Possess a high school diploma or GED; and ()~~

~~b. Document a minimum of eOne thousand six hundred (1,600) hours one (1)-year of acceptable lab experience at a eClass I or higher system; and()~~

- ~~e.~~ Pass the relevant class I laboratory analyst examination. (—)
- ~~02l.~~ Class II Wastewater Laboratory Analyst. (—)
- ~~a.~~ Possess a high school diploma or GED; and (—)
- ~~b.~~ Document a minimum of Four thousand eight hundred (4,800) hours ~~three (3) years~~ of acceptable lab experience at a Class I or higher system; and ()
- ~~e.~~ Pass the relevant class II laboratory analyst examination. (—)
- ~~03m.~~ Class III Wastewater Laboratory Analyst. (—)
- ~~a.~~ Possess a high school diploma or GED and ~~two (2) years~~ of postsecondary post high school education in ~~the environmental control field, engineering or related science;~~ and (—)
- ~~b.~~ Document a minimum of six thousand four hundred (6,400) hours ~~four (4) years~~ of acceptable lab experience at a Class II or higher system; and ()
- ~~e.~~ Pass the relevant class III laboratory analyst examination. (—)
- ~~04n.~~ Class IV Wastewater Laboratory Analyst. (—)
- ~~a.~~ Possess a high school diploma or GED and ~~four (4) years~~ of postsecondary post high school education in ~~the environmental control field, engineering or related science;~~ and (—)
- ~~b.~~ Document a minimum of six thousand four hundred (6,400) hours ~~four (4) years~~ of acceptable lab experience at a Class III or higher system; and ()
- ~~e.~~ Pass the relevant class IV laboratory analyst examination. (—)

~~361.—374.(RESERVED)~~

~~375~~04. **Substitutions.** An applicant may substitute education and experience requirements as follows:

a. Completion of an apprenticeship program will be accepted in lieu of education or experience requirements as identified in Rule 100.03 if the program provides experience and education related to the operation of Class I-IV systems; is registered with the U.S. Department of Labor, Office of Apprenticeship; meets the Standards of Apprenticeship developed by the U.S. Department of Labor; and fulfills the requirements in Rules 100.03.

~~04b. Substituting Education for Experience. Applicants may substitute approved education for operating and responsible charge experience as specified below.(—)~~

For Classes I, II, III and IV, postsecondary education in environmental control, engineering or related science can be substituted for up to fifty percent (50%) of the required experience, at a rate of thirty (30) college semester credits or forty-five (45) hours of continuing education for one thousand six hundred (1,600) hours of experience.

~~a. No substitution for on site operating experience shall be permitted for licensure as a very small system operator or a Class I operator.(—)~~

~~b. For Classes II, III and IV, substitution shall will only be allowed for the required experience when fifty percent (50%) of all stated experience (both on site operating and responsible charge) has been met by actual on-site operating experience.(—)~~

~~e.~~ For Class II, a maximum of one and one-half (1½) years of post high school education in the environmental control field, engineering or related science may be substituted for two thousand four hundred (2,400) hours one and one-half (1½) years of operating experience.(—)

~~d.~~ For Class III and IV, a maximum of two (2) years of post high school education in the environmental control field, engineering or related science may be substituted for three thousand two hundred (3,200) hours (2) years of on-site operating experience; however the applicant for Class III must still have a minimum of one thousand six hundred (1,600) hours (1) year of responsible charge experience and the applicant for Class IV must have minimum of three thousand two hundred (3,200) hours (2) years of responsible charge experience.(—)

~~e.~~ Education substituted for ~~on-site operating~~ experience ~~may not be also credited~~must be in addition to toward the education requirement. ()

~~f.~~ One (1) year of post high school education may be substituted for one thousand six hundred (1,600) hours (1) year experience up to a maximum of fifty percent (50%) of the required on-site operating or responsible charge experience.(—)

~~02.c.~~ **Substituting** Experience for Education. ~~Where applicable, approved on-site operating and responsible charge experience may be substituted for education as specified below:(—)~~

~~a.~~ One thousand six hundred (1,600) hours (1) year of on-site operating experience may be substituted for ~~two (2) years of grade school or one (1) year of high school with no limitation.(—)~~

~~b.~~ For Classes III and IV, ~~additional~~ responsible charge experience ~~(that exceeding the two year class requirements)~~ may be substituted for postsecondary post high school education on a one (1) for one (1) basis: one (1) year additional at a rate of one thousand six hundred (1,600) hours of responsible charge experience is equal to for one (1) year of postsecondary post high school education. Experience substituted for education must be in addition to the minimum experience requirement.()

~~03.d.~~ **Substituting** Experience for Experience. ~~Related-~~

~~i.~~ Experience as a laboratory analyst may count towards one-half (1/2) of the required wastewater operating experience and experience as a wastewater operator may count towards one-half (1/2) of the required laboratory analyst experience.

~~ii.~~ The following experience may be substituted for ~~experience up to one-half (½) (1/2)~~ of the operating experience requirement for Classes ~~I, II, III and IV~~: ~~Experience that may be substituted includes, but is not limited to, the following:(—)~~

~~a.~~ Experience as an environmental or operations consultant; (—)

~~b.~~ Experience in an environmental or engineering branch of federal, state, county, or local government; (—)

~~c.~~ Experience as a wastewater collection system operator; (—)

~~d.~~ Experience as a wastewater treatment plant operator; (—)

~~e.~~ Experience as a water distribution system operator and/or manager; and/or (—)

~~f.~~ One (1) year of post high school education may be substituted for one thousand six hundred (1,600) hours (1) year experience up to a maximum of fifty percent (50%) of the required operating or responsible charge

experience. (—)

~~g. Experience in waste treatment operation and or maintenance. (—)~~

~~h. Experience as a laboratory analyst can be counted as wastewater operating experience for up to one-half (1/2) of the wastewater operating experience requirement but cannot be counted as responsible charge experience. (—)~~

~~i. Experience as a wastewater operator can be counted as laboratory analyst experience for up to one-half (1/2) of the laboratory analyst experience requirement. (—)~~

~~j. Experience for~~

~~iii. The following experience may be substituted for one-half (1/2) of the operating experience requirement for Classes I and II: construction of a water and/or wastewater distribution and/or collections systems if such experience is documented with an affidavit in a declaration from a system owner or licensed operator.~~

~~04. **Equivalency Policy.** Substitutions for education or experience requirements needed to meet minimum requirements for license will be evaluated upon the following equivalency policies: (—)~~

~~a. High School—High School diploma equals GED or equivalent as approved by the Board equals four (4) years. (—)~~

~~b. College—Thirty (30) credits equal one (1) year (limited to curricula in environmental engineering, environmental sciences, water/wastewater technology, and/or other courses as determined by the Board). (—)~~

~~c. Continuing Education Units (CEU) for operator training courses, seminars, related college courses, and other training activities. Ten (10) classroom hours equal one (1) CEU; forty five (45) CEUs equal one (1) year of college. (—)~~

~~376.—399.(RESERVED)~~

~~400. **ENDORSEMENT.**~~

~~The board may waive the examination requirements and issue the appropriate license for applicants holding licenses issued by other States that have equivalent license requirements and who otherwise meet the requirements set forth in Subsections 150.02 and 150.03. (—)~~

~~401.—449.(RESERVED)~~

~~450. **DRINKING WATER AND WASTEWATER GRANDPARENT PROVISION.**~~

~~The board issued grandparent licenses to water and wastewater operators who provided documentation satisfactory to the board of being in responsible charge of an existing public wastewater system on or before April 15, 2006. (—)~~

~~01. **Grandparent License.** A grandparent license allowed the licensee to operate in responsible charge of the specific facility identified in the original application. The license is site specific and non-transferable and does not grant authority for the holder to practice at any other system in any capacity as an operator. (—)~~

~~02. **License Requirements.** A grandparent licensed wastewater operator is required to meet all other requirements including the continuing education and renewal requirements. (—)~~

~~03. **Wastewater System Classification Limitations.** The grandparent license becomes invalid any time the classification of the wastewater the system changes to a higher classification. (—)~~

~~451. — 499.(RESERVED)~~

~~500~~**100.05.**Continuing Education.

~~01. Continuing Education Requirement. Each~~ **To renew, a licensee must successfully complete, during the prior licensing period, and retain proof of completion of a minimum of six (6) classroom hours (0.6 CEUs) of approved continuing education annually for license renewal germane to the license type, except that backflow assembly testers will must complete an eight (8) hour refresher course every two (2) years for license renewal. Continuing education must be earned in a subject matter relevant to the field in which the license is issued. A licensee holding one (1) or more drinking water license(s) only needs to complete the annual continuing education requirement for one (1) license. A licensee holding one (1) or more wastewater license(s) only needs to complete the annual continuing education requirement for one (1) license. A licensee holding both drinking water and wastewater class licenses will must complete a minimum of six (6) classroom hours annually for the drinking water license plus six (6) hours annually for the wastewater license for each license type. A remote or distant study course is acceptable if it is germane to the license type.** ()

~~a. Each licensee will submit to the Board an annual license renewal application form, together with the required fees, certifying by signed affidavit that compliance with the CE requirements have been met. The Board may conduct such continuing education audits and require verification of attendance as deemed necessary to ensure compliance with the CE requirements.~~ (—)

~~b. A licensee will be considered to have satisfied their CE requirements for the first renewal of their license.~~ (—)

~~c. A water or wastewater licensee may carryover a maximum of six (6) hours of continuing education to meet the next year's continuing education requirement. The same hours may not be carried forward more than one (1) renewal cycle.~~ (—)

~~d. Continuing Education hours for approved operator training courses, seminars, related college courses, and other training activities may be converted to Continuing Education Units (CEU) as follows: Six (6) classroom hours = point six (0.6) CEU.~~ (—)

02. Subject Material. The subject material of the continuing education requirement will be relevant to the license for which the continued education is required. “Relevant” will be limited to material germane to the operation, maintenance and administration of drinking water and wastewater systems as referenced in Chapter 24, Title 54, Idaho Code, and includes those subjects identified in the “need to know” criteria published by the Associations of Boards of Certification. (—)

03. Course Approval. All course providers will submit requests for approval of continuing education courses to the Board in writing no less than thirty (30) days prior to the course being offered, on a form approved by the Board, that includes: (—)

a. The name and qualifications of the instructor or instructors; (—)

b. The date, time and location of the course; (—)

c. The specific agenda for the course; (—)

d. The type and number of continuing education credit hours requested; (—)

e. A statement of how the course is believed to be relevant as defined; (—)

~~f. Any certificate of approval from a governmental agency if the course has been previously approved for continuing education;(—)~~

~~g. The training materials; (—)~~

~~h. Other information as may be requested by the Board. (—)~~

~~i. Upon review of all information requested, the Board may either approve or deny any request for a course. Board approval of a course will be granted for a period not to exceed five (5) years or until the course materials or instructors are changed.(—)~~

~~04. **Approved Courses.** Those continuing education courses which are relevant and approved by the states of Nevada, Oregon, Montana, Utah, Wyoming, and Washington are deemed approved by the Board.(—)~~

~~05. **Verification of Attendance.** It will be necessary for each licensee to maintain verification of attendance by securing authorized signatures or other documentation from the course instructors or sponsoring institution substantiating any and all hours attended by the licensee. This Verification of attendance will be maintained by the licensee and provided upon request of the Board or its agent.(—)~~

~~06. **Distance Learning and Independent Study.** The Board may approve a course of study for continuing education credit that does not include require the actual licensee to attend in person, physical attendance of the licensee in a face-to-face setting with the course instructor. The licensee will maintain documentation of the nature and details of the course and evidence that the licensee successfully completed the course, which will be made available to the Board upon request.(—)~~

~~07. **Failure to Fulfill the Continuing Education Requirements.** The license will not be renewed for those licensees who fail to certify or otherwise provide acceptable documentation of meeting the CE requirements. Licensees who make a false attestation regarding compliance with the CE requirements is subject to disciplinary action by the Board.(—)~~

~~08. **Exemptions.** The Board may waive the continuing education requirement or extend the deadline up to ninety (90) days for good cause, any one (1) or more of the following circumstances. The licensee requests the exemption and provides any information requested to assist the Board in making a determination. An exemption may be granted at the sole discretion of the Board.(—)~~

~~a. The licensee is a resident of another jurisdiction recognized by the Board having a continuing professional education requirement for licensure renewal and has complied with the requirements of that state or district. (—)~~

~~b. The licensee is a government employee working outside the continental United States. (—)~~

~~c. The licensee documents individual hardship, including health (certified by a medical doctor) or other good cause. (—)~~

501.—599.(Reserved)

600. **Renewal Or Reinstatement Of License.**

~~01. **Expiration Date.** All licenses expire and must be renewed annually on forms approved by the Board, in accordance with Section 67-2614, Idaho Code. Licenses not so renewed will be cancelled in accordance with Section 67-2614, Idaho Code.(—)~~

~~02. Reinstatement.~~ Any license cancelled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code, with the exception that the applicant shall submit proof of having completed the total number of required continuing education for each year the license or certificate was cancelled.(—)

~~013. Operator in Training License.~~ Applicants for the operator in training license shall, upon compliance with the requirements of Subsections 300.01 and 300.02, be issued a “one-time” non-renewable license for the purpose of gaining supervised experience as an operator in training (OIT). This license will be valid for five (~~5~~) three (3) years from the date of issue.(—)

~~04. Backflow Assembly Testers.~~ Backflow assembly testers shall complete a Board-approved eight (8) hour refresher course every two (2) years for license renewal.(—)

~~025. Wastewater Land Application License.~~ Wastewater land application licenses shall not be renewed unless the licensee also maintains a current wastewater treatment license.(—)

601.—649.(Reserved)

650. ~~Backflow Assembly Tester Code Of Ethics And Standards Of Conduct.~~
All backflow assembly tester licensees shall comply with the Idaho Backflow Assembly Tester Code of Ethics and Standards of Conduct as approved by the Board and attached to these rules as Appendix A.(—)

651.—699.(Reserved)

700. Discipline:

~~01. Civil Fine.~~ The Board may impose a civil fine not to exceed one thousand dollars (\$1,000) upon a licensee for each violation of Chapter 24, Title 54, Idaho Code.(—)

~~02. Costs and Fees.~~ The Board may order a licensee to pay the costs and fees incurred by the Board in the investigation or prosecution of the licensee for violation of Chapter 24, Title 54, Idaho Code.(—)

701.—999.(Reserved)

APPENDIX A

IDAHO DRINKING WATER, WASTEWATER AND BACKFLOW ASSEMBLY TESTER CODE OF ETHICS AND STANDARDS OF CONDUCT

The purpose of this rule is to protect public health by setting minimum requirements and standards for licensed drinking and wastewater operators and Backflow Assembly Testers in Idaho who inspect and field test backflow assemblies, backflow prevention devices and air gaps that protect public water systems.

~~1. Code of Ethics —~~

~~200.03 A licensed Operators andor~~ Backflow Assembly Testers ~~Code of Conduct.~~ shall: Operators and backflow assembly testers must: ()

a. ~~At all times, act in accordance with his/her primary obligation to p~~Perform his/her duties with due care and diligence to protect the safety, health and welfare of the public.;

b. Comply with ~~the laws and rules governing Backflow Assembly Testers and~~ all applicable local, state, and federal laws and regulations relating to their respective profession(s), backflow assembly testing;

- c. Perform only those duties ~~consistent with and appropriate to~~within his/her~~their~~ education, experience, training, and experience and scope of ~~skills, abilities, and licensure,~~ and
- d. ~~Be objective and truthful in all professional reports, statements, or testimony and include all relevant and pertinent information in such reports, statements, or testimony.~~ Prepare reports which are accurate, objective, and include all relevant information.

~~2.~~ **Definitions:**

~~a. Backflow Prevention Assembly: an approved assembly such as a Double Check Valve Assembly (DCVA), a Pressure Vacuum Breaker Assembly (PVBA), a Reduced Pressure Backflow Assembly (RPBA), or a Spill-Resistant Pressure Vacuum Breaker Assembly (SVBA) used for the protection of the public water supply according to the provisions of IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," as administered by DEQ.~~

~~b. Backflow Prevention Device: an approved device such as an Atmospheric Vacuum Breaker (AVB), which does not contain valves or test ports, or a method, such as an air gap, that is utilized to prevent cross connections to a public water supply.~~

~~c. Calibration/Verification: the annual verification, calibration, or both of a backflow assembly field test kit by an instrument calibration laboratory/facility or by a person qualified to verify and calibrate a field test kit such as a manufacturer, dealer licensed to calibrate or verify field test kits, or calibration technician.~~

~~d. Customer: means the owner of the property or his/her authorized or appointed agent.~~

~~e. Field Test Kit: an instrument, either mechanical or electronic in design, and all related fittings, tools, equipment and appurtenances necessary to perform field verification tests on backflow prevention assemblies.~~

~~23.~~ **Standards of Conduct**

~~a. Principle 1—An Operator or Backflow Assembly Tester shall act only within the scope of practice as set forth in the Board's laws and rules. A Backflow Assembly Tester and must use due care and diligence in performing their his/her duties.~~

~~b. Principle 2—Use standard test procedures, operating procedures, methods, and equipment when conducting inspections, sampling, and field tests of backflow prevention assemblies, an Operator or Backflow Assembly Tester must use test procedures that comply with standard field test procedures.~~

~~c. Principle 3—The Backflow aAssembly tTesters will shall oobserve or inspect existing installations of backflow prevention assemblies to identify whether the assembly is properly installed and and whether, in the opinion of the Backflow Assembly Tester, the assembly is adequate and appropriate for the degree of hazard posed to the Public Water System having jurisdiction over the assembly.~~

~~d. The Backflow Assembly tTester shall be responsible for performing accurate field tests and for making reports of such field tests to the consumer and responsible authorities on forms approved by the administrative authority having jurisdiction. The tester shall be equipped with and be capable of using all the necessary tools, gages, and other equipment to properly field test backflow prevention assemblies. A certified tester shall perform and be responsible for the accuracy of all tests and reports.~~

~~i. A Backflow Assembly Tester must report improperly installed assemblies to the customer and the Public Water System having jurisdiction over the backflow prevention assembly and also must note the discrepancy~~

on the test report and submit the test report to the customer and the Public Water System having jurisdiction over the backflow prevention assembly.

~~ii. A Backflow Assembly Tester must note discrepancies regarding inadequate or inappropriate backflow prevention assemblies on the test report and submit the test report to the customer and the Public Water System having jurisdiction over the backflow prevention assembly.~~

~~d. Principle 4—A Backflow Assembly Tester shall use a properly working and calibrated field test kit that meets the requirements of the Pacific Northwest Section of the American Water Works Association Cross Connection Control Manual, Seventh Edition, November 2012. When requested by a Public Water System, a Backflow Assembly Tester shall submit the most recent calibration report that verifies the accuracy of the field kit. When requested by a Public Water System, a Backflow Assembly Tester shall submit proof of current licensure in Idaho as a Backflow Assembly Tester.~~

~~e. Principle 5—The Backflow Assembly Tester must competently use a field test kit, all tools, and other equipment and appurtenances necessary to inspect and field test backflow prevention assemblies, inspect air gaps and backflow prevention devices.~~

~~f. Principle 6—~~

~~g. When a backflow prevention assembly passes a field test, the Backflow Assembly Tester shall submit the report will be submitted to the consumer and relevant public water system within fifteen (15) business days of performing the field test, a passing test report to the customer and the Public Water System having jurisdiction over the backflow prevention assembly.~~

~~g. Principle 7—When a backflow prevention assembly is defective or fails to pass the field test, the Backflow Assembly Tester shall report will be submitted to the consumer and relevant public water system within submit immediately, if possible, but no later than within two (2) business days of the field test, a failing field test report to the customer and the Public Water System having jurisdiction over the backflow prevention assembly.~~

~~h. Principle 8—The Backflow Assembly Tester shall complete a test report for each backflow prevention assembly for which the Backflow Assembly Tester conducts a field test. A test report must be legible and contain all relevant and pertinent information pertaining to the field test including, at a minimum, the make, model, size, serial number, orientation, and test results for each test conducted.~~

~~i. A Backflow Assembly Tester shall record data and sign test reports only for backflow prevention assemblies for which the Backflow Assembly Tester has personally conducted the field test.~~

~~ii. A Backflow Assembly Tester shall not falsify the results of a backflow prevention assembly field test or inspection.~~

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.06.01 – RULES FOR THE LICENSURE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

DOCKET NO. 24-0601-2301 (ZBR CHAPTER REWRITE, FEE RULE)

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 Section 67-2604, Idaho Code, and Sections 54-3712, 54-3715, 54-3717, and 54-3720, Idaho Code.

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

Wednesday, August 23, 2023 – 1:30 p.m. MT
Division of Occupational and Professional Licenses Chinden Campus Building 4 11341 W. Chinden Blvd., Bldg. #4 Boise, ID 83714
Telephone and web conferencing information will be posted on: https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/

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

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

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Occupational Therapy Licensure Board is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

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

The fees for licenses, permits, and reinstatement as designated in Rule 400 of these proposed rules are authorized in Section 54-3712, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho legislature.

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

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2301. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 5, 2023 Idaho Administrative Bulletin, [Vol. 23-4, pp. 42-46](#).

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 Michael Hyde, Bureau Chief, at (208) 332-7133.

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 August 23, 2023.

DATED this 6th day of July, 2023.

Michael Hyde
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 332-7133
Email: michael.hyde@dopl.idaho.gov

**THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-0601-2301
(ZBR Chapter Rewrite)**

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the proposed rule.*

**24.06.01 – RULES FOR THE LICENSURE OF OCCUPATIONAL THERAPISTS
AND OCCUPATIONAL THERAPY ASSISTANTS**

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections 54-3712, 54-3715, 54-3717, and 54-3720 Idaho Code. ()

001. SCOPE.

These rules govern the practice of occupational therapy in Idaho. ()

002. -- 099. (RESERVED)

100. LICENSURE.

01. Approved Education. An educational program in occupational therapy accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education (ACOTE), or by a predecessor or successor organization recognized by the United States Secretary of Education, the Council for Higher Education Accreditation, or both. ()

02. Supervised Fieldwork. During the period of supervised fieldwork, students must be under daily in-person contact with an occupational therapist or occupational therapy assistant who is appropriately supervised by an occupational therapist. The occupational therapist is responsible for the overall use and actions of the student. ()

03. Continuing Education. Occupational Therapists and Occupational Therapy Assistants must complete and maintain proof of completion of ten (10) hours of germane continuing education each year during the licensee's renewal cycle. Proof of completion must be provided to the board upon request and must include licensee's

name, date of activity or when course was completed, provider name, course title, description of course/activity, and number of contact hours. ()

101. -- 199. (RESERVED)

200. PRACTICE STANDARDS.

01. Scope of Practice. Occupational Therapists and Occupational Therapy Assistants must possess the education, training, and experience within their scope of practice to perform occupational therapy tasks. ()

02. Supervision Requirements. Supervision is the direction and review of service delivery, treatment plans, and treatment outcomes. Unless otherwise specified in this rule, in-person or synchronous interaction at least once a month is the minimum level of supervision that must be provided. Methods of supervision may include but are not limited to line-of-sight supervision with the supervisor's physical presence when services are being provided and/or in-person contact by the supervisor where services are being provided to ensure the safe and effective delivery of occupational therapy. ()

a. Limited Permit Holders. Limited permit holders must be supervised by an occupational therapist. This requires daily in-person contact with the supervisor at the site where service is provided. ()

b. Occupational Therapy Assistants. Occupational therapy assistants must be supervised by an occupational therapist at least once per month by no less than telecommunications. ()

c. Occupational Therapy Aides. The occupational therapist or occupational therapy assistant must train the aide to perform client-related and non-client-related tasks at least once per month. Client-related tasks are routine tasks during which the aide may interact with the client but does not act as a primary service provider of occupational therapy services. Occupational therapists and occupational therapy assistants must document all training and supervision of an aide. ()

i. The following factors must be present when an occupational therapist or occupational therapy assistant assigns a selected client-related task to the aide: The supervisor must be physically present when services are being provided to clients by the aide; the outcome of the assigned task must be predictable; the situation of the client and the environment must be stable and will not require the aide to make judgments, interpretations, or adaptations; and the routine and process of the task must have been clearly established. ()

201. -- 299. (RESERVED)

300. DISCIPLINE.

01. Civil Penalty. The Board may impose a fine up to the amount of any economic advantage obtained through the violation. ()

301. -- 399. (RESERVED)

400. FEES.

All fees are non-refundable.

FEE TYPE	AMOUNT (Not to Exceed)	RENEWAL FEE (Not to Exceed)
Initial Licensure for Occupational Therapists	\$80	\$40
Initial Licensure for Occupational Therapy Assistants	\$60	\$30
Limited Permit or Temporary License	\$25	

FEE TYPE	AMOUNT (Not to Exceed)	RENEWAL FEE (Not to Exceed)
Reinstatement Fee	As provided in Section 67-2614, Idaho Code.	

()

401. -- 999. (RESERVED)

[Agency redlined courtesy copy]

**24.06.01 – RULES FOR THE LICENSURE OF OCCUPATIONAL THERAPISTS
AND OCCUPATIONAL THERAPY ASSISTANTS**

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections [54-3712](#), [54-3715](#), [54-3717\(2\)](#), and [54-3720](#), Idaho Code.()

001. SCOPE.

These rules govern the practice of occupational therapy in Idaho.()

002. -- ~~009~~099.(RESERVED)

~~010.~~ DEFINITIONS.

~~**01. Client Related Tasks.** Client related tasks are routine tasks during which the aide may interact with the client but does not act as a primary service provider of occupational therapy services.()~~

~~**02. Direct Line of Sight Supervision.** Direct line of sight supervision requires the supervisor's physical presence when services are being provided to clients by the individual under supervision.()~~

~~**03. Direct Supervision.** Direct supervision requires daily, in person contact by the supervisor at the site where services are provided to clients by the individual under supervision.()~~

~~**04. Evaluation.** Evaluation is the process of obtaining and interpreting data necessary for treatment, which includes, but is not limited to, planning for and documenting the review, specific observation, interviewing, and administering data collection procedures, which include, but are not limited to, the use of standardized tests, performance checklists, and activities and tasks designed to evaluate specific performance abilities.()~~

~~**05. General Supervision.** General Supervision requires in person or synchronous interaction at least once per month by an occupational therapist and contact by other means as needed. Other means of contact include, but are not limited to, electronic communications such as email.()~~

~~**06. Routine Supervision.** Routine Supervision requires in person or synchronous interaction at least once every two (2) weeks by an occupational therapist and contact by other means as needed. Other means of contact include, but are not limited to, electronic communications such as email.()~~

~~200-0211.~~ PRACTICE STANDARDSSUPERVISION.

~~An occupational therapist shall supervise and be responsible for the patient care given by occupational therapy assistants, limited permit holders, aides, and students. An occupational therapist's or occupational therapy assistant's failure to provide appropriate supervision in accordance with these rules is grounds for discipline.(—)~~

01. Scope of Practice. Occupational Therapists and Occupational Therapy Assistants must possess the education, training, and experience within their scope of practice to perform occupational therapy tasks."

02.b. Occupational Therapy Assistants. Occupational therapy assistants must be supervised by an occupational therapist, at least once per month by no less than telecommunications. ~~General Supervision must be provided at a minimum.(—)~~

02.a. Limited Permit Holders. Limited permit holders must be supervised by an occupational therapist or occupational therapy assistant. This requires daily in-person contact with the supervisor at the site where service is provided. ~~Direct supervision must be provided at a minimum. The occupational therapist is responsible for the overall use and actions of the limited permit holder.()~~

023.c. Occupational Therapy Aides. The occupational therapist or occupational therapy assistant must train the aide to perform client-related and non-client-related tasks at least once per month. Client-related tasks are routine tasks during which the aide may interact with the client but does not act as a primary service provider of occupational therapy services. Occupational therapists and occupational therapy assistants must document all training and supervision of an aide. ~~Occupational therapy aides do not provide skilled occupational therapy services. An aide must be trained by an occupational therapist or an occupational therapy assistant to perform specifically delegated tasks. The occupational therapist is responsible for the overall use and actions of the aide. The occupational therapist must oversee the development, documentation, and implementation of a plan to supervise and routinely assess the ability of the occupational therapy aide to carry out non-client related and client related tasks. The occupational therapy assistant may contribute to the development and documentation of this plan.()~~

ia. The following factors must be present when an occupational therapist or occupational therapy assistant assigns a selected client-related task to the aide: The supervisor's physical presence when services are being provided to clients by the aide; the outcome of the assigned task is predictable, the situation of the client and the environment is stable and will not require that judgment, interpretations, or adaptations be made by the aide, the client has demonstrated some previous performance ability in executing the task, and the task routine and process have been clearly established.()

i. ~~The outcome of the assigned task is predictable;~~ (—)

ii. ~~The situation of the client and the environment is stable and will not require that judgment, interpretations, or adaptations be made by the aide;~~(—)

iii. ~~The client has demonstrated some previous performance ability in executing the task; and~~ (—)

iv. ~~The task routine and process have been clearly established.~~ (—)

b. ~~Before assigning client-related and non-client related tasks to an aide, the occupational therapist or occupational therapy assistant must ensure that the aide is able to competently perform the task.(—)~~

e. ~~The occupational therapist or occupational therapy assistant must train the aide to perform client-related and non-client related tasks at least once per month.(—)~~

d. ~~An aide must perform client-related tasks under the direct line-of-sight supervision of an occupational therapist or occupational therapy assistant.(—)~~

~~e. Occupational therapists and occupational therapy assistants must document all training and supervision of an aide.(—)~~

~~04. **Students.** Students must be under daily in person contact with the direct on-site supervision of an occupational therapist or occupational therapy assistant who is appropriately supervised by an occupational therapist. The occupational therapist is responsible for the overall use and actions of the student.(—)~~

~~025. **Supervision Requirements.** Supervision is the direction and review of service delivery, treatment plans, and treatment outcomes. Unless otherwise specified in this rule, in-person, or synchronous interaction at least once a month ~~General Supervision~~ is the minimum level of supervision that must be provided. Methods of supervision may include; but are not limited to, line-of-sight supervision with the supervisor's physical presence when services are being provided and/ or in-person contact by the supervisor where services are being provided to ensure the safe and effective delivery of occupational therapy.-~~

~~Direct Line-of-Sight Supervision, Direct Supervision, Routine Supervision, or General Supervision, as needed to ensure the safe and effective delivery of occupational therapy.(—)~~

~~a. An occupational therapist and an occupational therapy assistant must ensure the delivery of services by the individual being supervised is appropriate for client care and safety and must evaluate:(—)~~

- ~~i. The complexity of client needs; (—)~~
- ~~ii. The number and diversity of clients; (—)~~
- ~~iii. The skills of the occupational therapist assistant, aide, or limited permit holder; (—)~~
- ~~iv. The type of practice setting; (—)~~
- ~~v. The requirements of the practice setting; and (—)~~
- ~~vi. Other regulatory requirements applicable to the practice setting or delivery of services. (—)~~

~~b. Supervision must be documented in a manner appropriate to the supervised position and the setting. The documentation must be kept as required by Section 013 of these rules.(—)~~

~~e. Supervision must include consultation at appropriate intervals regarding evaluation, intervention, progress, reevaluation and discharge planning for each patient. Consultation must be documented and signed by the supervisor and supervisee.(—)~~

012. RECORD KEEPING.

~~Occupational therapists and occupational therapy assistants must maintain adequate records that are consistent with the standard business practices of the setting in which the licensee is providing occupational therapy or supervision and that show necessary client care, supervision provided by the licensee, and compliance with regulatory requirements applicable to the setting.(—)~~

~~013.—019.(Reserved)~~

02100. GENERAL QUALIFICATIONS FOR LICENSURE.

~~01. APPLICANT. THE BOARD MAY REFUSE LICENSURE IF IT FINDS THE APPLICANT HAS ENGAGED IN CONDUCT PROHIBITED BY SECTION 54 3718, IDAHO CODE; PROVIDED, THE~~

~~BOARD SHALL TAKE INTO CONSIDERATION THE REHABILITATION OF THE APPLICANT AND OTHER MITIGATING CIRCUMSTANCES.(—)~~

~~012. **Approved Education.** Each applicant shall provide evidence of successful completion of the academic requirements of a~~An educational program in occupational therapy that is accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education (ACOTE), or by a predecessor or successor organization recognized by the United States Secretary of Education, the Council for Higher Education Accreditation, or both.()

~~02. **Supervised Fieldwork.** During the period of supervised fieldwork, students must be under daily in-person contact with an occupational therapist or occupational therapy assistant who is appropriately supervised by an occupational therapist. The occupational therapist is responsible for the overall use and actions of the student.()~~

~~03. **Continuing Education.** Occupational Therapists and Occupational Therapy Assistants must complete and maintain proof of completion of ten (10) hours of germane continuing education each year during the licensee's renewal cycle. Proof of completion must be provided to the board upon request and must include licensee's name, date of activity or when course was completed, provider name, course title, description of course/activity, and number of contact hours.~~

~~03. **Examination.** Each applicant shall either pass an examination required by the Board or shall be entitled to apply for licensure by endorsement or limited permit.(—)~~

~~a. The written examination shall be the examination conducted by the National Board for Certification in Occupational Therapy, Inc. (NBCOT) and the passing score shall be the passing score established by the NBCOT. (—)~~

~~04. **Examination** An applicant for licensure by examination who fails to pass the examination on two (2) attempts must submit a new application.(—)~~

021. Application For Licensure.

~~01. **Licensure by Endorsement.** An applicant may be eligible for licensure without examination if they he or she meets all of the other qualifications prescribed in Section 54-3709, Idaho Code, and also holds a current valid license or registration from some other state, territory or district of the United States, or certified by the National Board for Certification in Occupational Therapy providing they meet Idaho standards and are equivalent to the requirements for licensure pursuant to these rules.(—)~~

~~02. **Limited Permit.** The Board may issue a Limited Permit to an application who has graduated from an occupational therapy ist or graduate occupational therapy assistant school approved by the Board and has completed supervised fieldwork. who meets the requirements set forth by Sections 54-3706(1) and 54-3706(2), Idaho Code, who has not yet passed the examination as required in Paragraph 020.04.a. of these rules.(—)~~

~~a. A Limited Permit shall only allow a person to practice occupational therapy in association with and under the supervision of a licensed occupational therapist. A Limited Permit shall be valid six (6) months from the date of issue. A Limited Permit may be extended by the Board for good cause.(—)~~

~~04. **Temporary License.** The Board may issue a temporary license to a person applying for licensure as an occupational therapist or an occupational therapy assistant if the person is currently licensed and in good standing to practice in another jurisdiction and meets that jurisdiction's requirements for licensure by endorsement. (—)~~

~~a. A temporary license shall automatically expire once the Board has processed the person's~~

application for licensure and issued or denied the applied for license, or in six (6) months after the date on which the Board issued the temporary license, whichever is sooner.(—)

05. Personal Interview. The Board may, at its discretion, require the applicant to appear for a personal interview.(—)

022. Written Statement Of Suitability For Licensure.

An applicant who, or whose license, has a criminal conviction, finding of guilt, withheld judgment, or suspended sentence for any crime under any municipal, state, or federal law other than minor traffic offenses, or has been subject to discipline by any state professional regulatory agency or professional organization must submit with the application a written statement and any supplemental information establishing the applicant's current suitability for licensure. (—)

01. Consideration of Factors and Evidence. The Board shall consider the factors set forth in Section 67-9411, Idaho Code.(—)

02. Interview. The Board may, at its discretion, grant an interview of the applicant. (—)

03. Applicant Bears the Burden. The applicant shall bear the burden of establishing the applicant's current suitability for licensure.(—)

~~023.—024.(Reserved)~~

025. Continuing Education.

01. Requirement. Each licensee must successfully complete, in the twelve (12) months preceding license renewal, a minimum of ten (10) contact hours of continuing education, as approved by the Board.(—)

a. One (1) contact hour is equivalent to one (1) clock hour for the purpose of obtaining continuing education. (—)

b. The Board will waive the continuing education requirement for the first license renewal after initial licensure. (—)

02. Attestation. The licensee attests, as part of the annual license renewal process, that the licensee is in compliance with the continuing education requirement.(—)

03. Courses and Activities. At least five (5) of the contact hours directly relate to the delivery of occupational therapy services. The remaining contact hours are germane to the practice of occupational therapy and relate to other areas of a licensee's practice. A licensee may take online or home study courses or self competency assessments, as long as a course completion certificate is provided.(—)

a. The delivery of occupational therapy services may include: models, theories or frameworks that relate to client care in preventing or minimizing impairment, enabling function within the person/environment or community context.(—)

b. Other areas may include, but are not limited to, occupation based theory assessment/interview techniques, intervention strategies, and community/environment as related to the licensee's practice.(—)

e. Continuing education acceptable to the Board includes, but is not limited to, programs or activities sponsored by the American Occupational Therapy Association (AOTA), the Idaho Occupational Therapy Association (IOTA), or National Board for Certification in Occupational Therapy (NBCOT); post professional

coursework completed through any approved or accredited educational institution; or otherwise meet all of the following criteria:(—)

- i. The program or activity contributes directly to professional knowledge, skill, and ability; (—)
- ii. The program or activity relates directly to the practice of occupational therapy; and (—)
- iii. The program or activity must be objectively measurable in terms of the hours involved. (—)

04. ~~Carry Over and Duplication.~~ A maximum of ten (10) continuing education hours may be carried forward from the immediately preceding year, and may not be carried forward more than one renewal year. If the licensee completes two (2) or more courses having substantially the same content during any one (1) renewal period, the licensee only will receive continuing education credit for one (1) of the courses.(—)

05. ~~Documentation.~~ A licensee need not submit documentation of continuing education when the licensee renews a license. However, a licensee will maintain documentation verifying that the licensee has completed the continuing education requirement for a period of four (4) years from the date of completion. A licensee must submit the verification documentation to the Board if the licensee is audited by the Board. A percentage of occupational therapists and certified occupational therapy assistants will be audited every year. Documentation for all activities must include licensee's name, date of activity or when course was completed, provider name, course title, description of course/activity, and number of contact hours.(—)

a. ~~Continuing education course work.~~ The required documentation for this activity is a certificate or documentation of attendance.(—)

b. ~~In service training.~~ The required documentation for this activity is a certificate or documentation of attendance. (—)

e. ~~Professional conference or workshop.~~ The required documentation for this activity is a certificate or documentation of attendance.(—)

d. ~~Course work offered by an accredited college or university, provided that the course work is taken after the licensee has obtained a degree in occupational therapy, and the course work provides skills and knowledge beyond entry level skills or knowledge. The required documentation for this activity is a transcript.~~(—)

e. ~~Publications.~~ The required documentation for this activity is a copy of the publication. (—)

f. ~~Presentations.~~ The required documentation for this activity is a copy of the presentation or program listing. Any particular presentation may be reported only once per reporting period.(—)

g. ~~Interactive online courses and evidence-based competency assessments.~~ The required documentation for this activity is a certificate or documentation of completion.(—)

h. ~~Development of instructional materials incorporating alternative media such as video, audio and/or software programs to advance professional skills of others. The required documentation for this activity is a program description. The media/software materials must be available if requested during audit process.~~(—)

i. ~~Professional manuscript review.~~ The required documentation for this activity is a letter from the publishing organization verifying review of manuscript. A maximum of five (5) hours is allowed per renewal period for this category. (—)

j. ~~Guest lecturer for occupational therapy related academic course work (academia not primary role).~~

The required documentation for this activity is a letter or other documentation from instructor.(—)

~~k. Serving on a professional board, committee, disciplinary panel, or association. The required documentation for this activity is a letter or other documentation from the organization. A maximum of five (5) hours is allowed per renewal period for this category.(—)~~

~~l. Level II fieldwork direct supervision of an occupational therapy student or occupational therapy assistant student by site designated supervisor(s). The required documentation for this activity is the name of student(s), letter of verification from school, and dates of fieldwork.(—)~~

06. Exemptions. A licensee may request an exemption from the continuing education requirement for a particular renewal period for reasonable cause. The licensee must provide any information requested by the Board to assist in substantiating the licensee's need for a claimed exemption.(—)

026.—029.(Reserved)

030. ~~Inactive Status.~~

~~01. Request for Inactive Status.~~ Occupational Therapists and Occupational Therapy Assistants requesting an inactive status during the renewal of their active license must submit a written request and pay the established fee. (—)

~~02. Inactive License Status. (—)~~

~~a. Licensees may not practice in Idaho while on inactive status. (—)~~

~~b. All continuing education requirements will be waived for any year or portion thereof that a licensee maintains an inactive license and is not actively practicing or supervising in Idaho, subject to Subsection 030.03 of these rules.(—)~~

~~03. Reinstatement to Full Licensure from Inactive Status. (—)~~

~~a. Return to Active Status of License—Inactive for Five (5) or Fewer Years.~~ An inactive license holder whose license has been inactive for five (5) or fewer years may convert from inactive to active license status by: (—)

~~i. Providing documentation to the Board showing successful completion within the previous twelve (12) months of the continuing education requirements for renewal of an active license; and(—)~~

~~ii. Paying a fee equivalent to the difference between the current inactive fee and the active renewal fee. (—)~~

~~b. Return to Active Status of License—Inactive for Greater than Five (5) Years.~~ An inactive license holder whose license has been inactive for greater than five (5) years may convert from inactive to active license status by: (—)

~~i. Providing documentation to the Board showing successful completion within the previous twelve (12) months of the continuing education requirements for renewal of an active license; and(—)~~

~~ii. Providing proof that the licensee has actively engaged in the practice of occupational therapy in another state or territory of the United States for at least three (3) of the immediately preceding five (5) years, or provide proof that the licensee is competent to practice in Idaho.(—)~~

- iii. The Board may consider the following factors when determining proof of competency: ()
 - (1) Number of years of practice prior to transfer from active status; ()
 - (2) Employment in a field similar to occupational therapy; and ()
 - (3) Any other factors the Board deems appropriate. ()

031. (Reserved)

03002. DISCIPLINE DENIAL OR REFUSAL TO RENEW, SUSPENSION OR REVOCATION OF LICENSE.

01. Grounds for Discipline. In addition to the grounds set forth in Section 54-3718, Idaho Code, applicants may be denied or refused licensure and licensees are subject to discipline upon the following grounds, including but not limited to: ()

- a. Obtaining a license by means of fraud, misrepresentation, or concealment of material facts; ()
- b. Being guilty of unprofessional conduct or violating the Code of Ethics in Appendix A, incorporated herein by reference governing said licensees, including the provision of health care which fails to meet the standard of health care provided by other qualified licensees in the same community or similar communities, taking into account the licensee’s training, experience and the degree of expertise to which he holds himself out to the public; ()
- c. The unauthorized practice of medicine; ()
- d. Failure to properly supervise persons as required in these rules. ()

012. Civil Penalties. In addition to any other disciplinary sanctions the Board may impose against a licensee, ~~†~~The Board may impose a fine of up to one thousand dollars (\$1,000) per violation, or in such greater ~~the~~ amount as the Board may deem necessary to deprive the licensee of any economic advantage ~~gained by~~ obtained through the violation licensee through the conduct that resulted in discipline and that reimburses the Board for costs of the investigation and disciplinary proceedings. ()

~~033. — 040. (RESERVED)~~

04001. FEES.

All fees are non-refundable.

FEE TYPE	AMOUNT (Not to Exceed)	RENEWAL FEE (Not to Exceed)
Initial Licensure for Occupational Therapists	\$80	\$40
Initial Licensure for Occupational Therapy Assistants	\$60	\$30
Limited Permit or Temporary License	\$25	

Reinstatement Fee	As provided in Section 67-2614, Idaho Code.	
Inactive License Renewal	\$20	
Inactive to Active License	The difference between the current inactive and active license renewal fees	

()

042. --999.(RESERVED)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.11.01 – RULES OF THE STATE BOARD OF PODIATRY

DOCKET NO. 24-1101-2301 (ZBR CHAPTER REWRITE, FEE RULE)

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 Section 67-2604, Idaho Code, and Sections 54-605 and 54-606, Idaho Code.

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

Wednesday, August 23, 2023 – 1:30 p.m. (MT)
Division of Occupational and Professional Licenses Chinden Campus Building 4 11341 W. Chinden Blvd., Bldg. #4 Boise, ID 83714
Telephone and web conferencing information will be posted on: https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/

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

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

Under [Executive Order 2020-01](#), Zero-Based Regulation, the State Board of Podiatry is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

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

The fees for applications and licenses as designated in Rule 400 of these proposed rules are authorized in Sections 54-606, 54-607, and 54-613, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho legislature.

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

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2301. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 5, 2023 Idaho Administrative Bulletin, [Vol. 23-4, pp. 42-46](#).

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: Per Section 54-605(7), the board adopted the “Code of Ethics” published by the America Podiatric Medical Association, Inc. as the standards of ethics for the practice of podiatry in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Michael Hyde, Bureau Chief, at (208) 332-7133.

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 August 23, 2023.

DATED this July 6, 2023.

Michael Hyde
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 332-7133
Email: michael.hyde@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-1101-2301
(ZBR Chapter Rewrite)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the proposed rule.*

24.11.01 – RULES OF THE STATE BOARD OF PODIATRY

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections 54-605 and 54-606, Idaho Code. ()

001. SCOPE.

These rules govern the practice of podiatry in Idaho. ()

002. INCORPORATION BY REFERENCE.

The current and updated document titled “Code of Ethics,” published by the America Podiatric Medical Association, Inc. is adopted and incorporated by reference and is available on the association’s website. (https://www.apma.org/files/Code%20of%20Ethics_FINAL_1669749709677_2.pdf). ()

003. -- 099. (RESERVED)

100. LICENSURE.

01. Approved Education. Applicants must graduate from a four (4) year school of podiatry located within the United States or Canada approved by the Council on Podiatric Medical Education and the American Podiatric Medical Association, or its foreign equivalent. ()

02. Accredited Podiatric Residency. Applicants must complete a podiatric residency approved by the Council on Podiatric Medical Education of no less than twenty-four (24) months, a minimum of twelve (12) months of which must be surgical. Proof of completion must be received directly from the residency program. ()

03. Approved Examination: Applicants for licensure by examination must successfully pass all parts

of the American Podiatric Medical Licensing Examination administered by the National Board of Podiatric Medical Examiners. ()

04. Continuing Education. Licensees must submit proof of completion of thirty (30) hours of continuing education every two (2) years, reported with their renewal application. All continuing education courses must be germane to the practice of podiatry. ()

101. -- 199. (RESERVED)

200. PRACTICE STANDARDS.

01. Ethical Practice. A licensee must comply with the applicable standard of care when practicing podiatry, taking into account the licensee's education, training, and experience. ()

201. -- 399. (RESERVED)

400. FEES.

All fees are non-refundable.

FEE TYPE	AMOUNT
Application	\$200
Original License	\$400
Annual Renewal	\$500

()

401. -- 999. (RESERVED)

[Agency redlined courtesy copy]

24.11.01 – RULES OF THE STATE BOARD OF PODIATRY

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections ~~54-605~~ and ~~54-606~~, Idaho Code. ()

001. SCOPE.

These rules govern the practice of podiatry in Idaho. ()

002. INCORPORATION BY REFERENCE.

~~The document titled American Podiatric Medical Association's Code of Ethics as published by the American Podiatric Medical Association, dated March 2013 and referenced in Section 500, is herein incorporated by reference and is available for review at the Board's office and on the Board's web site at <https://apps.dopl.idaho.gov/DOPLPortal/BoardAdditional.aspx?Bureau=POD&BureauLinkID=38>;~~

The current and updated document titled "Code of Ethics," published by the American Podiatric Medical Association, Inc. is ~~herein adopted and~~ incorporated by reference and is available on the association's website. [Code of Ethics_FL-NAL_1669749709677_2.pdf](https://www.apma.org/files/Code%20of%20Ethics_FL-NAL_1669749709677_2.pdf) (apma.org) (https://www.apma.org/files/Code%20of%20Ethics_FL-NAL_1669749709677_2.pdf) ()

003. -- ~~009~~099.(RESERVED)

010. DEFINITIONS AND STANDARDS.

~~01. Reputable School. A “reputable school” of podiatry is defined as an approved podiatry school located within the United States or Canada and designated as such by the Council on Podiatric Medical Education and the American Podiatric Medical Association.(—)~~

~~011.—149.(RESERVED)~~

~~150. PRE PROFESSIONAL EDUCATION.~~

~~All applicants must provide official documentation of credits granted for at least two (2) full years of general college study in a college or university of recognized standing.(—)~~

~~151. PROFESSIONAL EDUCATION.~~

~~All applicants must possess evidence of graduation from four (4) full years of study in a reputable school of podiatry, as defined in Subsection 010.02 of these rules.(—)~~

100. LICENSURE 152.PODIATRIC RESIDENCY.

01. Approved Education. Applicants must graduate from a four (4) year school of podiatry located within the United States or Canada approved by the Council on Podiatric Medical Education and the American Podiatric Medical Association, or its foreign equivalent. (—)

~~01. Residency Required for Licensure~~02. Accredited Podiatric Residency. Applicants must complete a candidate may not apply for licensure until completion of an accredited podiatric residency as approved by the Council on Podiatric Medical Education of no less than twenty-four (24) months, a minimum of twelve (12) months of which must be surgical. Proof of completion must be received directly from the residency program.(—)

03. Approved Examination. Applicants for licensure by examination must successfully pass all parts of the American Podiatric Medical Licensing Examination administered by the National Board of Podiatric Medical Examiners. (—)

04. Continuing Education. Licensees must submit proof of completion of thirty (30) hours of continuing education every two (2) years, reported with their renewal application. All continuing education courses must be germane to the practice of podiatry. (—)

~~02. Submission of Verification of Residency Curriculum. Notwithstanding the provisions of Subsection 152.01, a candidate must provide directly from the residency program such official documentation of completion of the entire curriculum as the board may require. Any deviation of this requirement must be approved by the Board. (—)~~

~~153~~101. -- 199.(RESERVED)

200. CREDENTIALS TO BE FILED BY ALL APPLICANTS.

~~01. Certified Copy of National Board Results. A copy of the applicable National Board results that has been certified as true and correct by the examining entity.(—)~~

~~02. Educational Certificate Requirement. Each applicant must provide official documentation of a collegiate education of not less than two (2) years in an accredited college or university giving instruction in letters and sciences. (—)~~

~~03. **Diploma.** Certified photostatic copy of diploma granted by any college of podiatry and official certified transcripts indicating graduation from the program.(—)~~

~~04. **Residency Certification Requirement.** All applications must include certification of completion of a residency as defined in Rule 152.(—)~~

~~201.—299.(Reserved)~~

~~3400. FEES.~~

~~All fees are non-refundable.; if a license is not issued, the license fee will be refunded.;~~

FEE TYPE	AMOUNT (Not to Exceed)
Application	\$200
Original License	\$400
Written Examination	Set by National Examining Entity
Annual Renewal	\$500
Inactive License Annual Renewal	\$250

()

~~301401. -- 399999.(RESERVED)~~

~~400. **LICENSURE BY EXAMINATION.**~~

~~01. **Examination of Applicants.** All applicants must successfully pass all parts of the American Podiatric Medical Licensing Examination developed and administered by the National Board of Podiatric Medical Examiners. (—)~~

~~02. **Passing Grade.** A passing grade in all subjects examined is the grade established by the examination provider.(—)~~

~~401. **LICENSURE BY ENDORSEMENT.**~~

~~Under Section 54-613, Idaho Code, applicants for licensure by endorsement may be granted a license upon the approval of the Board. Each applicant for licensure by endorsement must have a license in good standing in another jurisdiction. provide documentation for each of the following before licensure will be considered:(—)~~

~~01. **Certification of License.** Certification of having maintained a current license or other authority to practice issued by a regulatory board of Podiatry in any state or territory.(—)~~

~~02. **Credentials.** Credentials as required in Subsections 200.01 through 200.04. (—)~~

~~03. **Examination.** Successful passage of a written licensure examination covering all those subjects noted in Section 54-606, Idaho Code. Official certification of examination must be received by the board directly from, the applicant's state or territory of licensure or the national board of podiatric medical examiners.:(—)~~

~~a. The applicant's state or territory of licensure; or (—)~~

~~b. The national board of podiatric medical examiners. (—)~~

~~04. **Residency.** Proof of completion of the residency requirement, as set forth in Subsection 200.04 of this rule. However, if the applicant graduated from a college of podiatry prior to 1993, this requirement will be waived. (—)~~

~~05. **Practical Experience.** Having practiced podiatry under licensure for three (3) of the last five (5) years immediately prior to the date of application.(—)~~

~~06. **Continuing Education.** Having completed at least fifteen (15) hours of continuing education germane to the practice of podiatry during the twelve (12) months prior to the date of application.(—)~~

~~07. **Disciplinary Action.** Has not been the subject of any disciplinary action including pending or unresolved licensure actions within the last five (5) years immediately prior to application and has never had a license to practice podiatry revoked or suspended either voluntarily or involuntarily in any jurisdiction.(—)~~

~~402. **TEMPORARY LICENSES.**~~

~~No temporary licenses will be granted for the practice of podiatry in Idaho.(—)~~

~~403.—409.(RESERVED)~~

~~410. **ORIGINAL APPLICATION.**~~

~~The original application will be considered null and void after a period of two (2) years from date of original application if no license has been issued.(—)~~

~~411.—424.(RESERVED)~~

~~425. **INACTIVE STATUS.**~~

~~01. **Request for Inactive Status.** Each person requesting an inactive status during the renewal of their active license must submit a written request and pay the inactive license fee.(—)~~

~~02. **Inactive License Status.** (—)~~

~~a. All continuing education requirements will be waived during the time that a licensee maintains an inactive license in Idaho.(—)~~

~~b. When the licensee desires active status, the licensee must show acceptable fulfillment of continuing education requirements for the previous twelve (12) months and submit a fee equivalent to the difference between the inactive and active renewal fee.(—)~~

~~426.—449.(RESERVED)~~

~~200. **PRACTICE STANDARDS** 450.**SCOPE OF PRACTICE.**~~

~~01. **Ethical Practice.** A licensee must comply with the applicable standard of care when practicing podiatry, taking into account the licensee's education, training, and experience. (—)~~

~~01. **Competence.** Upon being granted a license to practice podiatry, a practitioner is authorized to provide only those services and treatments for which that practitioner has the education, training, and experience to provide. has been trained and prepared to provide. Information contained within the application file and supplemental~~

~~certified information of additional training and experience included in the credential file maintained by the practitioner is prima facie evidence of the practitioner's education and experience. It is the responsibility of the individual practitioner to ensure that the information in his credential file is accurate, complete and supplemented to support all procedures, applications and treatments employed by the practitioner. Practice beyond a practitioner's documented education and experience may violate the adopted code of ethics and be grounds for discipline by the board. (—)~~

~~**02. Advanced Surgical Procedures.** Advanced surgical procedures must be performed in a licensed hospital or certified ambulatory surgical center accredited by ~~a nationally recognized accreditation entity~~ the joint commission on accreditation of healthcare organizations or the accreditation association for ambulatory health care where a peer review system is in place. Advanced surgical procedures are defined as:(—)~~

- ~~**a.** Ankle fractures—Open Reduction and Internal Fixation. (—)~~
- ~~**b.** Ankle and rearfoot arthrodesis. (—)~~
- ~~**c.** Nerve surgery of the leg. (—)~~
- ~~**d.** Major tendon repair or transfer surgery—proximal to ankle. (—)~~
- ~~**e.** Autogenous bone grafting. (—)~~
- ~~**f.** External fixation of the rearfoot, ankle and leg. (—)~~

~~**451-201. -- 499-399.(RESERVED)**~~

~~**500. STANDARDS OF THE ETHICAL PRACTICE OF PODIATRY.**~~

~~The standards for the ethical practice of podiatry is the American Podiatric Medical Association's Code of Ethics as referenced in Section 002 of these rules and are hereby adopted and apply to all practitioners of podiatry.(—)~~

~~**501.—549.(RESERVED)**~~

~~**550. DISCIPLINE.**~~

~~**01. Civil Fine.** The Board may impose a civil fine not to exceed one thousand dollars (\$1,000) upon a licensed podiatrist for each violation of Sections 54-608 and 54-609, Idaho Code.(—)~~

~~**02. Costs and Fees.** The Board may order a licensed podiatrist to pay the costs and fees incurred by the Board in the investigation or prosecution of the licensee for violation of Sections 54-608 and 54-609, Idaho Code. ()~~

~~**551.—699.(RESERVED)**~~

~~**700. CONTINUING EDUCATION.**~~

~~**01. Education Requirement for License Renewal.** Each podiatrist licensed by the state of Idaho must complete in each twelve-month period preceding the renewal of a license to practice podiatry in Idaho, a minimum of fifteen (15) full hours of podiatry continuing education. Continuing education includes lectures, conferences, seminars, moderator-guided panel discussions, clinical and practical workshops, internet-based learning and home study. Education must be germane to the practice of podiatry; and(—)~~

- ~~**a.** Approved by the Council on Podiatric Medical Education; or (—)~~

~~b. Otherwise approved by the Board. (—)~~

~~02. **Submission of License Renewal Application Form.** Each licensed Idaho podiatrist will be furnished a license renewal application form by the Division of Occupational and Professional Licenses on which each podiatrist will be required to certify by signed affidavit that compliance with the continuing education requirements has been met and must submit the renewal application together with the required fees to the Division. (—)~~

~~03. **Verification of Completion.** A licensee must maintain verification of completion by securing authorized signatures or other documentation from the course instructors or sponsoring institution substantiating any and all hours completed by the licensee. This verification must be maintained by the licensee and provided to the Board upon the request of the Board or its agent. The Board will conduct random audits to monitor compliance. Failure to provide proof of meeting the continuing education upon request of the Board will be grounds for disciplinary action.(—)~~

~~04. **Carryover of Continuing Education Hours.** Continuing education not claimed for credit in the current renewal year may be credited for the next renewal year. A maximum of fifteen (15) hours may be carried forward from the immediately preceding year.(—)~~

~~05. **Special Exemption.** The Board has authority to make exceptions for reasons of individual hardship, including health, when certified by a medical doctor, or for other good cause. The licensee must provide any information requested by the Board to assist in substantiating hardship cases. This exemption is granted at the sole discretion of the Board.(—)~~

~~701.—999.(RESERVED)~~

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.13.01 – RULES GOVERNING THE PHYSICAL THERAPY LICENSURE BOARD

DOCKET NO. 24-1301-2301 (ZBR CHAPTER REWRITE, FEE RULE)

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 Section 67-2604, Idaho Code, and Sections 54-2206, 54-2207, 54-2209, and 54-2221, Idaho Code.

