

COMMERCE & HUMAN RESOURCES COMMITTEE

ADMINISTRATIVE RULES REVIEW

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2013 Legislative Session

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IDAPA 09 - DEPARTMENT OF LABOR

09.01.04 - UNEMPLOYMENT INSURANCE BENEFIT FRAUD AND OVERPAYMENT RULES

DOCKET NO. 09-0104-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 72-1333, Idaho Code.

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

There is no change to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the August 1, 2012 Idaho Administrative Bulletin, [Vol. 12-8, pages 39 and 40](#).

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

There will be no fiscal impact on the general fund as a result of this rule change.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Michael Johnson 332-3570 ext. 3082.

DATED this 5th of September, 2012.

Michael Johnson, Bureau Chief
Idaho Department of Labor
317 West Main Street, Boise, Idaho 83735
Phone 332-3570 ext. 3082 / Fax 334-6125

THE FOLLOWING NOTICE WAS PUBLISHED WITH THE 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 72-1333, 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 15, 2012.

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:

IDAPA 09.01.04.012 is being changed to clarify that all information a claimant is asked to provide to the department is material information used to determine a claimant's eligibility for benefits, and a new rule at IDAPA 09.01.04.013 is being added to clarify that claimants must repay all benefits received as a result of a willful false statement or willful failure to report a material fact.

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: There will be no fiscal impact to the General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rulemaking was done to comply with existing state law.

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 Johnson 332-3570 ext. 3082.

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 22, 2012.

DATED this 2nd of July, 2012.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 09-0104-1201

012. MATERIALITY, FRAUD DETERMINATIONS.

For purposes of Section 72-1366(12), Idaho Code, a fact is material if it is relevant to a determination of a claimant's right to benefits. All information a claimant is asked to provide when applying for unemployment benefits or when making a continued claim report is material and relevant to a determination of a claimant's right to benefits. To be considered material, the fact need not actually affect the outcome of an eligibility determination. Ref. Section 72-1366, Idaho Code. (3-19-99)()

013. FRAUD BENEFIT REPAYMENT.

For purposes of Section 72-1366(12), Idaho Code, "any sums received for any week" means all unemployment benefits received in any week it is determined that the claimant received benefits as a result of a willful false statement or failure to report a material fact in order to obtain benefits. ()

0134. -- 039. (RESERVED)

IDAPA 09 - DEPARTMENT OF LABOR

09.01.30 - UNEMPLOYMENT INSURANCE BENEFITS ADMINISTRATION RULES

DOCKET NO. 09-0130-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 72-1333, Idaho Code.

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

There is no change to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the August 1, 2012 Idaho Administrative Bulletin, **Vol. 12-8, pages 41 through 43.**

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

There will be no fiscal impact on the general fund as a result of this rule change.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Michael Johnson 332-3570 ext. 3082.

DATED this 5th of September, 2012.

Michael Johnson, Bureau Chief
Idaho Department of Labor
317 West Main Street, Boise, Idaho 83735
Phone 332-3570 ext. 3082 / Fax 334-6125

THE FOLLOWING NOTICE WAS PUBLISHED WITH THE 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 72-1333, 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 15, 2012.

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 proposed rule would amend 09.01.30 to add the same definition for corporate officers for unemployment insurance benefit purposes as it is currently defined for unemployment insurance tax purposes.

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: There will be no fiscal impact to the General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rulemaking was done to comply with existing state law.

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 Johnson 332-3570 ext. 3082.

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 22, 2012.

DATED this 2nd of July, 2012.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 09-0130-1201

010. DEFINITIONS.

Unless the context clearly requires otherwise, these terms shall have the following meanings when used in these Rules, in interpretations, in forms, and in other official documents issued by the Director of the Department of Labor. (3-19-99)

01. Additional Claim. An initial claim made after a period of employment subsequent to a new claim in the same benefit year. (3-19-99)

02. Administrative Office. The main office in Boise, Idaho, wherein the administrative functions of the Department of Labor are performed. (3-19-99)

03. Appealed Claim. An interested party's appeal to the Appeals Bureau of a claims examiner's decision on a claim or a request for review by the Industrial Commission of a decision made by an appeals examiner. (3-19-99)

04. Average Annual Wage. For the purpose of determining the taxable wage base, under Section 72-1350(1), Idaho Code, the average annual wage shall be computed by dividing that calendar year's total wages in covered employment, excluding State government and cost reimbursement employers, by the average number of workers in covered employment for that calendar year as derived from data reported to the Department of Labor by covered employers. (3-19-99)

05. Average Weekly Wage. For the purpose of establishing the maximum weekly benefit amount, under Section 72-1367(2)(a), Idaho Code, the average weekly wage shall be computed by dividing the total wages paid in covered employment (including State government and cost reimbursement employers) for the preceding calendar year, as computed from data reported to the Department of Labor by covered employers, by the monthly average number of workers in covered employment for the preceding calendar year and then dividing the resulting figure by fifty-two (52). (4-11-06)

06. Benefit Balance. The unpaid portion of the total benefits payable with respect to a claimant's unemployment during a given benefit year. (3-19-99)

07. Chargeability Determination. A determination issued by the Director or his authorized agent with respect to whether a covered employer's account shall be charged for benefits paid on a claim. (3-19-99)

08. Claim. An application for unemployment insurance or "benefits." (3-19-99)

09. Combined Wage Claim. A claim filed under any interstate agreement whereby an unemployed worker with covered wages in more than one (1) state may combine such wages. (3-19-99)

10. Compensable Claim. An application for benefits which certifies to the completion of a benefit period (one (1) or more weeks). (3-19-99)

11. Contested Claim. A claim in which an interested party disputes the claimant's right to benefits. (3-19-99)

12. Continued Claim. An application for waiting-week credit or for benefits for specific compensable weeks. (3-19-99)

13. Corporate Officer. Any individual empowered in good faith by stockholders or directors in accordance with the corporation's articles of incorporation or bylaws to discharge the duties of a corporate officer. ()

134. Employment. For the purpose of the personal eligibility conditions of Section 72-1366(5), Idaho Code, "employment" means that employment subsequent to which a claimant has not earned fourteen (14) times his weekly benefit amount. (4-11-06)

145. Full-Time Employment. A week of full-time employment for a claimant is one in which he has worked what are customarily considered full-time hours for the industry in which he has been employed that week or in which the earnings are more than one and one-half (1-1/2) times his weekly benefit amount. (4-5-00)

156. Initial Claim. The first claim for benefits made by an unemployed individual during a continuous period of unemployment. An initial claim may be either new or additional. (3-19-99)

167. Interstate Claim. A claim filed by a worker who resides in a state other than the state (or states) in which he has earned wages in covered employment. (3-19-99)

178. Intrastate Claim. A claim filed by a worker who has earned wages within that state or who has federal wages assigned to that state. (3-19-99)

189. Itinerant Point. A place where claims-taking services are regularly provided for less than four (4) days a week by a local office which carries on its primary operations at another point. (3-19-99)

1920. Liability Determination. A determination issued by the Director or his authorized agent with respect to whether a cost reimbursement employer shall be charged for benefits paid on a claim. (3-19-99)

201. Local Office. A community office of the Department of Labor at which claims are taken and job placement services are provided to applicants and employers. (3-19-99)

212. Mail Claim. A claim filed by mail rather than in person at a local office. (3-19-99)

223. Monetary Determination. A determination of eligibility which lists a claimant's base period employer(s) and wages and establishes, if the claimant is eligible, his benefit year, his weekly benefit amount, and his total benefit amount. (3-19-99)

234. New Claim. The first initial claim made in a benefit year. (3-19-99)

245. Non-Monetary Determination. A determination issued by a claims examiner with respect to the personal eligibility conditions of a claimant. (3-19-99)

256. Personal Identification Number (PIN). A confidential number or other electronic method of verification unique to a claimant or an employer that is required for such persons to perform certain transactions with the Department by electronic or telephonic means. A PIN has the same force and effect as a manual signature. (4-6-05)

267. Regular Claim. A claim based on wages earned during a base period, excluding extended benefit claims. (3-19-99)

278. Signature, Signed. The Personal Identification Number (PIN) is considered the same as a manual signature and has the same force and effect when a claimant or an employer uses Department-approved electronic or telephonic means to submit information to or engage in transactions with the Department. (4-6-05)

289. Telephone Claim. A claim filed by telephone rather than in person at a local office. (3-19-99)

2930. Total Benefit Amount. The full amount of benefits to which a claimant may be entitled during a benefit year on his regular claim. (3-19-99)

301. Unemployment. An individual shall be deemed “unemployed” in any week during which he performs no services and with respect to which no wages are allocable, or in any week in which the total wages payable to him for less than full-time work performed in such week amounted to less than one and one-half (1-1/2) times his weekly benefit amount. (3-19-99)

312. Weekly Benefit Amount. The full amount of benefits to which a claimant may be entitled for one (1) week of total unemployment. (3-19-99)

IDAPA 09 - DEPARTMENT OF LABOR

09.01.35 - UNEMPLOYMENT INSURANCE TAX ADMINISTRATION RULES

DOCKET NO. 09-0135-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 72-1333, Idaho Code.

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

There is no change to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the August 1, 2012 Idaho Administrative Bulletin, **Vol. 12-8, pages 44 through 49.**

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

There will be no fiscal impact on the general fund as a result of this rule change.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Michael Johnson 332-3570 ext. 3082.

DATED this 5th of September, 2012.

Michael Johnson, Bureau Chief
Idaho Department of Labor
317 West Main Street, Boise, Idaho 83735
Phone 332-3570 ext. 3082 / Fax 334-6125

THE FOLLOWING NOTICE WAS PUBLISHED WITH THE 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 72-1333, 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 15, 2012.