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

Wednesday, August 23, 2023 – 1:30 p.m. (MT)
Division of Occupational and Professional Licenses Chinden Campus Building 4 11341 W. Chinden Blvd., Bldg. #4 Boise, ID 83714
Telephone and web conferencing information will be posted on: https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/

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

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

Under [Executive Order 2020-01](#), Zero-Based Regulation, the Physical Therapy Licensure Board is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

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

The fees for applications, examinations, and licenses as designated in Rule 400 of these proposed rules are authorized in Section 54-2207, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho legislature.

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

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2301. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 5, 2023 Idaho Administrative Bulletin, [Vol. 23-4, pp. 42-46](#).

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:

Per Section 54-2216(3), the board adopted the American Physical Therapy Association’s “Code of Ethics for the Physical Therapist” and “Standards of Ethical Conduct for the Physical Therapist Assistant” as the standards of ethics for physical therapy professionals in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Michael Hyde, Bureau Chief, at (208) 332-7133.

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 August 23, 2023.

DATED this July 6, 2023.

Michael Hyde
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 332-7133
Email: michael.hyde@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-1301-2301
(ZBR Chapter Rewrite)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the proposed rule.*

24.13.01 – RULES GOVERNING THE PHYSICAL THERAPY LICENSURE BOARD

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections 54-2206, 54-2207, 54-2209, and 54-2221 Idaho Code. ()

001. SCOPE.

These rules govern the practice of physical therapy in Idaho. ()

002. INCORPORATION BY REFERENCE.

The current and updated documents titled “Code of Ethics for the Physical Therapist” and “Standards of Ethical Conduct for the Physical Therapist Assistant” published by the American Physical Therapy Association are adopted and incorporated by reference and available on the APTA website. ([Code of Ethics for the Physical Therapist | APTA](#)) and ([Standards of Ethical Conduct for the Physical Therapist Assistant | APTA](#)). ()

003. -- 099. (RESERVED)

100. LICENSURE.

01. Examinations: An applicant must successfully pass the National Physical Therapy Examination (NPTE), with a minimum score set by the Federation of State Boards of Physical Therapy. Foreign-educated applicants whose native language is not English must also successfully pass either: (a) the Test of English as a Foreign Language (TOEFL) with a minimum passing score of two hundred twenty (220) for the computer test and

five hundred sixty (560) for the paper test; or (b) the Test of English as a Foreign Language – Internet-Based Test (TOEFL IBT) with a minimum passing score of twenty-four (24) in writing, twenty-six (26) in speaking, twenty-one (21) in reading, and eighteen (18) in listening. ()

02. Continuing Education. ()

a. Renewal of License. Every person holding a license issued by the Board must complete thirty-two (32) contact hours of continuing education every two years. ()

b. Reinstatement of License. Any license canceled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code, with the exception that the applicant must submit proof of having met the following continuing education requirements: ()

i. For licenses expired for three (3) years or less, sixteen (16) hours of continuing education; or ()

ii. For licenses expired for more than three (3) years, thirty-two (32) hours of continuing education. ()

c. Contact Hours. The contact hours of continuing education must be obtained in areas of study germane to the practice of physical therapy, and for which the licensee is issued a certificate of completion or transcript. ()

d. Documentation of Attendance. The applicant must maintain documentation verifying attendance by securing authorized signatures or other documentation from the course instructors, providers, or sponsoring institution substantiating any hours attended by the licensee. This documentation must be provided to the Board upon request by the Board or its agent. ()

101. -- 199. (RESERVED)

200. PRACTICE STANDARDS.

01. Scope of Practice. Physical Therapists and Physical Therapist Assistants must possess the education, training, and experience within their scope of practice to perform physical therapy tasks. ()

02. Supervision. Supervision is oversight of a person by a licensed physical therapist when the licensed physical therapist is immediately available in person, by telephone, or by electronic communication to assist the person. A physical therapist shall supervise and be responsible for patient care given by physical therapist assistants, supportive personnel, physical therapy students, and physical therapist assistant students. ()

a. Procedures and Interventions Performed Exclusively by Physical Therapists. The following procedures and interventions shall be performed exclusively by a physical therapist: ()

i. Interpretation of a referral for physical therapy if a referral has been received. ()

ii. Performance of the initial patient evaluation and problem identification including a diagnosis for physical therapy and a prognosis for physical therapy. ()

iii. Development or modification of a treatment plan of care which is based on the initial evaluation, and which includes long-term and short-term physical therapy treatment goals. ()

iv. Assessment of the competence of physical therapist assistants, physical therapy students, physical therapist assistant students, and supportive personnel to perform assigned procedures, interventions, and routine tasks. ()

v. Selection and delegation of appropriate portions of treatment procedures, interventions, and routine physical therapy tasks to the physical therapist assistants, physical therapy students, physical therapist assistant students, and supportive personnel. ()

vi. Performance of a re-evaluation when any change in a patient's condition occurs that is not consistent with the physical therapy treatment plan of care, patient's anticipated progress, and physical therapy treatment goals. ()

vii. Performance and documentation of a discharge evaluation and summary of the physical therapy treatment plan. ()

03. Supervision of Physical Therapist Assistants. A physical therapist assistant must be supervised by a physical therapist by no less than telecommunication. ()

a. A physical therapist assistant must not change a procedure or intervention unless such change of procedure or intervention has been included within the treatment plan of care as set forth by a physical therapist. ()

b. A physical therapist assistant may not continue to provide treatment as specified under a treatment plan of care if a patient's condition changes such that further treatment necessitates a change in the established treatment plan of care, unless the physical therapist assistant has consulted with the supervising physical therapist prior to the patient's next appointment for physical therapy, and a re-evaluation is completed by the supervising physical therapist. ()

c. The supervising physical therapist must provide direct personal contact with the patient and assess the plan of care on or before every ten (10) visits or once a week if treatment is performed more than once per day but no less often than once every sixty (60) days. The supervising physical therapist's assessment must be documented in the patient record. ()

d. A physical therapist assistant may refuse to perform any procedure, intervention, or task delegated by a physical therapist when such procedure, intervention, or task is beyond the physical therapist assistant's skill level or scope of practice standards. ()

e. A physical therapist is not required to co-sign any treatment related documents prepared by a physical therapist assistant, unless required to do so in accordance with law, or by a third party. ()

04. Supervision of Supportive Personnel. Any routine physical therapy tasks performed by supportive personnel requires a physical therapist's or physical therapist assistant's direct and continuous physical presence and availability to render direction, in person on the premises where physical therapy is being provided. The physical therapist or physical therapist assistant must have direct contact with the patient during each session and assess patient response to delegated treatment. ()

05. Supervision of Physical Therapist and Physical Therapist Assistant Students. Supervision of physical therapist students and physical therapist assistant students requires availability of the physical therapist or physical therapist assistant to render direction in person and on the premises where physical therapy is being provided. ()

a. A physical therapy student is required to sign all treatment notes with the designation "SPT" after their name, and all such signatures require the co-signature of the supervising physical therapist. ()

b. A physical therapist assistant student is required to sign all treatment notes with the designation "SPTA" after their name, and all such signatures require the co-signature of the supervising physical therapist or supervising physical therapist assistant. ()

201. -- 299. (RESERVED)

300. DISCIPLINE.

01. Civil Fine. The Board may impose a civil fine not to exceed one thousand dollars (\$1,000.00) for each violation upon anyone licensed under Title 54, Chapter 22, Idaho Code who is found by the Board to be in

violation of Section 54-2219, Idaho Code. ()

301. -- 399. (RESERVED)

400. FEES.

All fees are non-refundable. The examination or reexamination fee are in addition to the application fee and must accompany the application.

FEE TYPE	AMOUNT	RENEWAL
Physical Therapist License	\$25	\$25
Physical Therapist Assistant License	\$20	\$20
Examination	Established by examination entity plus an administrative fee not to exceed \$20	
Application	\$25	

()

401. -- 999. (RESERVED)

[Agency redlined courtesy copy]

24.13.01 – RULES GOVERNING THE PHYSICAL THERAPY LICENSURE BOARD

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Section 54-2206, 54-2207, 54-2209, and 54-2221, Idaho Code.()

001. SCOPE.

These rules govern the practice of physical therapy in Idaho.()

002. INCORPORATION BY REFERENCE.

The current and updated documents titled “Code of Ethics for the Physical Therapist” and “Standards of Ethical Conduct for the Physical Therapist Assistant” published by the American Physical Therapy Association are adopted and incorporated by reference and available on the APTA website. (Code of Ethics for the Physical Therapist | APTA) and (Standards of Ethical Conduct for the Physical Therapist Assistant | APTA) ()

~~002~~003. -- ~~009~~099. (RESERVED)

010. DEFINITIONS.

~~01. Supportive Personnel.~~ ~~An individual, or individuals, who are neither a physical therapist or a physical therapist assistant, but who are employed by and/or trained under the direction of a licensed physical therapist to perform designated non-treatment patient related tasks and routine physical therapy tasks.()~~

~~02. Non-Treatment Patient Related Tasks.~~ ~~Actions and procedures related to patient care that do not involve direct patient treatment or direct personal supervision, but do require a level of supervision not less than general supervision, including, but not limited to: treatment area preparation and clean-up, equipment set-up, heat and cold pack preparation, preparation of a patient for treatment by a physical therapist or physical therapist assistant, transportation of patients to and from treatment, and assistance to a physical therapist or physical therapist assistant~~

when such assistance is requested by a physical therapist or physical therapist assistant when safety and effective treatment would so require.(—)

03. Routine Physical Therapy Tasks. Actions and procedures within the scope of practice of physical therapy, which do not require the special skills or training of a physical therapist or physical therapist assistant, rendered directly to a patient by supportive personnel at the request of and under the direct personal supervision of a physical therapist or physical therapist assistant.(—)

04. Testing. (—)

a. Standard methods and techniques used in the practice of physical therapy to gather data about individuals including:(—)

- i. Electrodiagnostic and electrophysiological measurements; (—)
- ii. Assessment or evaluation of muscle strength, force, endurance and tone; (—)
- iii. Reflexes; (—)
- iv. Automatic reactions; (—)
- v. Posture and body mechanics; (—)
- vi. Movement skill and accuracy; (—)
- vii. Joint range of motion and stability; (—)
- viii. Sensation; (—)
- ix. Perception; (—)
- x. Peripheral nerve function integrity; (—)
- xi. Locomotor skills; (—)
- xii. Fit, function and comfort of prosthetic, orthotic, and other assistive devices; (—)
- xiii. Limb volume, symmetry, length and circumference; (—)
- xiv. Clinical evaluation of cardiac and respiratory status to include adequacy of pulses, noninvasive assessment of peripheral circulation, thoracic excursion, vital capacity, and breathing patterns;(—)
- xv. Vital signs such as pulse, respiratory rate, and blood pressure; (—)
- xvi. Activities of daily living; and the physical environment of the home and work place; and (—)
- xvii. Pain patterns, localization and modifying factors; and (—)
- xviii. Photosensitivity. (—)

b. Specifically excluded are the ordering of electromyographic study, electrocardiography, thermography, invasive vascular study, selective injection tests, or complex cardiac or respiratory function studies

without consultation and direction of a physician.(—)

- ~~05. **Functional Mobility Training.** Includes gait training, locomotion training, and posture training. (—)~~
- ~~06. **Manual Therapy.** Skilled hand movements to mobilize or manipulate soft tissues and joints for the purpose of: (—)~~
- ~~a. Modulating pain, increasing range of motion, reducing or eliminating soft tissue swelling, inflammation or restriction;(—)~~
 - ~~b. Inducing relaxation; (—)~~
 - ~~c. Improving contractile and non contractile tissue extensibility; and (—)~~
 - ~~d. Improving pulmonary function. (—)~~
- ~~07. **Physical Agents or Modalities.** Thermal, acoustic, radiant, mechanical, or electrical energy used to produce physiologic changes in tissues.(—)~~
- ~~08. **General Supervision.** A physical therapist's availability at least by means of telecommunications, which does not require a physical therapist to be on the premises where physical therapy is being provided, for the direction of a physical therapist assistant.(—)~~
- ~~09. **Direct Supervision.** A physical therapist's or physical therapist assistant's physical presence and availability to render direction in person and on the premises where physical therapy is being provided.(—)~~
- ~~10. **Direct Personal Supervision.** A physical therapist's or physical therapist assistant's direct and continuous physical presence and availability to render direction, in person and on the premises where physical therapy is being provided. The physical therapist or physical therapist assistant must have direct contact with the patient during each session and assess patient response to delegated treatment.(—)~~
- ~~11. **Supervising Physical Therapist.** A licensed physical therapist who developed and recorded the initial plan of care and/or who has maintained regular treatment sessions with a patient. Such physical therapist's designation of another licensed physical therapist if the physical therapist who developed and recorded the initial plan of care or maintained regular treatment sessions is not available to provide direction at least by means of telecommunications.(—)~~
- ~~12. **Nationally Accredited School.** A school or course of physical therapy or physical therapist assistant with a curriculum approved by the Commission on Accreditation in Physical Therapy Education (CAPTE) or an accrediting agency recognized by the U.S. Department of Education, the Council on Postsecondary Accreditation, or a successor entity, or both.(—)~~
- ~~13. **Examination.** The examination is the National Physical Therapy Examination (NPTE) administered by Federation of State Boards of Physical Therapy. The examination may also include a jurisprudence examination adopted by the Board.(—)~~

~~01. **Supervision:** supervision and oversight of a person by a licensed physical therapist when the licensed physical therapist is immediately available in person, by telephone, or by electronic communication to assist the person.~~

~~011.—015.(RESERVED)~~

200016. PRACTICE STANDARDS SUPERVISION.

01. Scope of Practice. Physical Therapists and Physical Therapist Assistants must possess the education, training, and experience within their scope of practice to perform physical therapy tasks. ()

02. Supervision. Supervision is oversight of a person by a licensed physical therapist when the licensed physical therapist is immediately available in person, by telephone, or by electronic communication to assist the person. A physical therapist shall supervise and be responsible for patient care given by physical therapist assistants, supportive personnel, physical therapy students, and physical therapist assistant students.()

01a. Procedures and Interventions Performed Exclusively by Physical Therapist. The following procedures and interventions shall be performed exclusively by a physical therapist:()

i. Interpretation of a referral for physical therapy if a referral has been received. ()

bii. Performance of the initial patient evaluation and problem identification including a diagnosis for physical therapy and a prognosis for physical therapy.()

ciii. Development or modification of a treatment plan of care which is based on the initial evaluation and which includes long-term and short-term physical therapy treatment goals.()

dii. Assessment of the competence of physical therapist assistants, physical therapy students, physical therapist assistant students, and supportive personnel to perform assigned procedures, interventions and routine tasks. ()

eiv. Selection and delegation of appropriate portions of treatment procedures, interventions and routine physical therapy tasks to the physical therapist assistants, physical therapy students, physical therapist assistant students, and supportive personnel.()

fv. Performance of a re-evaluation when any change in a patient's condition occurs that is not consistent with the physical therapy treatment plan of care, patient's anticipated progress, and physical therapy treatment goals. ()

gvii. Performance and documentation of a discharge evaluation and summary of the physical therapy treatment plan. ()

~~**h.** Performance of dry needling.~~ ()

032. Supervision of Physical Therapist Assistants. A physical therapist assistant must be supervised by a physical therapist by no less ~~than telecommunication standard than general supervision.~~()

a. A physical therapist assistant must not change a procedure or intervention unless such change of procedure or intervention has been included within the treatment plan of care as set forth by a physical therapist. ()

b. A physical therapist assistant may not continue to provide treatment as specified under a treatment plan of care if a patient's condition changes such that further treatment necessitates a change in the established treatment plan of care unless the physical therapist assistant has consulted with the supervising physical therapist prior to the patient's next appointment for physical therapy, and a re-evaluation is completed by the supervising physical therapist.()

c. The supervising physical therapist must provide direct personal contact with the patient and assess the plan of care on or before every ten (10) visits or once a week if treatment is performed more than once per day but no less often than once every sixty (60) days. The supervising therapist's assessment must be documented in the patient record. ()

d. A physical therapist assistant may refuse to perform any procedure, intervention, or task delegated by a physical therapist when such procedure, intervention, or task is beyond the physical therapist assistant's skill level or scope of practice standards.()

e. A physical therapist is not required to co-sign any treatment related documents prepared by a physical therapist assistant, unless required to do so in accordance with law, or by a third-party.()

043. Supervision of Supportive Personnel. Any routine physical therapy tasks performed by supportive personnel requires a physical therapist's or physical therapist assistant's direct and continuous physical presence and availability to render direction, in person on the premises where physical therapy is being provided. The physical therapist or physical therapist assistant must have direct contact with the patient during each session and assess patient response to delegated treatment. ~~direct personal supervision.~~()

054. Supervision of Physical Therapist and Physical Therapist Assistant Students. Supervision of physical therapist students and physical therapist assistant students requires availability of the physical therapist or physical therapist assistant to render direction in person and on the premises where physical therapy is being provided. ~~direct supervision.~~()

~~a. A physical therapy student is only supervised by the direct supervision of a physical therapist.~~ (—)

~~ba.~~ A physical therapy student is required to sign all treatment notes with the designation "SPT" after their name, and all such signatures require the co-signature of the supervising physical therapist.()

~~eb.~~ A physical therapist assistant student is required to sign all treatment notes with the designation "SPTA" after their name, and all such signatures require the co-signature of the supervising physical therapist or supervising physical therapist assistant.()

05. Supervision Ratios. (—)

~~a. At any one time, the physical therapist may supervise up to a total of three supervised personnel, who are physical therapist assistants or supportive personnel. If the physical therapist is supervising the maximum of three supervised personnel at any one time, no more than two of the supervised personnel may be supportive personnel or physical therapist assistants.~~(—)

~~b. In addition to the supervised personnel authorized in a. of this subsection, the physical therapist may supervise two persons engaging in direct patient care who are pursuing a course of study leading to a degree as a physical therapist or a physical therapist assistant.~~(—)

~~017201.~~ -- ~~299174.~~ (RESERVED)

10075. REQUIREMENTS FOR LICENSURE.

~~An individual shall be entitled to a license upon the submission of proof and approval that the individual has successfully passed the NPTE with a sealed score of at least six hundred (600) and the jurisprudence examination with a score of at least seventy five percent (75%). Foreign educated individuals whose native language is not English must submit proof of successfully passing one (1) of the following English proficiency exams:~~(—)

~~01. **Test of English as a Foreign Language (TOEFL).** Minimum passing scores of two hundred twenty (220) for computer test and five hundred sixty (560) for paper test;(—)~~

~~02. **Test of English as a Foreign Language—Internet Based Test (TOEFL IBT).** Minimum passing scores of twenty-four (24) in writing; twenty-six (26) in speaking, twenty-one (21) in reading, and eighteen (18) in listening; or(—)~~

01. **Examinations.** An applicant must successfully pass the National Physical Therapy Examination (NPTE), with a minimum score set by the Federation of State Boards of Physical Therapy. Foreign-educated applicants whose native language is not English must also successfully pass either: (a) the Test of English as a Foreign Language (TOEFL) with a minimum passing score of two hundred twenty (220) for the computer test and five hundred sixty (560) for the paper test; or (b) the Test of English as a Foreign Language – Internet-Based Test (TOEFL IBT) with a minimum passing score of twenty-four (24) in writing, twenty-six (26) in speaking, twenty-one (21) in reading, and eighteen (18) in listening.

~~03. **Alternative Exams.** as otherwise approved by the Board. (—)~~

176. INACTIVE STATUS.

~~01. **Request for Inactive Status.** Licensees requesting an inactive status during the renewal of their active license must submit a written request and pay the established fee.(—)~~

~~02. **Continuing Education.** All continuing education requirements will be waived for any year or portion thereof that a licensee maintains an inactive license and is not actively practicing in Idaho.(—)~~

~~03. **Reinstatement to Full Licensure from Inactive Status.**~~

~~a. **Return to Active Status of License—Inactive for Five (5) or Fewer Years.** An inactive license holder whose license has been inactive for five (5) or fewer years may convert from inactive to active license status by: (—)~~

~~i. **Providing documentation to the Board showing successful completion within the previous twelve (12) months of the following continuing education requirements:(—)**~~

~~(1). **Licenses inactive for three (3) years or less, one (1) year of continuing education; or (—)**~~

~~(2). **Licenses inactive for more than three (3) years, two (2) years of continuing education; and (—)**~~

~~ii. **Paying the appropriate fee. (—)**~~

~~b. **Return to Active Status of License—Inactive for Greater than Five (5) Years.** An inactive license holder whose license has been inactive for greater than five (5) years may convert from inactive to active license status by: (—)~~

~~i. **Providing documentation to the Board showing successful completion within the previous twelve (12) months of two (2) years of continuing education requirements; and(—)**~~

~~ii. **Providing proof that the licensee has actively engaged in the practice of physical therapy in another state or territory of the United States for at least three (3) of the immediately preceding five (5) years or provide proof that the licensee is competent to practice in Idaho.(—)**~~

~~iii. **The Board may consider the following factors when determining proof of competency: (—)**~~

- (1). Number of years of practice prior to transfer from active status; (—)
- (2). Employment in a field similar to physical therapy; and (—)
- (3). Any other factors the Board deems appropriate. (—)

~~177.—179.(RESERVED)~~

~~180. DRY NEEDLING CERTIFICATION.~~

~~The Board may grant certification for dry needling to a physical therapist who completes an application, pays the applicable fees, and meets the following requirements:(—)~~

~~01. Training and Education. At least one (1) year of practice as a licensed physical therapist and successful completion of a Board approved course that is a minimum of twenty-seven (27) hours of in-person instruction of which no less than sixteen (16) hours must be hands on application of dry needling techniques by the physical therapist.(—)~~

~~02. Course Approval. The Board will review course curriculum, including a course syllabus, prior to approval. The course must:(—)~~

- ~~a. Be taught by a qualified instructor as shown by education and experience; (—)~~
- ~~b. Include instruction and training on indications/contraindications for dry needling, safe needling technique, and blood borne pathogens;(—)~~
- ~~c. Require successful completion of an assessment of proficiency in dry needling, which includes a practical demonstration of the physical therapist's dry needling skills.(—)~~

~~03. Course Completion. Completion of this education and training may have occurred prior to the effective date of these rules.(—)~~

~~181. DRY NEEDLING RECERTIFICATION.~~

~~01. Issuance. Dry needling certification shall be issued every three (3) years by timely submission of a physical therapy license renewal application, payment of the physical therapy license renewal fee, the dry needling certification fee, and payment of fines, costs, fees or other amounts that are due and owing to the Board or in compliance with a payment arrangement with the Board, and verifying to the Board that the licensee is in compliance with the requirements for dry needling certification as provided in the Board's laws and rules.(—)~~

~~02. Expiration Date. Physical Therapists dry needling certification expires on the expiration date of their physical therapy license and must be issued every three (3) years. Proof of completion of a minimum of twenty-seven (27) hours of in-person instruction of which no less than sixteen (16) hours must be hands on application of dry needling techniques by the physical therapist, must be provided for renewal of their license. The Board must waive the dry needling certification fee in conjunction with the first timely renewal of the physical therapy license after initial dry needling certification.(—)~~

~~03. Failure to Comply with Issuance Requirements.~~

~~a. If a licensee with dry needling certification fails to verify meeting dry needling issuance requirements when renewing their physical therapy license, the dry needling certification is canceled and the physical therapy license will be renewed without dry needling certification.(—)~~

~~b. If a licensee with dry needling certification fails to timely renew their physical therapy license, their dry needling certification is canceled. ()~~

~~182. — 199. (RESERVED)~~

2400. FEES.

All fees are non-refundable.

FEE TYPE	AMOUNT (Not to Exceed)	RENEWAL (Not to Exceed)
Physical Therapist License	\$25	\$25
Physical Therapist Assistant License	\$20	\$20
Examination	Established by examination entity plus an administrative fee not to exceed \$20	
Reinstatement	As provided in Section 67-2614, Idaho Code	
Application	\$25	
Dry Needling Certification	\$25	\$25
Physical Therapist Inactive	\$15	\$15
Physical Therapist Assistant Inactive	\$10	\$10
Inactive to Active License	The difference between the inactive fee and active license renewal fee	

()

~~201401. -- 249999. (RESERVED)~~

25 100.02 Continuing Education, REQUIREMENT.

~~01a. **Renewal of License.** Every person holding a license issued by the Board must annually complete sixteen (16) thirty-two (32) contact hours of continuing education every two years prior to license renewal. ()~~

~~02b. **Reinstatement of License.** Any license canceled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code, with the exception that the applicant must submit proof of having met the following continuing education requirements: ()~~

~~i. For licenses expired for three (3) years or less, one (1) year of continuing education; or ()~~

~~ii. For licenses expired for more than three (3) years, thirty-two (32) hours of continuing education. ()~~

~~03c. **Contact Hours.** The contact hours of continuing education must be obtained in areas of study germane to the practice for which the license is issued a certificate of completion or transcript. as approved by the board. ()~~

~~04d. Documentation of Attendance.~~ The applicant must provide documentation verifying attendance by securing authorized signatures or other documentation from the course instructors, providers, or sponsoring institution substantiating any hours attended by the licensee. This documentation must be maintained by the licensee and provided to the board upon request by the board or its agent.()

~~05. Excess Hours.~~ Continuing education hours accumulated during the twelve (12) months immediately preceding the license expiration date may be applied toward meeting the continuing education requirement for the next license renewal. Hours in excess of the required hours may be carried forward. Excess hours may be used only during the next renewal period and may not be carried forward more than one (1) time.()

~~06. Compliance Audit.~~ The board may conduct random continuing education audits of those persons required to obtain continuing education in order to renew a license and require that proof acceptable to the board of meeting the continuing education requirement be submitted to the Division. Failure to provide proof of meeting the continuing education upon request of the board are grounds for disciplinary action.()

~~07. Special Exemption.~~ The board has authority to make exceptions for reasons of individual hardship, including health or other good cause. The licensee must provide any information requested by the board to assist in substantiating hardship cases. This exemption is granted at the sole discretion of the board.()

~~08. Continuing Education Credit Hours.~~ Hours of continuing education credit may be obtained by attending and participating in a continuing education activity approved by the Board.()

~~a. General Criteria.~~ A continuing education activity which meets all of the following criteria is appropriate for continuing education credit:()

~~i. Constitutes an organized program of learning which contributes directly to the professional competency of the licensee;()~~

~~ii. Pertains to subject matters integrally related and germane to the practice of the profession; ()~~

~~iii. Conducted by individuals who have specialized education, training and experience to be considered qualified to present the subject matter of the program. The Board may request documentation of the qualifications of presenters;()~~

~~iv. Application for Board approval is accompanied by a paper, manual or outline which describes the specific offering and includes the program schedule, goals and objectives; and()~~

~~v. Provides proof of attendance to licensees in attendance including: Date, location, course title, presenter(s); Number of program contact hours (One (1) contact hour equals one (1) hour of continuing education credit.); and the official signature or verification of the program sponsor.()~~

~~b. Specific Criteria.~~ Continuing education hours of credit may be obtained by: ()

~~i. Presenting professional programs which meet the criteria listed in these rules. Two (2) hours of credit will be awarded for each hour of presentation by the licensee. A course schedule or brochure must be maintained for audit;()~~

~~ii. Providing official transcripts indicating successful completion of academic courses which apply to the field of physical therapy in order to receive the following continuing education credits:()~~

~~(1) One (1) academic semester hour = fifteen (15) continuing education hours of credit; ()~~

- (2) ~~One (1) academic trimester hour = twelve (12) continuing education hours of credit; (—)~~
 - (3) ~~One (1) academic quarter hour = ten (10) continuing education hours of credit. (—)~~
 - iii. ~~Attending workshops, conferences, symposiums or electronically transmitted, live interactive conferences which relate directly to the professional competency of the licensee;(—)~~
 - iv. ~~Authoring research or other activities that are published in a recognized professional publication. The licensee will receive five (5) hours of credit per page;(—)~~
 - v. ~~Viewing videotaped presentations if the following criteria are met: (—)~~
 - (1) ~~There is a sponsoring group or agency; (—)~~
 - (2) ~~There is a facilitator or program official present; (—)~~
 - (3) ~~The program official may not be the only attendee; and (—)~~
 - (4) ~~The program meets all the criteria specified in these rules; (—)~~
 - vi. ~~Participating in home study courses that have a certificate of completion; (—)~~
 - vii. ~~Participating in courses that have business related topics: marketing, time management, government regulations, and other like topics;(—)~~
 - viii. ~~Participating in courses that have personal skills topics: career burnout, communication skills, human relations, and other like topics;(—)~~
 - ix. ~~Participating in courses that have general health topics: clinical research, CPR, child abuse reporting, and other like topics; (—)~~
 - x. ~~Supervision of a physical therapist student or physical therapist assistant student in an accredited college program. The licensee will receive four (4) hours of credit per year; and(—)~~
 - xi. ~~Completion and awarding of Board Certification or recertification by American Board of Physical Therapy Specialists (ABPTS). The licensee will receive sixteen (16) hours for the year the certification or recertification was received.(—)~~
- ~~**09. Course Approval.** Courses of study relevant to physical therapy and sponsored or provided by the American Physical Therapy Association (APTA) or any of its sections or local chapters; CAPTE; the National Athletic Trainers Association; an accredited, or candidate for accreditation, college or university; or otherwise approved by the Board.(—)~~
- ~~**10. Submitting False Reports or Failure to Comply.** The Board may condition, limit, suspend, or refuse to renew the license of any individual whom the Board determines submitted a false report of continuing education or failed to comply with the continuing education requirements.(—)~~

~~10251. -- 274199.(RESERVED)~~

~~275300. DISCIPLINARY PENALTY.~~

~~01. **Disciplinary Procedures.** The disciplinary procedures of the Division are the disciplinary procedures of the Board.(—)~~

~~012. **Civil Fine.** The Board may impose a civil fine not to exceed one thousand dollars (\$1,000) for each violation upon anyone licensed under Title 54, Chapter 22, Idaho Code who is found by the Board to be in violation of Section 54-2219, Idaho Code.()~~

~~276. — 299.(RESERVED)~~

~~300. **CODE OF ETHICS.**~~

~~Physical therapists and physical therapist assistants are responsible for maintaining and promoting ethical practice in accordance with the ethical principles set forth in Appendix A and Appendix B to these rules.(—)~~

~~301. -- 9399.(RESERVED)~~

~~**Appendix A—Physical Therapist Code Of Ethics**~~

~~**Preamble**~~

~~This Code of Ethics of the American Physical Therapy Association sets forth principles for the ethical practice of physical therapy. All physical therapists are responsible for maintaining and promoting ethical practice. To this end, the physical therapist shall act in the best interest of the patient/client. This Code of Ethics shall be binding on all physical therapists.~~

~~**Principle 1**~~

~~A physical therapist shall respect the rights and dignity of all individuals and shall provide compassionate care.~~

~~**Principle 2**~~

~~A physical therapist shall act in a trustworthy manner toward patients/clients and in all other aspects of physical therapy practice.~~

~~**Principle 3**~~

~~A physical therapist shall comply with laws and regulations governing physical therapy and shall strive to effect changes that benefit patients/clients.~~

~~**Principle 4**~~

~~A physical therapist shall exercise sound professional judgment.~~

~~**Principle 5**~~

~~A physical therapist shall achieve and maintain professional competence.~~

~~**Principle 6**~~

~~A physical therapist shall maintain and promote high standards for physical therapy practice, education, and research.~~

Principle 7

~~A physical therapist shall seek only such remuneration as is deserved and reasonable for physical therapy services.~~

Principle 8

~~A physical therapist shall provide and make available accurate and relevant information to patients/clients about their care and to the public about physical therapy services.~~

Principle 9

~~A physical therapist shall protect the public and the profession from unethical, incompetent, and illegal acts.~~

Principle 10

~~A physical therapist shall endeavor to address the health needs of society.~~

Principle 11

~~A physical therapist shall respect the rights, knowledge, and skills of colleagues and other health care professionals.~~

~~APPENDIX B – PHYSICAL THERAPIST ASSISTANT CODE OF ETHICS~~

~~Preamble~~

~~This document of the American Physical Therapy Association sets forth standards for the ethical conduct of the physical therapist assistant. All physical therapist assistants are responsible for maintaining high standards of conduct while assisting physical therapists. The physical therapist assistant shall act in the best interest of the patient/client. These standards of conduct shall be binding on all physical therapist assistants.~~

~~Standard 1~~

~~A physical therapist assistant shall respect the rights and dignity of all individuals and shall provide compassionate care.~~

~~Standard 2~~

~~A physical therapist assistant shall act in a trustworthy manner toward patients/clients.~~

~~Standard 3~~

~~A physical therapist assistant shall provide selected physical therapy interventions only under the supervision and direction of a physical therapist.~~

~~Standard 4~~

~~A physical therapy assistant shall comply with laws and regulations governing physical therapy.~~

~~Standard 5~~

~~A physical therapist assistant shall achieve and maintain competence in the provision of selected physical therapy interventions.~~

~~**Standard 6**~~

~~A physical therapist assistant shall make judgments that are commensurate with his or her educational and legal qualifications as a physical therapist assistant.~~

~~**Standard 7**~~

~~A physical therapist assistant shall protect the public and the profession from unethical, incompetent, and illegal~~

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.15.01 – RULES OF THE IDAHO LICENSING BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

DOCKET NO. 24-1501-2301 (ZBR CHAPTER REWRITE, FEE RULE)

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 Section 67-2604, Idaho Code and Sections 54-3402, 54-3404, 54-3405, 54-3405A, 54-3405B, 54-3405C, 54-3406, and 54-3410A, Idaho Code.

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

Tuesday, August 15, 2023 – 11:00 a.m. (MT)

**Division of Occupational and Professional Licenses
Chinden Campus Building 4
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714**

**Telephone and web conferencing information will be posted on:
<https://dopl.idaho.gov/calendar/> and <https://townhall.idaho.gov/>**

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

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

Under **Executive Order 2020-01**, Zero-Based Regulation, the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

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

The fees for applications, examinations, licenses, registrations and reinstatement as designated in Rule 400 of these proposed rules are authorized in Sections 54-3411 and 67-2614, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho Legislature.

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

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2301. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 5, 2023 Idaho Administrative Bulletin, [Vol. 23-4, pp. 42-46](#).

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:

Per Section 54-3404(3), the board adopted the American Counseling Association’s “ACA Code of Ethics” and the American Association for Marriage and Family Therapy’s “Code of Ethics” as the codes of ethics for professional counselors and marriage and family therapists in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Michael Hyde, Bureau Chief, at (208) 332-7133.

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 August 23, 2023.

DATED this July 6, 2023.

Michael Hyde
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 332-7133
Email: michael.hyde@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-1501-2301
(ZBR Chapter Rewrite)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the proposed rule.*

24.15.01 – RULES OF THE IDAHO LICENSING BOARD OF PROFESSIONAL
COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections 54-3402, 54-3404, 54-3405, 54-3405A, 54-3405B, 54-3405C, 54-3406, and 54-3410A, Idaho Code. ()

001. SCOPE.

These rules govern the practices of professional counseling and of marriage and family therapy in Idaho. ()

002. INCORPORATION BY REFERENCE.

01. ACA Code of Ethics. The current and updated document titled “ACA Code of Ethics,” published by the American Counseling Association (ACA) is herein adopted and incorporated by reference and is available on the ACA website: <https://www.counseling.org/resources/aca-code-of-ethics.pdf>. ()

02. AAMFT Code of Ethics. The current and updated document titled “AAMFT Code of Ethics,” published by the American Association for Marriage and Family Therapy (AAMFT) is herein adopted and incorporated by reference and is available on the AAMFT website: https://www.aamft.org/Legal_Ethics/Code_of_Ethics.aspx. ()

003. DEFINITIONS.

01. Supervisor. A clinical professional counselor, marriage and family therapist, psychologist, clinical social worker, or psychiatrist, whose license is active, current, and in good standing and who, when applicable, is approved as a supervisor in the state where the supervisee is practicing. ()

02. Individual Supervision. Individual Supervision is supervision that occurs with no more than two supervisees to one supervisor. ()

03. Group Supervision. Group Supervision is supervision that occurs with three or more supervisees to at least one supervisor. ()

004. -- 099. (RESERVED)

100. LICENSURE.

01. Professional Counselor. ()

a. Approved Graduate Program. A graduate program that is primarily counseling in nature and is accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) or substantially similar and otherwise approved by the Board. ()

b. Required Examination. The National Counselor Examination prepared by the National Board of Certified Counselors (NBCC). ()

c. Acceptable Supervised Experience. Four hundred (400) of the one thousand (1,000) hours must be direct client contact and the supervised experience must include a minimum of one (1) hour of individual supervision for every twenty (20) hours of direct client contact. A supervised graduate-level practicum may be utilized to fulfill this requirement which can be provided by a counselor education faculty member or doctoral student at an accredited college or university. ()

02. Clinical Professional Counselor. ()

a. Approved Experience. One thousand (1,000) of the two thousand (2,000) hours of supervision by a licensed clinical professional counselor, with the remaining supervision provided by any supervisor as defined in these rules; and one (1) hour of clinical supervision for every thirty (30) hours of direct client contact, with at least half of the supervised hours involving individual, rather than group, supervision. ()

b. Required Examination. The National Clinical Mental Health Counselor Examination (NCMHCE) prepared by the National Board of Certified Counselors (NBCC). ()

03. Associate Marriage And Family Therapist. ()

a. Approved Graduate Program. A graduate program in marriage and family therapy or a related field which is accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) or the Council for Accreditation of Counseling and Related Educational Programs Marriage, Couple, and Family Counseling (CACREP-MCFC), or is substantially similar and otherwise approved by the Board. ()

b. Required Practicum. The practicum must occur over a period of twelve (12) months or longer and require three hundred (300) hours of direct client contact, of which at least one hundred (100) hours must be with two or more individuals conjointly who share an ongoing relationship beyond that which occurs in the therapeutic experience itself. These hours may be completed as part of a practicum, registered intern supervised experience, or supervised experience in another jurisdiction. ()

c. Required Examination. The National Marital and Family Therapy Examination as approved by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) or another recognized competency

examination in marriage and family therapy that is approved by the Board. ()

04. Marriage And Family Therapists. ()

a. Approved Graduate Program. A graduate program in marriage and family therapy or a related field accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) or substantially similar and otherwise approved by the Board. ()

b. Required Practicum. See Rule 100.03.b. ()

c. Required Postgraduate Supervised Experience. Two thousand (2,000) hours of direct client contact over a period of at least two (2) years which includes: (1) one thousand (1,000) direct client contact hours with two or more individuals conjointly who share an ongoing relationship beyond that which occurs in the therapeutic experience itself; and (2) two hundred (200) hours of supervision, of which one hundred (100) hours must be individual, rather than group, supervision. One hundred (100) hours must be supervised by a licensed marriage and family therapist, with the remaining one hundred (100) hours of supervision provided by a supervisor who has at least two (2) years of experience practicing marriage and family therapy. ()

d. Required Examination. The National Marital and Family Therapy Examination as approved by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) or another recognized competency examination in marriage and family therapy that is approved by the Board. ()

05. Foreign Educated Applicants. Applicants with a graduate degree from a country other than the United States may be required to submit a certification from a credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES). The service must certify that the graduate degree is equivalent to an approved graduate degree from the United States. All information submitted to the Board must be submitted with an English translation. ()

06. Interns. An intern registration is required to engage in the supervised practice of counseling or marriage and family therapy while completing supervised experience hours or while awaiting examination results. To register as an intern, the individual must: (1) have an approved graduate degree as defined in these Rules; and (2) designate a supervisor approved by the Board. An individual may not practice as an intern for more than four (4) years from the original date of registration, unless good cause is demonstrated to the board. ()

07. Continuing Education. In each twenty-four (24) month period preceding the renewal of a license, all licensees must complete six (6) hours in ethics and six (6) hours in suicide assessment or intervention. ()

101. -- 199. (RESERVED)

200. PRACTICE STANDARDS.

01. Licensees. Licensees must comply with Board-adopted Code of Ethics pertaining to their licensure. ()

02. Supervision. ()

a. Registered interns obtaining supervised or postgraduate experience hours must be supervised by a Board-approved supervisor and must explicitly identify themselves as interns in documentation and advertising. ()

b. To become an approved supervisor, be licensed as a clinical professional counselor or licensed marriage and family therapist; and not been disciplined in the five (5) years prior to the approval request, provided the Board may approve a supervisor with disciplinary action for failing to complete continuing education requirements. A supervisor must supervise in conformance with statute and the guidelines for supervisors set forth in the ACA or AAMFT Code of Ethics. ()

03. Informed Consent and Information Disclosure. The receipt of the disclosure must be

acknowledged in writing by the client and the licensee or intern, and such disclosure of information must include: the licensee’s name, license type, license number, business address and phone number; if the licensee is a supervisee, the name of any supervisor, contact information for the supervisor, including address and phone number, and a statement that the intern is practicing under the supervision of licensee; the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services; the extents and limits of confidentiality; the client’s rights to participate in treatment decisions, to seek a second opinion, to file a complaint without retaliation, and to refuse treatment; the fee structure, billing arrangements, and cancellation policy; a statement that the Board regulates the licensee’s and intern’s practices and providing the Board’s phone number and address; and a statement that sexual intimacy is never appropriate with a client and should be reported to the Board. ()

201. -- 399. (RESERVED)

400. FEES.

TYPE	INITIAL FEE	ANNUAL RENEWAL FEE
Application	\$100	
License	\$100	\$120
Intern Registration	\$25	
Reinstatement Fee	As provided in Section 67-2614, Idaho Code	
Examination and Reexamination	\$25 administrative fee plus amount charged by exam administrator	

()

401. -- 999. (RESERVED)

[Agency redlined courtesy copy]

24.15.01 – RULES OF THE IDAHO LICENSING BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections [54-3402](#), 54-3404, [54-3405](#), [54-3405A](#), [54-3405B](#), [54-3405C](#), [54-3406](#), and [54-3410A](#), Idaho Code.()

001. SCOPE.

These rules govern the practices of professional counseling and ~~practice~~ of marriage and family ~~therapists~~ therapy in Idaho. ()

~~002. -- 003.(RESERVED)~~

~~004~~**002. INCORPORATION BY REFERENCE.**

01. ACA Code of Ethics. ~~The current and updated document titled~~ “ACA Code of Ethics,” ~~as published by the American Counseling Association (ACA), effective 2014,~~ is herein **adopted and** incorporated by reference and is available ~~from the Board’s office and website~~ [on the ACA website: https://www.counseling.org/resources/aca-code-of-ethics.pdf](https://www.counseling.org/resources/aca-code-of-ethics.pdf).()

02. **AAMFT Code of Ethics.** The current and updated document titled “AAMFT Code of Ethics,” as published by the American Association for Marriage and Family Therapy (AAMFT), ~~effective January 1, 2015,~~ is herein adopted and incorporated by reference and is available ~~from the Board’s office and website~~ on the AAMFT website: https://www.aamft.org/Legal_Ethics/Code_of_Ethics.aspx.(—)

~~**03.** **Guidelines.** The document titled “Approved Supervision Designation Handbook” that provides supervision guidelines for supervisors, as published by the American Association for Marriage and Family Therapy (AAMFT), dated October 2007, is herein incorporated by reference and is available from the Board’s office and website. (—)~~

~~005. – 009.(RESERVED)~~

010003. DEFINITIONS.

~~**01.** **Accredited University or College.** An accredited university or college is a college or university accredited by a regional accrediting agency as identified by the U.S. Department of Education.(—)~~

~~**02.** **Face to face Setting.** May include a secure live electronic face to face connection between the supervisor and supervisee.(—)~~

~~**0301.** **Licensed Mental Health Professional Supervisor.** A clinical professional counselor, marriage and family therapist, psychologist, clinical social worker, or psychiatrist, whose license ~~in Idaho~~ is active, current, and in good standing and who, when applicable, is registered approved as a supervisor ~~with their respective licensing board~~ in the state where the supervisee is practicing.~~

~~**02.** **Internship.** Internship is a supervised clinical experience taken as part of and/or outside of a graduate program.(—)~~

~~**0403.** **Practicum.** The term practicum is a supervised clinical experience includes a practicum, internship, or a combination, taken as part of the a graduate level program.(—)~~

~~**0504.** **Supplemental Practicum Hours.** Supplemental practicum hours are hours of direct client contact that are supervised at a ratio of one (1) hour of supervision for every ten (10) hours of direct client contact by a registered approved supervisor for the profession for which the applicant is seeking licensure.(—)~~

~~**052.** **Individual Supervision.** Individual Supervision is supervision that occurs with no more than two supervisees to one supervisor.~~

~~**063.** **Group Supervision.** Group Supervision is supervision that occurs with three or more supervisees to at least one supervisor. Group supervision is defined as up to eight (8) supervisees and one (1) supervisor unless occurring as part of an accredited educational program.~~

~~011. -- 149.(RESERVED)~~

150100. QUALIFICATIONS FOR PROFESSIONAL COUNSELOR LICENSURE.

Licensure as a “professional counselor” is restricted to persons who have successfully completed the required examination and each of the following:(—)

01. **Professional Counselor.**
a. Approved Graduate Program. A graduate program that is primarily counseling in nature and is

~~**Graduate Program.** Possess a master's degree or higher, which includes an educational specialist degree, that is primarily counseling in nature, from an accredited university or college offering a graduate program in counseling, provided that the program is either: (—)~~

~~**a.** Approved accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP); or substantially similar and otherwise approved by the Board. (—)~~

~~**b.** A counseling program of at least sixty (60) semester hours or ninety (90) quarter hours in length and that at a minimum includes successful completion of one (1) graduate level course unique to the eight (8) areas and an advanced counseling practicum as follows: (—)~~

~~**i.** Human growth and development: Includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels. Emphasis is placed on psychological, sociological, and physiological approaches. Also included are areas such as human behavior (normal and abnormal), personality theory, and learning theory. (—)~~

~~**ii.** Social and cultural foundations: Includes studies of change, ethnic groups, subcultures, changing roles of women, sexism, urban and rural societies, population patterns, cultural mores, use of leisure time, and differing life patterns. (—)~~

~~**iii.** The helping relationship: Includes philosophic bases of the helping relationship: Consultation theory and/or an emphasis on the development of counselor and client (or consultee) self-awareness and self-understanding. (—)~~

~~**iv.** Groups: Includes theory and types of groups, as well as descriptions of group practices, methods dynamics, and facilitative skills. It includes either a supervised practice and/or a group experience. (—)~~

~~**v.** Life style and career development: Includes areas such as vocational choice theory, relationship between career choice and life style, sources of occupational and educational information, approaches to career decision making processes, and career development exploration techniques. (—)~~

~~**vi.** Appraisal of the individual: Includes the development of a framework for understanding the individual, including methods of data gathering and interpretation, individual and group testing, case study approaches and the study of individual differences. Ethnic, cultural, and sex factors are also considered. (—)~~

~~**vii.** Research and evaluation: Includes areas such as statistics, research design, and development of research and demonstration proposals. It also includes understanding legislation relating to the development of research, program development, and demonstration proposals, as well as the development and evaluation of program objectives. (—)~~

~~**viii.** Professional orientation: Includes goals and objectives of professional counseling organizations, codes of ethics, legal consideration, standards of preparation, certification, and licensing and role of identity of counselors. (—)~~

~~**ix.** Advanced counseling practicum: Complete at least two (2) semester courses of an advanced counseling practicum taken at the graduate school level, provided that the applicant completed a total of two hundred eighty hours (280) of direct client contact that is supervised at the ratio of at least one (1) hour of one-to-one supervision for every ten (10) hours of experience in the setting. An applicant may complete one (1) supplemental practicum hour for every hour in which the practicum was deficient and that meets the requirements of Subsection 230.02 of these rules. (—)~~

~~**b.** Required Examination. The National Counselor Examination prepared by the National Board of Certified Counselors (NBCC).~~

~~02c. Acceptable Supervised Experience Requirement. One thousand (1,000) hours of supervised experience in counseling acceptable to the Board.(—)~~

~~a. Of the one thousand (1,000) hours required in Section 54-3405, Idaho Code, is defined as one thousand (1,000) clock hours of experience working in a counseling setting, fFour hundred (400) of the one thousand (1,000) hours of which must be direct client contact and. Supervised experience in practicum taken at the graduate level may be utilized. Tthe supervised experience must includes a minimum of one (1) hour of Individual Supervision of face to face or one to one (1/1) or one to two (1/2) supervision with the supervisor for every twenty (20) hours of job/internship experience direct client contact. A supervised graduate-level practicum may be utilized to fulfill this requirement which can be provided by a counselor education faculty member or doctoral student at an accredited college or university.(—)~~

~~b. Supervision must be provided in compliance with the ACA Code of Ethics that was adopted by the Board at the time the supervision and provided by a counselor education faculty member at an accredited college or university, Professional Counselor, registered with the Board as a supervisor, or a licensed mental health professional supervisor as defined in these rules. If the applicant's supervision was provided in another state, it must have been provided by a counseling professional licensed by that state, provided the requirements for licensure in that state are substantially equivalent to the requirements in Idaho.(—)~~

~~c. Experience in counseling is defined as assisting individuals or groups, through the counseling relationship, to develop an understanding of personal problems, to define goals, and to plan action reflecting interests, abilities, aptitudes, and needs as related to persona social concerns, educational progress, and occupations and careers. Counseling experience may include the use of appraisal instruments, referral activities, and research findings.(—)~~

~~d. The Board considers the recommendation of the supervisor(s) when determining the acceptability of the applicant's supervised experience.(—)~~

~~151. 224.(RESERVED)~~

~~22502. Clinical Professional Counselor LICENSURE.~~

~~Licensure as a "clinical professional counselor" is restricted to applicants who have successfully passed the required examination and have met the following:(—)~~

~~01. License. Hold a "professional counselor" license in this state or a license or other authorization in another state that has substantially similar requirements to a licensed professional counselor in this state, provided the license or authorization is current and in good standing; and()~~

~~02a. Approved Experience. Pursuant to Section 54-3405A, Idaho Code, applicants must: Document two thousand (2,000) hours of direct client contact experience under supervision accumulated in no less than a two (2) year period after licensure or other authorization to practice in any state.(—)~~

~~a. All applicants must pProvide verification of meeting at least oOne thousand (1,000) of the two thousand (2,000) hours of supervised experience under the supervision of supervision by a licensed Clinical-clinical Professional-professional Counselor-counselor registered as a supervisor approved by with the Board, with the remaining supervision. The remainder of the supervision may be provided by a licensed mental health professional any supervisor as defined in these rules; and. If the applicant's supervision was provided in another state, it must have been provided by a counseling professional licensed by that state, provided the requirements for license and supervision are substantially equivalent to the requirements in Idaho.(—)~~

~~b. Provide verification of Oone (1) hour of clinical supervision for every thirty (30) hours of direct client contact, with at least half of the supervised hours involving individual, rather than group, supervision.is~~

required. Individual supervision is defined as one (1) hour of face-to-face, one-on-one (1:1) or one-to-two (1:2) supervision to every thirty (30) hours of direct client contact. Supervision must be provided in a face-to-face setting. (—)

~~e. Group Supervision comprising no more than one-half (1/2) of the required supervision hours, may be group supervision.~~ (—)

~~03. Recommendation of the Supervisor(s). The Board considers the recommendation of the supervisor(s) when determining the acceptability of the applicant's supervised experience.~~ (—)

~~b. Required Examination. The National Clinical Mental Health Counselor Examination (NCMHCE) prepared by the National Board of Certified Counselors (NBCC).~~

~~226.—229.(RESERVED)~~

~~230~~**03. QUALIFICATIONS FOR Associate Marriage And Family Therapist.**

An applicant for associate marriage and family therapist licensure must pass the required examination and meet the following: (—)

~~01.a. Graduate Degree. Approved Graduate Program. A graduate program Possess a master's degree or higher, in marriage and family therapy or a related field, from an accredited university or college provided that the program which is accredited by Possess a graduate degree as outlined in Subsection 238.01 of these rules or a master's degree or higher in marriage and family therapy or a related field from an accredited university or college, provided that the graduate program meets one of the following:~~ (—)

~~a. Accredited by the the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE); or~~ (—)

~~b. Accredited by or the Council for Accreditation of Counseling and Related Educational Programs—Marriage, Couple, and Family Counseling (CACREP-MCFC); or is substantially similar and otherwise approved by the bBoard.~~ (—)

~~c. The program includes, at a minimum, twenty-seven (27) semester credits or thirty-six (36) quarter credits of the graduate level coursework set forth in Subsection 238.01.b of these rules.~~ (—)

~~02.b. Required Practicum. Completion of a supervised practicum in The practicum must occur in no less than a over a period of twelve (12) months or longer and require period, as part of the graduate program. The practicum applicants must consist of complete at least three hundred (300) hours of direct client contact, of which at least one hundred fifty (150) hours must be with couples, families and other systems, two or more individuals conjointly who share an ongoing relationship beyond that which occurs in the therapeutic experience itself, provided that the Board may grant a license to an applicant who completed a practicum with fewer than the required hours and completed one (1) supplemental practicum hour for every hour in which the practicum was deficient. Supplemental practicum hours must be These hours may be completed as part of a practicum. Registered intern supervised experience, or supervised practice experience in another jurisdiction.~~ (—)

~~c. Required Examination. The National Marital and Family Therapy Examination as approved by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) or another recognized competency examination in marriage and family therapy that is approved by the Board.~~

~~a. A Registered Intern under Section 245 of these rules; or~~ (—)

~~b. Supervised practice in another jurisdiction that is sufficient to be considered substantially similar to~~

the supplemental practicum hour requirements of these rules; or(——)

- e. A combination of Paragraph 02.a. and 02.b. of this subsection. (——)

231.— 237.(RESERVED)

23804. Marriage And Family Therapists.

An applicant for marriage and family therapist licensure must pass the required examination and meet the following: (——)

01a. Graduate Degree: Approved Graduate Program. A graduate program Possess a master's degree or higher in marriage and family therapy or a related field from an accredited university or college provided that the program is either:(——)

a. Accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE); or **substantially similar and otherwise approved by the Board.**()

b. A program of at least sixty (60) semester hours or ninety (90) quarter hours in length and that includes at a minimum:(——)

i. Marriage and family studies—Nine (9) semester credit hours or twelve (12) quarter credit hours: includes theoretical foundations, history, philosophy, etiology and contemporary conceptual directions of marriage and family therapy or marriage and family counseling; family systems theories and other relevant theories and their application in working with a wide variety of family structures, including families in transition, nontraditional families and blended families, and a diverse range of presenting issues; and preventive approaches, including premarital counseling, parent skill training and relationship enhancement, for working with couples, families, individuals, subsystems and other systems;(——)

ii. Marriage and family therapy—Nine (9) semester credit hours or twelve (12) quarter credit hours: includes the practice of marriage and family therapy related to theory, and a comprehensive survey and substantive understanding of the major models of marriage and family therapy or marriage and family counseling; and interviewing and assessment skills for working with couples, families, individuals, subsystems and other systems, and skills in the appropriate implementation of systematic interventions across a variety of presenting clinical issues including, but not limited to, socioeconomic disadvantage, abuse and addiction;(——)

iii. Biopsychosocial health and development across the lifespan—Nine (9) semester credit hours or twelve (12) quarter credit hours: includes individual development and transitions across the life span; family, marital and couple life cycle development and family relationships, family of origin and intergenerational influences, cultural influences, ethnicity, race, socioeconomic status, religious beliefs, gender, sexual orientation, social and equity issues and disability; human sexual development, function and dysfunction, impacts on individuals, couples and families, and strategies for intervention and resolution; and issues of violence, abuse and substance use in a relational context, and strategies for intervention and resolution;(——)

iv. Psychological and mental health competency—Six (6) semester credit hours or eight (8) quarter credit hours: includes psychopathology, including etiology, assessment, evaluation and treatment of mental disorders, use of the current diagnostic and statistical manual of mental disorders, differential diagnosis and multiaxial diagnosis; standard mental health diagnostic assessment methods and instruments, including standardized tests; and psychotropic medications and the role of referral to and cooperation with other mental health practitioners in treatment planning, and case management skills for working with individuals, couples, families, and other systems and relational groups;(——)

- v. Professional ethics and identity—Three (3) semester credit hours or four (4) quarter credit hours:

includes professional identity, including professional socialization, professional organizations, training standards, credentialing bodies, licensure, certification, practice settings and collaboration with other disciplines; ethical and legal issues related to the practice of marriage and family therapy, legal responsibilities of marriage and family therapy and marriage and family counseling practice and research, business aspects, reimbursement, recordkeeping, family law, confidentiality issues and the relevant codes of ethics, including the code of ethics specified by the board; and the interface between therapist responsibility and the professional, social and political context of treatment; ()

vi. ~~Research—Three (3) semester credit hours or four (4) quarter credit hours; includes research in marriage and family therapy or marriage and family counseling and its application to working with couples and families; and research methodology, quantitative and qualitative methods, statistics, data analysis, ethics and legal considerations of conducting research, and evaluation of research. (—)~~

02b. Required Practicum. See Rule 100.03.b.
~~Completed a supervised practicum, including any supplemental practicum hours, which meets the requirements of Subsection 230.02 of these rules. ()~~

03c. Required Postgraduate Supervised Marriage and Family Therapy Experience—Requirements.
~~Completed at least three thousand (3,000) hours of graduate or post-graduate supervised experience in marriage and family therapy that meets the following requirements: (—)~~

~~a. A minimum of two thousand (2,000) hours of post-master's direct client contact hours, over a period of not less than at least two (2) years; which must include: (1) a minimum of one thousand (1,000) direct client contact hours with two or more individuals conjointly who share an ongoing relationship beyond that which occurs in the therapeutic experience itself; and couples, families, and other systems; and (—)~~

~~b. (2) A minimum of two hundred (200) hours of post-master's supervision, of which one hundred (100) hours must be individual, rather than group, supervision. One hundred (100) hours must be supervised by a licensed marriage and family therapist, with the remaining supervision provided by a supervisor who has at least two (2) years of experience practicing marriage and family therapy. ()~~

~~d. Required Examination. The National Marital and Family Therapy Examination as approved by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) or another recognized competency examination in marriage and family therapy that is approved by the Board.~~

~~e. Other hours must support development as a marriage and family therapist, and may include: additional hours of supervision, additional practicum hours above the three hundred (300) hours required in Subsection 230.02 of these rules, writing clinical reports, writing case notes, case consultation, coordination of care, administering tests, and attending workshops, training sessions, and conferences. (—)~~

~~de. A minimum of one hundred (100) hours post-master's supervision must be obtained from a registered marriage and family therapist supervisor. The remaining one hundred (100) hours of supervision may also be obtained from a licensed mental health professional supervisor as defined in these rules who documents: (—)~~

~~i. A a minimum of five two (52) years of experience providing marriage and family therapy; and ()~~

~~ii. Fifteen (15) contact hours of education in supervisor training; and (—)~~

~~iii. Has not been the subject of any disciplinary action for five (5) years immediately prior to providing supervision. (—)~~

~~ed. No more than one hundred (100) hours of gGroup sSupervision are allowed. Group supervision is~~

defined as up to six (6) supervisees and one (1) supervisor; and(——)

- ~~f.~~ Individual supervision is defined as up to two (2) supervisees per supervisor; and (——)
- ~~g.~~ Supervision must employ observation of client contact such as the use of audio technologies or video technologies or co-therapy, or live supervision; and(——)
- ~~h.~~ A supervisor may not act as an applicant's personal Professional Counselor/Therapist. (——)
- ~~i.~~ The Board considers the recommendation of the supervisor(s) when determining the acceptability of the applicant's supervised experience.(——)
- ~~j.~~ Supervision obtained in another jurisdiction or from a supervisor in another jurisdiction must conform with the jurisdiction's requirements provided they are substantially equivalent to Idaho's requirements. (——)

239. SUPERVISOR REQUIREMENTS.

200. PRACTICE STANDARDS

Licensees in Idaho must ~~meet the following criteria to be~~ registered with ~~approved by~~ the board to provide supervision for those individuals pursuing licensure in the state of Idaho as a counselor or marriage and family therapist. (——)

- 01. Licensees must comply with Board-adopted Code of Ethics pertaining to their licensure.**
- 02. RequirementsSupervision. for Registration.** The board will register an applicant who: (——)
 - ~~a.~~ Registered interns obtaining supervised or postgraduate experience hours must be supervised by a Board-approved supervisor and must explicitly identify themselves as interns in documentation and advertising.
 - ~~b.~~ To become an approved supervisor, the supervisor must submit an application; Possesses two (2) years experience as a ~~Bbc~~ licensed as a clinical professional counselor (LCPC) or licensed marriage and family therapist; and (LMFT), or similar authorization to practice in another jurisdiction respective to the profession for which the applicant seeks registration as ~~to~~ supervisor~~supervise~~, and document at least one thousand five hundred (1,500) hours of direct client contact as a counselor or two thousand (2,000) hours of direct client contact with couples, families, and other systems as a marriage and family therapist.(——)
 - ~~b.~~ Possess two (2) years of experience under the licensure required in subsection (a). This requirement will be suspended for LCPCs until July 1, 2026.
 - ~~bc.~~ Documents A minimum of fifteen (15) contact hours of ~~relevant~~ education in supervisor training as approved by the Board.(——)
 - ~~ed.~~ Has not been ~~subject to disciplined in the for~~ five (5) years prior to ~~registration~~~~supervision~~~~the approval request~~, provided ~~that~~ the Board may ~~in its discretion~~ approve a supervisor with disciplinary action for failing to complete continuing education requirements.(——)
- 02. Supervision.** (——)
 - ~~a.~~ A registered supervisor must ~~provide supervisions~~~~supervise~~ in conformance with ~~statute and~~ the guidelines for supervisors set forth in the ~~American Counseling Association (ACA) Code of Ethics for counselor supervisors or the American Association for Marriage and Family Therapists (AAMFT) Code of Ethics.~~ and the guidelines set forth in the AAMFT Code of Ethics for marriage and family therapist supervisors.(——)

~~b.~~ Unless the primary work role of an individual is as a clinical supervisor, a registered supervisor may not supervise more than six (6) supervisees concurrently. (—)

~~e.~~ Supervision must be provided in a face to face setting, which includes secure live electronic face-to-face connection between the supervisor and supervisee. (—)

~~d.~~ A registered supervisor must ensure that informed consent containing information about the roles of the supervisor and supervisee is obtained from clients of the supervisee. ()

~~03. Renewal.~~ A supervisor's registration is valid for a term of five (5) years, provided the supervisor's license remains current, active, in good standing, and is not subject to discipline. To renew a supervisor registration, the licensee must submit to the Board a complete application for registration renewal and document six (6) hours of continuing education in advanced supervisor training as approved by the Board and completed within the previous twenty four (24) months, unless good cause is shown. (—)

~~240. EXAMINATION FOR LICENSURE.~~

Applicants must have successfully completed passed the required appropriate written examination. (—)

~~01. Examination.~~ The required written examination is: (—)

~~a01.~~ For counselor applicants, the National Counselor Examination prepared by the National Board of Certified Counselors (NBCC). (—)

~~b02.~~ For clinical counselor applicants, the National Clinical Mental Health Counselor Examination (NCMHCE) prepared by the National Board of Certified Counselors (NBCC). (—)

~~c03.~~ For associate marriage and family therapist and marriage and family therapist applicants, the National Marital and Family Therapy Examination as approved by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) or another recognized competency examination in marriage and family therapy that is approved by the Board. ()

~~02. Time and Place.~~ The examination will be conducted at a time and place specified by the Board or the examining entity. (—)

~~03. Successful Passage.~~ Successful passage of the examination is defined as achievement of the passing score set by the preparer of the examination. Reexamination consists of the entire examination. (—)

~~241.100.05. NON-UNITED STATES Foreign Educated Applicants.~~

Applicants with a graduate degree from a country other than the United States may be required to submit a certification from a credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) ~~or approved by the Board.~~ The service must certify that the graduate degree is equivalent to an approved graduate degree from the United States. ~~All costs for the certification are the responsibility of the applicant.~~ All information submitted to the Board must be submitted with an English translation. ()

~~242. 244.(RESERVED)~~

~~245.100.06. Registered Interns.~~ An intern registration is required to engage in the supervised practice of counseling or marriage and family therapy while completing supervised experience hours or while awaiting examination results. To register as an intern, the individual must: (1) have an approved graduate degree as defined in these Rules; and (2) designate a supervisor approved by the Board. An individual may not practice as an intern for more than four (4) years from the original date of registration, unless good cause is demonstrated to the board. The Board may issue a registration to allow an intern to engage in the practice of counseling or marriage and family

therapy while completing either the supervised experience or supplemental practicum hours required for licensure ~~or while waiting for passing examination results.~~ A registered intern may only practice only under the direct supervision of a person registered as a supervisor with the Board or otherwise approved to provide supervision under this chapter. (—)

01. Requirements for Registration. An applicant must meet the following requirements: (—)

a. Possess a graduate degree in counseling, marriage and family therapy, or a closely related field from an accredited university or college. (—)

b. Designate a supervisor who is registered with approved by the board, as a supervisor as set forth in these rules or who is otherwise approved to provide marriage and family therapy supervision as set forth in Section 238 of these rules. (—)

02. Supervision. The designated supervisor is responsible to provide supervision and ensure that a Registered Intern is competent to practice such counseling or marriage and family therapy as may be provided. (—)

0302. Designation of Intern Status. Only a Registered Intern may use the title Registered Counselor Intern or Registered Marriage and Family Therapist Intern. Registered interns must explicitly state that they are interns in their documentation and advertising, such as business cards, informed consent forms, and other disclosures. (—)

0403. Expiration. An individual may not practice as an intern for more than four (4) years from the original date of registration, unless good cause is demonstrated to the board. (—)

246. — 249. (RESERVED)

250400. FEES.

01. Application, License, and Registration Fee. All fees are non-refundable:

LICENSE/PERMIT/ REGISTRATION TYPE	INITIAL FEE (Not to Exceed)	ANNUAL RENEWAL FEE (Not to Exceed)
Application	\$100	
License	\$100	\$120
Intern Registration	\$25	
Reinstatement Fee	As provided in Section 67-2614, Idaho Code	
Senior License		\$60
Inactive License		\$60
Inactive to Active License Fee	The difference between the current inactive and active license renewal fees	

<u>Examination and Reexamination</u>	<u>\$25 administrative fee plus amount charged by exam administrator</u>	
--------------------------------------	--	--

()

~~02. Examination or Reexamination Fee.~~ The examination or reexamination fees are the fees set by the provider of the approved examination plus an administration fee of twenty five dollars (\$25) for the Marriage and Family Therapy examination.()

~~251.— 299.(RESERVED)~~

~~300. ENDORSEMENT.~~

The Board may grant a license by endorsement to an applicant who holds a license or certificate in a jurisdiction pays the required fee, submits a completed board approved application, and satisfies the Board that they hold a valid and current license in good standing issued by the authorized regulatory entity of another state, territory, or jurisdiction of the United States, which in the opinion of the Board that imposes substantially equivalent licensing requirements as set forth in these rules.()

~~301.— 349.(RESERVED)~~

~~350. CODE OF ETHICS.~~

The Board adopts the American Counseling Association (ACA) Code of Ethics and the American Association for Marriage and Family Therapy (AAMFT) Code of Ethics. All licensees must adhere to the appropriate Code of Ethics pertaining to their licensure.()

~~351.— 359.(RESERVED)~~

~~360. INACTIVE STATUS.~~

~~01. REQUEST FOR INACTIVE STATUS. EACH PERSON REQUESTING AN INACTIVE STATUS MUST SUBMIT A WRITTEN REQUEST AND PAY THE ESTABLISHED FEE.()~~

~~02. INACTIVE LICENSE STATUS: ()~~

~~A. ALL CONTINUING EDUCATION REQUIREMENTS WILL BE WAIVED FOR ANY YEAR OR PORTION THEREOF THAT A LICENSEE MAINTAINS AN INACTIVE LICENSE.()~~

~~B. WHEN THE LICENSEE DESIRES ACTIVE STATUS, THE LICENSEE MUST SHOW ACCEPTABLE FULFILLMENT OF CONTINUING EDUCATION REQUIREMENTS FOR THE PREVIOUS TWELVE (12) MONTHS AND SUBMIT A FEE EQUIVALENT TO THE DIFFERENCE BETWEEN THE INACTIVE AND ACTIVE RENEWAL FEE, PROVIDED THAT A LICENSEE WHOSE LICENSE HAS BEEN INACTIVE FIVE (5) YEARS OR MORE MUST PROVIDE AN ACCOUNT TO THE BOARD FOR THAT PERIOD OF TIME DURING WHICH THE LICENSE WAS INACTIVE AND FULFILL REQUIREMENTS THAT DEMONSTRATE COMPETENCY TO RESUME PRACTICE. THOSE REQUIREMENTS MAY INCLUDE, BUT ARE NOT LIMITED TO, EDUCATION, SUPERVISED PRACTICE, AND EXAMINATION AS DETERMINED BY THE BOARD. THE BOARD MAY CONSIDER PRACTICE IN ANOTHER JURISDICTION IN DETERMINING COMPETENCY.()~~

~~C. LICENSEES MAY NOT PRACTICE OR SUPERVISE COUNSELING OR MARRIAGE AND FAMILY THERAPY IN IDAHO WHILE ON INACTIVE STATUS.(—)~~

~~361.—374.(RESERVED)~~

375. SENIOR STATUS.

~~01. REQUEST FOR SENIOR STATUS. EACH PERSON HAVING ATTAINED THE AGE OF SIXTY FIVE (65) AND REQUESTING A SENIOR STATUS DURING THE RENEWAL OF THEIR ACTIVE LICENSE MUST SUBMIT A WRITTEN REQUEST AND PAY THE ESTABLISHED FEE.(—)~~

~~02. CONTINUING EDUCATION. CONTINUING EDUCATION MUST BE COMPLETED ANNUALLY PER SECTION 425 OF THIS RULE. (—)~~

~~376.—424.(RESERVED)~~

425100.07.Continuing Education.

~~01. All licensees must complete in each twenty-four-month period preceding the renewal of a license, forty (40) contact hours of continuing education. A contact hour is one (1) hour of actual participation in a continuing education activity, exclusive of breaks.(—)~~

~~01. **Contact Hours.** The contact hours of continuing education must be obtained in areas of study germane to the practice for which the license is issued as approved by the Board. No less **no fewer** than six (6) contact hours for each renewal period must be in ethics **and**, which must be specific to legal issues, law, or ethics, **and no fewer than six (6) hours in suicide assessment or intervention.** Therapeutic workshops, retreats and other self help activities are not considered continuing education training unless specific parts of the experience are applicable to counseling or therapy practice.(—)~~

~~02. **Documentation of Attendance.** Each licensee must maintain documentation verifying hours of attendance by securing authorized signatures or other documentation from the course instructors, providers, or sponsoring institution. This documentation is subject to audit and must be provide **documentation verifying completion of continuing education** upon request by the Board or its agent. **Prior to reinstatement of an expired license pursuant to Idaho Code Section 67-2614, the licensee will attest to completion of the continuing education requirements of license renewal.**(—)~~

~~03. **Approved Contact Hours, Limitations, and Required Documents.** (—)~~

~~a. **College or University Courses for Credit or Audit.** There is no limit to the contact hours that a licensee may obtain in this category during each reporting period. However, all courses are subject to Board approval. For college or university courses, one (1) semester credit equals fifteen (15) contact hours; one (1) quarter credit equals ten (10) contact hours. The licensee must provide the Board with a copy of the licensee's transcript substantiating any hours attended by the licensee.(—)~~

~~b. **Seminars, Workshops, Conferences.** There is no limit to the contact hours that a licensee may obtain in this category during each reporting period. Verifying documentation is a copy of the certificate, or letter signed by course instructors, providers, or sponsoring institution substantiating any hours attended by the licensee. (—)~~

~~e. **Publications.** A maximum of eight (8) contact hours may be counted in this category during each reporting period. Publication activities are limited to articles in journals, a chapter in an edited book, or a published book or professional publication. Verifying documentation is a copy of the cover page or the article or book in which~~

the licensee has been published. For a chapter in an edited book the licensee must submit a copy of the table of contents. (—)

~~d. Presentations. A maximum of eight (8) contact hours may be counted in this category during each reporting period. Class, conference, or workshop presentations may be used for contact hour credit if the topic is germane to the field. A specific presentation given repeatedly can only be counted once. A particular presentation will qualify for contact hour credit one (1) time in a five (5) year period. Only actual presentation time may be counted; preparation time does not qualify for contact hour credit. Verifying documentation is a copy of the conference program or a letter from the sponsor, host organization, or professional colleague.(—)~~

~~e. Clinical Supervision and Case Consultation. A maximum of ten (10) contact hours of received supervision/consultation may be counted in this category during each reporting period. In order to qualify for contact hour credit, supervision/consultation must be received on a regular basis with a set agenda. No credit will be given for the licensee's supervision of others. Verifying documentation is a letter from the supervisor or consultant listing periods of supervision or consultation.(—)~~

~~f. Dissertation. A maximum of ten (10) contact hours may be counted in this category during each reporting period. Verifying documentation is a copy of the licensee's transcript and the title of the dissertation. (—)~~

~~g. Leadership. A maximum of eight (8) contact hours may be counted in this category during each reporting period. Verifying documentation is a letter from a professional colleague listing the position of leadership, periods of leadership, and the name of the organization under which the leadership took place. The following leadership positions qualify for continuing education credits:(—)~~

- ~~i. Executive officer of a state or national counseling or therapy organization; (—)~~
- ~~ii. Editor or editorial board service of a professional counseling or therapy journal; (—)~~
- ~~iii. Member of a national ethics disciplinary review committee rendering licenses, certification, or professional membership;(—)~~
- ~~iv. Active member of a counseling or therapy working committee producing a substantial written product; (—)~~
- ~~v. Chair of a major counseling or therapy conference or convention; or (—)~~
- ~~vi. Other leadership positions with justifiable professional learning experiences. (—)~~

~~h. Home Study and On line Education. There is no limit to the contact hours that a licensee may obtain in this category during each reporting period. Home study or on-line courses qualify for contact hours, provided that the course is provided by a Board approved continuing education provider or a course pre approved by the Board. Verifying documentation is a copy of the certification that is verified by the authorized signatures from the course instructors, providers, or sponsoring institution and substantiates any hours completed by the licensee. A licensee seeking contact credit for reading a publication must submit results from a test on the information contained within the publication and administered by an independent third party.(—)~~

~~i. Board Meetings. Continuing education credit may be granted for a maximum of four (4) hours each renewal period for time spent attending two (2) Board meetings.(—)~~

~~**0402. Waiver.** The Board may waive continuing education requirements for reasons of individual hardship, including health (certified by a medical doctor) or other good cause. The licensee must request such waiver~~

prior to renewal and provide any information requested by the Board to assist in substantiating hardship cases. This waiver is granted at the sole discretion of the Board.(—)

~~426. -- 524.(RESERVED)~~

~~525~~200.03.DOCUMENTATION OF Informed Consent and Information Disclosure.

In accordance with Section 54-3410A, Idaho Code, all licensees and registered interns will document the process of obtaining the informed consent of clients at the beginning of treatment and at other times as appropriate. Licensees and interns must adhere to their respective Codes of Ethics and state law in obtaining informed consent and disclosing information to clients. The receipt of the disclosure must be acknowledged in writing by both the client and the licensee or intern, and such disclosure of information concerning their practice must include: the licensee's name, license type, license number, business address and phone number; if the licensee is a supervisee, the name of any supervisor, contact information for the supervisor, including address and phone number, and a statement that the intern is practicing under the supervision of licensee; the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services; the extents and limits of confidentiality; the client's rights to participate in treatment decisions, to seek a second opinion, to file a complaint without retaliation, and to refuse treatment; the fee structure, billing arrangements, and cancellation policy; a statement that the Board regulates the licensee's and intern's practices and providing the Board's phone number and address; and a statement that sexual intimacy is never appropriate with a client and should be reported to the Board.()

~~01. **Name, Business Address and Phone Number of Licensee or Intern.** If the licensee or intern is practicing under supervision, the statement must include the licensee or intern status as such and the designated qualified supervisor's name, business address and phone number;(—)~~

~~02. **License Type and License Number, Credentials, and Certifications.** (—)~~

~~03. **Education.** Education with the name(s) of the institution(s) attended and the specific degree(s) received;(—)~~

~~04. **Theoretical Orientation and Approach.** Counseling or marriage and family therapy; (—)~~

~~05. **Relationship.** Information about the nature of the clinical relationship; fee structure and billing arrangements; cancellation policy;(—)~~

~~06. **The Extent and Limits of Confidentiality.** (—)~~

~~07. **Written Statement.** A statement that sexual intimacy is never appropriate with a client and should be reported to the board.(—)~~

~~08. **Client's Rights.** The client's rights to be a participant in treatment decisions, to seek a second opinion, to file a complaint without retaliation, and to refuse treatment.(—)~~

~~09. **Board Information.** The name, address, and phone number of the Board with the information that the practice of licensees and interns is regulated by the Board.(—)~~

~~526~~401. -- 999.(RESERVED)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.16.01 – RULES OF THE STATE BOARD OF DENTURITRY

DOCKET NO. 24-1601-2301 (ZBR CHAPTER REWRITE, FEE RULE)

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 Section 67-2604, Idaho Code, and Sections 54-3309, 54-3310, 54-3311, and 54-3314, Idaho Code.

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

Wednesday, August 23, 2023 – 1:30 p.m. (MT)
Division of Occupational and Professional Licenses Chinden Campus Building 4 11341 W. Chinden Blvd., Bldg. #4 Boise, ID 83714
Telephone and web conferencing information will be posted on: https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/

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

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

Under [Executive Order 2020-01](#), Zero-Based Regulation, the State Board of Denturitry is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

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

The fees for applications, examinations, and licenses as designated in Rule 400 of these proposed rules are authorized in Section 54-3312, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho Legislature.

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

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2301. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 5, 2023 Idaho Administrative Bulletin, [Vol. 23-4, pp. 42-46](#).

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 Michael Hyde, Bureau Chief, at (208) 332-7133.

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 August 23, 2023.

DATED this July 6, 2023.

Michael Hyde
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 332-7133
Email: michael.hyde@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-1601-2301
(ZBR Chapter Rewrite)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the proposed rule.*

24.16.01 – RULES OF THE STATE BOARD OF DENTISTRY

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections 54-3309, 54-3310, 54-3311, and 54-3314, Idaho Code. ()

001. SCOPE.

These rules govern the practice of dentistry in Idaho. ()

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. Denture Technician. A person who is limited to making, constructing, altering, reproducing, or repairing of a full or partial, upper, or lower removable prosthetic denture but is not allowed to make an impression or come in direct contact with a patient. ()

011. -- 099. (RESERVED)

100. LICENSURE.

01. Examination. The Board will accept either the Idaho Dentistry Exam, administered by the Board, or the Universal Testing Services (UTS) Dentistry Exam. ()

a. Idaho Dentistry Examination. Applicants must pass both the written and practical examinations with a score of seventy-five percent (75%) or better. Applicants who fail one or both examinations will be required to pay a re-examination fee to the Board prior to retaking the failed examination(s). ()

b. UTS Dentistry Examination. Applicants must pass the written and the practical sections of the examination, each with a score of seventy-five percent (75%) or better. ()

02. Internship. To be eligible for internship, the applicant must have completed the educational requirements set forth in Section 54-3310(b), Idaho Code. During the internship, the supervising dentist must be present and directly observe any intern interaction with a patient. ()

03. Internship Equivalency. A one (1) year internship acquired through a formal training program in an acceptable school will be accepted toward the two (2) year required internship for licensure. A person is considered to have the equivalent of two (2) years internship under a licensed dentist who has met and verifies one (1) of the following within the five (5) years immediately preceding application: ()

a. Two (2) years internship as a denture lab technician under a licensed dentist; or ()

b. Two (2) years in the military as a denture lab technician; or ()

c. Three (3) years experience as a dentist under licensure in another state or Canada. ()

04. Continuing Education. Continuing education must be germane to the practice of dentistry. ()

101. -- 199. (RESERVED)

200. PRACTICE STANDARDS.

01. Minimum Facility Standards. A Dentist office must be properly equipped to ensure the safe, clean, and sanitary condition necessary and appropriate for proper operation and the safe preparation of dentures. ()

02. Maintain Adequate Records. Adequate records mean legible records which contain, at minimum, evidence of information deemed appropriate for patient care and copies of statements of charges delivered or provided to the patient or client. All records must comply with HIPPA. ()

201. -- 299. (RESERVED)

300. DISCIPLINE.

01. False Advertisements. No dentist may disseminate or cause the dissemination of any advertisement or advertising that is in any way fraudulent, false, deceptive, or misleading. ()

02. Civil Penalty. The Board may impose a fine up to the amount of any economic advantage obtained through the violation. ()

301. -- 399. (RESERVED)

400. FEES.

All fees are non-refundable.

FEE TYPE	AMOUNT
License Application and Examination	\$300
Re-examination	\$300
Intern Application and Permit	\$300
Initial License	\$300
Annual Renewal	\$750

()

401. -- 999. (RESERVED)

[Agency redlined courtesy copy]

24.16.01 – RULES OF THE STATE BOARD OF DENTISTRY

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections 54-3309, 54-3310, 54-3311, and 54-3314, Idaho Code.()

001. SCOPE.

These rules govern the practice of dentistry in Idaho.()

~~002. -- 009.(RESERVED)~~

~~010~~002. DEFINITIONS.

~~01. Denturist Services. For purposes of the unconditional ninety (90) day guarantee prescribed in Section 54-3320(e), Idaho Code, denturist services include any and all prosthetic dental appliances and materials and/or services related to the furnishing or supplying of such a denture, including preparatory work, construction, fitting, furnishing, supplying, altering, repairing or reproducing any prosthetic dental appliance or device.()~~

~~012. Denture Technician. A person who is limited to making, constructing, altering, reproducing or repairing of a full or partial, upper or lower removable prosthetic denture, the repairing of a removable partial upper or lower prosthetic denture but is not allowed to make an impression or come in direct contact with a patient.()~~

~~011~~003. -- ~~14099.~~(RESERVED)

~~1050.~~ EXAMINATIONS. LICENSURE.

~~01. Date of Licensure Examination. The licensure examination will be held no less than two (2) times per year at such times and places as may be determined by the Board.()~~

~~02. Content. Examinations include both a written theory examination and a practical demonstration of skills.()~~

~~03. Grading. An applicant must obtain a score of seventy-five percent (75%) or better on each part of the examination in order to pass the examination.()~~

01. Examination. The Board will accept either the Idaho Dentistry Exam, administered by the Board, or the Universal Testing Services (UTS) Dentistry Exam.

a. Idaho Dentistry Examination. Applicants must pass both the written and practical examinations with a score of seventy-five percent (75%) or better. Applicants who fail one or both examinations will be required to pay a re-examination fee to the Board prior to retaking the failed examination(s).

b. UTS Dentistry Examination. Applicants must pass the written and the practical sections of the examination, each with a score of seventy-five percent (75%) or better.

02. Internship. To be eligible for internship, the applicant must have completed the educational requirements set forth in Section 54-3310(b), Idaho Code. During the internship, the supervising dentist must be present and directly observe any intern interaction with a patient.()

03. Internship Equivalency. A one (1) year internship acquired through a formal training program in an acceptable school will be accepted toward the two (2) year required internship for licensure. A person is considered to have the equivalent of two (2) years internship under a licensed dentist who has met and verifies one (1) of the following within the five (5) years immediately preceding application:()

a. Two (2) years internship as a denture lab technician under a licensed dentist; or ()

b. Two (2) years in the military as a denture lab technician; or ()

c. Three (3) years experience as a dentist under licensure in another state or Canada. ()

04. Continuing Education. Continuing education must be germane to the practice of dentistry. ()

04. Re-Examination. ()

~~**a.** Applicants who fail either part or all of the examination will be required to make application and pay the required fees prior to being eligible to retake the failed part of the examination.()~~

~~**b.** Applicants failing either part or all of the examination on the first attempt will not be required to complete any additional instruction prior to being eligible to make application and retake the examination.()~~

~~**e.** Applicants failing either part or all of the examination on a second attempt and all subsequent attempts are not eligible to make application and retake the examination within one (1) year of the date of the examination failure. The Board may recommend additional course work or clinical work for any applicant who has failed an examination two (2) or more times.()~~

~~151. -- 199.(Reserved)~~

200. APPLICATIONS.

~~**01. Application Form for Licensure.** Applications for licensure must be made on forms approved by the Board and furnished by the Division of Occupational and Professional Licenses and include all other documents necessary to establish the applicant meets the requirements for licensure except examination and is eligible to take the licensure examination.()~~

~~**02. Authorization for Examination.** ()~~

~~**a.** After the Board evaluates the applicant's qualifications to take the examination the applicant will be notified in writing of the approval or denial, and, if denied, the reason for the denial.()~~

~~**b.** At the time the Board approves an applicant to take the examination the Board will set the date and location(s) of the next examination if it has not already been set. Approved applicants will be notified of the date and location(s) of the next examination.()~~

~~**201-101. -- 19249.(RESERVED)**~~

25400. FEES.

All fees are non-refundable.

FEE TYPE	AMOUNT (Not to Exceed)
License Application and Examination	\$300
License Application and Re-examination	\$300
Intern Application and Permit	\$300
Initial License	\$300
Inactive License	\$50
Annual Renewal	\$750

()

251401. -- 2999.(RESERVED)

300. INTERNSHIP.

- 01. Requirements and Conditions for Internship.** ()
- a.** To be eligible for internship the applicant must have completed: ()
 - i.** The educational requirements set forth in Section 54-3310(b), Idaho Code; or ()
 - ii.** Have dentistry experience of three (3) years within the five (5) years immediately preceding application. ()
- b.** Where an internship is established based on experience, the internship is valid only while the intern is actively pursuing completion of Idaho licensure requirements. ()
- c.** Application must be made on forms provided by the Division of Occupational and Professional Licenses and must: ()
 - i.** Document the location of practice; ()
 - ii.** Include the name and address of the supervising dentist or dentist; ()
 - iii.** Include a sworn or affirmed statement by the supervising dentist or dentist; ()
 - iv.** Include a sworn or affirmed statement by the supervisor accepting supervision of the intern; ()
 - v.** Include a sworn statement by applicant that he is knowledgeable of law and rules and will abide by all requirements of such law and rules; and ()
 - vi.** Include such other information necessary to establish applicant's qualifications for licensure as a dentist and establish compliance with pre-intern requirements. ()

~~d. The supervising dentist or dentist must be present and directly observe any intern interaction with a patient. (—)~~

~~e. Two (2) years of internship under the supervision of a licensed dentist must be completed in not less than twenty-four (24) months and may not exceed thirty (30) months except as approved by the Board. (—)~~

~~02. **Internship Equivalency.** A person is considered to have the equivalent of two (2) years internship under a licensed dentist who has met and verifies one (1) of the following within the five (5) years immediately preceding application: (—)~~

~~a. Two (2) years internship as a denture lab technician under a licensed dentist; or (—)~~

~~b. Two (2) years in the military as a denture lab technician; or (—)~~

~~c. Three (3) years experience as a dentist under licensure in another state or Canada. (—)~~

~~03. **Internship Not to Exceed One Year.** Internship not to exceed one (1) year acquired through a formal training program in an acceptable school will be accepted toward the two (2) year required internship for licensure. (—)~~

~~04. **Training Requirements.** Each year of required internship consists of two thousand (2,000) clock hours of training and performance of the following minimum procedures for licensure. (—)~~

~~a. Procedures include all steps required in constructing a finished denture but are not limited to the following: (—)~~

~~i. Bite registrations, Articulations, Setups, Try ins. — twelve (12) minimum. (—)~~

~~ii. Processed relines (one (1) plate = one (1) unit) — twenty-four (24) units. (—)~~

~~ii. Patient charting, Operatory sanitation, Oral examination, Impressions, preliminary and final (pour models, custom trays), Processing (wax up, flask-boil out, packing, grind-polish), Delivery post adjustment — thirty-six (36) minimum. (—)~~

~~iv. Tooth repairs, Broken or fractured plates or partials — forty-eight (48) minimum.~~

~~i. Patient charting — thirty-six (36) minimum. (—)~~

~~ii. Operatory sanitation — thirty-six (36) minimum. (—)~~

~~iii. Oral examination — thirty-six (36) minimum. (—)~~

~~iv. Impressions, preliminary and final (pour models, custom trays) — thirty-six (36) minimum. (—)~~

~~v. Bite registrations — twelve (12) minimum. (—)~~

~~vi. Articulations — twelve (12) minimum. (—)~~

~~vii. Set-ups — twelve (12) minimum. (—)~~

~~viii. Try ins — twelve (12) minimum. (—)~~

- ix. ~~Processing (wax up, flask-boil out, packing, grind-polish) — thirty-six (36) minimum. (—)~~
- x. ~~Delivery post-adjustment — thirty-six (36) minimum. (—)~~
- b. ~~Processed relines (one (1) plate = one (1) unit) — twenty-four (24) units. (—)~~
- e. ~~Tooth repairs — forty-eight (48) minimum. (—)~~
- d. ~~Broken or fractured plates or partials — forty-eight (48) minimum. (—)~~

05. Reporting Requirements. ~~Interns must file reports, attested to by the supervisor, with the Board on forms provided by the Division of Occupational and Professional Licenses on a monthly basis and recapped at termination or completion of the training.(—)~~

06. Denture Clinic Requirements. ~~Denture clinic requirements for approved internship training: (—)~~

a. ~~There may not be more than one (1) internee per licensed denturist or dentist who is practicing at the clinic on a full time basis.(—)~~

b. ~~There must be a separate work station in the laboratory area for each intern with standard equipment, i.e. lathe, torch and storage space. The intern must provide necessary hand tools to perform the duties of the denture profession. Use of the operatory facilities and other equipment will be shared with the intern.(—)~~

07. Internship Supervisor Requirements. ~~Hold an Idaho denturist license in good standing, be approved in advance for each internship, and have actively practiced dentistry for the last three (3) of the five (5) years —~~

a. ~~A supervisor must: (—)~~

i. ~~Be approved in advance by the Board for each internship. (—)~~

ii. ~~Not have been the subject of any disciplinary action by the Board, by the Idaho Board of Dentistry or by any other jurisdiction for five (5) years immediately prior to being approved as the supervisor.(—)~~

b. ~~A supervisor that is a denturist must: (—)~~

i. ~~Hold an Idaho denturist license that is current and in good standing and is renewed as provided in these rules; and (—)~~

ii. ~~Have actively practiced dentistry for at least three (3) of the five (5) years immediately prior to being approved as the supervisor.(—)~~

e. ~~A supervisor that is a dentist must: Hold an Idaho dentist license that is current and in good standing and is renewed as provided in Chapter 9, Title 54, Idaho Code; and have actively practiced general dentistry, or a dental specialty accepted by the Board, for at least three (3) of the five (5) years immediately prior to being approved as a supervisor.(—)~~

i. ~~Hold an Idaho dentist license that is current and in good standing and is renewed as provided in Chapter 9, Title 54, Idaho Code; and(—)~~

~~ii. Have actively practiced general dentistry, or a dental specialty accepted by the Board, for at least three (3) of the five (5) years immediately prior to being approved as a supervisor.(—)~~

~~d. Supervise only one (1) intern. A supervisor will not be approved to supervise more than one (1) intern at a time. (—)~~

~~e. Termination of supervisor approval. Approval of the supervisor immediately terminates if the supervisor is disciplined or ceases to meet supervisor requirements.(—)~~

~~301.— 314.(RESERVED)~~

315. INACTIVE LICENSURE STATUS.

~~01. Request License be Placed on Inactive Status. A dentistry licensee may request the Board that his license be placed upon inactive status for no more than five years. A licensee on inactive status may not provide or perform denturist services.(—)~~

~~02. Reactivating Inactive License. A licensee on inactive status may reactivate his license to active status by paying the renewal fee for an active license and providing proof they have completed and obtained such continuing education as required by Board rule.(—)~~

~~316.— 349.(RESERVED)~~

350. CONTINUING EDUCATION.

~~The Board may accredit education programs for purposes of continuing education where the subject matter of the program is determined to be pertinent to the practice of dentistry.(—)~~

~~01. Subjects. Subjects deemed pertinent to the practice of dentistry are those set forth in Section 54-3311(b), Idaho Code, and may also include ethics courses. Licenses may attend courses that are offered asynchronous and synchronously. (—)~~

~~02. Request for Approval. Requests for approval of continuing education programs must be made to the Board, in writing, and provide an outline of the program which the Board is being asked to approve. The request must also address the matters set forth in Subsection 350.05 below. Requests may accompany the annual renewal form or may be made to the Board in advance of the program for which approval is sought as indicated in Subsection 350.03, below.(—)~~

~~03. Requests for Pre-Approval. Requests for pre-approval of continuing education programs must be made to the Board, in writing, and provide an outline of the program which the Board is being asked to approve. Requests for pre-approval must also address the matters set forth in Subsection 350.05 below.(—)~~

~~a. Requests for pre-approval must be received by the Division of Occupational and Professional Licenses no less than eleven (11) working days prior to the date of the program.(—)~~

~~b. Requests for pre-approval which are not denied within ten (10) working days from receipt by the Division will be deemed approved.(—)~~

~~e. Only those continuing education programs sponsored by recognized educational institutions (such as accredited colleges or universities), state or national denturist boards or associations, will be eligible for pre-approval consideration by the Board. All other programs will be considered at the time of renewal.(—)~~

~~04. Credit for Continuing Education Attendance. Continuing education credit will be given only for~~

actual time in attendance by the licensee. No credit will be given for non-instructive time. Correspondence or Home Study courses are not eligible for continuing education credits.(—)

~~05. **Requests for Approval of Programs.** All requests for approval or pre-approval of educational programs must be accompanied by a statement that includes the name of the instructor or instructors, the date and time and location of the course, the specific agenda for the course, and a statement by the licensee of how the course is believed to be pertinent to the practice of dentistry as specified in Section 54-3311(b), Idaho Code.(—)~~

~~351.—399.(RESERVED)~~

~~400. **INSPECTIONS.**~~

~~01. **Who May Examine or Inspect.** The Board or its agents may examine and inspect the place of business of any dentist at anytime during business hours or upon at least seventy two (72) hours notice made by U.S. mail to the address of record of the dentist when the Board or its agents are unable to establish the regular business hours. (—)~~

~~02. **Reason for Inspection.** Inspections are made to insure compliance with the Standards of Conduct and practice set forth in Section 450. Deficiencies are a violation of Section 450 and actionable against the dentist under Section 54-3314(e), Idaho Code.(—)~~

~~401.—449.(RESERVED)~~

~~450~~**200. STANDARDS OF CONDUCT AND PRACTICE STANDARDS.**

01. **Minimum Facility Standards.** A Dentist office must be properly equipped to ensure the safe, clean, and sanitary condition necessary and appropriate for proper operation and the safe preparation of dentures.

02. **Maintain adequate records.** Adequate records mean legible records which contain, at minimum, evidence of information deemed appropriate for patient care and copies of statements of charges delivered or provided to the patient or client. All records must comply with HIPPA.

- ~~01. **Sanitation.** (—)~~
 - ~~a. There must be three (3) separate rooms; a reception room, and operatory room and a laboratory. (—)~~
 - ~~b. The operatory room must have hot and cold running water, basin with approved disposal system; disinfectant soap; single-use towels, a cuspidor with running water and a closed waste receptacle.(—)~~
 - ~~c. The laboratory room must have hot and cold running water, and basin with approved disposal system. (—)~~
 - ~~d. There must be a method of sterilization and disinfection evident and in use to insure the protection of the public. (—)~~
 - ~~e. All floors, walls, ceiling and benches must be kept in a sanitary condition at all times. (—)~~
 - ~~f. Every patient must have a separate and clean bib and a disposable cup. (—)~~
 - ~~g. The hands of every dentist must be washed in the presence of every patient with germicidal or antiseptic soap and water. Every dentist must wear disposable gloves.(—)~~

~~h. Adequate and conveniently located toilet facilities with hot and cold running water, basin with approved disposal system, soap and single use towels will be provided within the building.(—)~~

~~i. All dentist offices are open to inspection anytime during the business hours to inspection by the Board or its agents.(—)~~

~~**02. Office Standards. (—)**~~

~~a. Denturists must take care to use proper sterilization and sanitation techniques in all phases of their work. (—)~~

~~b. A complete record of each patient must be kept. (—)~~

~~e. All teeth and materials used must meet ADA standards. (—)~~

~~**03. Advertisements. (—)**~~

~~a. No dentist may disseminate or cause the dissemination of any advertisement or advertising that is any way fraudulent, false, deceptive or misleading.(—)~~

~~**04. General Conditions. (—)**~~

~~a. Conditions deemed by investigators to be a menace to the public health will be brought to the attention of the Board for consideration and immediate action.(—)~~

~~b. These Standards of Conduct and Practice must be conspicuously posted in every licensed dentist's place of business.(—)~~

~~**05. Patient Record.** A dentist must record, update and maintain documentation for each patient relevant to health history, clinical examinations and treatment, and financial data. Documentation must be written or computerized. Records must be maintained in compliance with any applicable state and federal laws, rules and regulations, including the health insurance portability and accountability act (HIPAA), P.L. 104-191 (1996), and the health information technology for economic and clinical health act (HITECH), P.L. 111-115 (2009). Such records must be accessible to other providers and to the patient in accordance with applicable laws, rules and regulations. Records must include, but are not limited to, the following:(—)~~

~~a. Patient data, including name, address, date and description of examination; (—)~~

~~b. Evidence of informed consent; (—)~~

~~e. Date and description of treatment, services rendered, and any complications; (—)~~

~~d. Health history as applicable; and (—)~~

~~e. Any other information deemed appropriate to patient care. (—)~~

~~**06. Record Retention.** Patient documentation, written or archived electronically by computer, must be retained for a minimum of seven (7) years and available upon request by the Board.(—)~~

~~451201. -- 474299. (RESERVED)~~

~~**475. REGISTRATION STATEMENT.**~~

To enable the Board to examine or inspect the place of business of any licensed dentist as referred to in Section 54-3314(5)(b), Idaho Code, the filing of an annual statement is required of all licensed dentists. (—)

~~01. **Statement.** must list the name and principal place of business of the dentist who is responsible for the practice of dentistry at that location. (—)~~

~~02. **Other Business Locations.** Any other business locations maintained by the principal dentist and all dentists employed at the business. (—)~~

~~03. **Date of Filing.** must be filed with the Board annually or within ten (10) days of any change in either location, identity of principal dentist or dentist employees. (—)~~

~~04. **Failure to Timely File.** Failure to timely file or update this statement will constitute grounds for discipline pursuant to Section 54-3314(a), Idaho Code. (—)~~

476. GUARANTEE OF DENTIST SERVICES.

As prescribed in Section 54-3320(c), Idaho Code, unconditional guarantee of dentist services will require that the licensee refund, in full, any monies received in connection with the providing of dentist services, if demanded by the purchaser within ninety (90) days of delivery of the dentures, or the providing of services for which a fee is charged. (—)

~~01. **Ninety-Day Period.** The ninety (90) day period will be tolled for any period in which the dentist has taken possession or control of the dentures after original delivery. (—)~~

~~02. **Written Contract.** By written contract signed by the purchaser, the dentist may specify the amount of the purchase price of the dentures, if any, that is nonrefundable should the consumer choose to cancel the purchase within the guarantee period. (—)~~

~~03. **Nonrefundable Amount.** Under no circumstances will the nonrefundable amount exceed twenty-five percent (25%) of the total purchase price of the dentures. (—)~~

~~04. **Limitation.** There is no limitation on the consumer's right to cancel. (—)~~

~~05. **Cancellation of Agreement.** If the licensee elects to cancel the agreement or refuses to provide adjustments or other appropriate services to the consumer, the consumer will be entitled to a complete refund. (—)~~

~~477. — 479. (RESERVED)~~

48300. DISCIPLINE.

~~01. **Civil Fine.** The Board may impose a civil fine not to exceed one thousand dollars (\$1,000) upon a licensed dentist for each violation of Section 54-3314(a), Idaho Code. (—)~~

~~02. **Costs and Fees.** The Board may order a licensed dentist to pay the costs and fees incurred by the Board in the investigation or prosecution of the licensee for violation of Section 54-3314(a), Idaho Code. (—)~~

~~03. **Failing to maintain adequate records.** Adequate records mean legible records which contain, at minimum, evidence of information deemed appropriate for patient care and copies of statements of charges delivered or provided to the patient or client. Must be in compliance with HIPPA.~~

~~014. **False Advertisements.** No dentist may disseminate or cause the dissemination of any~~

advertisement or advertising that is in any way fraudulent, false, deceptive or misleading.(____)

02. Civil Penalty. The Board may impose a fine up to the amount of any economic advantage obtained through the violation.(____)

~~4830~~1. -- ~~93~~99.(RESERVED)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.27.01 – RULES OF THE IDAHO STATE BOARD OF MASSAGE THERAPY

DOCKET NO. 24-2701-2301 (ZBR CHAPTER REWRITE, FEE RULE)

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 Section 67-2604, Idaho Code and Section 54-4007, Idaho Code.

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

Tuesday, August 15, 2023 – 10:00 a.m. (MT)
Division of Occupational and Professional Licenses Chinden Campus Building 4 11341 W. Chinden Blvd., Bldg. #4 Boise, ID 83714
Telephone and web conferencing information will be posted on: https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/

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

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

Under [Executive Order 2020-01](#), Zero-Based Regulation, the Idaho State Board of Massage Therapy is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

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

The fees for applications, licenses, and permits as designated in Rule 400 of these proposed rules are authorized in Section 54-4008, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho Legislature.

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

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2301. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 5, 2023 Idaho Administrative Bulletin, [Vol. 23-4, pp. 42-46](#).

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 Michael Hyde, Bureau Chief, at (208) 332-7133.

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 August 23, 2023.

DATED this July 6, 2023.

Michael Hyde
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 332-7133
Email: michael.hyde@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-2701-2301
(ZBR Chapter Rewrite)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the proposed rule.*

24.27.01 – RULES OF THE IDAHO STATE BOARD OF MASSAGE THERAPY

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Section 54-4007, Idaho Code. ()

001. SCOPE.

These rules regulate the profession of massage therapy. ()

002. INCORPORATED BY REFERENCE.

The current and updated document titled “Code of Ethics,” except XVIII, published by the NCBTMB is herein adopted and incorporated by reference and is available on the NCBTMB website: <https://www.ncbtmb.org/code-of-ethics/>. ()

003. -- 099. (RESERVED)

100. LICENSURE.

01. Approved Examinations. A passing score on either the MBLEx, the NCETMB, NESL, or the NCETM examination or an examination deemed by the Board to be equivalent. ()

02. Approved Educational Program. The registered program must have a minimum of three-hundred ninety (390) hours of in-class supervised hours of coursework and one-hundred ten (110) hours supervised clinical work or supervised massage therapy fieldwork experience. Clinical work may take place either on campus excluding instructional hours, or in an offsite location approved by the school. Students are not permitted to render any clinical services to clients until students have completed at least twenty percent (20%) of the required hours of instruction. All clinical services must be performed under the supervision of a person fully licensed. ()

03. Provisional Permit. Upon application to the Board and payment of the required fees, an applicant may be issued a provisional permit to practice massage therapy if the applicant meets all the requirements for licensure under section 54-4009, Idaho Code, except for having successfully passed a Board-approved nationally recognized competency examination in massage therapy. While working pursuant to a provisional permit, the permit holder must be supervised by any person licensed in Idaho to provide massage therapy and whose license is in good standing. An applicant will be issued only one (1) provisional permit that is valid for a period not to exceed six (6) months. A provisional permit may be renewed only upon a showing of good cause. ()

101. -- 199. (RESERVED)

200. PRACTICE STANDARDS.

01. Supervision of Clinical Work. The supervising massage therapist must consult with the student, evaluate student performance and be available to render direction in person where massage therapy is being provided. ()

201. -- 399. (RESERVED)

400. FEES.

All fees are non-refundable.

FEE TYPE	AMOUNT (Not to Exceed)
Application	\$50
Original License	\$65
Annual Renewal	\$65
License by Endorsement	\$75
Provisional Permit	\$25

()

401-- 999. (RESERVED)

[Agency redlined courtesy copy]

24.27.01 – RULES OF THE IDAHO STATE BOARD OF MASSAGE THERAPY

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Section 54-4007, Idaho Code.()

001. SCOPE.

These rules regulate the profession of massage therapy.()

~~002~~**003. -- 009**099. (RESERVED)****

~~010. DEFINITIONS.~~

~~01. Approved Massage Program. A massage therapy program conducted by an entity that is~~

registered with the Idaho State Board of Education pursuant to Chapter 24, Title 33, Idaho Code, or with a comparable authority in another state, and that meets the entry-level educational requirements as set forth in Section 600 of these rules. (—)

~~02. **Clinical Work.** Supervised hands-on clinical work by a student enrolled in a board-approved course of instruction to gain experience prior to graduation. Supervised, hands-on training in Clinical work may take place either on campus a classroom setting excluding instructional hours, or in an offsite location approved by the school. The student may not hold themselves out as a massage therapist nor receive compensation for services provided.~~ (—)

~~03. **Code of Ethics.** The Idaho Code of Ethics for Massage Therapy attached to these rules as Appendix A.~~ (—)

~~04. **Standards of Practice.** The Standards of Practice of Massage Therapy attached to these rules as Appendix B.~~ (—)

~~011.—199.(RESERVED)~~

200. APPLICATION:

~~01. **Filing an Application.** Applicants for licensure must submit a complete application, verified under oath, to the Board at its official address. The application must be on the forms approved by the Board and submitted together with the appropriate fee(s) and supporting documentation.~~ (—)

~~02. **Supplemental Documents.** The applicant must provide or facilitate the provision of any supplemental third party documents that may be required under the qualifications for the license being sought.~~ (—)

~~201.—249.(RESERVED)~~

~~250~~**400. FEES.**

All fees are non-refundable, except that, if a license is not issued, the license fee will be refunded

FEE TYPE	AMOUNT (Not to Exceed)
Application	\$50
Original License	\$65
Annual Renewal	\$65
License by Endorsement	\$75
Temporary License	\$25
Provisional Permit	\$25
Reinstatement	As provided in Section 67-2614, Idaho Code
Examination	Established by Administrator

()

~~251.—299.(RESERVED)~~

300100. REQUIREMENTS FOR ORIGINAL LICENSURE.

~~Applicants for licensure must complete an application on a board approved form submitted together with the appropriate fee(s) and proof of compliance with Idaho Code Section 54-4009.~~

The Board may grant a license to an applicant for licensure who completes an application as set forth in Section 200 of these rules and meets the following general, education, and examination requirements:(—)

01. General. (—)

a. An applicant must provide evidence of being at least eighteen (18) years of age. (—)

b. ~~An applicant must certify that he/she has not been found guilty, convicted, received a withheld judgment, or suspended sentence for a felony or a crime involving moral turpitude, or if the applicant has been found guilty, convicted, received a withheld judgment, or suspended sentence for such a crime, the applicant must submit a written statement of suitability for licensure as set forth in Section 306 of these rules.(—)~~

e. ~~An applicant must certify that he/she has not been convicted of a crime under any municipal, state, or federal narcotic or controlled substance law, or if the applicant has been convicted of such a crime, the applicant must submit a written statement of suitability for licensure as set forth in Section 306 of these rules.(—)~~

d. ~~An applicant must certify that their license has not been subject to any disciplinary action by a regulatory entity in another state, territory or country including, but not limited to, having an application for licensure denied. If the applicant or their license has been subject to discipline, the applicant must submit a written statement of suitability for licensure as set forth in Section 306 of these rules.(—)~~

~~301.—304.(RESERVED)~~

30501. Approved Examinations.

Approved examinations are the following examinations or another nationally recognized competency examination in massage therapy that is approved by the Board. (—)

01. Approved Examinations. (—)

a. ~~Massage and Bodywork Licensing Examination (MBLEx) as administered by the Federation of State Massage Therapy Boards (FSMTB);~~ (—)

b. ~~A passing score on either the MBLEx, the NCETMB, NESL, or the NCETM examination or an examination deemed by the Board to be equivalent, National Certification Examination for Therapeutic Massage and Bodywork (NCETMB) or National Certification Examination for Therapeutic Massage (NCETM) as administered by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB), if taken before February 1, 2015.~~ (—)

e. ~~Other nationally recognized competency examinations in massage therapy that are approved by the Board. A written request for approval must be submitted to the Board together with supporting documentation as may be requested by the Board.(—)~~

02. Successful Passage. A passing score, or successful passage of the exam, will be determined by the entity administering the exam.(—)

~~03. **Date of Exam.** The passage of the exam may have occurred prior to the effective date of these rules. (—)~~

~~**306. WRITTEN STATEMENT OF SUITABILITY FOR LICENSURE.**~~

~~An applicant who or whose license has a conviction, finding of guilt, withheld judgment, or suspended sentence for a felony or crime involving moral turpitude, has a conviction for any crime under any municipal, state, or federal narcotic or controlled substance law, or has been subject to discipline in another state, territory or country must submit with his application a written statement and any supplemental information establishing his current suitability for licensure. (—)~~

~~01. **Consideration of Factors and Evidence.** The Board considers the factors set forth in Section 67-9411, Idaho Code.(—)~~

~~02. **Interview.** The Board may, at its discretion, grant an interview of the applicant. (—)~~

~~03. **Applicant Bears the Burden.** The applicant bears the burden of establishing his current suitability for licensure.()~~

~~**307.—309.(RESERVED)**~~

~~**310. REQUIREMENTS FOR LICENSURE BY ENDORSEMENT.**~~

~~The Board may grant a license to an applicant for licensure by endorsement who completes an application as set forth in Section 200 and meets the following requirements:(—)~~

~~01. **Holds a Current License.** The applicant must be the holder of a current active license or certificate in good standing in the profession, and at the level for which a license is being sought, issued by the authorized regulatory entity in another state. The state must have licensing or certification requirements substantially equivalent to or higher than those required for new applicants in Idaho. The certification of licensure or certification must be received by the Board from the issuing agency;(—)~~

~~02. **Has Not Been Disciplined.** The applicant or his/her license must have not been voluntarily surrendered, revoked, or suspended by any regulatory entity. The Board may consider an applicant who, or whose license, has been restricted, denied, sanctioned, or otherwise disciplined. If the applicant or his/her license has been subject to discipline, the applicant must submit a written statement of suitability for licensure as set forth in Section 306 of these rules;(—)~~

~~03. **Is of Good Moral Character.** The applicant must not have been found guilty, convicted, received a withheld judgment, or suspended sentence for any felony or any crime involving moral turpitude. If the applicant has been found guilty, convicted, received a withheld judgment, or suspended sentence for such a crime the applicant must submit a written statement of suitability for licensure as set forth in Section 306 of these rules; and (—)~~

~~04. **Has Not Been Convicted of a Drug Offense.** The applicant must not have been convicted of any crime under any municipal, state, or federal narcotic or controlled substance law. If the applicant has been convicted of such a crime, the applicant must submit a written statement of suitability for licensure as set forth in Section 306 of these rules. (—)~~

~~**311.—319.(RESERVED)**~~

~~**320. TEMPORARY LICENSE.**~~

~~01. **General.** Any person who has submitted to the Board a complete application for licensure by examination under Section 54-4009, Idaho Code, or by endorsement under Section 54-4010, Idaho Code, together with the required fees, may apply for a temporary license to practice massage therapy while their application is being processed by the Board. (—)~~

~~02. **Duration.** An applicant will be issued only one (1) temporary license that will be valid for a period not to exceed four (4) months or until the Board acts upon the licensure application, whichever occurs first. (—)~~

~~321.—329.(RESERVED)~~

~~330~~**100.03. Provisional Permit.**

Upon application to the Board and payment of the required fees, an applicant may be issued a provisional permit to practice massage therapy if the applicant meets all the requirements for licensure under section 54-4009, Idaho Code, except for having successfully passed a **Board-approved** nationally recognized competency examination in massage therapy ~~that is approved by the Board as described in Subsection 305.01.~~ **While working pursuant to a provisional permit, the permit holder must be supervised by any person licensed in Idaho to provide massage therapy and whose license is in good standing.** (—)

~~01. **General.** A provisional permit will be issued subject to the following conditions: (—)~~

~~a. The applicant must certify that the applicant will take the next scheduled examination for licensure approved by the Board, and that the applicant has not failed two (2) previous examinations for licensure; and (—)~~

~~b. a licensed massage therapist certifies to the Board that the applicant will practice massage therapy only under the supervision of the licensed massage therapist while both are in the same location. (—)~~

~~02. **Duration and Renewal.** An applicant will be issued only one (1) provisional permit that is valid for a period not to exceed six (6) months, or until the applicant is issued a temporary license or the Board acts upon the massage therapist license application, whichever occurs first. A provisional permit may **only** be renewed **once** upon a showing of good cause. ()~~

~~331.—399.(RESERVED)~~

~~400. **RENEWAL OR EXPIRATION OF LICENSE.**~~

~~A license expires on the license holder's birth date. The individual must annually renew the license before the license holder's birth date. Licenses not so renewed will be immediately canceled in accordance with Section 67-2614, Idaho Code. (—)~~

~~01. **Renewal.** A license must be renewed before it expires by submitting a complete application for renewal on forms approved by the Board together with the renewal fee. As part of a complete renewal application, the licensee will attest to completion of the required continuing education pursuant to Section 500 of these rules. False attestation of satisfaction of the continuing education requirements on a renewal application subjects the licensee to disciplinary action, including revocation. (—)~~

~~02. **Reinstatement.** A license that has been canceled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code. (—)~~

~~a. Within five (5) years of cancellation, an applicant seeking reinstatement must submit to the Board evidence that the applicant has completed the required continuing education together with a complete renewal application and appropriate fee(s). (—)~~

- i. The applicant must submit evidence of completion of continuing education hours totaling the hours required at the time of cancellation and for each year the license was canceled. (———)
- ii. The applicant must pay a reinstatement fee as set forth in Section 250 of these rules. (———)
- b. After five (5) years of cancellation, the applicant will be treated as a new applicant, and application must be made on the same forms and in the same manner as an application for an original license in accordance with Section 200 of these rules. (———)

401.—499.(Reserved)

500. CONTINUING EDUCATION.

All licensees must comply with the following continuing education requirements:(———)

01. Requirement. Beginning with the second renewal of their license, a licensee is required to complete a minimum of six (6) hours of continuing education, which includes one (1.0) hour in ethics, within the preceding twelve (12) months that meet the requirements in Sections 501, 502 and 503 of these rules.(———)

- a. An hour is defined as fifty (50) minutes out of each sixty (60) minute segment. (———)
- b. Continuing education credit will only be given for actual time in attendance or for the time spent participating in the educational activity.(———)
- e. The educational course setting may include a classroom, conference, seminar, on line or a virtual classroom. (———)
- d. If the licensee completes two (2) or more courses having substantially the same content during any one (1) renewal period, the licensee will only receive continuing education credit for one (1) of the courses.(———)

02. Documentation. Each licensee must maintain documentation verifying continuing education course attendance and curriculum, or completion of the educational activity for a period of five (5) years from the date of completion. This documentation will be subject to audit by the Board.(———)

- a. Documented evidence of meeting the continuing education course requirement must be in the form of a certificate or letter from the sponsoring entity that includes verification of attendance by the licensee, the title of the activity, the subject material covered, the dates and number of hours credited, and the presenter's full name and professional credentials. Documented evidence of completing a continuing education activity must be in such form as to document both completion and date of the activity.(———)
- b. A licensee must submit the verification documentation to the Board, if requested by the Board. In the event a licensee fails to provide the Board with acceptable documentation of the hours attested to on the renewal application, the licensee may be subject to disciplinary action.(———)

03. Waiver. The Board may waive the requirements of this rule for reasons of individual hardship, including health or other good cause. The licensee should request the waiver in advance of renewal and must provide any information requested by the Board to assist in substantiating hardship cases. This waiver is granted at the sole discretion of the Board.(———)

04. Carryover of Continuing Education Hours. Continuing education hours not claimed in the current renewal year may be claimed in the next renewal year. A maximum of six (6) hours may be carried forward from the immediately preceding year, and may not be carried forward more than one renewal year.(———)

~~05. Exemption. A licensee is exempt from the continuing education requirements under this Section for the period between the initial issuance of the original license and the first expiration date of that license.(—)~~

~~501. APPROVAL OF CONTINUING EDUCATION COURSES.~~

~~Approved continuing education courses are those courses and programs that meet the requirements of these rules, and are approved, sponsored, or provided by the following entities or organizations, or otherwise approved by the Board: (—)~~

~~01. A College or University. Accredited by a nationally recognized accrediting agency as recognized by the United States Secretary of Education;(—)~~

~~02. Federal, State or Local Governmental Entities; and (—)~~

~~03. National and State Massage Therapy Associations. (—)~~

~~04. Provider Course Approval. Other courses may be approved by the Board based upon documentation submitted by a continuing education provider. Requests for approval of courses made by the provider must be submitted on a form approved by the Board that includes:(—)~~

~~a. The nature and subject of the course and its relevancy to the practice of massage therapy; (—)~~

~~b. The name of instructor(s) and their qualifications; (—)~~

~~c. The date, time and location of the course; (—)~~

~~d. The specific agenda for the course; (—)~~

~~e. The number of continuing education hours requested; (—)~~

~~f. The procedures for verification of attendance; and (—)~~

~~g. Other information as may be requested by the Board. (—)~~

~~h. Upon review of all information requested, the Board may deny any request for a course that does not meet the requirements of Idaho law or rule. Board approval of a course will be granted for a period not to exceed five (5) years, or until the course materials or instructors are changed, whichever may occur first.(—)~~

~~05. Licensee Course Approval. Other courses may be approved by the Board based upon documentation submitted by the licensee. All requests for approval must be made to the Board in writing and include the nature and subject of the course and its relevancy to the practice of massage therapy, name of instructor(s) and their qualifications, date, time and location of the course, and procedures for verification of attendance.(—)~~

~~502. Continuing Education Activities.~~

~~The following educational activities qualify for continuing education as set forth:(—)~~

~~01. Teaching a Course For The First Time, Not to Exceed Six Hours. A report must be submitted, including the name of the course, course outline, qualifications for teaching, number of hours taught, number of participants taught, date and location of the training.(—)~~

~~02. Publishing Articles or Books. The hours awarded as determined at the discretion of the Board. (—)~~

~~03. Self Study. Using books, audio tapes, video tapes, DVD's, research materials, professional publications, online sources, and/or other electronic sources/methods documented by a type-written two-page report summarizing the study content.(—)~~

~~503. CONTENT OF CONTINUING EDUCATION.~~

~~The content of continuing education activities and course content must be germane to the practice of massage therapy as defined in Section 54 4002, Idaho Code, and courses in ethics must also be specific to legal issues, law, standards of practice, or ethics.(—)~~

~~01. Continuing Education. Content germane to the practice of massage therapy includes, but is not limited to: (—)~~

~~a. Applications of massage and bodywork therapy for specific needs, conditions, or client populations. (—)~~

~~b. Client assessment protocols, skills for client record keeping, strategies for interfacing with other health care providers.(—)~~

~~c. Use of external agents such as water, sound, heat, cold, or topical applications of plant or mineral-based substances. (—)~~

~~d. Body-centered or somatic psychology, psychophysiology, or interpersonal skills which may include communication skills, boundary functions, dual relationships, transference, counter transference, and projection. (—)~~

~~e. Standards of practice, professional ethics, or state laws. (—)~~

~~f. Strategies for the marketing of massage and bodywork therapy practices. (—)~~

~~g. Theory or practice of ergonomics as applied to therapists or clients. (—)~~

~~h. Hygiene, methods of infectious disease control, organization and management of the treatment environment. (—)~~

~~i. Body sciences, which may include anatomy, physiology, kinesiology or pathology, as they apply to massage therapy.(—)~~

~~j. Certified CPR or first aid training. (—)~~

~~504.—599.(RESERVED)~~

~~60002. Approved Educational Program, STANDARDS.~~

~~APPROVED EDUCATIONAL PROGRAMS ARE THOSE PROGRAMS CONDUCTED BY AN ENTITY THAT MEET THE DEFINITION IN SECTION 010 AND THAT CONSIST~~
~~The registered program must have of a minimum of five hundred~~~~three-hundred ninety~~ (500~~390~~) hours of in-class supervised hours of coursework and ~~clinical~~~~one-hundred ten~~ (110) hours supervised clinical work or supervised massage therapy fieldwork experience. ~~Clinical work may take place either on campus excluding instructional hours, or in an offsite location approved by the school.~~
~~THAT MEETS THE FOLLOWING ENTRY LEVEL EDUCATIONAL STANDARDS AS SET BY THE BOARD. (—)~~

- ~~01. Coursework Content and Hours.~~ Coursework must include the following content areas and minimum hours: (—)
- ~~a.~~ Two hundred (200) hours in massage and bodywork assessment, theory, and application; (—)
 - ~~b.~~ One hundred twenty-five (125) hours in body systems including anatomy, physiology, and kinesiology; (—)
 - ~~c.~~ Forty (40) hours in pathology; (—)
 - ~~d.~~ Twenty-five (25) hours in business and ethics; and (—)
- ~~02. Clinical Work.~~ A minimum of one hundred ten (110) hours must be clinical work. (—)
- ~~a.~~ Students are not permitted to render any clinical services to clients until students have completed at least twenty percent (20%) of the required hours of instruction. (—)
 - ~~b.~~ All clinical services must be performed under the supervision of a person fully licensed. ()

~~601~~**200. SUPERVISION PRACTICE STANDARDS.**

~~01. Supervision of Clinical Work.~~ The supervising massage therapist must consult with the student, evaluate student performance and be ~~physically present and~~ available to render direction in person ~~and on the premises~~ where massage therapy is being provided. ()

~~02. Supervision of Fieldwork.~~ The supervising massage therapist must be available to render direction either in person or by means of telecommunications but is not required to be physically present on the premises where massage therapy is being provided. (—)

~~602.—699.(RESERVED)~~

~~700. SCOPE OF PRACTICE.~~

All licensees must practice in a competent manner consistent with their level of education, training, and experience. (—)

~~701.—749.(RESERVED)~~

~~750. STANDARDS OF PRACTICE.~~

All licensees must comply with the Idaho Standards of Practice for Massage Therapy as approved by the Board and attached as Appendix B.