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:

IDAPA 09.01.35, Section 061, is being changed to make the treatment of members of a limited liability company consistent under both federal income tax law and Idaho's employment security law. IDAPA 09.01.35, Subsection 112.04, is being changed to clarify that one of the factors used in the independently established prong of the independent contractor test only applies to workers with an outside business providing the same type of services the worker provides for the business engaging his services.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

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: There will be no fiscal impact to the General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rulemaking was done to comply with existing state law.

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 Johnson 332-3570 ext. 3082.

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 22, 2012.

DATED this 2nd of July, 2012.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 09-0135-1201

061. DEFINITIONS.

The definitions listed in IDAPA 09.01.35, “Unemployment Insurance Tax Administration Rules,” Section 011, and the following are applicable to the UI Compliance Bureau. (3-22-07)

01. Tolerance Amount. A tolerance of four dollars and ninety-nine cents (\$4.99) is established in connection with collection of amounts due; and under normal circumstances, no delinquency or credit will be issued or carried on the books of accounts for this amount or less. Ref. Section 72-1349, Idaho Code. (3-19-99)

02. Wages. The term “wages” includes all remuneration from whatever source, paid or given in exchange for services performed or to be performed, including the cash value of remuneration in any medium other than cash. “Wages” in covered employment, and subject to unemployment insurance reporting, include, but are not limited to: (3-19-99)

a. Commissions, bonuses, draws, distributions, dividends and any other forms or types of payments made by corporations or other similar entities if paid in exchange for services; (4-5-00)

b. Bonuses, prizes, and gifts given to an employee in recognition of services, sales, or production; (3-19-99)

c. Commissions for past services in covered employment; (3-19-99)

d. Remuneration paid to corporate officers which is paid in exchange for services performed or to be performed for or on behalf of the corporation; (4-5-00)

e. Salary advances against commissions; (3-19-99)

f. All forms of profit sharing for services rendered unless specifically exempt under Section 72-1328, Idaho Code; (3-19-99)

g. Excess travel or employer business allowances over actual expense, or over the federal allowance per diem rate for the area of travel, unless returned to the employer; (3-19-99)

h. Vacation or “idle-time” pay, no matter when paid; (3-19-99)

i. Personal expense reimbursement, not gifts, i.e., clothing, family expenses, rent. (3-19-99)

j. The director or his authorized representative shall determine the fair market value of any other remuneration, regardless of its classification, form, or label, which is paid to a worker in exchange for services. In making such determination, consideration will be given to the

prevailing wage for similar services. Ref. Section 72-1328, Idaho Code. (3-19-99)

k. Noncash payments for farm work, if such payments would be classified as wages for federal tax purposes. Ref. Section 72-1328, Idaho Code. (3-15-02)

03. Exclusions From Wages. The term “wages” described in Section 72-1328, Idaho Code, does not include the following: (3-19-99)

a. Prizes or gifts for special occasions which are expressions of good will; (3-19-99)

b. Bonuses paid for signing a contract; (3-19-99)

c. Fees paid to participate periodically in meetings of boards of directors unless exceedingly high; i.e., amounts comparable to other employers in the same industry, of relatively the same size; (3-19-99)

d. Drawings or advances by partners of a partnership, or by members of a limited liability company treated for federal tax purposes as a partnership or sole proprietorship; (4-5-00)

e. Rental charge for personal equipment provided by the employee on the job: if (3-19-99)

i. There is a rental agreement; and (3-19-99)

ii. The worker has received a reasonable wage for services performed; and (3-19-99)

iii. The fees are held separately on the employer’s records. (3-19-99)

f. Stock or membership interests issued for purposes other than services performed or to be performed; (3-19-99)

g. Reimbursement for actual employee expense, or business allowance arrangements with employees that requires them: (3-19-99)

i. To have paid or incurred reasonable job related expenses while performing services as employees; and (3-19-99)

ii. To account adequately to the employer for these expenses; and (3-19-99)

iii. To return any excess reimbursement or allowance. (3-19-99)

h. Payments for employee travel expenses, provided: (3-19-99)

i. Payments are job related expenses while performing services; and (3-19-99)

ii. Payments do not exceed actual expenses or the federal allowance per diem rate for the area of travel; and (3-19-99)

iii. Records for days of travel pertaining to per diem payments are verifiable. (3-19-99)

i. Employee fringe benefits as set forth in Section 132 of the Internal Revenue Code, which are excluded from an employee's gross income and which are not subject to federal unemployment taxes. (3-19-99)

j. Noncash payment to farmworkers. Noncash payments for farm work will be excluded from wages if they are "de minimis" in relation to the amount of cash wages paid to the farmworkers, or are not intended to be treated as the cash equivalent of wages, or as the cash payment of wages. Ref. Section 72-1328, Idaho Code. (3-15-02)

04. Treatment of Limited Liability Companies. For purposes of state unemployment tax coverage, a limited liability company will have the same status as it may have elected for federal tax purposes, or as that status may be determined or required by the federal government, subject to the provisions of Subsections 061.02 and 061.03. Any member of a limited liability company that has elected to be treated as a corporation for federal tax purposes shall be treated as a corporate officer for state Employment Security Law purposes. (4-5-00)()

05. Domestic Employment. Domestic employment is defined as work performed in the operation or maintenance of a private home, local college club, or local chapter of a college fraternity or sorority, as distinguished from services as an employee in pursuit of an employer's trade, occupation, profession, enterprise, or vocation. In general, domestic employment "in the operation or maintenance of a private home, local college club, or local chapter of a college fraternity or sorority" includes, but is not limited to, services rendered by: (3-15-02)

- a. Cooks; (3-15-02)
- b. Waiters; (3-15-02)
- c. Butlers; (3-15-02)
- d. Maids; (3-15-02)
- e. Janitors; (3-15-02)
- f. Laundresses; (3-15-02)
- g. Furnacemen; (3-15-02)
- h. Handymen; (3-15-02)
- i. Gardeners; (3-15-02)
- j. Housekeepers; (3-15-02)
- k. Housemothers; and (3-15-02)

- l.** In-home caregivers. Ref. Section 72-1315, Idaho Code. (3-15-02)

06. Casual Labor. Services performed by an individual not in the course of the employer's trade or business who earns less than fifty dollars (\$50) per calendar quarter per service provided and is not regularly employed by that employer to perform such service, are exempt from unemployment insurance coverage. Ref. Section 72-1316A(19), Idaho Code. Domestic employment exempt as casual labor may not be exempt if the employer is covered for such service under Section 72-1315(8), Idaho Code. The term, "services not in the course of the employer's trade or business," refers to services that do not promote or advance the trade or business of the employer. The casual labor exemption found under Section 72-1316A(19), Idaho Code, does not apply to services performed for corporations because all services performed for a corporation are considered to be in the course of the trade or business of the corporation.

(4-11-06)

07. Willfully. When applied to the intent with which an act is done or omitted, willfully implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, in the sense of having an evil or corrupt motive or intent. It is more nearly synonymous with "intentionally," "designedly," "without lawful excuse," and therefore not accidental. Ref. Section 72-1372, Idaho Code.

(3-22-07)

(BREAK IN CONTINUITY OF SECTIONS)

112. DETERMINING STATUS OF WORKER.

01. Determining if Worker Is an Employee. In making a determination as to whether a worker is performing services in covered employment, it shall be determined whether the worker is an employee. To determine whether a worker is an employee, the following factors may be considered:

(3-22-07)

a. The way in which the business entity represented its relationship with the worker prior to the investigation or litigation, including representations to the Internal Revenue Service;

(3-19-99)

b. Statements made to the Department;

(3-19-99)

c. Method of payment to the worker, in particular whether federal, state, and FICA taxes are withheld from paychecks; and

(3-19-99)

d. Whether life, health, or other benefits are provided to the worker at the business entity's expense.

(3-19-99)

02. Determining if Worker Is an Independent Contractor. If it cannot be determined that a worker is an employee pursuant to Subsection 112.01 above, then a determination shall be made whether the worker is an "independent contractor" pursuant to the terms of Section 72-1316(4), Idaho Code. For the purposes of that section and these rules, an

independent contractor is a worker who meets the requirements of both Sections 72-1316(4)(a) and (b), Idaho Code. (3-19-99)

03. Proving Worker Is Free from Control or Direction in His Work. To meet the requirement of Section 72-1316(4)(a), Idaho Code, the alleged employer must prove that a worker has been and will continue to be free from control or direction in the performance of his work, both under his contract of service and in fact. The following factors may be considered in this determination: (3-22-07)

- a. Whether the alleged employer has control over: (3-19-99)
 - i. The details of the work; (3-19-99)
 - ii. The manner, method or mode of doing the work; and (3-19-99)
 - iii. The means by which the work is to be accomplished, but without reference to having control over the results of the work. (3-19-99)
- b. The freedom from direction and control must exist in theory (under a contract of service) and in fact; and (4-11-06)
- c. The employer must demonstrate that it lacked a right to control the worker. (4-11-06)

04. Proving Worker Is Engaged in Independently Established Business. To meet the requirement of Section 72-1316(4)(b), Idaho Code, it must be proven that a worker is engaged in an independently established trade, occupation, profession or business. The following factors may be considered in this determination: (3-22-07)

- a. Skills, qualifications, and training required for the job; (3-19-99)
- b. Method of payment, benefits, and tax withholding; (3-19-99)
- c. Right to negotiate agreements with other workers; (3-19-99)
- d. Right to choose sales techniques or other business techniques; (3-19-99)
- e. Right to determine hours; (3-19-99)
- f. ~~Existence of outside businesses or occupations~~ Whether a worker is customarily engaged in an outside trade, occupation, profession, or business providing the same type of services the worker provides for the business engaging his services; ~~(3-19-99)~~()
- g. Special licensing or regulatory requirements for performance of work; (3-19-99)
- h. Whether the work is part of the employer's general business; (3-19-99)
- i. The nature and extent of the work; (3-19-99)

- j.** The term and duration of the relationship; (3-19-99)
- k.** The control of the premises; (3-19-99)
- l.** Whether the worker has the authority to hire subordinates; (3-19-99)
- m.** Whether the worker owns or leases major items of equipment or incurs substantial unreimbursed expenses, provided, that in a case where a worker leases major items of equipment from the alleged employer: (3-19-99)

 - i.** The terms of the lease; and (3-19-99)
 - ii.** The actions of the parties pursuant to those terms must be commercially reasonable as measured by applicable industry standards. (3-19-99)
- n.** Whether either party would be liable to the other party upon peremptory or unilateral termination of the business relationship; and, (3-19-99)
- o.** Other factors which, viewed fairly in light of all the circumstances in a given case, may indicate the existence or lack of an independently established trade occupation, profession or business. (3-19-99)

05. Meeting Criteria for Covered Employment. A worker who meets one (1), but not both, of the tests in Subsections 112.03 and 112.04 above shall be found to perform services in covered employment. (3-19-99)

06. Evidence of Contractual Liability for Termination. For purposes of making a determination under Section 72-1316(4), Idaho Code, and this regulation, the party alleging that summary termination by either party would result in contractual liability must present some evidence upon which to base such allegation. Ref. Section 72-1316(4), Idaho Code. (3-19-99)

IDAPA 17 - INDUSTRIAL COMMISSION

17.02.04 - ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION UNDER THE WORKERS' COMPENSATION LAW -- BENEFITS

DOCKET NO. 17-0204-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 72-508, 72-720, 72-721, 72-722, 72-723, and 72-1104 Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 1, 2012 Idaho Administrative Bulletin, **Vol. 12-8, pages 62 and 63.**

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jane McClaran, Financial Officer, at 334-6042.

DATED this 15th day of November 2012.

Mindy Montgomery, Director
Industrial Commission
700 S. Clearwater Lane
P.O. Box 83720
Boise, ID 83720-0041
Phone: 334-6000
Fax: 334-5145

THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given this agency has proposed rulemaking procedures. The action is authorized pursuant to Section(s) 72-508, 72-720, 72-721, 72-722, 72-723, and 72-1104, 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 15, 2012.

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

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

This rule coincides with the current language in Section 72-1104, Idaho Code, that broadens access to the Peace Officer and Detention Officer Temporary Disability Fund by including injuries incurred by officers when caused by the actions of another person in the performance of his or her duties.

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:

No General Fund impact. Future accidents resulting in WC claims are impossible to predict, as are the number of those claims that may potentially be eligible for reimbursement under the new clause (which sunsets in 3 years). However, the funding source is dedicated and if depleted, would not be subsidized from any other funding source. The balance in the Peace Officer and Detention Officer Temporary Disability Reimbursement fund as of June 30, 2012 is \$638K. Utilization in FY12 was down, but may triple in FY13.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the statute was vetted and passed by the 2012 legislature. This rule change incorporates the current language contained in Section 72-1104, Idaho Code, into the 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 Jane McClaran, 334-6042.

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 22, 2012.

DATED this 18th day of July, 2012.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 17-0204-1201

004. RULE GOVERNING APPLICATIONS FOR REIMBURSEMENT FROM THE PEACE OFFICER AND DETENTION OFFICER TEMPORARY DISABILITY FUND.

01. Eligibility. An employer who has paid the full base salary due to a peace officer or detention officer, as defined in Section 72-1103, Idaho Code, may apply for reimbursement from the Peace Officer and Detention Officer Temporary Disability Fund under the provisions of Section 72-1104, Idaho Code, for the amount of that salary not covered by the workers' compensation income benefit payments remitted to the employer during the time that such officer is: (5-8-09)

- a. Temporarily incapacitated and unable to perform employment duties; (5-8-09)
- b. Is otherwise eligible to receive workers' compensation benefits; and (5-8-09)
- c. Is one whose incapacitating injury was incurred in the performance of employment duties on or after July 1, 2008, either: (5-8-09)
 - i. When responding to an emergency; or (5-8-09)
 - ii. When in the pursuit of an actual or suspected violator of the law: ~~or (5-8-09) ()~~
 - iii. The injury was caused by the actions of another person after July 1, 2012 and before July 1, 2015. ()

02. Application. An employer eligible to seek reimbursement from the Peace Officer and Detention Officer Temporary Disability Fund shall make application on the form provided by the Commission for that purpose. Applications shall be sent to: Idaho Industrial Commission, ATTN: Peace Officer Fund, PO Box 83720, Boise, Idaho 83720-0041. (5-8-09)

03. Payments. Payments to employers requesting reimbursement from the Peace Officer and Detention Officer Temporary Disability Fund shall be made within thirty (30) days of receipt of an approved request for reimbursement, subject to the availability of money in that fund. (5-8-09)

04. Disputes. Disputes regarding eligibility for reimbursement from The Peace Officer and Detention Officer Temporary Disability Fund will be decided by the Commission upon written request by the employer. There is no appeal from the reimbursement dispute decisions of the Commission under this section. Disputes regarding eligibility of an injured peace officer or detention officer for workers' compensation benefits, including the continuation of salary benefit set out in Section 72-1104, Idaho Code, will be decided in accordance with the Commission's current rules and procedures governing disputes in all other workers' compensation claims. (5-8-09)

IDAPA 17 - INDUSTRIAL COMMISSION

17.02.09 - MEDICAL FEES

DOCKET NO. 17-0209-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective on **July 1, 2013** unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 72-508, 72-720, 72-721, 72-722, 72-723, and 72-803, Idaho Code.

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

The pending rule reduces the number of conversion factors and provides the annual adjustment of the medical fee schedule for physician reimbursement in accordance with Section 72-803, Idaho Code; creates a pharmaceutical fee schedule for pharmacies and dispensing physicians; standardizes the required coding sets used by providers for billing medical services. Adjustments were made to the proposed physician conversion factors to minimize the negative financial impact to some providers. The definition for pharmacy was changed to coincide with the definition found in Section 54-1705, Idaho Code. A requirement for identification of the individual components with the original manufacturer's National Drug Code (NDC) for compound medications was added.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, **Vol. 12-10, pages 431 through 438.**

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Patti Vaughn, Medical Fee Schedule Analyst, (208) 334-6084.

DATED this November 21, 2012.

Mindy Montgomery, Director
Industrial Commission
700 S. Clearwater Lane
P.O. Box 83720
Boise, Idaho 83720-0041
Phone: (208) 334-6000
Fax: (208) 334-2321

THE FOLLOWING NOTICE WAS PUBLISHED WITH THE 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(s) 72-508, 72-720, 72-721, 72-722, 72-723, and 72-803, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

| |
|---|
| <p>Monday – October 22, 2012 2:00 p.m. to 4:00 p.m. (MDT)</p> |
|---|

| |
|---|
| <p>Industrial Commission Office 700 South Clearwater Lane Boise, Idaho 83712</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.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: Reduces the number of conversion factors and provides the annual adjustment of the medical fee schedule for physician reimbursement in accordance with Section 72-803, Idaho Code; creates a pharmaceutical fee schedule for pharmacies and dispensing physicians; standardizes the required coding sets used by providers for billing medical services.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking for the pharmaceutical fee schedule was not conducted due to time constraints and the

need to implement cost containment for drugs as soon as possible. The changes to the physician fee schedule and the changes to standardize the billing requirements were developed in collaboration with industry representatives.

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: No documents have been incorporated by reference into this rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Patti Vaughn, Medical Fee Schedule Analyst 208-334-6084 or 1-800-950-2110.

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 October 24, 2012.

DATED this 30th Day of August, 2012.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 17-0209-1201

030. DEFINITIONS.

Words and terms used in this rule are defined in the subsections which follow. (4-7-11)

01. Charge. Expense or cost. For hospitals and ASCs, “charge” shall mean the total charge. (4-7-11)

a. “Acceptable charge.” The charge for medical services calculated in accordance with this rule or as billed by the provider, whichever is lower, or the charge agreed to pursuant to a written contract. (4-7-11)

b. “Customary charge.” A charge which shall have an upper limit no higher than the 90th percentile, as determined by the Commission, of usual charges made by Idaho Providers for a given medical service. (4-7-11)

c. “Reasonable charge.” A charge that does not exceed the Provider’s “usual” charge and does not exceed the “customary” charge, as defined in this rule. (4-7-11)

d. “Usual charge.” The most frequent charge made by an individual Provider for a given medical service to non-industrially injured patients. (4-7-11)

02. Ambulatory Payment Classification (APC). A payment system adopted by the Center for Medicare and Medicaid Services (CMS) for outpatient services. (4-7-11)

03. Ambulatory Surgery Center (ASC). A facility providing medical services on an outpatient basis only. (4-7-11)

04. Average Wholesale Price (AWP). The average wholesale price for medicine obtained from pricing data provided by the original manufacturer of that medicine to industry-wide compilers of drug prices, e.g., Red Book and Medi-Span. ()

045. Critical Access Hospital. A hospital currently designated as a critical access hospital by the Centers for Medicare and Medicaid Services (CMS). (4-7-11)