~~751.—799.(RESERVED)~~

~~800~~**002. CODE OF ETHICS INCORPORATED BY REFERENCE.**

All licensees must comply with the Code of Ethics for Massage Therapy as approved by the Board and attached to these rules as Appendix A.

The current and updated document titled “Code of Ethics”, except XVIII, published by the NCBTMB is herein adopted and incorporated by reference and is available on the NCBTMB website: <https://www.ncbtmb.org/code-of-ethics/>.

Licens

~~801. -- 899.(RESERVED)~~

900. DISCIPLINE.

If the Board determines that grounds for discipline exist for violations of Title 54, Chapter 40, Idaho Code, violations of these rules, or both, it may impose disciplinary sanctions against the licensee including, without limitation, any or all of the following:(~~---~~)

- ~~01. Refuse License.~~ Refuse to issue, renew, or reinstate a license; (~~---~~)
- ~~02. Revoke License.~~ Revoke or suspend the licensee's license(s); (~~---~~)
- ~~03. Restrict License.~~ Condition, restrict, or limit the licensee's practice, license, or both; (~~---~~)
- ~~04. Administrative Fine.~~ Impose an administrative fine not to exceed one thousand dollars (\$1,000) for each violation of the Board's laws or rules; and(~~---~~)
- ~~05. Licensee Costs.~~ Order a licensee to pay the costs and fees incurred by the Board in the investigation, prosecution, or both, of the licensee for violation(s) of the Board's laws, rules, or both.(~~---~~)

~~901~~**401.** -- 999.(RESERVED)

~~IDAHO BOARD OF MASSAGE THERAPY CODE OF ETHICS -- APPENDIX A~~

~~Preamble: This Code of Ethics is a summary statement of the standards of conduct that define ethical practice of massage therapy. All licensees are responsible for maintaining and promoting ethical practice.~~

~~A licensee shall:~~

- ~~1. Conduct all business and professional activities honestly and within their scope of practice and all applicable legal and regulatory requirements.~~
- ~~2. Inform clients of the limitations of the licensee's practice, the limitations of massage therapy, and the contraindications for massage therapy.~~
- ~~3. Refer the client to other professionals or services if the treatment or service is beyond the licensee's scope of practice.~~
- ~~4. Not engage in any sexual conduct, sexual activities, or sexualizing behavior involving a client, even if the client attempts to sexualize the relationship. Sexual activity includes any verbal and/or nonverbal behavior for the purpose of soliciting, receiving, or giving sexual gratification.~~
- ~~5. Be truthful in advertising and marketing, and not misrepresent services, charges for services, credentials, training, experience or results.~~
- ~~6. Safeguard the confidentiality of all client information, unless disclosure is requested by the client in writing or as allowed or required by law.~~

- ~~7. Obtain informed and voluntary consent from clients.~~
- ~~8. Allow a client the right to refuse, modify or terminate treatment regardless of prior consent given.~~
- ~~9. Provide draping and treatment in a way that ensures the safety, comfort, and privacy of the client.~~
- ~~10. Possess the right to refuse to treat any person or part of the body.~~
- ~~11. Refuse any gifts or benefits that are intended to influence a referral, decision, treatment or the professional relationship between the licensee and the client.~~
- ~~12. Report to the Idaho Board of Massage Therapy any unlicensed practice of massage therapy, and any evidence indicating unethical, incompetent or illegal acts committed by a licensee or individual.~~
- ~~13. Do no harm to the physical, mental, and emotional well being of clients.~~

~~IDAHO BOARD OF MASSAGE THERAPY STANDARDS OF PRACTICE~~
~~APPENDIX B~~

Standard I: Professionalism

In his/her professional role the licensee shall:

- ~~1. Cooperate with any Board investigation regarding any alleged violation of the Massage Therapy law or rules.~~
- ~~2. Use professional verbal, nonverbal, and written communications.~~
- ~~3. Provide an environment that is safe for the client and which meets all legal requirements for health and safety.~~
- ~~4. Use standard precautions to ensure professional hygienic practices and maintain a level of personal hygiene appropriate for practitioners in the therapeutic setting.~~
- ~~5. Wear clothing that is clean and professional.~~
- ~~6. Obtain voluntary and informed consent from the client, or written informed consent from client's legal guardian, prior to initiating the treatment plan.~~
- ~~7. If applicable, conduct an accurate needs assessment, develop a plan of care with the client, and update the plan as needed.~~
- ~~8. Use appropriate draping to protect the client's physical and emotional privacy. When clients remain dressed for seated massage or sports massage, draping is not required.~~
- ~~9. Not practice under the influence of alcohol, drugs, or any illegal substances, with the exception of legal or prescribed dosage of medication which does not impair the licensee.~~

Standard II: Legal and Ethical Requirements

In his/her professional role the licensee shall:

- ~~1. Maintain accurate and complete client billing and records. Client Records includes notes written by a licensee and kept in a separate client file that indicates the date of the session, areas of complaint as stated by client, and observations made and actions taken by the licensee.~~
- ~~2. Report within thirty (30) days to the Idaho Board of Massage Therapy any felony or misdemeanor criminal convictions of the licensee.~~

Standard III: Confidentiality

In his/her professional role the licensee shall:

- ~~1. Protect the confidentiality of the client's identity in conversations, all advertisements, and any and all other matters unless disclosure of identifiable information is requested or permitted by the client in writing or is required or allowed by law.~~
- ~~2. Protect the interests of clients who are minors or clients who are unable to give voluntary and informed consent by securing written informed consent from an appropriate third party or guardian.~~
- ~~3. Solicit only information that is relevant or reasonable to the professional relationship.~~
- ~~4. Maintain the client files for a minimum period of seven (7) years.~~
- ~~5. Store and dispose of client files in a secure manner.~~

Standard IV: Business Practices

In his/her professional role the licensee shall:

- ~~1. Not use sensational, sexual, or provocative language and/or pictures to advertise or promote their business.~~
- ~~2. Display/discuss a schedule of fees in advance of the session that is clearly understood by the client or potential client.~~
- ~~3. Make financial arrangements in advance that are clearly understood by, and safeguard the best interests of, the client or consumer.~~

Standard V: Roles and Boundaries

In his/her professional role the licensee shall:

- ~~1. Not participate in client relationships that could impair professional judgment or result in exploitation of the client.~~

Standard VI: Prevention of Sexual Misconduct

In his/her professional role the licensee shall:

- ~~1. Not engage in any behavior that sexualizes, or appears to sexualize, the client/licensee relationship.~~
- ~~2. Not participate in a sexual relationship or sexual conduct with the client, whether consensual or otherwise, from the beginning of the client/licensee relationship and for a minimum of twelve (12) months after the termination of the client/licensee relationship.~~
- ~~3. In the event that the client initiates sexual behavior, clarify the purpose of the therapeutic session and, if such conduct does not cease, terminate or refuse the session.~~

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.28.01 – RULES OF THE BARBER AND COSMETOLOGY SERVICES LICENSING BOARD

DOCKET NO. 24-2801-2301 (ZBR CHAPTER REWRITE, FEE RULE)

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 Section 67-2604, Idaho Code and Sections 54-5807, 54-5811, 54-5818, and 54-5822, Idaho Code.

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

Tuesday, August 15, 2023 – 9:00 a.m. (MT)
Division of Occupational and Professional Licenses Chinden Campus Building 4 11341 W. Chinden Blvd., Bldg. #4 Boise, ID 83714
Telephone and web conferencing information will be posted on: https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/

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

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

Under **Executive Order 2020-01**, Zero-Based Regulation, the Barber and Cosmetology Services Licensing Board is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

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

The fees for applications, licenses, registrations and reinstatement as designated in Rule 400 of these proposed rules are authorized in Sections 54-5822 and 67-2614, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho Legislature.

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

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2301. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 5, 2023 Idaho Administrative Bulletin [Vol. 23-4, pp. 42-46](#).

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 Michael Hyde, Bureau Chief, at (208) 332-7133.

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 August 23, 2023.

DATED this July 6, 2023.

Michael Hyde
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 332-7133
Email: michael.hyde@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-2801-2301
(ZBR Chapter Rewrite)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the proposed rule.*

24.28.01 – RULES OF THE BARBER AND COSMETOLOGY SERVICES LICENSING BOARD

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections 54-5807, 54-5811, 54-5818, and 54-5822, Idaho Code. ()

001. SCOPE.

These rules regulate the professions of barbering and cosmetology. ()

002. DEFINITIONS.

01. Clean. Removal of debris, washing with soap and water, detergent or chemical “cleaner.” Cleaning prepares non-porous items for disinfection, but cleaning does not make multi-use items safe for use. ()

02. Disinfect. The process of making a non-porous item safe for use. Disinfecting requires the use of a chemical intended to kill or denature a bacteria, virus or fungus. Items to be disinfected must be cleaned prior to disinfection. Ultraviolet (UV) light is not acceptable for disinfection. ()

03. Disinfectant. Disinfectant registered by the United States Environmental Protection Agency (EPA) and is bactericidal, virucidal and fungicidal with effectiveness against staphylococcus aureus (including methicillin-resistant staphylococcus aureus (MRSA)), human immunodeficiency virus (HIV) and hepatitis B (HEPB). This includes EPA registered Sodium Hypochlorite 5.25% or higher (household bleach) with instructions for disinfection, diluted as instructed on the label and observing the contact time listed on the manufacturer’s label. Bleach must be active (not expired) with a manufacture date of less than six (6) months prior to use. ()

04. First-Aid Kit. A packaged and identifiable assortment of medical supplies, including adhesive bandages, skin antiseptic, disposable gloves, and gauze. ()

05. **Single-Use.** Any non-electrical item that cannot be properly cleaned and disinfected. ()
06. **Sterilize.** The eradication of all microbial life through the use of heat, steam or chemical sterilants. Items to be sterilized must be cleaned prior to sterilization. ()
07. **Sterilant.** Autoclaves or dry heat sterilizers approved by and used in accordance with the United States Food and Drug Administration. ()
003. -- 099. (RESERVED)
100. **LICENSURE.**
01. **Approved Examination.** The National Interstate Council of State Boards of Cosmetology's written and practical examinations. ()
02. **Additional Licensure Educational Requirements.** ()
- a. Barber License. A currently licensed cosmetologist must complete one hundred (100) hours of barber-related instruction, to include barber theory, haircuts, and shaving. ()
- b. Barber-Stylist License. A currently licensed cosmetologist must complete one hundred (100) hours of barber-stylist instruction, to include barber theory, haircuts, and shaving. ()
- c. Cosmetologist License. ()
- i. A currently licensed barber-stylist must complete three hundred (300) hours of cosmetology instruction, to include nail technology, esthetics, cosmetology theory, and hairstyling. ()
- ii. A currently licensed barber must complete seven hundred (700) hours of cosmetology instruction, to include working on the hair with chemicals, nail technology, esthetics, cosmetology theory, and hairstyling. ()
- iii. A currently licensed esthetician or nail technician must complete one thousand four hundred (1,400) hours of cosmetology instruction or two thousand eight hundred (2,800) hours as a cosmetology apprentice. ()
- iv. A currently certificated makeup artist must complete one thousand five hundred fifty (1,500) hours of cosmetology instruction or three thousand one hundred (3,100) hours as a cosmetology apprentice. ()
- d. Esthetician License. A currently certified makeup artist must complete five hundred fifty (550) hours of esthetics instruction or one thousand one hundred (1,100) hours as an esthetician apprentice.. ()
03. **Makeup Artist Certificate Approved Instruction.** Classroom instruction, training, practical experience, or a combination received from a cosmetology school, a cosmetology or esthetics instructor, or a retail cosmetics dealer licensed in this state or another state, territory, possession, or country. If an applicant does not have a documented record of sufficient training in makeup artistry, including safety and infection control, the Board may require additional training or other demonstration of competency in that area. ()
04. **Establishment.** An establishment may be licensed as primary or contiguous. ()
- a. An applicant for primary establishment licensure must provide proof of compliance with Rule 200.01.a. A primary establishment license will not be issued if it includes or overlaps any portion of an existing establishment license. ()
- b. An applicant for contiguous establishment licensure must certify that it is associated with and operates within a currently licensed primary establishment and the primary establishment license holder must certify that the primary establishment is equipped to meet all safety and disinfection requirements. ()

c. Establishment licenses cannot be transferred. A change of location or a full change in ownership requires a new license application. In a multiple ownership establishment, an owner may be removed upon written statement by all owners, including the withdrawing owner. ()

101. -- 149. (RESERVED)

150. EDUCATION.

01. Licensed Schools. A licensed barber or cosmetology school must comply with the following: ()

a. The premises will provide adequate space, ventilation, lighting, facilities to safely accommodate all students, instructors, and customers and provide a restroom with a sink with hot and cold running water and drainage system. ()

b. Instructors are permitted to teach subject matters only within the instructor's licensed scope of practice. A cosmetology school teaching electrology will employ one (1) licensed electrologist instructor for every six (6) students being trained and require instructors to directly supervise the training. ()

c. Curriculum. To obtain approval to teach a subject, a school must submit a curriculum and course catalog which complies with Section 54-5815, Idaho Code. Any proposed changes to a curriculum or catalog must be submitted to the Board for approval. ()

i. A school may teach no more than fifty percent (50%) of its curriculum through distance education. ()

ii. A licensed cosmetology school offering an additional license curriculum to a currently licensed barber must submit for approval a written explanation of the seven hundred (700) hour course of cosmetology instruction, such instruction to include working on the hair with chemicals, nail technology, esthetics, cosmetology theory, and hairstyling. ()

iii. For an esthetician, barber, barber stylist, or nail technician student, a licensed cosmetology school may credit eighty percent (80%) of accumulated hours, but no more than two hundred (200) hours, toward the required instructional hours for a cosmetology course. ()

iv. A licensed cosmetology school may credit one-seventh (1/7) of accumulated hours toward the required instructional hours for a nail technology course for a cosmetology student. ()

v. Clinical work will be performed under the supervision of a licensed instructor. ()

vi. A student may receive up to thirty (30) hours of credit toward the required hours of instruction for instructor-approved activities occurring outside the school. ()

d. A school will maintain a record of instruction for each student showing the classroom hours, the clinical hours, operations, and approved outside school activities completed each month in which the student is enrolled. The record of instruction will be provided to the student and maintained by the school for five (5) years from completion or termination. In the event of cessation of school operations, records of instruction will be provided to each enrolled student at or before the cessation of operations. ()

e. Licenses may not be transferred; any change in ownership or location requires a new license application. ()

02. Apprenticeships. ()

a. An apprenticeship must be completed within the following period: ()

- i. Barber: fifty-seven (57) weeks; ()
- ii. Barber-Stylist: ninety-four (94) weeks; ()
- iii. Cosmetologist: one hundred four (104) weeks; ()
- iv. Estheticians/Electrologist: thirty-eight (38) weeks; ()
- v. Nail Technicians: twenty-five (25) weeks. ()
- b. Prior to beginning instruction, the instructor must submit and obtain Board approval of a curriculum which complies with Section 54-5815(1)(g), Idaho Code and Rule 150.02.a. ()
- c. Apprentices must work under the immediate personal supervision of the licensed instructor or other qualified supervisor licensee, except that an electrology apprentice may work only under the direct personal supervision of a licensed electrologist instructor. Instructors and supervisor licensees may teach or supervise work only within their licensed scope of practice. An apprentice cannot be permitted to render clinical services to patrons prior to completion of five percent (5%) of the required hours of instruction. ()
- d. An establishment or instructor under ongoing discipline may not supervise an apprentice. ()
- e. Recordkeeping. The establishment must maintain the daily work records for a period of five (5) years following the apprentice's completion or termination. The apprentice must be provided access to the daily work records and be provided monthly progress reports. ()
 - i. The establishment must complete and submit a Record of Instruction certifying completion to the Board within fourteen (14) days of the apprenticeship completion. ()
 - ii. When an apprentice discontinues the apprenticeship or an establishment ceases operation, the establishment must complete and submit a Record of Instruction Form to the apprentice(s) and Board within thirty (30) days. ()
- f. An apprentice who has discontinued an apprenticeship must apply for and receive a new registration prior to resuming instruction. ()
- g. Out of State Apprenticeship. An applicant who received instruction as an apprentice in another state must submit a summary or record of the out of state apprenticeship, including detailed information regarding operations and hours of instruction, which is certified by the relevant licensing agency or instructor(s). ()

151. -- 199. (RESERVED)

200. PRACTICE STANDARDS.

01. Premises. ()

a. A primary establishment must have: (1) a clearly defined and designated working floor space that allows the safe and sanitary practice of cosmetology and/or barber-styling for all stations that may be in operation and provides safe access to restrooms and access areas; (2) a hot and cold running water source and drainage system that are within the perimeters of the primary establishment, separate from restroom facilities, and available to any contiguous establishment or facility that may exist; and (3) restrooms that are accessible from the building in which the primary establishment is located and from any contiguous establishments or facility that may exist and which contain hot and cold running water and drainage separate from the work area facilities. The license holder is responsible for complying with the safety and disinfection requirements and all other applicable statutes and rules for the designated licensed area of the primary establishment, including "common areas." ()

b. A contiguous establishment must operate only in the contiguous establishment designated areas within the associated primary establishment. The contiguous establishment license holder is responsible for

complying with the safety and disinfection requirements and all other applicable statutes and rules for the contiguous designated area where it operates. ()

c. Retail cosmetic dealers must have access to hot and cold running water; access to restroom facilities; disinfectants; single-use samples, wipes, spatulas or other dispensing techniques designed to prevent contamination of the cosmetic product; and a first-aid kit. ()

02. Practice Outside of Licensed Establishment. Pursuant to Section 54-5804(2)(c), Idaho Code, a licensee or certificant can provide the following services outside of a licensed establishment: ()

a. Hair Styling. Arranging, styling, and dressing of the hair. Trimming may be performed when incidental to the arranging, styling, or dressing, including facial hair such as beards, mustaches, and eyebrows. ()

b. Coloring. Wash out topical color, tinted powder, spray or chalk to temporarily camouflage hair. ()

c. Temporary Hair Removal. Tweezing of hairs on the face and neck. ()

d. Cleansing. Cleansing the face for the limited purpose of removing makeup or debris and cosmetic preparations for the application of makeup. ()

e. Nail Services. Application of nail polish by painting without the use of a lamp or light, removal of polish incidental to the painting of the nail, and shaping the nail with a single-use emery board. ()

f. Makeup Application. Application of makeup. ()

03. Safety And Disinfection for Establishments and Schools. ()

a. Establishments and schools must be separated from living areas by substantial walls and/or closable doors. Floors, walls, ceilings, furniture, fixtures, and restrooms must be kept clean and in good repair at all times. A clearly identifiable first-aid kit must be readily accessible. ()

b. All instruments and items used by operators must be thoroughly cleaned after each use and then disinfected with a disinfectant or sterilized with a sterilant after cleaning and prior to use on each patron. A disinfectant must be mixed and changed according to the manufacturer's instructions. Disinfection methods of immersion, sprays, and wipes may be used. Contact time listed on the disinfectant's label must be adhered to in all circumstances. Items or surfaces must remain completely immersed in disinfectant or visibly wet, if using sprays or wipes, for the full amount of contact time. ()

c. Porous or single use instruments and items must be immediately disposed of in a trash container after each use on a patron or given to the patron to take home for personal use, provided that the instruments may not be brought back to the establishment for future use. Skin cutting instruments, including razor-type callus shavers, credo blades, or other rasps or graters which cut below the skin surface are not permitted in the establishment. ()

d. Paraffins, waxes and other multi-patron use products must be covered and maintained free of any foreign contaminants. Only disinfected or unused single-use items may be placed into a container that holds multi-patron use products. These products must be portioned out for each patron in a container or dispensed in a manner that prevents contamination of the unused supply. All portions used on a patron must be disposed of immediately following use. ()

e. Pedicure bowls, basins, tubs, drill bits, internal piping, and pumps must be cleaned and disinfected prior to each use as directed by the manufacturer. ()

f. Operators and students must wash their hands with running water, soap and a single-use towel prior to providing service to any patron. When hand washing is not practicable, hand sanitizer of at least seventy

percent (70%) alcohol may be used. ()

g. No animals are allowed in shops or schools except service dogs, as defined by the U.S. Department of Justice Regulations, trained to do work or perform tasks for persons with disabilities. ()

h. A current establishment and/or school license, valid operator license(s), a copy of these safety and disinfection rules, and a valid classification card must be conspicuously displayed in the work area of each establishment or school. ()

04. Safety and Disinfection for Retail Cosmetics Dealer Facilities and Makeover or Glamour Photography Businesses. ()

a. Makeup that comes in a cake, loose, or liquid form must be transferred to a palette with a disinfected or single-use spatula for use with a single patron and in a manner to prevent any contamination. Excess make-up on the palette must be disposed of immediately following use. ()

b. Make-up pencils that require a sharpener must be sharpened prior to each use. Sharpeners must be cleaned and disinfected in accordance with Rule 200.03.b. Eyeliner that does not require a sharpener must have a portion transferred to a palette with a disinfected or single-use spatula for use on a single customer. ()

c. Single-use applicators must be used in the application of mascara. ()

d. Implements and applicators, including brushes, used on customers or made available for use by customers must be stored, cleaned, and disinfected or discarded in accordance with Rule 200.03.b. and c. ()

e. Make-up displays should be covered when not in use. When accessible for use by patrons, single-use applicators must be readily available. ()

f. A clearly identifiable first-aid kit must be readily accessible on the premises. ()

g. A current license/registration, a copy of these safety and disinfection rules, and a valid classification card must be conspicuously displayed in the work area of each facility. ()

05. Inspections. A facility, school, or establishment must make improvements within thirty (30) days of an unacceptable "C" classification inspection result. The Board may allow an establishment, school, or facility to continue to operate during that period. The Board may take action prior to any reinspection when the circumstances represent an immediate danger to the public health, safety, or welfare. ()

06. Unprofessional Conduct. The following practices constitute unprofessional conduct. ()

a. Use of Methyl Methacrylate acid (MMA). ()

b. Use of skin cutting instruments, including razor-type callus shavers, credo blades, or other rasps or graters which cut below the skin surface. The presence of such instruments creates a presumption of the instrument's use. ()

c. Use of ultraviolet (UV) sterilizers for disinfection. This does not prohibit the use of ultraviolet dryers or lamps used to dry or cure nail products. ()

d. Use of roll-on wax, except that single-use roll-on wax cartridges are acceptable when they are limited to a single client service and disposed of immediately after use. ()

e. Placing an item or instrument that has been used on a person or placing a person's body part into a container that holds powder, wax, a compound, solution, or other cosmetic preparation that will be used for more than one (1) patron. ()

f. Use of single-use or porous items on more than one (1) patron. The presence of used single-use or

porous items, which have not been disposed of in a trash container, creates a presumption of the item’s use or intended use on more than one patron. ()

g. Failure to adequately supervise, instruct, or train an apprentice. ()

h. Interference with an inspection or investigation conducted by or on behalf of the Board. ()

i. Performing a service on a patron who has an open sore or a known contagious disease of a nature that may be transmitted by performing the procedure. ()

k. Performing services or using machines or devices outside the licensee’s area of training, expertise, competence, or scope of practice for the license held. ()

201. -- 399. (RESERVED)

400. FEES.

All fees are non-refundable.

FEE TYPE	AMOUNT (Not to Exceed)	RENEWAL (Not to Exceed)
Individual Original License or Certificate	\$25	\$25
Application	\$25	
Instructor License	\$30	\$30
Establishment, Dealer, Facility License/Registration	\$20	\$20
School License	\$300	\$85
Apprentice Registration	\$25	
Endorsement License	\$35	
Reinstatement	\$35	

()

401. -- 999. (RESERVED)

[Agency redlined courtesy copy]

24.28.01 – RULES OF THE BARBER AND COSMETOLOGY SERVICES LICENSING BOARD

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections 54-5807, 54-5811, 54-5818, and 54-5822. Idaho Code.()

001. SCOPE.

These rules regulate the professions of barbering and cosmetology.()

~~002. -- 009. (RESERVED)~~

~~002~~**40. DEFINITIONS.**

01. Clean. Removal of ~~visible or surface~~ debris, washing with soap and water, detergent or chemical “cleaner.” Cleaning prepares non-porous items for disinfection, but cleaning does not make multi-use items safe for use. ()

~~**02. Clinical Services or Clinical Work.** Performing hands-on acts or techniques within the scope of practice of a profession regulated by the Board.(—)~~

03. Disinfect. The process of making a non-porous item safe for use. Disinfecting requires the use of a chemical intended to kill or denature a bacteria, virus or fungus. Items to be disinfected must be cleaned prior to disinfection. Ultraviolet (UV) light is not acceptable for disinfection.()

04. Disinfectant. Disinfectant registered by the United States Environmental Protection Agency (EPA) and is bactericidal, virucidal and fungicidal with effectiveness against staphylococcus aureus (including methicillin-resistant staphylococcus aureus (MRSA)), human immunodeficiency virus (HIV) and hepatitis B (HEPB). This includes EPA registered Sodium Hypochlorite 5.25% or higher (household bleach) with instructions for disinfection, diluted as instructed on the label and observing the contact time listed on the manufacturer’s label. Bleach must be active (not expired) with a manufacture date of less than six (6) months prior to use.()

~~**05. Facility.** A retail cosmetics dealer, a retail thermal styling equipment dealer, or a makeover or glamour photography business.(—)~~

06. First-Aid Kit. ~~First aid kit means a~~ packaged and identifiable assortment of medical supplies, including adhesive bandages, skin antiseptic, disposable gloves, and gauze.()

~~**07. Patron.** Patron means any person who receives the services of anyone licensed, certificated or otherwise regulated by the provisions of Chapter 58, Title 54, Idaho Code.(—)~~

~~**08. Record of Instruction.** The final documentation of total hours and operations completed by a student that is maintained by a school or, in the case of an apprentice, by the instructor.(—)~~

09. Single-Use. Any non-electrical item that cannot be properly cleaned and disinfected ~~is considered single-use. This includes, but is not limited to, pumice stones, buffing blocks, wooden cuticle pushers, cotton balls, pads or swabs, toe separators and flip flops, and all nail files or emery boards that are not made entirely of metal, glass, or crystal.~~ ()

10. Sterilize. The eradication of all microbial life through the use of heat, steam or chemical sterilants. Items to be sterilized must be cleaned prior to sterilization.()

11. Sterilant. Autoclaves or dry heat sterilizers approved by and used in accordance with the United States Food and Drug Administration, ~~and spore tested through an independent lab at least once every thirty (30) days. Sterilants must be used only as instructed by the manufacturer. Spore testing results and maintenance records for the most recent twelve (12) months must be kept onsite at the establishment.~~()

~~01100123.~~ -- ~~249099.~~ (RESERVED)

~~250400.~~ FEES.
All fees are non-refundable.()

FEE TYPE	AMOUNT (Not to Exceed)	RENEWAL (Not to Exceed)
Individual Original License or Certificate for Individual Licenses	\$25	\$25
Application	\$25	
Instructor License	\$30	\$30
Original License for Establishments, Dealer, Facility License/Registration	\$20	\$20
Original License for Schools License	\$300	\$85
Original License or Registration for Facilities	\$20	\$20
Registration for Apprentice Registration	\$25	
Certificate for Makeup Artist	\$25	\$25
License by Endorsement License	\$35	
Reinstatement	\$35	
Examination	As set by the Administrator	

(—)

251. -- 299.(RESERVED)

~~**300. QUALIFICATIONS FOR ALL LICENSES OR CERTIFICATES FOR INDIVIDUALS.**~~

~~In addition to other qualifications set forth in these rules, each applicant for licensure or certification must meet the following general qualifications:(—)~~

~~**01. Education.** Successful completion of at least two (2) years of high school or have attained an equivalent education as determined by the Board as evidenced by:(—)~~

~~**a.** High school transcripts, a copy of a high school diploma, or a letter written on high school stationery, signed by an officer of the high school, indicating that the applicant has satisfactorily completed the tenth grade and is eligible to commence the eleventh grade; or(—)~~

~~**b.** Documents establishing admission to or graduation from an associates, bachelors, or graduate degree program from an accredited college or university; or(—)~~

~~**c.** Successful passage of the General Educational Development (G.E.D.) Test; or (—)~~

~~**d.** Any test approved by the Department of Education to establish education equivalency shall be approved by the Board when an applicant receives a score approved by the Department of Education as meeting the equivalency requirement; or(—)~~

~~**e.** Other proof of satisfactory completion of the tenth grade with eligibility to commence the eleventh~~

grade. ()

~~03. Criminal and Disciplinary History. ()~~

~~a. An applicant must certify they have not engaged in conduct that would constitute grounds for discipline and have not had an application for licensure denied by another state, territory, or country. ()~~

~~b. An applicant who or whose license has a conviction, finding of guilt, withheld judgment, or suspended sentence for a felony, or has been subject to discipline in another state, territory or country must submit with their application a written statement and any supplemental information establishing their current suitability for licensure or certification. ()~~

~~e. In addition to other factors, the Board must consider: ()~~

~~i. The number or pattern of crimes or discipline or other similar incidents; and ()~~

~~ii. The circumstances surrounding the crime or discipline that would help determine the risk of repetition. ()~~

~~d. The Board may, at its discretion, interview the applicant. ()~~

~~e. The applicant bears the burden of establishing their current suitability for licensure or certification. ()~~

301.100. QUALIFICATIONS FOR ADDITIONAL LICENSE LICENSURE.

The Board may grant a license to an applicant for licensure who meets the requirements set forth in Section Pursuant to section 54-2810, Idaho Code, pays the required fee, meets the requirements prescribed in Section 300 of these rules, and the following education or apprenticeship, experience, and examination qualifications are required: ()

021. Additional Licensure Educational Requirements. Original Barber License. ()

~~a. Education. Barber License. For a A currently licensed cosmetologist, a licensed barber school must credit eight hundred (800) hours toward the required nine hundred (900) hours for a barber course. The school must submit for the Board's approval a written explanation of how the credited hours and the remaining hours of instruction will be allotted among the subjects in the barber course curriculum, provided that the remaining must complete one hundred (100) hours of barber-related instruction, to include must at a minimum include: ()~~

~~i. B barber theory, including male haircuts, and ()~~

~~ii. Shaving. ()~~

~~b. For a currently licensed barber in another state, territory, possession or country, and who does not meet the qualifications for licensure by endorsement, fifty (50) hours of instruction may be credited for each three (3) months of practical experience in barbering. ()~~

02. Original Barber Stylist License. ()

~~**a.b. Barber-Stylist License. For a A currently licensed cosmetologist, a licensed barber school must credit one thousand four hundred (1,400) hours toward the required one thousand five hundred (1,500) hours for a barber stylist course. The school must submit for the Board's approval a written explanation of how the credited hours and the remaining hours of instruction will be allotted among the subjects in the barber stylist course curriculum, provided that the remaining must complete one hundred (100) hours of barber-stylist instruction, to**~~

must at a minimum include the following: ()

- i. ~~B~~ barber theory, ~~including male~~ haircuts, and ()
- ii. ~~S~~shaving. ()

~~b.~~ For a currently licensed barber stylist in another state, territory, possession or country, fifty (50) hours of instruction may be credited for each three (3) months of practical experience in barber styling. ()

~~03.~~ **Original Cosmetologist License.** ()

~~a.c.~~ **Education. Cosmetologist License.**

~~i.~~ For a ~~A~~ currently licensed barber stylist, a licensed cosmetology school must credit one thousand three hundred (1,300) hours toward the required one thousand six hundred (1,600) hours for a cosmetology course. The school must submit for the Board's approval a written explanation of how the credited hours and the remaining hours of instruction will be allotted among the subjects in the cosmetology course curriculum, provided that ~~t~~The remaining must complete three hundred (300) hours of cosmetology instruction, to must at a minimum include the following: ()

- ~~i.~~ ~~N~~nail technology, ~~;~~ ()
- ~~ii.~~ ~~E~~sthetics, ~~;~~ and ()
- ~~iii.~~ ~~C~~osmetology theory, ~~including female and~~ hairstyling. ()

~~b.ii.~~ For a ~~A~~ currently licensed barber, a licensed cosmetology school must credit nine hundred (900) hours toward the required one thousand six hundred (1,600) hours for a cosmetology course. The school must submit for the Board's approval a written explanation of how the credited hours and the remaining must complete seven hundred (700) hours of cosmetology instruction, to will be allotted among the subjects in the cosmetology course curriculum, provided that the remaining hours of instruction must at a minimum include the following: ()

- ~~i.~~ ~~W~~orking on the hair with chemicals, ~~;~~ ()
- ~~ii.~~ ~~N~~nail technology, ~~;~~ ()
- ~~iii.~~ ~~E~~sthetics, ~~;~~ and ()
- ~~iv.~~ ~~C~~osmetology theory, ~~and including female~~ hairstyling. ()

~~c.iii.~~ A currently licensed esthetician, ~~haireutter,~~ or nail technician must ~~be given credit of two hundred (200) hours toward the required~~complete one thousand ~~six four~~ hundred (1,460) hours of hours for a cosmetology course ~~instruction~~ or ~~four hundred (400) hours toward the required three~~two thousand ~~two eight~~ hundred (2,280) hours as a cosmetology apprentice. ()

~~d.iv.~~ For a ~~A~~ currently certificated makeup artist in this state, a licensed cosmetology school may credit up to fifty (50) hours toward the required instructional hours for a cosmetology course, or a licensed instructor may credit up to one hundred (100) hours toward the required apprenticeship hours. Must complete one thousand five hundred fifty (1,500) hours of cosmetology instruction or three thousand one hundred (3,100) hours as a cosmetology apprentice. ()

~~e.~~ For an esthetician, ~~haireutter~~barber, barber stylist, or nail technician student, a licensed cosmetology school may credit eighty percent (80%) of accumulated hours, but no more than two hundred (200)

hours, toward the required instructional hours for a cosmetology course.(—)

~~f.~~ For a currently licensed cosmetologist in another state, territory, possession or country, one hundred (100) hours of instruction or two hundred (200) hours as an apprentice may be credited for each six-month period of practical experience in cosmetology.()

04. Original Electrologist License. Education. For a currently licensed electrologist in another state, territory, possession or country, forty (40) hours of instruction or eighty (80) hours as an apprentice may be credited for each six-month period of practical experience in electrology.(—)

05d. Original Esthetician License. (—)

~~a.~~ Education. For a ~~A~~ currently certificated certified makeup artist in this state, a licensed cosmetology school may credit up to fifty (50) hours toward the required must complete five hundred fifty (550) hours of esthetics instructional hours for an esthetics course or, a licensed instructor may credit up to one hundred (100) hours toward the required apprenticeship hours one thousand one hundred (1,100) hours as an esthetician apprentice.(—)

~~b.~~ A licensed cosmetology school may credit one-seventh (1/7) of accumulated hours toward the required instructional hours for an esthetics course for a cosmetology student.(—)

~~b.e.~~ For a currently licensed esthetician in another state, territory, possession or country, sixty ~~fifty~~ (650) hours of instruction or one hundred twenty ~~(120)~~ (100) hours as an apprentice may be given for each six-month period of practical experience in esthetics.(—)

06. Original Nail Technician License. (—)

~~a.~~ **02. Education.** Successful completion and graduation from a program of nail technology consisting of not less than four hundred (400) hours of instruction in a cosmetology school approved by the Board or completed at least eight hundred (800) hours in an apprenticeship that meets the requirements of Section 550, or the following equivalent instruction: A licensed cosmetology school may credit one-seventh (1/7) of accumulated hours toward the required instructional hours for a nail technology course for a cosmetology student.(—)

~~b.~~ For a currently licensed nail technician in another state, territory, possession or country, forty (40) hours of instruction or eighty (80) hours as an apprentice may be credited for each six-month period of practical experience in nail technology.(—)

037. Makeup Artist Certificate Approved Instruction. (—)

~~a.~~ Education/Training. Successful completion of instruction of not less than one hundred (100) hours in makeup artistry, which must include instruction and practical experience in safety and infection control. Hours may be ~~c~~ Classroom instruction, training, practical experience, or a combination. ~~Instruction may be received from one (one) or more of the following sources:(—)~~

~~i.~~ A ~~a~~ cosmetology school, a cosmetology or esthetics instructor, or a retail cosmetics dealer licensed in this state or another state, territory, possession, or country; (—)

~~ii.~~ A cosmetology or esthetics instructor licensed in this state or another state, territory or possession; (—)

~~iii.~~ A retail cosmetics dealer licensed in this state or another state, territory or possession; or (—)

- iv. ~~Other source of instruction that includes: ()~~
 - (1). ~~Knowledgeable and experienced instructor with a record of safe practices; ()~~
 - (2). ~~Instruction in client safety and safe product selection; and ()~~
 - (3). ~~Hands-on practice and training in infection control. ()~~
- v. ~~Any combination of the sources listed in Subsections 301.07.a.i. through a.iv. of this rule. ()~~
- b.** ~~Documentation of Education/Training. An applicant may present proof of education/training in makeup artistry in the following ways:()~~
 - i. ~~A current cosmetology or esthetician license from another state, territory, possession or country. ()~~
 - ii. ~~Transcripts or records of instruction. ()~~
 - iii. ~~Documentation of work history and training as an employee for a retail cosmetics dealer licensed in this state or another state, territory or possession of the United States.()~~
 - iv. ~~Membership in the International Alliance of Theatrical Stage Employees Make-Up Artists and Hair Stylists Guild or other similar organization whose membership requirements meet or exceed the requirements of these rules. ()~~
 - v. ~~Documentation of other training/experience must include: ()~~
 - (1). ~~Identity and qualifications of the person delivering the instruction/training; ()~~
 - (2). ~~Method of instruction/training and amount of hands-on training provided; and ()~~
 - (3). ~~Subject matters covered, particularly pertaining to topics listed in Subsection 301.07.a.iv of these rules. ()~~
- be.** ~~Additional Education/Training. The Board may require If an applicant who does not have a documented record of sufficient training in makeup artistry, including safety and infection control, the Board may to obtainrequire additional training or other demonstration of competency in that area.()~~

~~302.—308.(RESERVED)~~

~~309. QUALIFICATIONS FOR Instructor License.~~

~~The holder of a license issued by the Board who is subsequently issued an instructor license is permitted to maintain a single license to practice. The Board may grant a license to an applicant for licensure as an instructor who does not meets the requirements set forth in Section 54-5810(3), Idaho Code, and meets the following education requirements:if they can show.()~~

~~01. Course of Instruction.~~ ~~Have satisfactorily completed the corresponding teacher's course of instruction: ()~~

~~a.~~ ~~A minimum three (3) month course of barber instructing, barber stylist instructing, or cosmetology instructing as a student in a licensed school, if the applicant has at least two (2) years of experience as a licensed barber, barber stylist, or cosmetologist, provided that the course consist of no less than five hundred (500) hours; or (~~

)

~~b. A minimum six (6) month course of barber instructing, barber stylist instructing, or cosmetology instructing as a student, depending upon which license applying for, provided that the course consist of no less than nine hundred (900) hours.(—)~~

~~02. **Credit Hours.** Earned twelve (12) college credit hours or the equivalent. Credit hours must be obtained from the Education Department, Speech Communications Department or from the Psychology/Sociology Department and other credit at the discretion of the Board. Equivalency is determined as:(—)~~

~~a. Completion of teaching seminars focusing on barbering, barber styling, cosmetology, nail technology, esthetics, or electrology approved by the Board. Fourteen (14) clock hours is equivalent to one (1) semester college credit hour in an approved seminar. Verification of satisfactory completion must be submitted to the Board for its approval; or(—)~~

~~b. Verified ~~verified~~ satisfactory teaching as a qualified instructor from another state for one (1) of the previous three (3) years immediately prior to application.(—)~~

~~310. **Single License Required To Practice And Instruct.** The holder of a license issued by the Board who is subsequently issued an instructor license is permitted to maintain a single license to practice.(—)~~

~~01. **Scope.** An instructor license issued by the Board permits the holder to both practice and instruct only within the scope of the license(s) held.(—)~~

~~02. **Barber Stylist Instructor.** The holder of a cosmetologist license who is subsequently issued a barber stylist instructor license may not practice or instruct elements of barbering or barber styling that are outside the definition of cosmetology unless the licensee also has been issued a license as a barber or barber stylist by the Board. (—)~~

~~**100.01311. Approved Examinations.**~~

~~Applicants shall pass pproved examinations shall be tThe National Interstate Council of State Boards of Cosmetology's written and practical examinations. provided approved by the board.National Interstate Council of State Boards of Cosmetology (NIC) for the discipline for which licensure is sought. A passing score must be obtained on both the written and practical examination. A passing score will be determined by NIC.(—)~~

~~312. **(RESERVED)**~~

~~**313. REQUIREMENTS FOR LICENSURE BY ENDORSEMENT.**~~

~~01. **Licensure.** The Board may grant a license to an applicant for licensure by endorsement who: (—)~~

~~a. Meets the education requirements set forth in Subsection 300.01 of these rules. (—)~~

~~b. Holds an unrestricted license free from discipline. (—)~~

~~02. **Hold a Current License and Have Experience.** The applicant must be the holder of a current active license or certificate of qualification in the profession and at the level for which a license is being sought, issued by the authorized regulatory entity in another state, territory, possession, or foreign country. The certification of licensure must be received by the Board from the issuing agency; and(—)~~

~~a. Must show that the state, territory, possession, or foreign country has licensing requirements substantially equivalent to or higher than those required for new applicants in Idaho; or(——)~~

~~b. Document at least one (1) year of actual practice under certification or licensure in the three (3) years immediately prior to application in the profession for which a license is being sought.(——)~~

~~314~~~~312.~~ ~~324.(RESERVED)~~

~~325~~**100.04. Licensure And Operation Of Primary And Contiguous Establishments License.**

~~Except as otherwise provided in statute and these rules, a licensed individual must practice within a licensed establishment. An establishment may be licensed as a primary establishment or a contiguous establishment that operates within a primary establishment. A primary establishment license must be issued prior to the opening or operation of any barber or cosmetology establishment. An applicant for primary establishment licensure must provide proof of compliance with Rule 200.01.a. A primary establishment will not be issued if it includes or overlaps any portion of an existing establishment license. An applicant for contiguous establishment licensure must certify that it is associated with and operates within a currently licensed primary establishment and the primary establishment license holder must certify that the primary establishment is equipped to meet all safety and disinfection requirements.()~~

200.01. Premises

~~a. Primary Establishment License. A primary establishment license may be issued and annually renewed only under the following conditions: must have: (——)~~

~~a. There is (1) a clearly defined and designated working floor space of adequate dimension to that allows the safe and sanitary practice of any one (1) or combination of defined practices of cosmetology and/or barber-styling for all individual stations that may be in operation in addition to and provides safe access to any restrooms and access areas; and(——)~~

~~b. There is (2) an approved hot and cold running water source and drainage system that are within the perimeters of the primary establishment, separate from restroom facilities, and that is available to any contiguous establishment or other establishment or facility that may exist; and must be within the perimeters of the licensed establishment and separate from the toilet facilities; and.(——)~~

~~c. There are (3) restrooms facilities conveniently located and that are accessible from within the building in which the primary establishment is located and which shall be accessible from the primary area and to all areas designated for the operation of any contiguous establishments or facility that may exist; and which Restroom facilities shall contain an approved hot and cold running water source and approved drainage system. The water source shall be in addition to the separate from the work area facilities; and(——)~~

~~d. The license holder of the primary establishment license is responsible for complying with the safety and disinfection requirements and all other applicable statutes and rules for the designated licensed area of the primary establishment, including areas that are cooperatively or jointly used as “common areas,” such as shampoo bowls, restrooms, entrance or reception areas.()~~

~~02. Contiguous Establishment License. A contiguous establishment license may be issued and annually renewed only under the following conditions:(——)~~

~~a. A license must be issued prior to the opening or operation of any barber or cosmetology contiguous establishment; and(——)~~

~~b. The contiguous establishment is associated with a currently licensed primary establishment and a holder of the primary establishment license provides proof that the primary shop is equipped to meet the safety and disinfection requirements and rules of the Board; and(——)~~

~~b. e.~~ The ~~A~~ contiguous establishment ~~must shall only~~ operate only in the contiguous establishment designated areas within the associated primary establishment. (—)

~~db.~~ The ~~holder of the~~ contiguous establishment license ~~holder will be~~ is responsible for complying with the safety and disinfection requirements and all other applicable statutes and rules for the contiguous designated area where it operates.

~~03.~~ ~~Conditions for Issuance. No primary establishment license may be issued which includes or overlaps all or any portion of an existing establishment license.~~ (—)

~~0304. Businesses Other Than a Licensed Establishment or Facility.~~ Businesses other than one licensed under Chapter 58, Title 54, Idaho Code, and living quarters shall be separate and apart. Home establishments must provide a separate outside entrance directly into the establishment and substantial partitions or walls shall extend from the floor to not less than seven (7) feet high, separating the establishment from adjoining rooms used for business or domestic purposes. All doors to an establishment from adjacent rooms shall be closed. (—)

~~04.~~ ~~Conditions for Issuance. No primary establishment license may be issued which includes or overlaps all or any portion of an existing establishment license.~~ (—)

~~326. Establishment And Facility Changes In Ownership Or Location.~~ Whenever a change of ownership or fixed location of an establishment or facility occurs, an original license fee must be paid and compliance with all rules concerning a new establishment or facility must be met before a new license or registration will be issued. Establishment and facility licenses or registration are not transferable. (—)

~~100.04.c.01.~~ Establishment licenses ~~may~~ cannot be transferred. Any change in ownership or location or a full change in ownership requires ~~original~~ a new license application.

~~01.~~ ~~Board Must Be Informed of All Changes.~~ The Board must be informed in writing of any and all changes of ownership and location of establishments or facilities. (—)

~~02.~~ ~~Deletion of an Owner. In a multiple ownership establishment, an owner may be deleted removed from the establishment license by delivering to the Board upon written statement Deletion of an owner in a multiple ownership may be affected by filing a written statement delivered to the Board signed by all owners, including the person withdrawing owner and the remaining owner(s).~~ (—)

~~03.~~ In the event the board is notified that an establishment or contingent establishment has gone out of business, the Board shall investigate the claim and may cancel the establishment license upon a thirty (30) day written notice to the owner(s) or authorized agent of the establishment facility.