056. Hospital. An acute care facility providing medical services on an inpatient and outpatient basis. (4-7-11)

067. Implantable Hardware. Objects or devices that are made to support, replace or act as a missing anatomical structure or to support or manage proper biological functions or disease processes and where surgical or medical procedures are needed to insert or apply such devices and surgical or medical procedures are required to remove such devices. The term also includes equipment necessary for the proper operation of the implantable hardware, even if not implanted in the body. (4-7-11)

078. Medical Service. Medical, surgical, dental or other attendance or treatment, nurse and hospital service, medicine, apparatus, appliance, prostheses, and related service, facility, equipment and supply, as set forth in Section 72-102, Idaho Code. (4-7-11)

089. Medicare Severity - Diagnosis Related Group (MS-DRG). A system adopted by the Centers for Medicare and Medicaid Services (CMS) that groups hospital admissions based on diagnosis codes, surgical procedures and patient demographics. (4-7-11)

0910. Payor. The legal entity responsible for paying medical benefits under Idaho's Workers' Compensation Law. (4-7-11)

11. Pharmacy. Any facility, department or other place where prescriptions are filled or compounded and are sold, dispensed, offered or displayed for sale, which has, as its principal purpose, the dispensing of drug and health supplies intended for the general health, welfare and safety of the public. ()

102. Physician. A member of any healing profession licensed or authorized to provide medical services by the statutes of this state, as set forth in Section 72-102, Idaho Code. (4-7-11)

113. Provider. Any person, firm, corporation, partnership, association, agency, institution or other legal entity providing any kind of medical service related to the treatment of an industrially injured patient which is compensable under the Idaho's Workers' Compensation Law, as set forth in Section 72-102, Idaho Code. (4-7-11)

124. Rehabilitation Hospital. A facility operated for the primary purpose of assisting with the rehabilitation of disabled persons through an integrated program of medical, psychological, social, and vocational evaluation and services under competent professional supervision. (4-7-11)

031. ACCEPTABLE CHARGES FOR MEDICAL SERVICES PROVIDED BY PHYSICIANS UNDER THE IDAHO WORKERS' COMPENSATION LAW.

Pursuant to Section 72-508 and Section 72-803, Idaho Code, the Industrial Commission (hereinafter “the Commission”) hereby adopts the following rule for determining acceptable charges for medical services provided by physicians under the Idaho Workers' Compensation Law. (4-7-11)

01. Acceptable Charge. Payors shall pay providers the acceptable charge for medical services provided by physicians. (4-7-11)

02. Adoption of Standard for Physicians. The Commission hereby adopts the Resource-Based Relative Value Scale (RBRVS), published by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services, as amended, as the standard to be used for determining the acceptable charge for medical services provided under the Idaho Workers' Compensation Law by physicians. (4-7-11)

03. Conversion Factors. The following conversion factors shall be applied to the fully-implemented facility or non-facility Relative Value Unit (RVU) as determined by place of service found in the latest RBRVS, as amended, that was published before December 31 of the previous calendar year for a medical service identified by a code assigned to that service in the latest edition of the Physicians' Current Procedural Terminology (CPT), published by the American Medical Association, as amended:

| MEDICAL FEE SCHEDULE | | | |
|---------------------------------|--|---|--------------------------|
| SERVICE CATEGORY | CODE RANGE(S) | DESCRIPTION | CONVERSION FACTOR |
| <i>Anesthesia</i> | <i>00000–09999</i> | <i>Anesthesia</i> | <i>\$60.33</i> |
| <i>Surgery- Group One</i> | <i>22000–22999 23000–24999 25000–27299 27300–27999 29800–29999 61000–61999 62000–62259 63000–63999</i> | <i>Spine Shoulder, Upper Arm, & Elbow Forearm, Wrist, Hand, Pelvis & Hip Leg, Knee, & Ankle Endoscopy & Arthroscopy Skull, Meninges & Brain Repair, Neuroendoscopy & Shunts Spine & Spinal Cord</i> | <i>\$140.00</i> |
| <i>Surgery- Group Two</i> | <i>28000–28999 64550–64999</i> | <i>Foot & Toes Nerves & Nervous System</i> | <i>\$129.00</i> |
| <i>Surgery- Group Three</i> | <i>13000–19999 20650–21999</i> | <i>Integumentary System Musculoskeletal System</i> | <i>\$113.52</i> |

| MEDICAL FEE SCHEDULE | | | |
|-----------------------------------|--|--|--------------------------|
| SERVICE CATEGORY | CODE RANGE(S) | DESCRIPTION | CONVERSION FACTOR |
| <i>Surgery - Group Four</i> | <i>10000 - 12999 20000 - 20615 29000 - 29799 30000 - 39999 40000 - 49999 50000 - 59999 60000 - 60999 62260 - 62999 64000 - 64549 65000 - 69999</i> | <i>Integumentary System Musculoskeletal System Casts & Strapping Respiratory & Cardiovascular Digestive System Urinary System Endocrine System Spine & Spinal Cord Nerves & Nervous System Eye & Ear</i> | <i>\$87.72</i> |
| <i>Radiology</i> | <i>70000 - 79999</i> | <i>Radiology</i> | <i>\$88.54</i> |
| <i>Pathology & Laboratory</i> | <i>80000 - 89999</i> | <i>Pathology & Laboratory</i> | <i>To Be Determined</i> |
| <i>Medicine - Group One</i> | <i>90000 - 90799 94000 - 94999 97000 - 97799 97800 - 98999</i> | <i>Immunization, Injections, & Infusions Pulmonary / Pulse Oximetry Physical Medicine & Rehabilitation Acupuncture, Osteopathy, & Chiropractic</i> | <i>\$47.00</i> |
| <i>Medicine - Group Two</i> | <i>90800 - 92999 93000 - 93999 95000 - 96020 96040 - 96999 99000 - 99607</i> | <i>Psychiatry & Medicine Cardiography, Catheterization, & Vascular Studies Allergy / Neuromuscular Procedures Assessments & Special Procedures E/M & Miscellaneous Services</i> | <i>\$68.50</i> |

| MEDICAL FEE SCHEDULE | | | |
|-----------------------------|--|---|--------------------------|
| SERVICE CATEGORY | CODE RANGE(S) | DESCRIPTION | CONVERSION FACTOR |
| <u>Anesthesia</u> | <u>00000 - 09999</u> | <u>Anesthesia</u> | <u>\$60.33</u> |
| <u>Surgery - Group One</u> | <u>22000 - 22999 23000 - 24999 25000 - 27299 27300 - 27999 29800 - 29999 61000 - 61999 62000 - 62259 63000 - 63999</u> | <u>Spine Shoulder, Upper Arm, & Elbow Forearm, Wrist, Hand, Pelvis & Hip Leg, Knee, & Ankle Endoscopy & Arthroscopy Skull, Meninges & Brain Repair, Neuroendoscopy & Shunts Spine & Spinal Cord</u> | <u>\$135.00</u> |
| <u>Surgery - Group Two</u> | <u>28000-28999 64000-64999</u> | <u>Foot & Toes Nerves & Nervous System</u> | <u>\$124.00</u> |

| MEDICAL FEE SCHEDULE | | | |
|-----------------------------------|--|--|---------------------------------|
| <u>SERVICE CATEGORY</u> | <u>CODE RANGE(S)</u> | <u>DESCRIPTION</u> | <u>CONVERSION FACTOR</u> |
| <u>Surgery - Group Three</u> | <u>10000 - 19999</u> <u>20000 - 21999</u> <u>29000 - 29799</u> <u>30000 - 39999</u> <u>40000 - 49999</u> <u>50000 - 59999</u> <u>60000 - 60999</u> <u>62260 - 62999</u> <u>65000 - 69999</u> | <u>Integumentary System</u> <u>Musculoskeletal System</u> <u>Casts & Strapping</u> <u>Respiratory & Cardiovascular</u> <u>Digestive System</u> <u>Urinary System</u> <u>Endocrine System</u> <u>Spine & Spinal Cord</u> <u>Eye & Ear</u> | <u>\$88.54</u> |
| <u>Radiology</u> | <u>70000 - 79999</u> | <u>Radiology</u> | <u>\$88.54</u> |
| <u>Pathology & Laboratory</u> | <u>80000 - 89999</u> | <u>Pathology & Laboratory</u> | <u>To Be Determined</u> |
| <u>Medicine - Group One</u> | <u>90000 - 90799</u> <u>94000 - 94999</u> <u>97000 - 97799</u> <u>97800 - 98999</u> | <u>Immunization, Injections, & Infusions</u> <u>Pulmonary / Pulse Oximetry</u> <u>Physical Medicine & Rehabilitation</u> <u>Acupuncture, Osteopathy, & Chiropractic</u> | <u>\$49.00</u> |
| <u>Medicine - Group Two</u> | <u>90800 - 92999</u> <u>93000 - 93999</u> <u>95000 - 96020</u> <u>96040 - 96999</u> <u>99000 - 99607</u> | <u>Psychiatry & Medicine</u> <u>Cardiography, Catheterization, Vascular Studies</u> <u>Allergy / Neuromuscular Procedures</u> <u>Assessments & Special Procedures</u> <u>E / M & Miscellaneous Services</u> | <u>\$70.00</u> |

(7-1-12)()

04. Anesthesiology. The Conversion Factor for the Anesthesiology CPT Codes shall be multiplied by the Anesthesia Base Units assigned to that CPT Code by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services as of December 31 of the previous calendar year, plus the allowable time units reported for the procedure. Time units are computed by dividing reported time by fifteen (15) minutes. Time units will not be used for CPT Code 01996. (4-7-11)

05. Adjustment of Conversion Factors. The conversion factors set out in this rule shall be adjusted each fiscal year (FY) by the Commission to reflect changes in inflation or market conditions in accordance with Section 72-803, Idaho Code. (4-7-11)

06. Services Without CPT Code, RVU or Conversion Factor. The acceptable charge for medical services that do not have a current CPT code, a currently assigned RVU, or a conversion factor will be the reasonable charge for that service, based upon the usual and customary charge and other relevant evidence, as determined by the Commission. Where a service with a CPT Code, RVU, and conversion factor is, nonetheless, claimed to be exceptional or unusual, the Commission may, notwithstanding the conversion factor for that service set out in

Subsection 031.03, above, determine the acceptable charge for that service, based on all relevant evidence in accordance with the procedures set out in Section 034, below. (4-7-11)

07. Coding. The Commission will generally follow the coding guidelines published by the Centers for Medicare and Medicaid Services and by the American Medical Association, including the use of modifiers. The procedure with the largest RVU will be the primary procedure and will be listed first on the claim form. Modifiers will be reimbursed as follows: (4-7-11)

a. Modifier 50: Additional fifty percent (50%) for bilateral procedure. (4-7-11)

b. Modifier 51: Fifty percent (50%) of secondary procedure. This modifier will be applied to each medical or surgical procedure rendered during the same session as the primary procedure. (4-7-11)

c. Modifier 80: Twenty-five percent (25%) of coded procedure. (4-7-11)

d. Modifier 81: Fifteen percent (15%) of coded procedure. This modifier applies to MD and non-MD assistants. (4-7-11)

08. Medicine Dispensed By Physicians. Reimbursement to physicians for any medicine shall not exceed the acceptable charge calculated for that medicine as if provided by a pharmacy under Section 033 of this rule *without* a dispensing or compounding fee. Reimbursement to physicians for repackaged medicine shall be the Average Wholesale Price (AWP) for the medicine prior to repackaging, identified by the National Drug Code (NDC) reported by the original manufacturer. *Reimbursement may be withheld until the original manufacturer's National Drug Code (NDC) is provided by the physician.* ()

(BREAK IN CONTINUITY OF SECTIONS)

033. ACCEPTABLE CHARGES FOR MEDICINE PROVIDED BY PHARMACIES. Pursuant to Section 72-508 and Section 72-803, Idaho Code, the Commission hereby adopts the following rule for determining acceptable charges for medicine provided by a pharmacy under the Idaho Workers' Compensation Law. ()

01. Acceptable Charge. Payors shall pay providers the acceptable charge for medicine provided by a pharmacy. ()

02. Adoption of Standards for Pharmacies. The following standards shall be used to determine the acceptable charge for medicine provided by pharmacies. ()

a. Brand/Trade Name Medicine. The standard for determining the acceptable charge for brand/trade name medicine shall be the Average Wholesale Price (AWP), plus a two dollar (\$2) dispensing fee. ()

b. Generic Medicine. The standard for determining the acceptable charge for generic

medicine shall be the Average Wholesale Price (AWP), plus a five dollar (\$5) dispensing fee.

()

c. Compound Medicine. The standard for determining the acceptable charge for compound medicine shall be the sum of the Average Wholesale Price (AWP) for each drug included in the compound medicine, plus a five dollar (\$5) dispensing fee and a two dollar (\$2) compounding fee. All components of the compound medicine shall be identified by their original manufacturer's National Drug Code (NDC) when submitted for reimbursement. Payors may withhold reimbursement until the original manufacturer's NDC assigned to each component of the compound medicine is provided by the pharmacy. Components of a compound medicine without an NDC may require medical necessity confirmation by the treating physician prior to reimbursement.

()

d. Over-The Counter (OTC) Medicine. The standard for determining the acceptable charge for over-the-counter (OTC) medicine shall be the reasonable charge, but no dispensing fee.

()

03. Disputes. The Commission shall determine the acceptable charge for medicine provided by a pharmacy that is disputed based on all relevant evidence in accordance with the procedures set out in Section 035 of this rule.

()

0334. ACCEPTABLE CHARGES FOR MEDICAL SERVICES PROVIDED BY OTHER PROVIDERS UNDER THE IDAHO WORKERS' COMPENSATION LAW.

Pursuant to Section 72-508 and Section 72-803, Idaho Code, the Commission hereby adopts the following rule for determining acceptable charges for medical services provided by providers other than physicians, hospitals or ASCs under the Idaho Workers' Compensation Law. (4-7-11)

01. Acceptable Charge. Payors shall pay providers the acceptable charge for medical services provided by providers other than physicians, hospitals or ASCs. (4-7-11)

02. Adoption of Standard. The standard for determining the acceptable charge for providers other than physicians, hospitals or ambulatory surgery centers (ASCs) shall be the reasonable charge. (4-7-11)

03. Disputes. The Commission shall determine the acceptable charge for medical services provided by providers other than physicians, hospitals and ASCs that are disputed based on all relevant evidence in accordance with the procedures set out in Section 034~~5~~ of this rule.

~~(4-7-11)~~()

0345. BILLING AND PAYMENT REQUIREMENTS FOR MEDICAL SERVICES AND PROCEDURES PRELIMINARY TO DISPUTE RESOLUTION.

01. Authority. Pursuant to Section 72-508 and Section 72-803, Idaho Code, the Industrial Commission hereby promulgates this rule governing billing and payment requirements for medical services provided under the Workers' Compensation Law and the procedures for resolving disputes between payors and providers over those bills or payments. (4-7-11)

02. Time Periods. None of the periods herein shall begin to run before the Notice of

Injury/Claim for Benefits has been filed with the Employer as required by law. (4-7-11)

03. Provider to Furnish Information. A Provider, when submitting a bill to a Payor, shall inform the Payor of the nature and extent of medical services furnished and for which the bill is submitted. This information shall include, but is not limited to, the patient's name, the employer's name, the date the medical service was provided, the diagnosis, if any, and the amount of the charge or charges. Failure to submit a bill complying with this Subsection 0345.03 to the Payor within one hundred twenty (120) days of the date of service will result in the ineligibility of the Provider to utilize the dispute resolution procedures of the Commission set out in Subsection 0345.10 for that service. (4-7-11)()

a. A Provider's bill shall, whenever possible, describe the Medical Service provided, using the American Medical Association's appropriate Current Procedural Terminology (CPT) coding, including modifiers, the appropriate Healthcare Common Procedure Coding System (HCPCS) code, the diagnostic and procedure code set version required by the Centers for Medicare and Medicaid Services (CMS) and the original National Drug Code (NDC) for the year in which the service was performed ~~and using current International Classification of Diseases (ICD) diagnostic coding, as well.~~ (4-7-11)()

b. The bill shall also contain the name, address and telephone number of the individual the Payor may contact in the event the Payor seeks additional information regarding the Provider's bill. (4-7-11)

c. If requested by the Payor, the bill shall be accompanied by a written report as defined by IDAPA 17.02.04, "Administrative Rules of the Industrial Commission Under the Workers' Compensation Law -- Benefits." Subsection 322.01.f. Where a bill is not accompanied by such Report, the periods expressed in Subsections 0345.04 and 0345.06, below, shall not begin to run until the Payor receives the Report. (4-7-11)()

04. Prompt Payment. Unless the Payor denies liability for the claim or, pursuant to Subsection 0345.06, below, sends a Preliminary Objection, a Request for Clarification, or both, as to any charge, the Payor shall pay the charge within thirty (30) calendar days of receipt of the bill. (4-7-11)()

05. Partial Payment. If the Payor acknowledges liability for the claim and, pursuant to Subsection 0345.06, below, sends a Preliminary Objection, a Request for Clarification, or both, as to only part of a Provider's bill, the Payor must pay the charge or charges, or portion thereof, as to which no Preliminary Objection or Request for Clarification has been made, within thirty (30) calendar days of receipt of the bill. (4-7-11)()

06. Preliminary Objections and Requests for Clarification. (4-7-11)

a. Whenever a Payor objects to all or any part of a Provider's bill on the ground that such bill contains a charge or charges that do not comport with the applicable administrative rule, the Payor shall send a written Preliminary Objection to the Provider within thirty (30) calendar days of the Payor's receipt of the bill explaining the basis for each of the Payor's objections. (4-7-11)

b. Where the Payor requires additional information, the Payor shall send a written Request for Clarification to the Provider within thirty (30) calendar days of the Payor's receipt of the bill, and shall specifically describe the information sought. (4-7-11)

c. Each Preliminary Objection and Request for Clarification shall contain the name, address and phone number of the individual located within the state of Idaho that the Provider may contact regarding the Preliminary Objection or Request for Clarification. (4-7-11)

d. Where a Payor does not send a Preliminary Objection to a charge set forth in a bill or a Request for Clarification within thirty (30) calendar days of receipt of the bill, or provide an in-state contact in accord with Subsection 0345.06.c., it shall be precluded from objecting to such charge as failing to comport with the applicable administrative rule. ~~(4-7-11)~~()

07. Provider Reply to Preliminary Objection or Request for Clarification.

(4-7-11)

a. Where a Payor has timely sent a Preliminary Objection, Request for Clarification, or both, the Provider shall send to the Payor a written Reply, if any it has, within thirty (30) calendar days of the Provider's receipt of each Preliminary Objection or Request for Clarification. (4-7-11)

b. If a Provider fails to timely reply to a Preliminary Objection, the Provider shall be deemed to have acquiesced in the Payor's objection. (4-7-11)

c. If a Provider fails to timely reply to a Request for Clarification, the period in which the Payor shall pay or issue a Final Objection shall not begin to run until such clarification is received. (4-7-11)