~~03.~~ ~~Transfer of Ownership.~~ If the transfer involves change of corporate structure or deleting one (1) or more owners, a written notarized statement signed by all former owners as registered with the Board shall be accepted. (—)

~~04.~~ ~~Addition of an Owner.~~ Addition of an owner to a multiple ownership constitutes a change in ownership and the requirements for a new establishment or facility apply. (—)

~~05.~~ ~~Out of Business.~~ Whenever any establishment or facility ceases operation at the licensed or registered location, the owner(s) or authorized agent of the establishment or facility shall notify the Board by submitting: (—)

~~a.~~ A signed letter by the owner(s) or authorized agent advising that the establishment or facility is out

of business; or(——)

~~b. The establishment or facility license or registration bearing the signature of the owner(s) or authorized agent and marked out of business; or(——)~~

~~e. For a contiguous establishment license, a signed statement by the associated primary establishment advising that the contiguous establishment is out of business.(——)~~

~~d. In the event that the Board has not been notified about the cessation of operations pursuant to this rule and documentation or evidence has been obtained that an establishment or facility has ceased operation at the licensed or registered location, the Board may cancel the establishment license or facility registration upon a thirty (30) day written notice to the owner(s) or authorized agent of the establishment or facility.(——)~~

~~0604.a License Status.~~A new primary establishment license will not be issued for any location that is currently licensed as a primary establishment at the time of application.()

~~327. RETAIL COSMETICS DEALER LICENSE.~~

~~The Board may grant a retail cosmetic dealer license to allow the application of cosmetic products to customers' faces in connection with the sale of the products.(——)~~

~~200.01.c.01.Requirements.~~ All ~~R~~retail cosmetic dealers ~~must~~ shall provide an area within the business premises for disinfection and storage of equipment and supplies necessary to perform any cosmetic application services provided. The business premises must have: (——)

~~a. A~~access to hot and cold running water; (——)

~~b. A~~e. access to restroom facilities; (——)

~~d~~Disinfectants, as defined in these rules; (——)

~~d.~~ Single-use samples, wipes, spatulas or other dispensing techniques designed to prevent contamination of the cosmetic product; and ~~a~~ (——)

~~e.~~ ~~f~~First-aid kit. (——)

~~328. Retail Thermal Styling Equipment Dealer Registration.~~

~~The Board may grant a registration as a retail thermal styling equipment dealer to an applicant who meets the following requirements:(——)~~

~~01. Training.~~ The dealer is responsible to train all employees on the proper and safe use of the thermal styling equipment and all disinfection related to the demonstration of the equipment prior to permitting an employee's use of the equipment on customers.(——)

~~02. Requirements.~~ All retail thermal styling equipment dealers shall provide the equipment and supplies necessary to perform any demonstration of the thermal styling equipment. The area where the demonstration is being performed must have:(——)

~~a.~~ Disinfectants, as defined in these rules; and (——)

~~b.~~ First-aid kit. (——)

~~329~~328. -- 499.(RESERVED)

~~500~~150. ~~BARBER AND COSMETOLOGY SCHOOL REQUIREMENTS~~ **EDUCATION.**

The Board may grant a license to an applicant for licensure to operate a

1. **Licensed Schools.** A licensed barber or cosmetology school ~~who must comply with~~ **meets** the following requirements:()

~~01.a~~ **Premises.** The premises of a barber or cosmetology school ~~must will:~~ ()

~~a:~~ Possess sufficient apparatus and equipment for the proper and full teaching of all subjects or its curriculum. ()

~~b:~~ Provide adequate space, ventilation, lighting, and facilities to safely accommodate all students, instructors, and customers; ~~and~~. ()

~~e:~~ Provide a restroom with a sink with hot and cold running water and ~~approved~~ drainage system. ()

~~02.~~ **Faculty or Instructors.** ()

~~a:~~ A school must be under the direct, personal supervision at all times of a licensed cosmetology instructor if a cosmetology school or a licensed barber or barber stylist instructor if a barber school and must employ and maintain a licensed instructor for every twenty (20) students or fraction thereof, with an instructor trainee counting as an instructor for the purposes of the student instructor ratio. ()

~~b.~~ **Instructors are only permitted to teach subject matters within the instructor's licensed scope of practice.** A cosmetology school ~~that teaches~~ **teaches** electrology ~~must be under the direct, personal supervision at all times of will~~ **employ** one (1) licensed electrologist instructor for every six (6) students ~~or portion thereof being trained therein and~~ **require instructors to directly supervise the training.** ()

~~b03e:~~ An instructor shall teach only those subject areas for which the instructor has been issued a license by the Board to practice. ()

~~d:~~ Instructors must devote their time during school or class hours to instructing students rather than engaging in occupational practice. ()

~~03.~~ **Operations.** A barber or cosmetology school must: ()

~~a:~~ Maintain regular class and instruction hours, establish grades and hold monthly examinations. This information will be transferred to the record of instruction; ()

~~b:~~ Prescribe a school term for training in all aspects of the practice being taught; and ()

~~04c.~~ **Curriculum.** Any proposed changes to a curriculum or catalog must be approved by the Board. The submission must identify what specific changes are being made to the curriculum. ()

~~a:~~ **To obtain approval to teach a subject,** A school must submit a curriculum and course catalog ~~that covers the subjects, as set forth in in which complies with~~ Section 54-5815, Idaho Code, ~~relating to the profession for which the school is seeking approval to teach.~~ **Any proposed changes to a curriculum or catalog must be submitted to the Board for approval.** ()

~~b:~~ A cosmetology school that teaches electrology must submit a curriculum and course catalog that

covers the subjects relating to electrology as set forth in Section 54-5815(1), Idaho Code. (—)

~~e.~~ i. A school may teach no more than fifty percent (50%) of its curriculum through distance education. (—)

ii. A licensed cosmetology school offering an additional license curriculum to a currently licensed barber must submit for approval a written explanation of the seven hundred (700) hour course of cosmetology instruction, such instruction to include working on the hair with chemicals, nail technology, esthetics, cosmetology theory, and hairstyling. ()

iii. For an esthetician, haircutter barber, barber stylist, or nail technician student, a licensed cosmetology school may credit eighty percent (80%) of accumulated hours, but no more than two hundred (200) hours, toward the required instructional hours for a cosmetology course. ()

iv. A licensed cosmetology school may credit one-seventh (1/7) of accumulated hours toward the required instructional hours for a nail technology course for a cosmetology student. ()

~~05.~~ **Clinical Work.** Each school shall advertise to the public that it is a school and that all work is done by students. The clinic area shall not have connecting entrances to establishments or businesses other than barber or cosmetology schools. (—)

~~a.~~ Students shall not be permitted to render any clinical service to patrons until students have completed at least five percent (5%) of the required hours of instruction. ()

~~b.v.~~ All clinical work shall will be performed under the supervision of a licensed instructor. ()

~~e.~~ Clinical work shall be recorded on the record of instruction for each month. (—)

~~vi. 06.~~ **Outside School Activities.** Schools A student may receive credit a student with a maximum of up to thirty (30) hours of credit toward the required hours of instruction for a course of instruction for instructor-approved activities that take place occurring outside the school. These hours must be approved by the instructor. ()

~~07.d.~~ **Student Records To be Maintained by the School.** A school must will maintain the following records for each enrolled student: (—)

~~a.~~ Proof of age showing student is no less than sixteen and one-half (16 ½) years of age; (—)

~~b.~~ Proof of showing student has satisfactorily completed two (2) years of high school (tenth grade) or having equivalent education as evidenced in a manner identified in Subsection 300.02 of these rules; (—)

~~a.e.~~ a Record of instruction for each student showing the classroom hours, the clinical hours, and operations, and approved outside school activities done for completed each month in which the student is enrolled; and (—)

~~b.d.~~ When a student's course of instruction has been completed or terminated, the completed operations, and number of hours of instruction are to be recorded by the school on the The record of instruction form, which is. This form is to will be provided to the student and maintained by the school for five (5) years from completion or termination.

e. In the event of cessation of school operations, student records of instruction must will be provided to each enrolled student at or before the cessation of operations. (—)

08. ~~Change in Ownership or Location.~~ (—)

~~a. e. -Licenses may not be transferred; Any change in ownership or location requires an original new license application. Licenses are not transferable. (—)~~

~~b. A new application must be submitted to the Board and a license issued for a new or additional location or a change of ownership of an existing school. (—)~~

09. ~~Cessation of School.~~ When a school ceases to operate as a school, the school must provide each enrolled student their records of instruction at or before the cessation of operations. (—)

10. ~~Rules for Cosmetology Schools Approved to Teach Electrology.~~ (—)

~~a. Schools will provide a minimum of three hundred (300) square feet of designated floor space per six (6) students. (—)~~

~~b. Each school shall have the following equipment, which is considered the minimum equipment necessary for the proper instruction of students. This amount of equipment is based on six (6) students. (—)~~

~~i. Work stations equal to seventy five percent (75%) of total enrollment; (—)~~

~~ii. Two (2) brands of machines, one (1) of which has three (3) method capability: Galvanic, Thermolysis, and Blend; (—)~~

~~iii. Two (2) treatment tables and adjustable technician chairs; (—)~~

~~iv. Two (2) swing arm lamps with magnifying lens; (—)~~

~~v. Two (2) magnifying glasses; (—)~~

~~vi. Tweezers; (—)~~

~~vii. One (1) basin with approved water source; (—)~~

~~viii. Necessary sanitation equipment for implements; and (—)~~

~~ix. Closed storage cabinet. (—)~~

~~e. Student Supplies. Each student is to be issued a basic kit containing two (2) tweezers, disposable probes, eye shields, disposable gloves, before treatment solution, after treatment lotion, hair pins or clips, and one (1) sharps container. (—)~~

501. (RESERVED)

502. EDUCATIONAL PROGRAM STANDARDS FOR COURSES OF INSTRUCTION.
~~A LICENSED SCHOOL MUST MAINTAIN THE FOLLOWING EDUCATIONAL PROGRAM STANDARDS FOR EACH COURSE OF INSTRUCTION FOR WHICH IT IS APPROVED TO TEACH. (—)~~

01. Barber. COURSEWORK MUST INCLUDE COURSES IN THE FOLLOWING CONTENT AREAS: (—)

- a. ~~HAIRCUT;~~ (—)
- b. ~~BLOW DRY (DOES NOT INCLUDE HAIRCUT);~~ (—)
- c. ~~SHAMPOO;~~ (—)
- d. ~~SHAVE AND BEARD TRIM;~~ (—)
- e. ~~FACIAL;~~ (—)
- f. ~~HAIR AND SCALP TREATMENT;~~ (—)
- g. ~~CURLING IRON; AND~~ (—)
- h. ~~HYGIENE AND DISINFECTION SHALL BE TAUGHT ON A CONTINUING BASIS AND INDICATED ON THE RECORD OF INSTRUCTION.(—)~~

02. Barber-Stylist. COURSEWORK MUST INCLUDE COURSES IN THE FOLLOWING CONTENT AREAS:(—)

- a. ~~HAIRCUT;~~ (—)
- b. ~~STYLE/BLOW DRY (DOES NOT INCLUDE HAIRCUT);~~ (—)
- c. ~~SHAMPOO;~~ (—)
- d. ~~PERMANENT WAVE;~~ (—)
- e. ~~SHAVE AND BEARD TRIM;~~ (—)
- f. ~~FACIAL;~~ (—)
- g. ~~COLOR/BLEACH/RINSE;~~ (—)
- h. ~~HAIR AND SCALP TREATMENT;~~ (—)
- i. ~~CURLING IRON; AND~~ (—)
- j. ~~HYGIENE AND DISINFECTION SHALL BE TAUGHT ON A CONTINUING BASIS AND INDICATED ON THE RECORD OF INSTRUCTION.(—)~~

03. Cosmetology. A RECORD OF THE OPERATIONS COMPLETED BY EACH STUDENT SHALL BE MAINTAINED AND INCLUDE THE FOLLOWING:(—)

- a. ~~CREATIVE HAIR STYLING WHICH SHALL INCLUDE HAIR STYLES, WET SETS/ STYLING, THERMAL STYLES, FINGERWAVING, BRAIDING/FREE STYLING;(—)~~
- b. ~~SCALP TREATMENTS;~~ (—)
- c. ~~PERMANENT WAVES (ALL METHODS);~~ (—)

- ~~d. HAIRCUTTING/SHAPING WHICH SHALL INCLUDE SCISSOR AND RAZOR/CLIPPER;(—)~~
 - e. ~~BLEACHING; (—)~~
 - f. ~~TINTING; (—)~~
 - g. ~~SEMI-PERMANENT/TEMPORARY COLOR; (—)~~
 - h. ~~FROSTING/HIGHLIGHTS; (—)~~
 - i. ~~FACIALS; (—)~~
 - j. ~~MAKEUP APPLICATION; (—)~~
 - k. ~~WAXING; (—)~~
 - l. ~~MANICURES WHICH SHALL INCLUDE PLAIN AND OIL;(—)~~
 - m. ~~PEDICURES (—)~~
 - n. ~~ARTIFICIAL NAILS; AND (—)~~
 - o. ~~HYGIENE AND DISINFECTION SHALL BE TAUGHT ON A CONTINUING BASIS AND INDICATED ON THE RECORD OF INSTRUCTION.(—)~~
04. ~~Esthetics. THE RECORDED OPERATIONS COMPLETED BY EACH STUDENT SHALL BE MAINTAINED AND INCLUDE THE FOLLOWING:(—)~~
- a. ~~MASSAGE AND MANIPULATION APPLICATION OF LOTIONS, CREAMS, TONICS, SOLUTIONS, SKIN CARE MASKS, AND SIMILAR COSMETIC PREPARATIONS AND THEIR EFFECTS ON THE SKIN AND BODY;(—)~~
 - b. ~~CLEANSING, STEAMING, EXFOLIATION, AND EXTRACTION PROCEDURES;(—)~~
 - c. ~~COSMETICS AND MAKEUP APPLICATION; (—)~~
 - d. ~~MACHINE APPLICATION: USE OF MECHANICAL OR ELECTRICAL EQUIPMENT;()~~
 - e. ~~BACTERIOLOGY, DISINFECTION AND STERILIZATION, AND SAFETY PRECAUTIONS;(—)~~
 - f. ~~HUMAN ANATOMY, PHYSIOLOGY AND HISTOLOGY OF SKIN CARE;(—)~~
 - g. ~~FOLLICLE GROWTH CYCLE AND HAIR REMOVAL PROCEDURES;(—)~~
 - h. ~~SKIN ANALYSIS, CONDITIONS, DISORDERS, AND DISEASES; AND (—)~~
 - i. ~~HYGIENE AND DISINFECTION SHALL BE TAUGHT ON A CONTINUING BASIS AND INDICATED ON THE RECORD OF INSTRUCTION.(—)~~

~~05. Nail Technology. THE RECORDED OPERATIONS COMPLETED BY EACH STUDENT SHALL BE MAINTAINED AND INCLUDE THE FOLLOWING:(—)~~

- ~~a. FORM NAILS; (—)~~
- ~~b. FINISHED TIPS; (—)~~
- ~~c. WRAPS AND MENDS; (—)~~
- ~~d. BASIC MANICURES AND PEDICURES; AND (—)~~
- ~~e. HYGIENE AND DISINFECTION SHALL BE TAUGHT ON A CONTINUING BASIS AND INDICATED ON THE RECORD OF INSTRUCTION.(—)~~

~~06. Electrology. THE RECORDED OPERATIONS COMPLETED BY EACH STUDENT SHALL BE MAINTAINED AND INCLUDE THE FOLLOWING:(—)~~

- ~~a. BACTERIOLOGY, DISINFECTION AND STERILIZATION, SAFETY PRECAUTIONS, ANATOMY, AND PHYSIOLOGY;(—)~~
- ~~b. ELECTRICITY WHICH SHALL INCLUDE THE NATURE OF ELECTRICAL CURRENT, PRINCIPLES OF OPERATING ELECTRICAL DEVICES AND THE VARIOUS SAFETY PRECAUTIONS USED WHEN OPERATING ELECTRICAL EQUIPMENT;(—)~~
- ~~c. ELECTROLYSIS WHICH SHALL INCLUDE THE USE AND STUDY OF GALVANIC CURRENT;(—)~~
- ~~d. THERMOLYSIS, INCLUDING THE USE AND STUDY OF HIGH FREQUENCY CURRENT, AUTOMATIC AND MANUAL; (—)~~
- ~~e. A COMBINATION OF HIGH FREQUENCY AND GALVANIC CURRENTS;(—)~~
- ~~f. THE STUDY AND CAUSE OF HYPERTRICHOSIS; AND (—)~~
- ~~g. HYGIENE AND DISINFECTION SHALL BE TAUGHT ON A CONTINUING BASIS AND INDICATED ON THE RECORD OF INSTRUCTION.(—)~~

~~08. Instructor. THE RECORDED OPERATIONS COMPLETED BY EACH STUDENT SHALL BE MAINTAINED AND INCLUDE THE FOLLOWING:(—)~~

- ~~a. LESSON PLANNING; (—)~~
- ~~b. AUDIO VISUAL AID PREPARATION; (—)~~
- ~~c. THEORY CLASS; (—)~~
- ~~d. PRACTICAL DEMONSTRATIONS; (—)~~
- ~~e. TESTING AND EVALUATION THEORY; (—)~~
- ~~f. TESTING AND EVALUATION; AND (—)~~

~~g. CLINIC FLOOR SUPERVISION. (—)~~

~~503-- 549.(RESERVED)~~

~~5150.02 APPRENTICE REGISTRATION AND Apprenticeships.~~

~~The Board may issue a registration as an apprentice to allow a person to engage in any of the practices licensed under Section 54-5815, Idaho Code, while completing the required instructional hours for a license or certificate. An apprentice may only practice under direct supervision as provided below. (—)~~

~~01. Application and Qualifications. An applicant must submit a completed application on a form approved by the Board, pay the required fee, and meet the following qualifications:(—)~~

~~a. Be at least sixteen and one-half (16 ½) years of age; (—)~~

~~b. Have successfully completed at least two (2) years of high school or have attained an equivalent education as determined by the Board as evidenced in a manner identified in Subsection 300.01 of these rules; (—)~~

~~ca. Have certification from the establishment that the applicant is enrolled as an apprentice in the establishment; (—)~~

~~cb. Identify the names and license numbers of the licensed cosmetologists, electrologists, estheticians, and nail technicians employed in the establishment in which the who will supervise the applicant will serve as an apprentice; and (—)~~

~~ce. Identify the name(s) and license number(s) of the licensed instructor(s) who will instruct the applicant during the apprenticeship.(—)~~

~~b.02. Instruction. Prior to beginning instruction, The instructor for any apprenticeship must submit to the and obtain Board approval of a curriculum for the entire course of apprenticeship instructions set forth in which complies with Section 54-5815(1)(g), Idaho Code and Rule 150.02.aI. The Board must approve the curriculum prior to the beginning of instruction. The curriculum must cover the subjects relating to the profession for which the apprentice is pursuing licensure as set forth in Section 54-5815(1)(g), Idaho Code.()~~

~~03. Supervision. There must be at least one (1) licensed instructor and one (1) separate supervising licensee for each apprentice in the establishment at all times when an apprentice is being trained, except that an electrology apprentice may be supervised solely by the electrology instructor.()~~

~~ac. Apprentices must work under the immediate personal supervision of the licensed instructor or other qualified supervisor licensee, except that an electrology apprentice may only work under the direct personal supervision of a licensed electrologist instructor. The iInstructors and supervisor licensees must be licensed to teach the profession for which the registrant is pursuing licensure and the supervising licensee must be licensed to practice the profession for which the apprentice is pursuing licensure may only teach or supervise work within their licensed scope of practice..()~~

~~b. An instructor may not train more than three (3) currently registered apprentices, except that an electrology instructor may not train more than one (1) currently registered electrology apprentice.(—)~~

~~e. An establishment may not have more than six (6) currently registered apprentices, unless otherwise approved by the Board.(—)~~

~~ded. An establishment or an instructor under current-ongoing discipline may not supervise an~~

apprentice. ()

~~edc.~~ An apprentice ~~shall~~ cannot be permitted to render ~~any~~ clinical services to patrons ~~until the apprentice has~~ prior to completion of ~~ed~~ at least five percent (5%) of the required hours of instruction. ()

~~04. Recordkeeping.~~ Establishments employing an apprentice shall keep a daily work record of the attendance of the apprentice and a record of the types of instruction given and the work performed by the apprentice as set forth below. ()

~~ae.~~ Recordkeeping. An apprentice must be given monthly progress records, and the monthly record shall be signed and dated by the apprentice and the instructor. The establishment shall must maintain the daily work records for a period of five (5) years following the apprentice's completion or termination ~~of the apprentice instruction.~~ The apprentice must be provided access to the daily work records and be provided monthly progress reports. ()

~~bi.~~ When certifying completion of an apprenticeship under Section 54-5817, Idaho Code, an apprentice's course of instruction has been completed or terminated, the completed operations and number of hours of instruction are to be recorded by the establishment on the Record of Instruction Form. The instructor The establishment must complete and submit the a Record of Instruction certifying completion to the Board within fourteen (14) days of the completion of the apprenticeship. The establishment must maintain a copy of the Record of Instruction for a period of five (5) years from completion or termination date. ()

~~e.~~ Attendance, instruction, and work records must be kept in the establishment in which the apprentice is employed. ()

~~d.~~ Apprenticeship records and are subject to inspection by the Board at any time. ()

~~05. Termination of Registration.~~ A registration as an apprentice is valid from the date of issuance until the apprentice is no longer enrolled as an apprentice in the establishment identified on the apprentice's application. ()

~~aii.~~ When an apprentice discontinues ~~a course of study~~ the apprenticeship or an establishment ceases operation, the establishment must complete and submit a Record of Instruction Form with the total number of hours worked and the types of instruction given to the apprentice. The Record of Instruction Form must be submitted to the apprentice(s) and the Board within thirty (30) days of the discontinuance of the apprenticeship. If an apprentice discontinues a course of instruction and does not transfer to another salon establishment within sixty (60) days, the apprentice registration is automatically canceled and is to be submitted to the Board along with the Record of Instruction. ()

~~b.~~ When an establishment where apprentices are being trained ceases operation as an establishment, the establishment must submit the records of instruction for each apprentice to the Board within thirty (30) days. ()

~~ef.~~ An apprentice who has discontinued a course of study must apply for and be granted receive a new registration ~~under Subsection 550.01 of these rules~~, prior to resuming instruction. ()

~~06g.~~ Out of State Apprenticeship. An applicant who has received instruction as an apprentice in another state must file with the Board submit a copy of the record of instruction from the summary or record of the out of state apprenticeship. ~~For purposes of this section, the record of instruction will be a statement which gives including~~ detailed information regarding operations and hours of instruction, and which is to be verified certified by the relevant licensing agency or instructor(s) ~~in the state in which the instruction was obtained.~~ ()

~~07a. Apprenticeship Length.~~ An apprenticeship registration must not exceed the following lengths of time ~~to be completed within the following period:~~ ()

- ~~a.i.~~ Barber: fifty-seven (57) weeks; ()
- ~~b.ii.~~ Barber-Stylist: ninety-four (94) weeks; ()
- ~~c.iii.~~ Cosmetologist: one hundred four (104) weeks; ()
- ~~d.iv.~~ Estheticians/Electrologist: thirty-eight (38) weeks; ()
- ~~e.v.~~ Nail Technicians: twenty-five (25) weeks. ()

551. -- 709.(RESERVED)

710. PRACTICE OUTSIDE OF A LICENSED ESTABLISHMENT.

~~All licensees and certificants must practice in a place or establishment that is licensed for such practice, except as provided for in Section 54-5804, Idaho Code, or when the s~~Services provided by the ~~Pursuant to Section 54-5804(2)(c), Idaho Code, a~~ licensee or certificant ~~outside of a licensed establishment pursuant to Section 54-5804(2)(c), Idaho Code, are limited to~~ can provide the following services outside of a licensed establishment: ()

~~01.~~ Hair Styling. Arranging, styling, ~~and~~ dressing of the hair. Trimming ~~of the hair~~ may be performed when ~~it is~~ incidental to the arranging, styling, or dressing ~~of the hair~~, including facial hair such as beards, mustaches, and eyebrows. ()

~~02.~~ Coloring. Wash out topical color, tinted powder, spray or chalk to temporarily camouflage ~~the~~ hair. ()

~~03.~~ ~~Extensions.~~ Application of extensions with non-permanent adhesive or thread, such as clip in hair, halos, wig and toupees. ()

~~04~~03. Temporary Hair Removal. Tweezing of hairs on the face and neck. ()

~~05~~04. Cleansing. Cleansing ~~of~~ the face for the limited purpose of removing makeup ~~and or~~ debris and cosmetic preparations for the application of makeup. ()

~~06~~05. Nail Services. Application of nail polish by painting without the use of a lamp or light, removal of polish ~~that is~~ incidental to the painting of the nail, and shaping ~~of~~ the nail with a single-use emery board. ()

~~07~~06. Makeup Application. Application of makeup, ~~except for the certified makeup artists.~~ ()

~~08~~07. Safety and Disinfection. All licensees and certificants must comply with the safety and disinfection rules applicable to the services being performed, regardless of the location where the services are performed. ()

711. -- 799.(Reserved)

~~800. UNPROFESSIONAL CONDUCT~~ **GROUNDS FOR DISCIPLINE.**

~~A licensee shall not engage in unprofessional the following conduct in the course of their practice. Unprofessional conduct is conduct which has endangered or is likely to endanger the health, welfare, or safety of the public and includes, but is not limited to, the following:~~ ()

~~200.~~ 06. Unprofessional Conduct. The following practices constitute unprofessional conduct. ()

- ~~01a. Use of MMA.~~ Use of Methyl Methacrylate acid (MMA); ()
- ~~02b. Use of Skin Cutting Instruments.~~ Use of skin cutting instruments, including razor-type callus shavers, credo blades, ~~microplane,~~ or other rasps or graters ~~designed to remove corns or calluses by cutting which cut~~ below the skin surface. The presence of such instruments creates a presumption of the instrument's use; ()
- ~~03c. Use of UV Sterilizers.~~ Use of ultraviolet (UV) sterilizers for disinfection. This does not prohibit the use of ultraviolet dryers or lamps used to dry or cure nail products; ()
- ~~04d. Use of Roll-on Wax.~~ Use of roll-on wax, except that single-use roll-on wax cartridges are acceptable when they are limited to a single client service and disposed of immediately after use; ()
- ~~05e. Double Dipping.~~ Placing an item or instrument that has been used on a person or placing a person's body part into a ~~wax pot or other~~ container that holds powder, wax, a compound, solution, or other cosmetic preparation that will be used for more than one (1) than patron. ~~This prohibited practice is commonly referred to as double dipping;~~ ()
- ~~06f. Reuse of Single Use or Porous Items.~~ Use of single-use or porous items on more than one (1) patron. The presence of used single-use or porous items, which have not been disposed of in a general trash container, creates a presumption of the item's use or intended use on more than one patron. ()
- ~~07g. Apprentices.~~ Failure to adequately supervise, instruct, or train an apprentice; ()
- ~~08h. Inspections and Investigations.~~ Interference with an inspection or investigation conducted by or on behalf of the Board; ()
- ~~09i. Disease Transmission Prevention.~~ Performing a service on a patron who has an open sore or a known contagious disease of a nature that may be transmitted by performing the procedure; ~~unless the licensee takes medically approved measures to prevent transmission of the disease; or;~~ ()
- ~~10k. Practice Outside Scope of Training.~~ Performing services or using machines or devices outside the licensee's area of training, expertise, competence, or scope of practice for the license held. ()

801. -- 849.(RESERVED)

~~850. REINSPECTION OF ESTABLISHMENTS, SCHOOLS AND FACILITIES.~~

~~All establishments, schools, and facilities shall be subject to inspection by the Board or its agents during business hours without notice to ensure the safe operation of each establishment, school, or facility and to ensure continued compliance with Chapter 58, Title 54, Idaho Code, and these rules.()~~

~~01. Form.~~ The Board may adopt a form which identifies those general items that will be inspected and a level of compliance necessary for issuance or renewal of a license and for which a failure to meet that level is grounds for discipline.()

~~02. Classification Card.~~ Following an inspection, each establishment, school, and facility, except for retail thermal styling equipment dealers, will receive classification as follows: 100% - 90% = "A"; 89% - 80% = "B"; 79% and below = "C." The "C" classification denotes an unacceptable level of compliance and a reinspection is required. ()

200.05 03. Reinspection- Inspections. A facility, school, or establishment ~~not found to be at an acceptable level of compliance~~ must make improvements within thirty (30) days. ~~A "C" classification denotes an unacceptable~~

~~level of compliance and a reinspection is required.~~ of an unacceptable “C” classification inspection result The Board may allow an establishment, school, or facility to continue to operate during that period. The Board may take action prior to any reinspection when the circumstances represent an immediate danger to the public health, safety, or welfare. ()

851.200.03 Safety And Disinfection For Establishments and Schools.

~~All establishments and schools must take every precaution to prevent the transfer of disease-causing pathogens between people and must meet annual renewal requirements and the following requirements:()~~

~~01a. Premises.~~ Establishments and schools must be separated from living areas by substantial walls and/ or closable doors. ~~All establishments and schools must be maintained in an orderly manner, so as to be safe and comfortable to the operators and patrons.~~ Floors, walls, ceilings, furniture, ~~and all other fixtures,~~ and restrooms shall must be kept clean and in good repair at all times. Clearly identifiable first-aid kit must be readily accessible on the premises ()

~~02b. Instrument Cleaning.~~ All instruments and items used by operators shall be thoroughly cleaned after each use and ~~prior to disinfection.~~()

~~03. Instrument Disinfection or Sterilization.~~ All instruments and items used by operators shall ~~be then~~ disinfected with a disinfectant or sterilized with a sterilant after cleaning and prior to use on each patron, ~~with a disinfectant or sterilant as defined in these rules.~~ All disinfectant must be mixed and changed according to the manufacturer’s instructions. Disinfection methods ~~such as of~~ immersion, sprays, and wipes may be used. Contact time listed on the disinfectant’s label must be adhered to in all circumstances. Items or surfaces must remain completely immersed in disinfectant, or visibly wet, if using sprays or wipes, for the full amount of contact time.()

~~04c. Single-Use, and Porous, and Prohibited Instruments.~~ Porous or single use instruments and items ~~that are intended for single use or that are porous shall~~ must be immediately disposed of in a waste trash container after each use on a patron or given to the patron to take home for personal use, provided that the instruments may not be brought back to the establishment for future use. Skin cutting instruments, including razor-type callus shavers, credo blades, or other rasps or graters which cut below the skin surface are not permitted in the establishment. ()

~~05d. Waxes and Waxing Services.~~ Paraffins, waxes and ~~all other~~ multi-patron use solutions or compounds products shall must be covered and maintained free of any foreign contaminants. Only disinfected or unused, single-use items may be placed into a container that holds products for multi-patron use products. ~~wax or paraffins.~~ Waxes and paraffins must be dispensed for use on a patron in the following manner: Waxes, paraffin, ~~and~~ These products must be portioned out for each patron in a container, or dispensed in a manner that prevents contamination of the unused supply. All portions used on a patron must be disposed of immediately following use.()

~~a. Wax may be removed from a multi-use wax pot for use on a patron by one of the following methods:~~ ()

~~i. Single-use spatula disposed of after a single dip/application;~~ ()

~~ii. Disinfected plastic spatulas with one disinfected spatula used for each dip into the wax pot; or~~ ()

~~iii. Placement of all wax needed for entire service in a single use, disposable cup or a container that can be properly cleaned and disinfected, such as a stainless steel bowl. The cup, any remaining wax, and all single-use applicators must be immediately disposed of at the conclusion of the service. This is the only instance in which a~~

single applicator may be used for an entire service.(—)

~~b. Paraffin wax must be portioned out for each patron in a bag or other container, or dispensed in a manner that prevents contamination of the unused supply. All portions used on a patron must be disposed of immediately following use.(—)~~

~~06. **Makeup Services.** All makeup and makeup services must follow the requirements in Section 852 of these rules. (—)~~

~~07. **Nail Services.** A licensee must comply with the following disinfection procedures between every patron: (—)~~

~~c.a. **Nail Services.** All pPedicure bowls, basins, or tubs, drill bits, internal piping, and pumps must be cleaned and disinfected prior to each use as directed by the manufacturer. follows:(—)~~

~~i. Empty pedicure bowl. (—)~~

~~iii. Remove all removable parts, including screens, foot plates, impellers and fans. (—)~~

~~iiii. Clean removable parts with soap or detergent and water, rinse, and immerse parts in disinfectant following manufacturer's directions for proper contact time.(—)~~

~~iiiv. Scrub bowl with soap or detergent and rinse with clean water. (—)~~

~~v. Replace removable cleaned and disinfected parts. (—)~~

~~ivvi. Fill bowl and add disinfectant to achieve proper concentration. (—)~~

~~vii. Allow disinfectant solution to sit, or run through system for bowls with circulating water for the manufacturer's recommended contact time.(—)~~

~~viii. Drain the tub, rinse and air dry or wipe dry with clean paper towel. (—)~~

~~b. Metal drill bits may be soaked in acetone to remove nail product. When removed from the acetone, they must be cleaned using soap, water, and a brush, and then rinsed prior to immersion in disinfectant. Drill bits must remain in disinfectant for the full contact time.(—)~~

~~f.08. **Water Supply and Hand Washing.** Water supplies shall be from an approved source. Sufficient basins with hot and cold running water, approved drainage systems, soap and single-use towels shall be conveniently located within the work area. Operators and students shall must wash their hands with running water, and soap and a single-use towel prior to providing service to any patron. When hand washing is not practicable, hand sanitizer of at least seventy percent (70%) alcohol may be used.()~~

~~09. **Restroom Facilities.** Clean, adequate and convenient restroom facilities, located and accessible from within the building where the shop or school is located, and shall be available for use by operators and patrons. All operators and students must wash their hands with running water and soap and then dry their hands with a single-use towel after using the restroom.(—)~~

~~10g. **Safety. Animals.** Clearly identifiable first aid kit must be readily accessible on the premises. No animals are allowed in shops or schools except service dogs, as defined by the U.S. Department of Justice Regulations, trained to do work or perform tasks for persons with disabilities. The definition of service animals and disabilities shall be as set forth in U.S. Department of Justice Regulations at 28 C.F. R. Section 36.104 effective~~

August 11, 2016. (——)

~~11h. Licenses and Classification Cards. All establishments and schools must be licensed prior to their operation and must be under the direct supervision of a licensed operator. A current establishment and/or school license, valid operator license(s), a copy of these safety and disinfection rules, and a valid classification card shall must be conspicuously displayed in the work area of each establishment or school for the information of operators, Board agents, and the public.~~ (——)

~~04.852. Safety and Disinfection For Retail Cosmetics Dealer Facilities and Makeover or Glamour Photography Businesses.~~

~~All retail cosmetic dealers and makeover or glamour photography businesses must take use every precaution to prevent the transfer of disease-causing pathogens between people and must comply with Chapter 58, Title 54, Idaho Code. At a minimum the dealer or business must meet the following requirements:~~ ()

~~01a. Cake, Loose, or Liquid Makeup. All mMakeup that comes in a cake, loose, or liquid form; must be transferred to a palette with a disinfected or single-use spatula for use with a single customer patron and in a manner to prevent any contamination. Any eExcess make-up on the palette must be disposed of immediately following use on or by a customer.~~ ()

~~02b. Makeup Pencils. Make-up pencils that require a sharpener must be sharpened prior to each use. Sharpeners must be cleaned and disinfected in accordance with Subsections 851.02 and 851.03 of these rules Rule 200.03.b. Eyeliner that does not require a sharpener must have a portion transferred to a palette with a disinfected or single-use spatula for use on a single customer.~~ ()

~~03c. Mascara. Single-use applicators must be used in the application of mascara.~~ ()

~~04d. Brushes and Implements. All iImplements and applicators, including brushes, that are used on customers or made available to be used for use by customers must be stored, cleaned, and disinfected or discarded disposed of in accordance with Rule 200.03.b. and c. Section 851 of these rules.~~ ()

~~05e. Displays. All mMake-up displays should be covered when not in use. When make-up displays are accessible to for use by the public patrons, single-use applicators for all make-up must be readily available.~~ ()

~~06. Water Supply and Restroom Facilities. The facility or business must meet the requirements in Subsections 851.08 and 851.09, and Section 853 of these rules.~~ (——)

~~067. First-aid Kit. The facility or business must have a eClearly identifiable first-aid kit must be readily accessible on the premises.~~ ()

~~078. Licenses and Classification Card. All retail cosmetics dealers and glamour or makeover photography businesses must be licensed prior to their operation. A current license, a copy of these safety and disinfection rules, and a valid classification card shall must be conspicuously displayed in the work area of each facility for the information of employees, Board agents, and the public.~~ ()

~~853. SAFETY AND DISINFECTION FOR RETAIL THERMAL STYLING DEALER FACILITIES.~~

~~All retail thermal styling equipment dealers must take every precaution to prevent the transfer of disease causing pathogens between people and must comply with Chapter 58, Title 54, Idaho Code. At a minimum the dealer must meet the following requirements:~~ (——)

~~01. Cleaning, Disinfection, and Storage. All implements and electrical equipment used on a customer must be cleaned, disinfected, and stored in accordance with Subsections 851.02, 851.03, and 851.04, of these rules.~~ ()

~~**02. First aid Kit.** The facility or business must have a clearly identifiable first aid kit readily accessible on the premises.(—)~~

~~**03. Registration and Classification Card.** All retail thermal styling equipment dealers must be registered prior to their operation. A current registration, a copy of these safety and disinfection rules, and a valid classification card shall be conspicuously displayed in the work area of each facility for the information of employees, Board agents, and the public.(—)~~

854. -- 999.(RESERVED)

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26.01.10 – RULES GOVERNING THE ADMINISTRATION OF TEMPORARY PERMITS ON LANDS OWNED BY THE IDAHO DEPARTMENT OF PARKS AND RECREATION

DOCKET NO. 26-0110-2301

NOTICE OF INTENT TO PROMULGATE RULES – ZERO-BASED REGULATION (ZBR) NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 67-4223 and 67-4249 Idaho Code.

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

Monday, August 14, 2023 10:00 a.m. to 11:00 a.m. (MT)
Meeting held via video conference: Click here to join the meeting Meeting ID: 281 893 467 815 Passcode: ot7Q6j Download Teams Join on the web
Join with a video conferencing device idahogov@m.webex.com Video Conference ID: 113 246 016 3 Alternate VTC instructions
Or call in (audio only) +1 208-985-2810,,666590335# United States, Boise Phone Conference ID: 666 590 335# Find a local number Reset PIN

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

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meeting via web conferencing. For those who cannot participate in the meeting, information for submitting written comments is provided below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

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

These rules are being presented for authorization as part of the Idaho Department of Parks and Recreation's plan to review each rule every 5 years. The Department is considering changes that remove outdated references, clarify unclear language, update fees to align with economic climate, and remove administrative burdens consistent with the Governor's Red Tape Reduction Act and the Governor's [Executive Order 2020-01: Zero-Based Regulation](#). It is

anticipated that rulemaking stakeholders will propose and advocate for rulemaking changes as part of the negotiated rulemaking process. The Department intends to carefully consider all changes presented by the public and may propose certain changes so long as they are consistent with the rules' statutory authority and the Governor's Executive Order.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, contact Seth Hobbs, (208) 514-2427, seth.hobbs@idpr.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Department's web site at the following web address: <https://parksandrecreation.idaho.gov/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 14, 2023.

DATED this 21st day of June, 2023.

Seth Hobbs
Idaho Department of Parks and Recreation
5657 Warm Springs Ave
Boise, ID 83716
Phone: (208) 514-2427

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26.01.20 – RULES GOVERNING THE ADMINISTRATION OF PARK AND RECREATION AREAS AND FACILITIES

DOCKET NO. 26-0120-2301

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 67-4223 and 67-4249, Idaho Code.

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

Monday, August 14, 2023 10:00 a.m. to 11:00 a.m. (MT)
Meeting held via video conference: Click here to join the meeting Meeting ID: 281 893 467 815 Passcode: ot7Q6j Download Teams Join on the web
Join with a video conferencing device idahogov@m.webex.com Video Conference ID: 113 246 016 3 Alternate VTC instructions
Or call in (audio only) +1 208-985-2810,,666590335# United States, Boise Phone Conference ID: 666 590 335# Find a local number Reset PIN

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

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meeting via web conferencing. For those who cannot participate in the meeting, information for submitting written comments is provided below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

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

The Department is considering changes that remove outdated references, clarify unclear language, update fees to align with economic climate, and remove administrative burdens. It is anticipated that rulemaking stakeholders will propose and advocate for rulemaking changes as part of the negotiated rulemaking process. The Department intends to carefully consider all changes presented by the public and may propose certain changes so long as they are consistent with the rules' statutory authority and [the Governor's Executive Order](#).

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, contact Seth Hobbs, (208) 514-2427, seth.hobbs@idpr.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Department's web site at the following web address: <https://parksandrecreation.idaho.gov/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 14, 2023.

DATED this 21st day of June, 2023.

Seth Hobbs
Idaho Department of Parks and Recreation
5657 Warm Springs Ave
Boise, ID 83716
Phone: (208) 514-2427

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION
26.01.34 – IDAHO PROTECTION AGAINST INVASIVE SPECIES STICKER RULES
DOCKET NO. 26-0134-2201 (ZBR CHAPTER REPEAL)
NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 30, 2023.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 67-4223 and 67-4249, 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 August 16, 2023.

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This temporary and proposed rule repeals the following chapter. All rules in this chapter were moved to Idaho statutes Title 67 Chapter 70 by the Idaho Legislature in the 2023 session.

IDAPA 26.01.34, Idaho Protection Against Invasive Species Sticker Rule.

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

This temporary rule is necessary to confer a benefit on its citizens. The temporary rule repealing the chapter implements the duly enacted laws of the state of Idaho, provides citizens with one location for the standards for complying with those laws, and assists in the orderly execution and enforcement of those laws.

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 06, 2022 Idaho Administrative Bulletin, [Vol. 22-4, page 41](#).

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 temporary and proposed rule, contact Seth Hobbs at (208) 514-2427.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 23, 2023.

DATED this 21st day of June 2023.

Seth Hobbs, Rules Review Officer
Idaho Department of Parks and Recreation
5657 Warm Springs Avenue
Boise, ID 83716
Phone: 208-514-2427
Seth.hobbs@idpr.idaho.gov

IDAPA 26.01.34 IS BEING REPEALED IN ITS ENTIRETY

IDAPA 32 – ENDOWMENT FUND INVESTMENT BOARD

32.01.01 – RULES GOVERNING THE CREDIT ENHANCEMENT PROGRAM FOR SCHOOL DISTRICTS

DOCKET NO. 32-0101-2301

NOTICE OF INTENT TO PROMULGATE RULES – ZERO-BASED REGULATION (ZBR) NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 57-728(2), Idaho Code, which gives the Endowment Fund Investment Board authority to promulgate rules necessary to discharge EFIB’s duties for the administration of the Credit Enhancement Program.

MEETING SCHEDULE: Two public meetings on the negotiated rulemaking will be held as follows:

Monday, August 21, 2023 at 9:00 a.m. (MT)	Tuesday, August 22, 2023 at 9:00 a.m. (MT)
In Person: Office of the EFIB 816 West Bannock St, Ste 301 Boise, Idaho 83702	

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

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

Please submit comments in writing for the record two (2) business days in advance of the meeting date(s) to be included in meeting materials and placed on the agenda. Public comments will also be accepted on the meeting date.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

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

In accordance with the [Zero-Based Regulation E. O. 2020-01](#) and the Board’s [5-year review schedule](#), the goal of this rulemaking is to make changes and modifications that remove obsolete language, eliminate unnecessary restrictions, and provide overall clarity.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text contact Chris Anton, Manager of Investments, Endowment Fund Investment Board, 816 West Bannock Street, Suite 301, Boise, ID 83702, (208)334-3312 phone, (208)334-3786 fax, chris.anton@efib.idaho.gov email. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Endowment Fund Investment Board’s web site at the following web address: www.efib.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 17, 2023. Comments will also be accepted on the meeting date.

DATED July 21, 2023

Chris Anton
Endowment Fund Investment Board
816 West Bannock Street, Suite 301
Boise, ID 83712
Phone: (208)334-3312
Fax: (208)334-3786

IDAPA 35 – IDAHO STATE TAX COMMISSION

35.01.01 – INCOME TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0101-2301

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 Section 63-105, 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 August 16, 2023.

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:

RULE 700: This is to relieve the confusion surrounding the credit for taxes paid in relation to an affected business entity.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 7, 2023 Idaho Administrative Bulletin, [Vol. 23-6, page 79](#). The Tax Commission has held one public meeting, and all public comments received will be considered in the formulation and adoption of the pending rule.

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 Cynthia Adrian at (208) 334-6691.

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 August 23, 2023.

DATED this 2nd day of August, 2023.

Cynthia Adrian, Income Tax Research Specialist
Idaho State Tax Commission
11321 W. Chinden Blvd., Bldg. 2, Boise ID 83714
PO Box 36, Boise ID 83722-0036
cynthia.adrian@tax.idaho.gov
(208) 334-6691

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 35-0101-2301
(Only Those Sections With Amendments Are Shown.)

700. CREDIT FOR INCOME TAXES PAID ANOTHER STATE OR TERRITORY: IN GENERAL (RULE 700).

Section 63-3029, Idaho Code

01. Taxes Not Eligible for the Credit. If any tax or portion thereof is imposed on capital stock, retained earnings, stock values, or a basis other than income, the tax is not eligible for the credit. The credit is not allowed for income taxes imposed by another state on income not taxed by Idaho. (4-6-23)

02. Credit Calculated on a State-by-State Basis. The credit and credit limitations are to be calculated on a state-by-state basis. The taxpayer may not aggregate the income taxed by other states or the taxes paid to the other states for purposes of calculating the credit and its limitations. (4-6-23)

03. Income Tax Payable to Another State. The income tax payable to another state is to be the tax paid after the application of all credits. The tax paid to the other state must be for the same taxable year that the credit is claimed. Tax paid to cities or counties does not qualify for the credit. (4-6-23)

04. Affected Business Entities. ()

a. The credit provided in Section 63-3026B(7)(b), Idaho Code, for income taxes paid to another state by an affected business entity, shall be calculated as specified in that statute. The credit is a pro rata share of the actual tax paid to the other state. The pro rata share of the tax credit is calculated by excluding the share of any member that is an exempt entity. ()

b. If a pass through entity has not elected to be treated as an affected business entity in Idaho, but pays an entity level income tax in another state, an Idaho resident who is a shareholder, partner, or member is allowed the Idaho credit for taxes paid to another state to the extent the tax is attributable to the individual as a result of his share of the entity's taxable income in another state, as provided in Section 63-3029(1), Idaho Code. ()

045. Limitations. The credit for taxes paid to another state is limited as follows: (4-6-23)

a. The credit allowed may not exceed the amount of tax actually paid to the other state. This includes the amount paid by a qualifying individual and the amount paid for such individual by an S corporation, partnership, limited liability company, estate, or trust. (4-6-23)

b. If an individual receives a refund due to a refundable credit for all or part of the income tax paid by the pass-through entity, the amount of the refund attributable to the refundable credit reduces the income tax paid by the pass-through entity. (4-6-23)

c. The credit may not exceed the proportion of the tax otherwise due to Idaho that the adjusted gross income of the individual derived from sources in the other state as modified by Chapter 30, Title 63, Idaho Code, bears to total adjusted gross income for the individual so modified. (4-6-23)

d. The credit allowed to an estate or trust may not exceed the proportion of the tax otherwise due to Idaho that the federal total income of the estate or trust derived from sources in the other state and taxed by that state bears to the federal total income of the estate or trust. (4-6-23)

i. Federal total income of the estate or trust derived from sources in the other state is to be determined using the Idaho sourcing rules applicable to nonresidents found in Section 63-3026A, Idaho Code and related rules. Income derived from the ownership or disposition of any interest in real or tangible personal property located in the other state is to be considered to be income derived from sources in the other state. Interest income earned on a bank account generally would not be income derived from sources in the other state as provided in Rule 266 of these rules. (4-6-23)

056. Examples. Available at [Income Tax Rules Examples](#). (4-6-23)

IDAPA 35 – IDAHO STATE TAX COMMISSION
35.01.08 – MINE LICENSE TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0108-2301 (ZBR CHAPTER REWRITE)
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 Section 63-105, 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 August 16, 2023.

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:

Under Executive Order 2020-01, Zero-Based Regulation, the State Tax Commission is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter, and use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and [Executive Order 2020-01: Zero-Based Regulation](#).

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 5, 2023 Idaho Administrative Bulletin, [Vol. 23-4, page 66](#). The Tax Commission has held two public meetings, and all public comments received will be considered in the formulation and adoption of the pending rule.

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 Elena Gonzalez at (208) 334-7855.

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 August 23, 2023.

DATED this 2nd day of August, 2023.

Elena Gonzalez, Product Taxes Research Specialist
Idaho State Tax Commission
11321 W. Chinden Blvd., Bldg. 2, Boise ID 83714
PO Box 36. Boise ID 83722-0036
elena.gonzalez@tax.idaho.gov
(208) 334-7855

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 35-0108-2301
(ZBR Chapter Rewrite)

35.01.08 – MINE LICENSE TAX ADMINISTRATIVE RULES

000. LEGAL AUTHORITY (RULE 000).

~~In accordance with~~ Section 63-105, Idaho Code, the State Tax Commission (Tax Commission) has promulgated rules implementing the provisions of the Idaho Mine License Tax Act. ~~The rules relating to the administration and enforcement of mine license taxes, as well as other taxes, are promulgated as IDAPA 35.02.01.~~ (3-31-22)()

~~**001. TITLE AND SCOPE (RULE 001).**~~

~~These rules are titled IDAPA 35.01.08.000, et seq., Idaho State Tax Commission Rules, IDAPA 35.01.08, “Mine License Tax Administrative Rules.” They are~~ construed to reach the full jurisdictional extent of the state of Idaho’s authority to impose a mine license tax. (3-31-22)()

~~**002. ADMINISTRATIVE APPEALS (RULE 002).**~~

~~This chapter allows administrative relief as provided in Sections 63-3045, 63-3045A, 63-3045B, and 63-3049, Idaho Code.~~ (3-31-22)

002. INCORPORATION BY REFERENCE (RULE 002).

These rules incorporate IDAPA 35.02.01, “Tax Commission Administration and Enforcement Rules” and all income tax rules promulgated by the Tax Commission and statutes that relate to the Mine License Tax Act. ()

~~**003. -- 0019. (RESERVED)**~~

~~**010. DEFINITIONS (RULE 010).**~~

~~Section 47-1205, Idaho Code~~

~~**01.** These Rules.~~ The term ~~these rules~~ refers to IDAPA 35.01.08, relating to Idaho mine license tax. (3-31-22)

~~**02.** Valuable Mineral.~~ The term “valuable mineral,” for purposes of the Idaho Mine License Tax, is defined to include not only gold, silver, copper, lead, zinc, coal, phosphate and limestone, but also any other substance not gaseous or liquid in its natural state, which makes real property more valuable by reason of its presence thereon or thereunder and upon which depletion is allowable pursuant to Section 613 of the Internal Revenue Code. This includes, but is not limited to, calcium carbonates, garnet, granite, pumice, quartzite, scoria, shale, slate, and stone (including dimension and ornamental stone). However, sand and gravel are not included in this definition. (3-31-22)

~~**011.—014. (RESERVED)**~~

~~**015. REFERENCE TO INCOME TAX RULES (RULE 015).**~~

~~Section 47-1205, Idaho Code. All income tax rules promulgated by the Tax Commission that relate to sections of the Idaho Code incorporated by reference in the Mine License Tax Act apply to the mine license tax.~~ (3-31-22)

~~**016.—019. (RESERVED)**~~

020. ADVANCE ROYALTIES (RULE 020).

Section 47-1201, Idaho Code. ~~Payments received from mining properties in Idaho from which no minerals or ores were extracted, sold, or used during the taxable year shall not be subject to the mine license tax. Provided, however, the~~Any tax arising from payments of advance royalties shall be deferred until the year during which the ore to which

the advance royalty relates is actually extracted.

(3-31-22)()

021. -- 029. (RESERVED)

030. NET VALUE OF ORE TO BE USED AS MEASURE OF TAX -- HOW DETERMINED (RULE 030).
Section 47-1202, Idaho Code

01. Election. The taxpayer may elect to use one (1) of the methods prescribed in Section 47-1202, Idaho Code, for the measurement of the mine license tax. This election must be made in writing and attached to the first mine license tax return filed. If no timely written election is made, the taxpayer shall be presumed to have elected to compute the mine license tax in accordance with the method described in Section 47-1202(a), Idaho Code. Once an election is made, the taxpayer may not change the method of computing ~~his~~~~their~~ tax unless ~~he~~~~they~~ receives written permission from the Tax Commission prior to the due date of the return.

(3-31-22)()

a. ~~This election is not available to~~ Taxpayers whose only taxable mining activity is receiving royalties. ~~Such taxpayers~~ must determine their mine license tax liability by use of the method described in Section 47-1202(a), Idaho Code.

(3-31-22)()

b. Taxpayers whose mining activity includes both the receiving of royalties and the extracting of ores must separately determine that portion of their mine license tax liability arising from the royalty received by using the method described in Section 47-1202(a), Idaho Code. ~~However, the taxpayer may elect to determine that~~ The portion of their mine license tax liability arising from their extraction of ores ~~by use of~~ may use either method for which a proper election ~~has been~~ was made. The separate determination may not be netted together or offset against each other.

(3-31-22)()

02. Method Under Section 47-1202(a). ~~For each taxpayer using the method described in Section 47-1202(a), Idaho Code, the net value of ores mined shall be the amount of taxable income from the property as defined by Section 613, Internal Revenue Code, and Treasury Regulation 1.613-5 less the deduction for depletion expense on the property that was allowed in the taxpayer's federal income tax return.~~ For taxpayers receiving royalties, gross royalties shall be reduced by the deduction for depletion expense on the royalty that was allowed in the taxpayer's federal income tax return.

(3-31-22)()

03. Method Under Section 47-1202(b). ~~For each taxpayer using the method described in Section 47-1202(b), Idaho Code,~~ ~~In addition to requirements under Section 47-1202(b),~~ the net value of ores mined shall ~~be the result of~~ include the computations in Subsections 030.03.a. ~~through~~ and 030.03.eb.

(3-31-22)()

a. ~~Gross value of the ores shall be equal to that determined by the U.S. Department of Interior during the same taxable year for purposes of identifying the amount of mineral royalties to be paid for the privilege of mining public lands. This~~ The value ~~used under 47-1202(b)~~ shall apply regardless of whether the ore is extracted from public, tribal, or private land. If the taxpayer is mining properties for which a royalty must be paid, the taxpayer must attach to the mine license tax return a copy of the value determination made by the U.S. Department of the Interior.

(3-31-22)()

b. ~~From the gross value determined in Subsection 030.03.a., the taxpayer shall deduct direct mining costs attributable to the Idaho production of the ores and Idaho transportation costs to the point at which they are valued by the U.S. Department of the Interior.~~

(3-31-22)

eb. ~~From the amount in Subsection 030.03.b.,~~ ~~t~~ The taxpayer shall also deduct a portion of the depletion expense attributable to the property that was allowed as a deduction in the taxpayer's federal income tax return for the same taxable year. The deductible portion shall be determined by multiplying the depletion expense allowed on the federal income tax return by the ratio of the gross value of ores for mine license tax purposes to the gross value of ores for federal percentage depletion purposes. For purposes of this computation, all references to gross value and depletion expense shall be limited to those arising from mining conducted in Idaho.

(3-31-22)()

031. -- 034. (RESERVED)

035. MINE LICENSE TAX RATE (RULE 035).

~~Section 47-1201, Idaho Code.~~

~~(3-31-22)~~

~~**01. Tax Rate Prior to July 1, 2001.** The mine license tax shall be two percent (2%) of the net value of the royalties received or the ores mined or extracted prior to July 1, 2001.~~

~~(3-31-22)~~

~~**02. Tax Rate After June 30, 2001.** The mine license tax shall be one percent (1%) of the net value of the royalties received or the ores mined or extracted after June 30, 2001.~~

~~(3-31-22)~~

~~**03. Application of Tax Rate Change.** If a taxpayer's taxable year includes days before and after July 1, 2001, the taxpayer shall separately compute the net value of royalties received and the ores mined or extracted as if the taxable year were two (2) separate tax periods. For the period prior to July 1, 2001, the mine license tax rate of two percent (2%) shall apply. For the period after June 30, 2001, the mine license tax rate of one percent (1%) shall apply. The two (2) tax amounts shall then be added together to arrive at the total mine license tax for that taxable year.~~

~~(3-31-22)~~

~~**036. -- 039. (RESERVED)**~~

040. MINE LICENSE TAX RETURNS (RULE 040).

Section 47-1203, Idaho Code.

~~In addition to the requirements of a~~ A valid return needs to be filed as provided in Rule 150 of the Tax Commission Administration and Enforcement Rules, ~~a mine license tax return shall~~ and include a schedule listing the name, address, and employer identification number or social security number, of each recipient of royalties paid by the taxpayer filing the return. The royalties shall be separately stated for each mining operation. Each mine license tax return shall also include a copy of the depletion expense computation applicable to Idaho mining properties that was included in the taxpayer's federal income tax return.

~~(3-31-22)~~ ()

~~**041. -- 999. (RESERVED)**~~

IDAPA 36 – IDAHO STATE BOARD OF TAX APPEALS

36.01.01 – RULES GOVERNING THE IDAHO STATE BOARD OF TAX APPEALS

DOCKET NO. 36-0101-2301

**NOTICE OF INTENT TO PROMULGATE RULES –
ZERO-BASED REGULATION (ZBR) NEGOTIATED RULEMAKING**

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 63-3808, Idaho Code.

MEETING SCHEDULE: Three public meetings on the negotiated rulemaking will be held as follows:

Thursday, August 3, 2023 10:00 a.m. (MT)	Thursday, August 24, 2023 10:00 a.m. (MT)	Thursday, August 31, 2023 10:00 a.m. (MT)
1673 W. Shoreline Drive, Suite 120 Boise, Idaho 83702		

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

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

All comments must be submitted in writing for the record.

Requests for oral presentations must be submitted at least one (1) day prior to scheduled meeting.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

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

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Board of Tax Appeals is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes will reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text (if available), contact Cindy Pollock at 208-334-3354. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the agency web site at the following web address: bta.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 1, 2023.

DATED this 1st day of August, 2023.

Cindy Pollock, Director
Idaho Board of Tax Appeals
1673 W. Shoreline Drive
Suite 120
Boise, ID 83702
Phone 208-334-3354
Fax 208-334-4060

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.07 – RULES REGULATING UNDERGROUND STORAGE TANK SYSTEMS

DOCKET NO. 58-0107-2301 (ZBR CHAPTER REWRITE, FEE RULE)

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. This action is authorized by Chapters 1 and 88, Title 39, Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before August 18, 2023. If no such written request is received, a public hearing will not be held. Two public meetings were held during the negotiated rulemaking process.

DESCRIPTIVE SUMMARY: DEQ initiated this rulemaking in compliance with [Executive Order No. 2020-01, Zero-Based Regulation \(EO 2020-01\)](#), issued by Governor Little on January 16, 2020. Pursuant to EO 2020-01, each rule chapter effective on June 30, 2020, shall be reviewed by the agency that promulgated the rule. The review will be conducted according to a schedule established by the Division of Financial Management, Office of the Governor (DFM), posted at https://adminrules.idaho.gov/forms_menu.html. This is one of the DEQ rule chapters up for review in 2023.

This rulemaking removes sections that are no longer applicable and includes updates consistent with the adopted Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (40 CFR Part 280) required for state program approval. The “revised as of date” of 40 CFR Part 280 has been updated to 2023 even though 40 CFR Part 280 has not been revised since its incorporation by reference into IDAPA 58.01.07, Rules Regulating Underground Storage Tank Systems, in 2017. The purpose of this update is to simplify compliance for the regulated community by making the CFR more accessible.

The goal of the rulemaking is to perform a critical and comprehensive review of the entire chapter in an attempt to reduce overall regulatory burden, streamline various provisions, increase clarity and ease of use, and maintain state program approval.

Citizens of the state of Idaho, environmental groups, owners and operators of underground storage tanks, cities, counties, bankers, lenders, realtors, petroleum marketers, consultants, and representatives of the Idaho Petroleum Storage Tank Fund Board of Trustees may be interested in commenting on this proposed rule. The rule is expected to be final and effective upon the conclusion of the 2024 legislative session if adopted by the Board and approved by the Idaho Legislature.

FEE SUMMARY: This rulemaking does not impose or increase a fee beyond what was previously submitted to and reviewed by the Idaho Legislature in prior rules but does impose the current fee on newly regulated tanks, per the adopted Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (40 CFR Part 280) required for state program approval. The annual fee statutory authority is established by Idaho Code §§ 39-118 and 39-8802(d).

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: Not applicable.

NEGOTIATED RULEMAKING: On March 1, 2023, the notice of negotiated rulemaking was published in the Idaho Administrative Bulletin and on March 2, 2023 a preliminary draft rule was posted on DEQ’s website. Meetings were held on March 30 and May 11, 2023. Stakeholders and members of the public participated by receiving email notifications, attending the meetings, and reviewing DEQ’s presentations. Key information was posted on DEQ’s website and distributed to persons who participated in the negotiated rulemaking.

No comments were received during the negotiated rulemaking process. At the conclusion of the negotiated rulemaking process, DEQ submitted the draft rule to the Division of Financial Management for review. DEQ formatted the draft for publication as a proposed rule and is now seeking public comment. The negotiated rulemaking

record, which includes the negotiated rule drafts, documents distributed during the negotiated rulemaking process, and the negotiated rulemaking summary, is available at <https://www.deq.idaho.gov/underground-storage-tanks-docket-no-58-0107-2301/>.