08. Payor Shall Pay or Issue Final Objection. The Payor shall pay the Provider's bill in whole or in part or shall send to the Provider a written Final Objection, if any it has, to all or part of the bill within thirty (30) calendar days of the Payor's receipt of the Reply. (4-7-11)

09. Failure of Payor to Finally Object. Where the Payor does not timely send a Final Objection to any charge or portion thereof to which it continues to have an objection, it shall be precluded from further objecting to such charge as unacceptable. (4-7-11)

10. Dispute Resolution Process. If, after completing the applicable steps set forth above, a Payor and Provider are unable to agree on the appropriate charge for any Medical Service, a Provider which has complied with the applicable requirements of this rule may move the Commission to resolve the dispute as provided in the Judicial Rule Re: Disputes Between Providers and Payors, as referenced in Sections 031, 032, ~~and~~ 033, and 034 of this rule. If Provider's motion disputing CPT or MS-DRG coded items prevails, Payor shall pay the amount found by the Commission to be owed, plus an additional thirty percent (30%) of that amount to compensate Provider for costs and expenses associated with using the dispute resolution process. For motions filed by a Provider disputing items without CPT or MS-DRG codes, the additional thirty percent (30%) shall be due only if the Payor does not pay the amount found due within thirty (30) days of the administrative order. ~~(4-7-11)~~()

0356. -- 999. (RESERVED)

IDAPA 28 - IDAHO DEPARTMENT OF COMMERCE
28.02.05 - RURAL COMMUNITY BLOCK GRANT PROGRAM (RCBG)
DOCKET NO. 28-0205-1201
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-4702, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 682 and 683](#).

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

The Idaho Department of Commerce does not anticipate a fiscal impact resulting from this rule change.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dennis Porter, Community Development Manager, (208) 334-2650 ext. 2145.

DATED this 14th day of November, 2012.

Jeffery Sayer, Director
Idaho Department of Commerce
700 West State Street
PO Box 83720
Boise, ID 83720-0093
Tel: (208) 334-2470
Fax: (208) 334-2631

**THE FOLLOWING NOTICE WAS PUBLISHED WITH
THE TEMPORARY AND PROPOSED RULE**

EFFECTIVE DATE: The effective date of the temporary rule is **October 24, 2012**.

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 Section 67-4702, 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 October 17, 2012.

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 rule change will increase the population of eligible cities from 10,000 to 25,000. Rural cities with a population between 10,000 to 25,000 are experiencing private sector job growth opportunities, but lack the financial ability or economies of scale to help fund public infrastructure needs for private business expansion. The current rules are 10 years old so increasing the limit is essentially keeping up with population growth or right sizing the Rural Community Block Grant program. A change would not necessarily add new cities from the original creation of the program.

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

The temporary rulemaking will confer a benefit on affected cities.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

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

The Idaho Department of Commerce does not anticipate a fiscal impact resulting from this rule change.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated

rulemaking was not conducted because it was unlikely to get a consensus from over 180 cities (interested parties) to agree on a definition of a “rural city.”

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 Dennis Porter, Community Development Manager, (208) 334-2650 ext. 2145.

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 October 17, 2012.

DATED this September 5, 2012

THE FOLLOWING IS THE TEXT OF DOCKET NO. 28-0205-1201

011. ELIGIBLE APPLICANTS.

Applicants for the Idaho Rural Community Block Grants are as follows: (3-15-02)

01. City Applicants. Rural cities are those generally less than ~~ten~~ **twenty-five** thousand (~~10~~**25**,000) in population. Cities contiguous to large cities are not eligible to apply. (3-15-02)()

02. County Applicants. Counties may apply for county wide projects or on behalf of unincorporated communities. Counties cannot apply for projects that benefit larger cities. (3-15-02)

03. Special Purpose Districts. Special purpose districts are not eligible, although they may be involved in the execution of a project by mutual agreement. (3-15-02)

04. Indian Tribes. Indian tribes may be considered as an applicant or may be a partner in a project by mutual agreement. (3-15-02)

IDAPA 28 - DEPARTMENT OF COMMERCE

28.02.06 - IDAHO SMALL BUSINESS FEDERAL FUNDING ASSISTANCE ACT RULES

DOCKET NO. 28-0206-1201 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EDITOR'S NOTE: This notice is being published to correct an error to the "Notice of Rulemaking - Adoption of Pending Rule" that published in the October 3, 2012, Idaho Administrative Bulletin, **Volume 12-10, Page 684** under Docket No. 28-0206-1201. Based on comments received during the comment period of the proposed rule, changes were made to the pending rule. The previous notice, however, incorrectly stated that the rule had been adopted as proposed with no changes. The descriptive summary below details the changes made to the pending rule. The pending rule is being published here as approved and adopted by the director.

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective upon conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: TIn compliance with Sections 67-5224 and 67-5227, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Title 67, Chapter 47, Idaho Code, and the Idaho Small Business Federal Funding Assistance Act, Sections 67- 4702(2) and 67-4723A, Idaho Code.

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

Section 011. Definitions

In this Subsection the definition of "State Coordinator" is added. The State Coordinator awards grant and incentive funds to eligible small businesses if small business proposals meet program requirements. Eligibility of grant and incentive funds is determined through an extensive review and evaluation of proposals by the State Coordinator and other professionals, who together form an evaluation team.

Section 014. Eligible Costs, Subsection 014.01.a.

In this subsection the proposed rule specifies that proposals are sent to a federal agency. The language has been changed to reflect that proposals will be sent to the State Coordinator and not the federal agency so the proposals can be evaluated before they go to the federal agency.

Section 015. Grant Application Process, Subsection 015.03.c.

In this subsection the change clarifies that proposals must now be sent to the State Coordinator and provides a deadline for that filing. This deadline precedes the federal filing deadline to allow time for proposals to be evaluated before they go to the federal agency.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Only those sections and subsections that have changed are being reprinted in the Bulletin. The complete text of the proposed rule was published in the June 6, 2012 Idaho Administrative Bulletin, [Vol. 12-6, pages 28 through 34](#).

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

The program is an annual appropriation of \$50,000 from the general fund. The impact to the Department would be minimal. The entire \$50,000 will be used to offset business proposals development costs through individual awards not to exceed \$4,000. No additional fund or capital items are necessary.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this correction to pending rule, contact Gloria Mabbutt at (208) 334-2650, extension 2139.

DATED this 14th day of November, 2012.

Jeffery Sayer, Director
Idaho Department of Commerce
700 West State Street
P.O. Box 83720
Boise, ID 83720-0093
Phone: (208) 334-2650 ext.2114
Fax: (208) 334-2631

**THE FOLLOWING NOTICE WAS PUBLISHED WITH
THE TEMPORARY AND PROPOSED RULE**

EFFECTIVE DATE: The effective date of the temporary rule is **June 1, 2012**.

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 Title 67, Chapter 47, the Idaho Small Business Federal Funding Assistance Act, Sections 67-4702(2) and 67-4723A, 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 June 20, 2012.

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:

The state intends to provide incentive funding for Idaho companies that commit private resources toward the process of attracting federal grants. The Department of Commerce shall administer this program of state grants to assist and incentivize new, emerging, and expanding Idaho small, for-profit businesses in the development of federal funding proposals that lead to the development of commercial products or services. The Department shall administer this program in such a way as to avoid favoritism of any particular enterprise and to maximize the public purposes of increasing the number of submitted proposals from Idaho small businesses and increasing the number of grant awards to these businesses. Particular attention shall be paid to the encouragement of companies that have not competed for federal funding awards in the past.

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

To provide immediate benefit to new, emerging, and expanding Idaho small, for-profit businesses in the development of federal funding proposal for receiving federal grants.

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

There is no fee imposed by this rulemaking.

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

The program is an annual appropriation of \$50,000 from the general fund. The impact to the Department would be minimal. The entire \$50,000 will be used to offset business proposals development costs through individual awards not to exceed \$4,000. No additional funds or capital items are necessary.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was not feasible because of the need to adopt a temporary rule that provides immediate assistance to small businesses.

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 documents or materials incorporated by reference in this rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Gloria Mabbutt at (208) 334-2650, extension 2139.

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 June 27, 2012.

Dated this 14th day of May, 2012.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 28-0206-1201

IDAPA 28
TITLE 02
CHAPTER 06

28.02.06 - IDAHO SMALL BUSINESS FEDERAL FUNDING ASSISTANCE ACT RULES

000. LEGAL AUTHORITY.

These rules are promulgated under the legal authority of Sections 67-4702(2) and 67-4723A, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 28.02.06, "Idaho Small Business Federal Funding Assistance Act Rules." ()

02. Scope. These rules establish the process and procedures for application of the Idaho Small Business Federal Funding Assistance Grant. They also define the terms and conditions for the awarding of these grants to qualified small businesses. The program is state-funded and operated by the Idaho Department of Commerce. ()

03. Purpose. The purpose of the program is to have a self-sustaining, on-going state grant program to assist and encourage small businesses to apply for and win federal grant awards. Federal grant awards will be used to create new innovative products or services to expand and grow their companies. Each state grant provided to businesses will be used to reimburse companies for qualified expenses incurred in completing a federal grant proposal. To create a self-sustaining, on-going state grant program, small businesses accepting a state grant resulting in winning a federal grant award will agree to repay the state grant. This will help replenish the state grant fund and create a consistent, sustainable state fund that will provide a continuous source of funding for small businesses in the future. ()

002. WRITTEN INTERPRETATIONS.

These rules may have written statements that pertain to the interpretation of these rules or to the documentation of compliance with these rules. These documents are available for public

inspection in the Department of Commerce office. ()

003. ADMINISTRATIVE APPEALS.

IDAPA 11.04.01, "Idaho Rules of Administrative Procedure of the Attorney General," Section 100, et. seq., shall apply. ()

004. INCORPORATION BY REFERENCE.

No documents or additional materials have been incorporated by reference into this rule. ()

005. OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The street address of the Idaho Department of Commerce is 700 W. State Street, Boise, Idaho 83720-0093. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The telephone number of the Department is (208) 334-2470. The Department's facsimile number is (208) 334-2631. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

Department records are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. ()

007. -- 010. (RESERVED)

011. DEFINITIONS.

For the purposes of these rules, the following words are defined. ()

01. Department. The Idaho State Department of Commerce. ()

02. Federal Funding. Grants available to for-profit businesses as awarded by federal agencies through small business innovative research grants, small business technology transfer research grants, broad area announcements or other grant programs. ()

03. Self-Sustaining Program. Qualified small businesses accepting a state grant resulting in a federal grant award will agree to repay the grant and replenish the state grant fund. These funds shall be used for future grants to small businesses. ()

04. Small Business. An Idaho for-profit business with five hundred (500) or fewer employees. ()

05. State Grants, Grant Funds, or State Funds. A grant award of up to four thousand dollars (\$4,000) limited exclusively to the reimbursement of claimable expenses incurred by an Idaho small business pursuant to the process of competing for federal funding awards. ()

06. State Coordinator. *Awards grant and incentive funds to eligible small businesses if small business proposals meet program requirements. Eligibility of grant and incentive funds is determined through an extensive review and evaluation of proposals by the State Coordinator and other qualified professionals, who together form an evaluation team.* ()

012. STATE OBJECTIVES.

01. Incentive Funding. The state intends to provide incentive funding for Idaho companies that commit private resources toward the process of attracting federal grants. The Department shall administer this program of state grants to assist and incentivize new, emerging, and expanding Idaho small, for-profit businesses in the development of federal funding proposals that lead to the development of commercial products or services. The Department shall administer this program in such a way as to avoid favoritism of any particular enterprise and to maximize the public purposes of increasing the number of submitted proposals from Idaho small businesses and increasing the number of grant awards to these businesses. Particular attention will be given to companies that have not previously competed for federal funding awards who will be encouraged to apply. ()

02. State Grants. ()

a. Incentive funding shall be provided through state grants that reimburse a small business up to four thousand dollars (\$4,000). A small business that wins a small federal grant and has been reimbursed for expenses for submission of the grant proposal will agree to reimburse the state grant fund. ()

b. Companies that win federal awards in excess of two hundred fifty thousand dollars (\$250,000) will agree to reimburse the fund for up to five times the amount of their state grant or twenty thousand dollars (\$20,000). These reimbursements will replenish the incentive fund. ()

03. Selection of Recipients. Small business grant recipients will be selected by a review board to determine their compliance with program requirements. The application process is based on merit and the competitiveness of eligible businesses. Close attention to these requirements is necessary to prepare a successful project. Department staff is available for technical assistance as needed and contacting Department staff is encouraged to assist in determining eligibility for a proposed project. ()

013. ELIGIBLE APPLICANTS.

In order to be eligible for an Idaho Small Business Federal Funding Assistance Act grant an applicant must be an Idaho-owned, for-profit and independently operated business with five hundred (500) employees or less. The principle researcher must be employed by the business. ()

014. ELIGIBLE COSTS.

01. Costs. Eligible business proposal development costs shall be offset through individual awards not to exceed four thousand dollars (\$4,000). Eligible development costs include, but are not limited to, travel to visit technical experts, technical assistance visits with staff or coaches, technical reviews by qualified subject matter experts, commercialization plan coaching, company staff time to write the proposal, and use of a technical writer, graphic artist or federal grant coach. ()

a. Of the four thousand dollar (\$4,000) grant, five hundred dollars (\$500) will be awarded for submitting the proposal to the *State Coordinator of these funds* at least three (3)

weeks prior to the federal agency's submission deadline. *This is to assist the small business with one last review before it goes to the federal funding agency.* If the proposal is *sent to* the appropriate federal agency on or before the federal agency's submission deadline, the small business applicant qualifies for *an additional* five hundred dollars (\$500) in incentive funding.

()

b. Documentation must be provided by the federal funding agency prior to receiving these funds. Representatives of the Idaho state grant funds reserve the right to refuse early submittal funding if, in their sole judgment, a federal funding proposal is incomplete or lacking in sufficient detail.

()

02. Number of Awards. Applicants shall not receive more than one (1) award for each innovative project idea during any state of Idaho fiscal year (July 1 - June 30). Applicants may receive additional funds by submitting a different and distinct innovative project idea, though particular attention shall be paid to encourage companies that have not competed for federal funding awards in the past to apply for state grant funds.

()

03. Reimbursement. State grant funds will be made on a reimbursement basis. Disbursement of the state grant will be made to grantees once a Grant Contract Agreement has been duly executed between the grantee and the Department. Payment of the award will be made after the grantee has submitted invoices or receipts for eligible costs to the Department grant fund manager. The Grant Contract Agreement shall also include a pay-back clause.

()

04. Technical Assistance. When applicable, a Department grant fund manager will provide development support and proposal review services to selected applicants. Written responses will be used to assist applicants with proposal writing assessment of technical and commercial feasibility.

()

015. GRANT APPLICATION PROCESS.

01. Application Review. An Idaho fund review board will evaluate all grant applications and ultimately award or deny assistance. The review board may include public and private sector participants as the Department grant fund manager deems appropriate. The review board will evaluate and rank Idaho small business grant applications based on award criteria set in these rules. The review board shall have the sole discretion in determining which applications meet these criteria. The review board may require that grant applicants fulfill additional requirements as a condition of receiving an award, if it is determined these requirements are vital to the success of the federal grant proposal.

()

02. Application Format. All sections of the application must follow the content and format instructions outlined in these rules. The application will be used to evaluate the applicants' eligibility for a grant. The application serves as an important first step in the development of a competitive project proposal to a federal agency. The application assists the review board and the applicant in identifying shortcomings or problem areas that need to be addressed. Proposals that do not follow the content and format instructions outlined in these rules will be deemed non-responsive.

()

a. All pages of the application must be in Times New Roman font, twelve-point size

(12). All margins shall be one (1) inch in width. ()

b. Applicants must not disclose proprietary or confidential information in the application. Applications marking information as “Confidential,” “Trade Secret,” or “Proprietary” will be considered to be non-responsive. ()

c. All applications must be submitted electronically. Adobe PDF or Microsoft Word document format is required. ()

03. Application. The application shall include the following sections: ()

a. Summary Page. The summary shall be limited to one (1) page. Information shall include: ()

i. Name of applicant business or for-profit entity; ()

ii. Postal and physical business address; ()

iii. Number of years in business; ()

iv. Telephone number and facsimile number; ()

v. Project manager’s name; ()

vi. Principle researcher’s name; ()

vii. Targeted federal agency; ()

viii. Agency topic and subtopic title; ()

ix. URL for agency solicitation; ()

x. Statement describing the project; ()

xi. Submission due date to the federal agency; ()

xii. Preliminary project title; ()

xiii. Estimated project length; ()

xiv. Estimated project cost; ()

xv. Date of application submission; and ()

xvi. Signature of authorized person submitting the application. ()

b. Main Body. Three (3) pages are recommended for the main body with a maximum of five (5) pages. The main body of the application shall contain the following headings and

information: ()

i. Project description. The project description is limited to two hundred and fifty (250) words. It must include the problem or opportunity, project objectives, description of the effort, anticipated results, and potential commercial applications. ()

ii. Business history. The business history shall provide background information on the applicant's existing or potential business, mission, primary customers, and any other pertinent information. ()

iii. Technical point of contact (TPOC). The applicant must show there has been contact with the federal agency by providing a brief synopsis of the TPOC's comments and recommendations. ()

iv. Market research and literature reviews. This section must show what other work is currently being conducted in the area being addressed. Who are the competitors? Why is the solution better or more innovative? Are there existing patents related to the technology being proposed? ()

v. Prior research experience. The applicant must describe relevant research partners or collaborators used in the development of the proposal. Experience in conducting research in other non-related areas must be included to demonstrate knowledge and experience to design and manage a successful research project. ()

vi. Commercialization approach. The applicant must describe the commercialization approach that will be pursued. This includes identifying the primary customer, the size of the market, who will manufacture the product and where it will be manufactured. The applicant must also address how long it will take for the product to be ready for the market. ()

vii. Prior federal grant awards. The applicant shall list prior federal grant awards received or applied for in the past five (5) years. This includes the year of submission or award, amount of award, agency, topic area, title and whether it was a Small Business Innovation Research or Small Business Technical Transfer grant, Phase I or Phase II award, broad area announcement or other grants. ()

c. Cost justification. This section is limited to one (1) page. It outlines designated expenditures of up to four thousand dollars (\$4,000) from the state fund. When proposals are being developed, one thousand dollars (\$1,000) of this funding may be automatically set aside as incentive funding to encourage timely proposal development. Of the one thousand dollars (\$1,000) incentive funds, five hundred dollars (\$500) is designated and reserved as early incentive funding *by submitting the proposal to the State Coordinator of these funds at least three (3) weeks prior to the federal agency's submission deadline*. The remaining five hundred dollars (\$500) is provided upon proof *that the final proposal has been submitted* to the appropriate federal agency's solicitation *on or before the federal agency deadline*. ()

i. Total reimbursement cannot exceed four thousand dollars (\$4,000), including the one thousand dollars in incentive funding. ()

ii. The following format shall be used to list each budget item noting the expenses the small business applicant expects to incur. Eligible expenses are shown in Section 014 of these rules.