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: Not applicable

IDAHO CODE SECTION 39-107D STATEMENT: This proposed rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this proposed rulemaking, contact Kristi Lowder at kristi.lowder@deq.idaho.gov or (208) 373-0347.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rule. The Department will consider all written comments received on or before September 1, 2023. Submit written comments to:

Kristi Lowder
Department of Environmental Quality
1410 N. Hilton, Boise, ID 83706
kristi.lowder@deq.idaho.gov

Dated this 2nd day of August, 2023.

Caroline Moores
Operations Senior Analyst
Department of Environmental Quality
1410 N. Hilton Street Boise, Idaho 83706
Phone: (208)373-0149
caroline.moores@deq.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 58-0107-2301
(ZBR Chapter Rewrite.)

58.01.07 – RULES REGULATING UNDERGROUND STORAGE TANK SYSTEMS

000. LEGAL AUTHORITY.

Chapters 1 and 88, Title 39, Idaho Code, ~~grant authority to the Board of Environmental Quality to promulgate rules for the regulation of underground storage tank systems within the state of Idaho.~~ (3-24-22)()

001. ~~TITLE AND SCOPE.~~

01. ~~Title.~~ These rules are titled IDAPA 58.01.07, “~~Rules Regulating Underground Storage Tank Systems.~~” (3-24-22)

02. ~~Scope.~~ These rules ~~establish standards and procedures necessary for the regulation of underground storage tank systems. Compliance with these rules shall not relieve persons from the obligation to comply with other applicable state or federal laws~~ have the scope and applicability provided in Section 39-8804, Idaho Code.

(3-24-22)()

002. WRITTEN INTERPRETATIONS.

~~As described in Section 67-5201(19)(b)(iv), Idaho Code, the Department of Environmental Quality may have written statements which pertain to the interpretation of these rules. If available, such written statements can be inspected and copied at cost at the Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706-1255. (3-24-22)~~

003. ADMINISTRATIVE PROVISIONS.

Persons may be entitled to appeal agency actions authorized under these rules pursuant to IDAPA 58.01.23, "Contested Case Rules and Rules for Protection and Disclosure of Records." ()

004. INCORPORATION BY REFERENCE.

~~Any reference to any document identified in Subsection 004.01 shall constitute the full adoption by reference into IDAPA 58.01.07. (3-24-22)~~

01. Documents Incorporated by Reference. Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks, 40 CFR Part 280, revised as of July 1, 2017 2023 with the following ~~exceptions~~ exclusions: (3-24-22)()

- a. 40 CFR 280.12, the definition of "Replaced" ~~is excluded~~; (3-24-22)()
- b. 40 CFR 280.12, the definition of "Under-dispenser containment or UDC" ~~is excluded~~; (3-24-22)()
- c. 40 CFR 280.20, the introductory paragraph sentence, "In addition, except for suction piping that meets the requirements of Section 280.41(b)(1)(ii)(A) through (E), tanks and piping installed or replaced after April 11, 2016 must be secondarily contained and use interstitial monitoring in accordance with Section 280.43(g)," ~~is excluded~~; (3-24-22)()
- d. 40 CFR 280.20(f), ~~is excluded~~; (3-24-22)()
- e. 40 CFR 280.34(b)(9), the citation to Section 280.245 ~~is excluded~~; (3-24-22)()
- f. 40 CFR 280.41(a)(1), "installed on or before April 11, 2016..." ~~is excluded~~; (3-24-22)()
- g. 40 CFR 280.41(a)(2), ~~is excluded~~; (3-24-22)()
- h. 40 CFR 280.41(b)(1), "installed on or before April 11, 2016..." ~~is excluded~~; (3-24-22)()
- i. 40 CFR 280.41(b)(2), ~~is excluded~~; (3-24-22)()
- j. 40 CFR 280.42, Note to paragraph (a), "for tank installed on or before October 13, 2015." ~~is excluded~~; (3-24-22)()
- k. 40 CFR 280.42(e), "installed on or before October 13, 2015..." ~~is excluded~~; and (3-24-22)()
- l. 40 CFR Part 280, Subpart J ~~is excluded~~. (3-24-22)()

02. Hazardous Substance Underground Storage Tank Systems. (3-24-22)

~~a. The following items only apply to hazardous substance underground storage tank systems and do not apply to petroleum underground storage tank systems: (3-24-22)~~

- ~~i. The definition of "Hazardous substance UST system" in 40 CFR 280.12 and use of this term or regulations regarding hazardous substance in 40 CFR Part 280; and (3-24-22)~~
- ~~ii. 40 CFR 280.42 and any reference to 40 CFR 280.42 in 40 CFR Part 280. (3-24-22)~~

~~b.~~ All other provisions of 40 CFR Part 280 and all provisions of IDAPA 58.01.07 shall apply to hazardous substance underground storage tank systems. (3-24-22)

~~032.~~ **Consistency.** In the event of conflict or inconsistency between the language in IDAPA 58.01.07 and that found in 40 CFR Part 280, IDAPA 58.01.07 shall will prevail. (3-24-22)()

~~043.~~ **Stringency.** IDAPA 58.01.07 shall will be no more stringent than federal law or regulations governing ~~underground storage tank~~ UST systems. (3-24-22)()

~~05.~~ **Availability of Referenced Material.** The federal regulations adopted by reference can be obtained at the following locations: (3-24-22)

~~a.~~ U.S. Government Printing Office, www.ecfr.gov; and (3-24-22)

~~b.~~ Department of Environmental Quality, Hearing Coordinator, 1410 N. Hilton, Boise, ID 83706-1255, (208)373-0502. (3-24-22)

~~005.~~ **OFFICE HOURS — MAILING ADDRESS AND STREET ADDRESS.**

The state office of the Department of Environmental Quality and the office of the Board of Environmental Quality are located at 1410 N. Hilton, Boise, Idaho 83706-1255, (208) 373-0502, www.deq.idaho.gov. The office hours are 8 a.m. to 5 p.m. Monday through Friday. (3-24-22)

~~006.~~ **CONFIDENTIALITY OF RECORDS.**

Information obtained by the Department under these rules is subject to public disclosure pursuant to the provisions of Title 74, Chapter 1, Idaho Code, and IDAPA 58.01.21, “Rules Governing the Protection and Disclosure of Records in the Possession of the Idaho Department of Environmental Quality.” (3-24-22)

~~0074.~~ -- 009. (RESERVED)

010. DEFINITIONS.

For the purpose of the rules contained in IDAPA 58.01.07, “Rules Regulating Underground Storage Tank Systems,” the following definitions apply: The term “department” has the meaning provided for that term in Section 39-103, Idaho Code. (3-24-22)()

~~01.~~ **Board.** The Idaho Board of Environmental Quality. (3-24-22)

~~021.~~ **Community Water System.** A public water system that serves at least fifteen (15) service connections used by year-round residents of the area served by the system or regularly serves at least twenty-five (25) year-round residents As defined in IDAPA 58.01.08, “Idaho Rules for Public Drinking Water Systems,” Section 003. (3-24-22)()

~~03.~~ **Department.** The Idaho Department of Environmental Quality. (3-24-22)

~~04.~~ **Director.** The Director of the Idaho Department of Environmental Quality or his authorized agent. (3-24-22)

~~052.~~ **Existing.** Solely for purposes of determining when secondary containment is required, existing is when a ~~petroleum underground storage tank~~ UST, piping, motor fuel dispensing system, facility, public drinking water system or potable drinking water well is in place when a new installation or replacement of a tank, piping, or motor fuel dispensing system begins. (3-24-22)()

~~06.~~ **EPA.** The United States Environmental Protection Agency. (3-24-22)

~~073.~~ **Installation of a New Motor Fuel Dispenser System.** The installation of a new motor fuel dispenser and the equipment necessary to connect the dispenser to the ~~petroleum underground storage tank~~ UST system. This equipment may include flexible connectors, risers, or other transitional components that are beneath the

dispenser, below the shear valve, and connect the dispenser to the piping. It does not mean the installation of a motor fuel dispenser installed separately from the equipment needed to connect the dispenser to the ~~petroleum underground storage tank UST~~ system. (3-24-22)(____)

084. Installer. Any person who installs a new or replacement ~~petroleum underground storage tank UST~~ system. (3-24-22)(____)

095. New Underground Storage Tank (UST). Has the same meaning as “underground storage tank or UST” in 40 CFR 280.12, except that such term includes tanks that have been previously used and meet the ~~requirements provisions~~ of 40 CFR 280.20(a). (3-24-22)(____)

106. Non-Community Water System. ~~A public water system that is not a community water system. A non-community water system is either a transient non-community water system or a non-transient non-community water system. As defined in IDAPA 58.01.08, “Idaho Rules for Public Drinking Water Systems.” Section 003.~~ (3-24-22)(____)

11. Piping. ~~A hollow cylinder or a tubular conduit constructed of non earthen materials that routinely contains and conveys regulated petroleum substances from the petroleum underground storage tank(s) to the dispenser(s) or other end-use equipment. It does not mean vent, vapor recovery, or fill lines that do not routinely contain regulated petroleum substances.~~ (3-24-22)

1207. Potable Drinking Water Well. Any hole (dug, driven, drilled, or bored) that extends into the earth until it meets ground water which supplies water for a non-community public drinking water system or otherwise supplies water for household use (consisting of drinking, bathing, and cooking, or other similar uses). Such wells may provide water to entities such as a single-family residence, group of residences, businesses, schools, parks, campgrounds, and other permanent or seasonal communities. (3-24-22)(____)

1308. Product Deliverer. Any person who delivers or deposits product into a ~~petroleum underground storage tank UST~~. This term may include major oil companies, jobbers, ~~petroleum~~ transportation companies, or other product delivery entities. (3-24-22)(____)

1409. Public Drinking Water System. ~~A system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes: any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and, any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Such term does not include any “special irrigation district.” A public water system is either a “community water system” or a “non-community water system.” As defined in IDAPA 58.01.08, “Idaho Rules for Public Drinking Water Systems.” Section 003.~~ (3-24-22)(____)

150. Red Tag. A tamper-resistant tag, device, or mechanism attached to the tank’s fill pipes that clearly identifies a ~~petroleum underground storage tank UST~~ as ineligible for product delivery. The tag or device shall must be visible to the product deliverer and clearly state that it is unlawful to deliver to, deposit into, or accept product into the ineligible ~~petroleum underground storage tank UST~~. (3-24-22)(____)

161. Replace. As it applies to ~~petroleum underground storage tanks USTs~~ and piping, replace is defined as follows: (3-24-22)(____)

a. ~~Petroleum Underground Storage Tank. Replace means t~~To remove an existing tank and install a new tank. (3-24-22)(____)

b. ~~Piping. Replace means t~~To remove and put back in one hundred (100) percent of the piping, excluding connectors, connected to a single ~~petroleum underground storage tank UST~~ system. This definition does not alter the requirement in 40 CFR 280.33(c) to replace metal pipe sections and fittings that have released product as a result of corrosion or other damage. A replacement of metal pipe section and fittings pursuant to 40 CFR 280.33(c) shall will be considered a replacement under this definition only if one hundred (100) percent of the metal piping,

excluding connectors, is replaced. (3-24-22)()

172. Under-Dispenser Spill Containment. Containment underneath a dispenser that will prevent leaks from the dispenser from reaching soil or ground water. Such containment must: ()

a. At installation or modification, be liquid-tight on its sides, bottom, and at any penetrations; and ()

b. Be compatible with the substance conveyed by the piping; and either ()

c. Allow for visual inspection and access to the components in the containment system; or ()

d. Be monitored for releases using a release detection method that meets the requirements provisions of 40 CFR 280.43(g). (3-24-22)()

011. – 099. (RESERVED)

100. ADDITIONAL MEASURES TO PROTECT GROUND WATER FROM CONTAMINATION.

01. Notification. An owner, operator, or designee must provide to the Department: (3-24-22)()

a. ~~Provide written notice to the Department using forms provided by the Department~~ thirty (30) days prior to the installation of a new piping system or a new or replacement ~~petroleum underground storage tank UST~~. (3-24-22)()

b. ~~Provide notice to the Department~~ twenty-four (24) hours prior to the installation of a replacement piping system. (3-24-22)()

~~**02. Notification Forms.** The written notice required in Subsection 100.01.a. shall be made upon forms provided by the Department. (3-24-22)~~

032. Requirements for Petroleum UST Systems. Owners, operators, and installers of a new or replacement ~~petroleum underground storage tank UST~~ or piping system shall ~~shall~~ **must** comply with the following requirements provisions. (3-24-22)()

a. Each new ~~petroleum underground storage tank, or existing UST~~ or piping ~~connected to any such new tank, installed or replaced after February 23, 2007, or any existing petroleum underground storage tank, or existing piping connected to such existing tank, that is replaced after February 23, 2007, shall will~~ have secondary containment and be monitored for leaks ~~in accordance with 40 CFR 280.43(g)~~ if the new or replaced ~~petroleum underground storage tank UST~~ or piping is within one thousand (1,000) feet of any existing public ~~drinking~~ water system or any existing potable drinking water well. At a minimum, secondary containment systems must be designed, constructed, and installed to contain regulated substances released from the tank system until they are detected and removed, prevent the release of regulated substances to the environment at any time during the operational life of the ~~petroleum underground storage tank UST~~ system, and be checked for evidence of a release at least every thirty (30) days. The following conditions are excluded: (3-24-22)()

i. Suction piping that meets the requirements provisions of 40 CFR 280.41(b)(1)(ii)(A) through (E); (3-24-22)()

ii. Piping that manifolds two (2) or more ~~petroleum underground storage tanks USTs~~ together; (3-24-22)()

iii. Existing piping to which new piping is connected to install a dispenser; and ()

iv. Tanks identified in 40 CFR 280.10(b). ()

b. If the owner installs, within one (1) year, a potable drinking water well at the new facility that is

within one thousand (1,000) feet of the ~~petroleum underground tanks USTs~~, piping, or motor fuel dispenser system as part of the new ~~underground storage tank UST~~ facility installation, secondary containment and under-dispenser containment are required, regardless of whether the well is installed before or after the ~~petroleum underground tanks USTs~~, piping, and motor fuel dispenser system are installed. (3-24-22)()

c. The notice ~~required described~~ in Subsection 100.01 ~~shall will~~ indicate whether the new or replacement installation is within one thousand (1,000) feet of an existing public ~~drinking~~ water system or any existing potable drinking water well. If the owner and installer certify that the installation is not within one thousand (1,000) feet of an existing public ~~drinking~~ water system or any existing potable drinking water well, the owner, operator or designee ~~shall will~~ provide and maintain documentation showing that a reasonable investigation of water systems and drinking water wells was undertaken. A reasonable investigation includes, but is not limited to, a search of the records of: (3-24-22)()

- i. The public or private water service provider in the area which the new or replacement installation is located (if any); ()
- ii. The city or county in which the new or replacement installation is located; ()
- iii. The Idaho Department of Water Resources; and ()
- iv. The ~~Idaho Department of Environmental Quality~~. (3-24-22)()

d. In the case of a replacement of an existing ~~petroleum underground storage tank UST~~ or existing piping ~~connected to the petroleum underground storage tank~~, Section 100 ~~shall apply~~ies only to the specific ~~petroleum underground storage tank UST~~ or piping being replaced, not to other ~~petroleum underground storage tanks USTs~~ and ~~connected pipes comprising such system piping~~. (3-24-22)()

e. Each installation of a new motor fuel dispenser system ~~shall will~~ include under-dispenser spill containment if the new dispenser is within one thousand (1,000) feet of any existing public ~~drinking~~ water system or any existing potable drinking water well. (3-24-22)()

~~04. Requirements for Hazardous Substance UST Systems. Owners, operators, and installers of a new or replacement hazardous substance underground storage tank or piping system shall have secondary containment as required in 40 CFR 280.42. (3-24-22)~~

~~05. Certification. Owners and operators shall also comply with the certification requirements of 40 CFR 280.22(f) as incorporated by reference into these rules. (3-24-22)~~

101. ALTERNATIVE PERIODIC TESTING OF CONTAINMENT SUMPS USED FOR INTERSTITIAL MONITORING OF PIPING.

01. Applicability. ()

a. The alternative test method in Subsection 101.02 ~~shall may~~ only be used for containment sumps that are performing continuous interstitial monitoring as a piping release detection method where an electronic sump sensor is installed and connected to an electronic monitoring device, such as an automatic tank gauge, or where the piping within a containment sump is continuous to a containment sump ~~which that~~ has an electronic sump sensor installed and connected to an electronic monitoring device, such as an automatic tank gauge. (3-24-22)()

i. The sump sensor in Subsection 101.01.a. must be positioned in the containment sump according to manufacturer instructions and at the lowest possible point in the containment sump. ()

ii. The sump sensor in Subsection 101.01.a. must be wired and programmed appropriately to shut down power to the submersible turbine pump (positive shutdown) when the sensor is in contact with liquid in any containment sump. ()

~~iii. If new dispensers are added and Subsection 101.01.a.ii. cannot be achieved (no electrical conduit,~~

~~not enough sensor ports, etc.), an electronic stand-alone dispenser containment sump sensor may be used if it is wired appropriately to shut down power to the dispenser when the sensor is in contact with liquid in the dispenser containment sump.~~ (3-24-22)

b. The Department may not allow the alternative test method in Subsection 101.02 if it determines the containment sump, penetration fittings, or containment sump sensors are not constructed or positioned in a manner that will accommodate the alternative testing or prevent releases to the environment (i.e., penetration fittings are too close to the containment sump bottom). ()

02. Alternative Test Method Allowed. ()

a. As an alternative to the allowable test method in 40 CFR 280.35(a)(1)(ii)(A)-(C), containment sumps used for interstitial monitoring of piping may be tested as follows: ()

i. Temporarily remove any interstitial monitoring containment sump sensors before conducting the test; ()

ii. Add water to the containment sump up to a point directly beneath the first containment sump penetration fitting from the bottom of the containment sump. The water must be allowed to settle for at least fifteen (15) minutes; ()

iii. Place a measuring stick that has one sixteenth (1/16th) inch increments into the lowest point in the containment sump and extending above the water level in the sump; and ()

iv. Document the initial water level measurement as measured from the bottom of the containment sump. After one (1) hour, document the ending water level measurement. If the water level changes less than one eighth (1/8th) inch, the containment sump passes the integrity test. If the water level changes one eighth (1/8th) inch or greater, the containment sump fails the integrity test. ()

b. Upon completion of the test, remove all water and properly dispose of it. Reinstall any interstitial monitoring sensors. Reinstall all containment sump lids, gaskets, and covers. ()

102. -- 199. (RESERVED)

200. RELEASE REPORTING REQUIREMENTS.

01. Information to be Reported. (3-24-22)

~~a.~~ In addition to the requirements provisions in 40 CFR Part 280, Subpart E, and IDAPA 58.01.02, "Water Quality Standards," Subsections 851-01 and 852, owners or operators shall must report to the Department, on forms provided by the Department, the following information regarding confirmed petroleum underground storage tank UST releases to the Department on forms provided by the Department within ninety (90) days of a confirmed release: (3-24-22)()

~~i.a.~~ The release source; and ()

~~ii.b.~~ The release cause. ()

~~b.~~ Releases less than twenty-five (25) gallons that are cleaned up within twenty-four (24) hours, and which do not cause a sheen on nearby surface water, do not need to be reported. (3-24-22)

02. Release Sources. Release sources may include, but are not limited to the following: ()

a. Petroleum Underground Storage Tanks USTs; (3-24-22)()

b. Piping; ()

c. Dispensers, which include the dispenser and equipment used to connect the dispenser to the piping. A release from a suction pump or components located above the shear valve would be an example of a release from the dispenser; ()

d. Submersible turbine pump area, which includes the submersible turbine pump head (typically located in the tank sump), the line leak detector, and the piping that connects the submersible turbine pump to the ~~petroleum underground storage tank UST~~; and (3-24-22)()

e. Delivery problem, which identifies releases that occurred during product delivery to the ~~petroleum underground storage tank UST~~. Typical causes associated with this source are spills and overfills. (3-24-22)()

03. Release Causes. Release causes may include, but are not limited to the following: ()

a. Spills which may occur when the delivery hose is disconnected from the fill pipe of the ~~petroleum underground storage tank UST~~ or when the nozzle is removed from the vehicle at the dispenser; (3-24-22)()

b. Overfills which may occur from the fill pipe at the ~~petroleum underground storage tank UST~~ or when the nozzle fails to shut off at the dispenser; (3-24-22)()

c. Physical or mechanical damage of all types except corrosion. Examples include a puncture of the ~~petroleum underground storage tank UST~~ or piping, loose fittings, broken components, and components that have changed dimension like elongation or swelling; (3-24-22)()

d. Corrosion of a metal tank, piping, flex connector, or other component; and ()

e. Installation problem that occurs specifically because the ~~underground storage tank UST~~ system was not installed properly. (3-24-22)()

~~**04. Requirements.** The reporting required in Section 200 shall be reported to the Department within ninety (90) days of a confirmed release. The reporting requirement in Section 200 shall not relieve owners or operators from the obligation to comply with 40 CFR Part 280 Subpart E "Release Reporting, Investigation, and Confirmation," IDAPA 58.01.02, "Water Quality Standards," Section 851, "Petroleum Release Reporting, Investigation, and Confirmation," and IDAPA 58.01.02, "Water Quality Standards," Section 852, "Petroleum Release Response and Corrective Action."~~ (3-24-22)

201. -- 299. (RESERVED)

300. TRAINING REQUIREMENTS.

~~**01. Requirements.** The Department shall adopt a training program to help owners and operators comply with the requirements of these rules. The training program requirements shall: (3-24-22)~~

~~a. Be consistent with 42 U.S.C. 6991i(a), as amended by the Underground Storage Tank Compliance Act, (Pub.L. 109-58, title XV, sec. 1524(a), Aug. 8, 2005); (3-24-22)~~

~~b. Be developed in cooperation with petroleum underground storage tank owners and tank operators; (3-24-22)~~

~~c. Take into consideration training programs implemented by petroleum underground storage tank owners and operators as of August 8, 2005; (3-24-22)~~

~~d. Provide for training to be conducted on-site or at another mutually convenient location; and (3-24-22)~~

~~e. Be appropriately communicated to petroleum underground storage tank owners and operators. (3-24-22)~~

021. Operator Designation. For each ~~petroleum underground storage tank~~ **UST** system regulated under these rules, the owner or operator ~~shall~~ **must**: (3-24-22)()

a. Designate: ()

i. The class A operator, who is the individual(s) having primary responsibility for on-site operation and maintenance of the ~~petroleum underground storage tank~~ **UST** system. ~~This does not require~~ **It is not necessary** that the class A operator be on site; (3-24-22)()

ii. The class B operator, who is the individual(s) having daily on-site responsibility for the operation and maintenance of the ~~petroleum underground storage tank~~ **UST** system. ~~This does not require~~ **It is not necessary** that the class B operator be on site at all times; and (3-24-22)()

iii. The class C operator, who is the daily, on-site individual(s) having primary responsibility for addressing emergencies presented by a spill or release from the ~~petroleum underground storage tank~~ **UST** system. The class C operator ~~can~~ **may** be designated by the class A or B operator. (3-24-22)()

b. Maintain a record at the facility where the ~~petroleum underground storage tank~~ **UST** is located listing each person designated in Subsections 300.021.a.i., ~~300.02.a.ii., and 300.02.a.~~ **through** iii. (3-24-22)()

c. Notify the Department in writing of the individual(s) designated in Subsections 300.021.a.i. and ~~300.02.a.ii.~~ within thirty (30) days of the designation. (3-24-22)()

032. Individual Training. The owner or operator of each ~~petroleum underground storage tank~~ **UST** system regulated under these rules ~~shall~~ **must** ensure that the individual(s) identified in: ()

a. Subsections 300.021.a.i. and ~~300.02.a.ii.~~ participate in the training conducted by the Department or a state of Idaho approved third party: (3-24-22)()

~~ab.~~ ~~The individual(s) identified in~~ Subsections 300.021.a.i. or ~~300.02.a.ii.~~ ~~shall~~ provide training to the persons identified in Subsection 300.021.a.iii: (3-24-22)()

~~bc.~~ ~~The individual(s) identified in~~ Subsection 300.021.a.iii. ~~must~~ be trained before assuming responsibility for responding to emergencies: (3-24-22)()

~~ed.~~ ~~The individual(s) identified in~~ Subsections 300.021.a.i. and ~~300.02.a.ii.~~ ~~shall~~ repeat the training within thirty (30) days if the ~~petroleum underground storage tank~~ **UST** system for which they have responsibility is determined to be out of compliance with these rules: ~~and~~ (3-24-22)()

~~de.~~ ~~The individual(s) identified in~~ Subsections 300.021.a.i. and 300.021.a.ii. ~~shall~~ be trained within thirty (30) days of assuming operation and maintenance duties. (3-24-22)()

043. Unattended Sites. In the case of unattended sites, a sign must be posted in a location visible from the dispensers indicating emergency shut-off procedures and emergency contact phone numbers. ()

301. -- 399. (RESERVED)

400. INSPECTIONS.

~~01. Department Authority.~~ In order to fulfill the statutory requirements of Chapter 88, Title 39, Idaho Code, ~~officers, employees or representatives of the Department, or third-party inspectors as described in Subsection 400.02, are authorized to inspect petroleum underground storage tanks, contents of the tanks, and associated equipment and records relating to such tanks, contents, and associated equipment.~~ (3-24-22)

~~02. Third-Party Inspections.~~ (3-24-22)

~~a. Third-party inspectors must be certified, licensed, or registered by an approved state program to~~

~~perform on-site inspections. At a minimum, third-party inspectors must meet the requirements listed in Subsections 400.02.a.i. through 400.02.a.v.:~~ (3-24-22)

~~i. Be trained in the state-specific inspection protocols and procedures, and perform inspections pursuant to such protocols and procedures;~~ (3-24-22)

~~ii. Successfully complete the state's required training program. The training program for third-party inspectors must be comparable to the training program for Department inspectors;~~ (3-24-22)

~~iii. Not be the owner or operator of the petroleum underground storage tank, an employee of the owner or operator of the petroleum underground storage tank, or a person having daily on-site responsibility for the operation and maintenance of the petroleum underground storage tank;~~ (3-24-22)

~~iv. Use an inspection report form developed by the Department. Review of applicable records and other activities that can be accomplished off-site may be combined with activities conducted at the site to fulfill the on-site inspection requirement; and~~ (3-24-22)

~~v. Complete and submit the inspection report to the Department in the manner and time frame established by the Department. All third-party inspection reports must be submitted electronically to the Department for review and for the Department to make a compliance determination for each site. If requested by the Department, third-party inspectors shall provide all supporting documentation for its inspection reports.~~ (3-24-22)

~~b. Third-party inspection procedures must contain an audit program, developed by the Department, to monitor third-party inspectors on a routine basis. The audit program must include a sufficient number of on-site inspections to effectively assess inspector performance.~~ (3-24-22)

~~e. If a third-party inspector fails to demonstrate to the approved state program adequate competence and proficiency to perform petroleum underground storage tank inspections, or the approved state program otherwise determines it is not appropriate for the third-party inspector to conduct on-site inspections as part of a third-party inspection program, the approved state program must take appropriate action against the third-party inspector as provided by law.~~ (3-24-22)

~~**03. Inspections.** All inspections shall be done in accordance with the provisions of Section 39-108, Idaho Code. At a minimum, an on-site inspection must assess compliance with the provisions of these rules and 40 CFR Part 280.~~ (3-24-22)

~~401.—499. (RESERVED)~~

500. DELIVERY PROHIBITION.

~~**01. Prohibition.** Effective August 8, 2007, it shall be unlawful for any person to deliver to, deposit into, or accept a regulated petroleum substance into a petroleum underground storage tank at a facility which has been identified by the Department to be ineligible for such delivery, deposit, or acceptance.~~ (3-24-22)

~~**021. Classification as Ineligible.** The Department ~~shall~~ **will** classify a petroleum underground storage tank **UST** as ineligible for delivery, deposit, or acceptance of a regulated petroleum substance as soon as practicable after the Department determines one (1) or more of the following ~~conditions exists~~ **is not installed**: (3-24-22)()~~

~~a. Required **s**pill prevention equipment ~~is not installed~~;~~ (3-24-22)()

~~b. Required **o**verfill protection equipment ~~is not installed~~;~~ (3-24-22)()

~~c. Required **l**eak detection equipment ~~is not installed~~; or~~ (3-24-22)()

~~d. Required **e**orrosion protection equipment ~~is not installed~~.~~ (3-24-22)()

~~**032. Warning of Violations.** The Department may classify a petroleum underground storage tank **UST**~~

as ineligible for delivery, deposit, or acceptance of a regulated ~~petroleum~~ substance if the owner or operator of the tank has been issued a written warning for ~~failure to comply with~~ any of the following ~~violations items~~, and the owner or operator fails to initiate corrective action within thirty (30) days of the issuance of the written warning, unless the deadline is extended by the Department: (3-24-22)()

- a. ~~Failure to p~~Properly operate or maintain leak detection equipment; (3-24-22)()
- b. ~~Failure to p~~Properly operate or maintain spill, overfill, or corrosion protection equipment; or (3-24-22)()
- c. ~~Failure to m~~Maintain financial responsibility. (3-24-22)()

043. Service of Notice. If the Department classifies a ~~petroleum underground storage tank UST~~ as ineligible for delivery, deposit, or acceptance of a regulated ~~petroleum~~ substance pursuant to Subsections 500.021 or 500.032, the Department ~~shall~~ will provide a written notice of the determination to the owner or operator prior to prohibiting the delivery, deposit, or acceptance of a regulated ~~petroleum~~ substance. Notice is considered properly served by the Department in any of the following ways: (3-24-22)()

- a. ~~The notice is p~~Personally delivered to the owner or operator; or (3-24-22)()
- b. ~~The notice is e~~Clearly posted at a public entrance to the facility where the ~~petroleum underground storage tank UST~~ is located and a copy ~~of the notice is also~~ sent by certified mail to the last known address of the owner or operator. (3-24-22)()

054. Red-Tagging. Once service of the written notice of the ineligible determination is complete, the Department ~~shall then will~~: ()

- a. ~~a~~Attach a red tag to each fill pipe of the ineligible ~~petroleum underground storage tank UST~~ clearly identifying the tank as ineligible; ()
- b. ~~The Department shall also m~~Maintain a list of all ~~petroleum underground storage tanks USTs~~ that are classified as ineligible ~~for delivery, deposit, or acceptance of a regulated petroleum substance~~; ()
- c. ~~The Department shall m~~Make the list available to the public by posting the list ~~on the Department's website~~ at www.deq.idaho.gov. (3-24-22)()

065. Written Notice. The written notice required by Subsection 500.043 must include: (3-24-22)()

- a. The specific reasons or violations that led to the ineligible classification; ()
- b. A statement notifying the owner and operator that the ~~petroleum underground storage tank UST~~ is ineligible for delivery and it is unlawful for any person to deliver to, deposit into, or accept a regulated ~~petroleum~~ substance into the ~~petroleum underground storage tank UST~~; (3-24-22)()
- c. The effective date the ~~petroleum underground storage tank UST~~ is deemed ineligible for delivery; (3-24-22)()
- d. The name and address of the department representative to whom a written request for re-inspection can be made, if a re-inspection is necessary; ()
- e. A statement regarding the right to appeal the Department's action regarding ineligible classification pursuant to IDAPA 58.01.23, "Contested Case Rules and Rules for Protection and Disclosure of Records"; and ()
- f. The option to request a compliance conference pursuant to Subsection 500.076. (3-24-22)()

076. Compliance Conference. The owner or operator may request a compliance conference with the

Department within fifteen (15) days of receipt of the notice. A compliance conference ~~shall~~ will be scheduled within twenty (20) days and conducted in an informal manner by the Department. At the compliance conference, the owner or operator may explain why he believes the ~~petroleum underground storage tank UST~~ should not be classified as ineligible. During the compliance conference, the owner or operator and the Department will identify and establish appropriate acts and a time schedule for compliance as necessary. (3-24-22)()

087. Duration of Ineligible Classification. The classification of a ~~petroleum underground storage tank UST~~ as ineligible ~~shall~~ remains in effect until the conditions cited in the notice no longer exist. If the Department determines that an ineligible storage tank has returned to compliance and is now eligible for delivery, deposit, or acceptance of a regulated ~~petroleum~~ substance, the Department or an authorized designee ~~shall~~ will: ()

a. ~~a~~ As soon as practicable, remove the red tag from the ~~petroleum underground storage tank and also UST~~: ()

b. ~~r~~ Remove the ~~petroleum underground storage tank UST~~ from the ineligible list posted on its website: ~~and~~ ()

c. ~~The Department will also s~~ Send a written notice to the owner and operator that an ineligible storage tank has returned to compliance and is now eligible for delivery, deposit, or acceptance of a regulated ~~petroleum~~ substance. (3-24-22)()

098. Declining Classification. The Director may decline to classify a ~~petroleum underground storage tank UST~~ as ineligible if the Director decides that ~~classifying the petroleum underground storage tank as ineligible for delivery, deposit, or acceptance~~ it is not in the best interest of the public. (3-24-22)()

a. The Director may only defer application of delivery prohibition for up to one hundred eighty (180) days after determining a ~~petroleum underground storage tank UST~~ is ineligible ~~for delivery, deposit, or acceptance of a regulated petroleum substance~~. (3-24-22)()

b. The Director may authorize the delivery, deposit, or acceptance of product into an ineligible ~~petroleum underground storage tank UST~~ if such activity is necessary to test or calibrate the ~~underground storage tank UST~~ or dispenser system. (3-24-22)()

109. Department Authority. Nothing in Section 500 ~~shall will~~ affect or preempt the authority of the Department to prohibit the delivery, deposit, or acceptance of a regulated ~~petroleum~~ substance to a ~~petroleum underground storage tank UST~~ under other existing authorities. (3-24-22)()

110. Proper Notice. A person ~~shall will~~ not be in violation of ~~Subsection 500.01 39-8809(1), Idaho Code,~~ if the Department fails to provide the notice ~~required by described in~~ Subsections 500.043 and 500.054. (3-24-22)()

121. Unlawful to Tamper with Red Tag. It ~~shall be is~~ unlawful for any person to tamper with ~~and/or~~ remove the red tag without the Department's approval. (3-24-22)()

501. -- ~~599~~ 600. (RESERVED)

600. PETROLEUM UNDERGROUND STORAGE TANK DATABASE.

01. Maintenance. The Department ~~shall maintain a database which provides details on the status of all petroleum underground storage tanks in the state of Idaho which are subject to regulation. The database shall be updated no less than the end of each calendar quarter.~~ (3-24-22)

02. Identification. The database shall identify any tanks subject to delivery prohibition. (3-24-22)

03. Petition. ~~Petroleum underground storage tank owners or operators may petition the Department to correct any inaccurate information for their tanks and the Department shall correct any such inaccurate information within thirty (30) days after verification.~~ (3-24-22)

~~04. Availability. The database shall be available to the public on the Department's website at www.deq.idaho.gov. (3-24-22)~~

601. FEE SCHEDULE FOR ~~UNDERGROUND STORAGE TANKS~~ USTs.

~~Owners or operators of A~~ all regulated underground storage tanks shall ~~USTs must~~ pay an annual, ~~underground storage tank nonrefundable~~ fee ~~provided in Section 39-119, Idaho Code. The fee shall be assessed to regulated underground storage tanks as provided in Section 601. (3-24-22)()~~

01. Fee Criteria. ()

a. ~~Compartment, emergency generator day and belly tanks, and siphon-manifolded underground storage tanks shall~~ USTs will be treated as separate underground storage tanks. (3-24-22)()

b. Temporarily out of use tanks are included ~~in Section 601. (3-24-22)()~~

02. Fee Amount and Schedule. ()

a. Annual fees ~~shall must~~ be paid for each fee year beginning January 2, 2018, and continuing for each succeeding year. (3-24-22)()

b. The annual fee per ~~underground storage tank~~ UST is one hundred dollars (\$100). The annual fee ~~shall will~~ not exceed one hundred dollars (\$100) and will be re-calculated each year if the fee balance exceeds thirty-five thousand dollars (\$35,000). Any fee balance above thirty-five thousand dollars (\$35,000) will be used to reduce the following year's fee. (3-24-22)()

c. New ~~underground storage tanks~~ USTs installed after January 2 will not pay a fee until the following January. (3-24-22)()

03. Billing. ()

a. An annual fee invoice will be generated and mailed in November for each owner listed in the Department's Underground Storage Tank Database. ()

b. Owners will have one (1) month to notify the Department in writing if the number of ~~underground storage tanks~~ USTs is incorrect. (3-24-22)()

04. Payment. Payment of the annual fee ~~shall be is~~ due on January 2, unless it is a Saturday, a Sunday, or a legal holiday, in which event the payment ~~shall will~~ be due on the successive business day. ~~Fees paid by Make checks or money orders shall be made~~ payable to the ~~Idaho Department of Environmental Quality and sent send~~ to 1410 North Hilton Street, Boise, ID 83706-1255. (3-24-22)()

05. Delinquent Unpaid Fees. An owner will be delinquent in payment if the annual fee has not been received by the Department by March 1. ()

~~06. Enforcement. Failure to comply with Section 601 shall be subject to enforcement and penalties pursuant to the enforcement provisions of Section 39-108, Idaho Code, (Idaho Environmental Protection and Health Act), and Section 39-8811(2), Idaho Code, (Idaho Underground Storage Tank Act). (3-24-22)~~

~~07. Nonrefundable. The annual fee required by these rules shall be nonrefundable. (3-24-22)~~

08. Fee Report. Prior to February 1 of each year, the Director ~~shall will~~ report to the Governor and the Idaho Legislature on the use of fees collected the previous year. At a minimum, the report ~~shall must~~ include: (3-24-22)()

a. A list of all tanks subject to inspection; ()

- b. The type of inspection and regulatory authority or guidance used; and ()
 - c. A detailed accounting of how fee funds were spent. ()
602. -- 999. (RESERVED)

Sections Affected Index

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.01.02 – Emergency Medical Services (EMS) – Rule Definitions

Docket No. 16-0102-2301

000. Legal Authority	18
001. Title And Scope	19
002. -- 009. (Reserved)	19
010. Definitions And Abbreviations A through B.	19
011. Definitions And Abbreviations C through E.	21
012. Definitions And Abbreviations F Through N.	24
013. Definitions And Abbreviations O Through Z.	26

16.01.03 – Emergency Medical Services (EMS) – Agency Licensing Requirements

Docket No. 16-0103-2301 (ZBR Chapter Rewrite)

000. Legal Authority	31
001. Title And Scope. (Reserved)	31
002. Incorporation By Reference.	31
003. -- 009. (Reserved)	31
010. Definitions.	31
011. -- 074. (Reserved)	31
075. Investigation Of Complaints For EMS Licensing Violations.	31
076. Administrative License Or Certification Action.	31
077. -- 099. (Reserved)	32
100. Agency License Required.	32
101. Exemption Of EMS Agency Licensure.	32
102. Services Provided By A Licensed EMS Agency.	32
103. Eligibility For EMS Agency Licensure.	32
104. -- 199. (Reserved)	32
200. EMS Agency-- Licensing Model.	33
201. EMS Agency -- Service Types.	33
202. EMS Agency -- Clinical Levels.	34
203. EMS Agency -- License Duration Specialty Services.	34
204. Ground EMS Agency -- Operational Declarations.	35
205. Air Medical Agency -- Operational Declarations.	36
206. -- 209. (Reserved)	36
210. Ambulance EMS Agency -- Patient Transport Or Transfer.	36
211. Air Medical EMS Agency -- Patient Transport, Transfer, or Support.	36
204. -- 211. (Reserved)	37
212. Non-Transport EMS Agency -- Patient Movement.	37
213. -- 299. (Reserved)	37
300. EMS Agency -- General Personnel Requirements.	37
301. Ambulance EMS Agency -- Specialty Service Personnel Requirements.	38
302. Air Medical EMS Agency Ambulance Service -- Personnel Requirements.	38
303. Critical Care Air Medical Transport Service -- Personnel Requirements.	38
304. Personnel For Air Medical Rescue Service.	39
3045. Planned Deployment -- Personnel Requirements.	39
3056. Ambulance-Based Clinicians -- Personnel Requirements.	39
3067. Utilizing Physician Assistants, Licensed Registered Nurses, Or Advanced Practice Registered Nurses.	40
3078. -- 399. (Reserved)	40
400. EMS Agency -- Vehicle Requirements.	40
401. Non-Transport EMS Agency -- Vehicles.	41
402. EMS Agency -- Minimum Equipment Inspection Requirements.	41

403. EMS Agency -- Ground Vehicle Safety Inspection Requirements	41
404. -- 499. (Reserved).....	41
500. EMS Agency -- General Equipment Requirements And Modifications	41
501. Air Medical EMS Agency -- Equipment Requirements And Modifications	42
502. -- 509. (Reserved).....	42
510. EMS Agency -- Communication Requirements.....	42
511. EMS Agency -- Dispatch Requirements.....	43
512. -- 519. (Reserved).....	43
520. EMS Agency -- Response Requirements And Waivers	43
521. Non-Transport EMS Agency -- Waiver Of Response Requirement	43
522. Non-Transport EMS Agency -- Petition For Waiver	43
523. -- 524. (Reserved).....	44
525. Ambulance Or Air Medical EMS Agency -- Waiver Of Response Requirement.....	44
526. Ambulance Or Air Medical EMS Agency -- Petition For Waiver.....	44
527. -- 529. (Reserved).....	45
530. EMS Agency -- Medical Supervision Requirements.....	45
531. -- 534. (Reserved).....	45
535. Records, Data Collection, And Submission Requirements.....	45
536. -- 599. (Reserved).....	45
600. EMS Agency -- Agreements, Plans, And Policies.....	45
601. EMS Agency -- Ambulance Service Response Agreements.....	45
6012. EMS Agency -- Patient Care Integration.....	45
6023. Air Medical EMS Agency -- Patient Care Integration.....	46
6034. EMS Agency -- Planned Deployment Agreements.....	46
6045. -- 649. (Reserved).....	46
650. Air Medical EMS Agency -- Required Policies.....	46
651. -- 699. (Reserved).....	47
700. EMS Agency -- Criteria To Request An Air Medical Response.....	48
701. EMS Agency -- EMS Personnel Request For Air Medical Response.....	49
702. EMS Agency -- Cancellation Of An Air Medical Response.....	49
703. EMS Agency -- Established Criteria For Simultaneous Dispatch.....	49
704. EMS Agency-- Selection Of Air Medical Agency.....	49
705. -- 719. (Reserved).....	49
720. EMS Agency -- Communications With Air Medical Services.....	49
721. -- 729. (Reserved).....	50
730. EMS Agency -- Landing Zone Procedures For Air Medical Response.....	50
731. EMS Agency -- Review Of Air Medical Responses.....	50
732. -- 799. (Reserved).....	51
800. EMS Agency -- Inspections By The Department EMS Bureau.....	51
801. EMS Agency -- Inspection Requests And Scheduling.....	51
802. EMS Agency -- Inspection Timeframe After Notification Of Eligibility.....	51
803. -- 804. (Reserved).....	51
805. EMS Agency -- Initial Agency Inspection.....	51
806. EMS Agency -- Demonstration Of Capabilities During Inspection.....	51
807. -- 829. (Reserved).....	51
830. EMS Agency -- Condition That Results In Vehicle Or Agency Out Of Service.....	51
831. -- 839. (Reserved).....	51
840. EMS Agency -- Exemptions For Agencies Currently Accredited By A Nationally Recognized Professional EMS Accreditation Agency.....	52
841. -- 899. (Reserved).....	52
900. EMS Agency -- Application For Initial Licensure.....	52
901. EMS Agency -- Licensure Expiration.....	52

902. -- 970. (Reserved).....	52
971. Lapsed License.....	52
972. -- 979. (Reserved).....	52
980. EMS Agency License -- Nontransferable.....	52
981. Changes To A Current License.....	52
982. -- 989. (Reserved).....	53
990. Time Sensitive Emergency Certification.....	53
991. -- 999. (Reserved).....	53
16.02.06 – Quality Assurance for Clinical Laboratories	
Docket No. 16-0206-2301 (ZBR Chapter Rewrite)	
000. Legal Authority.....	55
001. Title And Scope.....	55
0021. -- 009. (Reserved).....	55
010. Definitions.....	55
011. -- 099. (Reserved).....	56
100. Registration Requirements For Clinical Laboratories.....	56
101. -- 109. (Reserved).....	56
110. Exclusions.....	56
111. -- 119. (Reserved).....	57
120. Department Inspections Of Clinical Laboratories.....	57
121. -- 129. (Reserved).....	57
130. General Requirements For Clinical Laboratories.....	57
131. -- 149. (Reserved).....	57
150. Personnel Requirements For Clinical Laboratories.....	57
151. -- 199. (Reserved).....	58
200. Proficiency Testing Of Clinical Laboratories.....	58
201. -- 209. (Reserved).....	58
210. Quality Control Program Requirements For Clinical Laboratories.....	58
211. -- 219. (Reserved).....	58
220. Department Approval Of Clinical Laboratories.....	58
221. -- 229. (Reserved).....	58
230. Department Revocation Of Approval.....	58
231. -- 239. (Reserved).....	59
240. Revocation Procedure.....	59
241. -- 249. (Reserved).....	59
250. Renewal Of Approval Of Disapproved Test(s) Or Tests.....	59
251. -- 269. (Reserved).....	59
270. List Of ApprovedRegistered Laboratories.....	60
271. -- 299. (Reserved).....	60
300. Penalty For Failure To Register Or Operation Of An Non-Approved Unregistered Clinical Laboratory.....	60
301. -- 999. (Reserved).....	60
16.02.24 – Clandestine Drug Laboratory Cleanup	
Docket No. 16-0224-2301 (ZBR Chapter Rewrite)	
000. Legal Authority.....	62
001. Title And Scope.(Reserved).....	62
002. Right To Appeal Property Listing.....	62
003. -- 009. (Reserved).....	63
010. Definitions.....	63
011. -- 099. (Reserved).....	64
100. Posting The Clandestine Drug Laboratory (CDL) Site.....	64
101. -- 109. (Reserved).....	64

110. Notification Process	64
111. -- 119. (Reserved).....	64
120. Record-Keeping, Listing, And Delisting A Property.....	64
121. -- 199. (Reserved).....	65
200. Responsibilities Of The Property Owner.....	65
201. Responsibilities Of The Qualified Industrial Hygienist.....	65
202. Department List Of Qualified Industrial Hygienists.....	65
2032. -- 299. (Reserved).....	65
300. Cleanup Process.....	65
301. Disposal Of Cleanup Waste.....	66
302. -- 399. (Reserved).....	66
400. Clearance Sampling Requirements.....	66
401. -- 499. (Reserved).....	67
500. Cleanup Standards.....	67
501. -- 599. (Reserved).....	67
600. Reporting Requirements.....	67
601. -- 999. (Reserved).....	67
16.06.02 – Foster Care Licensing	
Docket No. 16-0602-2301 (ZBR Chapter Rewrite)	
000. Legal Authority.....	70
001. Scope and Policy.....	70
002. Incorporation By Reference.....	70
003. -- 008. (Reserved).....	70
009. Criminal History And Background Check Requirements.....	70
010. Definitions A Through M.....	71
011. Definitions N Through Z.....	73
012. -- 099. (Reserved).....	73
100. Licensing.....	74
101. Applications For License.(Reserved).....	75
102. Disposition Of Applications.....	75
103. Restrictions On Applicability And Nontransfer.....	76
104. Mandatory Visitations.....	77
105. Revisit And Relicense.....	77
106. Complaints Against Daycare Centers, Group Daycare Facilities, Family Daycare Homes, and Foster Homes.....	77
107. Suspension For Circumstances Beyond Control Of Foster Parent Or Operator.....	77
108. Suspension Or Revocation For Infractions.....	77
109. Non-renewal, Denial, Revocation, Or Suspension Of License.....	77
110. (Reserved).....	78
111. Enforcement Remedy Of Summary Suspension And Transfer Of Children.....	78
112. Enforcement Remedy Revocation Of License And Transfer Of Children.....	78
113. Effect Of Previous Revocation Or Denial Of A License.....	79
114. -- 2199. (Reserved).....	79
300. Standards For Daycare.....	79
301. Types Of Daycare Licenses.....	79
302. -- 308. (Reserved).....	79
309. Criminal History And Background Check For Daycare Standards.....	79
310. -- 319. (Reserved).....	80
320. Daycare Licensing Fees.....	80
321. Application For Daycare License Or Renewal.....	81
322. -- 324. (Reserved).....	81
325. Issuance Of License.....	82

326. -- 329. (Reserved).....	82
330. Staff And Other Record Requirements	82
331. Child Record Requirements	82
332. -- 334. (Reserved).....	83
335. Child-Staff Ratio.....	83
336. Behavior Management And Discipline.....	84
337. -- 339. (Reserved).....	84
340. Daycare Center Training Requirements.....	84
341. -- 344. (Reserved).....	85
345. Mandatory Reporting Of Abuse, Abandonment, Or Neglect.....	85
346. Visitation And Access.....	85
347. -- 349. (Reserved).....	85
350. Fire Safety Standards.....	85
351. Facility Capacity And Determining Occupant Load.....	86
352. Fire Extinguishers And Safety Requirements.....	86
353. Fire Safety And Evacuation Plans.....	87
354. -- 359. (Reserved).....	87
360. Health Standards.....	87
361. Miscellaneous Safety Requirements.....	89
362. -- 364. (Reserved).....	90
365. Buildings, Grounds, Furnishings, And Equipment.....	90
366. -- 389. (Reserved).....	91
390. Continued Compliance, Reporting Changes, And Critical Incidents.....	91
391. -- 394. (Reserved).....	92
395. Failure To Comply.....	92
396. -- 399. (Reserved).....	92
400. Standards For Foster Homes.....	92
401200.Licensing Provisions Related To The Indian Child Welfare Act.....	92
402201.Foster Parent Qualifications And Suitability.....	92
403202.Criminal History And Background Checks For Foster Care License.....	93
404203.Initial and Ongoing Evaluation.....	94
405204.Subsequent Evaluations.....	96
406205.Foster Parent Duties.....	97
407206.Foster Parent Training.....	97
408207. -- 4229. (Reserved).....	97
4230. Home Environment Safety Requirements.....	97
4231. Installation, Maintenance, And Inspection Of Flame And Heat-Producing Equipment.....	99
4232. Fire Safety, Emergency Planning, and Evacuation Plan.....	99
4233. Exits.....	100
4234. Dangerous And Hazardous Materials.....	100
4235. Firearms And Ammunition.....	100
4236. Pets And Domestic Animals.....	100
4237. Adequate Heat, Light, And Ventilation.....	100
4238. Bathrooms, Kitchens, Water Supply, And Sewage Disposal.....	100
4239. Transportation.....	101
4240. Cell Phone or Telephone.....	101
4241. Wheelchair Access.....	101
4242. Child Placement Requirements.....	101
4243. Interagency Placement Of Children.....	102
4244. Substitute Care Placement And Children's Agency Notification.....	102
4245. Bedrooms.....	102
4246. Behavior Management And Discipline.....	103

4247. Medical And Dental Care.....	104
4248. Personal Care And Hygiene.....	104
4249. Food And Nutrition.....	104
4250. Necessary Clothing.....	105
4251. Personal Possessions, Allowances, And Money.....	105
4252. Child Tasks.....	105
4253. Education.....	105
4254. Religious And Cultural Practices.....	105
4255. Recreation.....	105
4256. Mail.....	105
4257. Reasonable And Prudent Parent Standard.....	105
4258. -- 4269. (Reserved).....	106
4270. Record Management And Reporting Requirements.....	106
4271. Reporting Foster Home Changes.....	106
4272. Confidentiality.....	107
4273. Critical Incident Notification.....	107
4274. -- 999. (Reserved).....	107
16.06.03 – Daycare Licensing	
Docket No. 16-0603-2301 (New Chapter, Fee Rule)	
000. Legal Authority.....	110
001. Incorporation By Reference.....	110
002. – 008. (Reserved).....	110
009. Background Check Requirements.....	110
010. Definitions A Through M.....	111
011. Definitions N Through Z.....	112
012. – 099. (Reserved).....	112
100. Daycare Licensing.....	112
101. Types Of Daycare Licenses.....	113
102. – 120. (Reserved).....	113
121. Application For Daycare License Or Renewal.....	113
122. Daycare Licensing Fees.....	114
123. Disposition Of Applications.....	114
124. Issuance Of License.....	115
125. – 149. (Reserved).....	115
150. Restrictions On Applicability And Nontransfer.....	115
151. – 199. (Reserved).....	116
200. Staff And Other Record Requirements.....	116
201. Child Record Requirements.....	116
202. – 299. (Reserved).....	117
300. Child-Staff Ratio.....	117
301. Behavior Management And Discipline.....	118
302. – 329. (Reserved).....	118
330. Training Requirements.....	118
331. – 349. (Reserved).....	118
350. Parental Visitation And Access.....	119
351. – 359. (Reserved).....	119
360. Fire Safety Standards.....	119
361. Facility Capacity And Determining Occupant Load.....	120
362. Fire Extinguishers And Safety Requirements.....	120
363. Fire Safety And Evacuation Plans.....	121
364. – 379. (Reserved).....	121
380. Health Standards.....	121

381. Miscellaneous Safety Requirements.....	123
382. – 399. (Reserved)	124
400. Buildings, Grounds, Furnishings, And Equipment.....	124
401. – 419. (Reserved)	125
420. Continued Compliance, Reporting Changes, And Critical Incidents.....	125
421. Mandatory Reporting Of Abuse, Abandonment, Or Neglect.....	126
422. – 439. (Reserved)	126
440. Failure To Comply.....	126
441. Complaints Against Daycare Facilities.....	126
442. Suspension For Circumstances Beyond Control Of Operator.....	126
443. Suspension Or Revocation For Infractions.....	126
444. Non-Renewal, Denial, Revocation, Or Suspension Of License.....	126
445. – 449. (Reserved)	127
450. Enforcement Remedy Of Summary Suspension And Transfer Of Children.....	127
451. Enforcement Remedy Revocation Of License And Transfer Of Children.....	127
452. Effect Of Previous Revocation Or Denial Of A License.....	128
453. – 999. (Reserved)	128
 16.07.19 – Certification of Peer Support Specialists and Family Support Partners	
Docket No. 16-0719-2301 (ZBR Chapter Rewrite)	
000. Legal Authority.....	130
001. Title And Scope.(Reserved).....	130
002. Incorporation By Reference.....	131
0023. -- 009. (Reserved).....	131
010. Definitions.....	131
011. -- 099. (Reserved).....	132
100. Application For Certification.....	132
101. -- 109. (Reserved).....	132
110. Types of Certification.....	132
111. Duration Of Certification.....	132
112. Renewal Of Certification.....	132
113. Extension Of Certification.....	133
1134. -- 119. (Reserved).....	133
120. Reciprocity.....	133
121. -- 149. (Reserved).....	133
150. Inactive Status.....	133
151. -- 199. (Reserved).....	134
200. Peer Support Specialist -- Certification Qualifications And Requirements.....	134
201. -- 249. (Reserved).....	135
250. Peer Support Specialists -- Code Of Ethics And Professional Conduct.....	135
251. -- 299. (Reserved).....	136
300. Family Support Partner -- Certification qualifications And Requirements.....	136
301. -- 349. (Reserved).....	138
350. Family Support Partners -- Code Of Ethics And Professional Conduct.....	138
351. -- 399. (Reserved).....	140
400. Supervisor For Peer Support Specialist Or Family Support Partner -- Qualifications And Requirements.....	140
401. -- 499. (Reserved).....	140
500. Complaints.....	140
501. -- 509. (Reserved).....	140
510. Grievances.....	140
511. -- 519. (Reserved).....	141
520. Denial, Revocation, or Suspension of Certification.....	141

521. -- 524. (Reserved).....	141
525. Immediate Denial, Revocation, Or Suspension.....	141
526. -- 529. (Reserved).....	141
530. Reasons For Denial, Revocation, Or Suspension.....	141
531. -- 534. (Reserved).....	141
535. Appeal Of Department Decision.....	142
536. -- 539. (Reserved).....	142
540. Reapplication For Certification.....	142
541. -- 999. (Reserved).....	142

16.07.25 – Prevention of Minors’ Access to Tobacco or Electronic Smoking Device Products

Docket No. 16-0725-2301 (ZBR Chapter Rewrite)

000. Legal Authority.....	144
001. Title And Scope.....	144
0021. -- 009. (Reserved).....	145
010. Definitions.....	145
011. -- 019. (Reserved).....	147
020. Application For Permit.....	147
021. Permittee Responsibilities.....	148
022. Delivery Sale Additional Requirements.....	149
023. -- 050. (Reserved).....	149
051. Civil Penalties For Violation Of Permit.....	149
052. Criminal Penalties.....	150
053. -- 100. (Reserved).....	151
101. Inspections.....	151
102. -- 999. (Reserved).....	151

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20.01.01 – Rules of Practice and Procedure Before the State Board of Land Commissioners

Docket No. 20-0101-2301 (ZBR Chapter Rewrite)

000. Legal Authority.....	155
001. Title And Scope.....	155
002. Definitions.....	155
003. Filing Of Documents -- Number Of Copies.....	156
004. -- 049. (Reserved).....	156
05002.Proceedings Governed.....	156
051. Reference To Agency.....	156
052. Liberal Construction.....	156
053. Communications With Agency.....	156
054. Identification Of Communications.....	156
055. Service By Agency.....	157
056. Computation Of Time.....	157
057. Fees And Remittances.....	157
058. -- 099. (Reserved).....	157
100. Informal Proceedings Defined.....	157
101. Informal Procedure.....	157
102. Further Proceedings.....	157
103. Informal Proceedings Do Not Exhaust Administrative Remedies.....	157
104. Formal Proceedings.....	157
003. Opt Out Of Attorney General’s Rules - Table.....	158
105. -- 149. (Reserved).....	158
150. Parties To Contested Cases Listed.....	158
151. Applicants/Claimants/Appellants.....	158