Discretionary Spending

| | |
|--|-----------------|
| Proposal development/preparations expenses | \$ |
| Private-sector support or consulting | \$ |
| Other (add as many rows as necessary) | \$ |
| TOTAL - Not to exceed | <u>\$ 3,000</u> |

Incentive Funding

| | |
|--|-----------------|
| Early submittal incentive funding (three weeks prior to federal agency deadline) | \$ 500 |
| Proof of successful proposal submission to federal funding agency | \$ 500 |
| TOTAL | <u>\$ 1,000</u> |

Applicants must provide a brief narrative that itemizes the costs and states the importance of receiving this funding as part of the project proposal development effort. ()

d. Resumes/Biographies. Resumes and biographies shall be limited to five (5) pages. Individual team member, consultant, or subcontractor resumes must be no longer than one (1) page. Full or part-time status must be noted. If the applicant is applying for a research and development grant, a resume or biography for the principal investigator is mandatory and must be clearly marked. Resumes must include education, skills, professional organizations/affiliations, awards, employment history, and published research papers, and other relevant information or areas of research/specialization. ()

015. -- 999. (RESERVED)

IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

59.01.03 - CONTRIBUTION RULES OF PERSI

DOCKET NO. 59-0103-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 59-1314(1) and 72-1405, Idaho Code.

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

To delay scheduled contribution rate increases for employers and employees.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the May 2, 2012, Idaho Administrative Bulletin, [Vol. 12-5, pages 244 through 247](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Joanna L. Guilfooy, PERSI, 287-9271.

DATED this 5th day of June, 2012.

Don Drum
Executive Director
Public Employee Retirement System of Idaho
607 N. 8th Street, Boise, ID 83702
P.O. Box 83720, Boise, ID 83720-0078
Phone: 208-287-9230
Fax: 208-334-3408

THE FOLLOWING NOTICE WAS PUBLISHED WITH THE 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 59-1314(1) and 72-1405, 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 May 16, 2012.

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:

To delay scheduled increase in contribution rates for employers and employees.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because it would be inconsistent with the Retirement Board's exclusive fiduciary responsibility for plan operations.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Joanna L. Guilfooy, Deputy Attorney General, PERSI, 287-9271.

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 May 23, 2012.

DATED this 3rd day of April, 2012.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 59-0103-1201

026. PERSI EMPLOYER GENERAL MEMBER CONTRIBUTION RATE (RULE 26).
The PERSI employer contribution rate as provided in Section 59-1322, Idaho Code, shall be nine

point seventy-seven percent (9.77%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point thirty-nine percent (10.39%) of payroll through June 30, 201~~2~~³. Beginning July 1, 201~~2~~³, the rate shall be eleven point thirty-two percent (11.32%) of payroll through June 30, 201~~3~~⁴. Beginning July 1, 201~~3~~⁴, the rate shall be twelve point twenty-four percent (12.24%) of payroll through June 30, 201~~4~~⁵. Beginning July 1, 201~~4~~⁵, the rate shall be thirteen point sixty-five percent (13.65%) of payroll until next determined by the Board.

Statutory Reference: Sections 59-1302(16), 59-1391, 59-1394, and 59-1397, Idaho Code. Cross References: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 3-20-04) ~~(4-7-11)~~()

027. FIREFIGHTER RETIREMENT FUND EMPLOYER RATE (RULE 27).

The Firefighter Retirement Fund employer rate shall be: (10-1-94)

01. Option I and II Firefighters. For option I and II firefighters hired before October 1, 1980, as follows:

| Option I And II Firefighters | |
|-------------------------------------|--|
| PERSI Employer Contribution Rate: | Ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 201 2 ³ . Beginning July 1, 201 2 ³ , the rate shall be eleven point sixty-six percent (11.66%) of payroll through June 30, 201 3 ⁴ . Beginning July 1, 201 3 ⁴ , the rate shall be twelve point fifty-eight percent (12.58%) of payroll through June 30, 201 4 ⁵ . Beginning July 1, 201 4 ⁵ , the rate shall be thirteen point ninety-nine percent (13.99%) of payroll until next determined by the Board. |
| Additional Employer Rate: | One percent (1.00%) |
| Social Security Rate: | Seven point sixty-five percent (7.65%) |
| Excess Merger Costs: | Seventeen point twenty-four percent (17.24%) until next determined by the Board. |
| TOTAL Contribution: | Thirty-six percent (36%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be thirty-six point sixty-two percent (36.62%) of payroll through June 30, 201 2 ³ . Beginning July 1, 201 2 ³ , the rate shall be thirty-seven point fifty-five percent (37.55%) of payroll through June 30, 201 3 ⁴ . Beginning July 1, 201 3 ⁴ , the rate shall be thirty-eight point forty-seven percent (38.47%) of payroll through June 30, 201 4 ⁵ . Beginning July 1, 201 4 ⁵ , the rate shall be thirty-nine point eighty-eight percent (39.88%) of payroll until next determined by the Board. |

~~(4-7-11)~~()

02. Class D Firefighters. For class D firefighters (firefighters employed on or after October 1, 1980, by a city or fire district that employs paid firefighters who are participating in the Firefighters' Retirement Fund), as follows:

| Class D Firefighters | |
|-----------------------------------|--|
| PERSI Employer Contribution Rate: | Ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 201 2 ³ . Beginning July 1, 201 2 ³ , the rate shall be eleven point sixty-six percent (11.66%) of payroll through June 30, 201 3 ⁴ . Beginning July 1, 201 3 ⁴ , the rate shall be twelve point fifty-eight percent (12.58%) of payroll through June 30, 201 4 ⁵ . Beginning July 1, 201 4 ⁵ , the rate shall be thirteen point ninety-nine percent (13.99%) of payroll until next determined by the Board. |
| Excess Merger Costs: | Seventeen point twenty-four percent (17.24%) until next determined by the Board. |
| TOTAL Contribution: | Twenty-seven point thirty-five percent (27.35%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be twenty-seven point ninety-seven percent (27.97%) of payroll through June 30, 201 2 ³ . Beginning July 1, 201 2 ³ , the rate shall be twenty-eight point nine percent (28.9%) of payroll through June 30, 201 3 ⁴ . Beginning July 1, 201 3 ⁴ , the rate shall be twenty-nine point eighty-two percent (29.82%) of payroll through June 30, 201 4 ⁵ . Beginning July 1, 201 4 ⁵ , the rate shall be thirty one point twenty-three percent (31.23%) of payroll until next determined by the Board. |

Statutory References: Sections 59-1302(16), 59-1391, 59-1394, 59-1397, 72-1403, and 72-1434, Idaho Code. Cross References: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 7-1-03) (Amended 3-20-04) ~~(4-7-11)~~()

03. Class E Members. For class E members (general members who meet the definition of paid firefighter under Section 59-1391(f), Idaho Code, but are not firefighters as defined in Section 59-1302(16), Idaho Code) the employer general member contribution rate as provided in Rule 26, plus the excess merger costs specified in Subsection 027.01. (3-20-04)

028. PERSI EMPLOYER CLASS II CONTRIBUTION RATE (RULE 28).

The PERSI employer contribution rate as provided in Section 59-1322, Idaho Code, for an employee classified as a police officer member excluding those listed in Rule 29 of this chapter when applicable, and firefighters excluding those listed in Rule 27 of this chapter, shall be ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 201~~2~~³. Beginning July 1, 201~~2~~³, the rate shall be eleven point sixty-six percent (11.66%) of payroll through June 30, 201~~3~~⁴. Beginning July 1, 201~~3~~⁴, the rate shall be twelve point fifty-eight percent (12.58%) of payroll through June 30, 201~~4~~⁵. Beginning July 1, 201~~4~~⁵, the rate shall be thirteen point ninety-nine percent (13.99%) of payroll until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 7-1-03) (Amended 3-20-04) ~~(4-7-11)~~()

(BREAK IN CONTINUITY OF SECTIONS)

100. PERSI EMPLOYEE GENERAL MEMBER CONTRIBUTION RATE (RULE 100).

The PERSI employee contribution rate as provided in Section 59-1333, Idaho Code, for all members not classified as police members or firefighters, shall be five point eighty-six percent (5.86%) of salary through June 30, 2004. Beginning July 1, 2004, the rate shall be six point twenty-three percent (6.23%) of salary through June 30, 201~~2~~³. Beginning July 1, 201~~2~~³, the rate shall be six point seventy-nine percent (6.79%) of salary through June 30, 201~~3~~⁴. Beginning July 1, 201~~3~~⁴, the rate shall be seven point thirty-four percent (7.34%) of salary through June 30, 201~~4~~⁵. Beginning July 1, 201~~4~~⁵, the rate shall be eight point nineteen percent (8.19%) of salary until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 3-20-04)

~~(4-7-11)~~()

101. PERSI EMPLOYEE CLASS II CONTRIBUTION RATE (RULE 101).

The employee contribution rate as provided in Section 59-1334, Idaho Code, for an employee classified as a police officer member is seven point twenty-one percent (7.21%) of salary through June 30, 2004. Beginning July 1, 2004, the rate shall be seven point sixty-five percent (7.65%) of salary through June 30, 201~~2~~³. Beginning July 1, 201~~2~~³, the rate shall be eight point thirty-two percent (8.32%) of salary through June 30, 201~~3~~⁴. Beginning July 1, 201~~3~~⁴, the rate shall be eight point ninety-nine percent (8.99%) of salary through June 30, 201~~4~~⁵. Beginning July 1, 201~~4~~⁵, the rate shall be ten percent (10%) of salary until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 3-20-04)

~~(4-7-11)~~()