152. Petitioners.....	158
153. Complainants.....	158
154. Respondents.....	158
155. Protestants.....	158
156. Intervenors.....	159
157. Rights Of Parties And Of Agency Staff.....	159
158. Persons Defined -- Persons Not Parties -- Interested Persons.....	159
159. -- 199. (Reserved).....	159
200. Initial Pleading By Party -- Listing Of Representatives.....	159
201. Taking Of Appearances -- Participation By Agency Staff.....	159
202. Representation Of Parties At Hearing.....	159
203. Service On Representatives Of Parties And Other Persons.....	159
204. Withdrawal Of Parties.....	160
205. Substitution Of Representative -- Withdrawal Of Representative.....	160
206. Conduct Required.....	160
207. -- 209. (Reserved).....	160
210. Pleadings Listed -- Miscellaneous.....	160
211. -- 219. (Reserved).....	160
220. Applications/Claims/Appeals -- Defined -- Form And Contents.....	160
221. -- 229. (Reserved).....	160
230. Petitions -- Defined -- Form And Contents.....	160
231. -- 239. (Reserved).....	161
240. Complaints -- Defined -- Form And Contents.....	161
241. -- 249. (Reserved).....	161
250. Protests -- Defined -- Form And Contents -- Time For Filing.....	161
251. -- 259. (Reserved).....	161
260. Motions -- Defined -- Form And Contents -- Time For Filing.....	161
261. -- 269. (Reserved).....	162
270. Answers -- Defined -- Form And Contents -- Time For Filing.....	162
271. -- 279. (Reserved).....	162
280. Consent Agreements -- Defined -- Form And Contents.....	162
281. -- 299. (Reserved).....	163
300. Filing Documents With The Agency -- Number Of Copies -- Facsimile Transmission (Fax).....	163
301. Form Of Pleadings.....	163
302. Service On Parties And Other Persons.....	163
303. Proof Of Service.....	164
304. Defective, Insufficient Or Late Pleadings.....	164
305. Amendments To Pleadings -- Withdrawal Of Pleadings.....	164
306. -- 349. (Reserved).....	164
350. Order Granting Intervention Necessary.....	164
351. Form And Contents Of Petitions To Intervene.....	164
352. Timely Filing Of Petitions To Intervene.....	164
353. Granting Petitions To Intervene.....	164
354. Orders Granting Intervention -- Opposition.....	164
355. Public Witnesses.....	165
356. -- 399. (Reserved).....	165
400. Form And Contents Of Petition For Declaratory Rulings.....	165
401. Notice Of Petition For Declaratory Ruling.....	165
402. Petitions For Declaratory Rulings To Be Decided By Order.....	165
403. -- 409. (Reserved).....	166
410. Appointment Of Hearing Officers.....	166
411. Hearing Officers Contrasted With Agency Head.....	166

412.	Disqualification Of Officers Hearing Contested Cases.....	166
413.	Scope Of Authority Of Hearing Officers.....	166
414.	Presiding Officer(s).....	167
415.	Challenges To Statutes.....	167
416.	Review Of Rules.....	167
417.	Ex Parte Communications.....	167
418. -- 499.	(Reserved).....	167
500.	Alternative Resolution Of Contested Cases.....	167
501.	Neutrals.....	167
502.	Confidentiality.....	168
503. -- 509.	(Reserved).....	168
510.	Purposes Of Prehearing Conferences.....	168
511.	Notice Of Prehearing Conference.....	168
512.	Record Of Conference.....	168
513.	Orders Resulting From Prehearing Conference.....	168
514.	Facts Disclosed Not Part Of The Record.....	168
515. -- 519.	(Reserved).....	168
520.	Kinds And Scope Of Discovery Listed.....	168
521.	When Discovery Authorized.....	169
522.	Rights To Discovery Reciprocal.....	169
523.	Depositions.....	169
524.	Production Requests Or Written Interrogatories And Requests For Admission.....	169
525.	Subpoenas.....	169
526.	Statutory Inspection, Examination, Investigation, Etc. -- Contrasted With Other Discovery.....	169
527.	Answers To Production Requests Or Written Interrogatories And To Requests For Admission.....	169
528.	Filing And Service Of Discovery-Related Documents.....	169
529.	Exhibit Numbers.....	169
530.	Prepared Testimony And Exhibits.....	169
531.	Sanctions For Failure To Obey Order Compelling Discovery.....	170
532.	Protective Orders.....	170
533. -- 549.	(Reserved).....	170
550.	Notice Of Hearing.....	170
551.	Facilities At Or For Hearing And ADA Requirements.....	170
552.	How Hearings Held.....	170
553.	Conduct At Hearings.....	170
554.	Conference At Hearing.....	170
555.	Preliminary Procedure At Hearing.....	170
556.	Consolidation Of Proceedings.....	170
557.	Stipulations.....	171
558.	Order Of Procedure.....	171
559.	Testimony Under Oath.....	171
560.	Parties And Persons With Similar Interests.....	171
561.	Continuance Of Hearing.....	171
562.	Rulings At Hearings.....	171
563.	Oral Argument.....	171
564.	Briefs -- Memoranda -- Proposed Orders Of The Parties -- Statements Of Position -- Proposed Order Of The Presiding Officer.....	171
565.	Procedure On Prehearing Motions.....	171
566.	Joint Hearings.....	171
567. -- 599.	(Reserved).....	171
600.	Rules Of Evidence -- Evaluation Of Evidence.....	172

601. Documentary Evidence 172

602. Official Notice -- Agency Staff Memoranda 172

603. Depositions 172

604. Objections -- Offers Of Proof..... 172

605. Prepared Testimony..... 172

606. Exhibits..... 172

607. -- 609. (Reserved)..... 172

610. Confidentiality Of Settlement Negotiations..... 172

611. Suggestion For Or Inquiry About Settlements..... 173

612. Consideration Of Settlements..... 173

613. Burdens Of Proof..... 173

614. Settlement Not Binding..... 173

615. -- 649. (Reserved)..... 173

650. Record For Decision..... 173

651. Recording Of Hearings..... 174

652. -- 699. (Reserved)..... 174

700. Notice Of Proposed Default After Failure To Appear..... 174

701. Seven Days To Challenge Proposed Default Order..... 174

702. Issuance Of Default Order..... 174

703. -- 709. (Reserved)..... 174

710. Interlocutory Orders..... 174

711. Review Of Interlocutory Orders..... 174

712. -- 719. (Reserved)..... 174

720. Recommended Orders..... 174

721. -- 729. (Reserved)..... 175

730. Preliminary Orders..... 175

731. -- 739. (Reserved)..... 176

740. Final Orders..... 176

741. -- 749. (Reserved)..... 177

750. Order Not Designated..... 177

751. -- 759. (Reserved)..... 177

760. Modification Of Order On Presiding Officer's Own Motion..... 177

761. -- 769. (Reserved)..... 177

770. Clarification Of Orders..... 177

771. -- 779. (Reserved)..... 177

780. Stay Of Orders..... 177

004. Idaho Office Of Administrative Hearings Rules..... 177

781005. -- 999. (Reserved)..... 177

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.01.01 – Rules of the Board of Architects and Landscape Architects

Docket No. 24-0101-2301 (ZBR Chapter Rewrite, Fee Rule)

000. Legal Authority 179

001. Scope..... 179

002. -- 099. (Reserved)..... 179

100. Licensure..... 179

101. -- 199. (Reserved)..... 180

200. Practice Standards..... 180

201. -- 399. (Reserved)..... 180

400. Fees..... 180

401. -- 999. (Reserved)..... 180

24.05.01 – Rules of the Board of Drinking Water and Wastewater Professionals**Docket No. 24-0501-2301 (ZBR Chapter Rewrite, Fee Rule)**

000. Legal Authority.....	192
001. Scope.....	192
002. Definitions.....	192
003. -- 099. (Reserved).....	192
100. LICENSURE.....	193
101. -- 199. (Reserved).....	195
200. Practice Standards.....	195
201. -- 399. (Reserved).....	195
400. Fees.....	195
401. -- 999. (Reserved).....	195

24.06.01 – Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants**Docket No. 24-0601-2301 (ZBR Chapter Rewrite, Fee Rule)**

000. Legal Authority.....	214
001. Scope.....	214
002. -- 199. (Reserved).....	214
100. Licensure.....	214
101. -- 199. (Reserved).....	215
200. Practice Standards.....	215
201. -- 299. (Reserved).....	215
300. Discipline.....	215
301. -- 399. (Reserved).....	215
400. Fees.....	215
401. -- 999. (Reserved).....	216

24.11.01 – Rules of the State Board of Podiatry**Docket No. 24-1101-2301 (ZBR Chapter Rewrite, Fee Rule)**

000. Legal Authority.....	226
001. Scope.....	226
002. Incorporation By Reference.....	226
003. -- 099. (Reserved).....	226
100. Licensure.....	226
101. -- 199. (Reserved).....	227
200. Practice Standards.....	227
201. -- 399. (Reserved).....	227
400. Fees.....	227
401. -- 999. (Reserved).....	227

24.13.01 – Rules Governing the Physical Therapy Licensure Board**Docket No. 24-1301-2301 (ZBR Chapter Rewrite, Fee Rule)**

000. Legal Authority.....	234
001. Scope.....	234
002. Incorporation By Reference.....	234
003. -- 099. (Reserved).....	234
100. Licensure.....	234
101. -- 199. (Reserved).....	235
200. Practice Standards.....	235
201. -- 299. (Reserved).....	236
300. Discipline.....	236
301. -- 399. (Reserved).....	237
400. Fees.....	237
401. -- 999. (Reserved).....	237

24.15.01 – Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists

Docket No. 24-1501-2301 (ZBR Chapter Rewrite, Fee Rule)

000. Legal Authority.....	251
001. Scope.....	251
002. Incorporation By Reference.....	251
003. Definitions.....	252
004. -- 099. (Reserved).....	252
100. Licensure.....	252
101. -- 199. (Reserved).....	253
200. Practice Standards.....	253
201. -- 399. (Reserved).....	254
400. Fees.....	254
401. -- 999. (Reserved).....	254

24.16.01 – Rules of the State Board of Dentistry

Docket No. 24-1601-2301 (ZBR Chapter Rewrite, Fee Rule)

000. Legal Authority.....	269
001. Scope.....	269
002. -- 009. (Reserved).....	269
010. Definitions.....	269
011. -- 099. (Reserved).....	269
100. Licensure.....	269
101. -- 199. (Reserved).....	270
200. Practice Standards.....	270
201. -- 299. (Reserved).....	270
300. Discipline.....	270
301. -- 399. (Reserved).....	270
400. Fees.....	270
401. -- 999. (Reserved).....	271

24.27.01 – Rules of the Idaho State Board of Massage Therapy

Docket No. 24-2701-2301 (ZBR Chapter Rewrite, Fee Rule)

000. Legal Authority.....	282
001. Scope.....	282
002. Incorporated by Reference.....	282
003. -- 099. (Reserved).....	282
100. Licensure.....	282
101. -- 199. (Reserved).....	283
200. Practice Standards.....	283
201. -- 399. (Reserved).....	283
400. Fees.....	283
401-- 999. (Reserved).....	283

24.28.01 – Rules of the Barber and Cosmetology Services Licensing Board

Docket No. 24-2801-2301 (ZBR Chapter Rewrite, Fee Rule)

000. Legal Authority.....	297
001. Scope.....	297
002. Definitions.....	297
003. -- 099. (Reserved).....	298
100. Licensure.....	298
101. -- 149. (Reserved).....	299
150. Education.....	299
151. -- 199. (Reserved).....	300

200. Practice Standards.....	300
201. -- 399. (Reserved).....	303
400. Fees.....	303
401. -- 999. (Reserved).....	303
IDAPA 35 – IDAHO STATE TAX COMMISSION	
<i>35.01.01 – Income Tax Administrative Rules</i>	
Docket No. 35-0101-2301	
700. Credit For Income Taxes Paid Another State Or Territory: In General (Rule 700).....	337
<i>35.01.08 – Mine License Tax Administrative Rules</i>	
Docket No. 35-0108-2301 (ZBR Chapter Rewrite)	
000. Legal Authority (Rule 000).....	339
001. Title And Scope (Rule 001).....	339
002. Administrative Appeals (Rule 002).....	339
002. Incorporation By Reference (Rule 002).....	339
003. -- 0019. (Reserved).....	339
010. Definitions (Rule 010).....	339
011. -- 014. (Reserved).....	339
015. Reference To Income Tax Rules (Rule 015).....	339
016. -- 019. (Reserved).....	339
020. Advance Royalties (Rule 020).....	339
021. -- 029. (Reserved).....	340
030. Net Value Of Ore To Be Used As Measure Of Tax -- How Determined (Rule 030).....	340
031. -- 0349. (Reserved).....	340
035. Mine License Tax Rate (Rule 035).....	340
036. -- 039. (Reserved).....	341
040. Mine License Tax Returns (Rule 040).....	341
041. -- 999. (Reserved).....	341
IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY	
<i>58.01.07 – Rules Regulating Underground Storage Tank Systems</i>	
Docket No. 58-0107-2301 (ZBR Chapter Rewrite, Fee Rule)	
000. Legal Authority.....	345
001. Title And Scope.....	345
002. Written Interpretations.....	346
0032. Administrative Provisions.....	346
0043. Incorporation By Reference.....	346
005. Office Hours – Mailing Address And Street Address.....	347
006. Confidentiality Of Records.....	347
0074. -- 009. (Reserved).....	347
010. Definitions.....	347
011. -- 099. (Reserved).....	349
100. Additional Measures To Protect Ground Water From Contamination.....	349
101. Alternative Periodic Testing Of Containment Sumps Used For Interstitial Monitoring Of Piping.....	350
102. -- 199. (Reserved).....	351
200. Release Reporting Requirements.....	351
201. -- 299. (Reserved).....	352
300. Training Requirements.....	352
301. -- 399. (Reserved).....	353
400. Inspections.....	353
401. -- 499. (Reserved).....	354

500. Delivery Prohibition.	354
501. -- 599600. (Reserved).....	356
600. Petroleum Underground Storage Tank Database.	356
601. Fee Schedule For Underground Storage Tanks USTs.	357
602. -- 999. (Reserved).....	358

LEGAL NOTICE

Summary of Proposed Rulemakings

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

The following agencies of the state of Idaho have published the complete text and all required information concerning their intent to change or make new the following rules in the latest publication of the state Administrative Bulletin.

*The proposed rule public hearing request deadline is August 16, 2023, unless otherwise posted.
The proposed rule written comment submission deadline is August 23, 2023, unless otherwise posted.
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE PO Box 83720, Boise, ID 83720-0036

- *16-0102-2301, **Emergency Medical Services (EMS) – Rule Definitions.** (*PH) Changes to EMS definitions align with companion rewrite docket.
- *16-0103-2301, **Emergency Medical Services (EMS) – Agency Licensing Requirements.** (*PH) Zero-Based Rulemaking (ZBR) Chapter Rewrite administers emergency medical services in the state to include agency licensure, personnel, and vehicle requirements and air medical services.
- 16-0206-2301, **Quality Assurance for Clinical Laboratories.** ZBR Rewrite sets registration, personnel, and testing standards for Idaho laboratories.
- *16-0224-2301, **Clandestine Drug Laboratory Cleanup.** (*PH) ZBR Rewrite outlines cleanup standards and reporting requirements for listing and delisting of contaminated property.
- *16-0602-2301, **Foster Care Licensing.** (*PH) ZBR Rewrite establishes licensing standards and safety, evaluation, and reporting requirements for foster homes in Idaho. Moves necessary provisions for childcare licensing to companion docket.
- *16-0603-2301, **Daycare Licensing.** (*PH) Per legislative request, licensing standards for daycare facilities have been separated out and moved from companion docket into this New Chapter.
- *16-0719-2301, **Certification of Peer Support Specialists and Family Support Partners.** (*PH) ZBR Rewrite details certification for Peer Support Specialists and Family Support Partners to further the state's behavioral health services and administration of mental health programs.
- *16-0725-2301, **Prevention of Minors' Access to Tobacco or Electronic Smoking Device Products.** (*PH) ZBR Rewrite outlines employment practices, effective training, and compliance checks for retailers of tobacco or electronic smoking devices to deter illegal access to minors.

IDAPA 20 – IDAHO DEPARTMENT OF LANDS PO Box 83720, Boise, ID 83720-0050

- 20-0101-2301, **Rules of Practice and Procedure Before the State Board of Land Commissioners.** ZBR Rewrite streamlines rules for contested case proceedings brought before the Board and the Idaho Department of Lands.

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES 11341 W Chinden Blvd, Bldg 4, Boise, ID 83714

- *24-0101-2301, **Rules of the Board of Architects and Landscape Architects.** (*PH) ZBR Rewrite combines Boards and simplifies rules for the practice of architecture and landscape architecture in Idaho to include fees, licensure, and practice standards.
- *24-0501-2301, **Rules of the Board of Drinking Water and Wastewater Professionals.** (*PH) ZBR Rewrite governs licensure classification, practice standards, and fees for drinking water and wastewater operators and backflow assembly testers.

***24-0601-2301, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants.** (*PH) ZBR Rewrite oversees the practice of occupational therapy in Idaho to include licensure and education requirements, practice standards, discipline, and fees.

***24-1101-2301, Rules of the State Board of Podiatry.** (*PH) ZBR Rewrite details education, residency, and examination paths for licensure; practice standards; licensing fees; and incorporates by reference a Code of Ethics for the practice of podiatry in the state.

***24-1301-2301, Rules Governing the Physical Therapy Licensure Board.** (*PH) ZBR Rewrite applies to physical therapists and supervision of their assistants and lays out examination and continuing education licensure requirements, civil fines, application fees, and practice standards.

***24-1501-2301, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists.** (*PH) ZBR Rewrite outlines types of fees, standards of practice, licensure classification, and examination standards for professional counselors and family therapists.

***24-1601-2301, Rules of the State Board of Dentistry.** (*PH) ZBR Rewrite establishes: a fee structure; disciplinary actions; examination, continuing education, and internship provisions; and facility and records standards for the practice of dentistry in Idaho.

***24-2701-2301, Rules of the Idaho State Board of Massage Therapy.** (*PH) ZBR Rewrite regulates licensing and renewal fees, student performance supervision, and educational programs for the profession of massage therapy.

***24-2801-2301, Rules of the Barber and Cosmetology Services Licensing Board.** (*PH) ZBR Rewrite defines terms; establishes fee types and amounts; classifies licenses; outlines safety and disinfection practices for schools and establishments; sets educational standards for schools and apprenticeship programs; requires inspections; and establishes types of unprofessional conduct for barbers and cosmetologists.

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

5657 Warm Springs Ave, Boise, ID 83716

26-0134-2201, Idaho Protection Against Invasive Species Sticker Rules. (Temp & Prop) ZBR Chapter Repeal due to regulations moved to statute.

IDAPA 35 – IDAHO STATE TAX COMMISSION

11321 W Chinden Blvd, Bldg 2, Boise, ID 83714

35-0101-2301, Income Tax Administrative Rules. Proposed changes clarify credit for taxes paid to another state by an affected business entity.

35-0108-2301, Mine License Tax Administrative Rules. ZBR Rewrite aligns rule with statute and the state of Idaho's authority to impose a mine license tax for the extraction of ore and payments of royalties.

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

1410 N Hilton St, Boise, Idaho 83706

58-0107-2301, Rules Regulating Underground Storage Tank Systems. ZBR Rewrite reduces overall regulatory burden for owners and operators of Underground Storage Tanks while protecting the state's groundwater and public's health, safety, and welfare required for state program approval. Comment by 09-01-2023

NOTICES OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

(Please see the Administrative Bulletin for dates and times of meetings and other participant information)

IDAPA 12 – IDAHO DEPARTMENT OF FINANCE

12-ZBRR-2301, Agency Omnibus ZBR Negotiated Rulemaking promulgates Title 01, Chapters 04, 08, 10

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

15-0401-2301, Rules of the Division of Human Resources and Idaho Personnel Commission

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26-0110-2301, Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation

26-0120-2301, Rules Governing the Administration of Park and Recreation Areas and Facilities

IDAPA 32 – ENDOWMENT FUND INVESTMENT BOARD

32-0101-2301, Rules Governing the Credit Enhancement Program for School Districts

IDAPA 36 – IDAHO STATE BOARD OF TAX APPEALS

36-0101-2301, Rules Governing the Idaho State Board of Tax Appeals

Please refer to the Idaho Administrative Bulletin [August 2, 2023, Volume 23-8](#), 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.

Electronic 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*

April 6, 2023 – August 2, 2023

(PLR 2024) – Final Effective Date Is Pending Legislative Review in 2024

(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-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapters 13, 15; Title 03, Chapter 03; Title 04, Chapters 14, 23, 30, 32; and Title 06, Chapters 04, 09, 10, 16 – Bulletin Vol. 23-5

02.02.13, Commodity Dealers’ Rules

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 13 – Bulletin Vol. 23-5

02.02.15, Rules Governing the Seed Indemnity Fund

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 15 – Bulletin Vol. 23-5

02.03.03, Rules Governing Pesticide and Chemigation Use and Application

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 3 – Bulletin Vol. 23-5

02.04.14, Rules Governing Dairy Byproduct

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 14 – Bulletin Vol. 23-5

02.04.23, Rules Governing Commercial Livestock Truck Washing Facilities

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 23 – Bulletin Vol. 23-5

02.04.30, Rules Governing Environmental and Nutrient Management

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 30 – Bulletin Vol. 23-5

02.04.32, Rules Governing Poultry Operations

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 32 – Bulletin Vol. 23-5

02.06.01, Rules Governing the Production and Distribution of Seed

02-0601-2301 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-7

02.06.04, Rules Governing Plant Exports

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 04 – Bulletin Vol. 23-5

02.06.09, Rules Governing Invasive Species and Noxious Weeds

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 09 – Bulletin Vol. 23-5

02.06.10, Rules Governing the Growing of Potatoes

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 10 – Bulletin Vol. 23-5

02.06.16, Rules Governing Honey Standards

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 16 – Bulletin Vol. 23-5

IDAPA 04 – OFFICE OF THE ATTORNEY GENERAL

04.11.01, Idaho Rules of Administrative Procedure of the Attorney General

04-1101-2300 Notice of Revocation of Final Rule, Bulletin Vol. 23-7

IDAPA 05 – DEPARTMENT OF JUVENILE CORRECTIONS

05.01.02, Rules and Standards for Secure Juvenile Detention Centers

05-0102-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-6

05.01.04, Uniform Standards for Juvenile Probation Services

05-0104-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

05.02.01, Rules for Residential Treatment Providers

05-0201-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-6

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

08.01.02, Rules Governing the Postsecondary Credit Scholarship Program

08-0102-2301 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-6

08.01.13, Rules Governing the Opportunity Scholarship Program

08-0113-2302 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-7

08-0113-2301 Adoption of Temporary Rule, Bulletin Vol. 23-7 (eff. 7-1-23)T

08.02.01, Rules Governing Administration

08-0201-2301 Adoption of Temporary Rule, Bulletin Vol. 23-6 (eff. 4-6-23)T

08.02.03, Rules Governing Thoroughness

08-0203-2301 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-6

08.04.01, Rules of the Idaho Digital Learning Academy

08-0401-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-6

IDAPA 11 – IDAHO STATE POLICE

Idaho State Brand Board

11.02.01, Rules of the Idaho State Brand Board

11-0201-2301 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-7

Idaho State Racing Commission

11.04.01, Rules Governing the Idaho State Racing Commission

11-0401-2301 Notice of Temporary and Proposed Rule (New Chapter, Fee Rule), Bulletin Vol. 23-5 (eff. 4-6-23)T

Alcohol Beverage Control Bureau

11.05.01, Rules Governing Alcohol Beverage Control

11-0501-2301 Adoption of Temporary Rule, Bulletin Vol. 23-7 (eff. 7-1-23)T

Commercial Vehicle Safety Division

11.07.01, Rules Governing Motor Vehicles – General Rules

11-0701-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-7

11.07.02, Rules Governing Safety Glazing Material

11-0702-2201 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 23-6 (eff. 7-1-23)

11-0702-2201 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 23-1 (PLR 2023)

11-0702-2201 Notice of Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 22-9

11.07.03, Rules Governing Emergency Vehicles/Authorized Emergency Vehicles

11-0703-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-7

11.13.01, The Motor Carrier Rules

11-1301-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-7

IDAPA 12 – DEPARTMENT OF FINANCE

12-ZBRR-2301 *Rules of the Department of Finance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapters 04, 08, and 10 – Bulletin Vol. 23-8

12.01.04, Rules Pursuant to the Idaho Credit Union Act

12-ZBRR-2301 *Rules of the Department of Finance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 04 – Bulletin Vol. 23-8

12.01.08, Rules Pursuant to the Uniform Securities Act (2004)

12-ZBRR-2301 *Rules of the Department of Finance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 08 – Bulletin Vol. 23-8

12.01.10, Rules Pursuant to the Idaho Residential Mortgage Practices Act

12-ZBRR-2301 *Rules of the Department of Finance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 10 – Bulletin Vol. 23-8

IDAPA 13 – IDAHO FISH AND GAME COMMISSION

Establishing Seasons and Limits for Hunting, Fishing, and Trapping in Idaho

13-0000-2300P6 Notice of Adopted / Amended Proclamations for Calendar Year 2023, Bulletin Vol. 23-7

13-0000-2300P5 Notice of Adopted / Amended Proclamations for Calendar Year 2023, Bulletin Vol. 23-6

13-0000-2300P4 Notice of Adopted / Amended Proclamations for Calendar Year 2023, Bulletin Vol. 23-5

13-0000-2300P3 Notice of Adopted / Amended Proclamations for Calendar Year 2023, Bulletin Vol. 23-4

13-0000-2300P2 Notice of Adopted / Amended Proclamations for Calendar Year 2023, Bulletin Vol. 23-3

13-0000-2300P1 Notice of Adoption of Proclamation for Calendar Year 2023, Bulletin Vol. 23-1

13.01.06, Rules Governing Classification and Protection of Wildlife

13-0106-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

13.01.08, Rules Governing Taking of Big Game Animals

13-0108-2301 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-4

13.01.11, Rules Governing Fish

13-0111-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

13.01.12, Rules Governing Commercial Fishing

13-0112-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

13.01.15, Rules Governing the Use of Dogs

13-0115-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

IDAPA 15 – OFFICE OF THE GOVERNOR

Executive Orders of the Governor

Executive Order No. **2023-02** Provisions for State Cooperation With the National Flood Insurance Program Under the National Flood Insurance Act of 1968, as Amended, Bulletin Vol. 23-3

Executive Order No. **2023-01** Pacific Northwest Economic Region Idaho Council, Bulletin Vol. 23-3

Division of Human Resources and Personnel Commission

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

15-0401-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-8

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.01.02, Emergency Medical Services (EMS) – Rule Definitions

16-0102-2301 Notice of Proposed Rulemaking, Bulletin Vol. 23-8

16.01.03, Emergency Medical Services (EMS) -- Agency Licensing Requirements

16-0103-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-8

16-0103-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

16.02.02, Idaho Emergency Medical Services (EMS) Physician Commission

16-0202-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-5

16.02.06, Quality Assurance for Clinical Laboratories

16-0206-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-8

16-0206-2301 (Second) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

16-0206-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-3

16.02.24, Clandestine Drug Laboratory Cleanup

16-0224-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-8

16-0224-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

16.02.25, State Laboratory Fees

16-0225-2301 Notice of Proposed (Fee) Rule, Bulletin Vol. 23-7

16.03.01, Eligibility for Health Care Assistance for Families and Children

16-0301-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

16.03.02, Skilled Nursing Facilities

16-0302-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-5

16.03.05, Eligibility for Aid to the Aged, Blind, and Disabled (AABD)

16-0305-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

16.03.09, Medicaid Basic Plan Benefits

16-0309-2301 Notice of Temporary and Proposed Rule, Bulletin Vol. 23-7 (eff. 7-1-23)T

16.03.10, Medicaid Enhanced Plan Benefits

16-0310-2101 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 21-11

16.03.13, Consumer-Directed Services

16-0313-2101 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 21-11

16.03.18, Medicaid Cost-Sharing

16-0318-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-5

16.03.22, Residential Assisted Living Facilities

16-0322-2301 Notice of Proposed Rule, Bulletin Vol. 23-7

16-0322-2301 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-3

16.04.18, Children’s Agencies and Residential Licensing

16-0418-2301 Notice of Temporary and Proposed Rule, Bulletin Vol. 23-5 (eff. 4-6-23)T

16.05.03, Contested Cases Proceedings and Declaratory Rulings

16-0503-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-2

16-0503-2301 (2nd) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-3

16.06.01, Child and Family Services

16-0601-2301 Notice of Temporary and Proposed Rule, Bulletin Vol. 23-7 (eff. 8-1-23)T

16.06.02, Foster Care Licensing

16-0602-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-8

16.06.03, Daycare Licensing

16-0603-2301 Notice of Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 23-8

16.07.19, Certification of Peer Support Specialists and Family Support Partners

16-0719-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-8

16-0719-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-2

16.07.25, Prevention of Minors’ Access to Tobacco Products

16-0725-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-8

16-0725-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-3

16.07.33, Adult Mental Health Services

16-0733-2201 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 23-6 (eff. 4-6-23)

16-0733-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-12 (PLR 2023)

16-0733-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-9

16-0733-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-2

IDAPA 17 – INDUSTRIAL COMMISSION

17.10.01, Administrative Rules Under the Crime Victims Compensation Act

17-1001-2301 (Second) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-6

17-1001-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-5

IDAPA 18 – DEPARTMENT OF INSURANCE

18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 02; Title 04, Chapters 04, 08; Title 06, Chapters 01-03; Title 07, Chapters 06, 10; and Title 08, Chapter 01 – Bulletin Vol. 23-6

18.01.02, Schedule of Fees, Licenses, and Miscellaneous Charges

18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 02 – Bulletin Vol. 23-6

18.04.04, Rule to Implement the Managed Care Reform Act

18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 04 – Bulletin Vol. 23-6

18.04.08, Individual Disability and Group Supplemental Disability Insurance Minimum Standards Rule

18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 08 – Bulletin Vol. 23-6

18.06.01, Rules Pertaining to Bail Agents

18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 01 – Bulletin Vol. 23-6

18.06.02, Producers Handling of Fiduciary Funds

18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 02 – Bulletin Vol. 23-6

18.06.03, Rules Governing Disclosure Requirements for Insurance Producers When Charging Fees

18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 03 – Bulletin Vol. 23-6

18.07.06, Rules Governing Life and Health Reinsurance Agreements

18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 07, Chapter 06 – Bulletin Vol. 23-6

18.07.10, Corporate Governance Annual Disclosure

18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 07, Chapter 10 – Bulletin Vol. 23-6

18.08.01, Adoption of the International Fire Code

18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 08, Chapter 01 – Bulletin Vol. 23-6

IDAPA 20 – DEPARTMENT OF LANDS

20.01.01, Rules of Practice and Procedure Before the State Board of Land Commissioners

20-0101-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-8

20-0101-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-5

20.03.01, Rules Governing Dredge and Placer Mining Operations in Idaho

20-0301-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

20.03.03, Rules Governing Administration of the Reclamation Fund

20-0303-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

20.03.05, Riverbed Mineral Leasing in Idaho

20-0305-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

20.03.05, Rules Pertaining to the Recreational Use of Endowment Land

20-0501-2301 Notice of Intent to Promulgate Rules (New Chapter) – Negotiated Rulemaking, Bulletin Vol. 23-6

IDAPA 21 – DIVISION OF VETERANS SERVICES

21.01.04, Rules Governing Idaho State Veterans Cemeteries

21-0104-2301 Notice of Temporary and Proposed Rule, Bulletin Vol. 23-3 (eff. 3-1-23)T

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 01; Title 05, Chapter 01; Title 06, Chapter 01; Title 07, Chapter 01; Title 11, Chapter 01; Title 13, Chapter 01; Title 14, Chapter 01; Title 15, Chapter 01; Title 16, Chapter 01; Title 18, Chapter 01; Title 27, Chapter 01; Title 28, Chapter 01; Title 31, Chapter 01; Title 38, Chapter 01; and Title 39, Chapters 30, 31, 50 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 01; Title 05, Chapter 01; Title 06, Chapter 01; Title 07, Chapter 01; Title 11, Chapter 01; Title 13, Chapter 01; Title 14, Chapter 01; Title 15, Chapter 01; Title 16, Chapter 01; Title 18, Chapter 01; Title 27, Chapter 01; Title 28, Chapter 01; Title 31, Chapter 01; Title 38, Chapter 01; and Title 39, Chapters 30, 31, 50 – Bulletin Vol. 23-4

24.01.01, Rules of the Board of Architects and Landscape Architects

24-0101-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 01 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 01 – Bulletin Vol. 23-4

24.05.01, Rules of the Board of Drinking Water and Wastewater Professionals

24-0501-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 05, Chapter 01 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 05, Chapter 01 – Bulletin Vol. 23-4

24.06.01, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants

24-0601-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 01 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 01 – Bulletin Vol. 23-4

24.07.01, Rules of the Idaho State Board of Landscape Architects

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 07, Chapter 01 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 07 – Bulletin Vol. 23-4

24.11.01, Rules of the State Board of Podiatry

24-1101-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 11, Chapter 01 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 11, Chapter 01 – Bulletin Vol. 23-4

24.13.01, Rules Governing the Physical Therapy Licensure Board

24-1301-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 13, Chapter 01 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 13, Chapter 01 – Bulletin Vol. 23-4

24.14.01, Rules of the State Board of Social Work Examiners

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 14, Chapter 01 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 14, Chapter 01 – Bulletin Vol. 23-4

24.15.01, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists

24-1501-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 15, Chapter 01 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 15, Chapter 01 – Bulletin Vol. 23-4

24.16.01, Rules of the State Board of Dentistry

24-1601-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 16, Chapter 01 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 16, Chapter 01 – Bulletin Vol. 23-4

24.18.01, Rules of the Real Estate Appraiser Board

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 18, Chapter 01 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 18, Chapter 01 – Bulletin Vol. 23-4

24.27.01, Rules of the Idaho State Board of Massage Therapy

24-2701-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 27, Chapter 01 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 27, Chapter 01 – Bulletin Vol. 23-4

24.28.01, Rules of the Barber and Cosmetology Services Licensing Board

24-2801-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 28, Chapter 01 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 28, Chapter 01 – Bulletin Vol. 23-4

24.31.01, Rules of the Idaho State Board of Dentistry

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 31, Chapter 01 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 31, Chapter 01 – Bulletin Vol. 23-4

24.33.01, Rules of the Board of Medicine for the Licensure to Practice Medicine & Osteopathic Medicine in Idaho

24-3301-2301 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-7

24.35.01, Rules of the Outfitters and Guides Licensing Board

24-3501-2301 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-7

24.38.01, Rules of the State of Idaho Board of Veterinary Medicine

24-ZBRR-2301 Rules of the Division of Occupational and Professional Licenses – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 38, Chapter 01 – Bulletin Vol. 23-6

24-ZBRR-2301 Rules of the Division of Occupational and Professional Licenses – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 38, Chapter 01 – Bulletin Vol. 23-4

24.39.10, Rules of the Idaho Electrical Board

24-3910-2302 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-6

24-3910-2301 Adoption of Temporary Rule, Bulletin Vol. 23-5 (eff. 3-28-23)T

24.39.30, Rules of Building Safety (Building Code Rules)

24-3930-2302 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-6

24-ZBRR-2301 Rules of the Division of Occupational and Professional Licenses – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 39, Chapter 30 – Bulletin Vol. 23-4

24-3930-2301 Notice of Rulemaking – Adoption of Temporary (Fee) Rule, Bulletin Vol. 23-4 (eff. *sine die* 2023)T

24.39.31, Rules for Modular Buildings

24-ZBRR-2301 Rules of the Division of Occupational and Professional Licenses – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 39, Chapter 31 – Bulletin Vol. 23-6

24-ZBRR-2301 Rules of the Division of Occupational and Professional Licenses – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 39, Chapter 31 – Bulletin Vol. 23-4

24.39.50, Rules of the Public Works Contractors License Board

24-ZBRR-2301 Rules of the Division of Occupational and Professional Licenses – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 39, Chapter 50 – Bulletin Vol. 23-6

24-ZBRR-2301 Rules of the Division of Occupational and Professional Licenses – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 39, Chapter 50 – Bulletin Vol. 23-4

24.40.01, Rules of the Board of Naturopathic Health Care

24-4001-2301 Notice of Intent to Promulgate Rules – Negotiated Rulemaking (New Chapter), Bulletin Vol. 23-7

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26.01.10, Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation

26-0110-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-8

26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities

26-0120-2301 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-8

26.01.34, Idaho Protection Against Invasive Species Sticker Rules

26-0134-2201 Temporary and Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 23-8 (eff. 8-30-23)T

26-0134-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-4

IDAPA 29 – IDAHO POTATO COMMISSION

29.01.01, Rules of the Idaho Potato Commission

29-0101-2301 (Second) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-5

29-0101-2301 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-3

IDAPA 31 – PUBLIC UTILITIES COMMISSION

31-ZBRR-2301 *Rules of the Idaho Public Utilities Commission* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 12, Chapter 01; Title 21, Chapter 01; Title 26, Chapter 01; and Title 31, Chapter 01 – Bulletin Vol. 23-6

31.12.01, System of Accounts for Public Utilities Regulated by the Idaho Public Utilities Commission

31-ZBRR-2301 *Rules of the Idaho Public Utilities Commission* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 12, Chapter 01 – Bulletin Vol. 23-6

31.21.01, Customer Relations Rules for Gas, Electric & Water Public Utilities (the Utility Customer Relations Rules)

31-ZBRR-2301 *Rules of the Idaho Public Utilities Commission* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 21, Chapter 01 – Bulletin Vol. 23-6

31.26.01, Master-Metering Rules for Electric Utilities

31-ZBRR-2301 *Rules of the Idaho Public Utilities Commission* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 26, Chapter 01 – Bulletin Vol. 23-6

31.31.01, Gas Service Rules

31-ZBRR-2301 *Rules of the Idaho Public Utilities Commission* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 31, Chapter 01 – Bulletin Vol. 23-6

IDAPA 32 – ENDOWMENT FUND INVESTMENT BOARD

32.01.01, Rules Governing the Credit Enhancement Program for School Districts

32-0101-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-8

IDAPA 35 – STATE TAX COMMISSION

35.01.01, Income Tax Administrative Rules

35-0101-2301 Notice of Proposed Rulemaking, Bulletin Vol. 23-8

35-0101-2301 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-6

35.01.03, Property Tax Administrative Rules

35-0103-2302 Adoption of Temporary Rule, Bulletin Vol. 23-6 (eff. 5-8-23)T

35-0103-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

35.01.08, Mine License Tax Administrative Rules

35-0108-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-8

35-0108-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

IDAPA 36 – IDAHO BOARD OF TAX APPEALS

36.01.01, Idaho Board of Tax Appeals Rules

36-0101-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-8

IDAPA 37 – DEPARTMENT OF WATER RESOURCES

37.03.03, Rules and Minimum Standards for the Construction and Use of Injection Wells

37-0303-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

37.03.08, Water Appropriation Rules

37-0308-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39-ZBRR-2303 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 22; and Title 03, Chapters 01-07 – Bulletin Vol. 23-7

39-ZBRR-2302 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapters 40, 42, 48, 50; & Title 04, Chapter 01 – Bulletin Vol. 23-6

39-ZBRR-2301 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapters 04, 42, 46, 60; & Title 03, Chapter 08 – Bulletin Vol. 23-5

39.02.04, Rules Governing Manufacturer and New Vehicle Dealer Hearing Fees

39-ZBRR-2301 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 04 – Bulletin Vol. 23-5

39.02.22, Rules Governing Registration and Permit Fee Administration

39-ZBRR-2303 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 22 – Bulletin Vol. 23-7

39.02.42, Rules Governing Conditional Vehicle Registration When Proof of Ownership is Insufficient

39-ZBRR-2301 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 42 – Bulletin Vol. 23-5

39.02.46, Rules Governing Temporary Motor Vehicle Registration Permit

39-ZBRR-2301 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 46 – Bulletin Vol. 23-5

39.02.60, Rules Governing License Plate Provisions

39-ZBRR-2301 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 60 – Bulletin Vol. 23-5

39.02.76, Rules Governing Driver’s License and Identification Card Renewal-by-Mail and Electronic Renewal and Replacement Processes

39-0276-2301 Notice of Temporary and Proposed Rule, Bulletin Vol. 23-7 (eff. 7-1-23)T

39-0276-2301 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-5

39.03.01, Rules Governing Definitions Regarding Special Permits

39-ZBRR-2303 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 01 – Bulletin Vol. 23-7

39.03.02, Rules Governing Movement of Disabled Vehicles

39-ZBRR-2303 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 02 – Bulletin Vol. 23-7

39.03.03, Rules Governing Special Permits - General Conditions and Requirements

39-ZBRR-2303 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 03 – Bulletin Vol. 23-7

39.03.04, Rules Governing Special Permits - Overweight Non-Reducible

39-ZBRR-2303 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 04 – Bulletin Vol. 23-7

39.03.05, Rules Governing Special Permits - Oversize Non-Reducible

39-ZBRR-2303 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 05 – Bulletin Vol. 23-7

39.03.06, Rules Governing Special Permits for Extra-Length/Excess Weight, Up to 129,000 Pound Vehicle Combinations

39-ZBRR-2303 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 06 – Bulletin Vol. 23-7

39.03.07, Rules Governing Special Permits for Reducible Loads

39-ZBRR-2303 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 07 – Bulletin Vol. 23-7

39.03.08, Rules Governing Self-Propelled Snowplows

39-ZBRR-2301 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 08 – Bulletin Vol. 23-5

39.03.40, Rules Governing Junkyards and Dumps

39-ZBRR-2302 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 40 – Bulletin Vol. 23-6

39.03.42, Rules Governing Highway Right-of-Way Encroachments on State Rights-of Way

39-ZBRR-2302 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 42 – Bulletin Vol. 23-6

39.03.48, Rules Governing Routes Exempt from Local Plans and Ordinances

39-ZBRR-2302 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 48 – Bulletin Vol. 23-6

39.03.50, Rules Governing Safety Rest Areas

39-ZBRR-2302 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 50 – Bulletin Vol. 23-6

39.04.01, Rules Governing Aeronautics and Aviation

39-ZBRR-2302 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 01 – Bulletin Vol. 23-6

IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION

55.01.03, Rules of Career Technical Schools

55-0103-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-6

55.01.04, Rules Governing Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-Up Grants

55-0104-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-6

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

TMDLs:

58.01.07, Rules Regulating Underground Storage Tank Systems

58-0107-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8

58-0107-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-3

58.01.08, Idaho Rules for Public Drinking Water Systems

58-0108-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-3

58.01.25, Rules Regulating the Idaho Pollutant Discharge Elimination System Program

58-0125-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

IDAPA 61 – STATE PUBLIC DEFENSE COMMISSION

61-0000-2300 *Rules of the Idaho State Public Defense Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary Rule – Reauthorizes Title 01, Chapters 01-04 – Bulletin Vol. 23-5 (eff. 4-6-23)T

61.01.01, General Provisions and Definitions

61-0000-2300 *Rules of the Idaho State Public Defense Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 23-5 (eff. 4-6-23)T

61.01.02, Requirements and Procedures for Representing Indigent Persons

61-0000-2300 *Rules of the Idaho State Public Defense Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary Rule – Reauthorizes Title 01, Chapter 02 – Bulletin Vol. 23-5 (eff. 4-6-23)T

61.01.03, Records, Reporting, and Review

61-0000-2300 *Rules of the Idaho State Public Defense Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary Rule – Reauthorizes Title 01, Chapter 03 – Bulletin Vol. 23-5 (eff. 4-6-23)T

61.01.04, Financial Assistance and Training Resources

61-0000-2300 *Rules of the Idaho State Public Defense Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary Rule – Reauthorizes Title 01, Chapter 04 – Bulletin Vol. 23-5 (eff. 4-6-23)T

IDAPA 62 – OFFICE OF ADMINISTRATIVE HEARINGS

61.01.01, Idaho Rules of Administrative Procedure

62-0101-2301 Notice of Intent to Promulgate Rules (New Chapter) – Negotiated Rulemaking, Bulletin Vol. 23-6

Subject Index

Symbols

- Definitions, IDAPA 24.15.01
 - Licensed Mental Health Professional Supervisor" 255
- Requirements For Wastewater Laboratory Analyst License Class II" 205
- A**
- Additional Measures To Protect Ground Water From Contamination 349
 - Certification 350
 - Notification 349
 - Notification Forms 349
 - Requirements for Hazardous Substance UST Systems 350
 - Requirements for Petroleum UST Systems 349
- Adequate Heat, Light, & Ventilation 100
- Administrative Appeals 339
- Administrative License Or Certification Action 31
- Administrative Provisions 346
- Advance Royalties 339
- Agency License Required 32
- Air Medical Agency -- Operational Declarations 36
 - Air Medical Support 36
 - Air Medical Transfer 36
 - Air Medical Transport 36
- Air Medical EMS Agency -- Equipment Requirements & Modifications 42
 - Configuration & Equipment Standards 42
 - FAA 135 Certification 42
- Air Medical EMS Agency -- Patient Care Integration 46
- Air Medical EMS Agency -- Patient Transport, Transfer, or Support 36
 - Support 36
 - Transfer 36
 - Transport 36
- Air Medical EMS Agency -- Personnel Requirements
 - Personnel for Air Medical Agency 38
 - Personnel for Air Medical Support Agency 38
- Air Medical EMS Agency -- Required Policies 46
 - Non-Discrimination Policy 46
 - Patient Destination Procedure 47
 - Safety Program Policy 47
 - Training Policy 47
 - Weather Turn Down Policy 46
- Air Medical Transport Service -- Personnel Requirements 38
- Emergency Scene Transports 39
- Interfacility Transfers 39
- Alternative Periodic Testing Of Containment Sumps Used For Interstitial Monitoring Of Piping 350
 - Alternative Test Method Allowed 351
 - Applicability 350
- Alternative Resolution Of Contested Cases 167
- Ambulance EMS Agency -- Patient Transport Or Transfer 36
 - Transfer 36
 - Transport 36
- Ambulance Or Air Medical EMS Agency -- Petition For Waiver 44
 - Submit Petition for Waiver 44
 - Undue Hardship or Abandonment of Service Waiver -- Petition Content 44
- Ambulance Or Air Medical EMS Agency -- Waiver Of Response Requirement 44
 - Abandonment of the Service by the Agency 44
 - Undue Hardship on the Community Being Served by the Agency 44
- Ambulance Service -- Personnel Requirements 38
 - Critical Care 38
 - Emergency Scene ALS 38
 - Interfacility Transfers ALS 38
- Ambulance-Based Clinicians -- Personnel Requirements 39
 - Agency Responsibilities for Ambulance-Based Clinicians 40
 - Ambulance-Based Clinician Certified by the EMS Bureau 39
 - Licensed Personnel Requirements & Ambulance-Based Clinicians 40
 - Maintaining an Ambulance-Based Clinician Certificate 39
 - Obtaining an Ambulance-Based Clinician Certificate 39
 - Revocation of an Ambulance-Based Clinician Certificate 40
- Amendments To Pleadings -- Withdrawal Of Pleadings 164
- Answers -- Defined -- Form & Contents -- Time For Filing 162
 - Answers to Motions 162
 - Answers to Pleadings Other Than Motions 162
- Answers To Production Requests Or Written Interrogatories & To Requests For Admission 169
- Appeal Of Department Decision 142
- Appendix A - Employee Training Form 151
- Appendix A, Idaho Backflow Assembly Tester Code Of Ethics & Standards Of Conduct 210
- Appendix A, Physical Therapist Code Of Ethics 247
- Appendix B, Physical Therapist Assistant Code Of Ethics 248
- Applicant Past Crime Review 181
 - Exemption Review 181
 - Review Authority 181
- Applicants/Claimants/Appellants 158
- Application 182, 188, 197, 284
 - Application Required 198
 - Filing an Application 284
 - Licensure by Endorsement 197
 - Licensure by Endorsement -- Blue Cover 183
 - Licensure by Endorsement - Equivalency 183
 - Licensure By Examination 182
 - Licensure by Examination 197
 - Supplemental Documents 284
- Application For Certification 132
 - Code of Ethics
 - Acknowledgment 132
 - Completed Application 132
 - Verification of Education, Training, & Experience 132
 - Application For Daycare License Or Renewal 81, 113
 - Additional Requirements for License Renewal 81, 114
 - Background Clearance 81, 114
 - Completed Licensing Application 113
 - Completed, Signed, and Dated Application by Applicant 81
 - Health & Safety Inspection 114
 - Inspection Reports 81, 113
 - Licensing Fee 81, 113
 - Other Information as Requested 81, 114
 - Proof of Insurance 81, 114
 - Relicense 114
 - Statement Disclosing Revocation or Disciplinary Actions 81, 114
 - Statement to Comply 81, 114
 - Termination of Application Process 81
- Application For Licensure 219
 - Licensure by Endorsement 219
 - Limited Permit 219
 - Personal Interview 220
 - Temporary License 219
- Application For Permit 147
 - Application for Exemption 148
 - Permits 147
 - Renewal of Permit 148
 - Where to Obtain an Application for Permit 147
- Application Form 188
 - Materials Submitted to Board 188
- Applications 272
 - Application Form for Licensure 272
 - Application Must Be Complete 272
- Applications For License 75
- Applications/Claims/Appals--Defined

-- Form & Contents 160
Facts 160
Other 160
Refer to Provisions 160
Appointment Of Hearing Officers 166
Apprentice Registration &
Apprenticeships 320
Application & Qualifications 320
Apprenticeship Length 322
Instruction 320
Out of State Apprenticeship 321
Recordkeeping 321
Supervision 320
Termination of Registration 321
Approval Of Continuing Education
Courses 289
A College or University 289
Federal, State or Local
Governmental Entities 289
Licensee Course Approval 289
National and State Massage
Therapy Associations 289
Provider Course Approval 289
Approved Education 187
Approved Examination 310
Approved Examinations 285
Date of Exam 286
Successful Passage 285
Architectural Intern 184
AXP Enrollment 184
Prohibitions 184
Record 184
Supervision 184
Availability of Referenced
Material 347

B

Backflow Assembly Tester Code Of
Ethics & Standards Of Conduct 210
Background Check Requirements 70,
110
Background Check
Frequency 110
Compliance 110
Cost of Background Check &
Juvenile Justice Records 111
Department Background Check
Compliance 70
Exceptions to Background
Checks 71
Family Daycare Homes 110
Juvenile Justice Records 111
Private Schools & Private
Kindergartens 111
Reporting Convictions 111
Those Subject to Background
Check Requirements 71
When License is Granted 71
Background Checks 93
Background Check at Any
Time 94
Change in Household
Membership 93
Emergency Placement of

Children 94
Foster Parent's Child Turns
Eighteen 93
Required Procedures 93
Barber & Cosmetology School
Requirements 314
Cessation of School 316
Change in Ownership or
Location 316
Clinical Work 315
Curriculum 314
Faculty or Instructors 314
Operations 314
Outside School Activities 315
Premises 314
Rules for Cosmetology Schools
Approved to Teach
Electrology 316
Student Records To be Maintained
by the School 315
Bathrooms, Water Supply, & Sewage
Disposal 100
Kitchen 101
Sewage Disposal 100
Toilet Facilities 100
Water Supply 100
Bedrooms 102
Appropriate Bedding 103
Children of the Opposite
Gender 103
Infants 103
Maximum Number of Children in a
Bedroom 103
Non-Ambulatory Child 103
Number of Children in a Bed 103
Restrictions on Sleeping
Arrangements 103
Sharing a Bedroom with a Foster
Parent 103
Sharing Bedroom with a Non-
Parent Adult 103
Sleeping Arrangements 102
Behavior Management &
Discipline 103, 118
Agency Consultation 104
Authority 104
Cruel & Unusual Physical
Exercise 118
Denying Necessities 118
Locking a Child in a Room 118
Mental or Emotional Cruelty 118
Physical Force 118
Prohibitions 103
Restraint 104
Restraint(s) 118
Use of Excessive Physical
Labor 118
Verbal Abuse 118
Behavior Management And
Discipline 84
Cruel and Unusual Physical
Exercise 84
Denying Necessities 84
Locking a Child in a Room 84

Mental or Emotional Cruelty 84
Physical Force 84
Restraint(s) 84
Use of Excessive Physical
Labor 84
Verbal Abuse 84
Briefs--Memoranda--Proposed Orders
Of The Parties--Statements Of
Position--Proposed Order Of The
Presiding Officer 171
Buildings, Grounds, Furnishings, &
Equipment 90, 124
Appliances & Electrical
Cords 90, 124
Balconies & Stairways 90, 124
Fueled Equipment 90, 124
Hazardous Area Restrictions 90,
124
Indoor Play Areas & Toys 91, 125
Outdoor Play Areas & Toys 91,
125
Stairway Protection 90, 124
Water Hazards 90, 124
Burdens Of Proof 173

C

Cell Phone or Telephone 101
Challenges To Statutes 167
Changes To A Current License 52
Changes Requiring Initial
Licensure Application 53
Changes Requiring Update 52
Child Placement Requirements 101
Children Under Two Years
Old 101
Continued Care 102
Determining Factors 101
Maximum Number of
Children 101
Special Circumstances Regarding
Maximum Numbers of
Children 101
Child Record Requirements 82, 116
Child's Full Name 83, 116
Child's Health Information 83,
116
Date of Birth 83, 116
Emergency Contact
Information 83, 116
Parent or Guardian's Name,
Address, & Contact
Information 116
Parent or Guardian's Name,
Address, & Contact
Information 83
Times, Dates, & Record of
Attendance Each Day 116
Times, Dates, and Record of
Attendance Each Day 83
Child Tasks 105
Child-Staff Ratio 83, 117
Child-Staff Ratios 117
Compliance with Child-Staff
Ratios 83

- Daycare Child-Staff Ratio Point System 83, 117
- Napping Children 84
- Overnight Daycare 84, 117
- Sleeping Children 117
- Supervision of Children 84, 117
- Civil Penalties For Violation Of Permit 149
 - All Fine Payments 150
 - Violations by the Permittee 150
 - Violations by the Seller 149
- Clarification Of Orders 177
- Cleanup Process 65
 - Cleanup Options for the Property Owner 65
 - Removal of Porous Materials from Property 66
- Cleanup Standards 67
 - Cleanup Standard for a Porous Surface 67
 - Cleanup Standard for Methamphetamine 67
 - Other Cleanup Standards 67
- Clearance Sampling Requirements 66
 - General Sampling Procedures 66
 - Qualified Industrial Hygienist Required 66
- Clinical Professional Counselor Licensure 257
 - Experience 257
 - License 257
 - Recommendation of the Supervisor(s) 258
- Code Of Ethics 187, 247, 264, 291
 - Rules of Conduct 187
- Communications With Agency 156
- Complainants, Contested Cases 158
- Complaints 77, 140
 - Complaint Content 140
 - Department Response 140
 - Informed of Action 77
 - Investigation 77
- Complaints Against Daycare Facilities 126
 - Informed of Action 126
 - Investigation 126
- Complaints--Defined--Form & Contents 161
 - Defined 161
 - Form & Contents 161
- Computation Of Time 157
- Conduct At Hearings 170
- Conduct Required 160
- Conference At Hearing 170
- Confidentiality 107, 168
- Confidentiality Of Records 347
- Confidentiality Of Settlement Negotiations 172
- Consent Agreements -- Defined -- Form & Contents 162
 - Additional 162
 - Requirements 162
- Consideration Of Settlements 173
- Consolidation Of Proceedings 170
- Content Of Continuing Education 290
 - Continuing Education 290
- Continuance Of Hearing 171
- Continued Compliance, Reporting Changes, & Critical Incidents 91, 125
 - Critical Incidents 91, 125
 - Department Access 125
 - Posting Information 125
 - Posting of License & Other Information 91
 - Reporting Changes 91, 125
- Continuing Education 185, 208, 220, 231, 265, 276, 288
 - Approved Contact Hours, Limitations, & Required Documents 265
 - Approved Courses 209
 - Approved Credit 186
 - Architectural Health, Safety & Welfare Requirement 185
 - Attestation 220
 - Carry Over & Duplication 221
 - Carryover of Continuing Education Hours 232, 288
 - Contact Hours 265
 - Continuing Education Requirement 185, 195, 208
 - Course Approval 208
 - Courses & Activities 220
 - Credit for Continuing Education Attendance 276
 - Distance Learning & Independent Study 209
 - Documentation 221, 288
 - Documentation of Attendance 265
 - Education Requirement for License Renewal 231
 - Exemption 289
 - Exemptions 186, 209, 222
 - Failure to Fulfill the Continuing Education Requirements 186, 209
 - Request for Approval 276
 - Requests for Approval of Programs 277
 - Requests for Pre-Approval 276
 - Requirement 220, 288
 - Special Exemption 232
 - Subject Material 208
 - Subjects 276
 - Submission of License Renewal Application Form 232
 - Verification of Attendance 186, 209
 - Verification of Completion 232
 - Waiver 266, 288
- Continuing Education Activities 289
 - Publishing Articles or Books 289
 - Self Study 290
 - Teaching a Course For The First Time, Not to Exceed Six Hours 289
- Continuing Education Requirement 244
 - Compliance Audit 245
 - Contact Hours 244
 - Continuing Education Credit Hours 245
 - Course Approval 246
 - Documentation of Attendance 245
 - Excess Hours 245
 - Reinstatement of License 244
 - Renewal of License 244
 - Special Exemption 245
 - Submitting False Reports or Failure to Comply 246
- Credentials To Be Filed By All Applicants 228
 - Certified Copy of National Board Results 228
 - Diploma 229
 - Educational Certificate Requirement 228
 - Residency Certification Requirement 229
- Credit For Income Taxes Paid Another State Or Territory
 - Examples 337
 - In General 337
 - Affected Business Entities 337
 - Credit Calculated on a State-by-State Basis 337
 - Income Tax Payable to Another State 337
 - Limitations 337
 - Taxes Not Eligible for the Credit 337
- Criminal History & Background Check For Daycare Standards 79
 - Background Check for Daycare Centers and Group Daycare Facilities 79
 - Background Check for Family Daycare Homes 80
 - Background Check for Private Schools and Private Kindergartens 80
 - Cost of Background Check and Juvenile Justice Records 80
 - Juvenile Justice Records 80
 - On going Duty to Report Convictions 80
- Criminal History & Background Check Requirements
 - Background Check at Any Time 71
- Criminal Penalties 150
 - Department Notified of Violation 150
 - Selling or Distributing Without a Permit 150
- Critical Care -- Personnel Requirements 38
- Critical Incident Notification 107
 - Death 107

- Illness 107
 Law Enforcement
 Authorities 107
 Missing 107
 Removal of Child 107
 Suicide 107
- D**
- Dangerous & Hazardous Materials 100
 Daycare Center Training
 Requirements 84
 Child Development Training 84
 Pediatric Rescue Breathing, Infant-
 Child CPR, & First Aid
 Training 85
 Staff Training Records 85
 Training Hours 84
 Daycare Licensing 112
 Daycare Standards 112
 Exceptions & Exemptions to
 Daycare Licensing 113
 Knowledge of Standards 112
 List of Licensed Daycare
 Facilities 113
 Operator Responsibilities 112
 Staff Knowledge 112
 Daycare Licensing Fees 80, 114
 Daycare Center with More than
 Twenty-Five Children in
 Attendance at Any Given
 Time 114
 Daycare Center with Thirteen to
 Twenty-Five Children in
 Attendance at Any Given
 Time 114
 Daycare Licensing Fee
 Amounts 80
 Family Daycare Home Voluntary
 License 114
 Group Daycare Facility 114
 Daycare Licensing Maximum Total
 Fees
 Daycare Fire Inspection Fee 81
 Defective, Insufficient Or Late
 Pleadings 164
 Definitions 31, 55, 131, 155, 192, 252,
 269, 283, 297, 303
 A Through M 71
 Attendance 71
 Board 71
 Caregiver 71
 Chief Administrator 71
 Child 71
 Child Care 72
 Children's Agency 72
 Child-Staff Ratio 72
 Continued Care 72
 Daycare 72
 Daycare Center 72
 Department 72
 Direct Care Staff 72
 Family Daycare Home 72
 Foster Care 72
 Foster Home 72
 Foster Parent 72
 Group Daycare Facility 72
 Household Member 73
 Medical Professionals 72
 Agency 155
 Agency Action 155
 Agency Head 155
 Approved Massage Program 283
 Behavioral Health Program 131
 Board 55, 155
 Certificate 131
 Clean 297, 304
 Clinical Laboratory 55
 Clinical Services or Clinical
 Work 304
 Clinical Work 284
 Code of Ethics 284
 Contested Case 155
 Denture Technician 269
 Department 55, 131
 Director 55, 131
 Disinfect 297, 304
 Disinfectant 297, 304
 Document 155
 Facility 304
 Family Support Partner 131
 Family Support Partner
 Services 131
 First-Aid Kit 297, 304
 Group Supervision 252
 Individual Supervision 252
 Laboratory Director 55
 License 155
 Lived Experience 131
 N Through Z 73
 Noncompliance 73
 Operator 73
 Person 73
 Placement 73
 Plan of Correction 73
 Regularly on the Premises 73
 Relative 73
 Restraint 73
 Second Degree of
 Relationship 73
 Social Worker 73
 Staff 73
 Supervision 73
 Time-Out 73
 Training 73
 Variance 73
 Waiver 73
 Nonwaived Test 55
 Order 155
 Party 155
 Pathologist 55
 Patron 304
 Peer Support Services 131
 Peer Support Specialist 131
 Person 155
 Proficiency Testing 55
 Quality Control 55
 Record of Instruction 304
 Reviewer 56
 Single-Use 298, 304
 Standards of Practice 284
 Sterilant 298, 304
 Sterilize 298, 304
 Supervisor 252
 Waived Test 56
 Definitions & Abbreviations A through
 B 19
 911 Call 19
 911 Response Non-Transport
 Service 19
 911 Response Transport
 Service 19
 Advanced Emergency Medical
 Technician (AEMT) 19
 Advanced Life Support (ALS) 20
 Advanced Practice Professional
 Nurse 20
 Advertise 20
 Affiliating EMS Agency 20
 Affiliation 20
 Air Ambulance 20
 Air Medical 20
 Air Medical Rescue Service 20
 Air Medical Response 20
 Air Medical Service 20
 Ambulance Certification 21
 Ambulance 20
 Ambulance Service 21
 Ambulance-Based Clinicians 21
 Applicant 21
 Assessment 21
 Basic Life Support (BLS) 21
 Board 21
 Definitions & Abbreviations C through
 E 21
 Call Volume 21
 Candidate 21
 Certificate of Eligibility 21
 Certification 21
 Certified EMS Instructor 22
 CoAEMSP 22
 Code 3 22
 Cognitive Exam 22
 Community Health EMS
 (CHEMS) 22
 Compensated Volunteer 22
 Conflict of Interest 22
 Consolidated Emergency
 Communications System
 (CECS) 22
 Core Content 22
 Course 22
 Course Physician 22
 Credentialed EMS Personnel 22
 Credentialing 22
 Critical Care 22
 Critical Care Agency 22
 Department 23
 Director 23
 Division 23
 Emergency 23
 Emergency Medical Care 23
 Emergency Medical Responder

- (EMR) 23
- Emergency Medical Services (EMS) 23
- Emergency Medical Services Advisory Committee (EMSAC) 23
- Emergency Medical Technician (EMT) 23
- Emergency Response 24
- Emergency Scene 24
- EMS Agency 24
- EMS Bureau 24
- EMS Education Program 24
- EMS Education Program Director 24
- EMS Education Program Objectives 24
- EMS Medical Director 24
- EMS Physician Commission (EMSPC) 24
- EMS Response 24
- National Emergency Medical Services Information System (NEMSIS) 25
- Definitions & Abbreviations F Through N 24
 - Formative Evaluation 24
 - Full-Time Paid Personnel 24
 - Glasgow Coma Score (GCS) 24
 - Ground Transport Time 25
 - Hospital 25
 - Instructor 25
 - Instructor Certification 25
 - Intermediate Life Support (ILS) 25
 - Investigation 25
 - License 25
 - Licensed Personnel 25
 - Licensed Professional Nurse 25
 - Local Incident Management System 25
 - Medical Supervision Plan 25
 - National Registry of Emergency Medical Technicians (NREMT) 25
 - Non-Transport Service 25
 - Non-Transport Service Type 26
 - Non-Transport Vehicle 26
 - Nurse Practitioner 26
- Definitions & Abbreviations O Through Z 26
 - Optional Module (OM) 26
 - Out-of-Hospital 26
 - Paid Personnel 26
 - Paramedic 26
 - Paramedicine 26
 - Part-Time Paid Personnel 26
 - Patient 26
 - Patient Assessment 26
 - Patient Care 26
 - Patient Movement 26
 - Patient Transport 27
 - Physician 27
 - Physician Assistant 27
 - Planned Deployment 27
 - Prehospital 27
 - Psychomotor Exam 27
 - Public Safety Answering Point (PSAP) 27
 - REPLICA 27
 - Response Time 27
 - Seasonal 27
 - Skills Proficiency 27
 - Special Pathogens Transport (SPT) 27
 - State Health Officer 27
 - Summative Evaluation 27
 - Supervision 27
 - Tactical EMS (TEMS) 28
 - Third Service 28
 - Transfer 28
 - Transport Service 28
 - Volunteer 28
- Definitions A Through M 111
 - Attendance 111
 - Board 111
 - Child 111
 - Child-Staff Ratio 111
 - Daycare 111
 - Daycare Center 111
 - Department 111
 - Family Daycare Home 111
 - Group Daycare Facility 111
 - Household Member 111
- Definitions N Through Z 112
 - Noncompliance 112
 - Plan of Correction 112
 - Regularly on the Premises 112
 - Relative 112
 - Restraint 112
 - Second Degree of Relationship 112
 - Staff 112
 - Supervision 112
 - Training 112
- Definitions, Clandestine Drug Laboratory Cleanup 63
 - Certificate of Delisting 63
 - Certify 63
 - Chain of Custody 63
 - Clandestine Drug Laboratory (CDL) 63
 - Clandestine Drug Laboratory Site Property List (CDLSPL) 63
 - Cleanup Contractor 63
 - Cleanup Standard 63
 - Clearance Sampling 63
 - Contamination or Contaminated 63
 - Delisted 63
 - Demolish 63
 - Department 63
 - Discrete Sample 63
 - Documentation 63
 - Listed 64
 - Methamphetamine 64
 - Non-Porous 64
 - Porous 64
 - Qualified Industrial Hygienist 64
 - Sampling 64
 - Technology-Based Standard 64
 - Vacant 64
- Definitions, IDAPA 16.06.14, Rules Governing The Prevention Of Minors' Access To Tobacco Products 145
 - Business 145
 - Delivery Sale 145
 - Delivery Service 145
 - Department 145
 - Direct Sale 145
 - Distribute 145
 - Effective Training 145
 - Evidence of Effective Training 145
 - Location 145
 - Minor 146
 - Permit 146
 - Permit Endorsement 146
 - Permittee 146
 - Photographic Identification 146
 - Purchaser 146
 - Random Unannounced Inspection 146
 - Retail Sales Minor Exempt Permit 146
 - Seller 146
 - Tobacco or Electronic Smoking Device Product 146
 - Vending Machine 147
 - Vendor Assisted Sales 147
 - Violation 147
 - Without a Permit 147
- Definitions, IDAPA 24.01.01 181
 - AXP 181
 - Direct Supervision 181
 - NAAB 181
 - NCARB 181
- Definitions, IDAPA 24.05.01 196
 - Class I Restricted License 196
 - DEQ 196
 - Direct Supervision 196
 - Endorsement 196
 - EPA 196
 - Experience 196
 - On-Site Operating Experience 196
 - Operating Personnel 196
 - Person 196
 - Responsible Charge Operator 196
 - Substitute or Back-Up Responsible Charge Operator 197
 - Very Small Public Drinking Water System 192, 197
 - Very Small Wastewater System 192, 197
- Definitions, IDAPA 24.06.01 216
 - Client-Related Tasks 216
 - Direct Line-of-Sight Supervision 216
 - Direct Supervision 216
 - Evaluation 216

- General Supervision 216
 - Routine Supervision 216
 - Definitions, IDAPA 24.11.01 228
 - Reputable School 228
 - Definitions, IDAPA 24.13.01 237
 - Direct Personal Supervision 239
 - Direct Supervision 239
 - Examination 239
 - Functional Mobility Training 239
 - General Supervision 239
 - Manual Therapy 239
 - Nationally Accredited School 239
 - Non-Treatment Patient Related Tasks 237
 - Physical Agents or Modalities 239
 - Routine Physical Therapy Tasks 238
 - Supervising Physical Therapist 239
 - Supportive Personnel 237
 - Testing 238
 - Definitions, IDAPA 24.15.01 255
 - Accredited University or College 255
 - Face-to-face Setting 255
 - Practicum 255
 - Supplemental Practicum Hours 255
 - Definitions, IDAPA 24.16.01 271
 - Denturist Services 271
 - Definitions, IDAPA 35.01.08 339
 - Valuable Mineral 339
 - Definitions, IDAPA 58.01.07 347
 - Board 347
 - Community Water System 347
 - Department 347
 - Director 347
 - EPA 347
 - Existing 347
 - Installation of a New Motor Fuel Dispenser System 347
 - Installer 348
 - New Underground Storage Tank (UST) 348
 - Non-Community Water System 348
 - Piping 348
 - Potable Drinking Water Well 348
 - Product Deliverer 348
 - Public Drinking Water System 348
 - Red Tag 348
 - Replace 348
 - Under-Dispenser Spill Containment 349
 - Delivery Prohibition 354
 - Classification as Ineligible 354
 - Compliance Conference 355
 - Declining Classification 356
 - Department Authority 356
 - Duration of Ineligible Classification 356
 - Prohibition 354
 - Proper Notice 356
 - Red-Tagging 355
 - Service of Notice 355
 - Unlawful to Tamper with Red Tag 356
 - Warning of Violations 354
 - Written Notice 355
 - Delivery Sale Additional Requirements 149
 - Delivery Requirements 149
 - Shipping Package Requirements 149
 - Denial Or Refusal To Renew, Suspension Or Revocation Of License 223
 - Grounds for Discipline 223
 - Penalties 223
 - Denial, Revocation, or Suspension of Certification 141
 - Department Approval 58
 - Department Inspections 57
 - Department List Of Qualified Industrial Hygienists 65
 - Department Revocation Of Approval 58
 - Failure to Obtain Satisfactory Results 59
 - Failure to Participate in Proficiency Testing 58
 - Failure to Participate in Quality Control 58
 - Failure to Submit Documentation 59
 - Depositions 169
 - Depositions, May Be Offered Onto Evidence 172
 - Disciplinary Penalty 246
 - Civil Fine 247
 - Disciplinary Procedures 247
 - Discipline 190, 210, 215, 231, 236, 270, 279, 292
 - Administrative Fine 292
 - Civil Fine 190, 210, 231, 236, 279
 - Civil Penalty 215, 270
 - Costs & Fees 190, 210, 231, 279
 - False Advertisements 270
 - Licensee Costs 292
 - Refuse License 292
 - Restrict License 292
 - Revoke License 292
 - Disposal Of Cleanup Waste 66
 - Disposition Of Applications 75, 114
 - Approval of Application 75
 - Denial of Application 76, 115
 - Denial of Licensure 115
 - Failure to Complete Application Process 76, 115
 - Incomplete Application 115
 - Limited License 76
 - Notification of License Renewal 115
 - Provisional License 76
 - Regular License 75
 - Termination of Application Process 114
 - Variance 75
 - Waiver 75
 - Disqualification Of Officers Hearing Contested Cases 166
 - Documentary Evidence 172
 - Documentation Of Informed Consent 267
 - Board Information 267
 - Clients' Rights 267
 - Education 267
 - License Type and License Number, Credentials, & Certifications 267
 - Name, Business Address & Phone Number of Licensee or Intern 267
 - Relationship 267
 - The Extent and Limits of Confidentiality 267
 - Theoretical Orientation & Approach 267
 - Written Statement 267
 - Dry Needling Certification 243
 - Course Approval 243
 - Course Completion 243
 - Training & Education 243
 - Dry Needling Recertification 243
 - Expiration Date 243
 - Failure to Comply with Issuance Requirements 243
 - Issuance 243
 - Duration Of Certification 132
 - Full Certification 132
 - Six-Month Certification 132
- ### E
- Education 105, 299
 - Apprenticeships 299
 - Licensed Schools 299
 - Educational Program Standards 290
 - Clinical Work 291
 - Coursework Content & Hours 291
 - Educational Program Standards For Courses Of Instruction 316
 - Barber 316
 - Barber-Stylist 317
 - Cosmetology 317
 - Electrology 319
 - Esthetics 318
 - Instructor 319
 - Nail Technology 319
 - Effect Of Previous Revocation Or Denial Of A License 79, 128
 - Eligibility For EMS Agency Licensure 32
 - EMS Agency -- Agreements, Plans, & Policies 45
 - EMS Agency -- Ambulance Service Response Agreements 45
 - EMS Agency -- Application For Initial Licensure 52
 - EMS Agency -- Cancellation Of An Air

- Medical Response 49
- EMS Agency -- Clinical Levels 34
 - Advanced Life Support (ALS) 34
 - Air Medical Support 34
 - Basic Life Support (BLS) 34
 - Intermediate Life Support (ILS) 34
- EMS Agency -- Communication Requirements 42
 - Air Medical EMS Agency 42
 - Ambulance EMS Agency 43
 - Non-transport EMS Agency 43
- EMS Agency -- Communications With Air Medical Services 49
 - Confirmation of Air Medical Response Availability 50
 - Estimated Time of Arrival at the Specified Landing Zone 50
 - Notification of Air Medical Response 50
 - Required Information to Request an Air Medical Response 49
 - Responsibility to Request an Air Medical Response 49
- EMS Agency -- Condition That Results In Vehicle Or Agency Out Of Service 51
- EMS Agency -- Criteria To Request An Air Medical Response 48
 - Clinical Conditions 48
 - Complications to Clinical Conditions 48
 - Operational Conditions for Air Medical Response 48
- EMS Agency -- Demonstration Of Capabilities During Inspection 51
 - Validation of Ability to Communicate 51
 - Validation of Ability to Submit Data 51
- EMS Agency -- Dispatch Requirements 43
- EMS Agency -- Dispatch Requirementsz 43
- EMS Agency -- EMS Personnel Request For Air Medical Response 49
- EMS Agency -- Established Criteria For Simultaneous Dispatch 49
- EMS Agency -- Exemptions For Agencies Currently Accredited By A Nationally Recognized Professional EMS Accreditation Agency 52
- EMS Agency -- General Equipment Requirements & Modifications 41
 - Denial of an Equipment Modification Request 42
 - Equipment & Supplies 41
 - Modifications to an EMS Agency's Minimum Equipment List 41
 - Renewal of Equipment Modification 42
 - Review of an Equipment Modification Request 42
 - Safety & Personal Protective Equipment 41
- EMS Agency -- General Personnel Requirements 37
 - Personnel Requirements for an Agency Utilizing Ambulance-Based Clinicians 37
 - Personnel Requirements for an Agency Utilizing Emergency Medical Dispatch 37
 - Personnel Requirements for EMS Agency Licensure 37
- EMS Agency -- Ground Vehicle Safety Inspection Requirements 41
 - New Vehicle Inspection 41
 - Response Vehicle Involved in a Crash 41
 - Vehicle Inspection Records 41
 - Vehicle Inspection Standards 41
- EMS Agency -- Initial Agency Inspection 51
 - Validation of Initial Application 51
 - Verification of Compliance 51
- EMS Agency -- Inspection Requests & Scheduling 51
- EMS Agency -- Inspection Timeframe After Notification Of Eligibility 51
- EMS Agency -- Inspections By The EMS Bureau 51
- EMS Agency -- Landing Zone Procedures For Air Medical Response 50
 - Establish Landing Zone Procedures 50
 - Final Decision to Use Established Landing Zone 50
 - Responsibilities of Landing Zone Officer 50
- EMS Agency -- License Duration Limited 35
 - Ongoing 34
 - Seasonal 35
- EMS Agency -- Licensure Expiration 52
- EMS Agency -- Medical Supervision Requirements 45
- EMS Agency -- Minimum Equipment Inspection Requirements 41
- EMS Agency -- Patient Care Integration 45
 - Cooperative Agreement for Non-Transport Agency 46
 - Cooperative Agreements for Common Geographic Coverage Area 45
- EMS Agency -- Planned Deployment Agreements 46
 - Chief Administrative Officials 46
 - Equipment & Medication 46
 - Geographic Locations & Services 46
 - Medical Directors 46
 - Medical Supervision 46
 - Patient Integration of Care 46
- EMS Agency -- Response Requirements & Waivers 43
- EMS Agency -- Service Types 33
 - Air Medical Service Types 33
 - Ambulance Service Types 33
 - Non-Transport Service Types 33
- EMS Agency -- Specialty Service Personnel Requirements 38
 - Community Health EMS 38
 - Critical Care 38
 - Special Pathogens Transport 38
 - Tactical EMS 38
- EMS Agency -- Specialty Services 34
 - Community Health EMS (CHEMS) 35
 - Critical Care (CC) 34
 - Tactical EMS (TEMS) 35
- EMS Agency -- Vehicle Requirements 40
 - Condition of Response Vehicles 40
 - Configuration & Standards for EMS Response Vehicles 40
 - Location of Emergency Response Vehicles 40
 - Motor Vehicle Licensing Requirements 40
 - Quantity of Response Vehicles 40
- EMS Agency Agreements, Plans, & Policies 45
- EMS Agency General Licensure Requirement 32
- EMS Agency Inspections 51
- EMS Agency License -- Nontransferable 52
- EMS Agency-- Licensing Model 33
 - EMS Agency License Models 33
 - EMS Agency Providing Air Medical & Ground-Based EMS Services 33
 - Licensing an EMS Agency 33
 - Multiple Organization EMS Agency 33
- EMS Agency Licensure Model 33
- EMS Agency Licensure Process 52
- EMS Agency Requirements & Waivers 41
- EMS Agency-- Selection Of Air Medical Agency 49
 - Policy for Patient Requests 49
 - Written Policy to Select Air Medical Agency 49
- EMS Agency Utilization of Air Medical Services 48
- EMS Agency Vehicle Requirements 40
- EMS Agency -- Review Of Air Medical Responses 50
- Endorsement 189, 207, 264
- Enforcement Remedy Of Summary Suspension & Transfer Of

- Children 78, 127
- Enforcement Remedy Revocation Of License & Transfer Of Children 78, 127
 - Abusive Conduct 127
 - Endangers Health or Safety 127
 - Immediate Access to Documentation 127
 - Misrepresented or Omitted Information 127
 - No Progress to Meet Plan of Correction 127
 - Not in Substantial Compliance 127
 - Refusal to Allow Access 127
 - Repeat Violations 127
- Enforcement Remedy Revocation Of License & Transfer Of Residents Or Children
 - Endangers Health or Safety 78
 - Misrepresented or Omitted Information 78
 - No Progress to Meet Plan of Correction 78
 - Not in Substantial Compliance 78
 - Refusal to Allow Access 79
 - Repeat Violations 78
 - Violation of Terms of Provisional License 79
- Establishment & Facility Changes In Ownership Or Location 312
 - Addition of an Owner 312
 - Board Must Be Informed of All Changes 312
 - Deletion of an Owner 312
 - License Status 313
 - Out of Business 312
 - Transfer of Ownership 312
- Ex Parte Communications 167
- Examination For Licensure 262
 - Examination 262
 - Successful Passage 262
 - Time & Place 262
- Examinations 189, 271
 - Content 271
 - Date of Licensure Examination 271
 - Failing a Section of Exam 189
 - Grading 271
 - Minimum Passing Score 189
 - Re-Examination 272
- Exclusions 56
 - Facilities & Laboratories 57
 - Other Certifying Agencies 56
- Exemption Of EMS Agency Licensure 32
 - Emergency, Natural, or Man-made Disaster 32
 - Interstate Compact with Idaho 32
 - Transfer of Patient From Out-of-State Medical Facility 32
 - Transport of Patient From Out-of-State Emergency Scene 32
- Exhibit Numbers 169
- Exhibits 172
- Exits 100
- Extension of Certificate 133
 - Full Certification 133
 - Six-Month Certifications 133
- F**
- Facilities At Or For Hearing & ADA Requirements 170
- Facility Capacity & Determining Occupant Load 86, 120
 - Area for Daycare Use Only 86, 120
 - Exit Signs 86, 120
 - Facilities With An Occupancy Load Of Fifty Or More 86
 - Facilities with an Occupancy Load of Fifty or More 120
- Facts Disclosed Not Part Of The Record 168
- Failure To Comply 92, 126
 - Misdemeanor to Operate Without Obtaining a Background Check 92, 126
 - Misdemeanor to Provide Daycare if Guilty of Certain Offenses 92, 126
 - Misdemeanors to Operate Without a License 92, 126
- Failure To Register Or Operation Of An Unregistered Clinical Laboratory 60
- Family Support Partner -- Certification qualifications And Requirements 136
 - Educational Requirements 136
 - Person Self-Identified with Lived Experience 138
 - Supervision Requirements 137
 - Training Requirements 136
 - Work or Volunteer Experience Requirements 137
- Family Support Partners -- Code Of Ethics & Professional Conduct
 - Certified Family Support Partner Integrity 138
 - Certified Family Support Partner Professional Responsibility 139
 - Certified Family Support Partner Safety 138
 - Comply with Code of Ethics 140
 - Ethics Training 140
 - Family Support Principles 138
- Fee Schedule For USTs 357
 - Billing 357
 - Delinquent Unpaid Fees 357
 - Enforcement 357
 - Fee Amount and Schedule 357
 - Fee Criteria 357
 - Fee Report 357
 - Nonrefundable 357
 - Payment 357
- Fees 180, 189, 195, 215, 223, 227, 229, 237, 244, 254, 263, 270, 273, 283, 284, 303, 304
 - Architects 180
 - Landscape Architects 180
 - Fees & Remittances 157
 - Fees For Examination & Licensure 199
 - Fees For Examinations & Licensure 181
 - Filing & Service Of Discovery-Related Documents 169
 - Filing Documents With The Agency -- Number Of Copies -- Facsimile Transmission (FAX) 163
 - Filing Of Documents -- Number Of Copies 156
 - Final Orders 176
 - Content 176
 - Definition 176
 - Fire Extinguishers & Safety Requirements 86, 120
 - Automatic Sprinkler Systems 87, 120
 - Facilities Over Three Thousand Square Feet 87, 120
 - Fire Alarm System 87, 120
 - Fire Extinguishers 86, 120
 - Kitchen Area 86, 120
 - Portable Fire Extinguisher 86, 120
 - Smoke Detectors 87, 120
 - Fire Safety & Evacuation Plans 87, 121
 - Annual Review 87, 121
 - Evacuation 87, 121
 - Evacuation Plan & Assembly Point for Children & Staff 121
 - Evacuation Plan and Assembly Point for Children and Staff 87
 - Evacuation Routes 87, 121
 - Fire & Emergency Evacuation Drills 121
 - Location of Fire Alarms 87, 121
 - Location of Fire Extinguishers 87, 121
 - Locations of Facility Exits 87, 121
 - Fire Safety Standards 85, 119
 - Daycare Fire Inspection Fees 119
 - Inspections 85, 119
 - Unobstructed Exits 85, 119
 - Fire Safety, Emergency Planning, & Evacuation Plan 99
 - Additional Fire Safety Requirements 99
 - Carbon Monoxide Detectors 99
 - Smoke Detectors 99
 - Firearms & Ammunition 100
 - Ammunition 100
 - Gun Safe 100
 - Locked Cabinet or Container 100
 - Trigger Locks 100
 - Unassembled & Inoperable 100
 - Firm Name 184
 - Firm Names 184

Food & Nutrition 104
Form & Contents Of Petition For
Declaratory Rulings 165
Form 165
Legal Assertions 165
Form & Contents Of Petitions To
Intervene 164
Form Of Pleadings 163
Form 163
Pleadings 163
Formal Proceedings 157
Initiation of Proceedings 157
Foster Parent Duties 97
Case Plan Implementation 97
Reporting Progress &
Problems 97
Termination of Placement 97
Written Policies & Procedures 97
Foster Parent Qualifications &
Suitability 92
Age 92
Be of Good Character 92
Compliance 93
Foster Parent Qualifications &
Suitability, Foster Homes
Acceptance of Foster Children 93
Availability for Child
Placement 93
Character 92
Child Care & Supervision 93
Communication 92
Family Supports 93
Harmonious Home Life 93
Health 93
Illegal Substance 93
Income & Resources 93
Knowledge & Skill 93
Literacy 93
Nicotine Use 93
Personal Attributes &
Experiences 93
Foster Parent Training 97
Additional Training 97
Annual Training 97
First Year 97
Individualized Training 97
Orientation 97
Pre-Service 97
Frequency of Fire & Emergency
Evacuation Drills 87
Further Proceedings 157

G
General Qualifications For
Licensure 218
Applicant 218
Education 219
Examination 219
General Requirements 57
Clinical Laboratory Facilities 57
Records 57
Test Orders & Results 57
General Requirements For
License 200

Apprenticeship Program 200
Education Requirements 200
Examination Requirement 200
Experience Requirement 200
Granting Petitions To Intervene 164
Grievances 140
Department Response 141
Grievance Content 141
Ground EMS Agency -- Operational
Declarations 35
Community Health EMS 35
Hospital 36
Non-Public 35
Prehospital 35
Prehospital Support 35
Standby 35
Transfer 35
Guarantee Of Denturist Services 279
Cancellation of Agreement 279
Limitation 279
Ninety Day Period 279
Nonrefundable Amount 279
Written Contract 279

H
Health Standards 87, 121
Adequate Heat, Light, &
Ventilation 89, 123
Alcohol & Illegal Drugs 122
Diaper Changing 88, 122
Disaster & Emergency
Planning 123
Dishwashing Sanitizing 88, 121
Food 121
Food Contact Surfaces 88, 121
Food Preparation 88, 121
Food Source 87
Food Storage 88, 121
Food Temperatures 88, 121
Garbage 88, 122
Hand Washing 88, 122
Immunizations 89, 123
Medication 89, 123
Restrooms, Water Supply &
Sewage 88
Restrooms, Water Supply, &
Sewage 122
Safe Sleep 122
Sewage Disposal 89, 122
Sleeping Areas 88, 122
Smoke-Free Environment 89, 122
Transportation 123
Use of Alcohol & Illegal
Drugs 89
Utensil Storage 88, 122
Water Supply 88, 122
Hearing Officers Contrasted With
Agency Head 166
Home Environment Safety
Requirements 97
Access by Children Five Years Old
and Under 98
Irrigation Canals or Similar Bodies
of Water 98

Living Space 97
Other Water Safety
Precautions 98
Swimming Pools, Hot Tubs,
Ponds, and Other Bodies of
Water 97
How Hearings Held 170

I
Idaho Office of Administrative
Hearings Rules 177
Identification Of Communications 156
Immediate Denial, Revocation, Or
Suspension 141
Inactive Licensure Status 276
Reactivating Inactive License 276
Request License be Placed on
Inactive Status 276
Inactive Status 133, 222, 230, 242, 264
Continuing Education 242
Inactive Certification Status 134
Inactive License Status 222, 230,
264
Reactivation of Certification 134
Reinstatement to Full Licensure
from Inactive Status 222, 242
Request for Inactive Status 134,
222, 230, 242, 264
Incorporated by Reference 282
Incorporation By Reference 31, 70,
110, 131, 181, 187, 226, 227, 234,
237, 251, 254, 346
AAMFT Code of Ethics 251, 255
ACA Code of Ethics 251, 254
Crib Safety - Full-Size Baby
Cribs 70
Crib Safety - Non-Full-Size Baby
Cribs 70
Incorporation by Reference
Idaho Certified Family Support
Partner Code of Ethics, rev 09/
2020 131
Idaho Certified Peer Support
Specialist Code of Ethics and
Professional Conduct, rev 08/
2015 131
Incorporation by Reference (Rule
002) 339
Informal Procedure 157
Informal Proceedings Defined 157
Informal Proceedings Do Not Exhaust
Administrative Remedies 157
Initial & Ongoing Evaluation 94
Applicant Participation 94
Disclosure of Information 95
Physical and Mental Health of
Household Members 95
Initial Pleading By Party--Listing Of
Representatives 159
Inspection Of Establishments, Schools
& Facilities 323
Classification Card 323
Form 323
Reinspection 323

- Inspections 151, 277, 353
 Complaint Investigation 151
 Department Authority 353
 Inspections 354
 Issuance of Citation or Report 151
 Law Enforcement Agency Inspections 151
 Random & Unannounced Inspections 151
 Reason for Inspection 277
 Third-Party Inspections 353
 Who May Examine or Inspect 277
 Who Will Inspect 151
 Installation, Maintenance & Inspection Of Flame & Heat Producing Equipment 99
 Installation, Maintenance, & Inspection Of Flame & Heat-Producing Equipment
 Fire Inspections 99
 Installation & Maintenance of Flame & Heat-Producing Equipment 99
 Portable Heating Devices 99
 Water Heater 99
 Intake Triage Protocols 43
 Interagency Placement Of Children 102
 Interlocutory Orders 174
 Internship 273
 Denture Clinic Requirements 275
 Internship Equivalency 272, 274
 Internship Not to Exceed One Year 274
 Internship Supervisor Requirements 275
 Reporting Requirements 275
 Requirements & Conditions for Internship 273
 Training Requirements 274
 Intervenors, Contested Cases 159
 Investigation Of Complaints For EMS Licensing Violations 31
 Issuance Of Default Order 174
 Issuance Of License 82, 115
 Denial of Licensure 82
 Department Action 82
 Incomplete Application 82
 Issuance of a Regular License 82
 Licensing Document 115
 List of Licensed Daycare Facilities 82
 Notification of License Renewal 82
 Regular License 115
- J**
- Joint Hearings 171
- K**
- Kinds & Scope Of Discovery Listed 168
- Kinds of Discovery 168
 Rules of Civil Procedure 168
- L**
- Landscape Architect-In-Training 188
 Prohibitions 188
 Qualifications 188
 Registration 188
 Supervision 188
 Termination 188
 Lapsed License 52
 Application Not Submitted Prior to Expiration of Current License 52
 Grace Period 52
 Regaining Agency Licensure 52
 Legal 101
 Legal Authority 18, 31, 55, 62, 70, 110, 130, 144, 155, 179, 181, 187, 192, 196, 214, 216, 226, 227, 234, 237, 251, 254, 269, 271, 282, 283, 297, 303, 339, 345
 Liberal Construction 156
 License Required - Scope Of Practice 199
 Backflow Assembly Tester 199
 Drinking Water Operator Scope 199
 Operator-in-Training 199
 Wastewater Operator Scope 199
 License Types & Classifications 198
 Backflow Assembly Tester 198
 Drinking Water Distribution Operator 198
 Drinking Water Treatment Operator 198
 Drinking Water Very Small System Operator 199
 Wastewater Collection Operator 198
 Wastewater Laboratory Analyst 198
 Wastewater Treatment Operator 198
 Wastewater Very Small System Operator 199
 Licensing 74
 Exceptions and Exemptions 74
 Exceptions and Exemptions to Daycare Licensing 74
 Knowledge of Standards 74
 Responsibilities 74
 Responsible for Agency Staff Knowledge 74
 Return of License 74
 Licensing Provisions Related To The Indian Child Welfare Act, Foster Homes 92
 Licensure 179, 193, 214, 226, 234, 252, 269, 282, 298
 Accredited Podiatric Residency 226
 Additional Licensure Educational Requirements 298
- Approved Education 226
 Approved Educational Program 282
 Approved Examination 226, 298
 Approved Examinations 282
 Architect Requirements 179
 Associate Marriage And Family Therapist 252
 Classifications 193
 Clinical Professional Counselor 252
 Continuing Education 194, 214, 227, 235, 253, 270
 Education and Experience Requirements 193
 Establishment 298
 Examination 269
 Examination Requirement 193
 Examinations 234
 Foreign Educated Applicants 253
 Interns 253
 Internship 270
 Internship Equivalency 270
 Landscape Architect Requirements 180
 Makeup Artist Certificate Approved Instruction 298
 Marriage And Family Therapists 253
 Professional Counselor 252
 Provisional Permit 283
 Scope of Practice 215
 Substitutions 194
 Supervised Fieldwork 214
 Supervision Requirements 215
 Licensure & Operation Of Primary & Contiguous Establishments 311
 Businesses Other Than Cosmetological Establishments or Barber Shops 312
 Conditions for Issuance 312
 Contiguous Establishment License 311
 Primary Establishment License 311
 Licensure By Endorsement 229
 Certification of License 229
 Continuing Education 230
 Credentials 229
 Disciplinary Action 230
 Examination 229
 Practical Experience 230
 Residency 230
 Licensure By Examination 229
 Examination of Applicants 229
 Passing Grade 229
- M**
- Mail 105
 Mandatory Reporting Of Abuse, Abandonment, Or Neglect 85, 126
 Mandatory Visitations 77
 Marriage & Family Therapists 259
 Graduate Degree 259

Practicum 260
Supervised Marriage & Family
Therapy Experience 260
Medical & Dental Care 104
Child Injury & Illness 104
Dispensing of Medications 104
Health Care Services 104
Storage of Medication 104
Mine License Tax Rate 340
Application of Tax Rate
Change 341
Mine License Tax Returns 341
Miscellaneous Safety
Requirements 89, 123
Animals & Pets 90, 124
Hazardous Materials 124
Heat-Producing Equipment 89,
123
Portable Heating Devices 89, 123
Storage of Hazardous
Materials 90
Storage of Weapons, Firearms, &
Ammunition 89, 123
Telephone 89, 123
Modification Of Order On Presiding
Officer's Own Motion 177
Motions -- Defined -- Form & Contents
-- Time For Filing 161
Defined 162
Form & Contents 162
Other 162
N
Necessary Clothing 105
Net Value Of Ore To Be Used As
Measure Of Tax - How
Determined 340
Election 340
Method Under Section 47-
1202(a) 340
Method Under Section 47-
1202(b) 340
Neutrals 167
Non-Renewal, Denial, Revocation, Or
Suspension Of License 126
Criminal Conviction or Relevant
Record 127
Other Misconduct 127
Nonrenewal, Denial, Revocation, Or
Suspension Of License 77
Criminal Conviction or Relevant
Record 78
Other Misconduct 78
Non-Transport EMS Agency -- Patient
Movement 37
Accessibility of Emergency
Scene 37
Licensed Personnel Level 37
Rendezvous with Transport EMS
Agency 37
Report Patient Movement 37
Non-Transport EMS Agency -- Petition
For Waiver 43
Not Populated on a 24-Hour or

Daily Basis -- Petition
Content 44
Petition for Waiver 43
Renewal of Waivers 44
Undue Hardship or Abandonment
of Service Waiver -- Petition
Content 44
Waiver Declared on Initial
Application 43
Non-Transport EMS Agency --
Vehicles 41
Non-Transport EMS Agency -- Waiver
Of Response Requirement 43
Abandonment of Service 43
Not on Daily Basis Per Year 43
Not Populated on 24-Hour
Basis 43
Undue Hardship on
Community 43
Non-United States Educated
Applicants 262
Notice Of Hearing 170
Notice Of Petition For Declaratory
Ruling 165
Notice Of Prehearing Conference 168
Notice Of Proposed Default After
Failure To Appear 174
Notification Process 64

O

Objections--Offers Of Proof 172
Office Hours -- Mailing Address &
Street Address 347
Official Notice--Agency Staff
Memoranda 172
Opt Out of Attorney General's Rules -
Table 158
Oral Argument 171
Order Granting Intervention
Necessary 164
Order Not Designated 177
Order Of Procedure 171
Orders Granting Intervention --
Opposition 164
Orders Resulting From Prehearing
Conference 168
Original Application 230

P

Parental Visitation & Access 119
Denied or Limited Visitation
Rights by Court Order 119
Visitation Rights 119
Parties & Persons With Similar
Interests 171
Parties To Contested Cases Listed 158
Peer Support Specialist -- Certification
Qualifications And
Requirements 134
Educational Requirements 134
Person Self-Identified with Lived
Experience 135
Supervision Requirements 135
Training Requirements 134

Work or Volunteer Experience
Requirements 135
Peer Support Specialists -- Code Of
Ethics And Professional
Conduct 135
Certified Peer Support Specialist
Professional Conduct 135
Certified Peer Support
Specialists 135
Comply with Code of Ethics 136
Ethics Training 136
Peer Support 135
Permittee Responsibilities 148
Display of Sign 148
Permit Requirements 149
Possession of Permit 148
Training Program 148
Visibility 148
Personal Care & Hygiene 104
Personal Possessions, Allowances, &
Money 105
Personnel For Air Medical Rescue
Service 39
Personnel Requirements 57
Personnel Requirements For Clinical
Laboratories
Appropriate Education,
Experience, & Training 57
In-service Training 58
Procedures & Tests that are
Outside the Scope of
Training 58
Sufficient in Number for the Scope
and Complexity 57
Personnel Requirements for EMS
Agency Licensure 37
Persons Defined--Persons Not Parties--
Interested Persons, Contested
Cases 159
Petitioners, Contested Cases 158
Petitions -- Defined -- Form &
Contents 160
Petitions 161
Pleadings Defined 160
Petitions For Declaratory Rulings To Be
Decided By Order 165
Content 165
Final Agency Action 165
Petroleum Underground Storage Tank
Database 356
Availability 357
Identification 356
Maintenance 356
Petition 356
Pets & Domestic Animals 100
Planned Deployment -- Personnel
Requirements 39
Pleadings Listed--Miscellaneous 160
Podiatric Residency 228
Residency Required for
Licensure 228
Submission of Verification of
Residency Curriculum 228
Posting The Clandestine Drug

- Laboratory (CDL) Site 64
 - Practical Experience In Lieu of Education 187
 - Practice Outside Of A Licensed Establishment 322
 - Cleansing 322
 - Coloring 322
 - Extensions 322
 - Hair Styling 322
 - Makeup Application 322
 - Nail Services 322
 - Safety & Disinfection 322
 - Temporary Hair Removal 322
 - Practice Standards 180, 195, 215, 227, 235, 253, 270, 283, 300
 - Architectural Intern 180
 - Architecture Firm Name 180
 - Ethical Practice 227
 - Grandparent License 195
 - Informed Consent and Information Disclosure 253
 - Inspections 302
 - Licensees 253
 - Maintain Adequate Records 270
 - Minimum Facility Standards 270
 - Operator-in-Training 195
 - Operators and Backflow Assembly Testers Code of Conduct 195
 - Practice Outside of Licensed Establishment 301
 - Premises 300
 - Safety And Disinfection for Establishments and Schools 301
 - Safety and Disinfection for Retail Cosmetics Dealer Facilities and Makeover or Glamour Photography Businesses 302
 - Scope of Practice 235
 - Supervision 235, 253
 - Supervision of Clinical Work 283
 - Supervision of Physical Therapist and Physical Therapist Assistant Students 236
 - Supervision of Physical Therapist Assistants 236
 - Supervision of Supportive Personnel 236
 - Unprofessional Conduct 302
 - Preliminary Orders 175
 - Content 175
 - Definition 175
 - Preliminary Procedure At Hearing 170
 - Prepared Testimony 172
 - Prepared Testimony & Exhibits 169
 - Pre-Professional Education 228
 - Presiding Officer(s) 167
 - Procedure On Prehearing Motions 171
 - Proceedings Governed 156
 - Contested Case & Rulemaking 156
 - Other Specified Procedures 156
 - Right to Contested Case, Board Discretion 158
 - Rules Not Applicable to Board Meetings 156
 - Rules Not Applicable to Proceedings or Public Hearings 156, 158
 - Production Requests Or Written Interrogatories & Requests For Admission 169
 - Professional Education 228
 - Proficiency Testing 58
 - Results to the Department 58
 - Scope 58
 - Proof Of Service 164
 - Protective Orders 170
 - Protestants, Contested Cases 158
 - Protests -- Defined -- Form & Contents -
 - Time For Filing 161
 - Defined 161
 - Form & Contents, Time for Filing 161
 - Provisional Permit 287
 - Duration & Renewal 287
 - General 287
 - Public Witnesses 165
 - Purposes Of Prehearing Conferences 168
- Q**
- Qualifications For All Licenses Or Certificates For Individuals 305
 - Criminal & Disciplinary History 306
 - Education 305
 - Qualifications For Associate Marriage & Family Therapist 258
 - Graduate Degree 258
 - Practicum 258
 - Qualifications For Instructor License 309
 - Course of Instruction 309
 - Credit Hours 310
 - Qualifications For License 306
 - Makeup Artist Certificate 308
 - Original Barber License 306
 - Original Barber-Stylist License 306
 - Original Cosmetologist License 307
 - Original Electrologist License 308
 - Original Esthetician License 308
 - Original Nail Technician License 308
 - Qualifications For Professional Counselor Licensure 255
 - Graduate Program 256
 - Supervised Experience Requirement 257
 - Qualifications Of Applicants For Examination 182
 - Accredited Degree Applicants 182
 - Experience in Lieu of Degree Applicants 182
 - Quality Control Program Requirements 58
 - Establishment of Quality Control Program 58
 - Program Scope 58
- R**
- Reapplication For Certification 142
 - Reasonable & Prudent Parent Standard 105
 - Reasonable & Prudent Parent Standard Defined 105
 - Training 105
 - Reasons For Denial, Revocation, Or Suspension 141
 - Conflict of Interest 141
 - Failure to Comply with These Rules and the Code of Ethics 141
 - Failure to Correct 141
 - Failure to Perform 141
 - Failure to Provide Information 141
 - Misrepresentation of Information 141
 - Negligent Performance or Fraud 141
 - Reciprocity 133
 - Complete and Sign an Application on Department-Approved Forms 133
 - Documentation From Other State 133
 - Provide the Following Verification of Education and Experience 133
 - Submit a Signed and Dated Idaho Code of Ethics Acknowledgment 133
 - Recommended Orders 174
 - Content 175
 - Definition 174
 - Record For Decision 173
 - Contents 173
 - Requirement 173
 - Record Keeping 218
 - Record Management & Reporting Requirements 106
 - Any Information Known about the Child's Health 106
 - Any Known Behavioral Problems of the Child 106
 - Any Known Emotional and Psychological Needs of the Child 106
 - Any Known History of Abuse and Neglect of the Child 106
 - Personal Data 106
 - Record Of Conference 168
 - Recording Of Hearings 174
 - Record-Keeping, Listing, & Delisting A Property 64
 - Delisting a Property 65
 - Listing a Property 64

- Voluntary Compliance 65
- Records, Data Collection, &
 - Submission Requirements 45
 - Records to be Maintained 45
 - Records to be Submitted 45
 - Time Frame for Submitting Records 45
- Recreation 105
- Reference To Agency 156
- Reference To Income Tax Rules 339
- Registered Interns 262
 - Designation of Intern Status 263
 - Expiration 263
 - Requirements for Registration 263
 - Supervision 263
- Registered Laboratories 60
- Registration Examination 183
 - Grading 184
 - Passing (ARE) 184
 - When Taken 183
- Registration Requirements 56
 - Registration Form 56
 - Registration Timeframes 56
- Registration Statement 278
 - Date of Filing 279
 - Failure to Timely File 279
 - Other Business Locations 279
 - Statement 279
- Release Reporting 351
 - Information to be Reported 351
 - Release Causes 352
 - Release Sources 351
- Release Reporting Requirements 352
- Religious & Cultural Practices 105
- Renewal Of Approval Of Disapproved Test(s) 59
 - Renewal Denied 59
 - Renewal Granted 59
- Renewal Of Certification 132
 - Code of Ethics
 - Acknowledgment 133
 - Continuing Education 132
 - Submit Renewal Application 132
- Renewal Or Expiration Of License 287
 - Reinstatement 287
 - Renewal 287
- Renewal Or Reinstatement Of License 209
 - Backflow Assembly Testers 210
 - Expiration Date 209
 - Operator-in-Training License 210
 - Reinstatement 210
 - Wastewater Land Application License 210
- Reporting Foster Home Changes 106
 - Additional Licensing
 - Application 106
 - Admission or Release From Facilities 106
 - Arrests, Citations, Withheld Judgments, or Criminal Convictions of a Foster Parent or Household Member 106
 - Change of Employment Status of a Foster Parent 106
 - Change of Residence 106
 - Counseling, Treatment, or Therapy 106
 - Household Members 106
 - Initiation of Court-Ordered Parole or Probation of a Foster Parent or Household Member 106
 - Serious Illness Including Physical or Mental Health, Injury, or Death of a Foster Parent or Household Member 106
- Reporting Requirements 67
 - Demolition Documentation 67
 - Documentation of Clearance Sampling Procedures 67
 - Laboratory Results 67
 - Property Description 67
 - Qualifications of the Qualified Industrial Hygienist 67
 - Signed Certification Statement 67
- Representation Of Parties At Hearing 159
 - Appearances & Representation 159
 - Representatives 159
- Requirements For A Backflow Assembly Tester License 204
 - Education 204
 - Examination 204
 - Experience 204
- Requirements For A Class I Operator License 202
 - Education 202
 - Examination 202
 - Experience 202
- Requirements For A Class II Operator License 202
 - Education 202
 - Examination 203
 - Experience 203
- Requirements For A Class III Operator License 203
 - Education 203
 - Examination 203
 - Experience 203
- Requirements For A Class IV Operator License 203
 - Education 203
 - Examination 203
 - Experience 203
- Requirements For A Lagoon Operator License 203
 - Education 203
 - Examination 204
 - Experience 203
- Requirements For A Very Small Wastewater System License 201
 - Education 201
 - Examination 202
 - Experience 201
- Requirements For A Very Small Water System License 201
 - Education 201
 - Examination 201
 - Experience 201
- Requirements For A Wastewater Land Application License 204
 - Education 204
 - Examination 204
 - Experience 204
 - Other 204
- Requirements For Class I Restricted Water Or Wastewater License 202
 - Education 202
 - Examination 202
 - Experience 202
 - Restricted License Upgrade 202
- Requirements For Licensure 241
 - Alternative Exams 242
 - Test of English as a Foreign Language Internet-Based Test (TOEFL IBT) 242
 - Test of English as a Foreign Language (TOEFL) 242
- Requirements For Licensure By Endorsement 286, 310
 - Has Not Been Convicted of a Drug Offense 286
 - Has Not Been Disciplined 286
 - Hold a Current License and Have Experience 310
 - Holds a Current License 286
 - Is of Good Moral Character 286
 - Licensure 310
- Requirements For Operator-In-Training License 201
 - Education 201
 - Examination 201
- Requirements For Original Licensure 285
 - General 285
- Requirements For Wastewater Laboratory Analyst License 204
 - Class I 204
 - Class III 205
 - Class IV 205
- Respondents, Contested Cases 158
- Responsibilities Of The Property Owner 65
 - Ensure Cleanup Standards Are Met 65
 - Ensure the Vacancy of the Listed Property 65
 - Provide Department With a Written Report Under Section 600 of these Rules 65
- Responsibilities Of The Qualified Industrial Hygienist 65
 - Conduct Sampling by Qualified Industrial Hygienist 65
 - Independent Qualified Industrial Hygienist 65
- Restrictions On Applicability & Nontransfer 76, 115
 - Change in Location 77

- Change in Ownership or Location 116
- Department-Issued License 76
- Issued License 115
- Nontransferable 77, 116
- Return of License 115
- Retail Cosmetics Dealer License 313
 - Requirements 313
- Retail Thermal Styling Equipment Dealer Registration 313
 - Requirements 313
 - Training 313
- Review Of Interlocutory Orders 174
- Review Of Rules 167
- Revisit & Relicense 77
- Revocation Procedure 59
 - Corrective Action 59
 - On-Site Inspection 59
 - Other Deficiencies 59
 - Satisfactory Performance 59
 - Unacceptable Results 59
- Right To Appeal Property Listing 62
 - Burden of Proof 63
 - Property Owner's Right to Appeal 63
- Rights Of Parties & Of Agency Staff, Contested Cases 159
- Rights To Discovery Reciprocal 169
- Rules Of Evidence--Evaluation Of Evidence 172
- Rules Of Professional Responsibility 189
 - Rules of Professional Responsibility 189
 - Violation of the Rules of Professional Responsibility 189
- Rulings At Hearings 171
- S**
- Safety & Disinfection For Establishments & Schools 324
 - Instrument Cleaning 324
 - Instrument Disinfection or Sterilization 324
 - Licenses & Classification Cards 326
 - Makeup Services 325
 - Nail Services 325
 - Premises 324
 - Restroom Facilities 325
 - Safety 325
 - Water Supply & Hand Washing 325
 - Waxes & Waxing Services 324
- Safety & Disinfection For Retail Cosmetics Dealer Facilities & Makeover Or Glamour Photography Businesses 326
 - Brushes & Implements 326
 - Cake, Loose or Liquid Makeup 326
 - Displays 326
 - First-aid Kit 326
 - Licenses & Classification Card 326
 - Makeup Pencils 326
 - Mascara 326
 - Water Supply & Restroom Facilities 326
- Safety & Disinfection For Retail Thermal Styling Dealer Facilities 326
 - Cleaning, Disinfection, & Storage 326
 - First-aid Kit 327
 - Registration & Classification Card 327
- Sanctions For Failure To Obey Order Compelling Discovery 170
- Scope 19, 179, 181, 187, 192, 196, 214, 216, 226, 227, 234, 237, 251, 254, 269, 271, 282, 283, 297, 303, 339, 345
- Scope & Policy 70
- Scope of Authority 166
- Scope Of Authority Of Hearing Officers 166
 - Final Decision by Board 166
 - Limitation 166
- Scope Of Practice 230, 291
 - Advanced Surgical Procedures 231
 - Competence 230
- Senior Status 265
 - Continuing Education 265
 - Request for Senior Status 265
- Service By Agency 157
- Service On Parties & Other Persons 163
- Service On Representatives Of Parties & Other Persons 159
- Services Provided By A Licensed EMS Agency 32
- Settlement Not Binding 173
- Seven Days To Challenge Proposed Default Order 174
- Single License Required To Practice & Instruct 310
 - Barber Stylist Instructor 310
 - Scope 310
- Staff & Other Record Requirements 82, 116
 - Legal Name 82, 116
 - Phone Number 82, 116
 - Proof of Age 82, 116
 - Results of Juvenile Justice Records 82, 116
 - Times, Dates, & Records of Hours on the Premises Each Day 116
 - Times, Dates, and Records of Hours on the Premises Each day 82
 - Training Records 82, 116
 - Verification of Background Check Clearance 82, 116
 - Verification of Pediatric Rescue Breathing, Infant-Child CPR, & Pediatric First Aid Certification from a Certified Instructor 116
- Verification of Pediatric Rescue Breathing, Infant-Child CPR, and First Aid Certification from a Certified Instructor 82
- Standards For Daycare 79
 - Daycare Standards 79
 - Minimum Age of Applicant 79
- Standards for Daycare 79
- Standards For Foster Homes 92
- Standards for Foster Homes 92
- Standards Of Conduct & Practice 277
 - Advertisements 278, 279
 - General Conditions 278
 - Office Standards 278
 - Patient Record 278
 - Sanitation 277
- Standards Of Practice 291
- Standards Of The Ethical Practice Of Podiatry 231
- Statutory Inspection, Examination, Investigation, Etc.--Contrasted With Other Discovery 169
- Stay Of Orders 177
- Stipulations 171
- Subpoenas 169
- Subsequent Evaluations 96
 - Family Functioning 96
 - Other Circumstances 96
 - Plan of Correction 96
 - Reasonable Access 96
 - Update Information 96
- Substitute Care Placement & Children's Agency Notification 102
 - Notification to Agency 102
 - Substitute Care 102
- Substitution Of Representative--Withdrawal Of Representative 160
- Substitutions 205
 - Equivalency Policy 207
 - Substituting Education for Experience 205
 - Substituting Experience for Education 206
 - Substituting Experience for Experience 206
- Suggestion For Or Inquiry About Settlements 173
- Supervision 216, 240, 291
 - Limited Permit Holders 217
 - Occupational Therapy Aides 217
 - Occupational Therapy Assistants 217
 - Procedures & Interventions Performed by Physical Therapist 240
 - Students 218, 219
 - Supervision of a Physical Therapist Assistants 240
 - Supervision Of Clinical Work 291
 - Supervision of Fieldwork 291
 - Supervision of Physical Therapy &

Physical Therapist Assistant
Students 241
Supervision of Supportive
Personnel 241
Supervision Ratios 241
Supervision Requirements 218
Supervisor For Peer Support Specialist
Or Family Support Partner --
Qualifications And
Requirements 140
Bachelor's Degree or Higher 140
Supervisory Position 140
Supervisor Requirements 261
Renewal 262
Requirements for
Registration 261
Supervision 261
Suspension For Circumstances Beyond
Control Of Foster Parent 77
Suspension For Circumstances Beyond
Control Of Operator 126
Suspension Or Revocation For
Infractions 77, 126

T

Taking Of Appearances--Participation
By Agency Staff 159
Temporary License 286
Duration 287
General 287
Temporary Licenses 230
Testimony Under Oath 171
Time Sensitive Emergency
Certification 53
Timely Filing Of Petitions To
Intervene 164
Title & Scope 19, 31, 55, 62, 130, 144,
155, 345
Training 352
Individual Training 353
Operator Designation 353
Unattended Sites 353
Training Requirements 118
Child Development Training 118
Pediatric Rescue Breathing, Infant-
Child CPR, & Pediatric First Aid
Training 118
Requirements 352
Staff Training Records 118
Training Hours 118
Transportation 101
Legal Requirements for
Transporting Children 101
Prohibitions of Foster Child
Transportation 101
Reliable Transportation 101
Twenty-four Hour Dispatch
Arrangement 43
Types Of Certification 132
Family Support Partner 132
Peer Support Specialist 132
Types Of Daycare Licenses 79, 113
Daycare Center License 79, 113
Family Daycare Home 79, 113

Group Daycare Facility 79, 113

U

Unprofessional Conduct 322
Apprentices 323
Disease Transmission
Prevention 323
Double-Dipping 323
Inspections & Investigations 323
Practice Outside Scope of
Training 323
Single-Use or Porous Items 323
Use of MMA 323
Use of Roll-on Wax 323
Use of Skin Cutting
Instruments 323
Use of UV Sterilizers 323
Use Of An Architect's Seal 185
Utilizing Physician Assistants,
Registered Nurses, Or Advanced
Practice Registered Nurses 40

V

Visitation & Access 85
Denied or Limited Visitation
Rights by Court Order 85
Department Access 85
Visitation Rights 85

W

Wastewater Grandparent
Provision 207
Grandparent License 207
License Requirements 207
Wastewater System Classification
Limitations 207
Wheelchair Access 101
When Discovery Authorized 169
Withdrawal Of Parties 160
Written Interpretations 346
Written Statement Of Suitability For
Licensure 220, 286
Applicant Bears the Burden 220,
286
Consideration of Factors &
Evidence 220, 286
Interview 220, 286